

# Methodological controversy of anti-corruption measures

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**Abstract**—Considerable forces and means are involved in fight against corruption. However, all efforts do not give the desired result. This happens because anti-corruption fight is carried out from the standpoint of an idealistic methodology, which postulates the impossibility of achieving a “win” over corruption. The misunderstood (politicized) integrative approach is a kind of idealistic approach, when an attempt is made to combine incompatible universal methods of cognition. At the same time, it is impossible to deny the importance of an integrative approach in interdisciplinary research, in which the particular (special) methods of separate disciplines are arranged in a single set. But this single set of particular methods must be correlated only with one universal method. This article substantiates the conclusion that an increase in the effectiveness of fight against corruption is possible only when using a dialectical materialist methodology that shows the way to reduce this negative phenomenon to a socially safe level.

**Keywords**—*fight against corruption, crime prevention, methodology, the concept of state and law, formation and civilization approach.*

## I. INTRODUCTION

Corruption is a regressive social phenomenon, which itself goes against the normal functioning of society. All the contradictions that manifest themselves in this social phenomenon, in general, contribute to the regressive variant of the society development. At the same time, corruption does not spring out of nowhere, but is a consequence of specific contradictions of society. The mutual influence of all groups of contradictions is manifested, on the one hand, in their mutual restriction of each other, and on the other hand, in the mutual determination of each other. In this regard, it is appropriate to speak of causes and effects. In this case, the same phenomenon can act both as a cause and as a consequence. This allows one to talk about the hierarchy of reasons.

A simplified approach to the phenomenon of corruption does not allow one to see an obvious pattern: when struggling with a secondary cause, or even with a group of secondary causes, we do not achieve the planned result. The existing situation is not accidental. In many ways, this situation is determined by the inconsistency of the anti-corruption methodology both in Russia and in other countries. One of the reasons for the inconsistency

of the methodology is disorientation in numerous theories of corruption, which are grouped on the basis of the following criteria: economic [1, p. 982-993], cultural [2, p. 688-702], anthropological [3, p. 402-416], political [4, p. 1-17] and others [5, p. 39-86]. In a generalized form, the problem of methodological pluralism manifests itself in the following conclusion: “all the theories are correct, as they complement each other”. However, such a position significantly complicates the selection of the most effective anti-corruption measures. Moreover, according to V.M. Racer the pluralism itself is capable of “generating a breeding ground for bribery” [6, p. 35]. However, it is necessary to make it clear that the restriction of pluralism in society is definitely unacceptable and leads to stagnation, but the pluralism of methodology, i.e. a combination of incompatible universal philosophical methods in a single study, is a sure path to confusing and unconvincing answers to specific questions. Therefore, the first step in overcoming the controversial nature of the anti-corruption methodology is to change the methodology for choosing a theory and, accordingly, to change the answer to the question: “what to do”. We argue that we should not begin with the synthesis of various particular theories and solution of secondary problems, but with the definition of a universal philosophical method and solution of the primary problem. In this we see a new formulation of the problem for the last decades.

## II. METHODOLOGY

The theory can be chosen from the standpoint of a narrow understanding of the methodology, when only a combination of methods is understood as a methodology. At the same time, we must not forget that all methods are grouped in at least three blocks: universal, general and particular. A narrow view of the methodology in interdisciplinary research becomes the basis for creating an integrative approach. However, the application of the integrative approach is hampered by the fact that the particular methods of various disciplines serve as a means of achieving various dominant goals and objectives, therefore a very great carefulness is required when making the conclusions. Sometimes this approach is used to explain the reasons for the ineffectiveness of fighting against corruption, which will increase only “under the

condition of uniting representatives of all the humanities to solve this problem". In the case when the integrative approach combines various theories of fight against crime, based on incompatible universal philosophical methods or approaches, one should speak about the erroneousness of the path. The erroneous way is substantiated by the thesis: "today, the main philosophical question about the relationship between being and consciousness, matter and consciousness, we can no longer answer as categorically as before" [5, p. 249]. But it remains unclear why today we cannot answer specifically to specific questions? In our opinion, such a position creates the main methodological contradiction. The main methodological contradiction in the fight against corruption makes it difficult to determine the main goals and objectives, creates the threat of considering primary and secondary causes as one ordinal. Therefore, the findings of such a study may have an impact on lawmaking and law enforcement practice, but will not contribute to the actual (real) solution of the problem. Very often, the results of such studies, introduced into the activities of the competent authorities, are defined as "imitation of the fight against corruption" [8, p. 224-253], and the goals of the fight against corruption are reduced to attempts to "change the place of Russia in international ratings of the corruption prevalence" [9, p. 619].

Taking into account the aforesaid, it is more preferable to look at the methodology more broadly through the prism of dialectical and historical materialism. A broad understanding of the methodology aims at determining the initial position, which implies, above all, the choice of the concept of state and law, within the framework of which we will look for means for fight against corruption. These funds will be a logical development of the principles on which the concept of state and law is built. The basic modern concepts of state and law can be defined on the basis of various groupings of generally social principles: freedom, equality and justice. Building their hierarchy with emphasizing the primary principle or "justice" or "freedom" brings individual significance for all principles, determines the system of legislation, and, accordingly, means of fighting against corruption in the form of legal and organizational measures. The multiplicity of legal and organizational measures requires the identification of priorities in their application. Such a priority of measures can be built only when they are related to the hierarchy of causes of corruption. And the causes of corruption can be identified in the framework of either the formation approach or the civilization approach. Thus, a broad understanding of the methodology directs on the following algorithm of actions: the choice of the concept of state and law, the choice of one of the main philosophical approaches, and the choice of methods on this basis. In this case, the concept, approach and methods should be consistent with each other.

*Concepts of state and law:* Despite the multiplicity of definitions of the concepts of law and the state, each of

which, as a rule, is the original concept of state and law, the choice here is small. Appealing to concepts created on the basis of an integrative law apprehension, "contradicts to an objective scientific approach" [10, p. 14]. Therefore, it all comes down to actually choosing between the concept of the state of law and natural law, and the concept of the social state and law which is characteristic for socialist countries. The latter concept, despite its negation by a number of scientists, retains its relevance [11, p. 28].

The concept of the social state and law defines the principle of real "actual justice" as its main principle. Real justice is understood as "that which is in the public interest". From this, an understanding of the principle of "actual freedom" as a realized necessity is derived. Then equality is manifested in the service of each citizen to society (justice) and the increasingly fuller satisfaction of their interests with the development of society (freedom).

The concept of the legal state and natural law suggests the principle of formal (legal) freedom as the main principle, which is understood as the possibility of choosing (the best). From the principle of formal freedom, the principle of formal (legal) justice is derived, which proclaims that fair is that meets the interests of the person, and there is no answer to the question what kind of person is it. Equality is understood as formally equal access to the right and free choice for everyone "to be or not to be a millionaire" (to work or not, etc.). Since everyone has the opportunity to go to court and become a millionaire, this is fair. However, in practice, such logic leads to the development of social parasitism, a lack of justice, forms a specific understanding of measures to fight against corruption.

*Basic philosophical approaches:* The need to rely on any philosophical approach is caused by the need for a theoretical justification, in our case, the causes of corruption.

Taking into account the fact that the civilizational approach is not one and is a combination of various theoretical directions ("horizontal" and "vertical"), we will not analyze each of the directions, but will attempt to generalize them. In this case, in the most general form, the causes of corruption will be the following: insufficient level of development of legal consciousness and legal culture, insufficiently effective activity of state bodies, imperfect legislation, insufficiently developed civil society, insufficiently developed technologies. As one can see, this is a standard set of reasons of corruption within the framework of an idealistic understanding of this phenomenon. Regarding the aforementioned causes of corruption, theories are being created to neutralize and eliminate them.

The formational approach has a qualitative difference from the civilizational approach, which consists in distinguishing production relations. Because of this, it becomes possible to logically and consistently substantiate the hierarchy of the causes of crime in general and its individual types. Then one can distinguish

three blocks of reasons for corruption: driven by socio-economic relations; driven by relations in the organizational, legal and political areas of society; and that related with the level of development, general culture, legal culture and legal awareness. The interdependence of all causes does not seem to be linear, but is considered through the “active role of the superstructure”. At the same time, such an approach makes it possible to single out the “root causes” of corruption, due to the peculiarities of the corresponding production relations.

*The basic methods of fight against corruption:* Methods of fight against corruption should not contradict the principles justified at the level of the state and law concept, as well as the understanding of the reasons in accordance with the basic philosophical approach. In other words, the choice of methods is carried out either on the basis of the concept of the social state and law and the formation approach, or on the basis of the concept of the legal state and natural law and the civilizational approach. In the first case, only one method can be attributed to the general philosophical method of fighting for corruption, namely the method of dialectical materialism, which “is the methodological basis of criminology” [12, p. 20]. The application of this method to our topic will result in the following forecast: since with the appearance of a certain need, its awareness and manifestation of the will for its realization, humanity finally satisfies the need that has arisen, corruption can be defeated (i.e., its manifestations can be minimized [13]). The primary cause of crime and corruption, in particular, are problems arising at the level of industrial relations, therefore, the main efforts should be focused on resolving socio-economic contradictions, and, therefore, the general social level of prevention of this phenomenon will be the main one. The resolution of socio-economic contradictions will require appropriate organizational and legal support, which will determine the direction of the special criminological and individual levels of corruption counteracting. In turn, the effective organization of work at a special criminological and individual level will contribute to the solution of socio-economic problems. Thus, crime prevention is seen as a systematic work on three levels with an emphasis on the general social level. The specific understanding of the general philosophical principles of de facto justice, de facto freedom and de facto equality will determine the methods of persuasion, assistance (through the creation of a real mechanism for ensuring the socio-economic rights of citizens) and the formation of citizens’ conscious discipline as the main methods of preventing crime.

The concept of the state of law and natural law and the civilizational approach are more inclined to idealistic methods. The main consequence of this is the fundamental denial of the possibility of defeating crime and corruption in particular. It is characterized by the formed position according to which crime cannot be defeated as a phenomenon, it can only be restrained. In this case, only individual crimes can be prevented, and

this should be emphasized. Thus, the general social level of crime prevention loses its exceptional value and is considered only as one of the equivalent levels. The main attention is focused on the improvement of special criminological measures, primarily on the improvement of legislation and the reform of the structures of general and special subjects of preventive activity. At the individual level, the method of rendering assistance, due to the specifics of social relations, cannot be fully applied, so the method of coercion is widely used, which allows individual researchers to draw analogies from the period of the 1930s [14, p. 100]. The method of persuasion is formalized in the slogan “start with yourself”, the call “stop giving bribes”, reproaching “you are guilty of corruption”. The main emphasis in educational work with personnel is put on the formation of their loyalty. However, loyalty supposes building social relations on the principle of retribution, which is harmoniously combined with the individualistic principles that underlie the concept of the state of law and natural law. At the same time, an understanding of the activities of authorized bodies as services against the background of the saturation of such bodies with “loyal personnel” forms an environment that provokes corruption. A vicious circle is created. The original way out of this circle was proposed at the Eighth Eurasian Anti-Corruption Forum “Law against Corruption: Mission and New Trends” (March 20, 2019), which is to change the system for assessing corruption in Russia. By the way, proposals to change the international and domestic systems for calculating negative social phenomena have recently become particularly popular. A new trend can be considered as an unspoken recognition of the inefficiency of the previously popular method of solving all social problems of the “method of the legislation improvement”.

### III. RESULTS

It is obvious, that the enthusiasm for the method of improving legislation in the field of fight against corruption does not give real results. A paradoxical situation appears: the adoption of norms restricting the role of regulatory bodies leads to an increase in crime (a vivid example, the events of March 25, 2018 in the “Winter Cherry”). On the contrary, the adoption of norms that strengthen control leads to an increase in corruption [15, p. 672]. Against this background, a plurality of legal acts in the field of combating corruption in some cases stimulates corruption [16, p. 663; 17, p. 439,441], there are problems with terminology [18], as well as other problems [19, 20]. The emerging situation of uncertainty forces us to raise the issue of harmonization of the legislative system [21, p. 679]. But as it seems, this will not solve the problem [22, p. 20].

The fact is that relations in the field of corruption are a projection of industrial relations. Thus, the subjects of such a relationship cannot be free from the conditions that ensure the normal functioning of these production relations. The main goal of the current dominant

production relations is the desire for maximum profit, which increases the likelihood of unlawful behavior. A massive violation of the law is a signal of the ineffective implementation of the law. The legislator accepts new “more advanced” norms, but legal entities change their behavior and adapt to the new rules. A motion “in a circle” starts. As a result, there is an illusion that corruption cannot be defeated.

#### IV. CONCLUSIONS

For the first time in a while, the article proposes a real way out of the current impasse in fighting against corruption. This includes an intensification of activities aimed at neutralizing the root causes of corruption, i.e. to change the production relations [23]. The first step on this path is the concrete choice of a methodology for fighting against corruption based on the method of dialectical materialism. This is only the first step. It alone will not solve the problem of corruption, but it will create conditions for further transformation of industrial relations, which will be a prerequisite for successfully combating corruption at the general social level, and this will lead to a positive result in the future, namely reducing corruption to a socially acceptable level.

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