

Statistic Accounting as an Anti-Corruption Measure in Russia

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Abstract—The present study is devoted to corruption combating issues in the Russian Federation. This ill of the society is officially recognized as a threat to national security. Evaluating of the applied set of measures against corruption speaks for its inefficiency. The venal practices situation in Russia does not alter fundamentally. One of the reasons for the failure of corruption-related criminal practice combating is the faulty statistical accounting system. In particular, it recognizes as corruption related crimes the conducts which are not actually such. High annual crime detection figures provide deceptive impression of the success of corruption combating by police officers. In the follow-up of the study, we conclude about necessity to reduce the list of corruption offences, which must contain only crimes like abuse of power, bribery, and other crimes against lawfulness in the spheres of public authority and service.

Keywords—*corruption practice; misconduct; abuse of power; bribe taking; Corruption Perceptions Index; detected crimes statistic accounting*

I. INTRODUCTION

The large-scale anticorruption crusade in Russia started in 2008 with the approval of the National Anti-Corruption Plan by the President of the Russian Federation [1]. By now, there is a considerable set of regulations regarded as Russian anti-corruption law system. Special laws and enactments for corruption notion definition, as well as a system of preventive instruments were adopted, criminal, administrative, and employment legislative provisions concerning sanctions for misconducts and other venal offences were revised. Pursuant to strategic intentions to combat corruption, newly requirements for public officers were introduced. This measures are intended to prevent law violations motivated by greed. Although, the sanctions of legal responsibility applicable to corrupted officials were revised, in all public authority bodies employees are being comprehensively instructed in this respect. Anti-corruption measures resulted in considerable increase in number of revealed corruption related crime. Despite all mentioned measures, the corruption grade of public authorities in Russia has not changed in whole. According to independent research conducted by international Transparency International, the corruption level in Russia remains very high. That is why, an analysis of background data for official corruption combating data reporting. The question is how the information actually reflects the efficiency of corruption combating policy, which is implemented in our country.

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II. METHODS

While conducting the study, the traditional methods of legal science were used: dialectical approach, Aristotelian method, as well as law modelling. In particular, the dialectical approach was applied while studying of corruption offences preventive measure, of detected corruption-related rimes statistic accounting, as well while evaluating of the objectivity degree of the mentioned statistical indicators. Aristotelian cognition method was used in the course of interpretation of legislation in force and social studies outcomes in corruption essence definition as a harmful social phenomenon. The method of law modelling is also applicable here. It allows predict the positive outcomes of the change of approach to penal offences assignment to corruption related crimes and considerable declining of such crimes types number.

III. DISCUSSION

There are many different ways for the corruption notion definition attempted in social sciences. These definitions imply more or less a reference to unlawful activity of public authorities' officers harming interests of particular persons and of the society as whole. The term "corruption" (corrumpere) was meant in Latin to designate defilement and damage, and is used traditionally for the harmful social phenomenon of public servants activity aiming to gain material valuables from people for the performance or nonperformance of their duties. The civil rights and liberties guaranteed by law become actually enforced by nothing, since the relevant public officers may neglect entirely their duties for assuring and protection of values guaranteed by state. The relaxation of state authority triggers degradation of administration and makes the state vulnerable to external threat. It results in elimination of the state. The danger of corruption is known from ancient history. The very harmful social phenomenon is among causes of the fall of the once-great Roman Empire [2, p. 7, 22-23]. Corruption is behind the destruction of other states later [3]. In the context of the modern international integration, corruption in one state influences directly the well-being and economic development of other countries [4, p. 48]. For these purposes, corruption has turned into a subject of international legal regulation.

Corruption combating issue in Russia was acute throughout the state history. In 1997, the President of the Russian Federation acknowledged the involvement of legislation and decision making of executive bodies and courts of every scope into commercial relations. On the same year, a Conception for National Security war approved, which regarded corruption as a threat for Russian society along with terrorism, organized crime, etc. After 20 years has

passed, corruption is still regarded as a threat to the National Security of the Russian Federation. [5; 6] It reveals insufficiency and ineffectiveness of the corruption combating measures applied.

By now, there is a set of intersectoral regulations of national legislation composing Russian anti-corruption law system. Special laws and enactments for corruption notion definition, as well as a system of preventive instruments were adopted, criminal, administrative, and employment legislative provisions concerning sanctions for misconducts and other venal offences were revised. The Russian Federation has ratified main international acts for corruption combating. Programmatic documents embodying anti-corruption provisions for time-phased implementation are being upgraded. [7, p. 7; 8, p. 132-133] In particular, the newest policy paper is the National Anti-Corruption Plan for 2018-2020, which stipulate further improvement of anti-corruption enactments provisions, development of application of practices of competing interests' settlement institutes and of public procurement, evaluation of legislative drafts propensity for corruption, carrying out anti-corruption educative activities and public awareness campaigns, etc. [9]

With a view to ensuring accessibility of information on the property status of state and municipal employees were charged with disclosing of incomes and expenses of themselves and their close relatives. This information is published on open access on relevant official websites of employers: of state and local authorities. In the past decade, some heads of the federal departments and agencies, as well as Russian Federation Member of large municipal entities heads were indicted and criminally prosecuted for corruption-related offences. [10; 11]

Finally, law-enforcement agencies show sufficiently high figure in corruption combating. The performance of a separate unit such as interdistrict office, a field service, an investigation division, a regional office, as well as a Federal Ministry in full is evaluated according to the figures featuring their law-enforcement practices. These figures comprise the number of criminal proceeding initiated and of persons indicted for corruption-related crimes commission. For ease of analysis, criminal practice combating targeting, and evaluation of crime prevention performance, all these crimes are classified in some groups with respect to legal protection subject. Since 2009, there is List No 23 used in the state-run statistical accounting, which comprise corruption-related offences. Such lists are drafted annually in accordance with inter-departmental instructions [12].

In relation to the period from 2012 to 2018, corruption-related offences made up at average 1-2% of Russia-wide crimes. The maximum number of such was recorded in 2012 and totaled 49,513 (2.15% of recorded offences total number), the least number was in 2017: 29,634 (1.44%) [13]. Assuming high concealment rate of corruption-related offences, these figures may give the impression of anti-corruption measures success.

Thus, the review of all anti-corruption efforts allows an optimistic conclusion about corruption combating efficiency in Russia and the hope to alleviate this socially dangerous phenomenon as threat to national security. However, the conclusion is highly premature, that is supported by independent expert evaluations of the corruption practices situation in Russia as well by an in-depth analysis of anti-corruption efforts statistic accounting forming.

The lack for any relevant progress in corruption combating is, first of all, attested by the annual data of the international non-governmental organization Transparency International, which publishes Corruption Perceptions Index reflecting, how corrupt the public sector in a country is perceived to be. For Russia, the Index made up 28 scores of 100 in 2018. It corresponds to 138th place for Russia of 180 possible places. The most perceived corrupt country in 2018 was Somalia ranking at 10 scores and taking 180th place. In 2012, Russia ranked at 28 scores as well and took the 133rd place of 174. In the mentioned time interval, the situation did not alter fundamentally, and Russia ranked bad places among developing countries of Latin America, Africa, and Southeast Asia [14]. The nonoccurrence of actual decrease in Russian authorities' corruption involvement ratio was proved by other social well-being studies conducted by Russian experts [15, p. 12].

It means, the anti-corruption efforts in Russia is the endless development and/or improvement of regulations regarding corruption combating, introducing of new anti-corruption measures involving huge time and labor resources, but not an efficient elimination of corruption threat. Initiation of lurid criminal cases against particular high-ranking public officials serves as a first way to cover for inaction of authorities in the area of corruption combating. This is only about promotional events of law-enforcement bodies aiming to demonstrate active anti-corruption fighting but not to eliminate fundamental sources for the existence and expansion of corruption practices across public authority bodies.

The second way to hide state inactivity concerning actual corruption combating is the use the existing detected crimes statistic accounting system of a peculiar kind.

At this point, we have to return to defining of corruption as a social and legal phenomenon. Existing laws do not comprise a corruption definition based on formal logic principles. An official definition of corruption practice is substituted by the enumeration of some offences committed by a public servant or by a person vested with administrative functions (Paragraph a, Part 1, Article 1 of Federal law No 273 of 25.12.2008 "On Anti-Corruption Enforcement"). A similar approach of a broad corruption notion interpretation is provided in the International Law and in national legislation of most of West European countries [7, p. 11-13]. Such version of definition of corruption as a social and legal phenomenon and deviant activity form justifying the use of legal remedies is not indisputable. This approach allows labeling any offence committed by a public officer of a manager of a business or nonprofit entity as a corruption-related [16].

Actual public danger of corruption practices is not primarily about illegal material benefits gained by an authorized person, but rather about the "sale" of public powers and their use in favor of particular persons and social groups and to the injury of civil rights and liberties, of national values and interests of society and state. For this reason, they should define corruption as an illegal contract between a public servant and any concerned person, if the contract performance stipulates power abuse by one Party against compensation provided by delinquent contractor.

The formal labelling of any penal offense committed by public servants and persons vested with organizational/management and/or executive functions in

business or other entities accounts for considerable number of detected “corruption-related” offences, while most of the crimes are not so. In particular, List No 23 as on 25.12.2018 comprises the types of crimes (sometimes under reservations) specified by following articles of the Criminal Code of the Russian Federation: 1411, 175, 179, 307, Parts 3-7, Article 159, Parts. 3, 4, Article 160 etc.

A case in point: the undermentioned sentence represents penal crimes accounting for considerable statistic figures of the corruption combating efforts reported by law-enforcement and judicial authorities. Mr. K. held office of the head of a municipal public institution running operations within Belovo municipal district of Kemerovo Region and had organizational/management and/or executive functions in this institution. In violation of legislation in force, Mr. K rewarded himself with the amount of 3,450 ruble inflicting actual losses on the municipal entity. A court classified this action according to Part 3, Article 160 of the Criminal Code of the Russian Federation as a misappropriation i.e. stealing of other people's property entrusted to the convicted person exercising the powers vested in him by virtue of his office [17]. This act of stealing could unlikely harm considerably the interests of municipal service as a subject of legal protection according to the legislation in force. The amount of loss inflicted by the crime commission raises eyebrows too. It appears that Mr. K. was able to compensate for the loss in the amount of 3,450 ruble to the municipal entity ensuring option to escape from criminal prosecution (or from penalty) for reasons other than exoneration.

However, the statistic figures for corruption combating in Kemerovo Region could be reduced this way. In view of this, the law-enforcement authority found plea agreement more advantageous ensuring judgement of guilt for a corruption-related offence.

In the case of reduction of the corruption-related offences list in statistic reporting down to some types of penal offences of public servants in connection with taking bribe or power abuse, the scope of anti-corruption fighting becomes tiny as opposed to total number of detected crimes. Meanwhile, these particular tiny figures matching Corruption Perceptions Index value for Russia reflect actual effectiveness of corruption combating efforts performed by Russian law-enforcement and judicial authorities.

IV. OUTCOMES

On completion of the study, the following proposals of theoretic and applied relevance are proffered:

1) The essence of corruption should be regarded as an unlawful contract between two parties. One party is of a public servant vested with executive functions. For the contract obligations performance, the public officer acts in favor and for benefit of the second party to the contract or of third parties motivated by greed or on grounds of partiality.

2) List No 23 for statistic accounting of corruption-related offences should contain only certain offences provided in Chapter 30 of the Criminal Code of the Russian Federation: abuse of official power (Art. 285), bribe-taking (Art. 290) etc.

V. CONCLUSION

On completion of the study, the following proposals of theoretic and applied relevance are proffered: Reduction of corruption-related offences according to outcomes of the

study ensures, on the first hand, the faithful reporting of actual number of detected corruption-related offences to the public and, on the other hand, the incentive for supreme authorities to revise current principles of anti-corruption policy. Meanwhile, the existing approach to detected corruption-related offences statistical accounting does not provide actual anti-corruption efforts efficiency representation and not inspire Russian law-enforcement bodies to fight against corruption.

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