



# Corruption Counteraction: Theoretical and Practical Aspects

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**Abstract.** The article reveals the essence of the phenomenon of corruption. The analysis of legal statistics on corruption-related crimes is given. System value for research of problems of counteraction of corruption in the era of digitization has institutional approach, characterized by effective and comprehensive analysis of the mechanism of participation of the state as a whole and its individual institutions in the development and implementation of the security policy and the position of this sphere of legal regulation in the system of powers exercised by the authorities in the field of state internal and foreign policy and its relationship to individual activities. Within the publication, the main purpose of the article is to reveal the essential characteristics of corruption as a socio-steam phenomenon and analyze statistical information that characterizes trends in the sphere of legal counteraction to corruption in the Russian Federation at the present stage. Work is based on the provisions of the theory of national security (namely, the provisions of prevention in its organization) and modern concepts of state policy in the field of combating corruption.

**Keywords:** Anti-corruption legislation · Bribery · Corruption · Fraud · Theft · State and municipal procurement

## 1 Introduction

Unfortunately, the formation of a new model of communication through digital technologies does not allow avoiding corruption in the sphere of public and state activities. Moreover, the use of new technologies helps to make this type of relationship even more latent, which makes this problem one of the most acute socio-economic and legal problems facing scientists who are experts in the field of legal science and practitioners – representatives of law enforcement agencies. This kind of economic deviation, especially at the time of formation of the system of digitalization of communication processes not only undermine the authority of state power bodies and business community, but also have an objective impact on slowing down the pace of social development of the state, retard the realization of economic reforms, reduce the profitability of the core activities of enterprises of all forms of ownership and, ultimately, interfere with the normal work of the authorities and structures of civil society. Despite the introduction of a system of bidding on electronic platforms with the

possibility of permanent control by Supervisory and law enforcement agencies, the sphere of procurement of goods services for state and municipal needs remains the most corruption-intensive areas of the domestic economy. To build a reliable and secure procedure for the implementation of state and municipal procurement, it is necessary to develop legal and economic mechanisms of a strategic nature, which will be based not only on domestic scientific and practical research, but also on the experience of anti-corruption activities of developed countries. This will not only help to reduce transaction costs in the form and illegal content of state and municipal contracts, but also lead to real savings in budget funds while improving the quality of goods and services provided.

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## 2 Methodology

The methodological basis of the research is represented a wide range of scientific approaches: comparative, problematic, systemic, structural, analytical, and a number of others, and a significant number of methods of modern legal science, political science and other related sciences. The complex and multifaceted nature of the problem under study determined the priority use of the principles of unity, comprehensiveness, integrity and movement from the abstract to the concrete.

System value for research of problems of counteraction of corruption in the era of digitization has institutional approach, characterized by effective and comprehensive analysis of the mechanism of participation of the state as a whole and its individual institutions in the development and implementation of the security policy and the position of this sphere of legal regulation in the system of powers exercised by the authorities in the field of state internal and foreign policy and its relationship to individual activities.

The formal legal approach, which is used in the study, determines normative-legal framework of the study and the conditions for the implementation of powers by public authorities. This helps to strengthen the institutional approach and allows you to identify the most priority areas of activity and specify the tasks facing the state-power institutions. The focus on the methodology of economic research is of great importance for the study. This allows a much deeper understanding of the nature and essence of corruption processes and their perniciousness in the modern world.

It should be noted that the tools of psychology, cultural studies, and sociology are important for the study of economic security problems. Besides, the work is based on the provisions of the theory of national security (namely, the provisions of prevention in its organization) and modern concepts of state policy in the field of combating corruption.

### 3 Results

The current system of views associates corruption crimes exclusively with the political and economic sphere. However, the use of broader and more universal methods, which were mentioned above, allows us to consider corruption not as a universal phenomenon, but as an interdisciplinary, complex object of research: here we see the manifestation of not only economic and legal components – political science, history, philosophy, cultural studies, and even theology cannot be left out. Political science view on this problem is most fully and comprehensively presented in the works “Political corruption: readings in comparative analysis” by Heidenheimer [4] and “The Pathology of Politics – Violence, Betrayal, Corruption, Secrecy, and Propaganda” by Friedrich [3], published in the last quarter of the twentieth century and laid the foundation for the controversy about the essence of corruption, presenting the first terminological arguments. In addition, for the first time, the question was raised about the causes and global consequences of corruption, its impact not only on the economic component, but also on the political life of society. I must say that the issues raised have not lost their relevance today, but we should note a certain shift in the debate towards the formation of concepts for the emergence of corruption manifestations and the development of methods to struggle it. At the same time, there is practically no comprehensive interdisciplinary research on the essence of the phenomenon of corruption [1].

The analyzed phenomenon is a complex formation with several ambiguous views. According to Borzenkov, corruption is an exclusively legal concept, which is a combination of several official crimes (namely theft, bribery, abuse of authority, etc.) that fall under the Criminal code of the Russian Federation [2]. The failure of this kind of view in modern conditions is beyond doubt. Komissarov, criticizing this point of view, raises the question of the need for a broader view of the problem, analyzing cases in which an official acts based on the desire to satisfy an intangible interest. An example of such manifestations can be considered the employment of their own relatives or relatives of “the right people”, the desire to satisfy the interests of higher management, etc. [5]. However, this kind of manifestation, characteristic of the late 80’s and early 90’s of the last century, has undergone significant changes, which also allows us to speak about the imperfection of the described point of view in the modern world. The most successful is the definition of the term “corruption”, presented in the works of Kostenko. The author proposes to consider it as a multidimensional socio-economic, political, and moral-ethical phenomenon, which is based on a number of anti-social actions (both illegal and immoral), covering a complex of offenses that are interrelated [6]. An interesting feature of corruption in their works is pointed out by Nesterov and Sukhovarova, who note cases when corruption activities are exclusively immoral in nature, which does not allow to attract the violator under the rules of criminal or administrative law [7]. This allows us to look at corruption not only from the legal point of view, but also from the position of assessing morality. In this case, bribery in state and local government bodies and commercial bribery in the activities of non-state economic entities will be just one of the most striking forms of corruption. The use of such a broad and diverse position suggests that corruption should be considered from

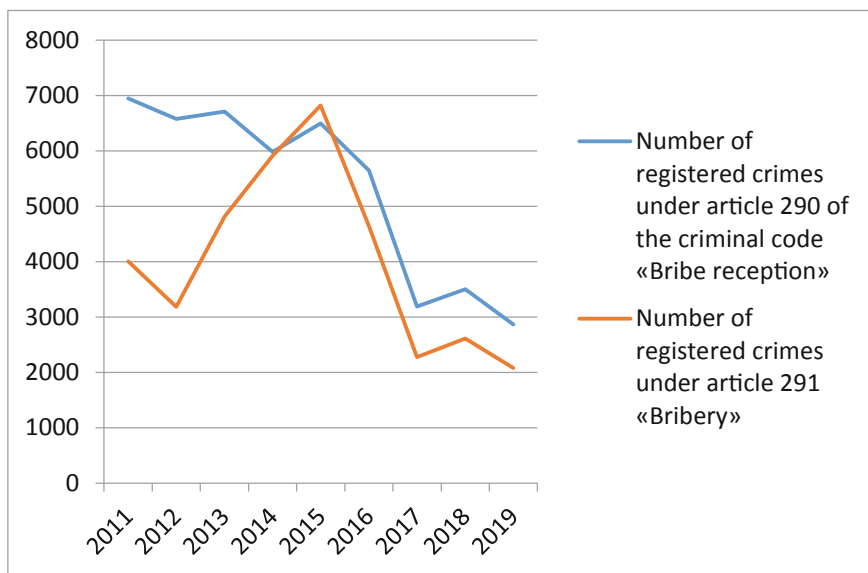
the point of view of criminal law, tort relations and morality. This approach allows us to attribute to corruption manifestations not only the extraction of material benefits by an official, but also various kinds of violations of ethics and morals.

Sources indicate an extremely high level of corruption in the Russian Federation. According to international anti-corruption organizations, we are ranked 136th out of 174, which points the inefficiency of existing methods and mechanisms for fighting corruption and the need to develop completely new approaches to the formation of principles for monitoring activities to meet state and municipal needs and conditions for preventing the considered criminal manifestations. One of the most effective methods is a preliminary assessment of corruption risk in the system of procurement of goods and services for state needs. Experts of the transparency international center, having conducted a number of studies on the problem of combating corruption in the Russian Federation for a long time, point to a number of gaps in the legislation that allow satisfying the illegal interests of interested persons [10]:

- there are no mechanisms for public consideration and discussion of state and municipal needs,
- the law does not establish a mechanism for providing mandatory guarantees of compliance of goods or services with the conditions specified in the tender documentation,
- there are no or veiled conditions for disclosure of information about the characteristics of purchased goods,
- the criteria for evaluating bidders and the conditions for their admission are not objectively justified,
- there are no real guarantees of the independence of persons who must control the course and conditions of procurement,
- lack of guarantees of protection for persons who reported unfair bidding,
- the inability of civil society structures to monitor the progress and results of the bidding process.

## 4 Discussion

Further, it is necessary to analyze open data reflecting the current state and trends of anti-corruption activities in the Russian Federation. The source base for the analysis was legal statistics (Fig. 1; Table 1). These data mean that the number of crimes under article 290 “Bribe reception” of the Criminal Code of the Russian Federation dated 13.06.1996 No. 63-FZ [8] remained fairly stable during the period under review. A sharp turnaround was observed in 2017, when the indicators of the perfect number of crimes have more than halved (from 6,495 to 3,187 registered crimes). Meanwhile it cannot please the fact of further reducing the number of crimes committed in 2018 and 2019. It appears that this trend is a consequence of introduced in 2016 changes to existing legislation, to strengthen the responsibility for taking bribes, and increase the effectiveness of oversight bodies.



**Fig. 1.** Indicators of registered corruption crimes for the period from 2011 to 2019 in the Russian Federation (Source: authors based on [9]).

**Table 1.** Number of registered corruption crimes for the period from 2011 to 2019 in the Russian Federation

Statistics	2011	2012	2013	2014	2015	2016	2017	2018	2019
Crimes under article 290 of the criminal code of the Russian Federation	6947	6576	6710	5980	6495	5644	3187	3499	2866
Crimes under article 291 of the criminal code of the Russian Federation	4005	3182	4811	5913	6816	4640	2272	2612	2077

Source: authors based on [10].

A different scene is shown by data on the number of crimes committed under article 291 of the criminal code of the Russian Federation “Bribery”. The year 2011 is marked by a marked decrease in the number of registered crimes, but since 2012 there has been an annual 30% increase, which led to more than double the total increase in the number

of crimes in 2015 – from 3182 to 6186 cases. It is encouraging that the tightening of sanctions for this crime in 2016 contributed to a sharp decrease in their number, but in 2018 there is a slight increase. Let's assume that this is based on both improving the mechanisms for monitoring the conduct of auctions, and changes in the worldview of the officials responsible for their conduct.

## 5 Conclusion

All the above ideas about the phenomenon of corruption, which have received theoretical development in the scientific and legal field, allow us to conclude that the domestic legal science still lags behind the needs formed by practice. The improvement of technologies, the development of communication tools, and the modernization of society and the economy are taking place much faster than new scientific concepts and ideas defining the concept of corruption. Statistical data indicate that the mechanism for improving anti-corruption legislation is slow and, unfortunately, the mechanism for committing certain crimes is improving. In this regard, it seems that the most promising activity is not only the scientific substantiation of changes in legal acts that establish responsibility for corruption, but also the analysis of the corruption risk of various types of decisions and actions of public authorities and local self-government.

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