

PHILOSOPHICAL PARADIGMES IN THE FIGHT AGAINST CORRUPTION



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ABSTRACT

Corruption is a self-perpetuating phenomenon that exists within public life and has no national or territorial borders. This concept testifies to its imperfection and weakness and arises from the "bowels" of the state, the low legal culture of not only officials, but also society as a whole. After all, officials are a part of society. At the same time, corruption is one of the elements of the "legal" shadow life.

Keywords: *the concept of corruption; the essence of corruption; signs of corruption; corruption lobbying; corruption in the criminal law understanding.*

АННОТАЦИЯ

Коррупция - это самовоспроизводящееся явление, существующее в рамках общественной жизни и не имеющее национальных и территориальных границ. Это понятие свидетельствует о его несовершенстве и слабости и возникает из "недр" государства, низкой правовой культуры не только чиновников, но и общества в целом. Ведь чиновники - это часть общества. В то же время коррупция является одним из элементов "легальной" теневой жизни.

Ключевые слова: *коррупция; понятие коррупции; сущность коррупции; признаки коррупции; коррупционное лоббирование; коррупция в уголовно-правовом понимании.*

INTRODUCTION

Corruption as a phenomenon has been familiar to people since ancient times. It is not one of the oldest, but it is also not a relatively young phenomenon of social reality. For about seven centuries, history has taught us that in the course of civilization mankind has been quite successful in fighting this evil. But even at the beginning of the third millennium, we humans have not yet succeeded in eradicating corruption in the full sense of the word.

Since ancient times, power and corruption have been inseparable. Throughout history, corruption has evolved in parallel with the evolution of the state. While at the

dawn of statehood, paying a priest, leader or warlord for personal recourse to their assistance was considered a universal norm, later, as the state apparatus became more complex, professional officials began to receive only a fixed income officially - which meant that bribes moved into the realm of the shadow economy.

The first mention of corruption (and, accordingly, the fight against it) can be attributed to the second half of the 24th century BC, when Urukagina, the king of the ancient Sumerian city of Lagash in modern Iraq, reformed the state administration in order to curb numerous abuses of his officials and judges. However, the fight against corruption in the ancient world usually did not bring the desired results, especially in the eastern despotisms. According to the author of the ancient Indian treatise Arthashastra[1;19], "it is easier to guess the way of the birds in the sky than the tricks of cunning officials. Corruption reached its apogee during the decadence of antiquity in the Roman Empire and became one of the reasons of its collapse. The word "corruption" has its Latin origin; corrumpere means "to corrupt, to spoil, to damage".

The world was changing and so was the scale of corruption. Globalisation and the development of the world economy have enabled corruption to spread internationally and become one of the most widespread and dangerous phenomena[2;27]. Corruption today is one of the greatest problems in the world: according to Daniel Kaufmann, Director of Global Programmes at the World Bank Institute, in 2007 the value of bribes was more than one trillion dollars[3;42] - more than two per cent of world GDP[4;7]. This paper will discuss what corruption is, its causes and impact on the state, society and economy, and whether it can be successfully combated in the 21st century.

THE DEFINITION OF CORRUPTION IN GENERAL

In order to move on to the historical roots of corruption, we should first define it. As we know, there are many definitions of this phenomenon, which may be explained by the existence of different typological and generic approaches to the study of corruption. The clearest definition of this phenomenon in his work was given by Joseph Senturia, defining corruption as: "Abuse of public power for private gain." This is a rather succinct and concise definition which can be found in specialised literature.

The United Nations regards corruption as "a complex social, cultural and economic phenomenon that affects all countries" without explaining the term in more detail. It is noteworthy that even the text of the United Nations Convention against Corruption (UNCAC) does not contain a definition of what member states are supposed to fight. This is explained by the fact that the phenomenon of corruption is

too complex and multifaceted to provide a comprehensive and at the same time sufficiently detailed definition.

If we have more or less understood and defined the general term, then what about the narrower term "corruption in state authorities and institutions". The Uzbekistan Legal Encyclopedia, defines state corruption in the following way: "the use by civil servants (officials) and representatives of public authorities of their position, by virtue of their official rights and authority, for unlawful enrichment, obtaining and using material advantages and other benefits, both for personal and selfish purposes.

Corruption has been known since ancient times. Mention of it can be found in extant historical sources related to all the centers of ancient civilizations (ancient Egypt, China, India, etc.). In the writings of those ancient civilizations one can find early references to the phenomenon of corruption. Certainly, the term did not have the breadth of a modern definition of corruption as such. We can find the first acquaintances with the elements of state corruption definition in some of the two oldest codes of laws known to mankind nowadays: "The Code of Hammurabi" (Babylon, 2200 B.C.) and "The Edict of Narmab" (Egypt, 1200 B.C.).

In the Middle Ages the concept of "corruption" had primarily a canonical meaning. It was understood to mean such acts as "seduction" and "seduction of the devil. Corruption in Catholic theology became a manifestation of sinfulness, for according to the writings of the Apostle John, "sin is lawlessness. A prime example is the possibility of buying absolution for money (indulgences) or ecclesiastical ministry (simony). In his works, the famous politician Nicolò Machiavelli wrote about such impure officials, comparing corruption to a disease which is difficult to diagnose and easy to treat at first, and easy to diagnose but almost impossible to cure later.

THE HISTORY OF CORRUPTION

If we look at the origins of corruption in a society, we should probably look for it in the primitive society. Probably, they are related to pagan beliefs: our ancestors, totally dependent on the forces of nature, tried to placate the gods that personified these forces. People made sacrifices to them, which were, in fact, peculiar gifts. As the society developed and the first cult servants appeared: shamans, sorcerers, healers, etc., "close to gods", they also began to make gifts and offerings to them in order to win favor of the gods themselves through them.

The first ruler mentioned as a fighter against corruption was Urukagina, the Sumerian king of the city-state of Lagash in the second half of the twenty-fourth

century B.C. Despite exemplary and often severe punishments for corruption, the fight against it did not lead to the desired results. At best, the most dangerous crimes were prevented, but at the level of petty embezzlement and bribes, corruption was widespread. The first treatise discussing corruption - "Arthashastra" - was published under the pseudonym of Kautilya, a minister of Bharata (India) in IV century B.C. In the pessimistic conclusion he made: "the king's property could not be misappropriated, however small, by those who were in charge of it".

Corruption is mentioned and condemned in all leading religions of the world. It is confirmed by the Bible and the Koran: "You shall not receive gifts, for gifts make the blind blind and turn the matter right" (Exodus 23:8, see also Deuteronomy 16:19); "You shall not misappropriate each other's property and shall not bribe judges to deliberately appropriate part of other people's property" (Koran 2:188), etc.

However, starting from the end of the 18th century, the public attitude towards corruption in the West changed. The liberal changes took place under the slogan that state power exists for the benefit of the people subject to it and, therefore, subjects support the government in exchange for strict compliance with the laws by officials. In particular, under the U.S. Constitution adopted in 1787, bribery is one of the two explicitly mentioned crimes for which the President of the United States can be impeached. Society began to have more and more influence on the quality of the state apparatus. As political parties and government regulation have grown stronger, episodes of collusion between political elites and big business have become a growing concern. Nevertheless, objectively, the level of corruption in developed countries during the 19th-20th centuries has decreased considerably as compared to the rest of the world.

In the second half of the twentieth century, corruption increasingly began to become an international problem. Bribery of high officials abroad by corporations became a mass phenomenon. Globalisation has made corruption in one country have a negative impact on the development of many countries. At the same time, the countries with the highest levels of corruption were no longer limited to the Third World: liberalization in the former socialist countries of the 1990s was accompanied by blatant official abuse. In its December 31, 1995 issue, the Financial Times declared 1995 as the "year of corruption". The UN established the International Anti-Corruption Day (December 9) to promote knowledge about corruption.

Causes of corruption

The author allows himself to disagree with the opinion of the head of state. Lack of respect for the law is just one of the factors behind the growth of corruption

in Russia. There are many reasons for it, and we will try to consider both the primary and secondary ones. What are the roots of corruption?

Some researchers have given a concise and witty answer to this question. One of the first to do so was Professor Robert Klitgaard, the creator of the famous "corruption formula"

$$C = M + P - O,$$

Where C is corruption, M is monopoly power, P is arbitrary decision-making and O is responsibility.

In other words, corruption is determined by the degree of monopoly power and the right to make arbitrary decisions, given to government officials, and also the measure of their responsibility for their actions.

Another, no less interesting model of corruption [5;11] looks like this where I is country, t is year.

A similar formula is used to calculate indices such as CPI (Corruption Perception Index) in Transparency International or WGI (Worldwide Governance Indicators) in the World Bank.

Let us analyze the formula:

1) First, the higher the level of economic well-being (GDP per capita), the lower the propensity of officials to resort to illegal methods of profit making, the stricter the anti-corruption measures and the stronger the civil society.

2) Secondly, the more developed democracy is, the greater the risk that an official will lose his or her position and the greater the opportunities for the authorities to fight corruption.

3) Thirdly, the development of the judicial system also prevents the expansion of corrupt processes.

4) Fourth, the larger and more complex the bureaucracy, the more opportunities for corruption. The centralization of the state plays an important role: in most strictly centralized empires corruption reached unimaginable proportions, as in the Roman and Byzantine empires. On the other hand, not all experts are inclined to consider decentralization as a guarantee of low corruption.

Methods of combating corruption

There are so many works written on this topic that it is difficult to identify any definite "recipes" against corruption, especially since the package of measures to combat this phenomenon depends primarily on the specifics of the country (remember the model of corruption given in Chapter 2) - its level of economic well-being, institutional, historical, geographic, and cultural factors. The author considers

it advisable to give examples of successful anti-corruption strategies - and to learn some lessons from them.

I. Singapore strategy. After gaining independence in 1965, Singapore had one of the highest levels of corruption in the world. The following steps have been taken to combat corruption:

Strict regulation of officials' actions, simplification of bureaucratic procedures, severe oversight of high ethical standards

An autonomous (!) Corruption Investigation Bureau (CPIB) was created. Its main functions are:

1. receive and investigate complaints containing allegations of corruption in the public and private spheres;
2. investigate cases of negligence and carelessness committed by public servants;
3. to examine the activities and operations carried out by civil servants in order to minimize the possibility of corrupt practices.

Legislation has been tightened, the independence of the judiciary has been increased (with high salaries and the privileged status of judges), economic sanctions have been introduced for paying bribes or refusing to participate in anti-corruption investigations, and harsh actions have been taken, up to and including the layoff of customs and other civil servants.

Deregulation of the economy Raising of officials' salaries and training of qualified administrative staff.

CONCLUSION

Despite the fact that corruption is often compared to the hydra, there are quite effective methods of combating this phenomenon, as successfully evidenced by world practice. Not to fight corruption is to support it, and given the devastating consequences of such inaction in all spheres of society, the problem of countering this "internal enemy" is in any state. That is why it is so important to study the causes of corruption - after all, it is necessary to fight not only the weed itself, but also its seeds. By understanding what corruption is, by studying the phenomenon and the experience of other countries in resisting it, we gain knowledge, and knowledge, as you know, is power. The main thing is that this power must be used, and not only political will is needed for that, but also the support of the whole society. Otherwise, the battle against corruption will be lost.

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