

On Criminological Aspects of Corruption-Related Criminal Activity in Russia

Timur A. Gumerov, Vladimir N. Zhadan and Iskandar G. Mukhametgaliyev
Yelabuga Institute of Kazan (Volga Region) Federal University, Kazanskaya St. 89,
Yelabuga, The Republic of Tatarstan, Russia

Abstract: The study offers a review of criminological aspects of corruption-related criminal activity in Russia based on the international legal acts and analysis of the Russian legislation in the sphere of corruption control as well as on official statistics, scientific and researchers approaches allowing to determine the concept and types of corruption-related crimes and to describe the rate, dynamics and reasons of such crimes along with description of personality characteristics of criminal corruptionists and determining the crime-preventive measures. The researchers give a description of crime situation in Russia in 2014 as compared to 2010 in general and by separate corruption-related crimes. The following research methods were used in the course of the study preparation: analysis, comparison, statistics, etc. The research results were discussed during the international conferences and were partially published. The researchers come to a conclusion that the problem of corruption in Russia is not so much of criminological and criminal nature as of sociopolitical nature. Therefore, its revelation and prevention is conditioned by consistent and efficient activity of all governmental and law enforcement authorities as well as by pro-active anticorruption attitude of the citizens and the civil society institutions.

Key words: Corruption, corruption-related crimes, Russia, criminological aspects, international legal acts, Russian legislation, official statistics, latency, analysis, approaches

INTRODUCTION

In many countries, corruption in the public authorities and in economic activities is one of the topical issues. At that the influence of corruption in such countries has increased so much (and continues to increase further) that in some instances it acquired critical magnitude and is comparable to a considerable part of the state budget of such countries.

In its turn due to globalization of the world community corruption in one country may have negative effect on development of other countries. Taking into consideration the threat of corruption and its significance for the international community corruption has obtained a status of international problem starting from the second half of the 20th century. For this reason On Dec. 16, 1996, the General Assembly of the United Nations (hereafter the UN) adopted "Declaration against Corruption and Bribery in International Commercial Transactions" (Anonymous, 1996) and on Oct. 31, 2003, there was adopted the United Nations Convention against corruption and the International Anti-Corruption Day was established (October 09) (Anonymous, 2003). The Council of Europe

also approved the international anticorruption legal acts, namely the "Criminal Law Convention on Corruption" (Anonymous, 1999), etc.

MATERIALS AND METHODS

The following research methods which allowed the researchers to discover the criminological aspects of corrupt-related crimes in Russia were used in the course of the article preparation: analysis, generalization, comparison and expert estimate.

The research is empirically based on the official crime statistics in Russia, the native scientific literature dedicated to criminology, the materials published in the Mass Media (hereafter the MSM) and the internet resources.

Research: The international and home expert estimates consider the Russian Federation (hereafter the RF, Russia) as one of the word countries with "high" level of corruption in the public administration and economic activities.

Quite a number of publications are dedicated to analysis of corruption in Russia as well as to

criminological and criminal characteristics of corruption-related crimes (Parshin, 2014). Nevertheless, this does deny an opportunity to continue the study of the problems of legal analysis of this category of crimes. The principal criminological aspects of corruption-related crimes in Russia were taken as a subject of the present research.

By virtue of the UN declaration against corruption, the UN convention against corruption, the Criminal Law Convention on Corruption of the Council of Europe Russia not only agreed to cooperate in the sphere of international anti-corruption activity (which is confirmed by Federal Law No. 40-FZ of Mar. 08, 2006 "On ratification of the United Nations Convention against corruption" (Anonymous, 2006) and Federal Law No. 125-FZ of Jul. 25, 2006 "On ratification of the Criminal Law Convention on Corruption") but also adopted the corresponding laws (Federal Law No. 273-FZ of Dec. 25, 2008 "On corruption control" (Anonymous, 2008a), Federal Law No. 172-FZ of Jul. 17, 2009 "On anti-corruption survey of regulatory legal acts and regulatory legal act drafts" (Anonymous, 2009), etc.) as well as by-laws (Decree of the President of the Russian Federation No. 815 of May 19, 2008 "On corruption management measures" (Anonymous, 2008b), Decree of the President of the Russian Federation No. 226 of Apr. 11, 2014 "On the national plan of corruption management for the years 2014-2015" (Anonymous, 2014a), etc.) and other legal acts regulating the issues of corruption control.

The legal literature is quite controversial as to determination of criminal acts which could be referred to corruption-related crimes as well as to juridical characteristic and classification of such crimes, definition of the concepts of "corruption", "corruption-related law infringements" and "corruption-related crimes".

The Federal Law "On corruption control" (hereafter the FL "On corruption control") gives definitions to the basic concepts, legal bases, principles as well as description of anticorruption activities. For example, subparagraph "a" of Paragraph 1 of Article 1 of the FL "On corruption control" determines corruption as an abuse of an official position, giving a bribe, acceptance of a bribe, an abuse of authority, commercial bribery or any other unlawful use by a physical body of his/her official position in defiance of the legal public and state interests in order to gain benefits in the form of money, valuables, other property or property-related services, other property right for himself/herself or for the third persons or unlawful provision of such benefit to the stated person by other physical bodies as well as performance of the

specified actions on behalf of or in favor of a legal body (Anonymous, 2008a). Nevertheless the term of "corruption-related crimes" is not used in the stated law.

The Criminal Code of the RF (hereafter the CC of the RF) (Anonymous, 1996) also does not contain a description of the essential elements of crime qualified as a corruption-related crime (corruption). At the same time, the CC of the RF distinguishes the following anticorruption norms: an abuse of office (Article 285 of the CC of the RF), an unlawful participation in entrepreneurial business (Article 289 of the CC of the RF), acceptance of a bribe (Article 290 of the CC of the RF), giving of a bribe (Article 291 of the CC of the RF), forgery by an official (Article 292 of the CC of the RF), etc. The analysis of corruption-related crimes from the point of view of the criminal law requires independent investigation.

In the home criminological science, the terms of "corruption", "corruption-related crimes" and "corruption-related criminal activities" have been used for a quite long time, besides the literature sources provide research of the peculiarities and latency of corruption-related crimes (Burlakov *et al.*, 1999), nevertheless the definition of the concepts "corruption", "corruption-related crimes" and "corruption-related criminal activities" has a debatable nature.

Burlakov *et al.* (1999) defines the corruption-related criminal activities as "crimes of persons officially engaged in management (public and municipal officials as well as other persons authorized to exercise public functions) diversely using the possibilities implied by their status in order to unlawfully obtain personal benefits".

In the opinion of Goncharenko (1996), "corruption-related criminal activities are a social phenomenon characterized by bribery of the persons holding official position and expressed in cumulative offences having the features of corrupt practices and persons who committed the same at a definite territory and in a definite period of time".

The researchers agree with the scientific approach which states that the corruption-related criminal activities is a relatively large-scale aggregate of crimes (and offenders) impinging on the authority of the government service or local government service, service in commercial and other nongovernmental organizations and consisting in unlawful obtainment (and provision) of material or other benefits and preferences by the persons who were authorized to exercise public, municipal functions or official functions in commercial or other nongovernmental structures.

The criminological characteristic of individual types of criminal activities inclusive of corruption-related crimes includes the following elements (aspects):

- State, dynamics, structure and level of latency of the criminal activity under consideration, etc.
- Reasons and conditions encouraging commission of crimes
- Criminological characteristic of a personality of criminal
- Crime preventing and protective measures. The specified criminological aspects were chosen a subject of this research

According to the official statistics in Russia in 2014, there were recorded totally 2166.4 thousand crimes among them 32204 crimes having corruption-related nature (i.e., 24.6%), specific weigh of such crimes in the total number of crimes made about 1.5% (Anonymous, 2014b). At the same time in 2010, there were registered 2628.8 thousand crimes with 59283 corruption-related crimes among them, specific weigh of the crimes of the mentioned category made 2.3%. The above data evidence that in 2014 there were registered less by as much as 27079 corruption-related crimes as compared to 2010. In addition, during the last years there can be observed a tendency to decrease of a number of reported crimes both in general and of the corruption-related crimes in particular.

As it is known many kinds of criminal activities including the corruption-related crimes are characterized by high latency therefore the official statistics as the home experts state reflects only one fifth (or one tenth) part of the actual number of committed crimes referring to this category. Taking into consideration the expert estimates of latency the specific weight of corruption-related crimes in the general structure of criminal activity may make as many as 5%. Usually the following reasons of corruption-related activities in Russia are stated: recessionary and inflationary tendencies; ingress of organized criminality in government authorities at all levels and in legal business; absence of efficient market competition which allows to receive superprofits and succeed by means of corruption instead of work; corrupt practices in the governmental and law enforcement bodies; low level of anticorruption attitudes of the population, officials, managers of commercial and non-commercial organizations, of their legal consciousness; inadequate interaction between the law enforcement bodies and other governmental

authorities in the sphere of crime prevention, suppression and detection of corruption-related crimes; absence of efficient procedure of involving the community in fight against corruption, etc.

The carried-out criminological investigations related to personalities of criminals committing corruption practices allow to draw out the following structure: the personnel of the ministries, governmental agencies and other executive authorities of the federal, regional and local levels 40%; the personnel of the law enforcement bodies 25%; the personnel of the medical, educational and social organizations 20%; the personnel of the supervising, taxation and customs services 12%; deputies at various levels 1%; other persons 2%. Determination of the anti-corruption, corruption prevention measures is an important criminological aspect of corruption-related activities.

The FL "On corruption control" gives a determination of "corruption control", establishes the powers and main principles of corruption control, the measures for corruption practices prevention, the principal areas of activities of the governmental bodies aimed at enhancement of corruption control efficiency, inclusive of prohibition to individual categories of persons to open and operate accounts (deposits), to keep cash resources and valuables with Foreign banks located beyond the RF territory, to have in possession and (or) to use Foreign financial instruments, of provision of data on profits and property and on material liability as well as of data on expenditure, the responsibility of organizations to assume preventive anti-corruption measures as well the responsibility of physical and legal entities for corruption-related offences.

The researchers agree with the scientific approach which states that the problem of corruption in Russia is not so much of criminological and criminal nature as of sociopolitical one. It's obvious that the anti-corruption strategy should be guided by legal, economical, social, psychological, ethic and political measures. Nevertheless, it is impossible to completely eliminate corruption as well as any other social malady of the same level since it has ingrained in the economical, political, social and psychological cornerstones of the Russian society. Presently, we can speak of considerable reduction of corruption magnitude within the governmental authorities and in economic activity, "putting it into civilized limits", protection of the population from various forms of corrupt practices inclusive of countrywide exactions at all levels starting from a frontline agency worker, a policeman and ending with the top state authority echelons.

Therefore, it is necessary to start efficient fight against this social and legal malady relying on the current and adopted normative legal acts and the anti-corruption programs at the federal, regional and local levels as well as on the forms and methods, targets and actors, terms, etc. established by the said documents. The most important thing is political will of the country's and regional leadership to maintain continuous and active anti-corruption activity. As the experts state "there is no initiative to start that fight and under such conditions the corresponding activity will not progress, since the interests of the people of influence and wealth will be inevitably affected".

At the same time, judging from the materials published by MSM and internet-resources which are also confirmed by the law enforcement practice in the recent years the criminal trials connected with socially-resonant corrupt practices become a subject of inquiry in Russia (for example, in the Ministry of Defense (the Oboronservis case), in the Federal Space Agency, the case connected with misappropriation of finances at time of construction of "Vostochnyi spaceport" (the Roskosmodrom case) and other). At that the size of damage inflicted by the corruptionists amounts to milliards and the corruption-related crimes do not have sporadic nature.

The researchers agree with the scientific approach which states that it is necessary to eliminate the use of corruption as a means of formation and development of new social relations, of creation of social basis of market relations as well as to suppress legalization (laundering) and accumulation of illegal capital funds as general principles of anti-corruption activity. Moreover in order to neutralize, detect and prevent the corruption-related crimes it is necessary to ensure consistent and efficient activity of all law enforcement and other governmental agencies, active anti-corruption attitude of the citizens and the civil society institutions.

RESULTS AND DISCUSSION

The reasons of the problem of corruption in Russia lie mainly in the sociopolitical sphere rather than in criminological and criminal one. Therefore, its detection and prevention is conditioned by efficient activities of all governmental and law enforcement agencies, the civil society institutions and what's the most important the anti-corruption attitude of all of the Russian citizens.

It is particularly important that the research was performed in the context of the crime situation in Russia which demonstrated the tendency towards decrease of

both the general number of reported crimes and of the corruption-related crimes in particular as well as under the conditions of the current criminal legislation and with due account for the state anti-corruption policy development.

Findings: The recent-time changes in the policy and economy of Russia resulted not just in strengthening of corruption control but in establishing priority directions of such control, in particular in intensification of fight against corrupt practices and corruption-related crimes committed by the officials and other persons.

The crime situation in Russia inclusive of its corruption-related element evidences that according to the official statistics during the recent years, there can be observed a tendency to decrease of the number of reported crimes both in general and of those related to corruption.

At the same time, it is necessary to start consistent and efficient fight against this social and legal malady relying on the current and adopted normative legal acts and the anti-corruption programs at the federal, regional and local levels in Russia as well as on the forms and methods, established by the said documents.

CONCLUSION

Therefore, the present research can be regarded as an analysis of the international legal acts and of Russian legislation in the sphere of corruption control as well as of official statistic, scientific approaches and the researchers' understanding of the principal criminological aspects of corruption-related crimes in Russia allowing to emphasize social danger of such crimes and rather high level of their latency and with this view anticipating the consistent and efficient governmental anti-corruption policy, activity of all governmental and law enforcement agencies as well as active anti-corruption attitude of the citizens and the civil society institutions.

ACKNOWLEDGEMENT

The research is performed according to the Russian Government Program of Competitive Growth of Kazan Federal University.

REFERENCES

- Anonymous, 1996. The United Nations Declaration against Corruption and Bribery in International Commercial Transactions. http://www.un.org/ru/documents/decl_conv/declarations/bribery.shtml.
- Anonymous, 1999. The Criminal Law Convention on Corruption. <http://conventions.coe.int/Treaty/rus/Treaties/Html/173.htm>.

- Anonymous, 2003. The United Nations Convention against corruption. http://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml.
- Anonymous, 2006. Federal Law No. 40-FZ of March. "On ratification of the United Nations Convention against corruption". <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=59047>.
- Anonymous, 2008a. Decree of the President of the Russian Federation No. 815 of May 19, 2008 (as in force on Feb. 14, 2014) "On corruption management measures". <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=159027>.
- Anonymous, 2008b. Federal Law No. 273-FZ of December. "On corruption control" (as amended by No. 396-FZ of Dec. 28, 2013). <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=156929>.
- Anonymous, 2009. Federal Law No. 172-FZ of July (as amended by No.279-FZ of Oct. 21, 2013) "On anti-corruption survey of regulatory legal acts and regulatory legal act drafts". <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=153487>.
- Anonymous, 2014a. Crime statistics in Russia for January-December. https://mvd.ru/upload/site1/document_file/pxOrdPt4BF.pdf.
- Anonymous, 2014b. Decree of the President of the Russian Federation No. 226 of Apr. 11, 2014 "On the national plan of corruption management for the years 2014-2015". http://www.consultant.ru/document/cons_doc_LAW_161699.
- Burlakov, V.N. *et al.*, 1999. Criminology: textbook for law schools. V.N. Burlakov *et al.* (Eds.), Spb.: Saint-Petersburg University attached to the Ministry of Internal Affairs of Russia, pp: 608.
- Goncharenko, G.S., 1996. Specific nature of the criminal law impact on corruption-related crimes. <http://sibac.info/13532>.
- Parshin, I.S., 2014. Corruption management: criminal è criminological research: thesis of. candidate of legal sciences. Nizhni Novgorod, pp: 289.