

DOI: 10.7596/taksad.v6i5.1264

Citation: Aglyamova, G., Musabirova, D., Talan, M., & Khamitov, R. (2017). Corruption Criminal Study in the Sphere of Russian Federation Local Government. Journal of History Culture and Art Research, 6(5), 390-396. doi:<http://dx.doi.org/10.7596/taksad.v6i5.1264>

Corruption Criminal Study in the Sphere of Russian Federation Local Government

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Abstract

The purpose of the study is the criminological analysis of a criminal identity who commits corruption crimes in the sphere of local self-government. Based on dialectical materialistic methodology use and the survey method, it is revealed the main signs, classifications and typologies of a criminal's personality, who commits corruption crimes in this sphere. Effective preventive measures are proposed to reduce the number of persons committing corruption crimes. The results suggest that there is desire to illegally enrich through the abuse of authority and the underestimation of municipal employee work by state bodies. Therefore, it is necessary to pay attention to the mechanisms of disposition and sanction implementation concerning the norms of criminal legislation in law enforcement practice.

Keywords: Corruption, Corruption crime, A criminal personality, State authorities, Financial sphere, Local self-government bodies.

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Introduction

At the present stage, the study of theoretical and applied problems concerning a criminal identity of a criminal performing the corruption crimes in the sphere of local self-government is of particular relevance.

The statistical data on corruption crimes in 2016, published by the General Prosecutor's Office of Russian Federation are very interesting. These data show that the proportion of corruption crimes recorded in the federal districts from their total number on Russian Federation territory is the following:

- Volga Federal District: 23.70%
- Central Federal District: 19.50%
- Siberian Federal District: 15.20%
- Southern Federal District: 12.20%
- North-Western Federal District: 9.40%
- The Urals Federal District: 9.20%
- North-Caucasian Federal District: 6.30%
- Far Eastern Federal District: 4.40%
- Crimean Federal District: 0% (RF General Prosecutor's Office, 2016).

A complete and objective study of corruption crime in the sphere of local self-government is impossible without the study of a criminal personality who commits corruption crimes in the sphere of local self-government. The analysis of legislation shows that there is a sufficient number of regulatory legal acts that regulate the requirements for a municipal employee, for example, the Federal Law No. 25-FL "On municipal service in Russian Federation" issued on March 2, 2007.

Methods

The criminological research program on the problem of "Corruption crime in the sphere of local self-government" was developed for a full criminological study of a corruption criminal in the sphere of local self-government. The questionnaire with a list of questions for citizens was proposed on the basis of this program. We interviewed 345 citizens at the age of 18 - 68 with varying degrees of education and marital status using social networks, and through the distribution of questionnaire forms among the older generation.

Results

The question "How do you assess the level of corruption in the sphere of local self-government?" was answered as "high" by 279 (80.8%) of citizens, as "average" by 51 (14.7%) citizens, and the remaining citizens 15 (4.3 %) answered as "I do not know".

The question "Which of the given areas of local self-government are the most corrupt ones?" were answered in the following way:

- Land and property relations - 153 (44.3%)
- The relations in the sphere of housing and communal services and construction - 95 (27.5%)
- The relations between local self-government bodies and entrepreneurs - 97 (28.1%).

The question "What phenomena can you attribute to the important ethical components of a municipal employee?" was answered in the following way: mentality - 15 (4.3%), moral level - 285 (82.7%), the level of legal culture - 40 (11.5%), the sense of justice level - 5 (1.5%).

Discussion

The following results were revealed on the basis of empirical facts:

1. The approbation of statistical, sociological methods to reveal the level of corruption crime in the sphere of local self-government is one of the effective trends of new measures development to prevent this type of crime;
2. Considering the causes and the conditions of corruption crime in the sphere of local self-government, one can conclude that the most effective method of this crime study is not only the familiarization with official statistics, but also the carrying out of sociological anonymous surveys;
3. A complex application of all methods during the study of corruption in the field of local government (except for an experiment, since it is limited in criminological studies) can lead to the knowledge of the real scope concerning this type of crime and will allow state authorities, local governments and the public ones to draft bills as close to the realities of society as possible.

The following question arises nowadays: in what other aspects can you study a criminal's identity, what is the effectiveness for criminology and for other sciences? The answer is only one: the realities of modern life require further study of a criminal's personality and especially by the types of crime, and this will influence preventive activity positively and will reduce crime rate.

If we pay attention to the ongoing discussion concerning the correlation of biological and social elements in a criminal's personality, this scientific dispute concerns the personality of a corruption criminal in the sphere of local self-government. Having applied some, even intermediate, opinions of this discussion in practice, it is possible to come to positive results concerning the struggle against corruption in the sphere of local self-government. For example, if you turn to the clinical school of criminology, you need to diagnose a criminal by applying psychological diagnosis, which makes it possible to identify the ease of criminal behavior form selection and the level of easiness for a person to commit corruption crimes.

During the 70s of the 20th century, the discussion among domestic criminologists was caused by the Professor I.S. Noah's publication from Saratov. The Professor wrote: "Regardless of the environment, a person can not become a criminal or a hero if he is born with another program of behavior" (1975).

At the same time, the geneticist N.P. Dubinin believed: "A man does not receive a ready-made social program from birth, it is created in him by social practice during the course of his individual development" (1980).

At the beginning of the 20th century A.A. Piontkovsky wrote that "... it is impossible to explain such a volatile social phenomenon as a crime by the constant properties of a person's nature, including "a criminal person" (1928).

Having analyzed the anthropological research on the study of a criminal's personality, we believe that they are not suitable concerning the personality of a criminal who commits corruption crimes in the sphere of local self-government. The position of the sociological and psychological approaches during the study of a criminal's personality is closer for us. It is necessary to consider these concepts.

Sociological concepts reveal the social conditionality of a crime in detail and provide an opportunity to prove the fact that a person committing corruption crimes in the field of local government acquires such

negative traits in the process of development. This is influenced by unfavorable conditions of development and life activity, the social environment (macro environment and microenvironment) and social qualities of an individual are the main ones. In order to prove the influence of a corruption criminal social aspect in the sphere of local self-government, the application of the sociological concept is insufficient, it is necessary to turn to the psychological concept.

The characteristics of corruption criminals include two relatively independent and significantly different criminological portraits:

- 1) The persons authorized to fulfill state functions obtained the privileges under the state or municipal service illegally and in spite of its interests;
- 2) The persons who provided such advantages to the latter. The criteria for such differentiation is the criminal legal indication of a special public status existence.

When they characterize the employees who commit corruption crimes, one must keep in mind the system of their values, that is, the readiness to violate law and morals and professional ethics. Their characteristic features like avidity, envy and greed are of particular importance. In our opinion, the macro and micro environment of an individual matter:

- A) The presence of persons with a high level of material security who achieved this for corruption behavior;
- B) A safe environment and a sharp decrease of this level in the future. For example, when a young man creates a family, life begins only with wages. His habits of living safely can provoke the election of a criminal option to resolve issues;
- C) Reference characteristics of the environment for a man. His focus on the "standards of life for Hollywood stars" with a modest salary, creates a problematic situation for him;
- D) Social "background" phenomena: abuse of alcoholic beverages, narcotic drugs and psychotropic substances and their analogues, etc.

Regarding this issue, A.K. Esayan, O.Sh. Petrosyan, Y.V. Truntsevsky state that: "The development of corruption in Russia has entered the stage of extensive and sustainable integrated structure creation with a network form of organization - organized criminal communities created to extract income from corrupt activities jointly. The participants of such communities unite not only to make profit from their illegal activities, but also to invest effectively in the expansion of corruption as a special market for criminal-corruption services. At that corruption activity is transformed into the business when a corruptor refers to his position as a business, trying to maximize "income" (2008).

Based on our analysis of official statistics from the Ministry of Internal Affairs of the Republic of Tatarstan, the Prosecutor's Office of the Republic of Tatarstan, the Investigative Committee of the Republic of Tatarstan during 2006 - 2016 we will try to identify the most significant structural components in a corruption criminal personality within the sphere of local self-government:

1. Social-demographic features:
 - 1.1. The average age is 35 - 40 years;
 - 1.2. Education - 82% are the people with two higher, higher, unfinished higher education;
 - 1.3. Sex of criminals – Only 13% of corrupt officials in the field of local self-government are women;
 - 1.4. Personal life of a criminal - 100% of corrupt people have families.

2. Social-role characteristics - 100% of corrupt officials performed their professional duties in the field of local self-government.

3. In our opinion, social-psychological characteristics were manifested in greed, the desire to illegally enrich themselves through abuse and the abuse of authority and the underestimation of municipal employee work by state bodies.

Conclusions

In our opinion, special measures reducing the number of persons committing corruption crimes in the sphere of local self-government include:

1. To conduct an examination of Russian Federation legislation to identify the shortcomings and the collisions that contribute to the increase in the number of corruption crimes in the environment of municipal employees. It should be noted that this issue has positive aspects: for example, the paragraph 5 of the Russian Federation Government Resolution No. 96 "On anti-corruption examination of normative legal acts and draft normative legal acts" issued on 26 February of 2010, in order to include the comments and recommendations in the drafts of normative and legal acts of norms that contribute to the emergence of corruption behavior situations, the official website of cities and regions have the drafts of new legal acts from the Executive Committee for the conduct of independent anti-corruption examination.

2. To tighten the complex measures of financial and economic control over employees who work in local government bodies and give law enforcement bodies the functions of his bank accounts, the members of his family and relatives check both in the state and in foreign countries.

The types of punishment are considered in literature abundantly (Duyunova, 2012; Sundruva & Tarkhanov, 2009; Chuchaev, 2013; Belokobylsky, 2012; Inogamova-Hegai, 2013; Kozachenko et al., 2013; Zhuravlev & Nikulin, 2014). They also discuss the problems of punishment for the commission of various corruption crimes in detail. After the study of the scientific works on the application of punishment and legal qualification by F.R. Sundurov (2005) and I.A. Tarkhanova (2012), we note the diversity of approaches to legal concepts and the possibility of scientific opinions use concerning the corruption crime in the field of local government. Agreeing with the views by N.N. Rybushkin and A.V. Krasnov (2012), it is necessary to pay attention to the mechanisms of disposition and sanction implementation concerning the norms of criminal legislation in law enforcement practice.

We offer special measures to reduce the number of persons committing corruption crimes:

1. The institute of municipal service demands improvement: to increase the salary of a municipal employee and to improve personnel policy.

2. To increase the legal culture and legal education. In our opinion, it is necessary to introduce classes in pre-school institutions on economic and legal education that take into account the age criteria of children, would teach them to understand (as interactive forms through the use and the application of pedagogical methods).

3. The current state of corruption in the sphere of local self-government, their identification, investigation and the consideration in court hearings requires the practical implementation of the principle which is provided in the Section 1, Art. 19 of Russian Federation Constitution: "All are equal before the law and the court". This could lead to the cancellation of the immunity belonging to a municipal employee.

4. An important role corruption prevention within the sphere of local self-government should belong to the mass media. I.V. Godunov writes: "Bold exposures of corrupt officials in Russian and international

media often do not achieve a positive goal, since state bodies do not respond properly to the disclosure of even the most serious facts of corruption among government officials" (2003).

5. There is a need to develop and implement the Automated Information System "Corruptor".

Special measures are associated with individual measures. Such measures include:

- Preventive talks with a municipal employee;
- Professional development, i.e. the passage of training sessions on the antisocial behavior of a municipal employee and the explanation of a municipal employee responsibility for unlawful acts;
- The identification of criminal influence sources on a municipal employee;
- The improvement of an environment and the living conditions of a municipal employee.

In sum, the criminological research that we conducted revealed the following: first of all, a corruption criminal personality in the sphere of local self-government has specific features, the study of which is necessary to identify effective measures for corruption prevention in the sphere of local self-government. Secondly, the measures of special prevention considered and proposed, the individual prevention measures mentioned in the field of local self-government make an important aspect in the study of a criminal personality. Thirdly, the reduction of crime, corruption crime, the corruption crime in the sphere of local self-government, the reduction of the number of persons committing corruption crimes in this sphere and the offenses in the municipal scale depend on their introduction and practical application.

Acknowledgements

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

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