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Abstract

The problems in the steady social progress are caused by inadequate legal and organisational levels of anti-corruption efforts, specifically in the social sphere. Achievements in countering grassroots corruption ultimately affect the living standards and financial and moral wellbeing of people. Accordingly, this paper concentrates on developing the forms and methods of interaction of the state and civil society in countering corruption in the social sphere. The aim is to demonstrate the potential of interaction between the state and civil society in the anti-corruption system and to eliminate the causes and conditions determining the level of corruption in the social sphere using the tools of administrative law.

Keywords

Civil state – Civil society – Corruption – Functions of the state – Administrative enforcement

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Introduction

The analysis of the theory and practice of anti-corruption efforts in the social sphere and specifically the tools of administrative law would be insufficient and ineffective without active cooperation across the ranks of the law enforcement system and oversight authorities with civil society progressing rapidly in Russia.

The level of development of democracy in a state is in direct relationship with the development of civil society and the degree of its participation in political life.

According to a regional study, 34% of respondents, citizens of the Russian Federation, had to offer bribes in 2019. This aligns with the CIS average (30%) but is thrice the level of countries of the EU (9%).

The majority of Russians (70%) cite high levels of corruption in Russia. The medium level was recognised by 15% and only 3% of respondents called it low, according to the survey conducted by the Public Opinion Foundation (fond Obshchestvennoe Mnenie).

The view that corruption is on the rise has gained ground, reaching 43% of respondents from 38% a year earlier.

Approximately half of respondents (45%) stated the level of corruption in Russia was higher than in most European countries. Russian citizens point at "impunity, weak anti-corruption focus and connivance of the authorities", "the effects of mentality" and "spillover effects from the top tiers of power."

The study among citizens of the Russian Federation aged above 18 was conducted on March 10, 2019, in 53 federal subjects of the Russian Federation. 104 localities and 1,500 respondents took part in the survey. The margin of error is within 3.6%.

According to a survey by the VCIOM Russian Public Opinion Research Center conducted in 2018, Russians believe the most corruption-hit areas of the modern society are the medical sector, GIBDD (State Traffic Safety Inspection), the housing and utilities sector, police, the judiciary system, prosecution¹.

Most offences constitute fraud (47.7%), embezzlement (12.7%), bribe-taking (9%), bribe-giving (3%), etc.

¹ Corruption in Russia is incurable, show figures for 2019. Website Seldon News, <https://news.myseldon.com/ru/news/index/212013172>

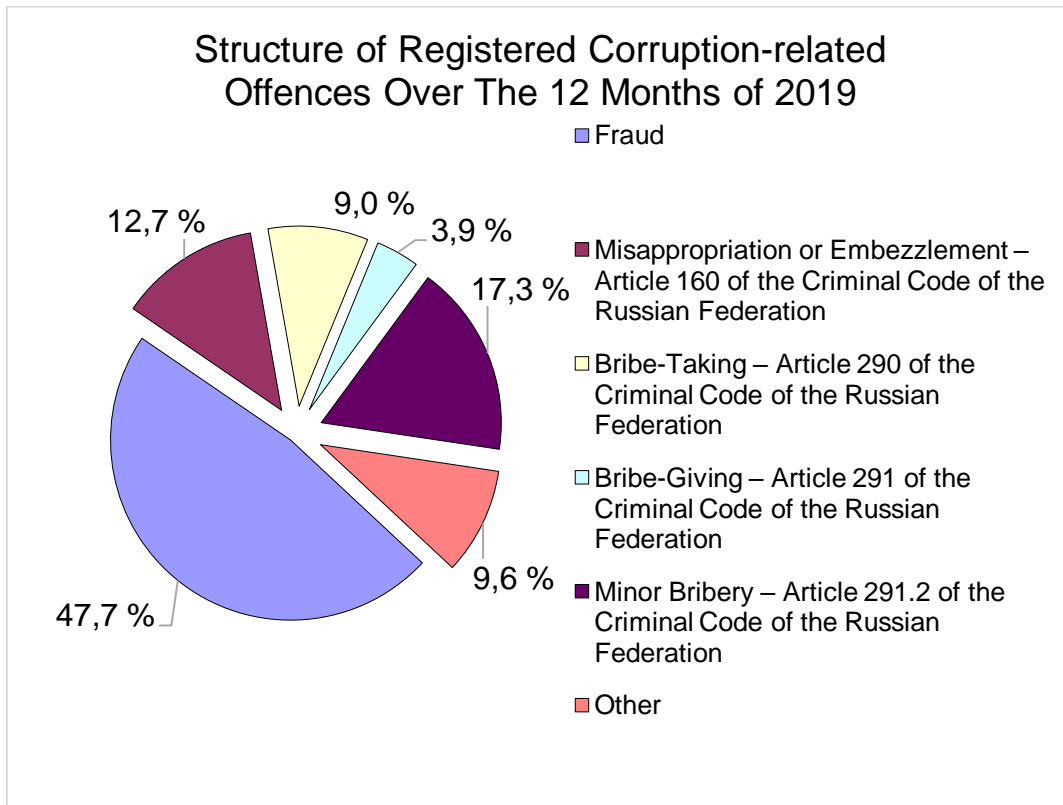


Figure 1
Structure of corruption-related offences over the 12 months of 2019

It is not a coincidence that Presidential Decree of April 1, 2016, "On the National Anti-Corruption Plan for 2016-2017" prescribes disseminating in cooperation with the mass media the positive experience of combating the attempts of corruption pressure by individuals and institutions of civil society (clause 21).

The priorities of public councils established under government authorities and engaged in the administration of the social sphere focus on streamlining their interaction with civil society, engaging the public and social structures in the discussion and working out solutions concerning state policies and regulations in their respective domains.

Note that Federal Law of December 25, 2008, "On Countering Corruption" defines anti-corruption efforts as activities of the federal authorities, authorities of the federal subjects of the Russian Federation, municipal authorities, civil institutions, organisations and individuals within their scope of competence (clause 2 of Article 1). The above regulation clearly marks the trend toward engaging civil society in anti-corruption efforts and, definitely, within the respective domain of competence. In particular, civil institutions could lead the anti-corruption awareness agenda in various humanitarian forms.

A crucial point here relates to creating the regime of zero-tolerance for corruption and ensuring the maximum engagement of socially active individuals to contribute to anti-corruption efforts in various forms. This is how it operates in many foreign countries and particularly in Germany. According to L. R. Khairutdinova, "individual engagement in anti-corruption efforts in Germany is understood not in terms of direct involvement in addressing

the problem but rather as individual engagement with various social development problems"².

E. g., F. V. Fetiukov points out that "currently, the interaction between the state and civil society takes two main steady directions, that is, the engagement of individuals and non-government organisations in the implementation of public functions by public authorities and provision of public services"³.

That the above problem cannot be resolved by the sole engagement of the state is also indicated in several regulations of anti-corruption laws. E. g., Federal Law of December 25, 2008, "On Countering Corruption" sets forth that one of the principles in countering corruption is cooperation between the state and civil society (clause 7 of Article 3). Meanwhile, Federal Law of July 17, 2009, "On Anti-Corruption Expertise of Regulations and Draft Regulations" proposes that a key principle in setting up the anti-corruption expertise of regulations and draft regulations should be the cooperation of state authorities and officials with civil society (clause 5 of Article 2).

The emergence of various organisational forms of civil society in Russia embodies the growing influence of citizens on public authorities and the development of certain elements of democracy in the country. As follows from the Constitution of the Russian Federation, the bearer of sovereignty and the only source of power in the Russian Federation is its multinational people (Article 3). One form of citizen participation in public administration is joining up in civil institutions and joint engagement, together with the state, in addressing urgent social problems.

Currently, public position in assessing the performance of state authorities and administration is of special importance. The Internet serves as a ground for individual blogging and reviewing the performance of government officials, particularly as they perform their roles in the social sphere. Many citizens are no longer "afraid" of the authorities and accordingly have taken to constructive criticism, as they put forth proposals and demand resignations from socially important state structures where an official fails to perform.

Considering that, take note of the notion of interaction as it appears in legal science with regard to the discussed problem.

Interaction in anti-corruption efforts refers to both direct and indirect influence exerted by various subjects of anti-corruption efforts, specifically local authorities and civil society, over each other and the social environment to achieve a common goal of mitigating corruption in the social administration system⁴.

² L. R. Khairutdinova, *Sravnitel'naya kharakteristika vzaimodeistviya institutov grazhdanskogo obshchestva s organami vlasti subektov Rossiiskoi Federatsii v sfere protivodeistviya korruptsii i funktsionirovaniya obshchestvennogo kontrolya v FRG i ee federalnykh zemlyakh. Protsessualnye, kriminologicheskie, ugovovno-pravovye problemy otvetstvennosti za tyazhkie i osobo tyazhkie prestupleniya v Rossii i Germanii* (Kazan, 2013).

³ F. V. Fetiukov, *Vzaimodeistvie gosudarstva i grazhdanskogo obshchestva (teoretiko-pravovoe issledovanie): author's abstract of dissertation* (Ekaterinburg, 2016).

⁴ P. A. Kabanov, "Nekotorye formy vzaimodeistviya institutov grazhdanskogo obshchestva s organami mestnogo samoupravleniya v oblasti protivodeistviya korruptsii", *Administrativnoe i munitsipalnoe pravo* num 5 (2012): 5.

Specifically, these include "activities of federal government authorities and law enforcement agencies within their scope of competence to prevent and fight corruption and mitigate and (or) eliminate the consequences of corruption-related offences"⁵.

Thus, interaction, wherever it may occur, is a concerted action of various subjects as may be agreed in terms of timing, place, forms and methods aimed at a particular goal. Efficient interaction in anti-corruption efforts in the social sphere between state authorities and civil society would require a regulation to govern the regime of such interaction based on Standard Regulations of Interaction of Federal Executive Bodies approved by Order of the Government of the Russian Federation of January 19, 2005.

Methods

Such regulation should determine the forms and methods of interaction in anti-corruption efforts between state authorities and administration and civil society.

Interaction between civil society and state authorities is definitely no guarantee of a complete resolution of the corruption problem in the social sphere but it may provide certain positive results. As some researchers point out, interactions do not only lead to positive outcomes but potentially may entail unfavourable side effects, failures and negative consequences. What is crucial is that interactions should be understood by the subjects involved as cooperation for mutually beneficial results⁶.

As mentioned above, addressing the problem of corruption in the social sphere is in the best interests of both the state and society. Notably, even despite the urgency of this problem, the issues of countering corruption are not ubiquitous on the agenda of civil institutions but are only a focus in some cases. Civil institutions providing assistance to law enforcement agencies in the mechanism of anti-corruption efforts in the social sphere can be approximately grouped as follows: political parties; professional unions; trade associations; self-regulatory organisations; creative alliances; civil initiative institutions; ad-hoc protest institutes; religious organisations.

Each type to a degree interacts with law enforcement agencies and oversight authorities in countering corruption in the social sphere. However, as law researchers reasonably observe, "the mechanism of anti-corruption efforts is still underutilising the social potential of civil society. State authorities and administration primarily focus on the legal and material aspects of anti-corruption efforts, while civil institutions would not often consider countering corruption as their statutory objective. Meanwhile, overcoming this social evil is an objective in both cases. This calls for a refocusing of the activities of all social institutions in programmes and papers"⁷.

⁵ S. N. Budai, "Voprosy organizatsii vzaimodeistviya federalnykh organov ispolnitelnoi vlasti s pravookhranitelnyimi organami v sfere protivodeistviya korruptsii", Politseiskaya deyatelnost num 5 (2011).

⁶ A. P. Ipakian y K. S. Gevorkian, Vzaimodeistvie kak upravlencheskaya kategoriya, in: Aktualnye problemy sovershenstvovaniya deyatelnosti shtabnykh podrazdelenii OVD (Moscow, 1998).

⁷ T. A. Edkova; O. A. Ivaniuk y lu. A. Tikhomirov, Uchastie institutov grazhdanskogo obshchestva v borbe s korruptsiei (Moscow, 2013).

Results

The quality of interaction between law enforcement and oversight authorities with civil society still leaves much to be desired despite the visible progress and this results from a range of organisational problems of such interaction. One principal problem is that a majority of the population shows no confidence in state authorities and administration and specifically law enforcement agencies. Russian citizens do not see any special efforts from state authorities in addressing the problem of corruption. Quite many people quite reasonably consider some officials from state authorities and administration to be corrupt figures only imitating anti-corruption efforts by uncovering and punishing their disgraced and exposed corrupt peers. However, it is not the only problem in interactions between law enforcement agencies and oversight authorities with civil society in countering corruption.

Generally, "civil society and the media in coordination with state authorities and administration could educate the public and primarily the younger generation to assume an anti-corruption mindset and infuse in the mass conscience democratic values and priorities incompatible with corruption. Civil society and the media identify and expose the facts of corruption in all spheres of public life, which effectively constitutes control over the operation of all state authorities and administration.

T.Ia. Khabrieva reasonably points out that "the model of relations between the state and society in countering corruption should incorporate the following elements:

- anti-corruption agents: state and municipal authorities, international bodies and organisations, human rights commissioners, public unions and organisations (professional unions, the media, self-regulatory organisations, etc.), business community, individuals and legal entities;

- object and subject of anti-corruption efforts engaging state and public institutions. The object of anti-corruption efforts comprises social relations in preventing corruption, while the subject comprises specific actions in effecting law enforcement decisions aimed at countering and preventing corruption;

- principles of interaction between state and public institutions in anti-corruption efforts (objectivity, impartiality, equity, integrity, systemic approach, responsibility);

- performance criteria of the interaction between the state and civil society in countering corruption with a primary focus on the level of protection of citizen rights and freedoms, integrity of the officials, effectiveness of public control, etc.;

- end results of state and civil institutions in countering corruption in terms of the adoption of appropriate practical decisions or development of theoretical recommendations"⁸.

The above elements of the model should be fully and thoroughly taken into account in the interactions of law enforcement agencies and oversight authorities with civil society in anti-corruption efforts in the social sphere. Other forms of cooperation between the state and civil society are also identified in the literature on law. E. g., K. M. Komarova describes the forms of interaction as follows: development of the institute of public expertise; civil

⁸ T. Ia. Khabrieva, *Korruptsiya: priroda, proyavleniya, protivodeistvie* (Moscow, 2012).

participation in the work of specialised anti-corruption agencies; civil participation together with state authorities in anti-corruption efforts, etc⁹.

One of the most effective forms of interaction between the state and civil society in anti-corruption efforts is information assistance provided to state authorities regarding the facts of corruption and misuse or waste of budget funds. To advance this type of interaction, it may be useful to bring it under the public-private partnership regime in countering corruption.

Public-private partnership in countering corruption in the social sphere is a promising form of interaction between the state and civil society. It would be reasonable if Federal Law of July 13, 2015, "On Public-Private Partnership, Municipal-Private Partnership in the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation" stated that public-private partnership, municipal-private partnership were a formal arrangement for a specified term based on the combination of resources and distribution of risks concerning the cooperation of a public partner, on the one hand, and a private partner, on the other hand, effected under an agreement of public-private partnership or municipal-private partnership signed under applicable laws to attract private investment into the economy and to facilitate the state and municipal authorities in ensuring the accessibility and better quality of goods, works and services and countering corruption in the economy.

According to T. Ia. Khabrieva, the model of interaction between the state and civil society in countering corruption includes "the structures of public and municipal government; the media; public organisations; professional alliances and unions; public movements; political parties; the business community. Notably, the latter is an integral part of civil society. This community participates in activities on countering corruption by engaging in discussions of draft regulations and proposing and pursuing initiatives concerned with the problem"¹⁰.

Accordingly, it should be seen as a welcome development that the Anti-Corruption Charter of Russian Business was adopted upon the initiative of the Russian Union of Industrialists and Entrepreneurs.

It is clear that today, amid the rapid development of civil society, comprehensive efforts should be put into the development of a system of control over educational institutions; prompt response is needed where there are signs of buying and selling diplomas and certificates of secondary education, paying for getting a pass at an exam and other signs of grassroots corruption in the education system. Quite apparent is the need for interaction between law enforcement agencies with pedagogical staff and for anti-corruption programmes at educational institutions. Pedagogical staff competent in their respective domains of knowledge are not necessarily aware of the legal implications of wrongdoings. Here, educating them to assume positive responsibility is equally important as with youth¹¹

⁹ K. M. Komarova, Sotrudnichestvo gosudarstva s institutami grazhdanskogo obshchestva, mezhdunarodnymi organizatsiyami i fizicheskimi litsami – kak odin iz osnovopolagayushchikh printsipov protivodeistviya korruptsii, in: Ugolovno-pravovye problemy protivodeistviya korruptsii (Vologda, 2013).

¹⁰ T. Ia. Khabrieva, Korruptsiya: priroda, proyavleniya, protivodeistvie... 345.

¹¹ Report on efficiency of anti-corruption measures in the Russian Federation and participation of civil society in anti-corruption policies for 2013 (Moscow, 2013).

However, pedagogical staff are unlikely to engage in such cooperation with law enforcement agencies given modest pay levels. It is also hardly likely that there would be any meaningful effect of anti-corruption programmes at educational institutions when the level of wealth among pedagogical staff is rather modest. Problems now exist with the quality of education, which reflects in the level of civil development and intellectual potential of the society.

Specific analysis is warranted whether there needs to be a dedicated legal procedure for considering individual or institutional applications reporting facts of corruption-related acts among government and municipal officials, municipal institutions and organisations under their control along the lines as follows:

- statutory reporting to the prosecutor's office and other law enforcement and oversight authorities upon the receipt of an application;
- statutory reporting to higher authority (officials) upon the receipt of an application;
- conducting an internal investigation on each application, for which the respective results potentially provide the grounds for appointing an internal investigation against an official;
- expanding the institute of internal investigation to span officials at state and municipal institutions and organisations and other private businesses performing public functions;
- where the application is found unjustified and no grounds can be recognised for applying liability, investigation materials on the application must be sent to the prosecutor's office and higher authorities (higher official);
- the applicant reporting facts of corruption-related acts should be provided legal protection against persecution by the officials concerned. Such person, where the reporting shows no signs of libel, should have guarantees of further normal course of professional engagement or service without additional investigations¹².

The above conclusions of the Public Chamber are quite interesting and can inform the development of tools of administrative law in countering corruption.

Discussion

There are some specifics in regulations of administrative law in countering corruption in the social sphere. The effectiveness of anti-corruption efforts depends on the complex of tools of administrative law in countering corruption engaged by law enforcement authorities. Federal Law of December 25, 2008, "On Countering Corruption" institutes some of these tools, with a primary focus on administrative prevention measures. However, law enforcement practices often engage tools of criminal law in countering corruption and underestimate the potential of administrative law in this respect. Consequently, anti-corruption efforts are not very effective. Note also that anti-corruption efforts are now concentrated at federal, regional and municipal authorities, while social and cultural institutions and organisations are often sidelined.

¹² T. A. Edkova; O. A. Ivaniuk y lu. A. Tikhomirov, Uchastie institutov grazhdanskogo obshchestva...
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As we already mentioned repeatedly, this particular segment of social administration is especially vulnerable to corruption pressure. Therefore, anti-corruption efforts should start at the basic level of social administration, as it is territorial institutions and organisations of the social sphere that everyone repeatedly comes across over their lifetime. Specifically, these institutions should be free from corruption a priori.

Corruption-related offences in the social sphere should constitute aggravation of guilt both for the corrupt person and the corrupter, so that these offences should entail more stringent administrative and criminal liability, without excluding disciplinary and administrative liability which should apply notwithstanding the former two. What is needed to properly understand the essence and danger of corruption-related offences in the social sphere and administrative anti-corruption measures is a comprehensive analysis of the causal complex of corruption delict in the social sphere. Countering various forms of corruption is not sufficient; the causes and conditions determining and "facilitating" it in a particular historical period have to be eliminated.

In healthcare and education, one of the key causes for corruption remains the relatively modest pay levels among the employees in the respective structures, as well as the lack of proper control from the administration and other oversight authorities. The effectiveness of tools of administrative law in countering corruption in the social sphere depends directly on precise targeting of the causes and conditions determining corruption. In particular, arranging video surveillance and audio recording at medical and educational institutions would help to bring down the number of cases of corruption, however, it will not eliminate the problem. Modest pay levels among considerable ranks of medical and pedagogical staff will, unfortunately, "stimulate" them to look for ways to engage in corruption-related offences without fear of losing their roles.

Conclusions

Mitigating corruption in Russia could be facilitated by the adoption of best practices of openness of state authorities. He also pointed out that the oversight authority led by him would be the auditor of openness of ministries and agencies.

Russia now faces the problem of the efficiency of public administration and corruption growth. If we successfully combine the potential of civil society with state oversight, adopt the global best practices in the area of open data, we will reduce corruption by at least 50%.

Three steps would be required:

The first step is to ensure full and reliable departmental databases. Today ministries do not comply with the legislation on openness. The Accounts Chamber will become the auditor of the openness of ministries and agencies; a review has to be conducted to check the quality of databases, they are impossible to work with.

The second step is to use "plain language" in all laws and drafts. We had good experience when draft laws were presented for discussion. Today, five or six laws get adopted every day which even lawmakers are not very familiar with.

The third step is an open dialogue. Feedback must assume various forms. It is reasonable to introduce KPIs reflecting the contribution of siloviki (security agencies) in

Russia's economic growth. According to him, security agencies should share responsibility for actions that may influence national development. Sociological data indicates that more than half of entrepreneurs in the country do not trust the judicial system and more than a third do not believe in its independence and objectivity.

Certainly, law enforcement and oversight authorities, as well as top educational and healthcare regulators should understand the essence of the mechanism of administrative law and apply the tools of administrative law in countering corruption in each case of corruption-related offence. To expose various forms of corruption, the respective authorities should actively interact with civil institutions that are now the main source of information regarding facts of corruption in the social sphere.

The representatives of civil society, in cooperation with law enforcement agencies and educational staff, could be tasked with comprehensive anti-corruption awareness and mass education campaigns for healthcare, pedagogical, housing and utility staff, social security workers, staff engaged in environmental protection and other crucial spheres. Everyone should be aware of the danger of corruption in all forms and should avoid any instances of corruption-hit relations. Meanwhile, the state should focus its efforts on eliminating the legal and organisational causes and conditions perpetuating corruption-related offences in the social sphere.

References

Budai, S. N. Voprosy organizatsii vzaimodeistviya federalnykh organov ispolnitelnoi vlasti s pravookhranitelnyimi organami v sfere protivodeistviya korruptsii. Politseiskaya deyatelnost num 5 (2011).

Edkova, T. A. y Ivaniuk, O. A., Tikhomirov, Iu.A. Uchastie institutov grazhdanskogo obshchestva v borbe s korruptsiei. Moscow. 2013.

Fetiukov, F. V. Vzaimodeistvie gosudarstva i grazhdanskogo obshchestva (teoretiko-pravovoe issledovanie): author's abstract of dissertation. Ekaterinburg. 2016.

Ipakian, A. P. y Gevorkian, K. S. Vzaimodeistvie kak upravlencheskaya kategoriya, in: Aktualnye problemy sovershenstvovaniya deyatelnosti shtabnykh podrazdelenii OVD. Moscow. 1998.

Kabanov, P. A. "Nekotorye formy vzaimodeistviya institutov grazhdanskogo obshchestva s organami mestnogo samoupravleniya v oblasti protivodeistviya korruptsii". Administrativnoe i munitsipalnoe pravo num 5 (2012): 5.

Khabrieva, T. Ia. Korruptsiya: priroda, proyavleniya, protivodeistvie. Moscow. 2012.

Khairutdinova, L. R. Sravnitel'naya kharakteristika vzaimodeistviya institutov grazhdanskogo obshchestva s organami vlasti subektov Rossiiskoi Federatsii v sfere protivodeistviya korruptsii i funktsionirovaniya obshchestvennogo kontrolya v FRG i ee federalnykh zemlyakh. Protseessualnye, kriminologicheskie, ugovovno-pravovye problemy otvetstvennosti za tyazhkie i osobo tyazhkie prestupleniya v Rossii i Germanii. Kazan. 2013.

Komarova, K. M. Sotrudnichestvo gosudarstva s institutami grazhdanskogo obshchestva, mezhdunarodnymi organizatsiyami i fizicheskimi litsami – kak odin iz osnovopolagayushchikh printsiptov protivodeistviya korruptsii, in: Ugolovno-pravovye problemy protivodeistviya korruptsii. Vologda. 2013.

Report on efficiency of anti-corruption measures in the Russian Federation and participation of civil society in anti-corruption policies for 2013. Moscow. 2013.

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