

## **ANTI-CORRUPTION ENFORCEMENT IN LOCAL GOVERNMENTS OF RUSSIA**

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### **Abstract**

Corruption is a crime and delinquency system affecting the foundations of the state structure. Corrupt practices are known to all without exception states for hundreds of years. Researchers all over the world note the negative impact of corruption on the economy, social sphere, people's confidence in public authorities. But now the public authority in democratic countries has its own levels. Thus, the closest to the population level is the level of local government. But this sphere is not insured from corruption. At the same time, anti-corruption enforcement, because of its global nature (the fight against corruption begins at the international level), concerns the level of the municipality last. The present study is devoted to anti-corruption enforcement at the local level, which is certainly new to science. The purpose of the study is to offer methods of anti-corruption enforcement at the local government level. The work is based on a wide range of methodological principles (objectivism, legality, reliability, validity) and specific methods: technical method, analysis of legislation, researches and law enforcement practice, comparison, forecasting. The feature of the conducted research is an unusual conclusion on the causes of corruption at the local level. The authors proceed from the fact that corruption crimes are committed not only by officials, but also by municipal employees. The activity of the last is regulated by various regulatory legal acts, including administrative provisions of providing municipal services. However, existing legislation does not consider the municipal administrative provisions as acts containing corruptogenic factors (norms), so concerning them carrying out mandatory anti-corruption expert examination is not provided. The municipal employees use administrative provisions of providing municipal services in their activity, they provide their implementation and help applicants to meet their primary needs, local officials are often given a wide extent of discretion, which creates the possibility of corruption violations of the law. The study concluded that the development of a unified, more balanced than the existing procedure of elaborating and approval of administrative provisions of providing municipal services by local governments can prevent corruption among municipal employees.

**Keywords:** Local governments, anti-corruption enforcement, municipal services, municipal employees, administrative provisions of providing municipal services, anti-corruption expert, examination

## **1 INTRODUCTION**

Corruption is a common problem for many countries, or rather to say that where there is a state, sooner or later, there is corruption. Currently, it has become one of the main destabilizing factors that threaten the national security of Russia, both at the federal level and at the level of local government.

Corruption is frequent, both in public authorities and local government authorities. This fact is confirmed by quite frequent demission and criminal prosecution of heads of municipalities and heads of local administrations, which occur in the process of anti-corruption enforcement. The danger of corruption, as well as encompassing all levels of public authorities make this sphere of research relevant and important both for science and for the practice of law.

The authors believe that corruption manifestations are especially dangerous at the municipal level. All most important issues of sustainment of the population are resolved right here. Therefore, the necessary conditions are openness and publicity of local authorities, interaction with citizens (Kudryavtsev, Mikheeva & Mikheev, 2016, p. 1919). The scientists also indicate the availability of information on the activities of the local government as a factor of trust of citizens to the bodies of municipal authority (Mikheev, Dudko & Mikheeva, 2015, p. 41-42). Corruption in this sphere does not only undermine confidence to the level of government closest to citizens, but also causes alienation of the population. However, it is not enough to think about the corruption, to analyze the practice of anti-corruption legislation, it is necessary to develop proposals for the prevention of corruption crimes among local governments. It is the purpose of the present study.

It is inconsistently to believe that corrupt misdeeds inherent only to officials. The work of local government is provided by a large number of municipal employees who are guided not only by the federal and regional legislation, but also various municipal legal acts. The authors believe that most corruptogenic sphere in municipal relations is municipal services. Municipal services satisfy primary needs of citizens, that is why a degree of population's satisfaction with such services is one of the means of independent estimation of authority's activity at the local level (Yakhina, Yaichnikova & Mikheeva, 2015, p. 60). In this sphere there are two subjects: the person who wishes to obtain any benefit from the municipality (for a fee or free of charge) and the local government represented by officials or municipal employees involved in the provision of municipal services. Herewith, the second subject is vested with public authorities, which immediately puts him in a more advantageous position compared to the first, such situation in its pattern is corruptogenic. At the same time, the researchers are turning to the field of anti-corruption enforcement not often, especially in terms of corruption prevention in the actions of municipal employees in the provision of municipal services. However, the authors believe that the scope of work is not less important than others, so turned to the issues of the relationship of such area of municipal relations as providing municipal services, municipal service and anti-corruption enforcement. This is a new and modern scientific research of such order.

## **2 METHODOLOGY**

The methodology of this study is the principles of the use of specific methods of scientific research and the actual collection of the methods used. The authors relegate objectivism, legality, reliability, validity to the methodological principles. Objectivism is intended to protect the subjective views of the authors on the phenomena, reliance on confirmed facts and formally expressed and promulgated sources. The principle of legality provides the research basis on the current legislation and official practice of its application. Reliability implies the possibility of any and every sources-driven used by the authors, to delve into the subject of research, and to check the correctness of the findings. Justification means support inferences derived from studies on the normative legal acts, law enforcement practice and legal doctrine.

Methods used in the study are as follows: technical method, analysis of legislation, researches and law enforcement practice, comparison, forecasting. In particular, the technical method was used in the study of the problems of legal confirmation of municipal employees' status, the definition of normative legal acts regulating the providing municipal services and elements of the anti-corruption policy in municipalities. The comparative legal method was used in the study of views on corruption by different researchers and their relation to the legal regulation. Forecasting was used in the formulation of proposals for improving the legal regulation of the sphere of interest.

## **3 LITERATURE REVIEW**

Vsevolod I. Vasiliev gives an interesting statistics published by RF General Prosecutor in his work "Combating corruption and local government": total, in order to correct the deficiencies of the law on state and municipal service and anti-corruption enforcement the procurators of the Southern Federal District of the

Russian Federation have brought more than 2.1 thousand protests, made over 3.5 thousand representations, after that 3.7 thousand officials were brought to disciplinary responsibility. At the request of procurators 712 people were punished administratively, 1061 statements were directed to the courts." These data confirm the systemic corruption and ineffectiveness of measures to prevent such violations (Vasiliev, 2012, p.5).

The practical value has the work by Salavat F. Rakhimov, who adduces specific anti-corruption measures that are embedded in local government bodies of the subject of Russia, the Republic of Tatarstan: "Firstly, a unified system of state financial control over the use of budgetary funds of all levels has been formed. Secondly, mandatory anti-corruption expertise of normative legal acts and their projects was included in the practice of the municipalities since 2007. The examination is conducted by independent experts that have passed the accreditation of the Ministry of Justice of Russia. In the republic a number of activities aimed at assisting independent experts have been carried out: training sessions on issues of anti-corruption expertise; on the internet on the republic's government portal a section of all projects of normative legal acts was set up what greatly simplifies the access of experts to the documents. Thirdly, in order to reduce corruption risks within the framework of administrative regulations of providing state and municipal services the transfer of the most popular services to an electronic form is almost completed. It is a new stage in the development of the Portal of state services the emergence of the "People's Control" function, where anyone can report bugs or problems in the region, including corruption. All requests are processed and forwarded to the relevant departments (Rakhimov, 2012, p. 89-90).

Costin Yu.V. says about the need of a legal examination of normative legal acts in the area of anti-corruption enforcement too. Also, the author notes the negative impact of corruption on economic development of the country (Kostin, 2012, p. 6).

On ways to prevent violations of anti-corruption legislation by municipal employees reflects Irina P. Tchikireva. The researcher believes a significant factor in the prevention of corruption is moral denouncement and disciplinary responsibility in the form of dismissal in connection with loss of confidence. (Tchikireva, 2013, p. 131)

Elena N. Pyasetskaya notes that most corruptogenic sphere at the local government level is municipal services, so preventive measures to combat this socially negative phenomenon should begin from that institution (Pyasetskaya, 2015, p.2).

Corruption is not only a problem of the Russian society, so this issue is also reflected in the works of foreign authors.

So, M. Latham, like the Russian researcher Costin Yu.V. notes that corruption strikes not only state, but also country's economy (Latham, 2015, p. 1038). Fiscal decentralization as a way of combating corruption is considering by O. Kwon, noting that this method is effective only in developed countries (Kwon, 2013, p. 544).

Of interest is the approach by Martin Dufwenberg and Giancarlo Spagnolo, according to which the payment for public services represents a shift of bribes from the illegal into the legal form. Corruption constraining factors in such system become mandatory reporting and high fines for violation of anti-corruption legislation. (Dufwenberg, Spagnolo, 2014, p. 837).

## **4 RESULTS AND DISCUSSION**

Municipal Service Institute in Russia has found its legal consolidation in the Federal Law of March 2, 2007 N 25-FZ "On Municipal Service in the Russian Federation." The article 12 of this normative legal act lists the responsibilities of the municipal employee. Specific anti-corruption measures, with the exception of penalties in this legal act does not provide, however, in the law there is a set of reference rules to the law on anti-corruption enforcement, including: Model Code of ethics and official conduct of civil servants of the Russian Federation and municipal employees, endorsed by the Presidium of the Presidential Council for Anti-corruption enforcement of 23 December 2010 (Minutes N 21), Federal law of December 25, 2008 № 273-FZ "On Combating Corruption" and the federal law "On the control for the accordance of expenses of persons holding a public office, and other persons to their income." (Federal Law, 2007).

However, in none of these legal acts the activity of municipal employees providing services to interested parties is considered as increasing the corruption. Curiously enough, the legislation itself, which regulates the procedure of the provision of municipal services, does not find this sphere corruptogenic.

Thus, the Federal Law of 27.07.2010 № 210-FZ "On the organization of providing public and municipal services" secured the procedural requirements to the provision of municipal services, the guarantee to the applicants, the responsibilities of public authorities and their officials, established a legal act, which regulates the indicated sphere of relationship - administrative provision (Federal law, 2010).

At the same time, to all the normative legal acts existing in the territory of Russia, and even to their projects it is made one common claim - lack of corruptogenic components (factors).

According to Paragraph 2 of Article 1 of the Federal Law of 17.07.2009 № 172-FZ "On the anti-corruption expertise of regulatory legal acts and drafts of regulatory legal acts" corruptogenic factors are provisions of normative legal acts (draft regulations) which are establishing for the law enforcer unjustifiably wide extent of discretion or the possibility of unjustified use of exceptions to the general rules, also regulations containing vague, intractable and (or) the burdensome requirements for individuals and organizations, thus creating conditions for corruption (Federal law, 2009).

The question about corruptogenic factors is not left unattended in subordinate legal acts. Thus, a numerous clauses of corruptogenic factors is assigned in the methodology for conducting anti-corruption expertise of normative legal acts and drafts of normative legal acts, approved by the Russian Federation Government of 26.02.2010 № 96 (Resolution of the Russian Government, 2010).

The same Resolution approved the Rules of the anti-corruption expertise of normative legal acts and drafts of normative legal acts, according to which the examination is carried out with respect to different categories of acts, among which there have been marked out the statutes of municipalities and municipal legal acts on amendments to the statutes of municipalities - when their state registration (Resolution of the Russian Government, 2010).

Curiously enough, administrative regulations of local governments in the above list are not included. However, these acts like no other affect the rights, freedoms and duties of man and citizen, and regulate the behavior of municipal employees and officials of local government in cooperation with the applicant.

For anti-corruption enforcement in the provision of municipal services, the authors suggest the need to introduce in the legal usage of the two types of measures: legislative and organizational. Legislative measures include changes of the Russian law suggested by the authors. Firstly, it is necessary to include in Paragraph 1 of Article 12 of the Federal Law of March 2, 2007 N 25-FZ "On Municipal Service in the Russian Federation" subparagraph 12 "to comply with the administrative regulations of providing municipal services in the interaction with the applicants."

Organizational measures suppose the transferring of municipal services in the area of information technology: the provision of municipal services in electronic form, as well as the introduction of simple electronic reporting forms of municipal employees about the activities of providing municipal services under the condition of obligatory publication of such reports in the "Internet" with the possibility of further public comment.

## **5 CONCLUSIONS**

Improving modern legal instruments of combating corruption at the local level is possible only with the close cooperation of science, law-making and enforcement. As long as there is a system of interaction between "people-good-people", the risk of corruption will be saved, however, any negative phenomenon can be prevented. In our opinion, the current Russian law demonstrates a breakthrough in this area over the past 15 years: the regulation of municipal services, the regulation of providing municipal services, changes in the criminal law. However, taking into account the changing needs of society, the law enforcement practice, the existing order requires constant modernization. The organizational and legislative proposals expressed by the authors, as it follows from the literature review, have been successfully tested on the territory of one region of Russia and are now offered to the consolidation at the federal level. Analysis of the enforcement of the proposed by the author's changes of the Russian law could become the topic of the next not less promising research.

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