

ANTI-CORRUPTION EDUCATION: ISSUES OF LEGAL REGULATION

EDUCAÇÃO ANTICORRUPÇÃO: QUESTÕES DE REGULAMENTAÇÃO LEGAL

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Received: 05 Mar 2023

Accepted: 07 Jul 2023

Published: 15 Jul 2023

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Abstract: Based on national and international experience, the authors of the article study some debatable issues regarding anti-corruption education and the promotion of global anti-corruption measures. They consider international initiatives to combat corruption and Russia's participation and national experience in organizing anti-corruption education implemented by institutions of higher education. The authors present the framework of the academic discipline "Legal regulation of combating corruption in professional activities" aimed at the formation of anti-corruption competencies.

Keywords: Corruption. Anti-corruption. International legal regulation. Anti-corruption education.

Resumo: Com base na experiência nacional e internacional, os autores do artigo estudam algumas questões discutíveis relacionadas à educação anticorrupção e à promoção de medidas globais anticorrupção. Eles consideram as iniciativas internacionais de combate à corrupção e a participação da Rússia e a experiência nacional na organização da educação anticorrupção implementada por instituições de ensino superior. Os autores apresentam a estrutura da disciplina acadêmica "Regulamentação legal do combate à corrupção em atividades profissionais", que visa à formação de competências anticorrupção.

Palavras-chave: Corrupção. Anti-corrupção. Regulamentação jurídica internacional. Educação anticorrupção.

1. Introduction

At present, countering corruption in all spheres of public administration is one of the most important tasks for the development of any state (Al-Mutairi et al., 2019). Almost 20 years ago, the issue of corruption was addressed at the highest international level. The introduction to the United Nations Convention against Corruption adopted on October 31, 2003 by Resolution 58/4 at the 51st plenary meeting of the 58th session of the UN General Assembly states the following:

Corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation to prevent and control it essential” and “A comprehensive and multidisciplinary approach is required to prevent and combat corruption effectively. (United Nations, 2003).

We cannot but agree with such a statement of the current situation and clarify that the issue of corruption has not been resolved or even localized despite the fact that almost 20 years have passed since the adoption of this international act. However, most world powers do not distance themselves from international cooperation in the field of combating corruption and take all necessary measures to combat it in various areas: election (Spencer & Theodoridis, 2020), public procurement (Jones, 2021), human protection (Peters, 2018; Reyes, 2020), the separation of powers (Da Ros & Taylor, 2021; Johnston, 2005), etc.

International organizations have become key actors in the fight against corruption: their role in the management of anti-corruption processes has been studied in relation to the UN and regional systems for human rights protection (Reyes, 2020), the International Monetary Fund (IMF) (Reinsberg et al., 2020), etc.

Corruption is an extremely negative social phenomenon that occurred simultaneously with the emergence of the first states and the laws accompanying them at all stages of formation and development. Corruption is often compared with a disease, and the state resembles an organism attacked by cancer, social plague, etc. Its multifaceted and heterogeneous nature is not limited to bribery (Singh, 2021):

Activities include bribery, extortion, rent-seeking behavior, cronyism, patronage, nepotism, embezzlement, graft and engagement with criminal enterprises. However, patronage, nepotism and gift giving are frequently viewed in many Asian and African cultures as acceptable practices that promote efficiency and smooth relationships. (p. 1).

In relation to the topic of this article, it can be stated that since no one (scientists, politicians, and practicing lawyers) refutes the wide scope, complexity, and transboundary nature of corruption the measures taken to counter it should be systemic and aimed at prevention and suppression of illegal acts and bringing the perpetrators to legal responsibility. Consequently, we fully agree with K.E. Davis:

There are three general ways in which law enforcement agencies might respond to these forms of corruption: an enhanced effort (“big push enforcement”), get more agencies involved (“institutional multiplicity”), and win over the general public by confront powerful actors using tactics such as communication strategies (“political engagement”). (p. 15).

Although Davis gives preference to the power methods in this triad, this approach alone cannot combat corruption. No less attention in the systemic fight against corruption should be given to preventive measures, especially anti-corruption education based on humanitarian, religious, and cultural values. Many scholars around the world share this opinion (Mukri & Baisa, 2020).

2. METHODS

Based on the systematization and analysis of international acts in the field of combating corruption and their application, as well as recommendations developed as part of anti-corruption measures in 2021-2022, we studied the experience of leading institutions of higher education teaching anti-corruption disciplines and constructed a modular structure of the academic discipline “Legal regulation of combating corruption in professional activities” aimed at the formation of anti-corruption competence, i.e., systematized knowledge about the legal framework of anti-corruption policy and the practice of combating corruption in the international sphere and in the sphere of national law and skills and abilities of independent analysis of legal acts necessary for sustainable anti-corruption legal awareness and behavior and development of motivation for anti-corruption behavior in professional activities.

The methodological foundations of the study were as follows: a systematic and holistic approach to political and legal phenomena to consider them as systems that have not only internal but also external connections; a sociological approach to law, its study in action and evolution (functioning); a comparative-legal approach, including the exchange of information at

the level of global legal science and the search for new parameters to compare phenomena of the legal reality in various countries.

3. RESULTS ANDS DISCUSSION

Despite the difficult epidemiological situation in the world associated with the COVID-19 pandemic, anti-corruption issues are still of the highest concern.

In June 2021, the UN General Assembly held a Special Session on Corruption and presented a Political Declaration on its results “Our Common Commitment to Effectively Addressing Challenges and Implementing Measures to Prevent and Combat Corruption and Strengthen International Cooperation” (United Nations General Assembly, 2021). The document enshrines the measures that have been developed in recent years and have had a positive impact on the situation, namely: anti-corruption education and scientific research, including the participation of the International Anti-Corruption Academy (Clause 66 of the Declaration), the use of information technologies for the purposes of combating corruption (Clause 68 of the Declaration), improving approaches to the collection and study of statistical data (Clause 80 of the Declaration), etc.

In October 2021, the Anti-Corruption Action Plan for 2022-2024 and some other documents were approved at the G20 Leaders’ Summit. As stated in the Summit Communiqué:

We reaffirm our commitment to zero tolerance for corruption in the public and private sectors and to achieving common goals in the global fight against corruption, we adopt our 2022-2024 Anti-Corruption Action Plan. We will further strengthen our engagement with other stakeholders such as academia, civil society, the media and the private sector, and will continue to promote their important role and active participation in this field. (G20 Anti-Corruption Working Group, 2021).

From December 13 to 17, 2021, Sharm El Sheikh (Egypt) hosted the 9th session of the Conference of the States Parties to the UN Convention against Corruption, which set the international anti-corruption agenda for the coming years (United Nations, 2021). In addition, the subject of anti-corruption education gained momentum. Thus, within the framework of the Resolution initiated by Russia, the States Parties are recommended to: take measures to ensure anti-corruption education among a wide range of citizens; include anti-corruption issues in curricula for all levels of education (from schools to universities) and additional professional education programs for persons responsible for combating corruption and for public officials

whose functions are associated with increased corruption risks (for example, participating in public procurement), as well as teacher training programs; expand the use of modern technologies for the purposes of anti-corruption training and education, in particular, online courses; promote comprehensive interdisciplinary research on corruption, including those devoted to the analysis of corruption risks during the COVID-19 pandemic and gender aspects of corruption; continue the exchange of experience, in particular, during the panel discussion scheduled for 2022 within the regular sessions of the Intergovernmental Working Group on the Prevention of Corruption on the best practices and problems in the field of anti-corruption education and research, etc. (United Nations General Assembly, 2021).

The conference was preceded by an Anti-Corruption Workshop for University Lecturers on the fight against corruption. The agenda addressed the application of anti-corruption information and communications technologies and the introduction of relevant topics into higher education curricula. It also referred to a biannual Anti-Corruption Academic Symposium (the 3rd Anti-Corruption Academic Symposium), contributing to the dissemination of positive experiences in anti-corruption education and research. Last year, the symposium focused on measuring corruption, using new technologies to combat corruption offenses, and increasing public confidence in the state.

Increased attention to anti-corruption education has been a global trend in the international anti-corruption agenda in recent years. Previously, this topic was initiated under the Russian BRICS Presidency in 2020 and transited to the agenda of the Indonesian G20 Presidency in 2022.

In 2022, the agenda of international anti-corruption initiatives was expanded during the following G20 Leaders' Summit. The G20 High-Level Principles on strengthening the role of audit in the fight against corruption were approved. At the regional level, there are such events as the 4th session of the Conference of the States Parties to the Arab Anti-Corruption Convention (ACCC), which determined the mechanisms for monitoring the implementation of this convention and intensifying joint actions of the Arab states; the 38th meeting of the Committee of Experts of the Inter-American Convention against Corruption (IACAC); conference on the implementation of the principles of good governance and the fight against corruption in African countries.

The importance of anti-corruption education is also highlighted in “White Paper 3: Fight against Corruption” developed by the French branch of the International Law Association (ILA) in 2023. This document is concerned with modern challenges in the field of combating

corruption and possible ways to overcome them (International Law Association (French Branch), 2023).

These materials analyze modern international challenges in the field of corruption and ways to overcome them. In particular, the factors contributing to the development of corruption are considered, including a) inefficient law enforcement caused by the lack of political will and material and human resources and insufficient coordination of actions of state bodies, including in international cooperation; b) narrow perception of corruption only as bribery and, consequently, the lack of an integrated approach in combating corruption; c) improper regulation of the return of assets in the jurisdiction from which they were withdrawn as a result of criminal activities; d) non-transparent official statistics on the results of combating corruption, leading to an underestimation of the level of corruption in the state.

To overcome the influence of these factors on the effectiveness of combating corruption, ILA experts propose the following areas of activity: strengthening interstate cooperation; increasing openness (transparency) of the activities of public bodies and organizations; improving preventive anti-corruption measures; combating money laundering; involving all parties, including civil society institutions, in the fight against corruption; anti-corruption education; taking measures to resolve conflicts of interest; increasing the role of international organizations in national anti-corruption activities.

What is the current state of anti-corruption legal regulation and anti-corruption education in Russia?

In Russia, there is a well-formed legal framework for combating corruption which includes regulatory and legal acts of various levels in terms of legal force and jurisdiction: the Constitution, specialized laws, national plans and strategies. Unfortunately, no legal (enshrined in the federal law) definition of anti-corruption education exists. Some constituent entities of Russia are trying to close this gap. Thus, Clause 2 of Article 5 of Law of the Belgorod Region of May 7, 2010 No. 338 “On Combating Corruption in the Belgorod Region” (as amended on September 3, 2021) introduced the following concept of anti-corruption education:

Anti-corruption education is a purposeful process of training and education in the interests of the individual, society, and state based on additional general and professional educational programs implemented in educational organizations to form an anti-corruption worldview, raise the level of legal awareness and legal culture, as well as train and retrain specialists of appropriate qualifications. (Belgorod Regional Duma, 2010).

We believe that this definition can be a basis for making appropriate amendments to the federal legislation on combating corruption which should be supplemented with a specialized glossary that describes the legal content of such concepts as anti-corruption monitoring, anti-corruption propaganda, etc. (Turanin et al., 2019).

We believe that the key goals of anti-corruption education are as follows: a) forming an anti-corruption worldview; b) raising the general level of legal awareness and legal culture; c) training and retraining specialists of appropriate qualifications.

In 2019-2023, an undoubted achievement of the Russian legislation was the fact that the federal state standards of higher education in various areas of training and specialties included relevant competencies aimed at developing a civic position and an intolerant attitude towards corruption among students. This initiative clearly complies with the latest recommendations of the United Nations on the anti-corruption agenda. Moreover, the Order of the Ministry of Labor of the Russian Federation of August 8, 2022 No. 472n “On approval of the professional standard “Specialist in the field of preventing corruption offenses” was adopted. The document came into force on January 3, 2023 and established requirements for basic knowledge, skills, level of education, and other characteristics of relevant anti-corruption professionals.

To form appropriate anti-corruption competencies, the main educational programs for training specialists should comprise (or modernize existing) academic disciplines aimed at acquiring systematic knowledge about the legal foundations of anti-corruption policy and the international practice of combating corruption in the field of national law and skills and abilities of independent analysis of legal acts necessary for the formation of sustainable anti-corruption legal consciousness and behavior. They should also be aimed at developing motivation for anti-corruption behavior in professional activities (Kirillova et al., 2016) and obtaining and improving the competencies necessary to fulfill the anti-corruption requirements for specialists provided for by the current legislation.

Law students in constituent entities of Russia have been mastering various anti-corruption disciplines for many years. Thus, students at the Law Institute of the Belgorod State National Research take such disciplines as “Anti-Corruption in the State and Municipal Service”, “Anti-Corruption in Law Enforcement Agencies”, “Legislation on Counteracting Corruption in the Russian Federation”, and “Legal Regulation of Conflicts of Interest in Official Activities” and demonstrate a high level of anti-corruption competencies.

In the foreseeable future, it is recommended to introduce a special discipline “Legal regulation of combating corruption in professional activities” into the educational process of non-legal specialties (traditionally characterized as corruptogenic: medical, pedagogical, economic, or managerial). Indeed, one can try to form anti-corruption competencies through the study of such a discipline as “Jurisprudence” but, given the relatively small number of hours allocated for this discipline and the complexity of such a phenomenon as corruption in all its manifestations and modifications, sooner or later the state will realize the need for full-scale anti-corruption training and retraining.

We would like to say a few words about how we see the structure of this new discipline. We propose to provide training on a modular rating approach and divide all information into three main modules: 1) corruption as a social and legal phenomenon; 2) anti-corruption legislation; 3) combating corruption in professional activities. Due to the interstate nature of corruption, we believe that special attention should be paid to the training of transnational, bilingual lawyers who specialize in the legal systems of several states. They are simultaneously integrated into transnational communities and meet the requirements of the global market (Erie, 2019). This can be done during the training (retraining) of specialists within joint interstate educational programs.

4. CONCLUSION

To sum up, we would like to emphasize the importance of anti-corruption education at all levels of general and additional education for children, youth, and adults. Corruption is an environment that citizens feed. Therefore, the future development of individual states and the world community depends on the atmosphere of intolerance to corruption formed in society.

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