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### **The anticorruption efforts: historical aspects**

The article considers the historical aspects of the fight against corruption as a social phenomenon, which is characteristic for the state of any historical epoch. The concept and the basic forms of corruption are studied in this article, its manifestation in different historical epochs. Different approaches to corruption in different countries are revealed at different stages of development of the state. The article identifies the main varieties of corruption in modern conditions and identifies the main areas of fighting against this phenomenon.

*Key words:* corruption, historical development, forms of corruption, anti-corruption direction.

In modern conditions the fight against corruption is actual, because for many years there has been carried out the fight against this phenomenon. However, history shows that this phenomenon is accompanied by the state for many years, almost since the inception of the state and to our time. Corruption is usually considered as the use of powers and rights entrusted to the officials, as well as the related authority of official status, opportunities, contacts for personal gain, contrary to the laws and moral norms. Corruption is also called the bribery of officials, their venality, which is typical of the mafia. A characteristic feature of corruption is the conflict between the actions of the official and the interests of his employer, or the conflict between the actions of elected officials and the public interests. Many forms of corruption are similar to the fraud committed by an official, and are classified as crimes against the state. Corruption may be subject to any official with discretionary power — power over the distribution of resources not owned by him but in his sole discretion [1]. Thus, any venal action of person who has the ability to control not their own resources is seen as a corruption offense. That is, the use of power for other purposes. This approach can be seen as a broad understanding of corruption or understanding of corruption in everyday life, its meaning in a broad sense. In the present conditions, various abuses of officials, may not apply to corruption offenses or crimes. If we start from a broad understanding of corruption as the abuse of power in general, it can be argued that since ancient times the power and corruption were inseparable, because throughout history the evolution of the state and the evolution of corruption have evolved parallel, i.e. various abuses by officials.

For the first time humanity was faced with the phenomenon of corruption in the most ancient times, its existence is confirmed by numerous written monuments of bygone eras. Two of the oldest set of laws known to mankind, the Code of Hammurabi (Babylon, 2200 BC) and the Edict of Narmaba (Egypt, 1200 BC), referred the bribery to the offenses and prescribe for it the most severe penalties. For example, §5 of the Law of Hammurabi states that if the judge reviewed the case, made a decision and produced a document with a seal, and then changed his decision, this judge should be exposed in the change of his decision, which he made, and the claimed amount of this case, he shall pay in the twelfth rate; in addition, on the court meeting he should be banished from his judge seat and he won't have the right to go back and sit with the judges in the court [2; 18]. The ancient Indian treatise on statecraft «Arthashastra» (IV century BC) emphasizes that the most important problem facing the king, is the fight against embezzlement. There were described 40 ways of embezzlement of government property in this treatise, and it concluded that it is easier to guess the way the birds in the sky than clever tricks of officials. «Just as it is impossible to discern whether the fish is drinking water floating in it, it is impossible to determine whether the property is assigned to officials, who carry out the oversight of the affairs». The main means of fighting against the embezzlement becomes surveillance. The informer received a share of property confiscated from a person convicted for malfeasance [3; 78]. With similar issues were faced and the rulers of ancient Egypt. Documents, which were found during the archaeological research, evidenced the mass manifestations of corruption in Jerusalem in the period after the Babylonian captivity of the Jews in the 597–538 BC.

The issue of corruption is found in the biblical texts. Moreover, many authors wrote about its presence and danger. For example, in one of the books of the Bible, The Book of Wisdom of Jesus son of Sirach, father teaches his son: «do not be a hypocrite in front of the mouth of the other, and be mindful of thy mouth... do not let thy hand be stretched out to take... Do not do evil, and you will not suffer evil; depart from iniquity, and it will depart from you... Do not covet to become a judge, not to be powerless to crush the truth, so as

not to fear a strong person and do not put a shadow on the correctness of your...» [4; 314]. It is easy to notice that the very nature of the instruction indicates that the Bible Society was quite familiar with the facts of bribing the judges and unfair justice.

The ancient times didn't avoid the appearance and flourishing of corruption, when corruption was considered rather ambiguously. This is indicated by scholars of Roman law, who gave a lot of attention to research of this problem. It seems, that Niccolo Machiavelli researched its origins very comprehensive, according to him the term «corruption» had got own legal form [5; 107]. Characteristically, that many of his views on this issue is very relevant today. Suffice it to recall his likening of corruption with tuberculosis, which was initially difficult to recognize, but it is easier to treat, and if it is running, «although it is easy to recognize but hard to cure» [6; 137]. Seemingly simple truth is able to assess the current situation with the spread of corruption in the world.

Since the days of the Ancient near East and Ancient China, there was a common practice that later in medieval Russia was called «feeding». The gist of it was that a high official appointed by the governor of a region, and his entire subordinate unit did not receive a state salary and lived on the so-called voluntary offerings of the population, i.e., they took money from applicants for their services quite legally. And it was not only the money — in the reports of officials of that time, there was frequent mention of honey, meat, fish, wheat, i.e., those, who didn't have money, could pay the barter. Up until the 1760s, among the inhabitants of the provinces, there was the custom to «feed» their «own officials» in the four major holidays: Christmas, Mardi Gras, Easter and St. Peter's Day. In this case, the extent of the robbery of the population determined by the customs, and the violation of the «norms» could cause an uprising. In other words, the population itself regulated permitted by custom the extent of the robbery. For us it is noticeable, the fact that the «feeding» had become a custom and was regulated by the custom. As you know, the practice of «feeding» was officially canceled in the middle of the XVI century, but this did not led to the elimination of it in practice. The government revenue of Russia at that time did not allowed to have regularly paid officials unit, and the salaries of officials (even governors) were paid irregularly, reduced in size, and the like, which inevitably galvanized the system of «feeding» and offerings. Moreover, by this time, corruption had gained a lot of other forms — bribery, extortion, staging attacks of robbers, etc. The efforts of the government to eradicate corruption were minimal and inconsistent, and therefore had no success. «Feeding» had become part of the national mentality as an element of management culture. The works of many Russian scientists and historians such as V.N.Tatischev, N.I.Kostomarov, V.O.Klyuchevskii, N.M.Karamzin, and others, dedicated to the history, formation and development of the Russian state, the term «corruption» is not used, the attention of researchers was usually paid to the measures to fight the bribery. In Russian corruption is historically associated with the term «extortion» and «bribery». The explanatory dictionary of V.I.Dahl gives the following interpretation of bribery and corruption: to bribe — take gifts, offering, bribes; be venal person. In our land the bribery corresponds to the custom. The bribery — a strong disposition towards corruption. Bribery — fees, offerings, gifts, goodies, brings pecks, baksheesh, swag, kickback, or a gift to the official, in order to avoid embarrassment, or bribe him to the illegal affair. Oppressor — greedy extortionist, grafter [7; 121]. Bribery is mentioned in Russian chronicles in the XIV century. So, bribes, or as it was called in the past «promises» — compensation from the person, who is interested in the outcome of a case, as a kind of crime was mentioned in the Pskov Judicial Charter (XIV century), which had a special article about the «promises» (the Art. 48). According to the text of this article, there was prohibited the imposition of secret promises, and bribe-taker charged with robbery. Over time, the bribery became the abuse among officials — services execution for a bribe without breaking the law, extortion — accepting a bribe for acts, which violates the law. Statutory limitation of corrupt practices was undertaken by Ivan III, and his grandson, Ivan the Terrible introduced the death penalty as punishment for «excessive in bribes». In 1550, was created by a set of laws — Sudebnik. It first introduced the punishment for corrupt of officials — ranging from small office attendants — clerks, ending with the boyars. Specificity of feudal law is that the punishment for the boyars, decided to do wrong, for «promises» (bribes) were much softer than for clerks [8; 36, 37].

Since the end of the XVIII century, in the West, in the relations between corruption and society came the turning point. Liberal reforms took place under the slogan that the state exists for the benefit of the people subservient to it, and therefore people maintain the government in exchange for strict observance of the laws by the officials. In particular, according to the US Constitution, adopted in 1787, accepting a bribe is one of the two explicitly mentioned crimes for which the President of the United States may be declared impeachment. Society began to influence on the service of the state unit. With the strengthening of the political parties and government regulation, episodes of collusion of the political elite and big business began to cause

growing concern. However, the level of corruption in developed countries over the XIX-XX centuries had decreased in comparison with the rest of the world.

A new stage in the evolution of corruption in developed countries was a turn of the XIX and XX centuries. On the one hand, the beginning of the next greater state regulation and, accordingly, the government officials. On the other — large private business was born, that in the competition began to «state capture» — not to the individual small episodic bribery of officials, but to the direct submission of politicians and senior officials to the protection of the interests of capital. With the growth of importance of political parties in developed countries (particularly in Western Europe after the Second World War), there was developed party corruption, when for lobbying of interests large firms and multinational corporations paid not to politics but to the party's fund. In the second half of the XX century, corruption was increasingly beginning to become an international problem. Bribing senior officials abroad by corporations had a mass nature. Globalization led to the fact that corruption in one country became a negative impact on the development of many countries. In this case, the country with the highest level of corruption is not confined to the third world. Liberalization in the former socialist countries in the 1990s accompanied by flagrant abuse of power. In its issue on December 31, 1995 the newspaper «Financial Times» declared the year 1995 — the «year of corruption.» The United Nations considers corruption as «complex social, cultural and economic phenomenon that affects all countries», without giving a more detailed explanation of the term. It is noteworthy that even the text of «United Nations Convention against Corruption» does not contain a definition of against what are called to fight the participating countries. However, this is due to the fact that the phenomenon of corruption is too complex and multifaceted to be able to provide a comprehensive and at the same time sufficiently detailed definition. To promote knowledge of the corruption of the UN established the International Day of fight against corruption — the 9. of December. At the end of the century, unfortunately, it must be noted that the concept of position is a state service as an opportunity to enrich one is very common in the public consciousness. That is why there is corruption everywhere. Thus, the importance of defining the stages in the evolution of corruption is necessary for the development and improvement of the legal means of preventing and fighting against corruption in the public service. According to V.A. Vantsov, «the study of per iodization of the modern concept of corruption is not only a better understanding of the etymology of corruption, improving the legal definition of this concept in national and international law, but allows you to see the new trends in the social assessment of the phenomenon» [5; 107].

There are different types of corruption. Common corruption generated by the interaction of citizens and officials. It includes a variety of gifts from individuals and service to officials and their families. This category also includes nepotism. Business corruption occurs in the interaction between business and government. For example, in the case of a commercial dispute, the parties may seek to enlist the support of a judge for judgment in their favor. Corruption is the supreme power belongs to the political leadership and the supreme courts in democratic systems. It concerns those in power groups, misconduct of which is to implement the policy in their own interests to the detriment of the interests of the voters. As a variety of deviant political behavior, political corruption has been known since ancient times. Perhaps the first term «corruption» in relation to the policy was used by Aristotle, defining tyranny as corrupt (wrong, «spoiled») form of monarchy. Machiavelli wrote about it, Russo and many other thinkers of the past. In the XX century, due to increasing of scale of political corruption, this problem became particularly important. In the base of political corruption is an informal, uncontrolled exchange of resources between power elites and other institutions of society. At the disposal of the ruling elite are the following main types of public resources: the symbolic (the national anthem, flag, coat of arms and other signs of state symbols); power-administrative and material (state control over the economy, tax policies and others.). Not all types of political corruption are defined by law as criminal acts. It is a publicly condemned the behavior of those in power, which may or may not involve a criminal act.

In the Soviet Union the fight against bribery was very successful from the very beginning, when Bolsheviks came to power, the attitude towards bribery sharply deteriorated in the nation thanks to the competent policy of the rulers. However, gradually, the situation began to deteriorate, and in the postwar years, during perestroika and after, the growth of corruption came to the weakening of the state machine. Thus, the current state of corruption is largely due to emerging trends and long transitional phase, which in other countries in a similar situation, accompanied by the growth of corruption.

In broad terms, corruption is the direct use of the official rights associated with official's position for personal gain; venality, corruption of officials and politicians. In a narrower sense, corruption is generally understood as the situation where a person receives a wrongful decision, from which benefits any other party (e.g., the firm receives a state order, contrary to the established procedure), and the official receives illegal

remuneration from this side. A typical situation where an official is obliged by law to take a definite decision with respect to any entity (for example, to grant a license to any type of business), it creates artificial illegal barriers than compels his client to bribery, which usually happens. This situation corresponds to the traditional notion of corruption, because it is associated with the giving and the adoption of a bribe.

Corruption may be classified according to many criteria: by type of interacting subjects (citizens and clerks, and officials of the company, the nation and the political leadership); by type of benefit (profit or cost reduction); in direction (internal and external); by way of interacting entities, the degree of centralization, predictability, consistency and so on. Different manifestations of corruption have different ethical evaluation: some actions are considered criminal, others just immoral. The latter, as a rule, are nepotism and patronage, which are based on political orientation that violate the principle of meritocracy.

Throughout the history of bribery, it traditionally existed in several forms; originally it was a bribe, received for lawful acts or for wrongful ones. Then it began to appear other gradations and forms of corruption. Nowadays, the most typical and common forms of corruption are bribery, bribery of government and political leaders, officials, and other illegal protectionism. Fertile ground for corruption are the nationalization of public life, society and the state bureaucracy, excessive centralization of management, the prosperity of the shadow economy, rejection of real democracy, etc. Particularly widespread character corruption gets in crisis situations during the disintegration of social and political regimes, the fall of public morals, as well as during sudden changes in policy, while strengthening the fight against bribery.

There are several forms of corruption: lower (small, everyday); higher (large, elite). The most common and most dangerous corruption in the government, the corruption related to the use of administrative resources (political corruption, which may act in the form of lower corruption — a bribe for the registration of the enterprise, and in top shape — the use of administrative resources for the «right» election results). In addition to the inefficient use of material and financial resources, political corruption leads to discreditation of democratic values, to increasing of non-confidence to the authorities. One of the manifestations of elite corruption is lobbying or party funding by individuals, who receive compensation as a useful political decision (such as changing the laws for a more comfortable business). Should be distinguished the lobbying from corruption. When lobbying, officer also uses his powers to improve the chances for promotion or reassignment on the job ladder in exchange for actions in the interests of a particular group.

The difference is that lobbying satisfies three conditions:

- The process of influencing the official is competitive in nature and follows the rules, which are known to all participants;
- There is no secret or side payment;
- Customers and agents are independent from each other in the sense that no group receives a share of the profits earned by other groups [9; 71].

However, some researchers believe, that lobbying is only part of the corruption [10]. The most dangerous forms of corruption are the criminal offenses. These primarily include embezzlement (embezzlement) and bribes. Embezzlement is the waste of resources entrusted to the official with personal purpose. It differs from a conventional theft that initially the person is entitled to dispose by resources legally, from the chief, client, and so on. A bribe is a kind of corruption, in which the actions of an official are to provide any service to the person or entity in exchange for certain benefits. In most cases, if a bribe is not the result of extortion, the main benefit from the transaction receives the briber. The criminal offenses also include the purchase of the vote (although some believe it is not a form of corruption and unfair view of the election campaign). Corruption is often a pretext for incitement to violent change of government. In this case, the charges are often imposed not only to particular political elite, but also to the political system as a whole. According to Oscar Sanchez Trias, authoritarian regimes are able to successfully hide the vast majority of abuses of power from the society, so the conclusion of their corruption is based on the analysis of indirect evidence and harmful consequences for society. On the contrary, corruption in democratic regimes often gets a lot of publicity and stops before it starts to cause significant damage. However, periodic scandals cause people to doubt their ability to influence the process of decision-making in the country and leads to disillusionment with democracy [11].

Means of fight against corruption are divided into two types — preventive or soft methods and reactionary or harsh methods. The soft methods include, for example, training, personal policy (rotation) and organizational and cultural development, as well as certain controls. The harsh methods include laws and punishment. In the fight against corruption different countries use different methods. So, for this purpose are de-

signed television and radio programs, social campaigns, training courses, information to the public, legal acts of corruption research, information booklets, additions to the laws and so forth. The most Western European laws, which regulate anti-corruption activities, are similar to a large part. One of the greatest fighters in the field of punishment for corrupt acts and the appointment of punishment for them is OECD Working Group on combating the bribery. Its aim is to ensure that the briber won't not go unpunished in the same state, if in the neighboring state the punishment is very severe. They also try to make sure that similar requirements are used in all countries for the officials.

Different authors classify the phenomenon of corruption on various grounds. They distinguish lower (small every day, common) and the higher (large, elite, and political). It should be noted that the developed corruption relations exist in modern Kazakhstan society. It's those people who provoke corruption offenses, and those people on whom depends the distribution of any material or other benefits. It is possible to consider corruption in a broad sense — common understanding and synthesis of the majority of abuse by persons, who distribute or influence the distribution of any material or non-material benefits. Another understanding of corruption — legal, this is a definite act or omission by a person, who is the subject of a specific offense under the legislation. Both phenomena are interrelated and common or broad understanding of corruption, determines the legal definition in the legislation. A clear position to which method to fight against corruption is the most productive, does not exist. The same methods are not necessarily suitable for different cultures. At the same time it is well known that freedom of the media, the availability of the necessary information, etc. are prerequisites for reducing corruption.

To date, there are three main areas of anti-corruption:

- Formation in the public mind the unacceptability of corruption at all levels and in all situations;
- Prevention of corruption by officials and state servants as the principle of implementation of public functions;
- The protection and ensuring the rights and freedoms of human and citizen as the supreme value of the modern constitutional state.

In modern conditions it should be recognized that the work against corruption without effective interaction between state institutions and civil society institutions is impossible. Important components of the fight against corruption are developed and active civil society institutions, which together with the independent media should realize social control over all spheres of public authorities and state servants. Such interaction will effectively reduce corruption manifestations at all levels of government.

## References

- 1 Материал из Википедии — свободной энциклопедии. Коррупция // [ЭР]. Режим доступа: <https://ru.wikipedia.org/>
- 2 Акимова Н.В. Истоки коррупции и особенности борьбы с ней в России XIV–XVII веков // История государства и права. — 2008. — № 8. — С. 17–19.
- 3 Акимова Н.В. Коррупция в России: история и современность // Юридический мир. — 2008. — № 12. — С. 78–80.
- 4 Библия. Сирах. 1, 29, 4, 9. — 644 с.
- 5 Ванцев В.А. Этапы развития понятия «коррупция» // Современная уголовная политика в сфере борьбы с транснациональной организованной преступностью и коррупцией. — Москва-Иркутск, 2008. — С. 107–118.
- 6 Макиавелли Н. Сочинения. — Милан, 1954. — 337 с.
- 7 Даль В.И. Толковый словарь русского языка. Современная версия. — М.: Наука, 2000. — 487 с.
- 8 Кобрин В.Б. Иван Грозный (История Москвы: портреты и судьбы). — М.: Норма-Инфра, 1989. — 336 с.
- 9 Jain A.K. Corruption: a review // Journal of Economic Surveys. — 2001. — Vol. 15, No. 1. — P. 71.
- 10 Заграевский С.В. О возможных способах борьбы с коррупцией в России // [ЭР]. Режим доступа: <http://www.zagraevsky.com/corruption.htm>
- 11 Триас Санчес Оскар. Предисловие // Основы борьбы с коррупцией (системы общегосударственной этики поведения) / Под ред. С.В.Максимова. — М.: Норма, 1999. — 234 с.

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## Сыбайлас жемқорлыққа қарсы күрес: тарихи аспектілері

Мақалада кез келген тарихи кезеңдегі мемлекетке тән әлеуметтік құбылыс ретіндегі сыбайлас жемқорлықпен күрестің тарихи аспектілері қарастырылды. Сыбайлас жемқорлықтың түсінігі және түрлері, оның әр түрлі тарихи кезеңдегі көріністері зерттелді. Мемлекеттіліктің қалыптасу кезеңдеріндегі көптеген елдердегі сыбайлас жемқорлықтың алуан түрлі көріністеріне қатысты көзқарастар талданды. Сыбайлас жемқорлықтың көріністерінің негізгі түрлері және бұл құбылыспен күресудің негізгі бағыттары көрсетілді.

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## Борьба с коррупцией: исторические аспекты

В статье рассматриваются исторические аспекты борьбы с коррупцией как социальным явлением, характерным для государства любой исторической эпохи. Исследуются понятие и основные виды коррупции, её проявления в различные исторические эпохи. Раскрываются разные подходы к коррупционным проявлениям в различных странах на разных этапах развития государственности. В статье определяются основные разновидности коррупционных проявлений в современных условиях, а также основные направления противодействия этому явлению.

### References

- 1 <https://ru.wikipedia.org/>
- 2 Akimov N.V. *History of State and Law*, 2008, 8, p. 17–19.
- 3 Akimov N.V. *Yuridicheskiy mir*, 2008, 12, p. 78–80.
- 4 *Bible. Sirach*. 1, 29, 4, 644 p.
- 5 Vantsev V.A. *Modern criminal policy in the fight against transnational organized crime and corruption*, Moscow-Irkutsk, 2008, p. 107–118.
- 6 *N.Machiavelli's writings*, Milan, 1954, 337 p.
- 7 Dal V.I. *Dictionary of Russian language. The modern version*, Moscow: Nauka, 2000, 487 p.
- 8 Kobrin V.B. *Ivan the Terrible (History of Moscow: portraits and fate)*, Moscow: Norm-Infra, 1989, 336 p.
- 9 Jain A.K. *Journal of Economic Surveys*, 2001, 15, 1, p. 71.
- 10 Zagraevsky S.V. *Possible ways to fight corruption in Russia*, <http://www.zagraevsky.com/corruption.htm>
- 11 Trias Oscar Sanchez. *Basics fight against corruption (system-wide ethical behavior)*, Ed. by S.V.Maximova, Moscow: Norma, 1999, 234 p.