Foreign Experience of Formation of Anti-Corruption Strategies

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ABSTRACT

Corruption is the main obstacle on the way toward state's economic and political growth. Corrupt practices are one of the oldest forms of crime that arose with an appearance of nationhood. Nowadays, corruption harms the economies of developing countries that are undergoing a process of an economic model transformation. Kazakhstan is among these countries. In order to form an effective policy to fight against corruption in Kazakhstan, it is necessary to study and generalize the experience of developed and developing countries. This paper studies the attitude of society towards manifestations of corruption, on the example of the countries of Asia, Africa, Europe and Latin America. Scientific researches on the problem of corruption practices were considered in the article. Corruption is the main limiting factor on the way toward reforming the state. At this time, social movements counteract corruption in developing countries. This article summarizes the problems of corrupt practices in developing countries, which would help to develop an effective program to fight against corruption in further researches.

Introduction

The concept of "corruption" from the point of view of commonplace sense tends to be broadly interpreted. The legal interpretation has special features that allow differentiating corruption from other related concepts. Such duality of approaches to understanding the seriousness of corruption has its socio-economic, political, legal, historical and cultural origins (Rose-Ackerman & Palifka, 2013; Guerber, Rajagoplan & Anand, 2016). For centuries, the civilizational processes, transforming from local to global, introduced their particular understanding of corruption by the society (Jain, 2012; Robinson, 2012; Persson, Rothstein &

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Teorell, 2013). However, as criminologists of different scientific schools set, the genesis of corruption in relation to the different countries and continents has many similar traits and characteristics. The nature of corruption, regardless of language, religion, race of titular ethnic group, economic, political and legal foundations of the state system and other components which are characteristic for the society, has enough similarities, that allows to speak about the inevitability of a passage through the corruption for any public institution (Galtung, 2013; Ge et al., 2014; Komekbayeva et al., 2016).

Studies on the history of state and law give evidences that the initial stage of formation of corruption by its content characteristics, motivation of decisions and corrupt practices, and circumstances contributing to the commission of acts of corruption are the same in all countries. Thus, there are objective reasons connected with the processes of nationalization initially formless society (Doig, 2013; Kwong, 2015; Johnston, 2014). The most important characteristics of the state, among others, are the unity of language and territory. This fact leads to the formation of the interests and aspirations, allowing to realize these interests on the basis of understanding of each other, to institutionalize relations developing between individuals, and with the development of the superstructure elements – between individuals and institutions of the state.

The process of transformation of corruption from a single relationship between the subjects into the socially important phenomenon - a social phenomenon, i. e. phenomenalization of corruption occurred almost in parallel with formation, establishing and development of nationhood (Bai et al., 2013; Lambsdorff et al., 2015; Niehaus & Sukhtankar, 2013). The appearance of such a coherent organizational concept as "state" is pure and simple the greatest socio-economic, historical, cultural and political-legal phenomenon. The processes of phenomenalization of corruption were carried according to given inherent parts of the process of phenomenalization of state.

The study of different countries' experiences in the fight against corrupt practices would help to create an effective policy to combat corruption schemes in Kazakhstan, where the level of corruption remains at a significantly high level.

Aim of the Study

Consider the world experience of fight against corrupt practices

Research questions

How does corruption affect the socio-political and socio-economic models of society?

Method

Scientific works on philosophy, sociology, psychology, economics, and general theory of law were used as the methodological basis of the study. We used the methods of logic and system analysis, historical and legal, comparative and legal analysis.

Dialectical and metaphysical methods and principles of knowledge that allow to reveal a subjects of study in their integrity and continuous development, identify their axiological and praxeological aspects were used in this work. In order to achieve the aim of the study, a systematic, structural and functional and activity approaches were used.

Data, Analysis, and Results

Historians dateline first mentions about corruption historians to XXIV century AD. The study of ancient Babylon archives suggests that corruption was assessed by a society as exclusively negative phenomenon for nearly four and a half thousand years ago (Lambsdorff et al., 2015).

The first signs of the formation of public entities represented by treasurers, inspectors of public works, tax collectors, judges, etc. had already been burdened by the negative impact of corrupt officials of the ancient states. This is one of the most important characteristic of corruption, preserved up to this day: corruption is closely connected with the official position of corruptionist.

Along with the development and acceleration of civilization processes, states had become more and more isolated, differences in the preferences in the system of the institutional complex began to show, filled with new ideas about proper and arrant, desirable and possible, universal and privileged, sufficient and excess and so on (number of pairs of categories can be extended). Isolation of states, shown with different depth and severity in different countries, has led to an increase in forms of corruption, but the essence of corruption has remained the same.

Society evaluation of corruption as socially significant phenomenon that prevents the progressive development of social relations is expressed in the statements of the great thinkers of the past. Thus, ancient Greek philosophers Plato and Aristotle (IV century BC) believed that corruption manifestations are political acts, as they impinge on the economic foundations of the state. Italian public figure of Niccolo Machiavelli (XV century) defined corruption as a disease of society, leading to its destruction. At the same time, N. Machiavelli acknowledged a certain contradiction, which on the one hand consists of glorifying the Roman Republic as the only true from the point of view of state structure, where there is no room to lawlessness. On the other hand, in his treatise "The Prince", Machiavelli claimed that the governor could ignore the norms of morality, if his actions are guided by concern for the prosperity and power of the state. Later, the behavior, which is characterized by the achievement of an intended purpose by any means, including illegal, became known as Machiavellianism. Machiavellianism, gone beyond the bounds of the "prince" behavior, became a cover, an ideological shield for corruptionists. French thinker Charles-Louis Montesquieu (XVII century) estimated corruption as a dysfunctional process that destroys the structure of the political and social order (Lambsdorff et al., 2015).

There is any state in the world that would be free of corruption signs in public administration, economic and political spheres of society. The differences consist in the degree of their prevalence by corruption.

Criminologists' attempts, aimed at the formulation of a relatively universal indicators, usage of which would identify the most vulnerable areas of social relations in all countries of the world, followed by the development of effective anti-corruption measures, have given the results, some of which are following:

- the universalization of indicators is possible based on the division of countries into groups according to similarity of significant indicators: the level of development of social relations; form of state structure and government; belonging to a particular legal system; impact of national cultural traditions on the public consciousness; population structure on ethnic, national and linguistic grounds (monoethnic states are more stable

and consistent in the preservation of cultural traditions; polyethnic states tend to create conditions for the development of more sophisticated forms of corruption); geographic location; climatological conditions; economic foundations; political preferences, etc. Relevant indicators are universal conventionally, since their usage is effective only for a specific group of countries with the abovementioned matching common indicators;

- the will of the ruling elite of the state, apriori publicly expressed as a rejection of corruption should match with the content and nature of taken decisions and actions. If there is a considerable distance between proper and arrant, the risk of sliding back to Machiavellianism will become rampant;
- the implementation processes should be reasonably limited taking into account states' belonging to different groups, to which different packages of universal indicators can be applied. In other words, what is effective in China with its billionth population is detrimental to Kazakhstan with its population, which barely exceeds 16 million people, accounting for about a sixty-third of the population of China;
- the high level of corruption offenses latency does not allow fully reveal their true proportions, the nature of its damage with exhaustiveness, and as a consequence – to develop a set of really effective countermeasures.

The global civilizational processes reveal specific manifestations of corruption, equally acceptable for determining the degree of society infestation by corruption in any state. Thus, corruption is divided into the following types: political, economic, elite (with the participation of the public administration); in non-governmental organizations; in international organizations; low-level (or vertical).

It is common to distinguish some of the most striking models of the formation and development of corruption in the current context. Each model is based on a similarity of the system of differential characteristic for the corresponding groups of countries. These models include Asian, African, Latin American, European systems. Asian model is characterized by the social attitude to corruption as customary phenomenon, due to cultural tradition and economic necessity, acceptable to the whole structure of government and all social groups. Within this model, corruption is not perceived as an illegal phenomenon and often regarded as an attribute of state's functioning. African model differs in the way, that there prevails clannish approach, whereby the power is being sold to a group of basic economic clans, who arrange among themselves on the division of spheres of influence and control, and then, through the usage of policies and resources, keep these spheres and ensure the reliability of their existence and functioning. For Latin American model, it is important to determine the most powerful and influential shadow sectors of the economy, as well as crime bosses. At the same time, these two illegal vectors are in a constant state of rivalry and competition not between themselves, but between the public sector and legal political actors. Criminologists believe, that in such a manner a "nesting doll" is being created, where the top shell is a state with all the accoutrements of power, and under it – a criminal formation, illegal shadow "state", claiming to occupy key positions in the political and economic fields of life and activity of the country. Regarding the European model, the synthesis of the previously mentioned models is observed here, which is associated with a variety of reasons for local properties. This model is characterized by a sharply negative and uncompromising attitude of the society to any manifestations of corruption.

According to these models, countries of the corresponding groups develop their strategy of fight against corruption.

Asian model of formation and development of corruption and the attitude of society towards its manifestations

The countries representing the Asian model of development of corruption include India and China as the most corruption affected countries (Kwong, 2015). Population, which exceeded a billion in each of them, as well as the possibility of their inclusion to mono-ethnic entities unite these two countries. However, differences are much more significant. There are economic situations, belonging to different forms of state structure and government, different cultures and traditions, different standards of living.

In general, the population of India and China shows common concern of unbearable requisitions, which are imposed by bureaucracy, and inability to solve persistent problems legally.

The people of India are trying to counteract corruptionist by "national" practices and methods, which are rooted in the national culture and folklore. Thus, according to data published in the global information networks, in the state of Uttar Pradesh, farmers are trying to fight with officials-bribetakers in the following way: conducting business negotiations with bureaucrats-bribetakers, they come with bags of poisonous snakes, and release them in the offices. There is information about the hunger strikes among most active representatives of the people (Hanna, 2013).

Non-governmental organizations tale the lead in the fight against corruption. Thus, the NGO called "The Fifth Column" has begun to print in large editions, advertise and distribute among poor people so-called "anti-corruption notes of currency", distinguished from real notes of currency by zero denominational value.

However, the Indian government has not developed any effective measures; moreover, it is very notable for prevalence of corruption. At the same time, the approach of the Government to confront corruption can be productive, based on the usage of people's support of any positive steps in this direction. People's initiative should gain civilized forms, otherwise, the initiative will grow into a folk legend, and the initiators will gain glory of Till Eulenspiegel. Furthermore, corruption will grow and destroy the country's economy more and more.

China's tough punitive policy aimed to fight against corruption leaves no chances for the people's initiative (Kwong, 2015). Campaigns initiated by the leaders of the people in the life of modern China are not observed. Nationwide policy is of deterrence nature and allows ruthlessly destroying any manifestation of corruption.

African model of formation and development of corruption and the attitude of society towards its manifestations

Culture, understood as historically formed level of development of the society, expressed in the social relationships of people and in created material and spiritual values, is rather peculiarly associated with the manifestations of corruption and the attitude of society to it, namely in Africa. There are strong cultural traditions that vary greatly in large tribes (Asongu, 2013). However, in the average form, corruption is a widespread phenomenon, which originates from ancient times. Tribute of gifts to the priests and headmen gradually transformed into modern forms of corruption offenses. This is mainly due to relatively inert attitude of most of the population to corruption. Fighting against corruption has fragmented, sporadic nature, and it is not a reflection of a typical public attitude to the negative consequences of this phenomenon. As it was noted in the media, such forms of corruption as blat and its ilk, do not cause rejection reaction and are perceived by society not only as inevitable, but rather as a normal relationship, promoting career development of a person and relieving him/her and his/her activities from critical evaluation of someone else (Asongu, 2013). Lexical interpretation of the word "blat", meaning acquaintance, is used in the selfish interests (blat – from the Polish means close), coincides with its ordinary sense, not only in Africa, but also in Asia. Blat is the cronyism that is expressed in the rendering of protection of the influential person in the arrangement of anyone's affairs, including promotion at work. Protectionism itself does not fit under the characteristics, which involve any legal responsibility, it relates to the criteria of the moral evaluation of the individual. The representatives of social groups do not fight against such people, but also they tend to tie such relationship on personal grounds. Meanwhile, blat and cronyism are the main conditions for the establishment and development of corruption.

African model is characterized by a single confrontation, classified as sporadic. Such confrontation can be shown by individuals who are usually independent, either economically or politically. Their financial and economic stability allows to show the rejection of corruption in public and to encourage unconventional activities. An example is the activity of Sudanese billionaire Mohammed Ibrahim, who established an award for good governance. Award for good governance, which is free from corruption, is 5 million dollars. Nelson Mandela was one of the winners of this award. It is obvious that this form of struggle is not effective initially due to the removal of the state apparatus from it. In addition, the inactivity of most of the population is a fertile ground for the growth of corruption.

European model of formation and development of corruption and the attitude of society towards its manifestations

European model is characterized by a sharp rejection of any manifestations of corruption, consistency of this struggle, the population's ability to participate in actions aimed at bashing the corruptionists (Kubbe, 2015). This is facilitated by a high degree of law-abiding citizens of European countries, where the distance between arrant and proper is very little, the legislation, which is thought out to the last detail, does not leave room for free interpretation, features of national mentality, built on the punctuality, clarity and responsibility for work. Public awareness of the harmfulness of corruption for a country is directly related and

consistent with the national policy in this area. Democratic institutions in European countries are not only declared, but also work in reality.

Law enforcement activities of Germany is representative, where at the end of the XX century were active processes of returning Germans from the Soviet Union to their historical homeland. The returnees from among the "Soviet" Germans at registration of necessary documents in a number of cases tried to reduce the time for obtaining travel documents by bribing German officials. According to German repatriates, such attempts were stopped immediately by officials of the German services irrespective of their official rank and level. This also happens now, when the citizens of Kazakhstan, coming from the political elite and business persons' families are studying in major European universities. Committing offenses, the host country deports student-offender immediately without considering merits and authority of parents, rejecting any illegal actions to "save" the image of both offenders and their protectors, including eminent parents and relatives.

We suppose that it is theoretically possible to bring up in Kazakh people such qualities that are inherent to the European mentality. Everything is different in practice. One of the reasons is a mismatch in the understanding of the essence of family relations. Asian person is characterized by a desire to maximize the number of persons belonging to the category of relatives. In some measure, this is due to the features of nomadic civilization, where the Darwinian struggle for the preservation of species transformed into the provision of familial protection to anyone who needs it. This phenomenon can be called centripetence effect. For Europeans, it is typical to disassociate from each other, where even the relation in the first degree (mother, father, daughter, son) is not an obstacle to observation of existing rules of conduct, even if it is detrimental to the relatives. This phenomenon can be figuratively called the centrifugal effect.

Latin American model of formation and development of corruption and the attitude of society towards its manifestations

Latin American countries suffer from corruption no less than other countries, referred in the framework of the Asian, European or African models. Among the factors, that contributes the Latin American model of corruption offenses are following:

- usage of corruption as a tool for the realization of assertions by means of shadow economy, aimed at implementation of environmental and political control within the legal social relations;
- deficiency of dissociation between the power structures and institutions of private property, wherein functions of state administration and operating of business activities according to the law may be concentrated in the same hands. Legal regulation of relations in the sphere of property in general is weak, and in some cases incomplete or contradictory, and allows arbitrarily manipulating the relevant relationships in the interest of pro-government corrupt structures;
- ubiquity and prevalence of low-level corruption (petty corruption), which does not refer to corruption, but at the same time, promotes the formation of tolerance towards corruption as an inevitable attribute of life and activities of society among broad segments of the population;

- dominance of capital over governance, when the governance appears as a "makeweight" to the capital, and the larger capital is, the higher a level of participation in the system of public authorities is (Bohn, 2013).

Criminologists believe that trend of strengthening the informal sector of economy, capable to compete with the public sector of the economy, more and more bills itself in modern conditions of the Latin American model. This means that the Latin American model of corruption in the near future may turn into an African model, which further exacerbate the dynamics of corruption in social relations, and measures to confront these processes on the side of public authorities cannot give positive results.

Government strategies against corruption in Latin America in terms of shadow capital might that greatly exceeds the capacity of the public sector, are doomed to failure in advance. The situation can only be changed on the basis of social revolution, focused on the nationalization of all economically important resources.

Discussion and Conclusion

Corruptness is a threat to national security in countries where corruption takes form of systemic phenomenon (Bohn, 2013). It means that the corrupting processes affect virtually all the vectors of state's life and work, and overgrow a value and influence of state institutions. Criminalization of social relations shows the weakness of the government and public administration, the insolvency of the state policy in general, the strategy of fighting against corruption – in particular (Niehaus, 2013). It is possible to change the situation in the most affected countries on the basis of social revolutions led by a strong politically and economically independent leader, capable to provide a radical change in the public consciousness, significantly strengthen the national economy on the basis of changes in relation to the property. Corruption is a factor that is formed in two ways (Bai et al., 2013): a) as a result of honest mistake of pro-government organizations in regard to efficiency of developed and implemented strategies to fight corruption; b) intentional dragging, lobbying of strategies, creating a favorable environment for corrupting processes, but covered by good intentions and slogans. Anyway, society undergoes moral degradation – material promise of ones and excessive enrichment of other social groups. Corruption offenses are traditionally presented in any state. There is an issue of their scale and the extent of the caused harm. However, this does not mean that the fight against corruption is meaningless. The strategy should be aim not at combating, where the result is expected in the form of complete eradication of corruption, but at the opposition, resistance to it, so the level of corruption would not prevent the positive development of society.

Eradication of corruption as a phenomenon in the context of ultimate integration of economies, cultures, scientific and technical progress and other components of a modern society in a particular country is almost impossible. Integrated efforts and good will of the peoples and rulers of different countries are needed. Only the international experience of combating corruption within the framework of a large-scale multinational program of combating crime can create prerequisites for the development of effective strategies equally effective for all countries, which have created such joint program of combating crime.

Multinational strategy for combating crime, and anti-corruption within it, should contain the measures, which had a positive effect in the individual countries:

a) combination of hard-line state policy in the sphere of regulation of law enforcement with democratic institutions, favoring the development of private industry;

b) exclusion of manifestation of clannish and tribal approaches in formation of the state administrative apparatus;

c) establishment of state control over the benefit ratio of state officials and their immediate circle by expanding the subjects covered by the mandatory declaration of their income;

d) narrowing to an efficiently urgent list of subjects endued an immunity from prosecution; in relation to corruption offenses – the establishment of a uniform procedure of criminal prosecution, without any exceptions on grounds of subjectivity;

e) tightening the criminal policy of the state in sphere of fight against corruption;

f) achieving international agreements on legal assistance in the extradition of corruption offenders to national justice institutions.

Those countries where corruption levels exceed allowable limits should necessarily declare the restriction of spheres of economic, political and cultural cooperation. They need to develop a system of criteria for assessing the condition of anti-corruption and corruption indicators, consideration of which would determine threshold limit values beyond which cooperation with such countries could constitute a menace to national security.

Implications and Recommendations

The Republic of Kazakhstan is deeply infected with corruption. Corruption processes affect all spheres of life and activity of the society. Measures against corruption are not systemic and are not eligible for assignment to the state strategy. State authority is officially advocating the fight against corruption, but it also demonstrates its weakness and inconsistency in this matter. Kazakhstan of formation and development of corruption is typically Asian model, when declared policy does not coincide with the practical activity of the authorized bodies. If in the next 3-5 years state authorities are not taken real steps to combat corruption, the extent of corruption in the country, having gone out of control, would go beyond all conceivable limits and lead to a complete transformation of the Kazakh economic policy into the shadow economy, like the Latin American model.

Disclosure statement

No potential conflict of interest was reported by the authors.

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