

UDC 343.32

The fight against organized crime and corruption abroad

Veronika V. Zinchenko

Postgraduate student,

Ussuriysk branch of the Far Eastern Federal University,

P.O. Box 692519, Oktyabr'skaya str., No. 71, Ussuriysk, Russian Federation;

e-mail: 24nika1992@mail.ru

Abstract

An effective fight against the organized crime and corruption is impossible without scientific theoretical developments, it is necessary to integrate politics, legislation and practice. It is important for the governments to realize entirely the organized crime and corruption as threats of national safety. The analysis of features of fight against the organized crime and corruption allows forming an idea about the fundamentals of anticorruption strategy. A single public policy must be formed in area of fight against the organized crime and corruption, including the measures of state, political, economic and social character, and social control is needed for an entire system of state administration from the side of civil society. All must abide the aim of creation the atmosphere of intolerance of corruption and organized crime, observance of the principles of legality, justice, forming the model of moral behavior of a human being.

For citation

Zinchenko, V.V. (2014), "The fight against organized crime and corruption abroad" ["Bor'ba s organizovannoi prestupnost'yu i korrupsiei za rubezhom"], *Voprosy rossiiskogo i mezhdunarodnogo prava (Matters of Russian and International Law)*, No. 8-9, pp. 42-49.

Keywords

Corruption, organized crime, Japan, self-defense, China, legitimate behavior, Netherlands, "policy of national honesty", Canada.

Introduction

When we talk about the organized crime and corruption, we understand that it is the greatest degree of threat of national safety. According to the UNO, criminality in the world on the average increases on 7% annually, the increase of population makes 2% annually. About 200 thousand crimes are committed every hour that makes criminality a global problem, affecting interests of all international associations. It is important to notice that on the modern stage, the organized crime and corruption differ in penetration in state structures, economy, sphere of national relations and cause an enormous material damage to the state and citizens. The review of the most dangerous forms of modern criminality in natural way result in a question: What to do? What facilities and methods to contest with the organized crime and corruption should be used?

Effective fight against corruption around the world

The Japanese system of affecting criminality is interesting, since it almost ideally succeeded to combine relative mildness with high efficiency. Those, who form criminal politics of Japan, and those, who make its reality, come from the fact that harshness and mass character of punishments cannot restrain criminality. In Japan the next methods of affecting the criminality are used education, providing of satisfaction of population, social control, isolation of persons presenting a public danger, self-defense. Quite various character is carried by forms and methods of cooperation of the Japanese state with society in area of fight against criminality, boards with information about the amount of road traffic accidents and their victims are turned to the citizens and intended for awakening their activity; shields-notifications proposed in the places of recent incidents; large charts of dwelling-houses with pointing on

possible ways of penetration of criminals etc. Quite a lot of editions appear intended for stimulation of self-defense of citizens. Criminal politics in Japan is put on solid scientific foundation. Its development is on the responsibility of public research legal institutions among which distinguished Complex legal Research Institute of the Ministry of Justice and the Research Institute of Police at the Police Headquarters¹.

In China a crucial role plays the communist party in a fight against corruption. It is ensued from an Appeal 4 of the Plenum of the Central committee of Communist party of China that a fight for survival is the matter of life for communist party, whereby the main enemy is a corruption. If it will win – the communist regime can cease to exist in China. Strategy of the Chinese in a fight against corruption is sent to toughening of punishment and strengthening of political and social position of the state. The Chinese operate under two fundamental principles: "there are no exceptions in rules" – thus punishing the most prominent public servants "will be an example for others", arranging public death penalty of the "idols" of political pedestal. Anticorruption plan of the People's Republic of China plug in itself a number of system measures. In particular, the preparation of a number of special laws. Creation of economic institutes that must block corruption developments by formation of economic motivation at public servants. The third direction is making of sense of justice, forming an anticorruption model of behavior for the citizens, a stereotype to correct the behavior. Perceptible results in a fight against corruption also comes from social policy that allowed to shorten disparity between rich and poor parts of population of the People's Republic of China, also the process of strengthening of middle class is continued. One of the methods of fight against corruption, in practice confirming the efficiency, is a rotation of office in all government bodies. Effectiveness of fight against corruption is also assisted by incessant efforts of the state on perfection of leading functions of the party that is directed on an increase of the efficiency of performance mechanisms and decision-making system².

1 Gilevskaya, M.A., "Leading national anti-corruption strategies: Lessons for Russia" ["Peredovye natsional'nye antikorrupsionnye strategii: uroki dlya Rossii"], *Vladivostok center on organized crime research*, available at: <http://www.crime.vl.ru/index.php?p=1084&more=1&c=>

2 Shmeleva, K.L. (2010), "People's Republic of China against corruption: strategy, practice, criminological estimation" ["KNR protiv korruptsii: strategiya, praktika, kriminologicheskaya otsenka"], *Rossiiskii sledovatel'*, No. 7, p. 33.

According to international rating organizations estimates, among ten countries of the world being most "transparent" from a corruption, is usually named such a state as the Kingdom of the Netherlands. The level of corruption of the state considerably went down as a result of acceptance of legal acts of anticorruption orientation. In the state, the mechanism of "policy of national honesty" constantly develops and improves. It implies monitoring of possible points of corruption orientation in state and public organizations, education of the officials to the rules of conduct, careful selection and placing of the staff on responsible positions. The inspection system created in Netherlands does not allow the person, caught in a corruption, to hold the positions in public organs and turns for him in the loss of all social privileges that is given by government service. But more frightful punishment for the office worker of Netherlands is a loss of positive reputation, kind name and self-respect. "Policy of national honesty" in the field of selection of workers envisages hard selection of candidates on competitive basis, professional preparation and educator influence from the side of leaders and tutors. The conducting officers of the police in Netherlands adhere to principle that the primary purpose of reacting on the complaints of citizens, in regard to a certain policeman, is confined not of the punishment of guilty employee, but in a renewal and support of trust of the public to the police. Police officers announce their opinion to the guilty person concerning undesirability of his service. And the headship is only attracted in the most serious cases with such suggestions. This initiative is named "to sew up a comrade". All information related to the corruption actions promulgated necessarily, and often mass medias prosecute inquiries independently. Experience of Netherlands confirms that any society is able to obtain self-recovery from many social ailments, including a corruption, in case that this society really aspires to the real recovery; the anticorruption strategy under the name "Policy of national honesty" has been consistently conducted in Netherlands for the last 10-15 and presents a balanced system of social legal norms aimed at counteraction bribery and corruption on the whole³.

Fight against corruption in Canada: the legislation of Canada, acknowledging a right for business to participate in political life of the country, is aimed at facilitating the

3 Kislukhin, V.A. (2010), "The history of fighting corruption in the Netherlands and the role of the police in this procedure of work" ["Istoriya bor'by s korruptsiei v Niderlandakh i rol' politzii v etoi deyatel'nosti"], *Istoriya gosudarstva i prava*, No. 2, p. 9.

participation in strictly outlined scopes. Connections of members of the parliament with the world of business are an object of meticulous administrative-legal adjusting in modern Canada, first of all, on such parameters as combination of deputative and enterprise-manager's activities, possessions, receipt of money on electioneerings and their expense. The criminal code of Canada equates a bribery to violation of constitution and act of high treason. A member of parliament, in case of receipt or pay a bribe, is threatened with imprisonment for 14 years, thus he is automatically deprived the deputy mandate from the day of confession his guilty in a court. The ordinary members of parliament save a right to own and dispose of securities officially, to occupy posts in corporations, but this permission is marked by a number of regulating terms. All deputies are under an obligation to report annually in writing the detailed data about companies, where they work as directors, managers or office workers, as well as about corporations or funds they own (it is necessary to specify the addresses of firms, general character of their activity, totals, profitability, participating in governmental contracts, export and import etc.). Yet stricter limitations exist for the members of the government. All persons appointed must immediately withdraw from corporations and leading organs of all public organizations. If a newly-appointed minister owns stock of shares, a legislation envisages for him next actions: complete sale of stock of shares; a placement of shares in the so-called "blind fund"; refuse to get information from a manager about operations with his securities, except common data, in relation to their cost presently; or registration of securities in the ministry of national incomes, thus, the documents filled here become open – any citizen of Canada has a right to become familiar with them. In practice, the Canadian ministers fully sell all shares or place them in a "blind fund". A large value in a fight against corruption has the Valued Code of Ethics for civil servants, accepted in 1985 and containing rules of conduct for all civil servants which are under an obligation to follow in case of origin of conflict between their official duties and personal interests. Rules are focused on preventive care of corruption crimes, establishment of clear codes of conduct of all civil servants in part of "conflict of interests" on government service and after retirement from service, "minimizations of possibility of their incipency and permission in case of origin in the society interests"⁴.

4 Why there is almost no corruption in Canada" ["Pochemu v Kanade pocti net korruptsii"], available at: <http://newsland.com/news/detail/id/313649/>

The important directions in a fight against the organized crime and corruption are: the process of argumentation of national law of different countries in accordance with the requirements of international agreements and implementation of norms of international law, conclusion of government-to-government and interdepartmental agreements on providing of mutual aid on criminal legal relationships, participating in international organizations (Interpol), exchange of scientific and technical information and experience, realization of joint conferences, etc.

Conclusion

From the above it is possible to draw conclusion that an effective fight against the organized crime and corruption is impossible without scientific theoretical developments, it is necessary to integrate politics, legislation and practice. It is important for the governments to realize entirely the organized crime and corruption as threats of national safety. The analysis of features of fight against the organized crime and corruption allows forming an idea about the fundamentals of anticorruption strategy. A single public policy must be formed in area of fight against the organized crime and corruption, including the measures of state, political, economic and social character, and social control is needed for an entire system of state administration from the side of civil society. All must abide the aim of creation the atmosphere of intolerance of corruption and organized crime, observance of the principles of legality, justice, forming the model of moral behavior of a human being.

References

1. Bezverkhov, A., Mar'ina, E. (2010), "Corruption as a criminological category" ["Korruptsiya kak kriminologicheskaya kategoriya"], *Ugolovnoe pravo*, No. 6, pp. 85-89.
2. Dolinko, V.I. (2012), "Issues of corruption in Russia and abroad" ["Problemy korruptsii v Rossii i za rubezhom"], *Rossiiskii sledovatel'*, No. 1, pp. 37-38.
3. Gilevskaya, M.A., "Leading national anti-corruption strategies: Lessons for Russia" ["Peredovye natsional'nye antikorrupsionnye strategii: uroki dlya Rossii"],

Vladivostok center on organized crime research, available at: <http://www.crime.vl.ru/index.php?p=1084&more=1&c=>

4. Kislukhin, V.A. (2010), "The history of fighting corruption in the Netherlands and the role of the police in this procedure of work" ["Istoriya bor'by s korruptsiei v Niderlandakh i rol' politsii v etoi deyatel'nosti"], *Istoriya gosudarstva i prava*, No. 2, pp. 9-13.
5. Leshkov, S.G. (2010), "Corruption and its impact on the effectiveness of the fight against organized crime" ["Korruptsiya i ee vliyanie na effektivnost' bor'by s organizovannoi prestupnost'yu"], *Rossiiskii sledovatel'*, No. 21, pp. 11-15.
6. Minenok, M.G. (2013), "On the anti-corruption issue" ["K voprosu o bor'be s korruptsiei"], *Vestnik Baltiiskogo federal'nogo universiteta im. I. Kanta*, No. 9, pp. 88-93.
7. Shmeleva, K.L. (2010), "People's Republic of China against corruption: strategy, practice, criminological estimation" ["KNR protiv korruptsii: strategiya, praktika, kriminologicheskaya otsenka"], *Rossiiskii sledovatel'*, No. 7, pp. 33-35.
8. "Why there is almost no corruption in Canada" ["Pochemu v Kanade pochni net korruptsii"], available at: <http://newsland.com/news/detail/id/313649/>

Борьба с организованной преступностью и коррупцией за рубежом

Зинченко Вероника Витальевна

Аспирант,

Филиал Дальневосточного федерального университета в г. Уссурийск,
692519, Российская Федерация, Уссурийск, ул. Октябрьская, 71;

e-mail: 24nika1992@mail.ru

Аннотация

В статье на основе исторического и сравнительного-правового методов формулируются методы борьбы с преступностью и коррупцией. Дается характеристика правовых норм и социальных институтов Японии, Китайской Народной Республики, Нидерландов и Канады, реализация которых

позволяет странам добиваться успехов в борьбе с организованной преступностью и коррупцией. Речь идет о преимуществах антикоррупционных стратегий наиболее «чистых» от коррупции стран.

Для цитирования в научных исследованиях

Зинченко В.В. Борьба с организованной преступностью и коррупцией за рубежом // Вопросы российского и международного права. – 2014. – № 8-9. – С. 42-49.

Ключевые слова

Коррупция, организованная преступность, Япония, должностное преступление, Китайская Народная Республика, законопослушное поведение, Нидерланды, «политика национальной честности», Канада.

Библиография

1. Безверхов А., Марьина Е. Коррупция как криминологическая категория // Уголовное право. – 2010. – № 6. – С. 85-89.
2. Гилевская М.А. Передовые национальные антикоррупционные стратегии: уроки для России // Владивостокский центр исследования организованной преступности. – [Электронный ресурс]. – Режим доступа: <http://www.crime.vl.ru/index.php?p=1084&more=1&c=>
3. Долинко В.И. Проблемы коррупции в России и за рубежом // Российский следователь. – 2012. – № 1. – С. 37-38.
4. Кислухин В. А. История борьбы с коррупцией в Нидерландах и роль полиции в этой деятельности // История государства и права. – 2010. – № 2. – С. 9-13.
5. Лешков С.Г. Коррупция и ее влияние на эффективность борьбы с организованной преступностью // Российский следователь. – 2010. – № 21. – С. 11-15.
6. Миненок М.Г. К вопросу о борьбе с коррупцией // Вестник Балтийского федерального университета им. И. Канта. – 2013. – № 9. – С. 88-93.
7. Почему в Канаде почти нет коррупции. – [Электронный ресурс]. – Режим доступа: <http://newsland.com/news/detail/id/313649/>
8. Шмелева К.Л. КНР против коррупции: стратегия, практика, криминологическая оценка // Российский следователь. – 2010. – № 7. – С. 33-35.