

Public Anti-Corruption Control as a Mechanism to Counter Corruption in the Russian Federation

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Abstract: In this article, the authors consider the concept of “public (civil) anti-corruption control” as an element of state policy in the field of prevention and combating corruption. Analyzed the legal framework of public (civil) anti-corruption control at the federal and regional levels, including federal laws, decrees of the President of the Russian Federation, laws and other regulatory acts of subjects of the Russian Federation, highlighted the existing problems in the definition of this concept. The authors formulated the definition of the concept of “public (civil) anti-corruption control” as the activity of subjects of public anti-corruption control in monitoring state bodies, local governments, other bodies and organizations for the purposes of preventing and combating corruption. The development of this definition allowed to specify the directions of the study of public (civil) anti-corruption control. The directions and forms of implementation of public anti-corruption control in the subjects of the Russian Federation, its participants - the institutions of civil society. Political, ideological, legal, organizational and technical directions of public (civil) anti-corruption control are highlighted. Analyzed the activities of public advisory bodies as the main subjects of public anti-corruption control, including public councils at government bodies and local governments, public chambers and public organizations. Particular attention is paid to the analysis of the activities of public chambers of the constituent entities of the Russian Federation on the implementation of public anti-corruption monitoring, public anti-corruption expertise of regulatory legal acts (draft regulatory legal acts). The analysis of the activities of organizations specializing in key areas of public (civil) anti-corruption control has been carried out. The study identified organizational and legal issues that impede the effective implementation of public (civil) anti-corruption control.

Index Terms: corruption, public anti-corruption control, civil society, anti-corruption.

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I. INTRODUCTION

The direct and effective participation of citizens and civil society actors in the process of preventing and combating corruption is intended to provide a mechanism for public anti-corruption control. Under public anti-corruption control should be understood the accountability of state and municipal authorities and officials to citizens, implying: first, the right of citizens to receive a report through the necessary information about the activities of government; secondly, the right of citizens to take measures, that is, to impose sanctions in case the information or explanations are considered unsatisfactory. Consequently, public anti-corruption control as a mechanism to counter corruption, primarily in the sphere of state and municipal government, includes a sequence of actions carried out by citizens and their autonomous associations in order to prevent opportunities and eliminate conditions conducive to the emergence of corrupt relations, to identify and prevent corruption.

II. MATERIALS AND METHODS

In essence, social control is a completely new phenomenon. The Council of Europe Assembly noted that the parameters for assessing the democratic development of each specific country should include the following indicators in addition to the traditional standards of the Council of Europe:

- openness of making political decisions;
- the level of political activity of the public outside the parliament and its influence on the functioning of parliament as a forum for democratic discussion and decision-making;
- the degree to which the structures and organizations of civil society are free from state control and at the same time do not act as hidden opposition parties deprived of democratic legitimacy;
- measures to protect democracy from undemocratic initiatives [1, p. 124].

Thus, public anti-corruption control is not only a means of countering corruption, but also a measure of democracy.

The principles of this control are:

- 1) the priority of the rights and legitimate interests of a person and a citizen;
- 2) voluntary participation in the implementation of public control;
- 3) the independence of the subjects of public control;
- 4) publicity and openness of public control and review of its results;
- 5) the legality of the actions of subjects of public control;
- 6) objectivity and reliability;
- 7) the inadmissibility of impeding the implementation of public control;
- 8) the obligatory consideration by public authorities and local authorities of the results of public control;
- 9) the independence of the subjects of public control from public authorities;
- 10) the inadmissibility of interference in the activities of state bodies in cases established by federal law.

To the subjects of public anti-corruption control can be attributed [2, p. 55]:

1. Public Chambers: Public Chamber of the Russian Federation, Public Chambers of the Subjects of the Russian Federation.
2. Community councils.
3. Public observatory commissions ensuring public control over the observance of the rights of a person and citizen within the competence defined by the Federal Law of June 10, 2008 No. 76-FZ "On Public Monitoring of Ensuring Human Rights in Places of Custody and on Assistance to in places of detention"[3].
4. Public control commissions (established on the initiative of the Public Chamber of the Russian Federation, public chambers of the constituent entities of the Russian Federation at the level of the constituent entities of the Russian Federation and municipalities).
5. Trade unions, their associations and associations (supervisory) councils (provide public control over the observance of public interests in accordance with the legislation of the Russian Federation).
6. Citizens, their associations, initiative groups, non-profit non-governmental organizations acting in the public interest.

The complexity of public control in this case is that the transparency of the government is not enough to ensure its accountability to citizens. Transparency contributes to the exercise of the right to receive a report, but does not necessarily lead to the right to take action. Therefore, it is very important to develop democratic institutions that increase the accountability of power to society. This is primarily the free development of the media, free elections, the democratic development of the parliament, political parties, the active development of local self-government, etc.

Public anti-corruption control includes various forms of citizen participation in countering corruption:

1. Public monitoring - systematic observation by the subjects of public control over compliance with the public interests of the objects of public control. For this, it is necessary, first of all, to have sufficiently complete and reliable information about the activities of such bodies and individuals, of course, with the exception of information constituting state or other secret protected by law, i.e.

transparency and openness for citizens of decisions and actions of authorities at all levels. The adopted Federal Law of February 9, 2009 No. 8-ФЗ "On ensuring access to information on the activities of state bodies and local self-government bodies" was the first step towards creating the basis for such monitoring.

2. Public hearings (discussion) consist in exercising the rights of citizens to participate in the decision-making process by government bodies, local governments through holding a public meeting, with the mandatory participation of authorized persons of government bodies and local authorities, citizens' representatives whose interests are directly affected relevant decision, discussion of the drafts of the said decisions, as well as current normative legal acts on the issue of their compliance with ety's interests.

3. Public inspection (investigation) is a set of actions of subjects of public control to gather information, establish facts and circumstances relating to the activities of objects of public control, in order to determine its compliance with public interests.

The final direction of public anti-corruption control is to publicly present the results of public examination of the authorities and society. The leading role in presenting the results of public expertise of the authorities and society belongs to the media as a mass information intermediary between citizens, their associations and authorities.

It should be noted that recently the informational influence of the Internet on public life in Russia has begun to increase markedly. This is because the Internet provides more and more new information and communication technologies for civilian control, for the direct participation of citizens in it, expands the possibilities and the range of participants in civilian control.

III. RESULTS AND DISCUSSIONS

In order to increase the information openness of state bodies and bodies of local self-government it is supposed:

- disclosure of information [4-6] on the activities of state bodies and local self-government bodies, with the exception of cases when such disclosure contradicts the interests of the national security of the Russian Federation;
- holding public discussions of the most important projects of the prepared solutions [7- 8];
- expanding the representation of civil society in the public examination [9-11] of socially significant decisions of state bodies;
- carrying out, in order to establish a reliable "feedback" communication with the recipients of state services, a set of measures ensuring that citizens and organizations are informed about the interest of the state authority in identifying corruption and bringing those responsible to justice;
- the inclusion of representatives of civil society in the collegium of supervisory bodies, working groups, other structures for the preparation of normative legal acts and other decisions affecting the rights and legitimate interests of citizens and organizations, of state and municipal authorities;

determination and regular publication of ratings of state authorities and local authorities on the criterion of “openness of activity”;

- participation of civil society in reforming the system of state, including law enforcement, authorities by developing recommendations and proposals for reforming them and streamlining their structures, improving the local government system based on ongoing monitoring of state and municipal functions and the provision of state and municipal services, and analysis of appeals of citizens and organizations;
- bringing to the wider circles of the Russian [12-15] and world community complete and accurate information about the consolidated position of the state and civil society on the main problems in the fight against corruption, about initiatives, plans, actions and achieved results of both parties on the specified issue;
- informing about the implementation of joint projects of state authorities and civil society institutions in the field of combating corruption in order to form a positive public opinion.

[13] Obviously, not all, not only individual citizens, but also their associations, which seek to participate in public anti-corruption control, have the necessary training to conduct it at the proper level. However, this cannot and should not be the basis for any restrictions on the part of the authorities on the participation of citizens and their formal and informal associations in exercising public control. The practical result of public anti-corruption control as a mechanism for countering corruption is that the authorized state bodies check all events and facts of corruption revealed and presented to the authorities and the public based on the results of public expertise. When they are confirmed, persons directly involved in and contributing to corruption should be brought to administrative or criminal responsibility in accordance with national legislation, and officials who allowed the occurrence of corruption in their subordinate authorities should be sent to voluntary or forced resignation. At the same time, the conditions and circumstances of a regulatory and organizational nature revealed through public scrutiny should also be eliminated, contributing to the emergence and spread of corrupt relations in government [16, p. 2924].

In order to build a constructive dialogue between public authorities and civil society institutions in the field of combating corruption, it is assumed:

- holding public hearings in the development and decision-making by public authorities;
- Improving the institution of independent anti-corruption expertise of normative legal acts and draft normative legal acts;
- conducting regular sociological research (monitoring);
- the use of surveys and focus groups [17-19], interviews with experts in the field of law, politics, economics, and other areas relevant to the fight against corruption, to assess the effectiveness of the anti-corruption policy, alternating research on “business” and “everyday” corruption with the scope of the maximum possible the number of subjects of the Russian Federation;
- publication of the results of sociological research conducted in the media;
- activating the work of public and expert councils at federal and regional executive authorities by

expanding the representation of entrepreneurial associations in them, identifying as one of the priority areas of work discussion of ways to reduce incidents of corruption in the implementation of state functions and the provision of public services;

- introduction of public opinion accounting and public consultation in the practice of public authorities when appointing to key public service positions, both at the federal and regional levels (creating ratings of specialists).

At the moment, there are problems associated with the direct participation of public control in countering corruption. So, for example, the most effective measures to combat corruption - strengthening of control over the activities of bureaucracy on the part of society and democratic institutions - are practically not implemented in Russia. Some work in this direction is being carried out: in the Public Chambers in the constituent entities of the Russian Federation, special structures have been created that carry out activities for public anti-corruption control. Representatives of the public are included in the composition of anti-corruption councils at federal executive bodies and subjects of the Russian Federation [20] [8,9]

In addition, the following risks remain in the formation of mechanisms for anti-corruption cooperation with civil society institutions:

- refusal to interact with members of the public due to the presence of a protected secret (closeness of a significant number of bodies and organizations in the field of defense, security, nuclear energy, etc.);
- no need to inform about the measures taken on the facts that have been identified by representatives of civil society institutions;
- insufficient competence of individual representatives of civil society institutions, including those authorized to represent a position on the application of anti-corruption measures to this kind of activity.

IV. CONCLUSION

Summing up the above, it can be said that if public anti-corruption control is carried out objectively and rationally, it can significantly contribute to improving the efficiency of government bodies and the responsibility of the government to serve the public interest.

The key condition for the qualitative and efficient operation of the mechanism of public anti-corruption control, as well as all anti-corruption measures, is that every citizen should be able to challenge unlawful actions or omissions of state bodies and officials in a fair, impartial and not subject to any “inappropriate” influences objective trial. Only a court administering justice on the basis of legality, independence of judges, equality of all before the law and the court, competitiveness of the parties, publicity of the proceedings should act as an arbitrator in the final resolution of the dispute between a citizen and the government, protecting first of all the rights and freedoms of the person and citizen.

So, public anti-corruption control is one of the key mechanisms to counter and suppress corruption. If the government seeks to put under its administrative control or

by some means or other to restrict and prevent its autonomous work, it thereby contributes to the impunity of corrupt officials and the spread of corruption metastases throughout the system of government. The development of public anti-corruption control over the activities of the entire system of state authorities and municipal bodies, is intended to ensure the orientation of the activities of this system of bodies towards the realization of public interests; protect society from bureaucratic distortions and corruption offenses; to increase trust between the government and society, which is a prerequisite for the full functioning of the socio-political and socio-economic system.

The activity of institutions of public control has become a noticeable factor influencing the activity of the system of government and administration. At the same time, the level and nature of the influence of public anti-corruption control are far from those required. To a certain extent, this is due to the fact that the activities of individual institutions of public control did not develop into an integral system. The legislation does not fully define the functions and powers of each of the institutions of public control, draft laws and decisions that are subject to public control without fail; public control procedures. They also do not regulate the interaction of government and management and civil society institutions, the responsibility of state and municipal authorities for counteracting and failing to assist civil society institutions in their legitimate activities in exercising public control.

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