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Corruption Prevention in Russian Education

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Prevention of corruption is one of the most important areas of modern state policy of the Russian Federation where the state undertakes a complex of legal and organizational measures. However, the major efforts are focused on corruption prevention in the state and municipal government, as well as in law enforcement agencies. In other spheres including education corruption prevention is carried out randomly. The authors give a general overview and formulate the proposals to improve corruption prevention in Russian education.

Keywords: corruption, education, prevention, conflict of interests, anti-corruption standards of conduct, anti-corruption enlightenment.

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Research area: criminal law, criminology.

Problem Statement

The Russian Federation National Security Strategy till 2020 approved by the Presidential Decree attributes corruption to one of the major threats to national security in the Russian Federation, and corruption prevention has become one of the priorities of the state policy.

However, the main efforts of preventive activities are aimed at the sphere of state and municipal government, as well as at law enforcement agencies. In other socially important areas of the Russian society, including education, corruption prevention scale is not so pronounced. Meanwhile, as V. Lunev justly noted: “Corruption is omnivorous, pervasive and extremely adaptive. It uses any niches,

which are not controlled or poorly controlled by the state”.

Corruption in the sphere of education stays to be an insufficiently studied social and legal phenomenon. National and foreign scientific literature focuses on general characteristics of corruption in education, its determinants, as well as suggestions for improving the prevention system (E.A. Akunchenko, N.V. Vaniukhina, I.L. Groshev, I.A. Grosheva, S.V. Dergachov, N.V. Zakharov, G.L. Il'in, P.A. Kabanov, A.A. Kirillovikh, D.G. Levites, A.A. Mashin'ian, I.V. Pliugina, E.E. Rumiantseva, A.I. Skorobogatova, D.S. Chekmenev, K. Komalasari, D. Saripudin, Muriel Poisson and others).

Various aspects of corruption in education are researched in dissertation works of lawyers, economists and sociologists (E.A. Borisova, N.F. Bodrov, E.A. Leont'eva, S.V. Plokhov, D.A. Povnii, V.N. Pugach, E.V. Slesareva, I.P. Strebkov and others).

However, despite the significant amount of research, questions regarding the peculiarities of corruption in the sphere of education and formation of the system combating it remain open.

One of the goals of the state program of the Russian Federation "Development of Education" for 2013 - 2020 is "ensuring the high quality of Russian education in accordance with the changing needs of the population and the future tasks of the Russian economy and society development." To achieve this goal without creating an effective Corruption Prevention system is impossible, and therefore it is necessary to determine the main directions of corruption prevention in education.

Results of the study

The legal basis for corruption prevention in the Russian Federation was laid down by passing the Federal Law "On Combating Corruption" in 2008. This Law defined the concept of "corruption", formulated legal and organizational bases, main measures to prevent corruption, as well as a number of anti-corruption obligations, prohibitions and restrictions for public and civil servants. The intensive development of anti-corruption legislation has been launched since that moment. It is the bylaws that have started to be passed especially actively. However, the main preventive potential of anti-corruption legislation is aimed at the sphere of state and municipal government. In this connection the state undertakes considerable efforts to reduce

corruption: the administrative regulations of the activities of state and municipal authorities are established, anti-corruption examination of regulatory legal acts is carried out, the system of anti-corruption obligations, prohibitions and restrictions of the state and municipal employees is constantly improving, anti-corruption education is implemented, special units to combat corruption are set up in the law enforcement bodies structures. Corruption prevention in the state and municipal service system begins to acquire a systemic nature and bring positive results.

Prevention of corruption in Russian education is carried out, but not so systematically and intensively. The legal basis for corruption prevention in education primarily consists of regulatory acts of the Russian Federation Ministry of education and science as well as local regulatory acts of the educational institutions.

The state of corruption criminality in education advocate indicates the necessity to strengthen its prevention.

We share Professor N.V. Shchedrin's opinion according to which "when organizing corruption counteraction, one should always be aware of the fact that: a) the entire system and any governance entity operate under limited resources conditions; b) restrictive repressive measures are particularly resource-intensive". Therefore, one when engaged in preventive activity should be guided by the principle of "the main component", which "allows to find the main task of crime prevention activities, single out a key issue or several issues and concentrate available resources on their solution".

The study of the state of corruption prevention in the sphere of the Russian education conducted by the authors has allowed to formulate the following principal directions of preventive activities:

1. Legislative enshrinement of the principle of corruption prevention in the law on education

Federal Law “On Education in the Russian Federation”, being a basic legal act regulating the relations arising within this area in connection with the realization of the right to education, the provision of state guarantees of human rights and freedoms in the sphere of education and the creation of the conditions for the realization of the right to education has “bypassed” the problem of corruption prevention. Meanwhile, the status of the principle of the Law should be given to corruption prevention in the sphere of education. It is in this case that corruption prevention will be the guiding regulatory basis (start) of the state policy in the sphere of education, and gain a systemic nature.

2. Formation of the unified anti-corruption standards of conduct

An effective means of corruption prevention in various spheres of society activity is the enshrinement of the anti-corruption standards of conduct for various categories of employees.

The system of anti-corruption standards of the public and municipal employees’ conduct should be recognized as the most advanced one.”Anti - corruption standards of the official conduct of the state and civil servants are an integral part of their administrative and legal status, in this regard their composition comprises prohibitions, restrictions, incentives, as well as the requirements of the moral and ethical character, for the non-compliance of which disciplinary or other impact measures shall be applied “.

With regard to the anti-corruption standards of conduct in the sphere of education “the zone” of their dissemination is small.

From our point of view, corruption in education exists within *the education system*

management and the organization of educational activities relations.

Education system management includes: the formation of an interacting bodies system exercising management in the sphere of education (state and municipal), the adoption and implementation of the programs aimed at the development of the education system, state regulation of educational activities, etc. (p. 2 art. 89, Federal law “On Education in the Russian Federation”).

The education system is managed by the persons acting for the state, (municipal offices), state (municipal employees). Only this category of representatives of the education system is subject to the anti-corruption prohibitions, obligations and restrictions established respectively by art. 12.1 of the Federal Law “On Combating Corruption”, art. 14, 15, 16, 17, 18, 19, 20, 20.1, 20.2 of the Federal Law №79-FZ “On the State Civil Service in the Russian Federation”, p. 11, 12, 13, 14, 14.1, 14.2, 15, 16, 16.1 of the Federal Law №25-FZ “On the municipal service in the Russian Federation”, and other regulatory legal acts.

Organization of educational activities implies organizational, regulatory and administrative functions in an educational institution. For example, educational activities within the higher educational institutions are organized by: the officials (the rector, vice-rectors, their deputies and assistants, the heads of departments (divisions), the deans / directors and their deputies, the heads of departments, heads of the chairs, laboratories, study program managers, members of the collegial bodies of management, members of the various committees (eg. those taking a decision to transfer a student from the commercially based education to the budget one), and others.

With regard to this category of representatives of the education system, uniform anti-corruption

prohibitions, obligations and restrictions are not practically enshrined. The exception is the heads (as well as the President and the first vice-rector in the higher education institutions) and chief accountants. Under a number of the Russian Ministry of education and science orders they are subject to several anti-corruption obligations (to provide information about income and expenses, to notify the facts when being addressed with intent to induce to corruption offences commission, to notify of a personal self-interest occurrence, which results or may result in a conflict of interest).

Anti-corruption standards of conduct for all employees of the educational institutions are enshrined in the codes of ethics (if any). However, the scope and content of the anti-corruption obligations, prohibitions and restraints enshrined in the codes of different organizations are definitely not the same.

Assessing the commitment of educational institutions to self-regulation of anti-corruption standards as generally positive, we consider such practice to be wrong. We suppose that the anti-corruption standards must be unified for all the persons engaged in the organization of educational activities in educational institutions of any type, and be enshrined in the Federal Law "On Education in the Russian Federation".

3. Ensuring openness and transparency in education.

Openness and transparency of the activities of the entities providing the education system management, as well as carrying out the organization of the educational process is one of the basic principles of corruption prevention.

Serious work has already been undertaken in this respect in Russia. So, all state and municipal authorities have designed official websites in the "Internet". They place information on the body activities, and are obliged to provide

information about anti-corruption counteraction in accordance with the unified requirements. The first rubric on the top line of the first page of the Ministry of education and science official website is "Corruption counteraction".

The requirement to place certain content information on their websites is also subject to educational institutions. They are particularly obliged to provide openness and accessibility of information in terms of: - admission results concerning each profession, specialty of secondary vocational training (if there are entrance examinations), each destination of training or specialty of higher education under different admission conditions (places financed at the expense of budgetary allocations of an appropriate budget level, under the contracts on education at the expense of physical and (or) legal entities) indicating the average number of all the entrance tests points, as well as the results of transfer, reinstatement and expulsion;

- the number of vacancies for admission (transfer) for each study program according profession, specialty, training destination (places financed at the expense of budgetary allocations of an appropriate budget level, under the contracts on education at the expense of physical and (or) legal entities);

- the availability and conditions of scholarships and social support measures to the students.

In addition, an educational institution provides transparency and accessibility of local regulations copies on the major issues of the institution and implementation of educational activities, including regulating rules for students admission, forms, frequency, the order of the current progress control and interim assessment of students, the order and the grounds for transfer, reinstatement and expulsion of students ...

As is obvious, information about those areas of education that legal literature considered to be the most affected by corruption must be (and has become) open.

At the same time the State Exam introduction and creation of the state information systems providing transparency of admission to educational institutions of secondary vocational and higher education should be attributed to the range of significant anti-corruption achievements in education.

Sufficient transparency is also ensured by means of the representatives of employers or their associations in a relevant vocational sphere (with the right to vote) involvement in the state final certification in educational institutions of higher education. Currently the share of such persons in the State Examination Commission including the chairman of the SEC must be at least 50 percent.

The need for further work in this sphere is deemed to be obvious.

4. Implementation of anti-corruption enlightenment and education.

Formation of intolerance to corrupt conduct in the society is the primary measure to prevent corruption, enshrined in the Federal Law "On Combating Corruption" (p. 1, art. 6). The implementation of this measure is carried out mainly through the anti-corruption enlightenment and education. Russian Federation Government Decree number 816-p May 2014 approved of the Anti-corruption Enlightenment Program for 2014 - 2016.

The implementation of *anti-corruption enlightenment* of the educationalists, students and their representatives is an important area of corruption prevention in education. In contrast to anti-corruption education, anti-corruption enlightenment firstly, is not so formalized and, secondly, is aimed at anti-corruption world-view formation, rather than at acquiring

competences. One of the main objectives of anticorruption enlightenment is the destruction of the established stereotypes in the Russian society: "Corruption is no evil", "A gift is not a bribe", "A bar of chocolate is not a bribe", "And let them prove" and others.

The study of the judicial practice of the representatives of the educational system criminal prosecution indicates that most educationalists are prosecuted for receiving small amounts of money or wealth in the form of food packages while performing their official duties at assessing tests and examinations results. For example, a judgement of conviction was adjudicated in respect of a piano teacher of Altai State musical school, who had received a bribe from a student in the form of a bottle of cognac and a set of chocolates on the total amount of 1643 rubles for a repeated taking a differentiated test and upgrading on educational discipline "Music information science" without actual repeating a test. The teacher was found guilty of an offense under part 1, art. 290 of the RF Criminal Code, and sentenced to a fine of 41,082 rubles.

The given example reveals not a high self-interest of Russian teachers but a lack of anti-corruption information. It is impossible to overcome "gift giving" traditions being established for decades at a time, but work in this area must be continued. In general, it should be admitted that the implementation of anti-corruption enlightenment is of positive importance, however, the analysis of such activities revealed rather a serious problem. Anti-corruption enlightenment in educational institutions is carried out primarily by law enforcement agencies and non-government organizations. However, such events do not always reach the set objectives.

The anti-corruption subject matter is a very complicated content issue, and the audience

rarely perceives its discussion favorably. At the same time, one of the key and most painful issues is discussion of differentiation between a gift and a bribe. Qualified explanation of this and other issues require in-depth knowledge of theory and practice of criminal, civil and administrative law application. Lack of competence or poorly prepared speech of “an enlightener” can lead to an opposite effect - a corruption offense commission.

We believe that the content, forms, and methods of anti-corruption enlightenment shall be the subject of joint elaboration of scientific and practical community representatives. And persons engaged in anti-corrupcion enlightenment must meet certain eligibility requirements for example must be legally qualified.

Anti-corruption education is not less important direction of corruption prevention. This is a resource-intensive and strictly formalized process, regulated by the provisions of the Federal Law “On Education”.

Some educational institutions of higher education are including anti-corruption related disciplines into their study programs. So, Siberian Federal University carries out several anti-corruption study programs for bachelors of a number of destinations (2 c.u.), undergraduates (2c.u.) and government (mu-nicipal) employees (24 hours).

The introduction of the following general cultural competence as well as a number of professional competences into the Federal state educational standard for “Jurisprudence” bachelors should be positively highlighted, they are:

- general cultural competence: intolerant attitude towards corrupt conduct, respectful attitude towards law and the law (OK-6),

- professional competence: able to identify, give assessment of corrupt conduct and contribute

to its suppression (PC-12); able to correctly and fully reproduce the results of the professional activities in legal and other documentation (PC-13); ready to take part in conducting legal examination of normative legal acts as well as to identify whether they contain provisions facilitating creating conditions for corruption (PC-14).

We believe that general cultural competence – intolerant attitude towards corrupt conduct, respectful attitude towards law and the law (OK-6) should be introduced into all destinations educational standards of higher education.

Conclusions

In the Russian Federation combating corruption issues have been paid the greatest attention. Necessary legal and organizational bases to combat corruption have been formed.

A great number of measures on corruption prevention are undertaken in the sphere of education as well. However, if in the state and municipal authorities responsible for managing the educational system, corruption prevention is carried out centrally, then in educational institutions this activity has not got any systematic nature yet. Educational institutions assign the scope and content of the anti-corruption policy by themselves. Unified state anti-corruption policy in the direction in question is wanting.

The authors summarize that the main directions of corruption prevention in education are: legislative enshrinement of the corruption prevention principle in the law on education, formation of the unified anti-corruption standards of conduct, ensuring openness and transparency, implementation of anti-corruption enlightenment and anti-corruption education.

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Предупреждение коррупции – одно из важных направлений современной государственной политики Российской Федерации, в котором государство предпринимает комплекс правовых и организационных мер. Вместе с тем основные усилия направлены на предупреждение коррупции в государственном и муниципальном управлении, а также в правоохранительных органах. В иных сферах, в том числе в образовании, предупреждение коррупции пока осуществляется фрагментарно. В статье авторы дают общую характеристику, а также формулируют предложения по совершенствованию предупреждения коррупции в российском образовании.

Ключевые слова: коррупция, образование, предупреждение, конфликт интересов, антикоррупционные стандарты поведения, антикоррупционное просвещение.

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