

EVALUATION OF THE EFFECTIVENESS OF RUSSIAN ANTI-CORRUPTION STATE POLICY IN THE FIELD OF EDUCATION

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ABSTRACT

The problem of efficiency of anti-corruption policy in Russia after the adoption of the Federal law "On combating corruption" is always the focus of extensive debate and analysis. The attention of the public and researchers especially involved with corruption in the public service, persons occupying positions of the Russian Federation, positions of constituent entities of the Russian Federation. A significant amount of relevant information on this topic gets in the media, journalists write about corruption, exposed the corruption, give the public information about the actions of the investigative agencies to combat corruption. However, corruption in the education system is on the periphery of public discussions.

It is a well-known fact that the most characteristic sign of corruption is the conflict between the activities of the authorized person (officer, Deputy, judge, law enforcement officer, administrator, teacher, physician, etc.) and interests of society. The main determinant of this is the use of authority to obtain benefits in circumstances when the risk of being exposed and punished is minimal.

Keywords: Education, Corruption, Use of Authority, Risk, Punishment, Employee, Authorized Person.

INTRODUCTION

In modern Russian education recently formed a significant number of corruption-generating areas. To them, according to experts, are (Stockemer & Sundström, 2014):

- The control system dedicated to the education, commercial and budgetary funds through financial-credit and commercial structures that are organized in a corrupt system.
- Procedure of admission to preschool, school, public and private educational institutions.
- The existing system of levies on real or fictional educational needs.
- Procedures for the unified state examination associated with the use of corrupt schemes of obtaining unfairly high marks in basic subjects.
- The system of state and commercial funding of higher education institutions.
- Procedures for admission to prestigious higher educational institutions.
- Obtaining certificates of disability, to ensure the realization of the right of admission to the budget places in higher educational institutions.
- Admission to higher education institutions, as a legitimate ground for obtaining a delay from service in army.

- Procedures of delivery of tests and examinations.
- Procedures for admission to postgraduate and doctoral studies.
- Preparation of master's, masters or doctoral thesis.
- Procedures for the protection of dissertations.
- The conduct of various examinations in the education system.
- Conditions that promote the formation and development of corruption in education are (Cheloukhine & Habersfeld, 2011).
- The continuous reform of the education system without preliminary expert evaluation of the strategic and tactical directions of the reform and the possible negative consequences of implementing it in practice.
- Ill-considered use of Western models of education implemented in the form of the Bologna process.
- The lack of adequate regulatory framework governing the development and implementation of a system of measures for countering corruption in the education system.
- A sharp decline in the social status of caregiver, teacher and teacher of the University in society.
- The tightening of control and punitive functions in the system of education management.
- Lack of transparent system for assessing the quality of education, educational institutions, professionalism of the subjects of pedagogical work.
- Low salaries of kindergarten teachers, school teachers, scientific and pedagogical workers of higher educational institutions.

LITERATURE REVIEW

Corruption in recent years has become the most discussed and eye-catching theme (Beck & Lee, 2002). In late 2012 early 2013 hosted high-profile arrest of senior officials of different departments who were charged with major embezzlement, extortion, abuse of position, misuse of budgetary funds (Rožič & Nisnevich, 2016).

Actively developed legislation designed to put more (Martirosian, 2004) than previously, control not only income, but also expenses of public servants, persons holding public office, heads of public corporations (Gray, 1997). To this subject since the beginning of 2013, Russian President Vladimir Putin appealed in their speeches almost daily, using a variety of meetings with citizens, consultations with professional communities and participating in the work. Current trends of fighting corruption, the following:

- Efforts are being made to increase the efficiency of checks of legality of use of state property, supervision over observance of laws when placing state orders (Smolentseva, 2007).
- Enhanced supervision of observance of laws by bodies carrying out operative-investigative activity and preliminary investigation on criminal cases about corruption (Zagainova, 2007).

- Tightened control "over people of different level at various levels of the government ladder", where there are many loopholes for corruption and use in bad faith of an official position (Venard, 2009).
- On the basis of Federal laws "On combating corruption" and "On control over compliance costs of persons holding public office and other persons to their income" the basis for the eradication of bribes, kickbacks, embezzlement (Magun, 2011). This purpose is served by the Federal laws "prohibiting certain categories of persons to open and have accounts (deposits), store cash and values in foreign banks located outside the territory of the Russian Federation, own and (or) to use foreign financial instruments" and "On amendments to certain legislative acts of the Russian Federation in connection with adoption of the Federal law "On banning certain categories of persons to open and have accounts (deposits), store cash and values in foreign banks located outside the territory of the Russian Federation, own and (or) to use foreign financial instruments" and the Federal constitutional law "On amendments to article 11 of the Federal constitutional law "About the government of the Russian Federation" (Ofer, 2012).
- There is a fight against domestic corruption, including bribery on the roads (Cheloukhine, 2017).
- Improvement of law enforcement relations with citizens, public organizations, deputies of local authorities in the regulation of the housing sector, in its release from various gray schemes, theft and corruption (Cheloukhine, 2017).
- Identified and suppressed the most important systemic corruption crimes, including those committed by high-ranking officials (Johnson, 2004).
- Active work in areas such as the fight against ordinary and organized crime, embezzlement of budget funds allocated for the development of economy and social sphere (Beets, 2005).
- Assists local governments in improving the quality of preparation of municipal legal acts thanks to the preparation by the Ministry of justice of the Russian Federation with the support of the Ministry of regional development
- Russia typical projects municipal acts in the field of combating corruption (Cleveland et al., 2009).
- Carried out anti-corruption expertise of legal acts with a view to preventing violations of the rights of citizens and improve the efficiency of standard-setting procedures (Altbach, 2013).
- Provide monitoring oversight bodies in such a socially relevant and resonant issues of life of municipalities as disposal of land, property, procurement, which are the most corruption-generating areas (Wilhelm, 2002).
- Great attention is paid to the problem of corruption in the judicial system (Maloney & Kelly, 2000).
- Crucial importance of addressing corruption risks in the tax sector (Cohen, 2009).
- The aim is simplification of the procedures of administrative regulation important for business and citizens processes (in particular, technological connection to electric networks) (Cheloukhine et al., 2015).
- Recognized the problem of the need of strengthening the institution of the mass media, which depend on not only objective and unbiased coverage of events and the General enlightenment, the consolidation of the citizens in the fight against such phenomena as

corruption, injustice and bureaucratic arbitrariness, xenophobia and nationalism (Osipian, 2009).

The analysis of the speeches of the President of the Russian Federation adopted legislative and other regulatory acts have shown, however, that the problems of corruption in education are not the centre of attention of the highest governmental authorities of the country and the world community. This was confirmed by studies and recent scientific literature on the problems of corruption (Osipian, 2015).

And this is understandable. Corruption in education, as the statistics of cases investigated, has a much smaller distribution than in the system of state and municipal management, because it is not associated with volume of the state orders and purchases. In addition, the education system has a kind of "protection" in the form of a collective and continuous process of decision-making: a diploma cannot be purchased if the person was not enrolled in the University, if you do not attend classes, did not control the reporting forms did not provide written work. Corruption in education is the relationship of applicant (student) and institution and not the rector or member of the selection Committee (Osipian, 2009). That is corruption in education - either localized to the lower, household level or has signs of organized crime, where illicit funds to the University management need to collude with a whole range of ordinary teachers, administrative workers (Brovkin, 2003).

At the same time, research shows that the education system in our country is one of the top in terms of corruption. "The largest number of corruption violations in 2011 was revealed in health care, education and housing," said the head of the presidential Administration of the Russian Federation Sergey Ivanov at session of Presidium of Council at the President on corruption counteraction.

Education and training, performs an important socializing function. In the process of education people not only receive academic knowledge, but also learn social norms and rules. In this sense, corruption in education is especially dangerous for society. "The special danger of corruption in the education system lies in the fact that corruption not only reduces the quality of the education itself, but shapes the younger generation's attitude to corruption as a normal phenomenon".

Because of corruption many Russian citizens are unable to access quality education. "When the baby is in the kitchen hears parents discussing how much money they brought for him to arrange in a kindergarten, then they took some amount given to the caregiver to keep an eye on good for him...it is clear that is the idea in General about the political system, the attitude towards power and authorities to the citizens. As a result, the society is reducing the credibility of the government and, growing up; man already begins to participate in all other forms of corruption". Corruption is perceived already as norm.

Revealing: in preparation of the G20 summit on 19 July 2013 hosted the first important meeting of Ministers of Finance and Ministers of labour and employment of the countries "the Twenty". The main theme of the event was to discuss concerted actions aimed at promoting strong, sustainable and balanced growth and ensuring a favourable environment for job creation. But never this kind of event is not passed with the participation of the Ministers of education and science, whereas the synchronization of financial, employment and education policy is necessary to Russia and on the world stage.

RESULTS AND DISCUSSION

The basis of counteraction of corruption in Russia currently is: the national plan of counteraction of corruption on 2010-2011, approved by the President of Russia on 31 July 2008 No. PR-1568 (in the wording of Decree of the President of the Russian Federation dated 13 April 2010 No. 460); the national strategy for combating corruption, approved by presidential decree No. 460 of 13 April 2010; Decree of the President of Russia on May 19, 2008 No. 815 "About measures on corruption counteraction"; the Federal law of 25 December 2008 No. 273-FZ "On combating corruption"; The Federal law from July 17, 2009 No. 172-FZ "About anticorruption examination of regulatory legal acts and drafts of normative legal acts". These regulations are intended to create legal prerequisites for the creation of mechanisms of counteraction of corruption.

Pursuant to the National plan for combating corruption the Ministry of education and science of the Russian Federation and the Federal service for supervision in education and science of the Russian Federation approved the Program of counteraction of corruption in the activities of the Federal service for supervision in education and science in 2008-2011 (EST. The Ministry of education and science of the Russian Federation dated 27 January 2009 No. AF-5/09 EXT). The mechanism which was approved by Order of the Federal service for supervision in education and science from February 10, 2009 No. 217 "On the program of combating corruption in the activities of the Federal service for supervision in education and science in 2008-2011". One of the goals of this program proclaimed the operation of the system of counteraction of corruption in the activities of the Federal service for supervision in education and science.

The perpetuation of corruption in the modern Russian education system has contributed to deteriorating in the 1990s, the years of socio-economic situation in the country, gaps in legislation and the tacit consent of parents and approval in relation to bribery, the position of teachers and school leaders. Russian experts, speaking about the reasons for the emergence and spread of corruption in the country schools, paying particular attention to the fact that the corruption facts are difficult to prove.

First, this is facilitated by the numerous loopholes in the legislation, including: the permission to create "funds for the support of schools," to make "voluntary" contributions to the development of the school from parents of students there are children, to make gifts to faculty, to produce the collection of money for the protection of equipment, additional classes, etc.

Second, none of the participants of the educational process in practice is not interested in disclosing of corruption crimes. For employees of schools rather than state schools and their own material well-being. The official salaries of teachers are very low, as the educational level new teachers. According to scientific Director Federal Institute of education development Yevgeny Saburov, the current education graduates of teacher training institutions "rather than pedagogic and the total of the highest." For parents, the most important thing is to provide teach quality training, as the purpose of the opt-in "voluntary donations" to the school can be elusive.

The main element in the system of application of sanctions for the Commission of acts of corruption in the field of education should recognize the corruption of the educational offence. Depending on the degree of public danger, possible harm and the type of educational relations for various educational acts of corruption provides for various types of legal liability.

Based on the content of article 13 and article 14 of the Federal law of 25 December 2008 № 273-Feh "On combating corruption" for corruption educational offenses, guilty of a subject

can be attracted to the following types of legal liability: administrative, disciplinary, criminal, civil.

It should be noted that the list of acts of corruption contained in article 1 of the Federal law "On combating corruption" has a strong criminal nature. This situation stems from the requirements of international legal acts (conventions of the United Nations against corruption of 31 October 2003 and the criminal law Convention on corruption of 27 January 1999), in which offences of corruption are fixed in the form of crime. If administrative and disciplinary liability can be applied for a number of acts that are not directly corrupt, but contain some signs of corruption or the perpetration of corruption offences, implementation of measures labour-legal responsibility for corruption acts not expressly provided for by legislation. Therefore, we consider the application of disciplinary, administrative and criminal liability for corruption offences educational.

Traditionally, disciplinary responsibility is considered as a kind of legal liability one of the legal forms of influence on violators of labour discipline, namely the imposition of disciplinary penalties.

There are two kinds of disciplinary responsibility: under the labour code of the Russian Federation (General) and that posed by the separate category of workers in accordance with Federal laws, statutes and regulations on discipline (ad hoc).

It seems that the list of grounds to apply to employees of educational institutions of disciplinary action and subsequent termination of labour relations with them should be expanded. It is necessary to supplement part 4 of article 54 of the Law "On education" the following grounds:

- Favouritism to certain students.
- Helping students in their own interests; acceptance of gifts; inducing students to participate in various political activities; the imposition studying the acquisition of published literature instructor.
- Informal interpersonal relationships between learners and teaching staff of educational institutions.

The subjects of disciplinary responsibility for corruption offenses in education can act as officials of the educational institution and pedagogical workers.

Unlike a disciplinary responsibility, in the Commission by the perpetrator of corruption administrative offences according to the norms of article 14 of the Federal law of the Russian Federation of 25 December 2008 No. 273-FZ "On combating corruption", administrative liability may be incurred not only physical persons but also legal persons.

A special place among the ways of combating corruption is the use of measures of criminal responsibility for educational corruption. The basic legal regulation in the Russian Federation, regulating the possibility of applying of measures of criminal responsibility for crimes of corruption in education is the criminal code of the Russian Federation.

Corruption in the system of Russian education has a variety of forms that are continually evolving and improving. However, the most common forms of corruption and economic crimes in education are the following:

- Misuse and embezzlement of budget funds.
- Abuse and abuse of power.
- Fraud committed by a person using his official position.

- Receiving and giving bribes.
- Manufacture and sales of forged documents on education.
- Use of falsified diplomas of higher education.
- A combination of public and municipal service with the Foundation and positions in commercial organizations.

The law on combating corruption in 2008-2013 provided for the cleansing of public administration from this social evil. The education budget, not the public sphere indirectly fall into the zone of the relevant regulation, that is, the punishment in case of establishment of facts of corruption were carried on, as a rule, officials from the scope of the supervision of the education system. The individual facts of bribery of teachers and professors criminally prosecuted only when the identification and fixing the relevant specific cases. The legislation was not extended to representatives of the middle and high schools, primary system, the requirement to submit declarations of income and assets. At the same time, as in the public service, changes in compensation have resulted in gaps between received wages as an ordinary teacher and rector of the University has reached hundreds of times, led to the fact, that in itself is a requirement for the teacher to present a Declaration of income and assets would seem unacceptable, immoral.

CONCLUSION AND RECOMMENDATIONS

The problem of the quality of legal acts is one of the key legal doctrine and practice. Currently, the interest in this problem is increasing, but I must admit that there is not yet an adequate system of quality assessments and regulations. Of particular importance here is the examination of regulations, which increasingly adopted in the practice of law-making, is the main tool for identifying the law-making mistakes. It should be noted that the legal definition of the term "expertise of legal acts and draft legal acts" in the current legislation.

As pointed out, anti-corruption examination cannot be treated only as a means of detection of corruption-generating factors, combined with the technology of legal monitoring and acts as an additional instrument for ensuring the quality of the acts, their greater efficiency.

Federal law of 25 December 2008 No. 273-FZ "On combating corruption" has identified the examination as a measure for the prevention of corruption. The legal and organizational basis of its carrying out in the presence of normative legal acts and their draft regulations that create conditions for corruption, laid a special legislative act the Federal law from July 17, 2009 n 172-FZ "About anticorruption examination of regulatory legal acts and drafts of normative legal acts". In particular, the law established the basic principles of anti-corruption examination of regulatory legal acts (drafts of regulatory legal acts): mandatory anti-corruption examination of draft regulatory legal acts; assessment of the regulatory legal act in conjunction with other laws; validity, objectivity and verifiability of results of anti-corruption expertise of normative legal acts (drafts of regulatory legal acts); competence of persons conducting anti-corruption examination of regulatory legal acts (drafts of regulatory legal acts); cooperation of Federal Executive authorities, other state bodies and organizations, bodies of state power of subjects of the Russian Federation, bodies of local self-government and their officials with the civil society institutions in conducting anti-corruption examination of regulatory legal acts (drafts of regulatory legal acts).

In order to implement this Federal law the government of the Russian Federation approved the rules of conducting anti-corruption expertise of normative legal acts and their drafts, legal regulation has received the further development at the Federal, regional and municipal levels of government. Note that the corruption potential of legislation has the following characteristics:

- Breadth of discretionary powers: Absence or uncertainty of terms, conditions or grounds for decision-making, presence of duplicating powers of public authorities or local self-government bodies (their officials).
- Definition of competence according to the formula "may", "May" is permissive setting in the inability of the state authorities or local self-government bodies (their officials) actions concerning citizens and the organizations.
- Selective change of scope of rights: The possibility of unjustified establishes exceptions to the General order for citizens and organizations at the discretion of public authorities or local self-government bodies (their officials).
- Excessive freedom of sub rulemaking: Presence of blanket and reference norms, resulting in the adoption of bylaws invading the jurisdiction of a public authority or local authority that adopted the original regulatory legal act.
- Adoption of a regulatory legal act beyond the competence: Violation the competence of public authorities or local self-government bodies (their officials) when adopting normative legal acts.
- Filling legislative gaps using bylaws in the absence of legislative delegation of appropriate powers: the establishment of mandatory rules of conduct in a subordinate act in the absence of law.
- Absence or incompleteness of administrative procedures: Absence of an order committing the state authorities or local self-government bodies (their officials) certain actions or one of elements of such order.
- The rejection of the tender (auction) procedures: Fastening of an administrative the procedure of granting the rights (benefits).
- Having high requirements on the person requirements for the implementation of the rights belonging to him: The establishment of uncertain, exigent and burdensome requirements to citizens and organizations.
- Abuse of the right of the applicant by the state authorities or local self-government bodies (their officials): Absence of clear regulation of the rights of citizens and organizations.
- Legal linguistic uncertainty: The use of unsettled, ambiguous terms and categories of estimated character.

When considering issues of anti-corruption expertise of normative acts in the sphere of education the following should be noted.

In the Federal law "On education in Russian Federation", which entered into force on 1 September 2013, did not provide specific measures of responsibility of educational institutions at various levels and their employees for violation of the rights of pupils, students and other categories of students and no effective mechanism of inevitability of disciplinary responsibility for offences.

In this Law, a significant number of standards delegated to the Government of the Russian Federation on adoption of regulations (item 9, article 11, paragraph 28 of article 92 and

a number of others). Separate norms provide the normative powers of Federal Executive authorities, constituent entities of the Russian Federation and bodies of local self-government (clause 1, article 6, clause 4, article 7, paragraph 8, article 18, clause 13 and 16 of article 36, clause 4, article 37, clause 5, article 59, paragraph 3 and paragraph 12 of article 91).

The decision satisfied a large range of issues related to the competence of the founders of educational institutions. Moreover, the competence of the Executive bodies and officials quite often defined using the words "May", "can" and "may". Such a large number of reference and blanket norms allows us to characterize the act as a framework and declarative.

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