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Administrative Law Forms and Methods of Corruption Prevention in Public Administration in the Mechanism of Ensuring Protection of the Rights and Freedoms of Citizens of the Russian Federation

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Abstract: The study is devoted to a comprehensive analysis of the content and features of the currently existing administrative law forms and methods used to prevent corruption in public administration of the Russian Federation. The authors draw attention to the high level of public danger of corruption and its manifestations. It is emphasized that corruption is one of the main threats to Russia's national security. The paper describes the main universal legal and doctrinal approaches to corruption prevention and corruption manifestations in public administration bodies at federal, regional and municipal levels of government. The authors have revealed the main causes of corruption in public administration; their detailed classification is given. The paper also considers the main directions of the state anti-corruption policy of the Russian Federation in public administration bodies. Attention is focused on the participation of civil society institutions in the implementation of certain areas of anti-corruption. The paper presents the authors' proposals for improving legal foundations of the currently existing domestic system of anti-corruption forms and methods aimed at preventing and minimizing corruption manifestations. The paper analyzes types, content, and features of their application in public administration activities.

Keywords: corruption; manifestations; anti-corruption; corruption prevention; administrative law forms; administrative law methods; public administration

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I. Introduction

Global challenges require the formation of new approaches to public administration and improvement of existing ones. Undoubtedly, corruption belongs to the most fundamental threats to the functioning of society and the State. Corruption elimination has now become one of the main national interests of the Russian Federation, which is outlined as a goal in the Decree of the President of the Russian Federation No. 400 dated 2 July 2021 “On the National Security Strategy of the

Russian Federation.” Public danger of various types of corruption manifestations does not cause serious disagreements in domestic and foreign academic community. In the majority of cases, legal nature of corruption manifestations is obvious. This primarily concerns corruption-related crimes, with bribery being one of the most common crimes of the category under discussion.

According to official data of the Ministry of Internal Affairs of the Russian Federation, over 18 thousand crimes related to bribery were committed in 2021, and the total number of corruption crimes amounted to more than 35 thousand (0.9 % of the total number of recorded crimes).¹ In addition, certain types of administrative offenses, disciplinary offenses, as well as civil law torts are also corrupt in nature. A very significant number of illegal acts with the signs of corruption are committed annually in the field of public administration. In this regard, it is extremely important to prevent all types of corruption manifestations. Administrative law forms and methods enshrined in domestic legislation play a special role in this process. Their legal and doctrinal nature will be discussed in this study.

II. Legal Foundation of Corruption Prevention in Public Administration

Throughout the history of the world, corruption has accompanied various spheres of public relations that are formed in the process of public bodies functioning. Corruption actually appeared simultaneously with the institution of the State, reflecting its most negative aspects appearing due to the selfish interests of the class of officials existing under any government. For example, Rose-Ackerman points out that corruption is a symptom proving that there are significant problems in the public administration system (Rose-Ackerman, 2010, p. 7). Today there is no country in the world that has completely eliminated corrupt relations in the administrative apparatus. Particularly high levels of corruption are recorded in most countries of Africa, Southeast

¹ Brief description crime in the Russian Federation for January — December 2021. Available at: <https://мвд.рф/reports/item/28021552/> (In Russ.) [Accessed 25.09.2022].

Asia and Latin America. Foreign researchers highlight that corruption is associated with serious dysfunctions in the state: distortion of investment decisions, crime, violence and political instability (Talvitie, 2017, p. 4472). Nevertheless, there are individual States (Denmark, New Zealand, Singapore, Switzerland, Finland) that have achieved amazing success in the fight against corruption, minimizing its level to almost zero. The experience of these countries shows that anti-corruption is a long, multi-year process associated with the formation of a clear legal framework, a system of specialized bodies, as well as a system of effective anti-corruption measures.

In Russia, the fight against corruption has been carried out inconsistently, not always successfully and not productively. The official state policy had a significant impact on the process of combating corruption, especially in the 20th century. Preventive anti-corruption norms were consolidated in domestic legal acts only at the present historical stage. The legislation on combating corruption in the Russian Federation has developed extremely slowly and inconsistently. Basically, it included bans and restrictions of an anti-corruption nature against state and municipal employees. We agree with A.B. Artemyev and his rather objective conclusions that the anti-corruption legislation formed at the turn of 1990–2000 had significant shortcomings and was not followed by the officials (Artemyev, 2015, p. 43).

Strengthening of the legal regulation of anti-corruption took place after Dmitry A. Medvedev, then the President of the Russian Federation, signed the Decree No. 815 dated 19 May 2008 “On measures to combat corruption” on the basis of which a new Council under the President of the Russian Federation on Combating Corruption was formed, and on 31 July 2008 the first large-scale state anti-corruption legal program document was approved — the National Anti-Corruption Plan.² This document consisted of four parts, and each part can be considered mostly successfully implemented to date. In particular, the second section of the National Plan, consolidated measures to improve public

² The National Anti-Corruption Plan (approved by the President of the Russian Federation on 31 July 2008, Pr-1568). Rossiyskaya Gazeta. Available at: <https://rg.ru/documents/2008/08/05/plan-dok.html> (In Russ.) [Accessed 25.09.2022].

administration. Among these measures it is possible to highlight: 1. foundation of anti-corruption units within the personnel services of state bodies; 2. introduction of methods for assessing the effectiveness of identifying and preventing corruption risks; 3. the use of the One-Stop Shop system and the electronic information exchange system. The first National Plan became a foundation for anti-corruption planning throughout the Russian Federation. Today, this document makes it possible to coordinate all state authorities and local self-government bodies to combat corruption. Provisions of the National Plan serve as the basis for plans and programs not only carried out not only in government bodies, but also in enterprises and institutions, regardless of their form of ownership.

The adoption of Federal Law No. 273-FZ dated 25 December 2008 “On Combating Corruption” (hereinafter the Anti-Corruption Law No. 273-FZ) was the next major stage of the anti-corruption struggle in modern Russia. It is associated with the most serious changes that have occurred during improvement of the system of prevention and suppression of corruption in the public administration system. It is important to pay attention to some provisions of the basic anti-corruption law that are directly related to public administration. The very content of the law is filled with norms directly related to government agencies and especially with civil servants. And a number of articles in general can be considered a direct continuation of the legislation on the state civil service. Among anti-corruption principles (Art. 3), one can single out publicity and openness in the activities of state bodies, which is always relevant to minimize corruption risks. The principles also include the integrated use of various measures, including political, organizational, legal, special, etc. Within the framework of the study, this is especially significant, taking into account the variety of forms and methods of combating corruption.

The authors believe that for the purposes of more detailed understanding of the nature of corruption, it is necessary to amend the Anti-Corruption Law No. 273-FZ adding Art. 1 to Para. 1.1 containing the definition of a corruption offense. The Anti-Corruption Law No. 273-FZ should clearly differentiate between the categories of

corruption and corruption offense with due regard to the fact that the latter is quite common in the text of the law. In addition, the definition of the concept of the *corruption offense* can also be found in the anti-corruption legislation of foreign countries. In particular, the Law of the Republic of Kazakhstan “On Combating Corruption”³ contains a definition of this concept, where there is no possibility of applying disciplinary measures for acts of corruption. The Law of the Republic of Uzbekistan “On Combating Corruption”⁴ also contains a definition of the corruption offense, but in a more truncated form, without specifying the types of responsibility that occur for committing acts that have signs of corruption. It is necessary to understand that corruption and corruption offenses are related, but still different, categories. Thus, the corruption offense is an illegal act (act or omission to act) that has signs of corruption, for which criminal, administrative, civil, or disciplinary measures can be applied in accordance with the legislation of the Russian Federation.

The system of legal regulation of anti-corruption, in addition to federal legislative acts, also includes the laws of the constituent entities of the Russian Federation. Each constituent entity of Russia has its own separate law aimed at combating corruption. They were adopted in different years, also before the Anti-Corruption Law No. 273-FZ came into force, as it happened, for example, in the Republic of Tatarstan. Regional laws have different names, but at the same time quite similar content, due to the consolidation of universal anti-corruption measures. The existence of such extensive anti-corruption legislation in the constituent entities of the Russian Federation is an additional confirmation of the most important thesis — corruption is one of the problems of a national scale, the manifestations of which are present at all levels of government.

³ Para. 11 Art. 1 of the Law of the Republic of Kazakhstan No. 410-V dated 18 November 2015 “On Combating Corruption” (with amendments and additions) (as of 3 July 2017). Information system “Paragraph.” Available at: http://online.zakon.kz/document/?doc_id=33478302#pos=0;0 (In Russ.) [Accessed 25.09.2022].

⁴ Para. 3 Art. 3 of the Law of the Republic of Uzbekistan No. ZRU-419 dated 3 January 2017 “On combating corruption”. National database of legislation of the Republic of Uzbekistan “LexUz”. Available at: http://www.lex.uz/pages/GetAct.aspx?lact_id=3088013 (In Russ.) [Accessed 25.09.2022].

The anti-corruption activities of public authorities at the level of the constituent entities of the Russian Federation also have a diverse nature and are associated, among other things, with the publication of regulatory legal acts to combat corruption. As a rule, these are acts of the head of the constituent entity, its highest executive authority, as well as individual executive authorities of the constituent authority of the Russian Federation. Each constituent entity of the Russian Federation has its own anti-corruption plan. These documents are clearly synchronized with the federal anti-corruption plan, but take into account the specifics of each individual region of Russia. Thus, under Part 2 Art. 5 of the Law of the City of Moscow “On measures to combat corruption in the City of Moscow,”⁵ the anti-corruption plan has been developed and approved in accordance with the procedure established by the Mayor of Moscow. Currently, Moscow has the anti-corruption plan for the same period of time as the federal one — from 2021 to 2024.⁶ Local anti-corruption plans are also in effect in all regional executive authorities. For example, a similar document is used in the Department of Transport and Development of Road Transport Infrastructure of the city of Moscow.⁷ It should be noted that Russia today has the necessary legal framework for combating corruption. Regulatory legal acts regulating anti-corruption issues are constantly being improved, supplemented and changed. New anti-corruption laws, decrees of the President of the Russian Federation, resolutions of the Government of the Russian Federation, regulations of federal executive authorities and executive authorities of the constituent entities of the Russian Federation are adopted annually.

⁵ Law of the City of Moscow No. 64 dated 17 December 2014 “On measures to combat corruption in the city of Moscow”. Bulletin of the Mayor and the Government of Moscow. 72 (In Russ.).

⁶ Order of the Mayor of Moscow No. 75-RM dated 15 February 2021 “On approval of the Anti-Corruption Plan in Moscow for 2021–2024” (annotated). Official website of the Mayor of Moscow. Available at: www.mos.ru (In Russ.) [Accessed 25.09.2022].

⁷ Order of the Mayor of Moscow No. 75-RM dated 15 February 2021 “On approval of the Anti-Corruption Plan in Moscow for 2021–2024” (with amendments and additions). Official website of the Mayor of Moscow. URL: https://www.mos.ru/upload/documents/files/7633/d_1880101234.pdf (In Russ.) [Accessed 25.09.2022].

III. Causes of Corruption in Public Administration

For a deeper understanding of the content of corruption, it is necessary to identify the reasons that contributed to its large-scale spread in public administration. In this context, S.N. Shishkarev argued that corruption is a consequence of political instability, economic decline, morality degradation, weakening of the system of social control (Shishkarev, 2010, p. 4). In many ways, the causes of corruption in the public administration of the Russian Federation coincide with the general causes of corruption in the country, but there is also a certain specificity caused by the special nature of official relations in the structure of public authorities. The “gene” of corruption lies in the shortcomings of the system of state and municipal service that forms a kind of the core of public administration. Most of these reasons have been studied for a long time in the framework of relevant dissertation research (Kurakin, 2008; Shevelevich, 2008; Sevryugin, 2011).

The authors support the opinion of Nikolai I. Dorokhov that modern corruption is focused on maximum use of the opportunities for personal enrichment of officials due to errors and mistakes committed during the society’s reform (Dorokhov, 2006, pp. 26–29). Thus, corruption will remain at a high level until a truly effective system of public administration is formed in Russia in the exercise of public powers by officials.

The scholarship analysis allows the authors to determine the most common causes of corruption in the field of public administration. They include:

- a. low level of remuneration, which does not allow a significant number of public officials to consider their work in public administration as the main source of income;
- b. constant outflow of qualified specialists to other areas, including business, and, as a result, poor public sector employees’ performance;
- c. insufficient level of legal culture and legal awareness of a significant part of officials accompanying their propensities to corrupt behavior;
- d. so-called “clannishness” or “nepotism” in the system of state and municipal service;

e. lack of proper administrative control and supervision of management and law enforcement agencies over the activities of officials;

f. lack of a developed system of public control over the activities of officials with the participation of civil society institutions;

g. an excessive number of executive authorities and their officials, often exercising excessive and duplicative powers, which contributes to the growth of bureaucracy and red tape in the execution of decisions.

This list can be continued further, since there are really a lot of reasons for corruption among civil servants in executive authorities. In addition, it is possible to identify a number of other general causes of corruption. First, they include the reasons of a political and ideological nature that are associated with illegal merging of the interests of business and government officials (the so-called phenomenon of “bureaucratic capitalism”), weak civic initiative, ineffective implementation of anti-corruption policy, and a low level of ideological propaganda against corruption. Second, they include organizational and legal reasons related to the ineffective use of anti-corruption measures by state authorities, lack of initiative of authorized officials of government bodies, and “soft” sanctions for corruption offenses. Third, socio-economic reasons contribute to the high degree of social stratification into poor and rich, a significant level of inflation, low average wages, retirement and pension benefits. Fourth, these are moral and ethical reasons caused by the legal nihilism of a significant part of Russian society, the perception of corruption as a norm of behavior and legal nihilism of a significant part of society, as well as lack of ethical and moral barriers prohibiting corruption offenses in the minds of a significant part of officials.

IV. Main Directions of the State Anti-Corruption Policy with the Participation of Civil Society Institutions

Anti-corruption is an integral part of the State Policy. In almost every annual address to the chambers of the Federal Assembly of the Russian Federation, the President of Russia stated the importance of combating corruption. In his message for 2012, the President of the

Russian Federation actually outlined the main directions of state policy in the field of combating corruption in the coming years.⁸

Stricter control over the income and expenses of state and municipal employees, heads of large state-owned companies and their families was declared as the first direction of the Anti-Corruption Policy.⁹ In this regard, a corresponding federal law was adopted regulating the procedure for providing information concerning officials' expenses and expenses of their family members. Under Part 1 Art. 3 of this law, an official is obliged to provide information about his/her expenses and expenses of his/her spouse and minor children for each transaction, if the amount of this transaction exceeds the total income of the official and his/her spouse for the last three years preceding the transaction, and about the sources of funds, except for the account of which the transaction was made. The procedure required in this case for providing the above information was approved by the majority of federal executive authorities, including the Ministry of Finance of the Russian Federation.¹⁰

The next direction of combating corruption in the public administration system was the initiation by the President of the Russian Federation of a different order of remuneration of heads of state organizations and institutions. According to the Head of State, a more equitable procedure for the distribution and redistribution of monetary incentives for employees of budget organizations is needed. The quality of the organization's work and the average salary of the

⁸ Message of the President of the Russian Federation to the Federal Assembly dated 12 December 2012. *Rossiyskaya Gazeta*. 287. 13 December 2012 (In Russ.).

⁹ Order of the Ministry of Finance of the Russian Federation No. 131n dated 24 August 2015 "On Approval of the Procedure for Submission by Citizens Applying for Positions and Employees Filling Positions in Organizations Created to Perform Tasks Assigned to the Ministry of Finance of the Russian Federation of Information about Their Income, Expenses, Property and Property Obligations, as well as Information about income, expenses, property and property obligations of their spouse and minor children". Official Internet portal of legal information. Available at: <http://www.pravo.gov.ru> (In Russ.) [Accessed 25.09.2022].

¹⁰ Federal Law No. 230-FZ dated 3 December 2012 "On control over the compliance of expenses of persons holding Public positions and other persons with their incomes". Collection of Legislation of the Russian Federation. 10 December 2012. No. 50 (Part IV). Art. 6953 (In Russ.).

staff should be applied as the main criteria for determining the amount of remuneration. Unfortunately, today the heads of many budget enterprises and institutions abuse their official position, distributing monetary incentives in their own favor or in favor of the managerial staff, ignoring ordinary employees. In this regard, it is necessary to set the maximum limit of benefits and “bonuses” for the management and make the remuneration procedure as transparent as possible. It should be noted that this criterion is reflected in many regulatory documents that regulate the procedure for remuneration of employees of state and municipal enterprises and institutions. In particular, under Para. 16 of the Uniform Recommendations on Establishment at the Federal, Regional and Local Levels of Remuneration Systems for Employees of State and Municipal Institutions for 2022, the main principles underlying evaluation of employees’ efficiency include objectivity, predictability, adequacy, timeliness and transparency.¹¹

The third direction of the State Anti-Corruption Policy, outlined by the President of the Russian Federation, was the improvement of legislation on public procurement. At the request of Vladimir Putin, the highest representative authorities accelerated their work to adopt a new law aimed at regulating procurement activities for state and municipal needs. The Federal Law “On the Contract System in the Field of Procurement of Goods, Works, Services for State and Municipal Needs”¹² took into account the wishes of representatives of state authorities, local self-government, commercial enterprises and organizations, as well as the President of the Russian Federation. Thus, in the text of the law there are separate chapters and articles devoted to monitoring and audit in the field of procurement (Chapter 4) and public control in the field of procurement (Art. 102).

¹¹ Unified recommendations on the establishment at the federal, regional and local levels of remuneration systems for employees of state and municipal institutions for 2022 (approved by the decision of the Russian Tripartite Commission for the Regulation of Social and Labor Relations dated 23 December 2021, Protocol No. 11). Rossiyskaya Gazeta. No. 7. 14 January 2022 (In Russ.).

¹² Federal Law No. 44-FZ dated 5 April 2013 “On the contract system in the field of procurement of goods, works, services for state and municipal needs” (annotated). Official Internet portal of Legal Information. Available at: <http://www.pravo.gov.ru> [Accessed 25.09.2022].

Anti-corruption measures proposed by the President of Russia also include a serious expansion of the powers of deputies of the State Duma in relation to the Accounts Chamber of Russia. The Head of State proposed to grant the right to members of the lower House of the Federal Assembly to nominate candidates for the post of a chairman, deputy chairman and auditors of the Accounts Chamber of the Russian Federation, as well as to limit the term of office for the same categories for two terms. The President's initiatives are reflected in the new Federal Law "On the Accounts Chamber of the Russian Federation."¹³ Anti-corruption measures provision by this authority is highlighted in Art. 5 of the Law as one of the main tasks of the Accounts Chamber of the Russian Federation.

The fifth important initiative of the President of the Russian Federation was to ensure more active civic participation in public control over the activities of public authorities and local self-government, as well as enterprises, institutions and organizations owned by the state or municipal entities. This initiative of the President of the Russian Federation was also actively supported at all levels of government. Adoption in 2014 of the Law of Moscow "On ensuring the openness of information and public control in the areas of landscaping, housing and communal services" represents one of the examples of such support at different levels.

In our opinion, the current situation in implementation of the Anti-Corruption Policy in Russia can be characterized mainly as positive. Most of the specific instructions of the President of the Russian Federation, indicated by him in his Message to the Federal Assembly for 2012, have found their direct practical implementation. Federal state authorities, state authorities of constituent entities of the Russian Federation, and local self-government bodies are increasingly facilitating the fight against corruption and corruption manifestations.

The topic of the fight against corruption was touched upon by Russian President Vladimir Putin in his Address to the Federal Assembly

¹³ Federal Law No. 41-FZ dated 5 April 2013 "On the Accounts Chamber of the Russian Federation" (with amendments and additions). Official Internet portal of Legal Information. Available at: <http://www.pravo.gov.ru> [Accessed 25.09.2022].

of the Russian Federation in 2013.¹⁴ The text of the official document does not pay as much attention to this issue as in the Message to the highest representative authorities for the previous year. Nevertheless, the head of the State outlined the problems most inextricably linked with corruption. The President noted high level of corruption in the system of local self-government bodies, which “are constantly shaken by corruption scandals.”

The Message for 2013 raised the issue of the need to involve civil society institutions to discuss draft regulatory legal acts. The President of Russia stressed that it is necessary to create public councils under federal and regional executive authorities in the future. They should be authorized to exercise independent civil control over adopted legal acts in order to exclude corruption-related norms. In this regard, it should be mentioned that the possibility of creating public councils under executive authorities controlled and accountable to the Government of the Russian Federation was legally fixed back in 2005.¹⁵ The creation of public councils under executive authorities reporting to the President of the Russian Federation was also regulated by the relevant decree of the Head of State in 2006.¹⁶ One of these councils is the Public Council under the Ministry of Internal Affairs of the Russian Federation, formed under the Decree of the President of the Russian Federation in 2011.¹⁷ In accordance with the Sub-Clause “d” Clause 4 of the Regulations on

¹⁴ Message of the President of the Russian Federation to the Federal Assembly dated 12 December 2013. *Rossiyskaya Gazeta*. No. 282. 13 December 2013 (In Russ.).

¹⁵ Resolution of the Government of the Russian Federation No. 481 dated 2 August 2005 “On the Procedure for the Formation of Public Councils under Federal Ministries Headed by the Government of the Russian Federation, Federal Services and Federal Agencies Subordinate to these Federal Ministries, and Federal Services and Federal Agencies Headed by the Government of the Russian Federation” (annotated). *Assembly of Legislation of the Russian Federation*. 8 August 2005. No. 32. Art. 3322 (In Russ.).

¹⁶ Decree of the President of the Russian Federation No. 842 dated 4 August 2006 “On the procedure for the formation of public councils under federal ministries, federal services and federal agencies, the management of which is carried out by the President of the Russian Federation, under federal services and federal agencies subordinate to these federal ministries” (with amendments and additions). *Collection of Legislation of the Russian Federation*. 7 August 2006. No. 32. Art. 3539 (In Russ.).

¹⁷ Decree of the President of the Russian Federation No. 1027 dated 28 July 2011 “On approval of the Regulations on the Public Council under the Ministry of Internal

the Public Council under the Ministry of Internal Affairs of the Russian Federation, one of the main tasks of the Council is to conduct a public examination of draft federal laws and other regulatory legal acts of the Russian Federation concerning activities of internal affairs bodies. The type of legal expertise indicated above is an independent public anti-corruption expertise.

Speaking to members of the Federal Assembly of the Russian Federation in 2013, the President specifically mentioned the problems of interethnic relations in Russia. Vladimir Putin quite rightly noted in his speech that many difficulties of state development are connected with interethnic relations, since corruption is one of manifestations of such relations. Countering corruption in a short term will contribute to reducing interethnic tensions in Russia and improving the level of efficiency of public administration. In 2014, corruption was not directly addressed in the message of the President of the Russian Federation, but a year later the Head of State returned to the problem again. He said that “corruption is an obstacle to the development of Russia.”¹⁸ The President noted several other important aspects of combating corruption in public administration. Vladimir Putin indicated that information about contracts that state and municipal officials plan to conclude with the business entities associated with their relatives and friends were also subject to disclosure. In addition, the President of the Russian Federation highlighted that attention of the representatives of regulatory and law enforcement agencies, as well as civil society to situations where there are signs of personal interest of public officials and conflicts of interest in the exercise of their powers had increased.

The directions proposed by the President of the Russian Federation Vladimir Putin in his messages to the Federal Assembly of the Russian Federation over the years on combating corruption are absolutely correct and necessary in the system of state and municipal administration. The anti-corruption policy developed by the head of state is balanced and

Affairs of the Russian Federation” (with amendments and additions). Collection of Legislation of the Russian Federation. 1 August 2011. No. 31. Art. 4712 (In Russ.).

¹⁸ Message of the President of the Russian Federation V.V. Putin to the Federal Assembly of the Russian Federation dated 3 December 2015. Parliamentary Gazette. No. 44. 4–10 December 2015.

fully meets modern Russian realities. The authors note that over the past few years, the content of anti-corruption initiatives of the President of the Russian Federation has changed somewhat to a certain extent. If earlier the Head of State indicated, in fact, the need to solve the most common and acute problems of combating corruption, today one can notice the focus of anti-corruption policy on eliminating certain specific corruption manifestations in public administration, as well as shortcomings in the legal and organizational support of anti-corruption activities.

V. Administrative Law Forms and Methods of Corruption Prevention in Public Administration

According to the legal definition enshrined in Para. 2 Art. 1 of the Anti-Corruption Law No. 273-FZ, anti-corruption is related to the functioning of federal public authorities, public authorities of constituent entities of the Russian Federation, local self-government bodies, civil society institutions, organizations and individuals. Based on the content of the existing definition, it can be argued that anti-corruption as an institution represents a complex activity of all interested actors. In practice, this figuratively means that anti-corruption work is carried out not only “from above,” but also “from below.” The definition of anti-corruption also reveals the content of corruption prevention that includes prevention of corruption, including identification and subsequent elimination of the causes of corruption.

Starting from the postulates of the theory of public administration, we isolate, first of all, the activities of executive authorities and other state bodies endowed with appropriate state-administrative powers. Taking into account the fact that the fight against corruption mainly falls within the competence of law enforcement agencies within the framework of criminal law regulation, anti-corruption, which has an administrative law content, consists mainly of prevention of corruption and elimination of manifestations of corruption offenses. Thus, with regard to public administration, it is necessary to underline the importance of using a specific institution — administrative anti-corruption, in which the main role is played by special anti-corruption

forms and methods used in the system of executive authorities of the Russian Federation. We suggest that *administrative anti-corruption* mean activities of bodies authorized to carry out public administration, regulated by the norms of administrative law, related to the implementation of anti-corruption forms and methods for the prevention of corruption manifestations. The use of forms of public administration is associated with ensuring direct implementation of the powers of executive authorities. The choice of a specific form of administration is determined by the competence of the relevant body, as well as the objects to which the administrative impact will extend. In this regard, the authors share V.P. Umanskaya, who writes that the effectiveness of public administration, the quality of decisions made and the results of their execution depend on the correct choice of the form of administration, a competent combination of various forms of activity (Umanskaya, 2014, p. 14).

In our opinion, anti-corruption plans and programs adopted at various levels of government form the main administrative law form of combating corruption in public administration at the present stage. These documents form a “constitution” of The State Anti-Corruption Policy. The national Anti-Corruption Plan has been approved by the President of the Russian Federation. Currently, the National Anti-Corruption Plan for 2021–2024¹⁹ is being implemented, which forms the basis for anti-corruption plans in each constituent entity of the Russian Federation, state authorities and local self-government. In addition, anti-corruption planning today covers all types of enterprises and institutions, regardless of the form of ownership. Strict adherence to the measures stipulated in the documents and instruments under consideration is the foundation of the prevention of all types of corruption.

Anti-corruption standards of conduct for state and municipal officials constitute another important form of countering corruption in public administration. They represent a set of normative rules expressed in the form of prohibitions, restrictions, and requirements aimed at the formation of sustainable anti-corruption behavior. Anti-corruption

¹⁹ Decree of the President of the Russian Federation No. 478 dated 16 August 2021 “On the National Anti-Corruption Plan for 2021–2024”. Available at: www.pravo.gov.ru (In Russ.) [Accessed 25.09.2022].

standards contain not only basic prohibitions and restrictions for state and municipal employees, but also special rules for the prevention of corrupt behavior in certain public authorities, as well as enterprises and institutions. Anti-corruption standards can have both a mandatory form of consolidation and they can be recommendatory in nature in various methodological documents.

Administrative regulations for the performance of state functions and the provision of public services represent another important anti-corruption administrative law form. These legal acts are applied to the activities carried out by executive authorities for detailed regulation of the procedure for the execution of actions and decisions of executive authorities and their officials aimed at exercising their powers in the process of performing state functions. Certain administrative regulations are directly related to the exercise of the powers of executive authorities to prevent corruption.²⁰

In relation to the category “method of public administration,” the science of administrative law similarly applies the term “form of public administration.” In other words, there is no consensus among Russian scholars regarding the use of the categories “management method,” “method of public administration,” “administrative law method,” “administrative method,” etc. Taking into account the dominant approaches in law concerning the content of administrative methods and measures, the authors propose to include the following anti-corruption methods, as well as specific anti-corruption measures accompanying them, as the most relevant for theory and practice:

Anti-corruption expertise of legal acts of public administration, expressed in conducting a comprehensive legal review of regulatory legal acts and their drafts of executive authorities in order to identify corruption-causing factors and their subsequent elimination.

²⁰ See for example: Order of the State Inspectorate of St. Petersburg for Supervision of Technical Condition of Self-propelled Vehicles and other Types of Equipment (Gostekhnadzor of St. Petersburg) No. 59-r dated 11 December 2012 “On Approval of the Administrative Regulations of Gostekhnadzor of St. Petersburg on the execution of the state function for the implementation of activities within the competence of Gostekhnadzor of St. Petersburg implementation of anti-corruption policy in St. Petersburg”. Bulletin of the Administration of St. Petersburg. 2012. 50 (In Russ.).

Anti-corruption monitoring carried out in order to ensure development and implementation of anti-corruption programs through revealing corruption offenses and persons committing them and holding them responsible for such offences, analyzing documents, conducting surveys and experiments, processing, evaluating and interpreting data using corruption indicators.

Analysis of corruption risks associated with the identification and study of the possibility of the causes and conditions that contribute to the commission of corruption offenses in public administration.

Anti-corruption propaganda as a purposeful activity of state authorities of the Russian Federation, subjects of the Russian Federation, local self-government bodies, organizations, public associations and citizens aimed at carrying out information and educational work in society on anti-corruption issues.

Anti-corruption education of public servants is a system of events (lectures, seminars, round tables, colloquiums, trainings, solving incidents, individual consultations) conducted with civil servants in order to prevent corruption offenses, and formation of anti-corruption legal awareness.

VI. Conclusion

In the Russian Federation, the system of anti-corruption legislative acts has become the basis for corruption prevention in public administration. In the system of anti-corruption legal regulation, in addition to laws, the priority is given to the state plans and programs approved by the President of the Russian Federation, as well as the heads of constituent entities of the Russian Federation. In addition, in recent years, the country's leadership has signed a large number of by-laws aimed at eliminating corruption in public administration. Improving anti-corruption legal regulation is a main task of the internal policy of the Russian Federation. Only an exceptionally detailed and comprehensive normative regulation of all aspects of anti-corruption activities can result in significant reduction of corruption in public administration. Forms and methods of public administration are the most important institutions of administrative law. When the activities of

public authorities are considered, it is absolutely necessary to apply the categories of “administrative law form” or “administrative law method” of public administration that have their own distinctive features and that can also be classified on different grounds. Understanding the content of forms and methods of management in the practical activities of executive authorities makes it possible to increase the efficiency of public administration and minimize corruption manifestations.

References

1. Artemyev, A.B., (2015). *Corruption in the mechanism of the functioning of the state: a theoretical and legal study within the framework of an evolutionary approach*. Dr. Sci. (Law) Diss. Moscow. (In Russ.).
2. Dorokhov, N.I., (2006). Some aspects of corruption assessment as a socio-legal phenomenon. *Voennyj juridicheskij zhurnal [Military Law Journal]*, 4, pp. 26–29. (In Russ.).
3. Kurakin, A.V., (2008). *Administrative and legal means of preventing corruption in the public service system of the Russian Federation*. Dr. Sci. (Law) Diss. Lyubertsy. (In Russ.).
4. Rose-Ackerman, S., (2010). *Corruption and the State. Causes, consequences, reforms*. Tr. from English by O.A. Alyakrinsky. 2nd ed. Moscow: Logos Publ. (In Russ.).
5. Sevryugin, K.V., (2011). *Anti-corruption in the system of the state civil service of the Russian Federation: administrative law research*. Cand. Sci. (Law) Diss. Tyumen. (In Russ.).
6. Shevelevich, A.A., (2008). *Administrative law foundation of combating corruption in the public service system*. Cand. Sci. (Law) Diss. Moscow. (In Russ.).
7. Shishkarev, S.N., (2010). *Legal order in the field of anti-corruption: theoretical and legal research*. Dr. Sci. (Law) Diss. Moscow. (In Russ.).
8. Talvitie, A., (2017). Observed Differences in Corruption between Asia and Africa: The Industrial Organization of Corruption and Its Cure. *Transportation Research Procedia*, Volume 25, pp. 4472–4490, <https://doi.org/10.1016/j.trpro.2017.05.357>.

9. Umanskaya, V.P., (2014). *System of Legal Acts of Executive Authorities: Theoretical and Applied Aspects*. Dr. Sci. (Law) Diss. Russian Law Academy of the Ministry of Justice of the RF. Moscow. (In Russ.).

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