

INTERDISCIPLINARY RESEARCH OF PERSONALITY OF A CORRUPTED CRIMINAL

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Abstract

Despite the wide range of measures aimed at combating corruption, the level of corruption in Russia is steadily increasing. It should be noted that corruption is well-known to most legal systems, but the effectiveness of measures to combat it in different jurisdictions may depend on the approaches used. We should not forget that corruption as a phenomenon cannot be considered in isolation from the public consciousness, from its formation in a particular social environment. Thus, an essential aspect of the fight against corruption is the study of the identity of the corrupt official, and the conditions for its formation. Unfortunately, in Russia, many aspects of the identity of a corrupted official are still not sufficiently investigated: more attention is paid to forensic and not criminological characteristics. At the same time, large-scale interdisciplinary research on this issue is carried out abroad; not only criminologists are involved in this kind of research, but also sociologists, political scientists and economists. This article provides examples of such successful research and raises the question of the possibility of using these techniques in the Russian Federation. The problems of studying the identity of a criminal by domestic criminologists are indicated.

The goal is achieved by solving the following tasks:

- To investigate the level of corruption in the Russian Federation and measures to combat it, applied at the federal level;
- To explore the main approaches to the study of the identity of the offender, used in the Russian Federation;
- To explore interdisciplinary approaches used abroad to study the identity of the offender;
- To develop a number of recommendations on introducing foreign techniques in the Russian Federation

The methodological basis of the study consists of such general scientific methods as the dialectical, systemic method of research, analysis, synthesis, induction, deduction, analogy, and others, as well as such private-scientific methods as historical and legal, comparative-legal, formal-legal, structural and -functional, statistical. In their work on the topic, the authors relied on the results of research by Russian and foreign lawyers, sociologists, political scientists and economists in this field of study.

The results of the study can be used in determining the optimal goals and objectives of legal influence on society, law enforcement, research activities, as well as in teaching, in particular, during lectures and seminars on the courses of the criminal law of Russia and criminal law of foreign countries and Criminology.

Keywords: criminal law, criminology, identity of a corrupted criminal, social environment, traditions, morality, law.

1. INTRODUCTION

Corruption in all its diversity is as old as the world and makes social relations and power structures through cultures and centuries. It was a distinctive feature of the Roman Empire, as well as many, if not most, of the colonial regimes from their inception to the end of the twentieth century. Since the hierarchy of the ruler and the subjects began to form in society, the practice of weakening the moral norms and virtues existing in such a society began to form and grow. Corruption acts are traditionally known to most legal systems.

All the above said is true for Russia. In Russia, corruption is seen as a serious problem affecting many aspects of public administration, law enforcement, health care, and education. The phenomenon of corruption has penetrated deep into the historical model of government in Russia, which, according to some researchers, can be explained by the general weakness of the rule of law in Russia. Corruption creates significant barriers to business development and investment in the Russian economy. Business suffers from selective application of legislation, lack of transparency and accountability in the work of the public administration system. According to the World Bank Doing Business rating, the inefficiency of government regulation significantly increases the cost of doing business and has a negative effect on market competition.

It should be noted that the fight against corruption in modern Russia has never stopped since the declaration of independence. Attempts are being made to improve the conditions for doing business and improve the professional level of the state apparatus. On December 25, 2008, the President of the Russian Federation signed Federal Law No. 273-FZ "On Countering Corruption". It introduced the concept of corruption, which is based on the "illegal use by an individual of his official position", and also refers to the commission of corruption acts "on behalf of or in the interests of a legal entity".

Currently, Russia is a member of all major international organisations and a party to the adopted anti-corruption conventions, in connection with which it is making constant efforts to harmonise domestic legislation with international standards and to implement the recommendations of the international community addressed to it. In June 2018, President of the Russian Federation V.Putin, by his Decree, approved the next National Anti-Corruption Plan for 2018-2020, containing a list of measures aimed, in particular, at further strengthening the institutional structure for fighting corruption in Russian regions.

However, according to some observers, the ongoing large-scale anti-corruption campaigns do not bring much progress, while increasing anti-corruption protest among the population. According to a study conducted by sociologists of the Research University - Higher School of Economics, over the past 27 years, the negative attitude towards various forms of corruption among the Russian population has decreased by almost one third. The population of Russia over time has become more loyal to a possible violation of legal norms. Although in Russia, undoubtedly, there is an appropriate legislative and other regulations at the level of various formal rules, such rules can be easily violated since they substantially contradict the feelings and understanding of the majority of the population. It can be said that the population of Russia mentally perceives observance of the law as a necessity to a much lesser extent than in the states of Western Europe. The peculiarity of the Russian mentality is to give more importance to morality than to law. These characteristics are deeply rooted in Russian culture, in connection with which they are challenging to change, and even if they begin to change, it happens very slowly.

Indeed, corruption as a phenomenon cannot be considered in isolation from public consciousness, from its formation in certain social conditions and dynamics of change. Reproduction of corruption is due to both objective and subjective reasons. Subjective reasons include the traditions of corruption relations that have developed in the society, which have penetrated profoundly and have already become part of the cultural code, when the society, formally condemning corruption, reproduces apparent corruption behaviour at a personal level. "Social connections in corrupt systems are implemented as private interactions, friendly or kindred circle." In this regard, the study of the identity of a corrupt official and the correlation of this concept with the concept of the subject of a corruption offence, as well as the study of the conditions for the formation of corruption characteristics of an individual, are of particular importance.

2. METHODOLOGY

The objectives of this work were to study the main approaches to the identity of the corrupt officer used in the Russian Federation, compared to the study of the personality of the criminal used abroad, and the development of recommendations on the possibility of introducing foreign techniques in the Russian Federation. The methodological basis of the study consists of such general scientific methods as the dialectical, systemic method of research, analysis, synthesis, induction, deduction, analogy, and others, as well as such private-scientific methods as historical-legal, comparative-legal, formal-legal, structural-

functional, statistical. In this work, the authors relied on the results of research by Russian and foreign lawyers, sociologists, political scientists and economists in this field of study.

3. RESULTS

3.1 Methods of Studying the Identity of the Offender, Applied in the Russian Federation

The identity of a corrupt official is usually studied in two aspects: first, as an object of social connections and influences, and, second, as a subject capable of active, purposeful, transformative activity. The technique of drawing up a psychological portrait of a criminal, or profiling, has not yet received significant development in Russia, and if it has been used, it is mainly applied to the characterisation of serial killers. However, recently the Prosecutor General's Office of the Russian Federation announced that the department had developed a psychological portrait of the average corrupt official. According to this portrait, the average corrupt official is an active, energetic, initiative person, very sociable, incredibly emotionally stable, including in stressful situations, ready to work hard, and having a high degree of self-control. Most often, this is a married man over 40 years old, not abusing alcohol and not taking drugs. There are no complaints about him in the national plan either - usually, he is a good family man who does not violate public order. Indeed, some researchers have already paid attention to the fact that "according to their socio-psychological characteristics, people who commit economic (including corruption) crimes, to a lesser extent than other categories of criminals, differ from law-abiding citizens". The presented psychological portrait is fascinating and worthy of a separate analysis; however, it is obvious that it cannot be fully used to develop anti-corruption measures since it does not take into account the above-described social conditions for the formation of corrupt behaviour.

3.2 Methods of Studying the Identity of the Offender Used

At the same time, large-scale interdisciplinary research on this issue is carried out abroad; not only criminologists are involved in this kind of research, but sociologists, political scientists and economists are also involved. So, in socio-humanitarian studies, corruption is considered a form of deviant behaviour, associated with the peculiarities of mentality and historical development. Professor of Political Science at the University of Maryland, Eric Uslaner, argues that corruption is caused not so much by "bad leaders and weak institutions", but rather by "culture of society and the distribution of resources."

Human nature is one, but the level of corruption in different countries varies significantly. Indeed, the sensitivity of society to cases of corruption or the justification of such cases is associated with the use of a cultural code, specific to each society. An increasing amount of research is devoted to attempts to verify and confirm the importance of cultural factors or "values" for the development of corruption empirically. Such studies of the moral or cultural components of the society and their connection with corruption are based on earlier publications by researchers of economic theory, that corruption is based on motivations, optimising behaviour, values and preferences.

Back in 2003, Canadian economists of Somalian origin Abduvali Ali and Khodan Isse investigated the role of ethnic origin in the development of corruption and concluded that highly fragmented societies, including those based on ethnicity, are more prone to corruption than homogeneous ones. Nina Mazar, a professor at Boston University, and Pankadj Aggarwal, a professor at the University of Toronto, found a significant influence on the degree of collectivism or individualism inherent in a particular culture on the likelihood of offering bribes to foreign business partners. Moreover, this effect could be mitigated by an individual sense of responsibility for one's actions.

The Japanese researcher Yoshiyuki Noda divided the way of thinking (mentality) of a person into three types: nomadic, agrarian and third type includes the two previous ones. When characterising the agrarian way of thinking, he explained that when the population conducts the predominantly agrarian activity, the society is formed spontaneously, just as crops naturally grow. It becomes possible and even desirable, to lead a natural life, and allow all aspects of such a life to develop naturally. In such a society, social norms are not required and, as a result, normative consciousness is not formed. A society of this type is peaceful and orderly since the moment of its emergence, and conflicts in it are denied on the grounds that they undermine peace and order. Such conflicts can be suppressed even with the use of force. In such a society, criminal law plays a central role, although situations in which criminal law is not even required appear to be healthier. Noda bases his theory on an obvious comparison of Western legal culture, as belonging to a typical nomadic type, and East Asian legal culture (including Japanese and Chinese), as belonging to a typical agrarian type.

Psychologists Simon Göchter and Jonathan Schulz from the University of Nottingham in their recent study suggested that representatives of 23 countries play the same simple game. As a result, it was possible to establish that those participants, who were more prone to breaking the rules of the game for personal gain, lived in more corrupt societies. The results, obtained by S. Göchter and D. Schulz, confirm the existing theories of the joint cultural evolution of institutions and values, and demonstrate that weak institutions and cultural traditions that provoke a violation of formal rules not only have a direct negative impact on economic development but also can weaken the inherent human understanding of fairness and justice, which is fundamental to healthy social development.

4. RESULTS

These are just a few examples of exciting studies aimed at identifying social and cultural components that form an environment conducive to corruption, and these studies were conducted not by lawyers, but by sociologists, economists and political scientists. Hence, we can conclude that Russian criminologists need to go beyond their discipline and make more extensive use of interdisciplinary research to understand better the nature of the personality of a corrupt criminal and the environment that forms it, which will further develop more transparent and more focused anti-corruption measures that better achieve their goals.

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