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CORRUPTION AS A MODERN PHENOMENON

Corruption can exist in many contexts, from bribery in a sports organization to a secretary stealing from the office pool. We are here going to focus on political corruption, which concerns the abuse of public office for private gain.

The first point to note is that corruption is a modern phenomenon. The very terms ‘public’ and ‘private’ did not always exist. In the European medieval era, virtually all regimes were what Max Weber labeled ‘patrimonial’ - that is, political authority was regarded as a species of private property which could be handed down to descendants as part of their patrimony. In dynastic times, a king could give away an entire province with all of its inhabitants to his son or daughter as a wedding present, since he regarded his domain as a private possession. Under these circumstances, it made no sense to talk about public corruption.

The concept that rulers did not simply own their domains but were custodians of a broader public interest was one that emerged gradually in the 16th and 17th centuries. Theorists such as Hugo Grotius, Jean Bodin, Thomas Hobbes and Samuel von Pufendorf began to argue that a ruler could be legitimately sovereign not by right of ownership, but out of a kind of social contract by which he protected public interest - above all, the common interest in peace and security. The very notion that there was a potential conflict between public and private interest emerged with the rise of modern European states. In this respect, China beat Europe to the punch by nearly 1,800 years, having been one of the earliest civilizations to develop a concept of an impersonal state that was the guardian of a collective public interest.

Today no rulers dare assert publicly that they ‘own’ the territories over which they exercise authority; even traditional monarchs such as those in the Arab world claim to be serving a broader public interest. Hence we have the phenomenon that political scientists label ‘neo-patrimonialism’ - in which political leaders pretend to be modern servants of the common good in political systems with modern trappings like parliaments, ministers and bureaucracies. But the reality is that elites enter politics to extract rents or resources and enrich themselves and their families at the expense of everyone else.

A modern state which seeks to promote public welfare and treats its citizens impersonally is not just a recent phenomenon, but also one that is difficult to achieve and inherently fragile. The reason for this has to do with human nature. Human beings are social creatures, but their sociability takes the very specific forms of favoritism towards family and friends.

The demand that we treat people on an impersonal basis or hire a stranger who is qualified rather than a relative or a friend is not something that comes naturally to human beings. Modern political systems set up incentives and try to socialize people into different forms of behaviour. But because favoritism towards friends and family is a natural instinct, there is a constant danger of relapse - something is labeled ‘repatriomonalisation’.

People who live in rich developed countries often look down on countries pervaded by systemic corruption as if they are somehow deviant cases. But the truth of the matter is that, up until a few centuries ago, there were virtually no modern uncorrupt states. Making the transition from a patrimonial or neo-patrimonial state to a modern impersonal one is a difficult and historically fraught process, much more difficult in most respects than making the transition from an authoritarian political system to a democratic one.

Greater role in the unification of common approaches national legislation of various states in the fight against corruption played by international organizations of the UN system, the Council of Europe, the World Bank, the Organization for Economic Cooperation and Development (OECD) and other international organizations.

One of the first international instruments in the area under consideration is adopted December 15, 1975 the UN General Assembly resolution which, while condemning "all forms of corruption," calls "the government as part of their national" jurisdiction to take all necessary measures to prevent such corruption and punish offenders. Further, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, UN special resolution was adopted "Corruption in public administration", which was formalized basic guide prepared by the UN Secretariat. It is extremely important that all States:

1) review the adequacy of their criminal laws, including procedural rules, in order to respond to all forms of corruption;

2) develop administrative and regulatory mechanisms to prevent corruption;

3) establish procedures to identify, investigate and convict corrupt officials;

4) develop legal provisions for the forfeiture of assets and property acquired through corruption;

5) take appropriate action against companies involved in corruption.

But if most countries throughout most of human history were patrimonial or neo-patrimonial, there were still large differences between them with regard to the quality of government. So we need to make some finer distinctions between types and levels of corruption.

Список використаних джерел:

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4. See: Karpovich OG Analysis of modern international approaches to combating corruption. International public and private law number 3 (42). - 2008. - P. 38.