CONCEPTUAL BASES AND DIRECTIONS FOR IMPROVING THE PROCEDURE FOR CONDUCTING THE RELIABILITY AND COMPLETENESS OF INFORMATION ON INCOME, EXPENSES, ON PROPERTY, COMPLIANCE WITH PROHIBITIONS AND LIMITATIONS, FULFILLMENT OF OBLIGATIONS ESTABLISHED FOR THE PURPOSE OF ANTI-CORRUPTION

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Abstract
The article is devoted to the study of the conceptual foundations, theoretical and methodological aspects, as well as current directions for improving the procedure for conducting verifications of the reliability and completeness of information on income, expenses, property, compliance with prohibitions and restrictions, and the fulfillment of duties established in order to combat corruption. The authors substantiate the relevance and significance of the research topic. A brief description of the prevalence of corruption at the international level is given, the need for a greater emphasis of public authorities on correction in accordance with the realities of state anti-corruption policy with its simultaneous transformation into evidence-based - evidence is specified. As one of the significant components of the state anti-corruption policy, an anti-corruption check is considered as a procedural measure and, at the same time, a mechanism for control and supervision activities in the field of combating corruption in the public sector of the state. The thesis about the inconsistency of the conceptual justification (deconceptualization) of the anti-corruption check is argued, which, according to the authors, is a consequence of the incompleteness of its institutionalization. Directions are proposed for the formation, development and strengthening of institutional frameworks, as well as, in general, improving the procedure for conducting verifications of the reliability and completeness of information on income, expenses, property, compliance with prohibitions and restrictions, the performance of duties of civil servants established in order to combat corruption in the bodies power.

Keywords: anti-corruption check, anti-corruption, federal civil service, federal civil servant, checking the accuracy and completeness of information, evidence-based anti-corruption policy.

1 INTRODUCTION
The ambiguity and inconsistency of the socio-economic situation in the modern world is largely due to insufficiently effective organizational and legal measures and ways to counter corruption in both the private and public sectors. It is evident that the fight against corruption, as one of the most complex social phenomena of a global nature, should be comprehensive and, at the same time, strictly systemic, and not be reduced to bringing those responsible for corruption violations to justice. Moreover, the subject of relevant initiatives (program, project, strategic, etc.) should be the identification, search for resources to eliminate and develop preventive measures to level the factors that provoke corrupt behavior of...
representatives of the public and business sectors, public associations or individuals. It follows from this that anti-corruption measures should, in their strict and justified relationship, affect all the institutional foundations of this phenomenon, expressed, it seems, by historically established, normatively fixed, organizationally formalized and regularly reproduced models of relations related to the areas in relation to which it is formulated public policy and which is influenced by various manifestations of corruption (corruption “precedents”).

Currently, corruption, acquiring an increasingly pronounced interstate and international character. Transparency International (an international non-governmental organization) regularly publishes the Corruption Perceptions Index (CPI). At the end of 2022, HSE experts note, there is still little progress in this area (about 68% of states scored less than 50 points out of 100 possible; the average result is 43 points). The leaders of the rating are traditionally Denmark (90 points), Finland and New Zealand (87 points each); in addition to them, the top ten included Norway (84 points), Singapore, Sweden (83 points each), Switzerland, the Netherlands, Germany, Ireland and Luxembourg (from 80 to 77 points). In turn, Somalia (12), Syria, South Sudan (13), Venezuela (14), Yemen (16), Libya, North Korea, Haiti, Equatorial Guinea and Burundi (17) are recognized as outsiders. Russia ranked 137th with a score of 28 out of 100 (1 point less than in 2021), tying with Mali and Paraguay. It is important, however, to note that, according to analysts at Transparency International, over the past decade, the countries of the world have practically not achieved the necessary success in the direction of effective and efficient combating corruption; the improvement of existing and the development of new measures and legal methods of suppression and prevention of the corresponding manifestations is practically not carried out.

This obviously jeopardizes the security and stability of each individual state and, as a result, undermines the authority of its institutions, significantly reduces the prestige of the country in the eyes of the world community. Accordingly, one of the priority tasks of her government is to develop a reasoned, scientifically based, so-called evidence-based, as well as taking into account mistakes and successful practices, state policy in the field of combating corruption, taking into account the realities of modernity, its organizational and legal foundations, the entire model (case) and its individual components. Under the state policy in the field of combating corruption (hereinafter referred to as the state anti-corruption policy), we understand the ideologically and scientifically based management activities of public authorities, research (educational organizations, expert-analytical and innovation centers) and public institutions (including business and the non-profit sector), social groups and individuals, which is systematically carried out by appropriate legal and non-legal (political, organizational, financial, economic, social, technical, informational, etc.) measures and methods, and is aimed at solving problems related to combating corruption in society.

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5 The Corruption Perceptions Index for 2022 has been published. 02/06/2023. HSE Anti-Corruption Portal. ULR: https://anticor.hse.ru/main/news_page/opublikovano_indeks_vospriyatiya_korruptsii_za_2022_god (date of access: 04/01/2023)
The mission of the state anti-corruption policy should be considered the formation of a unified approach to the organization of activities to prevent corruption at the federal, regional, local, territorial and local levels to protect the rights and interests of the state, society and the individual from the consequences of this phenomenon. From the position of I.D. Fialkovskaya, the ultimate goal of any managerial activity is control action, which is generally true in the context under consideration, however, given the content of the state anti-corruption policy, the following can be distinguished as its strategic goals:

- Firstly, identifying and countering external manifestations of corruption by possible methods (direct and indirect impact) and means (including legal restrictions) through relations with corruption of all participants in the ecosystem of public anti-corruption management to level their illegal activities;
- Secondly, prevention (suppression) of manifestations of corruption of various nature, which involves the development and implementation of measures to strengthen the rule of law, as well as the legal framework for the functioning of public authorities in accordance with the norms of the Federal Law of December 25, 2008 No. 273-FZ “On Combating Corruption”;
- Thirdly, prevention and minimization of the consequences of corrupt behavior, restoration of the rights and legitimate interests of victims, compensation for damage caused as a result of such behavior.

2. GENERAL OBJECTIVE

The purpose of this article is to study the conceptual foundations, theoretical and methodological aspects, as well as topical areas for improving the procedure for conducting checks on the reliability and completeness of information on income, expenses, property, compliance with prohibitions and restrictions, fulfillment of obligations established in order to combat (prevent) corruption. To achieve this goal, trends are considered, tasks and directions for improving the efficiency and effectiveness of combating corruption as a systemic social phenomenon are clarified, an analytical review of modern scientific, analytical and regulatory legal sources is carried out, relaying the problem of anti-corruption checks as an actual tool for combating corruption in the public sector. The results obtained by the authors can be used to further develop the theoretical and methodological foundations of anti-corruption checks, first of all, to launch its full-fledged institutionalization in the ecosystem of public anti-corruption management, in order to effectively use this tool to level derivatives (induced) from corruption threats to national security, stability states and societies.

3. METHODOLOGY

To achieve this goal and objectives, the following research methods were used: general scientific (dialectical, analysis and synthesis of available literature data, comparisons and analogies, annotation, note-taking and abstracting of information obtained from modern scientific sources), special (systemic, comparative analysis, etc.). The main sources of information were international and Russian regulations, fundamental works, publications of Russian and foreign scientists and analysts devoted to the study of the problem of state anti-corruption policy, the use of anti-corruption tools in the public, private and public sectors, including anti-corruption check tools; portals and other Internet resources, news and notes published in the media.
4. RESULTS

One of the topical areas (tools) of combating, as well as detecting and preventing corruption, is an anti-corruption check; in a particular case, we consider it as one of the foundational blocks that make up the organizational and legal foundation of the state anti-corruption policy, which is a set of measures carried out by an authorized person (persons) for the purpose of verifying the reliability and completeness of information on income, expenses, property and obligations of a property nature (hereinafter referred to as information on income), compliance with prohibitions and restrictions, fulfillment of obligations established in order to combat corruption in government bodies provided by state (municipal) employees and applicants for positions in the state (municipal) service. It should be clarified that there is no legal definition of anti-corruption checks in modern international and Russian legislation, which, from our point of view, is one of the significant gaps in the regulation of sub-institutional measures to combat corruption in public authorities, which, as a result, reduces efficiency and effectiveness in absentia relevant activities carried out within the framework of the state anti-corruption policy pursued in the country.

This procedural measure expresses a control and supervisory mechanism for fulfilling the requirements for the provision of information on income and compliance with prohibitions and restrictions, the fulfillment of obligations established by the legislator in order to combat corruption. In the Russian Federation, this mechanism has a sub-institutional and cross-industry nature (see Figure 1), which, according to the opinion of Academician of the Russian Academy of Sciences, Professor T.Ya. Khabrieva, makes it possible to effectively reconfigure the system of law to achieve certain publicly and socially significant goals, solve relevant problems and “satisfy social needs that have brought to life cyclic compounds in law”.

With this position, in our opinion, we can only partially agree, since it is possible to achieve an effective and efficient restructuring of the right to achieve these goals and solve these problems only in the context of conceptualization anti-corruption audit as a type of control and supervisory activity, involving a systematic leveling of corruption risks and, in general, combating corruption in public authorities. Based on the views on conceptualization from the standpoint of linguistics N.N. Kirillova and E.V. Rakhilina, in a particular case, it is advisable to talk about the presence of a pronouncedly stable logic for building appropriate relationships between subjects, an ecosystem of anti-corruption public management, in their relationship, reflecting the anthropological experience of targeted interaction between anti-corruption law-making sub-institutions and the practical application of the results of this interaction, in the context of implementing the requirements for providing information income, data on compliance with prohibitions and restrictions, fulfillment of obligations established by the legislator, in order to combat corruption in public authorities.

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If we consider conceptualization as the next stage in the development of a separate unit of lawmaking and law enforcement, following the stage of institutionalization, then the anti-corruption check in the evolutionary aspect is between them. Thus, the procedural and legal norms governing the general provisions and rules for conducting such an audit are, for the most part, localized in one regulatory legal act - Decree No. 1065 dated September 21, 2009 20; certain provisions are also presented in other regulatory legal acts (in decrees of the President of the Russian Federation dated April 2, 2013 No. 309 21, dated December 29, 2022 No. 968 22 etc.). So, Decree No. 1065 specifies:

- subjects of anti-corruption checks: federal civil servants and applicants for positions in the federal civil service;
- grounds for conducting an anti-corruption audit: confirmed information provided in the prescribed manner by law enforcement or other public bodies, their officials, employees of the personnel departments of federal state bodies for the prevention of corruption and other offenses, officials of the personnel services of these bodies responsible for data prevention work torts, permanent governing bodies of political parties and their all-Russian public associations (officially registered) that are not political parties, as well as the Civic Chamber of the Russian Federation and the all-Russian media;
- persons making a decision to conduct an anti-corruption audit: Head of the Administration of the President of Russia, Chairman of the Presidium of the Council under the President of Russia on Combating Corruption, Deputy Prime Minister of Russia - Chief of Staff of the Government of Russia, head of a federal state body, an official who has been granted the appropriate authority by the head of this body, or territorial

Figure 1 - Sub-institutions of anti-corruption legislation in the Russian Federation19

- restrictions, prohibitions and obligations established in order to combat corruption;
- conflict of interest, its prevention and settlement;
- declaration of income, expenses, property and liabilities of a property nature;
- control over expenditures and the conversion of property into state revenue, in respect of which no information was provided confirming its acquisition with legitimate income;
- special procedure for the employment of state and municipal employees after dismissal;
- prevention of corruption in organizations;
- responsibility of organizations for corruption offenses, etc.

body of the federal state body;
- methods and terms for conducting an anti-corruption audit: by the personnel service of the federal state body or independently (within a period not exceeding 60 days from the date of issuance of the relevant order, or 90 days - if it is indicated that this period needs to be extended by the person (s) who made the decision to conduct anti-corruption audit, including at the motivated proposal of the head of the personnel service), or by sending a request to the federal executive authorities authorized to carry out operational-search measures (within a period of no more than 30 days from the date of receipt of the request, or up to 60 days - in exceptional cases and with the consent of the official who sent it ).

At the same time, Decree No. 1065 does not regulate the framework (algorithm) for conducting an anti-corruption check, which determines the functions, tasks and powers of all participants in this procedure, there are no standard forms of documents required to be filled out (an order or instruction to carry out relevant measures, a request for operational search activities, a report on the results of their conduct), as well as a closed list of information and data and ways to obtain them that may be required by the executors of the decision to conduct an anti-corruption audit to confirm or refute the accuracy and completeness of information about income, expenses, property, compliance prohibitions and restrictions, performance of the duties of a federal civil servant, established in order to combat corruption (for example, information submitted by employees earlier to other federal state bodies - on previous duty stations).

These procedural and legal gaps confirm the thesis about the inconsistency of the conceptual justification of anti-corruption checks as a type of control and supervisory activity carried out for the purposes of combating corruption in government bodies. This problem, from our point of view, is a consequence of the incompleteness of the process of institutionalization of this procedure, as evidenced by the absence in the national legislation on combating corruption, as well as related to it, the terminological and substantive substantiation of the anti-corruption check. Moreover, the existing, note, the only at a particular point in time, interpretation of the typology of such a check, developed by the Ministry of Labor of Russia (2022) is not consistent with the provisions of Decree No. 1065 (see Figures 2, 3).

Moreover, the procedure for monitoring the compliance of expenses of a certain category of persons with their income, as an independent form (type) of anti-corruption checks, presented by the Ministry of Labor of Russia, is not provided for by Decree No. 1065; certain legal norms are contained in federal laws No. 230-FZ of 03.12.2012 “On Controlling the Correspondence of Expenditures of Persons Holding Public Positions and Other Persons with Their Income”, No. 79-FZ of 07.05.2013 “On the Prohibition of Certain Categories of Persons to Open and have accounts (deposits), keep cash and valuables in foreign banks located outside the territory of the Russian Federation, own and (or) use foreign financial instruments”

23As well as in the Decree of the President of the Russian Federation dated April 2, 2013 No. 310 “On measures on the implementation of certain provisions of the Federal Law "On control over the compliance of expenses of persons holding public office and other persons with their income"; The Prosecutor General’s Office of the Russian Federation has developed a "Memo for employees" on the issues of monitoring the compliance of expenses of state (municipal) employees with their income, incl. grounds, executors, decision-makers and the procedure for conducting anti-corruption checks.

The foregoing allows us to make a preliminary conclusion that the primary task of the legislator is to introduce into the Regulation on the conduct of an anti-corruption audit, approved by Decree No. 1065, or in Art. 1 of the Federal Law No. 273-FZ “On Combating Corruption”, which reveals the basic concepts used in this law, the definition of the category of “anti-corruption check” and, accordingly, in Art. 6, which regulates measures to prevent corruption. We consider it expedient to supplement Federal Law No. 273-FZ Art. 13.5, the provisions of which would clarify the aspect of the implementation of inspections by the head of the federal state body, by an official to whom the head of this body has been given the appropriate powers or by a territorial body of the federal state body, by analogy with the content of Art. 13.4 “Implementation of inspections by an authorized subdivision of the Administration of the President of the

23Letter of the Russian Ministry of Labor No. 28-6/10/P-2479 dated April 15, 2022 “On updating the Review of the practice of holding state (municipal) employees liable for non-compliance with restrictions and prohibitions, failure to fulfill obligations established in order to combat corruption” (together with the “Review the practice of holding state (municipal) employees liable for non-compliance with restrictions and prohibitions, failure to fulfill obligations established in order to combat corruption (version 2.0)”) // RLS Consultant Plus
In the context of the divergence of views of the legislator and the Ministry of Labor of Russia, as the main developer of methodological recommendations and other clarifying documents, in particular, in the field of combating corruption in government bodies, it is necessary to review and update the Review of the practice of holding public (municipal) employees liable for non-compliance with restrictions and prohibitions, failure to fulfill obligations established in order to counteract corruption”, having previously settled this issue of the position of lawmaker. As a result of the implementation of the proposed measures, from our point of view, the process of institutionalization of the anti-corruption inspection procedure can be considered completed.

- verifying the accuracy and completeness of information on income, property and liabilities of a property nature, submitted in accordance with the regulatory legal acts of the Russian Federation;

- verification of the reliability and completeness of information (in terms of the prevention of corruption offenses) submitted by citizens upon admission to the state (municipal) service in accordance with the regulatory legal acts of the Russian Federation;

- verification of compliance by employees within three years prior to the receipt of information that was the basis for the verification of restrictions and prohibitions, the requirements for the prevention or settlement of conflicts of interest, the fulfillment of their duties established by Federal Law No. 273-FZ of December 25, 2008 "On Combating Corruption” and other federal laws;

- control over the correspondence of expenses of a certain category of persons to their incomes.

Figure 2 - Typology of anti-corruption checks (version of the Ministry of Labor of Russia)

Figure 3 - Typology of anti-corruption checks (clause 1 of Decree No. 1065)

4. CONCLUSIONS

The foregoing allows us to make an objective conclusion that the anti-corruption audit has a rich potential in becoming an effective and efficient tool for combating corruption in government. At the same time, the results of the study indicate the weakness of the procedural and legal and, as a result, organizational and legal substantiation of this procedure. It is suggested that this is the result of the incompleteness of the
stage of institutionalization of anti-corruption checks as a tool of public anti-corruption management. The
proposed solutions can help solve this problem, as well as accelerate the transition to the next stage (stage)
of its development - conceptualization.
To do this, it will be necessary to clarify the framework (algorithm) for conducting an anti-corruption check,
develop standard forms of documents necessary for the executors to fill out the relevant decision, and also
formulate a closed list of information and data and ways to obtain them. It seems that the closure of the
procedural-legal "gestalt" is possible by developing special software, by analogy with the SPO "BK Help",
designed to fill out a certificate of income, expenses, property and property obligations by applicants for
positions in the civil service, placed on the official website of the state information system (GIS) in the field
of public service. Taking into account the fact that the GosTech platform is already in the stage of active
pilot operation, combining all existing GIS for the purposes of optimizing the integration and big data
analytics, the anti-corruption check procedure can subsequently become intelligent, i.e. excluding, where
possible and appropriate, the participation of a person at certain stages of this procedure, which will
significantly reduce the likelihood of errors that are made or may be made at various stages of the procedure
for verifying the reliability and completeness of information about income, expenses, property, compliance
with prohibitions and restrictions performing the duties of civil servants, to simplify the process of collecting
and analyzing information and data subject to such verification, thereby improving the quality of anti-
corruption verification as one of the funding blocks that make up the organizational and legal foundation
of the state anti-corruption policy.

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