

Political Corruption: The Danger of Manifestations and the Need for Counteraction

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Abstract

All countries face corruption, in particular political corruption. The complexity of fighting political corruption derives from the fact that it represents the most effective form of struggle to achieve and retain, for power. Firstly, Citizens legitimise it as political struggle, and it is deeply latent since top authorities are often involved in corrupt relations, which makes political corruption less obvious to the general public. At the same time, political corruption undermines democratic foundations and constitutes a threat to state institutions. It is highly unlikely that political corruption as well as corruption in a broader sense might be defeated, but reducing it to a certain minimum is an important task for states. To this end, nation states need to develop counter-corruption mechanisms based on an analysis of its essence and features. This paper identifies the attributes of political corruption and the guiding principles for fighting it. Based on the analysis performed, the authors break down political corruption into four types: illegal political financing, electoral financing, favouritism, and corruption in the civil service. Each of these types have their own features requiring specific tools to fight corruption both domestically and globally. The researchers made a comparative analysis of peculiarities in the political corruption fight in the Russian Federation and in Cyprus. That may help to take an account on their best practice to elaborate suggestions to improve the legal regulations and to avoid the legal gaps that may lead to political corruption.

Keywords: political corruption, electoral corruption, political financing, favouritism, nepotism, transparency

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Introduction – Political Corruption: Definition, Concept and Types

Corruption as a negative phenomenon has been known since ancient times. Corruption is mentioned even in the cuneiform inscriptions of ancient Babylon, where abusive judges and officials who extorted illegal rewards had to be prevented.² Antiquity did not escape corruption either. The ravages of corruption contributed to the collapse of the Roman Empire. Later periods of history, including those of Western Europe, were accompanied by the flourishing of corrupt relations.

The 1990s and the 2000s saw crime proliferate, which made the issue of combating crime a priority of national and global significance. Society became aware of the real danger of corruption. It is commonly agreed that manifestations of corruption are found in totalitarian and democratic states, in economically and politically developing countries and in superpowers. Today we can say that corruption is global. Regrettably, it should be recognised that it is an objectively existing phenomenon inherent in any state system, and it can be eradicated, it seems, together with the state itself. Therefore, slogans calling for eradication of corruption only mislead the public. While corruption undermines the prestige of state power and is a threat to state institutions, it constitutes a real danger to a state, and the state must find ways to limit the areas that are lucrative for corrupt officials, reduce impact of corruption on government and political decisions, minimise societally dangerous consequences, and as a result diminish this negative phenomenon to a socially tolerable level.

Scholars working in legal, political, economic and other sciences address issues of corruption and ways to fight it. Given its heterogeneity, the solution can only be comprehensive and all-embracing. Many well-known western thinkers paid great attention to exploring corruption. Moreover, their views on this issue are still relevant nowadays. Niccolò Machiavelli, for example, compares corruption with consumption, which, although difficult to diagnose, is easier to cure without delay, since it becomes hard to cure it when the disease is neglected.³ An assessment of the current situation with regard to the proliferation of corruption in the world and in Russia, in particular, confirms these words which seem to be so obvious.

Last century, Russia earned an image of a deeply corrupt state, both domestically and abroad. The causes of it were as follows: the dominance of the party apparatchiks

² *Bol'shaja sovetskaja jenciklopedija* [Great Soviet Encyclopedia], Vol. 27 (Moscow, 1977), 94 [in Russian].

³ N. Machiavelli, *Opere* (Milano, 1954), 137.

in the country led to the widespread involvement of 'party members' in public administration at different levels and in various spheres; the dependence of the public administration bodies on the party organs; the penetration of party functionaries, who were often people without proper professional skills, into the state apparatus, and consequently into power. Gradually, elements of favouritism, protectionism, nepotism and other forms of corruption grew in the power structures. Later, at the turn of the century, law enforcement institutions were instructed to counter simple and obvious crimes, since high- and medium-level officials enjoyed immunity against criminal investigation and prosecution. In the modern period Russia has created a comprehensive system of anti-corruption legislation which has become a solid legal basis for fighting corruption. The supreme leadership of the country has clearly expressed their willingness to actively resist corruption. Recently, law enforcement agencies and civil society institutions have made certain progress in detecting and preventing corruption offenses and bringing corrupt officials to justice, primarily criminal justice, nevertheless, effectiveness of anti-corruption efforts needs to be raised.

Cyprus faces the same problems but not to such extent. Transparency International's Corruption Perception Index gave Cyprus a score of 57 in 2017, which means much more needs to be done. At the same time, it should be mentioned that subject to GRECO's evaluations review and other organisations, Cyprus was proactive in creating anti-corruption mechanisms.

It is worth noting that a corrupt relationship is not homogeneous. It arises and exists in various spheres of society of each state, and it involves different categories of persons and pursues different goals. Several forms of corruption can be identified in this regard: economic, administrative and managerial, social and political. Nowadays, the world, including Cyprus, starts seeing dangerous trends in the development of corruption. One is the politicisation of corrupt relationships, to which special attention will be paid in this article.

Political corruption refers to corruption or corruption-related forms of political struggle for power among the ruling or opposition elites, parties, groups, corporations or individuals. Political corruption is closely associated with unethical practices of civil servants. It is dangerous since it destroys fundamental democratic processes⁴ and significantly undermines the constitutional and legal foundations of power and its prestige in the country and abroad. If, until recently, corrupt prac-

⁴ K.Kh. Ippolitov and V.B. Makarov, 'Poniatie i istochniki korruptsii' [Concept and sources of corrup-

tices were used to achieve predominantly material benefits, in the modern period its dominant objective is political enrichment conquering and retaining political power in order to be able to influence government decision-making.

Political corruption in this article will be viewed as a form of corruption that affects political decision-making at both the stage of fighting for power and at the stage of retaining it.⁵ It is noteworthy that political corruption is the most effective form of power struggle. However it erodes the ability of the state to effectively manage public affairs, undermines democratic institutions, thereby eventually leading to increased popular discontent. The fight against this type of corruption relationship is complicated by the fact that political corruption is accepted in both the public's opinion and in political circles. The public perceives the existence of political corruption as an integral part of state policy, as a kind of objectively and historically established phenomenon, without seeing a threat to society in it. The political struggle is viewed by the population as a normal phenomenon, which is built into the very nature of a political party.⁶ Political corruption does not often cause negative public reaction to the actions of entities engaged in politics. The problem is aggravated by the fact that it is highly latent in nature since far fewer persons (the top authorities) are involved in corrupt practices and it rarely shows itself in a tangible form, mostly resorting to intangible methods such as expressing support for a political group, a political decision, etc., which makes it difficult to prove corruption offences. Perpetrators of political corruption (political leaders and persons vested with authority, including legislative authority) use political power to appropriate public or private resources in a way that may or may not be formally illegal, but is in violation of moral and ethical standards and obligations to society. The danger of political corruption primarily lies in the fact that it inevitably ruins political competition, deforms a state's political institutions, and erodes legitimacy of power.

Public entities that are closely related to politics can be identified as the most vulnerable to corruption: political parties and their operations, elections, law-making,

tion], *Sledovatel'* [Investigator], Vol. 5 (2008), 26 [in Russian].

⁵ Ju.A. Nisnevich, 'Political corruption: definition, forms of manifestation, mechanism and resources', in *Technologization of political processes in the context of globalization: theory, experience, prospects. Materials of the international scientific-practical conference*, eds. V. Kamyshev and O.E. Grishin (Moscow, 19 October 2012) [in Russian]. M.: Federacija mira i soglasija [Federation of Peace and Accord]. P. 193-201, available at <http://www.hse.ru/pubs/lib/data/access/ram/ticket/1/1408091666d9c39732edc57c864452e29af50e63ff/Artnis89.pdf>, accessed 15 September 2018.

⁶ D.A. Kvon 'Politicheskaia korruptsiia: poniatie, tseli, sub"ekty' [Political corruption: concept, goals, doers] [in Russian], *Vlast'* [Power], – Vol. 7 (2015), 46.

privatisation, etc. when there is 'some kind of transaction between private and public sector actors where collective benefits are illegally converted to private ones'.⁷

The consequences of political corruption are dangerous, as they bring about 'the formatting of political competition, restriction of access to power, the use of the state as a tool for obtaining political rent for certain closed groups'.⁸

Before proceeding to consider the main types of political corruption, it should be noted that many authors researching this phenomenon, include lobbying in corrupt practices. Such a position can hardly be found justifiable. The matter is that lobbying is an activity aimed at protecting the legitimate interest of a person involved in a legal relationship. Although some countries do not have specific legal norms regulating lobbying, it does not make it illegal. Indeed, in most cases 'everything that is not prohibited is allowed'. Moreover, a legitimate interest, in contrast to a person's rights that are guaranteed by the state, requires that a person perform certain actions. Corruption occurs when unlawful methods and means are used to realise a legal interest (for example, giving and receiving bribes) or when legal means are used to produce an unlawful result (for example, oversight bodies inspecting political issues in order to obstruct operations or apply pressure).

Literature Review

The scientific literature has given some attention to issues of political anti-corruption such as M. Johnston, James H. Anderson and C. W. Gray, L. Sousa, Ben W. Heineman and F. Heimann, M. Grossman, M. M. Carlson and S. R. Reed, N. Ram, B. Buchan and L. Hill, and D. Hough.⁹ The issues of parties' funding and electoral corruption are

⁷ I. Amundsen, *Political Corruption. An Introduction to the Issues*. (Bergen, Norway: Chr. Michelsen Institute, 1999), available at <http://www.cmi.no-publications-file-1040-political-corruption.pdf>, accessed 05 March 2018

⁸ A.N. Vorob'ev «Zakhvat gosudarstva»: kachestvo institutov i rezhimnye deformatsii (Poisk podkhoda i operatsionalizatsiia) ["Conquering the state": quality of institutions and regime deformations' (Searching for approaches and operationism), *Obshchestvennye nauki i sovremennost'* [Social science and modernity], Vol. 5 (2014) [in Russian].

⁹ A.J. Heidenheimer and M. Johnston, *Political Corruption: Concepts and Contexts* (New York: Routledge, 2017); J. H. Anderson and C. W. Gray, *Policies and Corruption Outcomes* (2007); L. Sousa, *European Anti-Corruption Agencies*; (2006); B. W. Heineman and F. Heimann, 'The Long War Against Corruption', *Foreign Affairs* (2006, May/June); M. Grossman *Political Corruption in America: An Encyclopedia of Scandals, Power, and Greed* (Amenia, NY: Grey House Publishing, 2017); M. M. Carlson and S. R. Reed, *Political Corruption and Scandals in Japan* (Ithaca, NY: Cornell University Press, 2018), N. Ram, *Why Scams are Here to Stay: Understanding Political Corruption in India*, (New Dehli: Aleph, 2017), B. Buchan and L. Hill, *An Intellectual History of Political Corruption* (Basingstoke:

the subject of research of H.E. Alexander, A.B. Gunlicks, I. van Biezen, G. Ariño Ortiz, H. Mataković, N.I. Platonova, G.N. Mitin, P. del Castillo Vera.¹⁰

Though, there is no comparative research on anti-corruption mechanisms in politics in the Russia Federation or in Cyprus. Therefore, we believe that it may be useful to describe the practices of these countries in solving the problem of political corruption and to suggest ways to improve national legislation.

Research Methodology

The authors used traditional scientific methods to analyse, synthesise, generalise and compare the legislation and rationale. The method helped to survey the political corruption as a systematic problem affecting legal relations in different sectors. In particular, the authors focused on legislation of the Russian Federation and Cyprus.

Findings and Discussion

Types of political corruption

Earlier, when scholars wrote and spoke about political corruption, they meant only illegal financing of political parties and corrupt offenses during election campaigns. However, this approach seems too narrow and political corruption should be expanded to include the following types:

- illegal political funding;
- corrupt electoral practices;
- favouritism and nepotism;
- corrupt civil servant;

Palgrave MacMillan, 2014), D. Hough, *Corruption, Anti-Corruption and Governance* (Basingstoke: Palgrave MacMillan, 2013)

¹⁰ H.E. Alexander, *Financing Politics: Money, Elections and Political Reform* (Washington DC: CQ Press, 1992); A. B. Gunlicks, *Campaign and Party Finance in North America and Western Europe* (Lincoln, NE: toExcel Press, 2000); I. van Biezen, *Financing political parties and election campaigns guidelines* (Strasbourg: Council of Europe Publishing, 2003), G. A. Ortiz, *La Financiacion de los Partidos Politico* (Spain: Foro de la sociedad civil, 2009); H. Mataković, *Novac I politika* (Croatia: Transperency international, 2007), N.I. Platonova *Finansirovanie tekuchey deyatelnosti politicheskikh partiy v Rossii I zarubezhom* [Financing of the current activity of the political parties in the Russian Federation and foreign countries] (Moscow: MGOMO-University, 2017) [in Russian]; G. N. Mitin, *Finansirovanie politicheskikh partiy: Teoriya i prakticheskie rekomendatsii* [Financing of political parties: Theory and practical recommendations] (Moscow: LENAND, 2015) [in Russian]; P. del Castillo Vera 1985 *La financiación de Partidos y candidatos en las democracias occidentales* (Madrid: Centro de Investigaciones Sociológicas, 1985).

Political financing or political investment is legal or illegal financing of day-to-day operations of political parties. In general, financing political parties is the central issue of political corruption. A number of factors lead to such interpretation. The dual legal nature of political parties makes them unique institutions. They are a civil society institution, and, at the same time, they are involved in the system of power relations. They represent a kind of 'a bridge' between the populace and the government bodies and their officials. Those parties that enjoy the greatest support of the population are represented in the legislative establishment of the country, and their members participate in political decision-making. As institutions of civil society, political parties make efforts to prevent corrupt offenses, but at the same time they themselves perpetrate corruption. Party financing not only affects the political effectiveness of parties but also often acquires features of 'political investment that is capable of restricting political competition. It is obvious that the effectiveness of a political party is directly dependent on their political investment attractiveness.

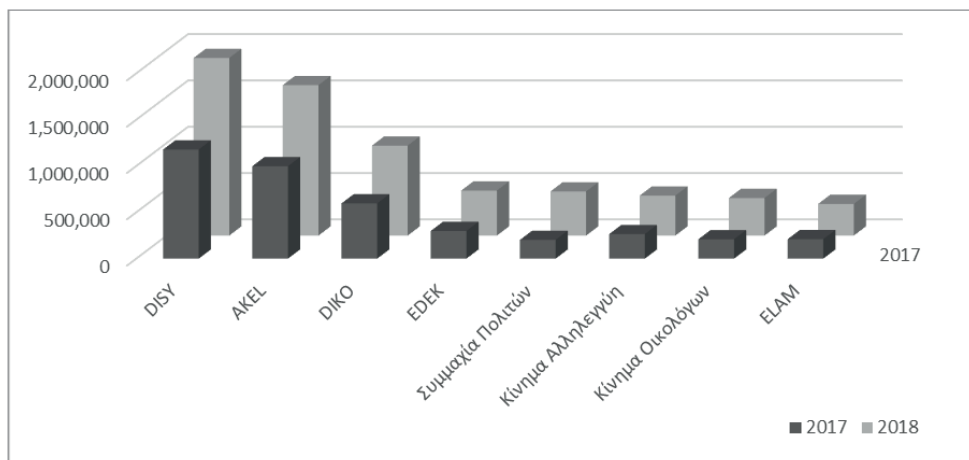
The state's task is to create a legal framework conducive to minimising corruption risks in party funding. The sources of such funding need to be named here. First of all, we are talking about state funding, i.e., providing parties with financing, property or privileges. Such funding can be carried out directly or indirectly. It is worth noting that until now there is no single approach to the issue of whether state support for parties is needed and justified. On the one hand, state financing creates conditions for the existence of a multi-party system as an institution of democracy and is a guarantor of political pluralism. Public funds also serve as a mechanism limiting the excessive influence of private investment in political parties and, in particular, in political decisions that they subsequently make. On the other hand, there is a threat that political parties may become state-owned and lose their independence and self-governance. For example, the political parties in Russia have up to 90% of their budgets funded from their countries' public coffers. Moreover, such party financing is a heavy burden since these funds can be spent on more acute social needs of the country. In Cyprus, in general, the extent of the state funds does not exceed 20%, but it opens the way for concern about the excessive effect of private money on political parties' activity.

Another issue that needs to be addressed is the procedure for determining the amount of money the government gives to parties. There are a couple of ways that the state can finance political parties. The first one is typical of most states, including Russia and Cyprus. The legislature sets a condition that a party needs to enjoy a

fairly high level of popular support in the latest general or presidential elections to become eligible for state funding (from 3 to 10%).

The size of the subsidy is calculated as a certain amount per vote a party receives in the election. The second way determines the total amount of state funding as the product of a certain amount of money and the number of people who voted in an election. However, part of this amount (15-20%) is distributed among all political parties that took part in the election and gained more than a certain percentage of votes. This is particular to Cyprus. Subject to Cyprus legislation 15% of the state financing go to all political parties in parliament in equal shares and 85% is distributed in proportion to the votes obtained in the previous election. This system reflects the interests and preferences of the voters as well as gives the required financial assets to each party’s development. Such a practice would be worth implementing in the Russian Federation to encourage political competition.

It is interesting that the amount of state funding in Cyprus is determined annually and fixed by law in the state budget. Such a procedure seems to be reasonable as it takes into consideration the state financial situation for a particular year. The members of parties that have seats in parliament decide on how much to budget. However this leads to the question: can we be sure that parties act in the interest of the state and society? Or do they do it in pursuit of narrow self-interest. In 2017, the state gave EUR6.6 million to political parties, EUR2.5 million of which was an extra subsidy in compensation for the election costs (the Presidential Election 2016). But the same amount was included in the current state funds granted to the political parties in the 2018 budget. In other words the direct state funds rose by 38%.



In the Russian Federation in 2016, the amount of state funds also increased by 27%. The reason lies in the population's low level of political activity. The size of subsidy is calculated as a certain amount per vote that a party received in the election. During Russia's legislative elections, the low voter turnout resulted in the decrease of financial resources such as state funds. That is why the political parties amended the law to compensate for their financial losses.

State financing can be considered an effective method of combating the influence of private money on political parties when it complies with the principle of rationality, as stated in the PACE Recommendation 1516 (2001) on financing political parties. According to this principle, the size of state support should correspond to the amount of subsidies which the parties need in order to achieve their statutory goals, but should not lead to the rupture of ties between political parties and their electorate.¹¹

There is no formula for calculating the size of public funding that would help to establish a balance between private and public financing. The task of each individual state is to find the optimal amount of public funding. Generally, where more than half a political party's budget is subsidised by the government, it should be regarded intolerable.

The procedure for determining the amount of funding, regardless of the methods described above, is established by parliamentary legislative acts. Thus, parliamentary parties may pursue their private interests rather than public ones. In this regard, the authors believe that such changes in the relative size of state subsidies to parties shall come into force after the next regular elections to the federal legislature.

Indirect funding, as a rule, is not cause for protest. For example, the Russian Federation and Cyprus provides for indirect funding as follows:

- Entities have tax incentives, and they are not subject to corporate income tax provided that income is derived from the state budget and donations;
- Parties may be granted tax exemptions for mailings;
- Parties may be provided with state-owned buildings, premises for meetings, conventions, and other events they hold.

¹¹ Parliamentary Assembly (2001, May 22) 'Financing of Political Parties'. Recommendation 1516. Available at <http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16907&lang=en>.

Donations are an important source for funding party budgets. A donation is a gift contract under which individuals and/or legal entities of the party transfer a certain amount of money or property to the party budget. This source of party funding has a number of distinctive features that allow it to be distinguished from others, e.g. sponsorship:

1. Donors provide funds so the party that can implement statutory goals and objectives.
2. The categories of persons and entities that may be donors is restricted.
3. The 'freedom of contract' principle is restricted.

Private funding for political parties is under special scrutiny as the most corrupt source of fundraising. In order to minimise corruption risks, many countries pass a legislation that establishes the principle of transparency of party funding, which is carried out by, for example, prohibiting or limiting the amount of cash donations.

The issue of who has the right to act as a donor is subject to strict regulation. After all, donors are often not driven by altruistic motives, but rather by the desire to be able to influence the party's current political operations and their decisions that are profitable for own interests. Thus, the ban applies to anonymous citizens, foreign states, international organisations, state (municipal) authorities, religious organisations, legal entities with a significant share of state participation, and others. Many of the above restrictions are the result of GRECO's recommendation in its evaluation reports to the Russian Federation and Cyprus.

The size of donations is also subject to limitation. Such restrictions are typical to Russia and Cyprus, however in the UK the prevailing approach is that such restrictions are wrong because they do not contribute to the development of democracy and political competition. Because of historical, political and other peculiarities another approach prevails in Cyprus and Russia.

Sponsorship of a political party captures close attention. The matter is that sponsorship can be used to bypass the prohibitions of, and restrictions on donations. The analysis of the legislation of European countries showed the existence of three approaches to the legal regulation of sponsorship. According to the first approach (in Russia as well as in Cyprus), the law does not mention this institution. And again, it seems to be useful to take into account the practice of the UK, where sponsorship is put on the same footing as donations and is viewed as reimbursement of costs incurred when organising and/or holding meetings, conferences, seminars

and other events, producing and distributing party media materials, or conducting research on behalf of the party.¹² In our opinion, counteracting political corruption may mostly benefit from this last approach which allows parties to raise the necessary resources to carry out a political struggle. At the same time receipts from this source should be transparent and subject to control by both the state and society.

Transparency of party funding is also achieved by requiring parties to keep financial statements and publish relevant accounts for the general public. In this case we can talk about a certain civil control.

The financial report should meet four criteria according to existing international recommendations to ensure transparency of financing political parties:

1. Reports are to be published periodically;
2. Reports are to be available to the general public;
3. Reports are to be complete and contain specifics;
4. Reports are to be understandable to the general public.¹³

Periodicity means that the political parties must submit their financial reports to the authorities at reasonably short intervals of time. In accordance with Art. 13 of Recommendations 2003 (04), financial statements are to be provided for auditing at least once a year.¹⁴ The laws of both countries studied comply with these recommendations. For example, according to Cyprus law, political parties must compile their reports annually and must submit them to the authorities within the three months following the reporting period¹⁵.

Political parties' financial accounts are complete and detailed when they contain the following information:

¹² See Political Parties, Elections and Referendums Act 2000 (amended by Political Parties and Elections Act 2009), available at <http://www.legislation.gov.uk>.

¹³ I. van Biezen, *Financing political parties and election campaigns – guidelines*. (Strasbourg: Council of Europe Publishing, 2003, December)

¹⁴ Council of Europe, Committee of Ministers, 'Rekomendacii № Rec (2003) 4 Komiteta ministrov Soveta Evropy «Ob obshhikh pravilah bor'by s korrupciej pri finansirovanii politicheskikh partij i izbiratel'nyh kampanij» [Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in funding of political parties and election campaigns]', trans. and foreword by A. Chetverikov. *Official Journal of the European Union*, L 297 (2003, April 8).

¹⁵ Finansirovanie politicheskikh partii vo Frantsii. Pravovoe regulirovanie: sbornik perevodov/RAN [Financing political parties in France. Legal regulation: collection of translations]. INION. Tsentr sotsial. Nauch.-inform. Issled.; Otd. Pravovedeniia; [Institute of scientific information on social sciences. Center for social and scientific information. Law study branch]- V.V. Maklakova, E.V. Alferova. M., 2010. 46.

- the sources and amounts of funds received by a political party, its regional branches and other registered party subdivisions;
- how the funds are spent;
- the political party's property, its value, and its state registration. If such property was acquired as donations, information about donors must be provided.

The general public must be able to understand the reports. The overview of the political parties' financial reports in Cyprus shows that they provide three types. The first is an expense account of public finance assets. The second is an account of private financing. And the third, is the election expense report. It complicates the process of exploring and verifying such reports. At the same time, the legislature awards state funds based on the parties' current activity rather than on any specific purpose payment. That is why it makes no sense to account for state funds and private funds separately.

The criterion of transparency gives special priority to the general public's access to the political parties funding.¹⁶ Access to that information implies full disclosure and the possibility for the public to study and analyse it. Recently, there has been a tendency to publish such reports on the websites of the authorised bodies, however the information disclosed per se is not sufficient. Special checks must be conducted in order to monitor the implementation of relevant legislation. In Cyprus as well as in the Russian Federation, the parties' financial reports are subject to oversight and supervision of independent bodies, however the independent status of such bodies is not the same.¹⁷ Moreover, it is obvious that the legislation of our countries, as is repeatedly stated in the GRECO reports, does not contain sufficient legal provisions for independent bodies to oversee political party financing.¹⁸ The states mandate parties to be audited, along with their financial statements. In Cyprus, such checks cover all political parties, which is quite reasonable, since all parties are entitled to state funding. In Russia, the legislation requires only that parties which receive more than RUB60 million in donations per year or/and have or receive federal funds to be audited. At present four parties are subject to such mandatory audits.

The possibility of bringing political parties to justice is an important guarantor of their compliance with the party funding legislation. As a rule, the case here is

¹⁶ The Electoral Knowledge Network, available at <http://www.aceproject.org>.

¹⁷ I. van Biezen, *Financing political parties*.

¹⁸ Y.-M. Doublet, *Fighting Corruption: Political Funding* (Strasbourg: GRECO, 2016), available at <https://rm.coe.inr/16806cbff2>.

administrative liability, for example, for failing to meet the deadlines for submitting a financial report to an authorised body and to abide by the time-frame for compulsory audits, and for using funds obtained in violation of the procedure for receiving and providing them (parties receiving donations from persons who are not authorised to donate, and person who are not allowed to give money providing funds to parties).

Proper legal regulation of political party financing is extremely important to counter corrupt practices. After all, the involvement of parties in corrupt relationship in many countries has eroded their legitimacy. According to a study conducted in 2013 (Transparency International 2013 Global Corrupt Barometer), political parties in 55 out of 107 countries surveyed were named as the most corrupt institutions.

Electoral Corruption

The second type of political corruption is electoral corruption, i.e., providing benefits to certain political parties, political groups, restricting political competition and using illicit tools to rig the elections results. The lack of a proper response to and the ineffective struggle against this type of corruption leads to the deformation of the country's electoral system. Citizens' electoral rights in this case are only declarative.

Speaking about electoral corruption we will again have to address the issue of party funding, namely electoral party financing such as providing money and property during an election campaign. This type of financing has the following features: the provision and expenditure of funds is strictly targeted, the funding period is constrained by the duration of the election campaign, and a special procedure for monitoring its compliance with legislation is in force. Sources of electoral funding are usually the party's own funds (a certain share of the total electoral fund) and donations. All these funds are transferred to a specially created election campaign fund to comply with the transparency principle. Raising and spending finances outside the electoral fund is prohibited.

Donations are the main source of funding for political parties and candidates during election campaigns. They include voluntary and free transfer of money and other assets. The size of receipts is limited by law in the countries with the continental law system; however, the size of the donation is not fixed within these limits. Otherwise the principle of voluntariness is violated and such transfers can hardly be considered as donations.

The gratuitous nature of donations does not mean unawareness. The donor directs funds to support the party that represents his/her interests. However, the situation where the donor is interested in obtaining a certain good distorts the original intention. The sale of places in the party list of candidates may serve as an example. In this case legal means are used to achieve an unlawful result, which in essence is corruption. Such practices are outside the legal regulatory framework. The matter is that there is a significant time gap between the transfer of donations and the actual receipt of benefits. For example, the donations are transferred during the election campaign, but the distribution of mandates takes place much later. Moreover, a legal entity, that is not the ultimate beneficiary, may also act as a donor.¹⁹ In such a case, it is next to impossible to prove the causal link between the act and the consequences.

It is interesting to note that, on the one hand, electoral corruption, like political corruption in general, is illegal by nature, and on the other hand, not all deeds are qualified as administrative or criminal offenses. The abuse of administrative and law enforcement powers by political authorities and law enforcement agencies that investigate political opponents may serve as an example. Such checks are in compliance with the existing legislation, but they pursue other goals, such as intimidation, obstruction of work. The toughest administrative resource is the use of force, since the abuse of it is the most blatant and direct violation of civil, political, economic and other human and civil rights and freedoms. A military coup may be regarded as the ultimate case of abuse of power for political purposes.²⁰

The abuse of institutional resources, in other words, of personnel and property, is another example. Individual political parties or candidates may be provided with public buildings, premises, etc. on more favourable terms during the election campaign. As a rule, letting political parties use premises and buildings is considered legal indirect state funding, which safeguards the multi-party system principle and develops political competition. However, in the cited case, the goal is to achieve personal and group advantages in the political sphere.

¹⁹ G.N. Mitin, 'Kriterii dobrovol'nosti pozhertvovanii v konstitutsionnom zakonodatel'stve' (dlia tselei kontroliia finansirovaniia politicheskikh partii i izbiratel'nykh kampanii kandidatov i izbiratel'nykh ob"edinenii) ['Criteria of voluntary donations in constitutional legislation (for the purpose of controlling the financing of political parties and election campaigns of candidates and electoral associations')] in *Konstitutsionnoe i munitsipal'noe pravo* [Constitutional and municipal law], ed. G.N. Mitin, No. 8 (2018), 46-49.

²⁰ Iu. A. Nisnevich, 'Problemy kontseptualizatsii fenomena korrupsitsii', *Chast' II* ['Issues of concep-

The abuse of mass media resources is also a corrupt practice. This is when certain political parties, groups, or candidates are allotted airtime on more favourable terms, above the prescribed free access quotas in the state-owned mass media. The distribution of airtime throughout the day is important since a person's perception of information varies depending whether it is morning, day or night. The same administrative resource may also be used to pressure independent media. It should be highlighted that abusing media resources to manipulate the populace's awareness has become one of the most widely used and effective means of political corruption, primarily during an election period and while a party is in power.

Proceeding from the above line of reasoning consistent improvement of election legislation, based on the principle of transparency, may be the most effective tool for combating electoral corruption. Creating the most transparent procedure for holding elections, adopting clear and unambiguous requirements for candidates, election campaigns, and, of course, for fund raising and spending contribute to minimising corruption risks. However, such measures are hardly sufficient. Objective information must be made accessible to citizens, and people must be politically educated so that society becomes intolerant towards the manifestation of corruption in general and political corruption in particular. Electoral corruption can only be reduced when it is not legitimate.

Favouritism and Nepotism

The scientific literature abounds in various approaches to the interpretation of favouritism and nepotism, and to the relationship between these concepts. Some authors consider these concepts as synonyms, whereas others relate them as the hypernym to the hyponym. The authors of this article support the second approach. Favouritism is defined as a deliberately hypertrophied assessment of the positive qualities of a person, which leads to unreasonable and / or unjustified promotion of his/her interests to the detriment of the interests of civil service and the public at large. In other words, unreasonable privileges are given to a certain individual on various grounds, and constitute different types of favouritism:

1. Nepotism means when a civil servant occupying a certain position gives certain advantages to a person based on kinship ties. Many countries have legislation prohibiting appointments which will lead to the direct subordination of one

tualisation of the phenomenon of corruption', Part 2], *Evraziiskii soiuz: Voprosy mezhdunarodnykh otnoshenii* [Euro-Asian Union: Issues of international relations], Vol. 2, No 16 (2016), 43 [in Russian].

relative to another. However this restriction applies only to the positions that are strictly subordinate.

2. *Zemlyachestvo* is a phenomenon similar to nepotism, it refers to the provision of certain benefits (in the framework of this article, primarily political) to individuals because they were born in the same place or reside or used to live in the same region with their benefactor.
3. Providing advantages to a person based on a person's nationality, religious and ideological affiliations, etc.

However, favouritism per se cannot be unambiguously viewed as evidence of corruption. After all, not only a relative or a friend may be a favorite, but also a professional whose top skills earned him or her a special acceptance. In this case one can hardly speak of favouritism provided that no laws are violated. Moreover, favouritism is inherent in human nature. Once again, a reservation must be made: favouritism takes place only when and where the person deliberately enjoys an unreasonable preference to the detriment of the interests of the civil service or to the public at large. The following favourable conditions conducive to the manifestations of apparent favouritism as well as its consequences can be singled out:

- 1) lack of employee initiative;
- 2) lack of competition;
- 3) ineffective personnel decisions (appointing persons who do not meet qualification requirements). Such actions may result in the loss of prospective employees;
- 4) - irresponsibility of favourites.²¹

The strict observance of the principles of openness, transparency of the electoral process, and selecting competent candidates for the civil service positions, can be seen as the most effective methods of countering this form of political corruption.

Corruption Offenses in the Civil Service

This group of corrupt practices is extremely extensive. States' laws are tied to the specifics of the respective states, therefore, it is not possible to disclose all possible *corpora delicti* of offenses in the framework of this work. Referring to this form of

²¹ D. M. Safina, 'Vlijanie favoritizma i nepotizma na organizacionnoe i jekonomicheskoe razvitie' [The influence of favouritism and nepotism on organizational and economic development], *Diskussija* [Discussion], Vol. 40, No. 10 (2013), 91 [in Russian].

political corruption, we primarily mean 'the use by a person in public office of the rights entrusted to him, of his official position and status in the state power system, of the status of a public authority body that he represents, for the purpose of unlawful extraction of personal and (or) group, including third parties, political benefit (political enrichment).'²²

We believe attention must be paid to a method of control over civil servants such as having them submit reports on their expenditures, incomes and property. The Group of States against Corruption (GRECO), which studies state legislations on corruption risks, has repeatedly stressed the importance of including such a requirement in national laws. Nowadays, such a rule is found in national legislations of almost all European countries. Similar requirements are adopted in Russia. Such reports, as well as information on income and expenses of spouses and minor children are submitted annually by individuals occupying certain positions in state services (and in certain municipal positions in a number of countries). Special attention should be paid to a civil servant's liability for failing to meet the lawful time-frame and procedural requirements for providing information on his/her income and that of a his/her family members. Such offenses should entail disciplinary punishment, up to dismissal from office otherwise such reports may become a formality and fail to produce the desired effect.

Concluding Remarks

In conclusion we want to point out that due to the relative independence of the moral, ethical and legal dimensions of corruption (corruption offenses and unlawful, ethical wrongdoing), it is hard to combat it using only legal means. Experience shows that it is impossible to achieve the desired result only through legislation by granting broad powers to law enforcement agencies if the socio-economic conditions conducive to corruption and its proliferation are not eliminated. Punitive forms of fighting corruption do not lead to success. At the same time, attempts to create systemic obstacles to the spread of corruption have a long history. So far, we cannot find examples in either the east or the west where a particular state effectively eliminated it. Each country takes this journey on its own.

²² Iu. A. Nisevich, *Politicheskaia korruptsiia: opredelenie. Formy proiavleniia, mekhanizm i resursy: materialy mezhdunarod. Nauch.-prakt. Konf.* [Political corruption: definition. Forms of manifestation, mechanisms and resources. Proceedings of theoretical and practical conference]. - M. (2012). 193-201 [in Russian], available at <http://www.hse.ru/pubs/lib/data/access/ram/ticket/1/1408091666d9c39732edc57c864452e29af50e63ff/Artnis89.pdf>, accessed 15 January 2019.

Preventing corrupt practices should be considered the most effective anti-corruption tool. Improved political institutions, public control, and citizens' intolerance of secrecy and non-transparent power can prevent and curb manifestations of political corruption. National laws should cause the authorities to proactively provide information to the public. Preventive work of law enforcement and other government and non-government institutions should be prioritised in fighting corruption.

In this regard it is worth noting that to consider the role of a political party is not only as a doer of political corrupt practices, but also as part of civil society working to prevent corrupt offenses.²³ All parliamentary parties' charters stipulate that they as public organisations actively oppose corruption. In their daily activities they hold various anti-corruption events where they interact with citizens, engage in a dialogue with people on anti-corruption issues, receive letters of complaint from citizen about corruption offenses, pass these complaints to authorised bodies for verification, and organise public response to the corrupt behaviour of officials. Political parties and their public organisations oversee candidates who the party nominates or are self-nominated. Political parties ensure the timely response of the election commissions and law enforcement agencies to any violations of election law and deploy their observers at the polling stations.²⁴ However, it should be remembered that political parties are entities involved in creating conditions favourable for political corruption and for elected public and municipal officials who receive political benefits from corrupt practices.

The realistic goal of fighting corruption is not eradicating it (because that is utopian) but reducing it to a level that does not hinder societal development. The topicality of this task is evidenced by the data from the *Corruption Perception Index* for the period from 2012 to 2017.²⁵ The information on the corruption index in various states is given below. The study showed that as of 2017 more than two - thirds of the

²³ A. V. Jurkovskij, 'Konstitucionalizm: sistemnyj podhod k formirovaniju universal'noj politiko-pravovoj kategorii' [Constitutionalism: a systematic approach to the formation of a universal political and legal category], *Sibirskij juridicheskij vestnik* [Siberian Juridical Journal], Vol. 3 (2013), 20-28 [in Russian].

²⁴ A. S. Petrik, 'Politicheskie partii v sisteme protivodejstvija korrupcii v Rossijskoj Federacii' [Political parties in the anti-corruption system in the Russian Federation], *Molodoj uchenyj* [Young scientist], Vol. 5-1, No. 139 (2017), 39-41 [in Russian].

²⁵ Transparency International Org. *Corruption Perceptions Index*, Transparency International.org, available at https://www.transparency.org/news/feature/corruption_perceptions_index_2017.

countries had an index lower than 50 (100 – corruption is absent, 0 – corruption is extremely high).

Table 1: *Corruption Perceptions Index, 2012-2017*

Year / Country	2017	2016	2015	2014	2013	2012	Rating
New Zealand	89	90	91	92	91	90	1
Republic of Cyprus	57	55	61	63	63	66	42
Italy	50	47	44	43	43	42	54
Iran	30	29	27	27	25	28	130
Russian Federation	29	29	29	27	28	28	135
Somalia	9	10	8	8	8	8	180

In the modern world, the phenomenon of political corruption acquires, as has already been pointed out, an increasingly pronounced international dimension. This fact objectively necessitates collaborative efforts of countries in combating it. Appropriate international instruments and mechanisms are being created for this purpose. An analysis of international anti-corruption regulatory acts adopted by the United Nations and the Council of Europe (UN Convention against Corruption, Council of Europe Convention on Civil Liability for Corruption, Council of Europe Convention on Criminal Responsibility for Corruption, Organization of Economic Co-operation and Development Convention on the fight against bribery of foreign public officials in international transactions) suggests that they are mostly focused on creating accountability mechanisms and, bringing unified forms of criminal liability for corruption offenses into national laws. Guided by the recommendations in international documents ratified by the states concerned, the countries are creating national legal frameworks for fighting corruption. But the most burning issue is the implementation of the entire system of anti-corruption efforts (legal, economic, social, political) along with anti-corruption preventive measures in the civil service, and, most importantly, to ensure the effectiveness of this work. This is evidenced by Table 1, showing the corruption index of the states. The corruption index demonstrates the effectiveness of the countries in fighting corruption domestically rather than the incidence of corrupt practices in them.

References.

- Alexander, H. E. (1992). *Financing Politics: Money, Elections and Political Reform*. Washington D.C.: CQ Press.
- Anderson, J. H. and Gray, C. W. (2006). *Anticorruption in Transition 3: Who is Succeeding...and Why?*. Washington, D.C.: The World Bank.
- Amundsen I. (1999) *Political Corruption. An Introduction to the Issues*. Bergen, Norway: Chr. Michelsen Institute. Available at <http://www.emi.no-publications-file-1040-political-corruption.pdf>.
- Buchan, B. and Hill, L. (2014). *An Intellectual History of Political Corruption*. Basingstoke: Palgrave MacMillan.
- Carlson, M. M. and Reed, S. R. (2018). *Political Corruption and Scandals in Japan*. Ithaca, NY: Cornell University Press.
- Council of Europe, Committee of Ministers (2003, April 8) 'Rekomendacii No. Rec (2003) 4 Komiteta ministrov Soveta Evropy «Ob obshhih pravilah bor'by s korruptsiej pri finansirovanii politicheskikh partij i izbiratel'nyh kampanij» [Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in funding of political parties and election campaigns']. *Official Journal of the European Union*, L 297: 1-4.
- del Castillo Vera, P. (1985). *La financiación de Partidos y candidatos en las democracias occidentales*. Madrid: Centro de Investigaciones Sociológicas.
- Doublet, Y.-M. (2016) *Fighting Corruption: Political Funding*. GRECO's Third Evaluation Round. Strasbourg, GRECO. Available at <https://rm.coe.int/16806cbff2>.
- Grossman, M. (2017). *Political Corruption in America: An Encyclopedia of Scandals, Power, and Greed*. Amenia, NY: Grey House Publishing.
- Gunlicks, A. B. (2000). *Campaign and Party Finance in North America and Western Europe*. Lincoln, NE: toExcel Press.
- Heidenheimer, A. J. and Johnston, M. (2017). *Political Corruption: Concepts and Contexts*. New York: Routledge.
- Heineman, B. W. and Heimann, F. (2006, May/June). 'The Long War Against Corruption', *Foreign Affairs*.
- Hough, D. (2013). *Corruption, Anti-Corruption and Governance*. Basingstoke: Palgrave Macmillan.
- Ippolitov, K.Kh. and Makarov, V.B. (2008) 'Poniatie i istochniki korruptsii [Concept and sources of corruption]. *Sledovatel'* [Investigator] [in Russian].

- Jurkovskij, A.V. (2013) 'Konstitucionalizm: sistemnyj podhod k formirovaniju universal'noj politiko-pravovoj kategorii' [Constitutionalism: a systematic approach to the formation of a universal political and legal category]. *Sibirskij juridicheskij vestnik* [Siberian Juridical Journal]. Vol. 3: 23-28 [in Russian].
- Kvon, D.A. (2015) 'Politicheskaia korruptsiia: poniatie, tseli, sub"ekty' [Political corruption: concept, goals, doers]. *Vlast'* [Power], Vol. 7: 45-49.
- Machiavelli, N. (1954) *Opere*. Milan.
- Maklakova, V.V. and Alferova, E.V. M. (2010) *Finansirovanie politicheskikh partii vo Frantsii. Pravovoe regulirovanie: sbornik perevodov/RAN* [Financing political parties in France. Legal regulation: collection of translations]. INION. Tsentr sotsial. Nauch.-inform. Issled.; Otd. Pravovedeniia; [Moscow: Institute of scientific information on social sciences. Center for social and scientific information. Law study branch].
- Mataković, H. (2007). *Novac I politika*. Croatia: Transparency International.
- Mitin, G.N. (2015). *Finansirovanie politicheskikh partiy: Teoriya i prakticheskie rekomendatsii* [Financing of political parties: Theory and practical recommendations]. Moscow: LENAND, [in Russian].
- Mitin, G.N. (2018). 'Kriterii dobrovol'nosti pozhertvovanii v konstitutsionnom zakonodatel'stve (dlia tselei kontroliia finansirovaniia politicheskikh partii i izbiratel'nykh kampanii kandidatov i izbiratel'nykh ob"edinenii)' [Criteria of voluntary donations in constitutional legislation (for the purpose of controlling the financing of political parties and election campaigns of candidates and electoral associations)]. *Konstitutsionnoe i munitsipal'noe pravo* [Constitutional and municipal law], Vol. 8: 46-49 [in Russian].
- Nisnevich, Iu.A. (2016). 'Problemy kontseptualizatsii fenomena korruptsii'. Chast' II [Issues of conceptualisation of the phenomenon of corruption. Part 2]. *Evraziiskii soiuz: Voprosy mezhdunarodnykh otnoshenii* [Euro-Asian Union: Issues of international relations], Vol. 2, No. 16 [in Russian].
- Nisnevich, Ju.A. (2012, October 19). 'Politicheskaja korruptcija: opredelenie, formy projavlenija, mehanizm i resursy' [Political corruption: definition, forms of manifestation, mechanism and resources]. In V. Kamyshev and O.E. Grishin (eds), *Tehnologizacija politicheskikh processov v uslovijah globalizacii: teoriya, opyt, perspektivy. Materialy mezhdunarodnoj nauchno-prakticheskoy konferencii* [Technologization of political processes in the context of globalization: theory, experience, prospects. Materials of the international scientific-practical confer-

- ence] [in Russian]. Available at http://www.hse.ru/pubs/lib/data/access/ram/ticket/1/1408091666d9c39732edc57c86_4452e29af50e63ff/Artnis89.pdf, accessed 15 September 2018.
- Ortiz, G. A. (2009). *La Financiacion de los Partidos Politico*. Spain: Foro de la sociedad civil.
- Petrik, A.S. (2017) 'Politicheskie partii v sisteme protivodejstvija korrupcii v Rossijskoj Federacii' [Political parties in the anti-corruption system in the Russian Federation]. *Molodoj uchenyj* [Young scientist], Vol. 5-1, No. 139: 39-41 [in Russian].
- Parliamentary Assembly (2001, May 22). 'Financing of Political Parties'. Recommendation 1516. Available at <http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16907&lang=en>.
- Platonova, N.I. (2017). *Finansirovanie tekuchey deyatel'nosti politicheskikh partiy v Rossii i zarubezhom* [Financing of the current activity of the political parties in the Russian Federation and foreign countries]. Moscow: MGOMO-University, [in Russian].
- Ram, N. (2017). *Why Scams are Here to Stay: Understanding Political Corruption in India*. New Delhi: Aleph.
- Safina, D.M. (2013). 'Vlijanie favoritizma i nepotizma na organizacionnoe i jekonomiceskoe razvitie' [The influence of favouritism and nepotism on organizational and economic development]. *Diskussija* [Discussion], 90-96 [in Russian].
- Sousa, L. (2009). 'Anti-corruption agencies: between empowerment and irrelevance'. *Crime, Law and Social Change*, Vol. 53, No. 1, 5-22. DOI.org: 10.1007/s10611-009-9211-3 hal-00535467.
- Transparency International Org. (2017). *Corruption Perceptions Index*, Transparency International.org. Available at https://www.transparency.org/news/feature/corruption_perceptions_index_2017.
- van Biezen, I. (2003). *Financing political parties and election campaigns-guidelines*. Strasbourg: Council of Europe Publishing.
- Vorob'ev, A.N. (2014). «Zakhvat gosudarstva»: kachestvo institutov i rezhimnye deformatsii (Poisk podkhoda i operatsionalizatsiia) [“Conquering the state”: quality of institutions and regime deformations (Searching for approaches and operationism)]. *Obshchestvennye nauki i sovremennost* [Social science and modernity]. Vol. 5: 76-87 [in Russian].