

Zh.O. Galy<sup>1</sup> , A.I. Birmanova<sup>2</sup> 

<sup>1, 2</sup> Karaganda Buketov University, Karaganda, Kazakhstan  
(E-mail: [gjo1984@mail.ru](mailto:gjo1984@mail.ru), [birmanovaa81@internet.ru](mailto:birmanovaa81@internet.ru))

<sup>1</sup>ORCID ID: <https://0000-0003-3471-5306>

<sup>2</sup>ORCID ID: <https://0000-0001-9903-7521>, Scopus Author ID: 57202834372

## Problems of defining the essence of corruption as a socio-legal phenomenon

The article is devoted to the study of the essence of corruption as a socio-legal phenomenon, revealing its multi-level and multifaceted nature. The aim of the study is to identify theoretical and practical difficulties in defining corruption as a complex socio-legal phenomenon, as well as to develop a comprehensive approach to its interpretation and counteraction, which is particularly relevant in the modern context. The research employed general scientific methods such as theoretical analysis, synthesis, and generalization, which made it possible to structure fragmented approaches and identify the essential features of corruption. National and international legislation were also analyzed, which helped to reveal legal gaps and explore possible ways to eliminate them. The results indicate that corruption is a complex, institutionalized phenomenon encompassing the household, administrative, and political levels of society. The study found the absence of a unified definition in legal science and legislation, which complicates effective law enforcement. Problems in regulatory frameworks were identified, and measures were proposed to improve legal formulations, including expanding the range of subjects and increasing attention to conflicts of interest. Recommendations were also made for the development of an anti-corruption culture as an important condition for effective corruption prevention, confirming its theoretical and practical significance and the need for further research in this area.

**Keywords:** legal phenomenon, corruption, bribery, graft, definition of corruption, essence of corruption, anti-corruption culture, unlawful act, combating corruption, legal mechanism.

### Introduction

In the present-day realities, out of the global challenges faced by all nations of the globe, corruption has stood out to be one of the most pressing ones. It destabilizes national economies, erodes human rights, violates the rule of justice and increases social tensions in society. Corruption still stands as one of the biggest hurdles to socio-economic reforms. It can be considered as one of the factors that cause the present crisis of economic, political, social, and moral-ethical aspects of social life. Academician E.O. Alaukhanov, viewing corruption as a global evil harming national interests, emphasizes: “without solving the corruption issue, it is impossible to effectively address state governance tasks, and the fight against corruption remains extremely relevant” [1; 7].

The diversity and evolution of corruption, which remains one of the key threats to modern states, have necessitated the creation of an effective and balanced mechanism to counteract it. Challenges in combating corruption arise due to its multilevel structure, which requires specific measures tailored to each level. Often, efforts focus only on addressing corruption at a single level, leading to public distrust. Therefore, it is crucial to implement anti-corruption measures comprehensively and at all levels.

There are three main levels of corruption: 1) The lower level, also known as petty or street-level corruption, manifests within civil society and is typically expressed through small-scale bribery in sectors such as education, healthcare, and other social institutions. 2) Mid-level corruption occurs among officials and involves the abuse of official positions for personal gain. 3) High-level or political corruption refers to attempts to influence specific aspects of state policy to obtain personal or corporate benefits. An effective fight against corruption requires a synchronized approach that comprehensively addresses all these levels.

Thus, it becomes evident that combating corruption requires joint efforts from the entire society. To achieve this, it is important to develop an anti-corruption culture, which constitutes a significant component of spiritual culture. Given the current socio-economic, legal, and political landscape, examining the nature of corruption and its effect on the development of an anti-corruption culture is both essential and timely. It is important to highlight that a deeper understanding of corruption is especially relevant in the context of legal system modernization, which is progressing in parallel with broader reform initiatives [2].

\* Corresponding author's e-mail: [gjo1984@mail.ru](mailto:gjo1984@mail.ru)

There is no common definition of “corruption” and the existing interpretations differ significantly in the scientific field. Corruption is widely studied across various academic fields, including economic theory, sociology, political science, state and legal theory, criminology, administrative law, and international law. In the post-Soviet region, specialized legal schools are emerging, focusing on the analysis of corruption-related issues and the development of effective strategies to combat them. At the same time, modern scholarship presents a broad spectrum of interpretations for key concepts such as “corruption”, “corrupt offense”, and “anti-corruption culture”.

The purpose of this article is to identify and analyze the theoretical and practical challenges in defining and interpreting corruption, examine its multifaceted nature, and formulate a comprehensive approach to understanding corruption that integrates its social and legal characteristics. This approach aims to contribute to the development of effective prevention and counteraction measures.

To achieve this goal, the following objectives were set:

- Analyze the etymological and historical development of the concept of corruption;
- Identify its socio-economic evolution and institutional forms;
- Systematize scientific approaches to its definition in legal science;

Assess the completeness and accuracy of legal definitions of corruption in national legislation to identify normative and theoretical gaps.

The study of corruption as a complex legal phenomenon continues to attract significant attention from researchers. Within the legal approach, which considers corruption as a type of unlawful activity, the works of A.N. Agybaev and E.O. Alaukhanov deserve special attention. Among foreign scholars, the research of J. Nye, A.I. Dolgova, and S.N. Shishkarev stands out, linking the emergence of corruption to imbalances in the social structure of society. And there is also a substantial body of research dedicated to international methodologies for the consideration of corruption, as well as approaches to its acceptance as a norm that allows the same understanding of the given phenomenon. In fact, countless such works exist, as corruption is a multi-dimensional problem, but the fragmentation of knowledge in this field leads to further challenges in crafting an effective narrative that addresses the issue of the corruption in the creative sector.

#### *Methods and materials*

The research methodology is developed in accordance with the particularities of the research phenomenon by using general scientific methods of theoretical analysis, synthesis, and generalization, which will enable a better understanding of the research problem.

Through the methods carried out within this study, it was able to properly analyze the phenomenon of corruption to produce a complete picture of its main trends, determinants and effects, whilst also shaping the data obtained. The theoretical analysis was used to highlight the nature of corruption, its forms and the conditions of its spread. By synthesizing the results and integrating the scattered data into one concept, the study enabled us to recognize the interrelations among different aspects of corrupt behavior. The authors concluded that the generality of the findings allowed them to draw universal conclusions that could be found in other social and legal contexts.

Finally, the study drew from specific methodologies, including legal analysis of anti-corruption legislation, which enhanced its exploration of the subject. This complex approach made it possible to analyze the nature of corruption as a social phenomenon, to study its influence on social institutions, and to work out scientifically grounded measures for its minimization.

#### *Results*

The study showed that corruption is a complex social multifactorial phenomenon studied in the context of sciences of various profiles. The multifaceted nature of corruption also explains why there is no accepted definition of corruption in the academic community. Anti-corruption is best approached from the point of view of an integrative interaction of legal, economic and sociological methods of analysis and regulation.

Based on the research conducted on the issues related to determine the essence of corruption as a socio-legal phenomenon, the following findings have been identified:

1) In terms of etymological and historical analysis, corruption is a socio-legal concept that describes a complex of phenomena with historical depth. The etymological analysis of the term shows that the Latin word “corrumpere” originally meant “bribery” and “disruption of legal order”, indicating its legal and moral significance even in Roman law.

The historical context confirms the universal negative perception of corruption, as reflected in religious doctrines such as the Bible, the Quran, and the Torah. These sources contain moral and ethical condemnation of corrupt practices, highlighting their reprehensibility across different historical periods and cultural traditions. Thus, corruption is perceived as a threat to social stability and the rule of law, regardless of the era or civilization.

2) The research findings indicate that, in the course of socio-economic development, corruption has evolved from isolated instances of misconduct into a systemic phenomenon influencing economic and political processes. At the turn of the 19th and 20th centuries, corrupt practices took on an institutionalized character, integrating into mechanisms of competitive struggle within the private sector.

In contemporary conditions, corruption has transformed into a global issue affecting all spheres of public life and requiring comprehensive countermeasures. Effective regulation of this phenomenon is possible through the improvement of legal norms, institutional oversight, and international cooperation aimed at minimizing corruption risks and strengthening principles of good governance.

3) The analysis of scientific approaches to defining corruption in legal studies has revealed its multifaceted nature and the absence of a single universal definition. The research demonstrated the existence of several dominant interpretations of corruption, reflecting both its legal nature and socio-economic essence.

Within the criminal-legal approach, corruption is regarded as a criminal offense associated with obtaining unlawful benefits by officials, as emphasized in the works of domestic researchers (A.N. Agybaev). The institutional approach focuses on studying corrupt practices within the public service and state administration systems (A.V. Kurakin, A.I. Dolgova). The theoretical-legal analysis (S.N. Shishkarev) considers corruption as a complex category that includes legal and illicit interrelations between individuals, society, and the state.

Research reveals that corruption is a complex legal and social phenomenon, thus it requires comprehensive interdisciplinary analysis – from the perspective of law, institutions, economic as well as social issues – to be able to develop and implement effective anti-corruption measures.

4) An examination of the legal definitions of corruption in national and international legislation identifies not only normative but also theoretical gaps: there are definitions of concepts that are unsustainable due to a lack of foundational support. However, the definition of corruption by the Law of the Republic of Kazakhstan “On Combating Corruption” (2015) does not include all possible types of corruption and has many controversial features. These consist of the lack of focus on conflicts of interest, inadequate emphasis on preventive actions, and the absence of precise differentiations between the subjects of corrupt connections.

The novelty of the research results is comprehensive in nature, as it gives a definition of corruption as a socio-legal phenomenon, by combining historical-etymological, theoretical and normative-legal analysis. By systematically and collectively structuring fragmented scientific interpretations of the phenomenon presented, we provide a novel, integrated understanding of what truly causes corruption. The study covers normative gaps both in terms of legislative definitions and offers specific proposals on improving the legislation of the Republic of Kazakhstan. It identifies the object of legislation of the Republic of Kazakhstan in the part covering the range of subjects and situations, and emphasizes the importance of addressing conflicts of interest in legislation. The results obtained serve as theoretical groundwork in the creation of effective preventive and counter-corruption measures, as well as in establishing a stable anti-corruption culture within society.

The research substantiated and applied the concept of “multi-level model of corruption” which expressed its incarnations in three levels — the petty (street-level), the administrative and the political corruption. This, however, would enable the examination of corruption practices and elaboration of measures relevant to the particularities of each tier. In particular, the study applied the concept of a holistic anti-corruption strategy, which prioritizes intervention at all levels of corruption, all at once. This concept found practical application in the form of specific proposals for improving the legislation of the Republic of Kazakhstan, ensuring a more effective and systematic response to corruption across different spheres of society.

### *Discussion*

The study of the essence of corruption includes an analysis of the origin of this term, the identification of key elements characterizing this phenomenon in the context of social relations, as well as an examination of its consolidation in current legislation.

Before delving into the essence of corruption, let us first examine the word itself. The term “corruption” has deep historical roots. Historically, corruption first manifested itself in the form of small household actions, where gifts or offerings were given to authorities in gratitude for services rendered or to maintain good relations. As early as the Laws of the Twelve Tables, one of the most significant legal monuments of Ancient

Rome, the word “corruptere” was used to mean “bribery to change court testimony” and “judicial corruption”. The word “corruption” itself derives from Latin roots: “core”, meaning integrity or unity, and “rumpere”, meaning to break, destroy, or ruin, which literally reflects the concept of bribery and the destruction of principles of honesty and justice [3].

Corruption is condemned by all major world religions. The Bible and the Quran contain explicit references to this phenomenon: “For I know how many are your offenses and how great your sins: There are those who oppress the innocent and take bribes and deprive the poor of justice in the courts” (Amos 5:12); “And do not consume one another’s wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you to [wrongfully] consume a portion of the wealth of the people” (Quran 2:188). In Judaism, the issue of corruption is also addressed in the Torah and Sifrei: “Do not accept a bribe (shohad), even to acquit the innocent or to convict the guilty” [4].

The turn of the 19th and 20th centuries marked a fundamentally new stage in the theoretical understanding of corruption in developed countries, associated with radical changes in the economy, social structure, and political system. This period was characterized by a significant strengthening of the state apparatus, the expansion of officials’ powers, and the increasing role of bureaucratic institutions, which created favorable conditions for the spread of corrupt practices. At the same time, the private sector was actively developing, and corruption became not only an occasional tool for resolving specific issues but also a strategic business practice. Representatives of the private sector began to systematically engage in the “bribery of the state”, which manifested in the regular bribing of officials, lobbying private interests through illegal or semi-legal schemes, and striving to subordinate public institutions to their own commercial interests.

As a result of this process, corruption manifestations began to take on not just an individual but an institutional character, penetrating the mechanisms of state governance and becoming an integral part of established economic and political relations. This contributed to the formation of stable corruption networks involving both representatives of state authorities and private business structures, pursuing personal or corporate interests at the expense of public and governmental objectives.

By the late 20th and early 21st centuries, corruption had fully acquired the status of a global problem, recognized as a threat to national and international security, economic development, and social stability. As a result, the fight against corruption was no longer perceived solely as a legal or administrative task of individual states but took on a broad national and international significance. Governments began actively developing and implementing comprehensive anti-corruption programs and strategies aimed not only at detecting and punishing corrupt officials but also at preventing corruption risks, fostering an anti-corruption culture, and creating a transparent and accountable system of public administration [5, 8].

It should be emphasized that the given definitions of corruption do not entirely encompass the essence of this illegal phenomenon. However, they do underscore its fundamental aspect — bribery and the corruptibility of officials in positions of authority. This forms the foundation of any corrupt act, regardless of its degree of social danger.

As we can see, scholars interpret the essence of corruption in different ways. Among the numerous perspectives, four key approaches can be distinguished, each examining corruption from the standpoint of different scientific disciplines.

The legal approach views corruption as the use of official powers by a public official for personal enrichment. This manifests in the adoption of illegal decisions or the deliberate avoidance of duties, which benefits a third party, in exchange for which the official receives unlawful remuneration.

The sociological approach interprets corruption as a social phenomenon driven by human actions that contradict public interests. This behavior is rooted in social relationships formed at a particular stage of societal development, with all their patterns, contradictions, and conflicts. Thus, corruption is viewed as a product of the social environment, reflecting its specific characteristics. Corrupt connections present in various spheres are seen as a distinct form of social relations, characterizing the particular stage of societal organization.

According to the economic approach, corruption is viewed as the result of the rational behavior of participants in relationships aimed at maximizing their own benefits. These relationships involve three parties: the principal, who manages resources and holds authoritative powers; the agent, who is entrusted with management of a portion of the resources for purpose of achieving specific goals; and the client, who receives public goods, commodities, or services created within these relationships. The economic approach defines corruption as the agent’s deviation from the duties prescribed by the contract, in which the resources entrusted to them by the principal are used to achieve personal gain or to satisfy the interests of the client. This

model of behavior becomes possible if the expected profit from violating norms exceeds the potential costs. Thus, corruption is interpreted as the rationally motivated use of official powers and resources for personal enrichment through unlawful actions.

The socio-economic approach interprets corruption as a phenomenon characteristic of societies in the process of development, where its emergence is driven by poverty, weak state institutions, and incomplete modernization processes. Proponents of this approach argue that corruption has a dual nature and can lead to both negative and positive consequences.

The positive impact of corruption is observed in the fact that, in “third-world” countries where state institutions are underdeveloped and unable to fully perform their functions, corrupt officials, driven by private interests, often find solutions to citizens’ problems more quickly. This contributes to the creation of new mechanisms and tools that, despite their unlawful nature, accelerate social development and the modernization of society.

In legal science, the term “corruption” has numerous definitions proposed by both domestic and foreign researchers. For example, Kazakhstani researcher A.N. Agybaev defines corruption as a criminal act aimed at obtaining illegal benefits by an official for themselves or third parties [6].

A well-known Russian researcher in the field of combating corruption, A.V. Kurakin, defines corruption as “A phenomenon within the public service system encompassing various unlawful acts, such as an official receiving property benefits either personally or through intermediaries, abusing official authority for personal gain, and the bribery of public officials by individuals or legal entities” [7, 9]. Another Russian researcher, A.I. Dolgova, describes corruption as a social phenomenon based on bribery and the venality of government and other officials who exploit their official powers, authority, and resources for personal or corporate interests [8, 708].

Theoretical scholars propose examining corruption in a broad aspect, paying special attention to its legal nature. In this regard, the dissertation research of S.N. Shishkarev is noteworthy, as it conceptualizes corruption as a theoretical and legal category that reflects the legal interrelation between corrupt practices and the interests of individuals, society, and the state. [9, 24].

The foreign researcher J. Nye defines corruption as a phenomenon that includes bribery (offering rewards to evade one’s duties), nepotism (granting favors based on personal connections), and the illegal appropriation of public funds for personal use [10].

Scholarly literature offers numerous approaches to defining corruption; however, a unified concept has not yet been established. Due to the complexity of this phenomenon, it is difficult to define it precisely and attribute specific actions to it. Scholars generally identify two main approaches to defining corruption: the general and the specific (criminological) approaches. The general approach highlights the core characteristics of corruption, encompassing all aspects of its legal regulation. Supporters of this perspective assert that, in the contemporary world, corruption should be viewed as any actions that violate established norms and obstruct the development of particular industries, fields, or the state as a whole. At the core of such actions lies the exploitation of public resources for personal or corporate benefit, ultimately causing harm to public interests.

The specific approach interprets corruption as a complex social and criminological phenomenon rather than a strictly legal category. Within this perspective, the term “corrupt crime” is commonly used to describe various corruption-related offenses, such as bribery, official misconduct, and the abuse of power for personal, group, or corporate interests. Legal scholarship offers numerous definitions of corruption, formulated by both domestic and international researchers [11].

Summarizing the analysis of the essence of corruption, we can identify several key characteristics that play an important methodological role in further research on this topic:

1. An agreement between the parties, including an official and an interested participant, which presupposes a certain agreement.
2. Mutual benefit and interest, which can be expressed in both tangible and intangible forms.
3. The illegality of actions, reflected in the violation of criminal and other legal provisions that prohibit such conduct by officials.
4. The influence of a prior agreement on an official’s decisions, which is evident in the execution of their professional responsibilities.

These attributes allow for a more comprehensive understanding of corruption networks and facilitate further analysis of the issue.

The first official international definition of corruption is believed to have been established in the “Code of Conduct for Law Enforcement Officials,” adopted by the United Nations General Assembly on December 17, 1979. According to the Code, “the concept of corruption encompasses the commission or omission of any act in the performance of duties or due to these duties as a result of required or accepted gifts, promises, or incentives, or their unlawful receipt whenever such an action or inaction occurs” [12].

According to the Law of the Republic of Kazakhstan “On Combating Corruption”, adopted on November 18, 2015, “corruption is the illegal use of official powers and related opportunities by persons holding responsible government positions, persons authorized to perform state functions, persons equated to those authorized to perform state functions, and officials for the purpose of obtaining or deriving material (non-material) benefits and advantages for themselves or third parties, as well as the bribing such individuals by offering them benefits and advantages” [13].

In our opinion, this legal definition is incomplete and does not encompass all possible forms of corruption. It is necessary to agree with the majority of experts that the legislative definition contains certain normative and theoretical gaps that require further refinement, particularly:

1) Uncertainty in identifying the subjects of corrupt actions, their interests, and roles, which leads to a blurring of distinctions between offenders, criminals, and affected parties.

2) It should also be noted that the aforementioned definition of corruption does not fully reflect the aspect of conflict of interest, which is a significant factor in the emergence of corruption. It is important for the law to emphasize situations where the personal interests of officials come into conflict with their official duties.

3) The definition primarily focuses on public officials authorized to perform state functions, while excluding representatives of the private sector, which narrows the scope of the law’s application. Corruption in the private sector, which interacts closely with the education sector, should also be particularly targeted. Concurrently, while public sector corruption remains a key avenue of addressing the issue, the commercial facet of corruption remains highly relevant, as the private sector equips itself both as a source and a conduit of corruption.

4) the definition is mainly reactive (looking at already undertaken efforts) and does not put enough focus on preventive measures that enable action to be taken to combat corruption in the first instance.

5) The definition fails to account for modern forms of corruption (e.g., digital corruption, procurement corruption, digital service corruption) demanding greater clarification for their effective regulation.

This study has made it possible to explore the phenomenon of corruption in its complexity and multi-level character as a challenge for modern states. Corruption is known to have an impact on national economies, human rights, and social tension. Corruption as a concept has been subject to variegated interpretive frameworks from a theoretical standpoint, and explained the multitude of definitions in the academic literature.

Analysis on the etymological and historic dimension of the term suggest that corruption is a fundamental human concept with an ancient root, existing everywhere in human history and condemned in all cultures and religions. The findings of the study examined and confirmed the evolution of corruption, which causes the transition of corruption from isolated cases to a systemic phenomenon that has become an integral part of the socio-economic and political processes of society.

Methodologically, a set of general scientific and specific methods was used to ensure the completeness and depth of the study. The structuralization of heterogeneous approaches and data was also facilitated by theoretical analysis, synthesis, and generalization, and a comparative analysis of legislation and anti-corruption practices was carried out to establish the strengths and weaknesses of existing normative formations.

Four main groups have emerged as characteristic of the existing approaches to understanding corruption: legal approach, sociological approach, economical approach and socio-economical approach. All of these approaches shed light on certain aspects of corruption; yet, their fragmentation prevents the construction of a holistic plan of action against this phenomenon.

The analytical lens for interpreting the scientific results of the study is given by the institutional concept, which sees corruption as a systemic phenomenon reflecting social institutions and structures. It interprets the dissemination of corrupt practices based on institutional aspects, including deficiencies in legislation, shortcomings in state regulation and control apparatus, as well as the inadequacy of the anti-corruption ethos among society.

A comprehensive methodology has been applied, including a theoretical analysis and practical study of the legal framework and existing practices, thus ensuring the reliability of the research results. To minimize the subjective component of the analysis and to increase the objectivity of the conclusions obtained, it is necessary to use several scientific approaches and methods (comparative, theoretical, historical, synthesis, and generalization). The results of the study are once again proven to be valid and reliable, in both theoretical and empirical data that can be used for the development of science and practice.

### *Conclusions*

Corruption erodes the very foundation of society where civil institutions are accustomed to its presence and state authorities abuse authority for personal gain. Its continuous metamorphosis breeds tremendous barriers to countermeasures. Corruption is a complex social phenomenon for which there is no common definition in scientific literature.

In order to build an anti-corruption culture that applies to people and society, understanding how corruption works and its forms is essential. This kind of culture is a hallmark of active civic engagement, and goes a long way in the protection of human rights, enhancement of public security, and maintaining legal stability. Promoting the values of anti-corruption strengthens the respect for democratic institutions and fosters a strong sense of accountability to the law. Kazakhstan has an urgent need for an anti-corruption ideology, one that can be internalized within the public consciousness, leading to the development of national pride, and strengthening the self-awareness of its people. This will be a crucial step toward building a society free from corruption.

Thus, as a result of the study on the problems of defining the essence of corruption as a socio-legal phenomenon, the following conclusions and recommendations have been made:

- The essence of corruption is manifested in anti-social behavior, characterized by actions that violate regulatory frameworks and hinder the development of a particular sphere of activity. Actions by public officials or by other persons entrusted with governmental or managerial functions, undertaken by virtue of their official position, legal status, or authority in a manner that damages society, the state, or individual citizens, aimed at obtaining material or non-material benefits for themselves, or for others;

- The research findings underline the importance of an integrated, holistic, interdisciplinary approach to both the study of corruption and its prevention, stressing the need for stronger anti-corruption culture, better legislation and greater international collaboration;

- Given the existing normative and theoretical conceptual gaps which require to be improved, we recommend making amendments and addenda to paragraph 6 of Article 1 of the Law of the Republic of Kazakhstan "On Combating Corruption", spelling out the description "Corruption is the unlawful use of official (service) powers and linked possibilities by individuals who hold responsible public office, persons empowered to perform state functions, persons equated to those authorized to perform state functions and officials, as well as the use of their powers, connections or influence by representatives of the private sector in order to receive or extract assets (non-substantial) benefits and advantages for themselves or third parties, both personally or through intermediaries, as well as bribery of these individuals through the provision of advantages and benefits, including cases of conflict of interests and creation of frameworks that would facilitate such actions";

- We propose to add an additional provision to paragraph 9 of Article of the Law of the Republic of Kazakhstan "On Combating Corruption", the paragraph reads as follows: "Anti-corruption culture is a complex of values, legal perspective, knowledge and skills that forms an active intolerance to any manifestation of corruption. This extension is justified based on the understanding of corruption as a social and legal phenomenon, and therefore requires not only legal measures, but a transformation of public consciousness, which is primarily aimed at perceiving corruption as a threat to the stability of society and the state."

The practical significance of this study lies in identifying gaps and shortcomings in the current anti-corruption legislation of the Republic of Kazakhstan, enabling the proposal of concrete and well-founded recommendations for improving the legal framework, implementing effective prevention mechanisms, and strengthening anti-corruption efforts at all levels. The research findings can be used in the development of state programs and strategies aimed at minimizing corruption risks and fostering a sustainable anti-corruption culture among public officials and the general population. The scientific value of the study consists in a comprehensive analysis of existing theoretical approaches to understanding corruption as a socio-legal phenomenon, which allows for the systematization of fragmented academic knowledge, clarification of the es-

sence and characteristics of corruption, and the establishment of a solid theoretical foundation for further research and the development of an interdisciplinary approach to the study of corruption.

The results of the study can be applied in the following areas: improvement of the legislation of the Republic of Kazakhstan on combating corruption by refining definitions and eliminating identified gaps; development and implementation of comprehensive anti-corruption programs and strategies at the national and institutional levels; educational activities and professional development of public officials, aimed at fostering a strong anti-corruption culture; scientific research related to the theoretical and practical aspects of corruption; public awareness campaigns to increase knowledge and promote societal rejection of corrupt practices.

## References

- 1 Алауханов Е.О. Борьба с коррупцией: учеб. пос. [Электронный ресурс] / Е.О. Алауханов, Д.Е. Турсынбаев. — Алматы: Нур-пресс, 2008. — 288 с. — Режим доступа: [https://emedia.enu.kz/sites/default/files/INDEX\\_0.PDF](https://emedia.enu.kz/sites/default/files/INDEX_0.PDF)
- 2 Oralbayev N.K. Definition, typology and socio-legal nature of corruption offenses / N.K. Oralbayev, N.N. Niyetullayev // Bulletin of the Karaganda University. "Law" series. — 2018. — № 2(90). — P. 52–58.
- 3 Ramashov O.N. Legal means of fight against corruption in the civil service system / O.N. Ramashov, K.S. Mussin // Bulletin of the Karaganda University. "Law" series. — 2023. — № 2(110). — P. 51–57.
- 4 Голубовский В.Ю. Враг общества «номер один» / В.Ю. Голубовский // Федеральный научно-практический журнал «Платон». — 2015. — № 2. — С. 20–21.
- 5 Rose-Ackerman S. Corruption and Government. Causes, Consequences, and Reform / S. Rose-Ackerman. — Cambridge: Cambridge university press, 1999. — 356 p.
- 6 Агыбаев А.Н. Актуальные проблемы борьбы с коррупционными преступлениями / А.Н. Агыбаев // Вестник КазНУ. Серия юридическая. — 2011. — № 5. — С. 150–158.
- 7 Куракин А.В. Административно-правовые средства предупреждения коррупции в системе государственной службы Российской Федерации: автореф. дис. ... д-ра юрид. наук : спец. 12.00.14 «Административное право, финансовое право, информационное право» / А.В. Куракин. — Люберцы, 2008. — 49 с.
- 8 Долгова А.И. Криминология: учебник / А.И. Долговой. — М.: Норма, 2005. — 912 с.
- 9 Шишкарёв С.Н. Правовой порядок в сфере противодействия коррупции: теоретико-правовое исследование: автореф. дис. ... д-ра юрид. наук: спец. 12.00.01 «Теория права и государства, история учений о праве и государстве» / С.Н. Шишкарёв. — М., 2010. — 53 с.
- 10 Nye J.S. Corruption and Political Development: A Cost-Benefit Analysis [Electronic resource] / J.S. Nye // American Political Science Review. — 2014. — Vol. 61. — No 2. — P. 417–427. — Access mode: <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/corruption-and-political-development-a-costbenefit-analysis/D5E8F481DE22E6F77FCCB924D502BB9F#article>
- 11 Римский В.Л. Бюрократия, клиентизм и коррупция в России / В.Л. Римский // Общественные науки и современность. — 2004. — № 6. — С. 68–79.
- 12 Кодекс поведения должностных лиц по поддержанию правопорядка, (принят Генеральной Ассамблеей ООН 17 декабря 1979 г.). — [Электронный ресурс]. — Режим доступа: [https://www.un.org/ru/documents/decl\\_conv/conventions/code\\_of\\_conduct.shtml](https://www.un.org/ru/documents/decl_conv/conventions/code_of_conduct.shtml)
- 13 Закон Республики Казахстан от 18 ноября 2015 г. № 410-V «О противодействии коррупции». — [Электронный ресурс]. — Режим доступа: <https://adilet.zan.kz/rus/docs/Z1500000410>

Ж.О. Ғалы, А.И. Бирманова

## Әлеуметтік-құқықтық құбылыс ретіндегі сыбайлас жемқорлықтың мәнін анықтау мәселелері

Мақала жемқорлықтың мәнін әлеуметтік-құқықтық құбылыс ретінде зерттеуге арналған, ол оның көпдеңгейлі және көпқырлы сипатын ашады. Зерттеудің мақсаты — жемқорлықты көпдеңгейлі әлеуметтік-құқықтық феномен ретінде анықтаудағы теориялық және практикалық қиындықтарды айқындау, сондай-ақ оны түсіндіру мен оған қарсы іс-қимыл жасаудың кешенді тәсілін әзірлеу, бұл қазіргі жағдайларда ерекше өзекті. Зерттеу барысында жалпы ғылыми әдістер, соның ішінде теориялық талдау, синтездеу және қорытындылау қолданылды, бұл әртүрлі көзқарастарды жүйелеуге және жемқорлықтың негізгі белгілерін анықтауға мүмкіндік берді. Сондай-ақ ұлттық және халықаралық заңнамаға құқықтық талдау жүргізілді, бұл құқықтық олқылықтарды анықтауға және оларды жоюдың ықтимал жолдарын қарастыруға көмектесті. Алынған нәтижелер жемқорлықтың күрделі, институционалданған құбылыс екенін көрсетеді, ол тұрмыстық, әкімшілік және саяси



деңгейлерді қамтиды. Құқықтық ғылым мен заңнамада жемқорлықтың бірыңғай анықтамасының болмауы оның тиімді құқықтық реттелуін қиындатады. Нормативтік реттеу мәселелері анықталып, құқықтық анықтамаларды жетілдіру, оның ішінде субъектілер аясын кеңейту және мүдделер қақтығысына назар аударуды күшейту бойынша шаралар ұсынылды. Сондай-ақ, жемқорлықтың алдын алудың тиімділігіне қажетті шарт ретінде жемқорлыққа қарсы мәдениетті дамыту бойынша ұсыныстар жасалды, бұл оның теориялық және практикалық маңыздылығын, сондай-ақ осы салада одан әрі зерттеулер жүргізудің қажеттілігін растайды.

*Кілт сөздер:* құқықтық құбылыс, сыбайлас жемқорлық, паракорлық, сатып алу, сыбайлас жемқорлықтың анықтамасы, сыбайлас жемқорлықтың мәні, сыбайлас жемқорлыққа қарсы мәдениет, заңсыз әрекет, сыбайлас жемқорлыққа қарсы іс-қимыл, құқықтық тетіктер.

Ж.О. Галы, А.И. Бирманова

## Проблемы определения сущности коррупции как социально-правового явления

Статья посвящена исследованию сущности коррупции как социально-правового явления, раскрывающему её многоуровневый и многоаспектный характер. Цель исследования - выявление теоретических и практических трудностей определения коррупции как многоуровневого социально-правового феномена, а также разработка комплексного подхода к её интерпретации и противодействию, что особенно актуально в современных условиях. В ходе исследования применялись общенаучные методы: теоретический анализ, синтез и обобщение, которые позволили структурировать разрозненные подходы и выявить сущностные признаки коррупции. Также были проанализированы национальное и международное законодательство, что помогло выявить нормативные пробелы и рассмотреть возможные пути их устранения. Полученные результаты свидетельствуют, что коррупция является сложным, институционализированным явлением, охватывающим бытовой, административный и политический уровни общества. Установлено отсутствие единого определения в юридической науке и законодательстве, что усложняет эффективное правоприменение. Выявлены проблемы нормативной регламентации и предложены меры по совершенствованию правовых формулировок, включая расширение субъектного состава и усиление внимания к конфликту интересов. Также предложены рекомендации по развитию антикоррупционной культуры как важного условия эффективной профилактики коррупции, что подтверждает её теоретическую и практическую значимость и необходимость дальнейших исследований в данной области.

*Ключевые слова:* правовое явление, коррупция, взяточничество, подкуп, определение коррупции, сущность коррупции, антикоррупционная культура, противоправное действие, противодействие коррупции, правовые механизмы.

## References

- 1 Alaukhanov, E.O., & Tursynbaev, D.E. (2008). *Borba s korruptsiei* [Fight against corruption]. Almaty: Nur-press. [emediia.enu.kz](https://emediia.enu.kz/sites/default/files/INDEX_0.PDF). Retrieved from [https://emediia.enu.kz/sites/default/files/INDEX\\_0.PDF](https://emediia.enu.kz/sites/default/files/INDEX_0.PDF) [in Russian].
- 2 Oralbayev, N.K., & Niyetullayev, N.N. (2018). Definition, typology and socio-legal nature of corruption offenses. *Bulletin of the Karaganda University. "Law" series*, 2(90), 52–58.
- 3 Ramashov, O.N., & Mussin, K.S. (2023) Legal means of fight against corruption in the civil service system. *Bulletin of the Karaganda University. "Law" series*, 2(110), 51–57.
- 4 Golubovskii, V.Yu. (2015). Vrag obshchestva «nomer odin» [Public enemy “number one”]. *Federalnyi nauchno-prakticheskii zhurnal «Platon» — Federal scientific and practical journal “Platon”*, 2, 20–21 [in Russian].
- 5 Rose-Ackerman, S. (1999). *Corruption and Government. Causes, Consequences, and Reform*. Cambridge: Cambridge university press.
- 6 Agybaev, A.N. (2011). Aktualnye problemy borby s korruptsionnymi prestupleniiami [Current problems of combating corruption crimes]. *Vestnik Kazakhskogo Natsionalnogo Universiteta. Seriya yuridicheskaya — Bulletin of Kazakh National University. "Law" series*, 5, 150–158 [in Russian].
- 7 Kurakin, A.V. (2008). Administrativno-pravovye sredstva preduprezhdeniia korruptsii v sisteme gosudarstvennoi sluzhby Rossiiskoi Federatsii [Administrative and legal means of preventing corruption in the civil service system of the Russian Federation]. *Extended abstract of Doctor's thesis*. Lyubertsy [in Russian].
- 8 Dolgova, A.I. (2005). *Kriminologia* [Criminology]. Moscow: Norma [in Russian].
- 9 Shishkarev, S.N. (2010). Pravovoi poriadok v sfere protivodeistviia korruptsii: teoretiko-pravovoe issledovanie [The legal order in the field of anti-corruption: theoretical and legal research]. *Extended abstract of Doctor's thesis*. Moscow [in Russian].

10 Nye, J.S. (2014). Corruption and Political Development: A Cost-Benefit Analysis. *American Political Science Review*, 61(2), 417–427. Retrieved from <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/corruption-and-political-development-a-costbenefit-analysis/D5E8F481DE22E6F77FCCB924D502BB9F#article>

11 Rimskii, V.L. (2004). Biurokratiia, klientizm i korrupsiiia v Rossii [Bureaucracy, clientism and corruption in Russia]. *Obshchestvennye nauki i sovremennost' — Social sciences and modernity*, 6, 68–79 [in Russian].

12 Kodeks povedeniia dolzhnostnykh lits po podderzhaniiu pravoporiadka (priniat Generalnoi Assambleei OON 17 dekabria 1979 g.) [Code of Conduct for Law Enforcement Officials, (adopted by the UN General Assembly on December 17, 1979)]. (1979, 17 December). *un.org*. Retrieved from [https://www.un.org/ru/documents/decl\\_conv/conventions/code\\_of\\_conduct.shtml](https://www.un.org/ru/documents/decl_conv/conventions/code_of_conduct.shtml) [in Russian].

13 Zakon Respubliki Kazakhstan ot 18 noiabria 2015 g. № 410-V «O protivodeistvii korrupsii» [The Law of the Republic of Kazakhstan dated November 18, 2015 No. 410-V “On Combating Corruption”]. (2015, 18 November). *adilet.zan.kz*. Retrieved from <https://adilet.zan.kz/rus/docs/Z1500000410> [in Russian].

### Information about the authors

**Galy Zhalgas Orynbasaruly** — 1st year PhD student, Department of Theory and History of State and Law, Karaganda Buketov University, Karaganda, Kazakhstan; e-mail: [gjo1984@mail.ru](mailto:gjo1984@mail.ru)

**Birmanova Axunkar Islanbekovna** — PhD, Associate Professor at the Department of Theory and History of State and Law, Karaganda Buketov University, Karaganda, Kazakhstan; e-mail: [birmanovaa81@internet.ru](mailto:birmanovaa81@internet.ru)