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Anticorruption culture in education

The research theme is of high urgency due to the fact that nowadays one of the most important tasks is to stop the corruption in education for purpose develop quality of education in our country. Anticorruption culture is one of the components of legal culture. Corruption as a historical and political phenomenon is known for a long time, which even led to its perception as peculiar to the socium of objective reality. In modern Kazakhstan, it is increasingly manifesting itself in the status of a social phenomenon capable of jeopardizing all transformations and reforms. The problem of corruption has acquired a mass character today and has affected all spheres of public life. Of course, the main causes of corruption are political instability in the country, ineffective actions of power structures; imperfect legislation; low legal consciousness of the population; inaction of civil society institutions; a weak judicial system, inconsistent in the application of legislation. Foreign experience shows the successful use of anti-corruption propaganda tools in anti-corruption education, most often with the use of mass media. The media play a useful role in enhancing the citizens' anticorruption sense of justice, educating in society negative perceptions of corruption and at the same time being broadcasters of signals about the threat of punishment against potential corrupt officials. In our opinion, the anti-corruption culture of the individual is a system of knowledge, values, qualities and abilities that ensure the moral and psychological mood of the individual for rejecting and opposing corruption.

Keywords: anticorruption culture, corruption, political instability, judicial system, society institutions, laws, education, schools, universities, education in Kazakhstan.

Anticorruption culture is one of the components of legal culture. This is the quality of the individual, including knowledge about the corruption for the well-being and safety of society; this is the state of an individual who does not simply want to put up with the manifestations of corruption, but seeks to eliminate this phenomenon.

According to Arman Uteпов, Head of the Department for Anti-Corruption Education and Public Relations of the Agency for Civil Service and Anti-Corruption Affairs: «For the first time in Kazakhstan, the definition of an anti-corruption culture is normatively defined: it is a system of values expressed in publicly condemning corruption; reflects an intolerant attitude towards corruption, presupposes a strong civil position «Honesty and incorruptibility is the norm of behavior». From 2015-2016 academic year, higher and post-graduate education is supplemented by an elective discipline «Fundamentals of anti-corruption culture». The model curriculum is recommended by the Ministry of Education and Science of the Republic of Kazakhstan to universities in all bachelor's specialties to develop their work programs on anti-corruption disciplines [1].

Penal provisions on liability for these crimes are provided for in the sec. 15 «Corruption and other crimes against the interests of public service and public administration» of the Criminal Code of the Republic of Kazakhstan.

Corruption and other crimes against the interests of public service and public administration can be defined as socially dangerous act (action or inaction) which are committed by officials using their official powers against the interests of the service and cause the significant damage to the normal activities of public authorities, the interests of the public service or service in bodies of state governments or contain the real threat of such causing.

Like the generic object of the considered crimes are public relations ensuring the normal and legitimate activities of the civil services. Thus, under the civil service should be understand all statutory power structures, which, according to the Law of the RK «On Civil Service» on July 23, 1999, include:

- Administration of the President of the Republic of Kazakhstan;
- Parliament, the Government of the Republic of Kazakhstan;
- The Constitutional Council, the Central Election Commission of the Republic of Kazakhstan;
- National security agencies, courts, prosecution, bodies of internal affairs;
- Other ministries, state committees and other central executive bodies of the Republic of Kazakhstan;
- Local governments and their subdivisions, and staffs of Maslikhats and Akim.

Civil servants is a citizen of the Republic of Kazakhstan, which occupies a state paid post in accordance with the laws of performing official duties on behalf of the public authority.

Persons implementing maintenance and ensuring the functioning of state bodies and their staffs don't relate to public servants.

The direct object of this group of these crimes should be considered the normal activities of the civil service.

Like mandatory feature of a separate offense is the subject of bribe (Art. Art. 366, 367 , 368 of the Criminal Code) , documents (Art. 369 of the Criminal Code).

The activities almost all crimes are analyzed by the action and only a few (negligence, malpractice) can be committed by omission.

Most of the crimes of the considered group of acts on their structure have a formal structure and only four rules (Articles. 361, 3362, 370 and 371of the Criminal Code) - material compositions. This means, that in order to attract a person to criminal liability under the said articles, except socially dangerous act, it is necessary to establish the socially dangerous consequences and a causal relationship between the act and of consequences [2].

On the subjective side the crimes under Sec. 15 of the CC of the RK are characterized only by deliberate fault except negligence, which is the careless crime. Necessarily signs of some of these crimes are self-serving or other personal interest (Art. 361, Art.369 of the CC of the RK).

The subjects of this group of offenses (except the privilege official bribery and mediation in bribery) are persons authorized to perform the state functions, as well as equal to it.

Persons authorized to perform the state functions include officials, MPs and Maslikhats, judges and all civil servants in accordance with the laws of the Republic of Kazakhstan on public service.

In accordance with the law on anti-corruption and public service to persons authorized to perform the state functions and persons equated to them, except the first leaders, not include the workers carrying out the public procurement and permitting state enterprises and organizations where the state participation exceeds 50 %. Their criminal actions are qualified as crimes of economic nature or ordinary criminal giving them the opportunity in the future to continue the work and implement their criminal intentions in these state-owned enterprises and accordingly it creates the overall negative public opinion on the work of public authorities in general.

In this context we would consider it's necessary in order to avoid such incidents to amend legislation on public service and the fight against corruption with the inclusion of such persons in the list of public servants established by the Government.

Bribes, mostly, are given and received through the intermediaries. However, the current legislation does not allow them to legally commit criminal acts as the sanction shall only be given the serious crimes to the category of actions which aren't constituted by intermediaries (Article 313 of the Criminal Code of the small gravity). Consequently, without catching a mediator can not be bring to responsibility as the bribe giver and the recipient.

The similar situation can be find in the Art. 366 of the Part 1 and Part 2 and in the Part 1 of the Art.367 of the Criminal Code. Thus, the number of bribe-takers are often found not officials and persons equated to them (head of the SCE and of the RSE, managers and directors of institutions and offices, which are subordinated to Akimat). Sanctions of the Part 1 and Part 2, the Article 367 of the Criminal Code also refer these crimes to light gravity, sanctions on these crimes are not issued by prosecutors.

In this connection it is necessary to amend the Law of the RK «On Operational -Investigative Activities» and the CPC of the RK in part to sanction on the corruption offenses.

Another problem during the search operations to identify cases of bribery is that the majority of potential bribe-takers whose actions seek statements the burgess are not subject to the Art. 366 of the Criminal Code. These persons are employees of state organizations that are not persons authorized to perform state functions, as well as persons performing managerial functions in the commercial or other organizations. These are employees of the Service Centers, BTI, doctors, teachers, bankruptcy administrators, and etc. So in these organs can often be received the complaints about misconduct of the bankruptcy administrators, which are often remunerated. It's especially acute question in bankruptcy proceedings of the false companies.

In this connection it is necessary to amend the Criminal Code and the Criminal Procedure Law of the RK for the purpose of classifying the Art. 247 and 253 of the Criminal Code of the corruption offenses.

Thus, like a characteristic feature of crimes against the interests of the public service is that they are made by using of the official powers against the interests of the service, in this the actions (inactions) of a official person contrary to the interests of the normal activities of governing bodies, including organizations,

enterprises and institutions, violate their activities, cause them the significant damage, infringe upon the legitimate rights and interests of citizens.

As is known, corruption as a historical and political phenomenon is known for a long time, which even led to its perception as peculiar to the socium of objective reality. In modern Kazakhstan, it is increasingly manifesting itself in the status of a social phenomenon capable of jeopardizing all transformations and reforms. The problem of corruption has acquired a mass character today and has affected all spheres of public life.

Of course, the main causes of corruption are political instability in the country, ineffective actions of power structures; imperfect legislation; low legal consciousness of the population; inaction of civil society institutions; a weak judicial system, inconsistent in the application of legislation [1].

It should be noted that in developed countries, not only «from above» are struggling with corruption - through the adoption of laws, the application of various administrative measures, etc., but also «from below» through the education of citizens, instilling in them the skills of anti-corruption behavior, explaining the rights and obligations, raising the general legal literacy. Supporters of anti-corruption education proceed from the fact that the forms and tools of combating bribery in themselves can not produce an effect if there is no society in which people do not accept corruption and are ready to actively oppose it. Educational projects against corruption were initiated and developed by Lithuania, Denmark, Poland, Australia, Indonesia, Bulgaria, and other countries. Projects involve citizens at different age stages - both in secondary schools and in universities, special benefits are intended for an even broader and «adult» social circle.

In this connection, a number of questions arise: are society, the education system, students ready to train anti-corruption behavior? How to assess the role of civil society in changing the current situation? What are the chances that this way of fighting corruption will find a place in Kazakhstan, as in some other countries? And what educational anti-corruption methods can we use and implement at home?

We agree with the opinion of Askar Nametov - Rector of Kostanay State University named after A. Baytursynov that the result of continuous anti-corruption education and upbringing will be corruption-resistant and able to resist educated young citizens, advocates and ideologists of anti-corruption work. However, the problem today is the interaction of educational institutions with other institutions of the state and society. The university in these conditions - the only initiator of anti-corruption educational activities - is faced with a certain «reluctance» in their conduct by state bodies and individuals. In general, the improvement of anti-corruption education in Kazakhstan, according to some scientists, is possible due to the allocation of scientific grants for research and development of anti-corruption education and upbringing technology.

A number of proposals are introduced by representatives of scientific and educational thought, namely: the organization of republican seminars, master classes on the exchange of experience in countering corruption, and the allocation of funds for the preparation and publication of textbooks and manuals on this topic.

In their opinion, we can distinguish three stages of corruption in society: casual (always and everywhere, from case to case), systemic (affects the state apparatus entirely) and total (is in the minds of the majority of the population). The fight against corruption is possible only if there is a civil society. And the only way to such is education in a broad sense. «Neither the order from above, nor the government program, nor even intensive propaganda will help to create a civil society. Corrupt state bodies can not in principle be interested in fighting corruption, moreover, they will inevitably extinguish any effective anti-corruption initiative, because it will threaten their very existence. « If there is an understanding that corruption destroys civilization, our duty and the way to resist it - education, emphasizes Arman Shaikenov, a lawyer, teacher of the law school of KIMEP.

In this regard, the experience of combating corruption in some countries is of interest.

In Hong Kong in the 70's began work on combating corruption from kindergarten to grow a whole generation, which has already formed an aversion to this social evil. The Department of Public Relations of the Independent Commission against Corruption in Hong Kong has developed programs for moral and ethical education.

Morocco, Pakistan and Australia offer their approaches to the implementation of anti-corruption programs at the primary school level.

In Russia, a program on anti-corruption education for 2014-2016 is being implemented, which envisages activities aimed at increasing legal literacy, the general level of legal awareness and legal culture of citizens, and fostering intolerance towards corruption offenses.

Mexico has created an Internet site where children are encouraged to become agents of fighting corruption through an Internet game, and parents receive information about value-oriented education; teachers exchange ideas and developments.

In Singapore, employees of the Corruption Investigation Bureau regularly give lectures to college students about the dangers of corruption schemes, both for them and for society. On the website of the Council for the Investigation of Corrupt Practices you can test your professional knowledge related to corruption and measures to counter it. Also, it was quite popular to hold thematic campaigns. Announcing a day, a week or a month as an «anti-corruption day» or a week of ethics is an effective way to attract attention to the fight against corruption and the formation of an anti-corruption culture. Such thematic campaigns can be associated with a number of initiatives aimed at encouraging officials and the public to participate in them.

In Japan, for example, the National Council for the Ethics of the Public Service every December holds a «week of ethics» in cooperation with various ministries and departments, during which a short poem competition is held on ethics and encourages senior leaders to conduct anti-corruption educational work among employees through personal communication or by email.

In Malaysia, the Academy Against Corruption (MASA) since 2010, civil servants undergo a training course consisting of 5 modules, with a partial separation from work for 5-6 months.

Foreign experience shows the successful use of anti-corruption propaganda tools in anti-corruption education, most often with the use of mass media. The media play a useful role in enhancing the citizens' anti-corruption sense of justice, educating in society negative perceptions of corruption and at the same time being broadcasters of signals about the threat of punishment against potential corrupt officials. Anticorruption education has two objectives. Firstly, it is raising public awareness. Since, low level of legal literacy of the population and their awareness is the main cause of corruption manifestations. The second goal of anti-corruption education and education is the formation of a universal culture of intolerance of corruption.

It is important to carry out systematic work with the media and with the public, namely the promotion of articles, stories, television programs, blogs on anti-corruption topics, which are not revealingly sensational, but based on real positive examples of the professional achievements of «pure» civil servants.

It should be noted that the means, tools and mechanisms of anti-corruption education used in foreign countries go far beyond the measures that are presented in this article.

It seems that their use in combination with legal, political, economic and other means has led to the fact that, despite the fact that corruption in the states remains, it is rather predictable and consistently low in character. All this testifies that we should focus our attention on the study of such initiatives with a view to their subsequent implementation into the domestic anti-corruption education. But this does not mean that we will copy these countries, we have our own way of development.

In our opinion, the anti-corruption culture of the individual is a system of knowledge, values, qualities and abilities that ensure the moral and psychological mood of the individual for rejecting and opposing corruption.

Anticorruption culture of an individual reflects the degree and character of the development of his personality, which is expressed in the level of legitimacy of his activities. This speaks in favor of the thesis that no one, as a rule, is deprived of an anti-corruption culture, it is simply either very low or high.

So, anti-corruption culture can be considered in the following algorithm: the legal baggage of an individual - his habit of law-abiding behavior - legal activity against corruption, i.e. ability and motivation to use legal means for anti-corruption activities. And this means not just the desire of the individual to build his behavior in accordance with legal norms, but the readiness to stop any offense related to corruption.

Therefore, an individual does not commit corrupt actions, proceeding not because of fear of punishment, but, first of all, because he himself considers such actions unworthy and contrary to life principles. This, in particular, is the personal character of the value-normative sphere of the individual, which manifests itself in the anti-corruption culture [3; 38].

Thus, the level of anti-corruption culture can be expressed both in the extent to which the individual acquires his rights as a citizen, and uses them in terms of fulfilling his duties. And the activity in counteracting corruption is the highest level of anti-corruption culture of the individual. It manifests itself in the readiness of the individual for active conscious actions, both in the sphere of legal regulation, and in the realization of law, as well as the legality of behavior.

As is known, the credit technology of education assumes any discipline to finish with an exam. If the exam is not passed, he surrenders on a fee basis. Discipline «Fundamentals of Counteracting Corruption», which was mentioned above, is exactly the same as the basis of psychology, philosophy. The university can put this discipline on the first course, maybe from the second. The development of a textbook on the basics of anti-corruption culture is planned to be completed by the end of 2016. Mainly, the manual focuses us on the fact that corruption is prohibited not only by law, but also by morality, religion. One of the principles of

preventive work is strict implementation of the principle of the inevitability of punishment. Proceeding from this, the students explain important tools for combating corruption, including such principles as the inevitability of punishment [4].

An intolerant attitude towards corruption should become a civic position of every Kazakhstani, and honesty and incorruptibility are the norm of behavior. Work with the younger generation plays a crucial role in shaping the anti-corruption culture. Only the introduction from an early age of anti-corruption standards of conduct will eradicate this social evil.

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Білім берудегі коррупцияға қарсы мәдениет

Мақаланың зерттеу тақырыбы қазіргі уақытта маңызды міндеттердің бірі — білім беру сапасын арттыру мақсатында білім берудегі сыбайлас жемқорлықты тоқтату болып табылады. Сыбайлас жемқорлыққа қарсы мәдениет — құқықтық мәдениеттің құрамдас бөліктерінің бірі. Тарихи және саяси құбылыс ретінде сыбайлас жемқорлық ұзақ уақытқа белгілі, бұл типті объективті шындыққа тән өзіндік қабылдауды тудырды. Қазіргі Қазақстандағы барлық өзгерістер мен реформаларға қатер төндіретін әлеуметтік құбылыс мәртебесіне ие болып келеді. Сыбайлас жемқорлық проблемасы бұқаралық сипатқа ие болды және қоғамдық өмірдің барлық салаларына әсер етті. Әрине, сыбайлас жемқорлықтың негізгі себептері елдегі саяси тұрақсыздық, билік құрылымдарының тиімсіз әрекеттері; жетілмеген заңнама; халықтың төмен құқықтық санасы; азаматтық қоғам институттарының әрекетсіздігі; заңнаманы қолдануға сәйкес келмейтін әлсіз сот жүйесі. Шетелдік тәжірибе сыбайлас жемқорлыққа қарсы насихаттау құралдарын жемқорлыққа қарсы білім беруде, көбінесе бұқаралық ақпарат құралдарын пайдалана отырып, табысты қолдануды көрсетеді. Бұқаралық ақпарат құралдары азаматтардың сыбайлас жемқорлыққа қарсы әділетті сезімін арттыруда, қоғамда сыбайлас жемқорлықтың теріс түсініктерін қалыптастыруда және сонымен бірге әлеуетті сыбайлас жемқорлық шенеуніктерге қатысты жазалау қауіпі туралы дабыл таратушыларда пайдалы рөл атқарады. Біздің ойымызша, адамның сыбайлас жемқорлыққа қарсы мәдениеті адамның сыбайлас жемқорлықты қабылдамау және оған қарсы тұру үшін моральдік және психологиялық көңіл-күйін қамтамасыз ететін білім, құндылықтар, қасиеттер мен қабілеттер жүйесі болып табылады.

Кілт сөздер: жемқорлық мәдениеті, сыбайлас жемқорлық, саяси тұрақсыздық, сот жүйесі, қоғам институттары, заңдар, білім беру, мектептер, университеттер, Қазақстандағы білім.

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Антикрупционная культура в образовании

Тема исследования является очень актуальной, поскольку в настоящее время большое значение уделяется одной из важнейших задач — противодействию коррупции в образовании с целью развития качества образования в нашей стране. Антикрупционная культура — один из компонентов правовой культуры. Коррупция, как историческое и политическое явление, известна уже давно, что даже привело к тому, что ее восприятие было своеобразным для социума объективной реальности. В современном Казахстане она все чаще проявляет себя в статусе социального феномена, способного поставить под угрозу все преобразования и реформы. Проблема коррупции сегодня приобрела массовый характер и затронула все сферы общественной жизни. Основными причинами коррупции являются политическая нестабильность в стране, неэффективные действия силовых структур, несовершенное законодательство, низкое правовое сознание населения; бездействие институтов гражданского общества; слабая судебная система, непоследовательная в применении законодательства. Зарубежный опыт

показывает успешное использование антикоррупционных пропагандистских инструментов в борьбе с коррупцией, чаще всего с использованием средств массовой информации. Средства массовой информации играют полезную роль в укреплении чувства справедливости в отношении граждан в борьбе с коррупцией, освещении в обществе негативных представлений о коррупции и в то же время являются вещателями сигналов об угрозе наказания против потенциальных коррумпированных чиновников. По нашему мнению, антикоррупционная культура личности представляет собой систему знаний, ценностей, качеств и способностей, которые обеспечивают моральное и психологическое настроение человека для отказа от коррупции и противодействия коррупции.

Ключевые слова: антикоррупционная культура, коррупция, политическая нестабильность, судебная система, институты общества, законы, образование, школы, университеты, образование в Казахстане.

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