

Genesis of Crimes Connected with Corruption: Investigation and Confrontment

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Abstract: Confrontment to corruption is considered one of the eternal questions of organization of a state. It is evident that corruption did not appear in society at a given time. Corruption reveals itself in social phenomena that are deeply connected with it. This study makes an attempt to consider origin of crimes connected with corruption.

Key words: Corruption, crime, history, investigation, criminal process

INTRODUCTION

Analyzing academic literature, it is reasonable to conclude that this type of crimes is deeprooted into primitive society. Probably, it is connected with paganism, because our ancestors believed in the power of nature and tried to appease gods, being independent on them. People made sacrifices practically represented by special gifts for gods. The society developing first clergymen came out-shamans, healers that were considered “close to God” made gifts and brought offerings helping to instate themselves in favour of Gods.

If we refer ourselves to ancient records, we can find that crimes connected with corruption have existed at all times. For instance, the Bible says: “for I know your manifold transgressions and your mighty sins: they afflict the just they take a bribe and they turn aside the poor in the gate from their right” (Amos 5:12) or “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 consume a portion of the wealth of the people in sin while you know it is unlawful”.

“The teaching for Merikare” an old Egyptian record dated back to the 22 century. BC says (Chumakov, 2007). “Make your magnates great that they may execute your laws one who is rich in his house will not be one-sided for he who does not lack is an owner of property...” Corruption is the greatest chronic and incurable disease ever of any state” (Kirpichnikov, 2004).

RESEARCH

We should also mention some facts about confrontment to corruption that took place throughout the history. Thus for instance writings of the Babylonian

King Hammurabi dated back to the second half of the 19th century. BC read the flowing (Kuzischin, 2002) “if a judge has given a verdict, rendered a decision, granted a written judgment and afterward has altered his judgment that judge shall be prosecuted for altering the judgment he gave and shall pay twelfold the penalty laid down in that judgment. Further, he shall be publicly expelled from his judgment-seat and shall not return nor take his seat with the judges at a trial”.

Perception of the corruption in ancient world seems to be quite specific. To corrupt “(from Latin word *corrumpere*)” meant to upset plans to drain the stock to distort the meaning or forge results (Dvoretsky, 1986). In its meaning which was far from original this word stood for bribing someone with money or gifts. The prefix “cor” seemed to “be inviting” to mutually violate laws. It is evident from the very beginning that corruption stands for a phenomenon involving co-partners. Sources of the Roman law interpreted the word “*corrumpere*” as to “bribe the judge”.

“Arthashastra” an ancient Indian treatise (321-297 BC) concerning government of a state says that confrontment to corruption is a priority of any king. Thus, the treatise enlisted forty possible ways in which corruption could be made and draw a conclusion that. “It is possible to know even the path of birds flying in the sky but not the ways of government servants who hide their (dishonest) income. Just as it is impossible to know when a fish moving in water is drinking it so it is impossible to find out when government servants in charge of undertakings misappropriate money”. “Arthashastra” is not the only treatise mentioning about crimes connected with corruption. There are some treatises of the kind of the ancient Roman and Greek politics and philosophers. Thus, the law of the twelve

tables (451-450 BC) applies the word “*corrumpere*” in the meaning of substitution for evidence in a court for money. “Can you consider severe a law putting to death a judge or a mediator assigned for the hearing and found guilty in receiving a bribe in connection to it.

Large-scale corruption in Europe during the Renaissance was caused by development commodity-money relations. Thomas Aquinas wrote that corruption even though considered “the devil’s seduction”, should be perceived as an integral part of the society. Nevertheless, this type of crimes presupposed severe punishment by faggoting. One of the well-known incidents of corruption in the middle ages is connected with Philip IV. The French King Philip le Bel owed a large sum of money to some clergymen, therefore he agreed with Pope Clement V who had his share to destroy the Order of Knights Templars and convert all its fortune to “the people of Europe”. At that time, the Knights of Templars were innocent and truly devoted themselves to combating corruption.

The Statute of the Knights of Templars clearly determined that if a dead knight were found out to possess a sum exceeding the minimum (which were calculated as minimum-zonly expenses for funeral) such a knight should be laid under interdict and denied to have canonic burial.

Speculating about the English people Thomas Hobbes suggested that “...such as value themselves by the greatness of their wealth adventure on crimes upon hope of escaping punishment by corrupting public justice or obtaining pardon by money or other reward. Corruption is a root breeding contempt for all laws at all times and with various temptations...”. This can be endless. Such “connections” are dozens or if we search carefully, even hundreds of thousands, spinning around the world history with a thick web with the truth hardly showing through.

It is evident that corruption has accompanied development of mankind. Ancient times revealed first springs of bribery which flourished by the middle ages, giving its first results at the beginning of new history at the end of 19 beginning of 20 century. It was widely stated in Russia long time ago that it would be easier and less expensive to feed a civil servant for people’s money than for the state budget. In Russia of 17 century, civil servants lived on so called “system of granting”, i.e., they didn’t have a fixed salary but they could get gifts from those who took interest in his actions. Those gifts included not only money but payment in kind.

During the times of Peter the great those guilty in bribery were condemned to branding and exile. However, these measures didn’t give brilliant results for the greed

for gain in people was too big. Peter the Great even threatened his subjects that he would issue an edict committing to hanging any person who would steal the state money, if the stolen amount were enough to buy a rope.

However, being afraid that no civil servants would remain (since at that moment all civil servants were corrupted), Peter the Great didn’t issue the edict but made an order committing to hanging only those guilty in large-scales bribes.

Although, during the times of Peter the Great all “civil servants” had a fixed monthly payment and any forms of bribes were considered a crime, constant wars exhausted the state budget so the salaries were not paid on time and at the proper amount. Thus, having no salaries, many civil servants applied the system of “granting”. Corruption continued blossoming even at times of predecessors of Peter the Great-Katherine I, Elizabeth, Katherine II, etc.

As centuries passed by, social and political system underwent changes but corruption in Russia didn’t disappear. During the soviet union, the state power was eager to reform all spheres of life so it created a vast amount of civil servants who were supposed to control this reform. Civil servants authorized to perform special powers, exceeded their limits quite often thus gaining large profits. On 8th May, 1918 the Council of Civil Commissars was compelled to issue a Decree “on corruption” presupposing putting in jail those found guilty in bribes for 5 years and execution of forfeiture. The Criminal Law of 1922 constituted execution for this crime.

Despite the fact the level of restriction constantly hardened, it resulted impossible to reduce the power abuse of civil servants. Later on by the end of the 20 sec confrontation to corruption brought about massive punitive campaigns. Thus one of the circular notes of people’s commissar for justice of 1927 says: “to put on trial all cases concerning bribery, notifying all newspapers in order to create the sensation that all republic is involved in a unified, massive and well organized punitive and prosecutor campaign”.

As years passed by corruption penetrated deeply into all levels of state power, discrediting it and confronting the needs of the society. No doubt, increase of corruption made a great influence on the crisis during the Socialist era and fostered the dissolution of the USSR.

By the end of Brezhnev’s rule, crimes connected with corruption were committed in such social spheres as healthcare and education which seemed impossible years ago in the USSR. A New Russian state took place during extreme level of hyperinflation, voucher privatization which practically resembled stealing state property and unemployment. Failure of law enforcement agencies to act and race for power caused criminalization of the society.

The real, non-idealized and non-mythologized history of the Russian state proves that corruption, alongside with some other social diseases was extremely popular with the state. And “the Russia we have lost” (Stanislav Govorukhin, a well-known Russian film director) is hardly better than the one we have obtained...

Since, the 20 century crimes connected with corruption have become an international problem. Bribery of authorities by corporations obtained a massive character. Due to globalization, local corruption made a negative influence on development of many other states. Thus, states with a higher level of corruption didn't restrict themselves to third world countries-liberalization in former socialist states in 1990s was followed by extreme abuses of power. Financial times from 31 December 1995 announced 1995 “the year of corruption”.

CONCLUSION

With regard to facts mentioned above we can make a conclusion concerning reasons and tendencies determining large scales of corruption in our days. Firstly, it was determined by return to the system of “granting”. Under the circumstances when salary was not regularly paid, professionals such as teachers, doctors and law enforcement agents tried to find other sources of income. Secondly, privatization of property into possession of

which came representatives of nomenclature or those who had links with them and thus got access to the privatization also played a role.

Thirdly, it was determined by enlargement of bureaucratic apparatus based on the former nomenclature. This apparatus had much power and used it in its personal aims. Corruption penetrated all social spheres, involving all social layers.

Thus, despite having a vast amount of knowledge and experience of confronting to corruption, mankind still cannot defeat this evil pulling down the world community. However, UNO established the International Anti-Corruption Day on the 9th of December to encourage knowledge against corruption.

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