

A manuscript

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**CRIMINOLOGICAL CHARACTERISTICS OF
CORRUPTION CRIMES IN THE SPHERE OF LOCAL SELF-
GOVERNMENT AND ITS PREVENTION**

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ABSTRACT OF THESIS

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GENERAL CHARACTERISTICS OF THE WORK

Actuality of the dissertation research's theme. One of the most important challenges in Russian society is the problem of corruption and corruption-related crime. It is a corruption crime that is a great threat to socio-economic and political security of the society and the state.

The adoption and realization of legal acts on corruption fighting underline the importance of issues connected with the corruption crimes fighting. Corruption as an antisocial phenomenon causes significant damage to the socio-economic sphere in the country. Modern law enforcement practice requires the specification of anti-corruption statements of existing legal acts.

An essential part of a corruption crime is in the sphere of local self-government. The phenomenon of corruption crime in the sphere of local self-government requires extensive research, as it directly touches the rights, freedom and interests of citizens at the municipal level. The existence of corruption crime in the sphere of local self-government is determined by the ineffectiveness of the municipal government, by features of citizens' mentality, by peculiarities of legal and political culture, by poor development of civil institutions entitled to control the local authorities. Most of the citizens of the Russian Federation face with the crime corruption in the sphere of local self-government, but only a few municipal officials of low-ranking in the local governments are found and punished.

In recent years, the majority of documents describing political and economic situation in the Russian Federation, include issues on prevention corruption methods in the sphere of local self-government. This solving crime corruption issue in the sphere of local government is not only necessary to link with increased penalties, but also with a detailed study of this type of crime. Today the Russian Federation, its regions, municipalities face the necessity of solving the problem of crime corruption in the sphere of local self-government. In this regard, to prevent corruption crimes in the sphere of local self-government is the main aim of the state.

To resist the corruption crimes in the sphere of local self-government is important to reveal the nature and the contents of crimes of this type and to identify its

constituents, and on this basis one should suggest relevant measures and conduct criminological research on the issue. It is necessary to develop and implement of a set of interrelated and varied measures that will be focused on the prevention of crime corruption in the sphere of local self-government.

At present in the sphere of local self-government theoretical and scientific investigating of corruption crimes' nature becomes more actual as socio-legal phenomenon, its factors determining the corruption in the sphere of local self-government, and the development of different measures of its prevention.

The degree of scientific elaboration of the topic. Corruption as a global public issue attracts attention of lawyer –scientists. The study of corruption has received its development in the works of the following scientists: B.V. Volzhenkin, Yu.V. Golik, P.I. Grishayev, A.I. Gurov, A.I. Dolgovaja, V.B. Zdravomyslov, P.A. Kabanov, V.N. Kudryavtsev, A.P. Kuznetsov, V.N. Kuznetsov, N.F. Kuznetsova, V.V. Luneyev, N.A. Lopashenko, V.D. Malkov, Yu.Yu. Malyshevaja, B.V. Sidorov, M.V. Talan, V.E. Eminov, etc.

The dissertation research of modern scientists dedicated to corruption study as a whole or some separate aspects: criminal law and criminological characteristics of bribery (Grebenyuk R. A. – 2004 year); corruption crime in the Republic of Tatarstan at the turn of the century (criminological research) (Gazimzjanov R. R. – 2005); criminal-legal measures of counteraction to corruption crimes (Sichinava I. M. 2006 year); the corruption: criminological and criminal law aspects (Kuznetsova O. A. – 2007); the prevention of corruption crimes at the municipal level (V. S. Chershintsev – 2008); corruption and criminal influence on it (Miroshnichenko D. V. – 2009); criminal responsibility of officials for special corruption crimes against interests of service in local self-government (on the example of municipal employees) (Ferkaluk Y.I.- 2009); criminological characteristics of bribery in state bodies (Brjakin N. N. – 2010); the current state of corruption in health care in Russia and measures for its prevention (Balebanova T. A. – 2013); corruption crime opposition in social sphere (as an example health care and education of the Volgograd and Saratov regions) (Plokhov S. V. – 2013); fighting against the corruption: criminal-legal and criminological research (I. S. Parshin – 2014).

However, in the mentioned works the problems of criminological characteristics of corruption crime are not touched, and its prevention in the field of local government. For the first time this study is dedicated to the current analysis of modern issues to help to explain the need of a separate corruption crime study in the field of local government and its prevention. The theoretical-scientific and practical models of corruption crimes understanding in the sphere of local self-government with the realities of the society and the government have been developed. These factors helped to justify the choice of an object and a subject of the dissertation research, its scientific originality.

The object of the research. The object of the dissertation research is a set of issues (problems) related to criminological characteristic of corruption crime in the field of local government and its prevention.

The subject of the research are international legal norms, the Constitution of the Russian Federation, foreign laws, regulations existing and non-existing criminal laws of Russia providing responsibility for corruption crimes in the sphere of local self-government, the rules of other branches of Russian law regulating the issues of combating corruption crimes in the sphere of local self-government, special literature and practice materials, the results of criminological research conducted in the framework of this research.

The purpose and objectives of the dissertation research. The aim of the research is a complex scientific-theoretical and practical study of corruption crime in the sphere of local self-government in the light of reforms in the Russian Federation, persons and municipal formations and on this basis the development of ideas is to improve the legislation, the study of an offender's individuality committing corruption crimes in the sphere of local self-government and warning system, including general, special and victimization measures.

To achieve this goal the following research objectives are set:

- the identification of corruption signs;
- the formation of a scientific definition of corruption crimes in the sphere of local self-government and the revealing of its nature;
- the identification of criminological indicators (status, structure and dynamics) of the corruption crimes in the sphere of local self-government;

- the establishment of corruption crime determinants in the sphere of local self-government;
- the revealing offender's criminological characteristics having committed a corruption crime in the sphere of local self-government;
- developing common measures of corruption crimes prevention in the sphere of local self-government;
- the identification of special measures of corruption prevention in the sphere of local self-government;
- the development of victimological measures of corruption crime prevention in the sphere of local self-government.

The methodological basis of the research is the dialectical method of cognition, general scientific and private scientific methods were used: historical, statistical, system-structural, comparative legal, sociological methods, the method of analysis and synthesis.

The theoretical basis of the research are works on criminal law, criminology, legal psychology, philosophy, sociology, relevant to the dissertation issues are presented by scientific, theoretical and practical works of Russian and foreign scientists: A.A. Akmalova, V.V. Astanin, G.V. Atamanchuk, S.A. Baleyev, I.Ya. Bogdanov, G.I. Bogush, G.N. Borzenkov, N.N. Bryakin, L.P. Buyev, L.L. Vandyshev, V.I. Vasilyev, A.A. Vasilchenko, B.V. Volzhenkin, E.A. Geyvandov, T.M. Govorenkova, Yu.V. Golik, G.N. Gorshenkov, R.A. Grebenyuk, A.I. Dolgova, G.E. Yenyutina, Yu.N.Zhdanov, V.I. Zadorozhnogo, L.V. Ilina, S.M. Inshakov, P.A. Kabanov, S.G. Kelina, V.G. Kirshin, A.M. Klim, I.S. Kon, T.Kh. Konov, A.P. Kuznetsov, O.A. Kuznetsova, V.N. Kudryavtsev, A.V. Kurakin, Ya.M. Kurash, N.A. Lopashenk, V.V. Luneyev, V.D. Malkov, Yu.Yu. Malysheva, D.V. Miroshnichenko, G.K. Mishin, I.S.Noya, B.I. Polubinskogo, V.I. Popov, N.V. Postovogo, D.V. Rivman, V.V. Romanova, V.Ya. Rybalska, N.N. Rybushkin, N.V. Selikhoa, B.V. Sidorov, Ye.B. Sultanov, M.V. Talan, A.A. Tirskikh, Yu.A. Tikhomirov, Yu.I. Ferkalyuk, K.N. Florya, Ye.N. Khishevoy, V.S. Chershintsev, A.A. Shvyrkin, G.Y. Shnayder, Ye.S. Shugrina, V.E. Eminov etc.

The normative basis of the research are international, federal and regional normative legal acts in the field of combating corruption, crime corruption and crime corruption in the sphere of local self-government: the Constitution of the Russian Federation, the criminal law Convention on corruption, the Convention of the United Nations, Convention against corruption, the criminal code of the Russian Federation of 13 June 1996 №63-Law (hereinafter – the criminal code), the Civil code of the Russian Federation (part two) dated January 26, 1996 №14-the Law (further – the Civil Code of the Russian Federation), Federal law dated July 17, 2009 No. 172- the Law "About anticorruption examination of regulatory legal acts and drafts of normative legal acts", the Federal Law of 25 December 2008 №273-Federal Law "On combating corruption", Federal law dated 2 March 2007 №25-FZ "About municipal service in Russian Federation" etc.

The empirical basis of the dissertation research composes the data of judicial statistics for the period from 2010 to 2015 according to Judicial Department at the Supreme court of the Russian Federation, the Judicial Department in the Republic of Tatarstan; the information of the Ministry of justice of the Republic of Tatarstan "On the implementation activities of the Comprehensive Republican anti-corruption program for 2012-2014", the materials of criminal cases and published court practice of the Russian Federation of the Volga Federal district (in the Supreme court of the Republic of Tatarstan for the period 2007 to 2015, in the Supreme court of the Republic of Bashkortostan for the period 2010 to 2015, in the Supreme court of the Udmurt Republic for the period 2011 to 2015); materials of 86 criminal cases for corruption crimes in the sphere of local self-government in the units of the Investigative Committee in the Volga Federal district for the period 2010-2015; analytical reports and statistical data of the Investigative Committee of the Russian Federation and its structural subdivisions for the period 2010-2015; we have developed criminological research programme on "Latent crime" and "Corruption crime in the sphere of local self-government" materials of interviews with 480 individuals (see Appendix №1 and Appendix №2).

Scientific novelty of the research lies in the fact that for the first time theoretical, practical and comparative legal analysis of criminological characteristics of

corruption crime is held in the field of local government and its prevention. The concept of corruption crime prevention in the sphere of local self-government is worked out. Complex criminological investigation of the nature of the corruption crimes in the sphere of local self-government has allowed to develop suggestions for the research and prevention of this type of crime, and improvements of certain norms of the criminal law.

The basic principle presented to be proved:

1. Corruption crime in the sphere of local self-government is a social, a dangerous phenomenon that has a high latency, which represents a set of crimes committed by municipal employees having managerial functions, with use of official position against citizens' interests, municipalities, state, for personal enrichment or limited group purposes and a set of such persons' categories.

2. Criminological legislation in the sphere of local self-government is the system of legal acts providing measures to prevent common crime on local government level corruption and crime in the sphere of local governance, in particular.

3. To fill the gap in the Federal law from December 25, 2008 "On opposing corruption" is suggested in the first article to give the definition of corruption as follows: corruption offense is the unlawful behavior of officials of the state and municipal authorities, as well as persons performing management functions that violate rights, freedom and interests of physical persons, legal entities, society and the state, and officials using their official authority.

4. Identified the following causes and conditions of crime corruption in the sphere of local self-government:

Group 1: determinants related to the causes and conditions of crime in general;

Group 2: determinants interrelated with causes and conditions of corruption crime;

Group 3: specific determinants of corruption crime in the sphere of local self-government:

a) in the area of land's ownership regulation;

b) in the field of housing and communal services and construction;

c) related to low salaries of municipal employees.

5. The most corrupted areas of local government are: the relations of land and property and local governments with entrepreneurship.

6 The most important structural components are identified in the personality of a criminal in the sphere of local self-government:

1. Socio-demographic features:

average age - 35 – 40 years;

education – 82% are people with the two higher education, high incomplete higher education;

sex of criminals - 13% corrupt officials in the local sphere of government are female;

the personal life of criminals – 100% of corrupt officials have families.

2. Social-role features – 100% corrupt officials have done their professional duties in the field of local government.

3. Social and psychological characteristics manifest themselves in greed, in desire to enrich themselves illegally at the expense of the abuse and exceeding authority, underestimation of municipal employees' work on the part of a state and municipal authorities.

7. To resolve the conflict between the criminal code and the Federal law "On opposing the corruption" is proposed to investigate the article 285 of the criminal code as follows:

The article 285. abusing the authority

The use of official power against the interests and positions of a service if the offense is committed for mercenary or other personal interest and has entailed essential infringement and legitimate interests of citizens or organizations or legally protected interests of society or the state, shall be punished by imprisonment for the term up to four years.

8. It is proposed to amend the Federal law of 25 December 2008 № 273-FL "On combating corruption" and to provide part 1, article 8 and part 1, article 8.1. in the following editions:

The article 8 Presentation of data on income, property and obligations of property pattern

1. Information about their income, property and obligations of property pattern, and also about income, about property and obligations of property pattern of spouses (spouse) and under-aged children, close relatives in the descending and ascending line, are obliged to provide to the representative of the employer:

1) the citizens applying for the replacement of a state or municipal service position included in the lists established by the regulatory legal acts of the Russian Federation;

1.1) the citizens applying for replacement of the members' posts of the Board of Directors of the Central Bank of the Russian Federation, positions in Central Bank of the Russian Federation included in the list approved by the Board of Directors of the Central Bank of the Russian Federation;

2) the citizens applying for replacement of positions included in the lists established by the regulatory legal acts of the Russian Federation, in state corporations, Pension Fund of the Russian Federation, Fund of social insurance of the Russian Federation, the Federal compulsory medical insurance Fund, other organizations created by the Russian Federation on the basis of Federal laws;

3) the citizens applying for replacement of separate posts, included in the lists established by Federal state bodies, on the basis of labour contract in the organizations created for execution of tasks, delivered before Federal state bodies;

3.1) the citizens applying for replacement of positions state's head (municipal) institutions;

4) persons occupying positions referred to in the paragraphs 1-3.1 of this part.

The article 8.1. Submission of information on expenditures

1. Persons holding (occupying) positions included in the lists established by the regulatory legal acts of the Russian Federation or statutory acts of the Central Bank of the Russian Federation, are obliged to provide the information on their expenditures and the expenditures of their spouses (spouse), under-aged children, close relatives in the descending and ascending line, in cases and in order established by the normative legal acts of the Russian Federation.

9. To avoid conflicts between the criminal code and the Federal law of July 27, 2004 No. 79-Federal Law "About state civil service of the Russian Federation", the Federal law of 25 December 2008 № 273-Federal Law "On combating corruption", Federal law dated 2 March 2007 № 25-Federal Law "About municipal service in the Russian Federation" and to carry the gap is proposed to introduce the article 285.4 in the criminal code and provide as follows:

The article 285.4 Concealment and untimely providing the information about income, expenses, about property and obligations of property character

1. Concealment and untimely providing the information about income, expenses, about property and obligations of property pattern the citizens claiming for substitution of positions of state or municipal service included in the corresponding list, state or municipal employees replacing specified posts, information about income, expenses, about property and obligations of property character, and also data on income, expenditures, about property and obligations of property character of spouses (spouse) and under-aged children, close relatives in the descending and ascending line, shall be punishable by deprivation of liberty for a term up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without such.

10. It is revealed that massive corruption in the sphere of local self – government is the state of society, which relates to the crime of corruption, the aggregate of all victims in a specific period of time on the territory of the municipality.

11. The Concept of prevention of corruption crimes in the sphere of local self-government, criminological research program on "Latent crime" and "Corruption crime in the sphere of local self-government", which can be used in different regions of the Russian Federation in order to identify and prevent corruption crimes in the sphere of local self-government.

The theoretical significance of the dissertation research: the results of the research and issues, recommendations contribute to the theory of criminal law, criminology, fill in the gaps in the theoretical positions of the corruption crime study in the sphere of local self-government.

Practical significance of the research: materials of the dissertation research can be used in teaching criminology, criminal law, legal psychology, sociology, special courses in higher educational institutions, in training of bachelors and masters of law, when developing programmes to prevent corruption crimes in the sphere of local self-government in municipalities and special course "Criminal-legal and criminological mechanisms of counteraction of corruption".

The validity of the dissertation research due to the use of theoretical, legal and empirical basis.

In the development of dissertation research the following methods were used: a comparative analysis with the help of regulatory legal acts of national and foreign legislation, practice of its application, special literature, the dissertations, statistical data, generalization of court practice, a number of criminal cases analyzed. All this has allowed to work out new scientific conclusions and practical recommendations.

Approbation of the research results. The dissertation was prepared, discussed and reviewed at the Department of criminal law faculty of Kazan (Volga region) Federal University and it's presented to the debate.

The results of the research have found its reflection in the nineteen scientific papers, besides in four leading reviewed scientific journals recommended by higher attestation Commission of the Ministry of education and science of the Russian Federation, such as "Scientific notes of Kazan state University. Series: Humanitarian Sciences", "Bulletin of Udmurt University", "Vestnik of Volzhsky University named V. N. Tatishchev," " Bulletin of Economics, law and sociology".

The main conclusions, issues, patterns written in the dissertation, have been reported and discussed at international, Russian and regional scientific conferences held in universities of Russia, as well as scientific-theoretical seminars held in Kazan (Volga region) Federal University. The results of the study are used in teaching of different subjects at the Department of criminal law of Kazan (Volga region) Federal University and the Department of criminal law, criminal procedure and criminalistics of the Institute of Kazan (Volga region) Federal University in Naberezhnye Chelny.

Structure of the dissertation research is determined by the goals and objectives. The dissertation consists of an introduction, three chapters, each of which consists of eight paragraphs, a conclusion, a list of used literature and Appendix

THE MAIN CONTENT OF THE WORK

In the introduction the urgency of the dissertational research's theme is determined by a degree of scientific elaboration, an object and a subject; the purpose is indicated; the goals of the thesis are formulated; methodological, theoretical, normative and empirical basis of the study is described; scientific novelty is shown; the reliability of the study and the issues presented to be proved; the content of theoretical and practical significance of the research is provided; the information concerning testing and implementation of the research results is provided.

The first Chapter "The concept and the general characteristics of corruption crime in the sphere of local self-government" consists of three paragraphs. In the first paragraph "The concept of corruption and corruption-related crime" deals with the concept of corruption and corruption crimes.

Detailed complex analysis of the causes of the emergence and corruption development, understanding and the assessment of corruption crime conditions, identifying the main trends and predicting criminal situation in this area. It is impossible without conceptual consideration of corruption's notion. According to the applicant, guided by the need of international obligations, in order to optimize anti-corruption, the Russian legislator should expand the notion of corruption through the transformation of its characteristics from the international law in domestic in which the bribe is treated as one of the components of corruption behavior, but not as its core content.

Considerable attention in the thesis is paid to the question if rather large and inaccurate phenomenon from the stand-point of the criminal law formulation of criminal acts of corruption that prevents a consistent interpretation of a law and its enforcement. So, a categorical protest is the use of articles of law of fuzzy language and, in particular, the introduction of the confusing category of "other illegal used by a physical person of his official position". Such unclear statements to the fact that the activity of the law

enforcement agencies can get mass distribution of cases of unjustified refusal of criminal legal assessment of the offence, when the enforcer will not see the committed act signs of a specific crime, if any, or, on the contrary, will be charged guilty without falling under the description of the disposition of the corrupt structures that, primarily due to problems of presentation of legislative definition of corruption.

The author of the thesis during the research argues that corruption is anti-social, socially dangerous phenomenon, representing negative behavior of the officers, expressed in illegitimate use, against the interests of the individual, society, the state and other persons, available powers, management functions, resulting opportunities, and other public resources, access to which they have in connection with their status or the actual situation, to benefit personal, factional or corporate purposes. The author believes that corruption crime is anti-social, socially dangerous phenomenon, type of crime, constituting a complete set of crimes, committed by officials using their official position, had official authority, administrative functions contrary to the legitimate interests of citizens, society, state, public service, service in bodies of local self-government, commercial and other organizations for personal gain or other personal, factional and corporate purposes.

In the second paragraph of "Concept and characteristics of corruption crime in the sphere of local self-government" the author investigates the problem of learning concepts and signs of corruption crimes in the sphere of local self-government. According to the dissertation, the development of theoretical bases of corruption and corruption crimes in the sphere of local self-government will create the necessary basis for improving the legislation for combating this negative phenomenon. The importance and difficulty of defining concepts and signs of corruption and corruption crimes in local governments due to the fact that among the organs of government, the local authorities due to a number of reasons, occupy a special place. This statement is based on understanding the role they play in the system of government. In the thesis it is noted that given fact of local authorities, according to article 12 of the Constitution of the Russian Federation is not included in system of public authorities, however, have the same public-law nature in the implementation of the "Vlastnosti".

Therefore, the study of the theoretical constructs definition "corruption" and "corruption crime" in relation to the state apparatus and the state authorities is helpful to formulate these concepts in the field of local government.

The main features that, in the opinion of the author, characterize the corruption crime in the sphere of local self-government:

- 1) it is primarily the totality of crimes committed by a certain category of persons;
- 2) the availability of special subjects, i.e. those formally brought to the municipal administration (municipal officials and other officials authorized to perform managerial functions in the sphere of local self-government);
- 3) crimes committed against the interests of municipal service with the guilty use their official position, and causing or posing a threat causing essential harm to rights and legitimate interests of citizens and organizations, societies, municipalities and the state;
- 4) data of subjects are used for their existing by position and status of the potential for illegal extraction of both personal and narrow group or corporating benefits contrary to the interests of others, society, municipalities and the state.

5. Giving these characteristics, the applicant believes that the corruption crime in the sphere of local self-government is a social, a dangerous phenomenon that has a high latency, which represents the totality of crimes committed by municipal employees with managerial functions, with use of official position against the interests of citizens, municipalities, States, for personal gain or factional purposes, and the totality of such categories of persons.

In the third paragraph, "Indicators of corruption crime in the sphere of local self-government (state, structure, dynamics)" is noted that the information-analytical maintenance of activity under the prevention of corruption crimes in the sphere of local self-government is source, an essential element. According to the applicant, in the corruption crimes study, in the sphere of local government one must identify:

- 1) the extent of its prevalence and social risk in order to assess its condition, trends and identify areas of combating this type of crime;
- 2) social characteristics of this type of crime, pointing to features of its generation and existence;

- 3) quantitative and qualitative indicators of this type of crime;
- 4) latency as a factor of crime;
- 5) own, internal characteristics of the crime (stability, self-discipline).

For a more detailed study of corruption crime in the sphere of local self-government, according to the applicant's opinion, the basic indicators, which characterize this type of crime are: status, structure and dynamics. Conducted by the author that the analysis of materials (86 criminal cases for corruption crimes in the sphere of local self-government in the investigative units of the Investigative Committee in the Volga Federal district for the period 2010-2015), shows that 80 criminal cases, the accused were officials of local governments who have committed a crime provided by the article 290 of the criminal code, in 4 criminal cases under article 285 of the criminal code, in 2 criminal cases under article 292 of the criminal code.

The author indicates that in the sphere of local self-government corruption crimes are characterized by high latency. Considering this factor, the applicant developed Criminological research program on "Latent crime" and Criminology research program on "Corruption crime in the sphere of local self-government". On the basis of these programmes and the interviews the author has made the conclusion that they are reflected in the third Chapter of the dissertation research.

The main conclusion, stated in the last paragraph, is that, firstly, the corruption crime in the sphere of local self-government in Russia as a whole, the existing phenomenon that requires detailed study. For this purpose it is necessary for statistical reporting by government agencies as a separate item to commit this type of crime, as reports exist for the common crimes of corruption. Secondly, the main object of corruption crimes in the sphere of local government is the property for which possession, use and disposition of such crimes. Thirdly, there is a tendency in the distribution of the corruption crimes in the sphere of local self-government in all spheres of life: education, land, construction, agriculture, entrepreneurship, etc. Fourthly, for corruption crime in the sphere of local self-government is characterized by high latency, and its detection. It is necessary to strengthen the control over all activities of municipal employees, especially when it concerns money and municipality budget.

In the second Chapter "Causes and conditions of corruption crime in the sphere of local self-government and the identity of the offender committing corruption crimes in the sphere of local self-government" the author examines the determinants of corruption crime in the sphere of local self-government that are carried out and criminological analysis of the offender committing corruption crimes in the sphere of local self-government.

In the first paragraph of the "Causes and conditions of corruption crime in the sphere of local self-government" the author notes that for corruption crimes in the sphere of local self-government the specific causes and conditions for its existence and development exist, primarily associated with the municipal service and administrative functions. Among these factors it is necessary to allocate those forms which are connected with the peculiarities of powers, conditions of service; with the characteristic of municipal officers themselves; with the state of public control over their activities.

The author proposes the following classification of causes and conditions of corruption crime in the sphere of local self-government:

Group 1: causes and conditions of corruption crime in the sphere of local self-government are interrelated with causes and conditions of a crime rate. The causes of crime include economic, social, legal, political, and ideological phenomenon. The conditions include, for example, natural, organizational and technical and other phenomena.

Group 2: the causes and conditions of corruption crime in the sphere of local self-government those are interrelated with causes and conditions of corruption crime.

Group 3: specific causes and conditions of corruption crime in the sphere of local self-government. The author proposes to consider them in the following forms:

1. The causes and conditions of corruption crime in the sphere of local self-government in the field of regulation of land ownership;
2. The causes and conditions of corruption crime in the sphere of local self-government in the sphere of housing and communal services and construction;
3. The causes and conditions of corruption crime in the sphere of local self-government in the field of education;

4. The causes and conditions of corruption crime in the sphere of local self-government related to low salaries of municipal employees.

According to the author, when considering the reasons and conditions of corruption crime in the sphere of local self-government needs to address the issue of self-determination of the corruption crimes in the sphere of local self-government. In the opinion of the applicant, the process inherits corruption and crime in the sphere of local self-government. The author offers the following forms of its manifestation:

1 form: for corruption crimes in the sphere of local self-government is inherited in such factors as latency, which creates basis for making new corruption crimes. The level of latency of corruption crimes in the sphere of local government is high. This is evidenced by official public statistics.

2 form: corruption crimes in the sphere of local self-government and generate additional new crimes, i.e. post - return activities of municipal employees. For example, the crime provided by article 285 of the criminal code, may lead to commit other crimes. In legal practice there are situations when in order to hide corruption crimes in the sphere of local self-government, documents were forged, committed assassinations, etc.

3 shape: interlinked with sense of justice, legal culture, legal psychology municipal employees and the population of the municipality. If corruption crimes in the sphere of local self-government remain undetected, unreported, unsolved and unpunished, then it creates a special psychological state with municipal employees themselves and the public.

Form 4: analysis of law enforcement practice and the scientific literature shows the relationship of corruption crimes and organized crime.

Summing up the conclusions of the first paragraph, the author notes that the causes and conditions of corruption crime in the sphere of local self-determination is a complex mechanism that consists of the causes and conditions of crime, corruption crime and its specific causes and conditions of the corruption crimes in the sphere of local self-government and forms of semi determinate of this type of crime.

In the second paragraph "Criminological characteristics of an offender committed a corruption crime in the sphere of local self - government" the author

examines structural components of the personality of a criminal committed corruption crimes in the sphere of local self-government.

Full and objective investigation of corruption crimes in the sphere of local self-government is impossible without learning the identity of a criminal who commits the crime of corruption in the sphere of local self-government. Analysis of legislation shows that there is a sufficient number of legal acts regulating the requirements for municipal official.

If you pay special attention to continuing debate until today on the relationship between biological and social identity of an offender, it will lead to scientific dispute that concerns the identity of a criminal who commits the crime of corruption in the sphere of local self-government. And, according from the opinion of the applicant, it is possible to come to positive results in combating corruption crimes in the sphere of local self-government. For example, if we turn to clinical school of criminology, it is necessary to diagnose the perpetrator through the application of psychological diagnostics, allowing to identify easily and select them from criminal behaviors and the way how people can come to the decision to commit the crime of corruption. After analyzing anthropological study of the criminal personality, the author believes that, in case of an offender committed a corruption offence in the sphere of local self-government, he is not justified. The researcher was closer to the position of sociological and psychological approaches to the study of the individuality of the offender.

In the opinion of the applicant, the identity of the offender committed corruption crimes in the sphere of local self-government, has distinctive features. As a result of the dissertation research, the author identified the most important structural components in the identity of the perpetrator in the sphere of local self-government:

1. Socio-demographic features:
 - 1.1. Average age - 35 – 40 years;
 - 1.2. Education. 82% of the persons are with the two high, higher or incomplete higher education;
 - 1.3. Sex of criminals. 13% officials in the local sphere of government are females;
 - 1.4. Personal life of criminals - 100% officials have families.

2. Social-playing features - 100% officials have performed their professional duties in the field of local government.

3. Socio-psychological characteristics, in our view, manifested in greed, the desire to illegally enrich themselves at the expense of the abuse and exceeding of authority and underestimating the work of municipal employees by state authorities.

When characterizing the identity of the criminal who commits the crime of corruption in the sphere of local self-government, the hierarchy of values and, in particular, the willingness to sacrifice material gain law and morality, professional honor. The affect of such traits are as greediness, envy, and moral instability.

In the third Chapter "Prevention of corruption crimes in the sphere of local self-government" the author explores general, special and victimological prevention of corruption crimes in the sphere of local self-government.

In the first paragraph "General measures of preventing corruption crimes in the sphere of local self-government" the author notes that as a dangerous social-legal phenomenon, the corruption crime in the sphere of local self-government in modern conditions acquires a wide border and new quantitative and qualitative indicators.

Corruption crime in the sphere of local self-government requires to apply in combat of modern comprehensive measures.

According to the author, it is necessary to distinguish between such concepts as "sphere of local self-government" and "local government". "Local self-governance" is a broader concept in its content than "local authorities". These are just the Institute for local self-government sphere that have the authority organizational and administrative nature.

Secondly, the concept of "fighting crime" is a broader concept than "crime prevention", which covers the concept of "crime prevention". The author offers the following definition: "crime prevention" - a system of measures aimed at prevention, suppression and prevention of criminal acts carried out by specialized and unspecialized actors.

In this paragraph the applicant states the main issues that can be considered as general measures to prevent corruption crimes in the sphere of local self-government.

I. Socio-economic measures of prevention corruption crimes in the sphere of local self-government. The analysis of the legislation of local governments shows that it is intended to ensure the effective existence of the population living on the territory of the municipality. The financial provision of the local government is needed to do it.

II. Legal measures of prevention corruption crimes in the sphere of local self-government. Current legislation, ensuring the effective functioning of local self-government in accordance with the principles and norms of international laws, the Constitution of the Russian Federation, Constitutions (Charters) of subjects of the Russian Federation, requires further development. This should be a gradual improvement in line with the realities of the lives of people living in the municipality. Positive aspects in this process are traced. New legislation aimed at preventing corruption-related crime that must include a system of measures of welfare impact. For example, normative legal acts should offer more opportunities to public authorities and local governments to create the necessary conditions for personal fulfillment, for the development of the middle class population. The bureaucracy that exist between bodies of state power and bodies of local self-government and that are created and continue to exist on the basis of legislation, yet it provides the basis for the full development of local self-government and, from the point of view of criminological knowledge, it is the legal cause of the corruption crimes in the sphere of local self-government. A very substantial General legal measure could be the adoption level of the Russian Federation Law on lobbying that would lobby for the interests of municipalities. This could have a positive impact on their development and on the reduction of the level of corruption crime in the sphere of local self-government.

III. The thesis offers a theory of criminology in the law to introduce the concept of "criminological legislation in the sphere of local self-government" is a system of legal acts providing measures of common crime on local government level corruption and crime in the sphere of local governance, in particular.

According to the applicant's point of view, the essential legal measure for the prevention of corruption crimes in the sphere of local self-government would be the elimination of gaps and contradictions in the anti-corruption law and the Criminal code of the Russian Federation.

Federal law "On combating corruption" dated December 25, 2008 states the corruption as "abuse of official position ...". On the basis of the Criminal code of the Russian Federation, it is clear that the article 285 envisages the abuse of power. Here it is a contradiction between the concepts of "position", "authority" and "authority". Analysis of legal literature and legislation shows that there is no consensus on the interpretation of these concepts.

IV. Political measures to prevent corruption crimes in the sphere of local self-government. Note that from properly conducted of state policy in the sphere of local self-government depends on the state of corruption crimes in this sphere. In our opinion, a clear hierarchy of local governments should be built, not duplicate the activities of government bodies and bodies of local self-government. It is the repetition of some authority creates conditions for corruption of state and municipal employees.

V. Ideological measures of preventing the corruption crimes in the sphere of local self-government. In the opinion of the applicant, these measures should be recognized, at the state level and at the level of local self-government, rights and freedom, the Supreme value, the extension of ideology: "everything that is done for good of a person". Humanism, patriotism, preservation of national wealth, charity, kindness, honesty and the pursuit of justice are what should be the main ideology of the state in the fight against corruption crimes in general and corruption crimes in the sphere of local self-government in particular.

In the second paragraph "Special measures of prevention corruption crimes in the sphere of local self-government» the author considers the concept and measures to prevent corruption crimes in the sphere of local self-government. On the research topic of the thesis an applicant suggests the following definition: a special prevention of corruption crimes in the sphere of local self-government is a system of measures aimed at prevention, suppression and prevention of the causes and conditions of corruption crime in the sphere of local self-government. These measures should be implemented by specialized and non-specialized subjects of crime prevention.

Special measures of prevention corruption crimes in the sphere of local self-government should not be symbolic in nature. According to the author, it is important to

develop targeted measures, special warnings, taking into account the following postulates:

1. eradicating of corruption crime in the sphere of local self-government is impossible, only it is possible to reduce its level;

2. corruption crime in the sphere of local self-government cannot be prevented solely by legislation, i.e., it is necessary to pay great attention to ideological education, moral and ethical measures;

3. the prevention of corruption crimes in the sphere of local self-government should be comprehensive and constant, and should involve all forces of the government and the society.

Before examining in details and propose special measures to prevent corruption crimes in the sphere of local self-government, the applicant draws attention to international experience in this area: Singapore, Japan. According to the author, the use of foreign experience in prevention of corruption crimes in the sphere of local self-government, on the one hand is positive, but, on the other hand, it should be taken into account such factors as socio-economic, legal, political, ideological, national and territorial features and the model of local government in the Russian Federation and proposed special measures to prevent this type of crime.

The applicant, according to the results of criminological research on "Latent crime" and "Corruption crime in the field of local government", suggests special measures to prevent corruption crimes.

1. The examination of existing legislation to identify gaps and conflicts that contribute to the growth of crimes of corruption among municipal officers. It should be noted that there are positive tendencies: for example, in accordance with the Federal law dated July 17, 2009 No. 172-Federal Law "About anticorruption examination of regulatory legal acts and drafts of normative legal acts", in order to prevent the inclusion in the draft regulations of the provisions promoting creation of conditions for corruption, on the websites of municipal bodies are the municipal projects of normative legal acts for carrying out of independent anticorruption examination.

2. The tightening of comprehensive measures of financial control over municipal servants, i.e. granting law enforcement the authority to check all Bank accounts

municipal employee, members of his family and relatives both inside the country and abroad. In this regard, and to avoid conflicts between the criminal code and the Federal law of 27 July 2004 No. 79-Federal Law "On state civil service of the Russian Federation", Federal law of 25 December 2008 № 273-Federal Law "On combating corruption", Federal law dated 2 March 2007 № 25-Federal law "About municipal service in the Russian Federation" and to fill the gap the author proposes to introduce in the criminal code article 285.4 and provide as follows:

Article 285.4 Concealment and untimely provision of information about income, expenses, about property and obligations of property character.

1. Concealment and untimely provision information about income, expenses, property and obligations of property character the citizens applying for replacement of positions of state or municipal service included in the corresponding list, state or municipal employees replacing specified posts information about their income, expenses, about property and obligations of property character, and also data on incomes, expenditures, about property and obligations of property character of its the spouses (spouse) and under-aged children, close relatives in the descending and ascending line, shall be punished by deprivation of liberty for a term up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without such.

Improving the institution of municipal services: increase in wages of municipal employees, improvement of personnel policy (attraction of potential proactive, educated, hard-working young generation), and the formation of the moral situation inadmissibility of Commission of corruption crimes and increase the prestige of municipal service.

2. Legal, economic education and increase of legal culture. In the opinion of the applicant, all these factors must enter pre-school education sessions on legal and economic education, i.e., age peculiarities of children must be taking into account, to teach them to understand (with the use of such pedagogical techniques, like games form, cognitive form, logical form) that you cannot commit illegal acts, as it is advisable to handle the income and expenses and others.

The current state of corruption crimes in the sphere of local self-government, their investigation, disclosure and a judicial review requires, in the opinion of the applicant, the practical implementation of the constitutional principle under section 1 of article 19 of the Constitution of the Russian Federation: everyone shall be equal before the law and the courts, i.e. the so-called abolition of the immunity of municipal employees.

3. A special place in the prevention of corruption crimes in the sphere of local self-government should be given to mass media.

4. According to the applicant, it is required at the level of the Russian Federation within the framework of law enforcement agencies to develop ASIA "Corrupt" (Automated system of information support of the "Corrupt"), which would be a system of information on persons who have committed corruption crimes with the passage of state and municipal service. This automated system should possess characteristics such as publicity, accessibility and authenticity, and serve as a measure of victimological prevention of corruption crimes in the sphere of local self-government.

Special measures of prevention corruption crimes in the sphere of local self-government related to individual prevention. In this section we consider and individual measures must prevent corruption crimes in the sphere of local self-government.

The author offers the following definition: individual prevention of corruption crimes in the sphere of local self-government is a complex of measures aimed at elimination of reasons and conditions of corruption crimes at the level of the municipal clerk. Such measures include:

- preventive discussions with municipal officials;
- professional development, i.e. training sessions on anti-social behavior of municipal employees and clarification on the liability of municipal employees for wrongful acts;
- identification of sources of criminal influences on municipal employee;
- environmental sanitation, living conditions, municipal clerk.

Summing up the conclusions in the second paragraph the author notes that reviewed and proposed measures of prevention, the affected individual measures of prevention of corruption crimes in the sphere of local self-government are an important

aspect in preventing corruption crimes in the sphere of local self-government. From their introduction, application in practice depends on reducing crime, corruption crimes, corruption crimes in the sphere of local self-government and a crime on the territory of the municipality. The effectiveness of the result of special and individual prevention of corruption crimes in the sphere of local self-government, in the opinion of the author, may have an impact parallel application of measures of victimological prevention.

In the third paragraph, "Victimological aspect of corruption crime prevention in the field of local government," the author examines the process of formation or victim's victimization of corruption crimes in the sphere of local government as an active participant in a criminal law act, and examines the victimological aspect of preventing corruption crimes in the sphere of local self-government.

The applicant appears to be a promising consideration of the victimization in the sphere of corruption crime in the sphere of local self-government from the standpoint of structural and system approaches. In this regard, it should be noted that corruption victimization in the sphere of local self-government – derived property, crime function, without which it does not exist and is not shown. Secondly, there is specific consistency of the victimization of corruption in the sphere of local self-government. In the interpretation of corruption victimization in the sphere of local government it appears as a result of the process of formation of interpersonal relationships between the offender, the alternative municipal service or officials authorized to perform managerial functions in the sphere of local self-government and the victim, and at the state level – as a result of the organization of life of citizens in a particular municipality and in the state as a whole.

Describing the causes and conditions of corruption victimization of municipality's citizens it should be noted that in recent years the environment in municipalities has changed significantly. A major determinant of the degree of corruption victimization of the citizens of the municipality is the process of criminalization of social life. It is obvious that the main goal of corruption crimes in the sphere of local self-government is often a benefit, but not only: corrupt municipal officials can also serve as the object of bribery. Performing managerial functions at the

level of municipalities using power relations, officials and employees of municipal entities on behalf of the state and of the municipality and was implemented by the public authority. Therefore, in any case of crimes related to the corruption in the sphere of local self-government, pose a threat to the population of the municipality. Perceived by the population of the municipality as crimes committed by officials and employees of municipal entities in the private sector it is aimed at undermining economic reforms in the country.

Victims of corruption crimes in the sphere of local self-government can be divided into three categories:

- persons who are during performing their rights extorted bribe by municipal officials and officials authorized to perform managerial functions in the sphere of local self-government, but these individuals deliberately refuse corruption schemes. These persons cease to claim their rights or continue to make them in other legitimate way, for example, they appeal to the court, to law enforcement agencies (no victimization);

- persons who offer themselves or they are forced to offer to carry out corrupt schemes with municipal employees and officials authorized to perform managerial functions in the sphere of local self-government, in view of the fact that they are overcoming various obstacles, and/or realizing that a legitimate way to satisfy their needs or they can't or can but with great difficulties, including due to the underdevelopment of the legislation (secondary victimization);

- persons, i.e. officers and employees of municipalities that belong to a specific corrupt act as business (increased victimization).

According to the applicant victimological prevention of corruption crimes in the sphere of local self-government includes the identification, elimination or neutralization of the circumstances forming the victimization behavior of individuals contributes to corruption crimes in the sphere of local self-government. The main directions of victimological prevention of corruption crimes in the sphere of local self-government can be identified:

- detection victimogenic circumstances;
- providing social, legal and personal safety of victims;
- work with potential and actual victims;

- development of a system of action for the protection of victims of crime.

The solution of these directions is possible only when successive issues of resource and legislative implementation of victim policy. Also it is extremely important purposeful work on education for citizenship among the young generation.

In conclusion, summarizing the dissertation research, the conclusion is made, recommendations and suggestions as well as the author outlines the prospects for further work on the topic are formulated.

In Appendix 1. There is a criminological research program on the problem of "Latent delinquency" and it is based on the results of the survey of citizens is developed, **in Annendex 2.** There is a program of criminological research on the problem of "Corruption crime in the sphere of local self-government" that is worked out and is based on the results of the survey of citizens, **in Annendex No. 3** the author suggested a Concept of prevention of corruption crimes in the sphere of local self-government.

The main issues of the dissertation research are published in the following works:
I. Articles published in leading reviewed scientific magazines and editions specified in the list of the Higher attestation Commission of the Ministry of education and science of the Russian Federation:

1. *Agliamova G. M.* Kriminologicheskoe issledovanije po problem latentnoi prestupnosti // Uchenuje zapiski Kazanskogo gosudarstvennogo universiteta. Serija : Gumanitarnue nauki. Tom 150, kniga 5, 2008. – S. 185 – 189. – 0,2 pl.
2. *Agliamova G. M.* Viktimologicheskie aspektu preduprezhdenija korrupzionnoj prestupnosti v sfere mestnogo samoupravlenija // Vestnik Udmurdsкого universiteta. – 2012. – № 4 (170). – S. 74 – 82. - 1,0 pl.
3. *Agliamova G. M.* Prichinu I uslovija korrupzionnoi prestupnosti v sfere mestnogo samoupravlenija // Vestnik Volzhskogo universiteta im. B.N. Tatisheva.– 2012. – № 4 [77]. – S. 26 – 32. – 0,8 pl.

4. *Agliamova G. M.* Samodeterminazija korrupcionnoi prestupnosti v sfere mestnogo samoupravlenija // Vestnik ekonomiki, prava I soziologii. – 2013. – № 2. – S. 107 – 111. – 0,6 ppl.

I. The articles published in other editions::

5. *Agliamova G. M.* Latentnaja prestupnost kak odin iz vidov prestupnosti // Materialu itogovoi nauchnoi konferenzii. 18 fevralja 2005 g. Filial Kazanskogo gosudarstvennogo universiteta v g. Naberezhnue Chelny / Avtor-sostavitel: Ishkineeva F.F.– Naberezhnue Chelny: Laboratorija operativnoi poligrafii filiala Kazanskogo gosudarstvennogo universiteta v g. Naberezhnue Chelny, 2005. S. 77–79. – 0,1 pl.
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7. *Agliamova G. M.* Negativnue posledstvija latentnoi prestupnosti // Sbornik po materialam serossyiskoi nauchno-prakticheskoi konferenzii «Instituzionalizacija socialno-ekonomicheskogo razvitija regiona» 10-11 nojabrja 2006 g. Filial Kazanskogo gosudarstvennogo universiteta v g. Naberezhnue Chelny / redactor sostavitel E.F. Nazmiev– Kazan : Kazanskij gosudarstvennui universitet im. Uljanova-Lenina, 2006. – S. 228–229. – 0,2 pl.
8. *Agliamova G. M.* Osobennosti latentnoi prestupnosti v sovremennuh uslovijah // Materialu itogovoi nauchnoi konferenzii. Filial Kazanskogo gosudarstvennogo universiteta v g. Naberezhnue Chelny– Kazan : Kazanskyi gosudarstvennyi universitet im. Uljanova-Lenina, 2007. – S. 88–90. – 0,3 pl.
9. *Agliamova G. M.* Prichinu latentnoi prestupnosti: poisk novuh podhodov // Vestnik Volzhskogo uniersiteta im. V.H. Tatischeva. Sireja “Urispridenzija”. Vupusk shestjdesjat vosmoi. – Toljatti: VUiT, 2007.– S. 55–60. – 0,3 ppl.
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13. *Agliamova G. M.* Viktimologicheskij aspekt preduprezhdenija korrupzionnoi prestupnosti v sfere mestnogo samoupravlenija // Molodjezh. Nauka. Budushee:tehnologii I proektu: materijlu mezhdunarodnoi nauch.- prakt. konf. Moloduh uchenuh I spezialistov , 21-22 oktjabrja 2011 g. : v 3 t. T. 2. - Kazan : Izd-vo "Poznanie" Instituta ekonomiki, upravlenija I prava, 2012. – S. 467–470. – 0,2 pl.
14. *Agliamova G. M.* Kriminologicheskije issledoanije po probleme preduprezhdenija korrupzionnoi prestupnosti v sfere mestnogo samoupravlenija // Sovershenstvoanije antikorrupzionnoi politiki v Respublike Tatarstan: teorija I praktika / Materialu respublikanskogo konkursa nauchnuh rabot po voprosam protivodeistvja korrupzii, 29 nojabrja 2012 g. – Kazan : GBU "Respublikanskyi zentr monitoringa kachestva obrazovanija" (redakzionno-izdatelskij otdel), 2012. – S. 6–9. – 0,2 pl.
15. *Agliamova G. M.* Spezialnue meru preduprezhdenija korrupzionnoi prestupnosti v sfere mestnogo samoupravlenija // «Nauka, tehnologii I komunikazii v soemennom obshestve», respublikanskaja nauch.-prakticheskaja konf. s mezhdunarodnum uchastiem (2013 ; Naberezhnue Chelny). Respublikanskaja nauchno-prakticheskaja konferenzija s mezhdunarodnum uchastiem «Nauka, tehnologii I komunikazii v soemennom obshestve», 6 fevr. 2013 g. [Tekst] : materialu / redkol.: A.N. Makarov [I dr.]; pod red.

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17. *Agliamova G. M.* Reformirovanije ugolovnog zakonadatelstva rfr pravovaja mera preduprezhdenija korrupzionnoi prestupnosti v sfere mestnogo samoupravlenija // Nauchnue vozzrenija Andreja Antonovicha I Andreja Andreevicha Piontkovskih I sovremennaja ugolovno-pravovaja politika / Pod redakziei profesorov F.R, Sundurova I M.B. Talan. – M. : Statut, 2014. – S. 403–407. – 0,2 pl.

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