

UDC 343.35

**COMPARATIVE ANALYSIS OF COUNTERACTION OF CORRUPTION
IN THE REPUBLIC OF BELARUS AND TURKMENISTAN****NATALIA MESHKOVA, NATALYA PANTELEEVA**
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The article provides a comparative analysis of countering corruption in the Republic of Belarus and Turkmenistan. The author compares the main normative legal acts in the field of combating corruption, and also makes proposals for improving the legislation in this area in the Republic of Belarus and Turkmenistan.

Such a problem as corruption takes place in all existing states. The fight against corruption is quite a difficult task, so the methods of fighting corruption should include features of the existing social relations in certain states. Turkmenistan is one of the Asian Republics and it is characterized by the attitude of society towards corruption as a habitual phenomenon. Without it, the normal functioning of the state is impossible. However, corruption impedes the normal development of social-economic relations. Therefore, it is necessary to take effective measures to counter crimes of this kind. Statistics shows evidence of the effectiveness of anti-corruption measures. According to the research by Transparency International in 2018, Turkmenistan takes the 161st place, and the Republic of Belarus – the 70th place [7]. At first glance, anti-corruption measures taken by Belarus are more effective than the ones taken by Turkmenistan, since the Republic of Belarus scored 40 points and Turkmenistan 19. However, if we compare the positions of the countries in 2017, we can conclude that the measures taken by Turkmenistan in 2018 were quite effective, since Turkmenistan rose from 171 to 161. The positions taken by the countries in the international rankings indicate the urgent need to combat corruption in both countries, since the level of corruption remains high.

Both in the Republic of Belarus and in Turkmenistan, legislative bases have been created in the field of combating corruption, which at first glance seem to be similar, but have a number of significant differences. So, according to art. 3 of the Law of Turkmenistan «On Combating Corruption» dated 11. 03. 2014 № 35-V (hereinafter – the Law of Turkmenistan № 35-V) corruption is an activity of acquiring benefits in the form of money, values, other property or services of a property nature, other property rights using their official powers or opportunities related to them by public officers or state employees, personally or through intermediaries for themselves or for third parties; as well as bribing the specified persons by illegally providing them with such benefits by other individuals; as well as committing the above actions on behalf of or in the interests of a legal entity [2]. According to the Law of the Republic of Belarus «On the fight against corruption» dated 15. 07. 2015 № 305-3 (hereinafter – the Law of the Republic of Belarus № 305-3) corruption is the intentional use by a public official or an equivalent person or a foreign official of his official position and related opportunities in order to unlawfully obtain property or other benefits in the form of work, service, patronage, promise of advantage for themselves or for third parties; as well as bribing a public official or an equivalent person or a foreign official by providing them with property or other benefits in the form of work, services, patronage, promises of an advantage for them or for third parties so that this public official or equivalent person or the foreign official committed the actions or refrained from committing them in the performance of their official (labor) duties, as well as performing these actions on behalf of or in the interests of legal entities [1]. In the Law of the Republic of Belarus No. 305-3, in contrast to the Law No. 35-B of Turkmenistan, the mental attitude of a person to a committed act is indicated – intent. The indication of the guilt form, in our case, is an important aspect that should be reflected in the definition of «corruption», since the intentional form of guilt indicates the immediate public danger of the person who committed the corruption offense, and accordingly the need to counter corruption crimes.

It is worth paying attention to the approaches to the anti-corruption principles elected by the legislators of the two states. Thus, the Belarusian legislator indicated the most general principles that correspond to virtually any sphere of regulation of legal relations (legality, equality before the law, publicity, etc.), and the Turkmen legislator pointed out more narrowly focused principles characterizing the opposition to corruption, the most interesting of which, in our opinion are guarantees of the integrity of persons assisting in the fight against corruption, the priority application of measures to prevent corruption, the complex use of political, the

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right outgoing, organizational, outreach, social-economic and other measures, etc. In our opinion, the indication of certain principles in the Law of Turkmenistan No. 35-V is quite controversial, for example, the principle of the right of a public servant to appeal to the court in case of disagreement with prosecution. In our opinion, this clause is not a principle of countering corruption, but is the right of a public servant to appeal to the court in case of disagreement with prosecution on the grounds provided by the Law of Turkmenistan No. 35-V.

According to Art. 8 of the Law of Turkmenistan No. 35-V, the person who reported the fact of an offense related to corruption, or otherwise assisting in the fight against corruption, is under the state protection. Information about such a person is a state secret [3]. The Law of the Republic of Belarus № 305-3 in Art. 39 refers to the guarantees provided to individuals who contribute to the detection of corruption offenses. In our opinion, the main difference of these guarantees from the ones in the Law of Turkmenistan No. 35-V is in providing protection not only directly to the person contributing to the identification of corruption offense, but also to their family [1].

One of the most important aspects of the legislative framework for countering corruption is the normative acts regulating the civil service which act as original codes of ethics for officials: Law of Turkmenistan of March 26, 2016 № 364-V «On ethics and official conduct of a public servant» (hereinafter – the Law of Turkmenistan № 364-V) and the Law of the Republic of Belarus of June 14, 2003 № 204-Z «On Public Service in the Republic of Belarus» (hereinafter – the Law of the Republic of Belarus №. 204-3). There are no provisions in the Law of Turkmenistan № 364-V expressly prohibiting corrupt activities, however there are provisions implying such a ban: clause 9 of Art. 5 «to exclude actions related to the influence of any personal, property, financial and other interests that prevent the conscientious performance of official duties», paragraph 11 of art. 5 «to observe a neutral approach, excluding the possibility of influencing the decisions of political parties and other public associations on their official activities», etc. In the Law of the Republic of Belarus № 204-3, there is also no direct reference to the prohibition of corruption activities, but there are also provisions implying this (clause 1.8 of part 1 of article 22 «to take property (gifts) or receive other benefits in the form of services in connection with the performance of official duties, with the exception of souvenirs, handed over during protocol and other official events»). The approaches chosen by the countries in this matter are similar. In our opinion, such consolidation of the principles of countering corruption activities is correct, since restrictions and prohibitions for persons in the public service are directly listed.

When considering the issue of countering corruption, it is necessary to pay attention to the institution of legal liability. The Law of Turkmenistan No. 35-V contains Art. 18 «The imposition of a disciplinary sanction for the commission of offenses related to corruption and offenses that create conditions for corruption», and the Law of the Republic of Belarus No. 305-3 does not contain disciplinary provisions. However, the Turkmen legislation only states that it is possible to impose a disciplinary punishment for such offenses, but there is no list of them. In our opinion, the imposition of a disciplinary sanction for offenses related to corruption is quite an interesting measure and contributes to minimizing corruption offenses related to the abuse of power or official authority.

The most common type of liability for corruption offenses is criminal. The Criminal Code of Turkmenistan has Chapter 23 «Crimes against the interests of the public service», in which in the footnote to Art. 181 it is stated that crimes referred to in art. 181 «Abuse of power», art. 184 «Bribe giving», art. 185 «Taking a bribe», art. 186 «Mediation in bribery», art. 229 «Assignment and waste» and Art. 358 «Abuse of power or official authority», located in the chapter «War crimes» [4]. The Criminal Code of the Republic of Belarus has Chapter 35 «Crimes against the interests of the service», which lists almost all the elements of a crime that are directly corrupt or create conditions for corruption, also Art. 210 «Theft through abuse of official authority», 211 «Assignment or waste» [3]. Reflection of crimes in the sphere of corruption in the Criminal Code of the considered states can be called harmonized, except for Art. 358 in the Criminal Code of Turkmenistan, however, its presence, in our opinion, indicates the prevalence of corruption crimes among military personnel, which led to the need to remove this corpus delicti into a separate article.

The Law of Turkmenistan No. 35-V contains Art. 9, which refers to international cooperation in the field of combating corruption [2], and there is no such article in the Law of the Republic of Belarus No. 305-3. In our opinion, the legislation of the Republic of Belarus needs legislative reflection of international cooperation in the field of combating corruption, since corruption crimes have ceased to be local in nature and have reached the international level.

Thus, in Turkmenistan and the Republic of Belarus, legislative bases to combat corruption have been created, reflecting the peculiarities of the social relations of the countries in this matter. Both in the legislation

of the Republic of Belarus and in the legislation of Turkmenistan there are things that the considered states can borrow from each other, the main of which, in our opinion, for Turkmenistan is an indication of the form of guilt in the definition of "corruption", and for the Republic of Belarus is introduction and development of a disciplinary institution for offenses related to corruption. It is also worth noting that, although in the Turkmen legislation, issues of international cooperation in countering corruption have been introduced, they are not sufficiently developed, as they are reduced only to specifying the objectives of international cooperation. However, in our opinion, these goals can be the basis for the development of provisions for international cooperation in the field of opposition to corruption for the Republic of Belarus.

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