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Interaction of the state and civil society institutions in the social sphere

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Abstract

This article is aimed at developing the forms and methods of interaction of the state and civil society institutions in the direction of anti-corruption in the social sphere via formal-legal and comparative-legal methods. The results of the work are the disclosure of the essence of forms of interaction of the state and civil society institutions in the system of anti-corruption, determination of types of means, used in the mechanism of anti-corruption in the social sphere. In conclusion, an important aspect of the effective work of civil society institutions in anti-corruption in the social sphere is their economic independence and professionalism.

Keywords: Anti-corruption, Dialectics, Sphere, Coercion, Administration.

Interacción de las instituciones estatales y de la sociedad civil en el ámbito social

Resumen

Este artículo tiene como objetivo desarrollar las formas y métodos de interacción de las instituciones estatales y de la sociedad civil en la dirección de la lucha contra la corrupción en la esfera social a través de métodos formales-legales y comparativos-legales. Los resultados del trabajo son la revelación de la esencia de las formas de interacción de las instituciones estatales y de la sociedad civil en el sistema anticorrupción, la determinación de los tipos de medios, utilizados en el mecanismo de anticorrupción en la esfera social. En conclusión, un aspecto importante del trabajo efectivo de las instituciones de la sociedad civil en la lucha contra la corrupción en el ámbito social es su independencia económica y profesionalismo.

Palabras clave: Anticorrupción, Dialéctica, Esfera, Coerción, Administración.

1. INTRODUCTION

Consideration of theoretical and practical aspects of anti-corruption in the social sphere with use of the administrative and legal means would be incomplete, as well as ineffective without active interaction of all system of law enforcement and oversight bodies between themselves and, especially, with civil society institutions, which are currently developed in our country at the rather rapid pace. It is quite obvious that the level of development of democracy of this

or that state is in direct dependence on the level of development of civil society and on the extent of its participation in political life of society. VILLALOBOS, GUERRERO, and ROMERO (2019) point out that in view of the relationship between democracy and law, it is necessary to analyze the question of the temporality of politics, since the argument is key to establish the links that democracy weaves in its desire to rise as a legitimate political regime and at the same time towards the satisfaction of the needs of rulers and ruled. It is not accidental that in due time in the Decree of the President of the Russian Federation of April 1, 2016 On the National Anti-Corruption Plan for 2016-2017, it is prescribed to ensure in collaboration with mass media distribution of positive experience of counteraction from citizens and institutes of civil society to attempts of the corruption pressure (KABANOV, 2012).

It should be noted that at the present time it is formed the rather substantial normative-legal base, concerning activity of different institutes of civil society, as well as their interaction with state authorities and administration. As an example, it is possible to give a number of acts, which determine the status of the most various institutes of civil society, and also the forms and methods of their work. In particular, they include: The Federal law of May 19, 1995 On public associations; Federal law of January 12, 1996 On non-profit organizations; Federal law of April 4, 2005 On Public chamber of the Russian Federation; Federal law of July 21, 2014 On bases of public

control in the Russian Federation (IPAKYAN & GEVORKYAN, 1998; SAIDI & SIEW, 2019).

It should be also noted that public councils were created at federal and regional government bodies to deal with issues of management of the social sphere. This fact is indicated by such normative legal acts as Order of the Ministry of Culture of the Russian Federation of September 23, 2013 No. 1468 On Public council at the Ministry of Culture of the Russian Federation; Order of the Russian Ministry of Health of October 12, 2013 No. 736 On the approval of the Regulation on Public council at the Ministry of Health of the Russian Federation; Order of the Ministry of Education and Science of the Russian Federation of August 29, 2012 No. 673 On Public council at the Ministry of Education and Science of the Russian Federation, etc. (EDKOVA, IVANYUK & TIKHOMIROV, 2013).

The priority areas of work of the public councils, formed under the state authorities and engaged in the management of the social sphere, are the optimization of their interaction with civil society institutions, ensuring the participation of citizens and public associations in the discussion and formulation of decisions on the issues of public policy and normative-legal regulation in the established sphere of activity. The public councils also facilitate the consideration of key socially significant issues in the established system of management and make decisions on them. One of the topical issues which can be the subject of consideration of the public council,

formed at the public authority and administration, is the problem of corruption in the relevant segment of public administration (BUDAY, 2011).

2. DISCUSSION

As we have already noted, at present time it was formed a very substantial basis for the administrative and legal regulation of interaction of the state authorities, carrying out management of the social sphere, with civil society institutions. Moreover, the norms of administrative law determine the forms and methods of the corresponding interaction. During such interaction, there are resolved not only key issues of management of the social sphere, but, as it was already noted, the problem of corruption, which exists in it, is very substantially discussed (ASTANIN, 2011).

Let us pay attention that the Federal law of December 25, 2008, On anti-corruption defines that anti-corruption is an activity of federal public authorities, public authorities of territorial subjects of the Russian Federation, local self-government bodies, civil society institutions, the organizations and natural persons in the limits of their authority (GRIB, 2011). From the stated legal provision, it is clearly traced the tendency of involving civil society institutions in anti-corruption measures, at the same time, of course, they must act within their capabilities. In particular, civil society institutions can carry out

educational work in questions of anti-corruption in the most various humanitarian forms.

It should be noted that topical issue is the creation of the regime of intolerance of corruption, as well as involvement in the corresponding process as much as possible socially active citizens who can take part in various forms in anti-corruption in the social sphere. Such procedure was established in a number of foreign states and, in particular, in Germany. According to Zakharova,

By the involvement of citizens in anti-corruption measures in Germany, it does not mean the direct participation of citizens in the solution of this issue, but the participation of citizens in the solution of various topical problems of social development (ZAKHAROVA, 2010).

Such an approach deserves support as the solution to the problem of corruption in the social sphere cannot be carried out independently without a solution to other social problems. It should be said that civil society institutions are not actively involved in all socially important areas of public administration. Thus, FETYUKOV states that

Now interaction of the state and civil society develops most steadily in two directions: participation of citizens and non-state organizations in implementation of functions of public authorities and public services (FETYUKOV, 2016: 17).

The statement of this fact does not answer the question of what specific functions of state bodies can be carried out by civil society institutions and, most importantly, in what spheres of management can be occurred. The problem of corruption in the social sphere cannot be ignored by civil society; therefore, the most various social institutes have to be involved in its decision. At the same time, their public activity should not interfere with the work of the competent state authorities, called to carry out anti-corruption on a professional basis (NEKRASOVA, 2014).

The fact that the designated problem cannot be solved only by the efforts of the state it is also stated by some provisions of the anti-corruption legislation. Thus, Federal law of December 25, 2008, on anti-corruption defines that one of the principles of anti-corruption is cooperation of the state with civil society institutions. And Federal law of July 17, 2009 an anti-corruption expertise of normative legal acts and drafts of normative legal acts defines that the principle of the organization of anti-corruption expertise of normative legal acts and their drafts is cooperation of public authorities and also their public officials with civil society institutions (KOMAROVA, 2013).

The normative consolidation of the provision regarding the cooperation of the state with civil society institutions as the principle of anti-corruption has significant practical and theoretical importance. Such interaction reveals the legal status of civil society institutions and

helps citizens to realize their constitutional right to the administration of state affairs. As GRISHKOVETS (2004) correctly notes:

Normal interaction of power and society is the necessary condition for political stability and prosperity of each country, because the fundamental issues of its development, as a rule, the state is unable to solve without the support of society, and society cannot solve them without the support of power (GRISHKOVETS, 2004: 18).

Thus, the administrative-legal regulation of anti-corruption in the social sphere has its own specificity. The effectiveness of anti-corruption depends on the complex of administrative-legal means used by law enforcement agencies of anti-corruption. Federal law of December 25, 2008, on anti-corruption fixes some of these means, giving priority to administrative-preventive measures. However, law enforcement agencies rather often in law-enforcement activity apply criminal means of anti-corruption and underestimate the potential of the appropriate administrative-legal means. As a result, anti-corruption is carried out not so effectively. Let us pay attention that now anti-corruption is carried out in federal, regional and local government bodies, and anti-corruption in social-cultural institutions and the organizations have pushed the background.

As we repeatedly noted, exactly this segment of management of the social sphere is most vulnerable to corruption influence. In this regard, anti-corruption needs to be begun with the local level of management of the social sphere, as each person throughout all the life constantly faces with work of territorial institutions and organizations

of the social profile. And exactly these institutions, a priori, should not be subject to corruption.

The commission of corruption offenses in the social sphere should be the aggravating circumstance in the relation of both the corruptionist and the corrupt; therefore, it is necessary to bring such violators to stricter administrative or criminal liability, without forgetting about disciplinary and even civil liability, which should occur regardless of the first two. It is necessary to understand the causal complex of corruption delict liability in the social sphere in order to correctly understand the essence and danger of corruption offenses in the social sphere, as well as the importance of administrative-preventive measures in the field of anti-corruption. It is not enough to carry out counteraction to various forms of corruption, it is necessary to remove the causes and conditions which determine it and provide existence during the concrete historical period.

In this regard, it is only possible to support the letter of the Ministry of Education and Science of the Russian Federation of 20 October 2014 No. AK-3058/12 On the implementation of the Anti-corruption education program for 2014-2016, as well as the provisions of Order No. 290 of 12 May, 2016 of the Ministry of Health of the Russian Federation On approval of the Anti-corruption plan of the Ministry of Health of the Russian Federation for 2016-2017, in which it is prescribed to carry out legal education, to form the atmosphere of intolerance to corruption manifestations, to create the regime of openness and availability of information on the questions of prevention

of corruption, the establishment of the facts on existence of the conflict of interests. Each citizen has to realize the danger of any form of corruption and prevent any possibility of engaging in corruption relations. And the state has to direct forces for elimination of the legal and organizational reasons and conditions, promoting the commission of corruption offenses in the social sphere.

3. CONCLUSION

1. In order that civil society institutions could influence really on the state power, to subordinate its work to the requirements of the law, and to solve the problem of corruption in its system, it is necessary that these institutions were independent and politically not engaged, and in their work, there was no mercenary conjuncture. An important aspect of the effective work of civil society institutions in anti-corruption in the social sphere is their economic independence and professionalism. Speaking about the forms of interaction between the state and civil society, it is possible to note that as such there can be various kinds of public hearings, joint discussions of socially important programs, projects of reforms, carrying out work on identification of corruption risks, work on the formation of the negative social-political climate in relation to corruption.

2. The quality of the interaction of law enforcement and control-oversight bodies with civil society institutions for the present,

despite visible progress, leaves much to be desired, and it is connected with a number of legal and organizational problems of such interaction. One of the main problems is the lack of confidence of the majority of the population of our country in the state authorities and administration in general and in the law enforcement agencies in particular.

3. One of the most effective forms of interaction of the state and civil society institutions in the sphere of anti-corruption is the information support of state authorities and administration by information on the facts of corruption, as well as on the misuse and inefficient spending of budgetary funds. In order to develop the relevant interaction, it is advisable to put it into the regime of public-private partnership in the sphere of anti-corruption.

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