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## ON SOME ISSUES OF COMBATING CORRUPTION IN THE EDUCATION SYSTEM

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### SUMMARY

The article justifies the necessity of drawing attention to the problems of corruption and its development, especially in the education system of Ukraine as top priority. The real state of corruption in the education sector is analysed on the basis of expert estimations, opinion polls and official data. The article reveals the causal link between the drawbacks in the education system that cause or allow corruption and high level of corruption as a comprehensive national socio-legal phenomenon in Ukraine. The article contains specific recommendations of organisational, legal and ideological nature, aimed at combating corruption in the top priority sphere – education system.

**Key words:** combating corruption, education system, criminal identity, subject of corruption offence, measures against corruption.

### АНОТАЦІЯ

У статті обґрунтовується необхідність звернення уваги на проблеми корупції та її розвитку особливо в системі освіти України як першочергового завдання. Реальний стан корупції в секторі освіти аналізується на основі експертних оцінок, опитувань громадської думки й офіційних даних. Розкривається причинно-наслідковий зв'язок між недоліками в системі освіти, що викликають або сприяють корупції, і високим її рівнем як всеосяжним національним соціально-правовим явищем в Україні. Подано конкретні рекомендації організаційного, правового та ідеологічного характеру, спрямовані на боротьбу з корупцією в найбільш стратегічно важливій сфері – системі освіти.

**Ключові слова:** боротьба з корупцією, система освіти, особистість злочинця, предмет корупційного правопорушення, заходи протидії корупції.

**Formulation of the problem.** It is clear that the education sector shortcomings are most painfully reflected in every nation in the long run, though, they are invisible judging from the surface, and Ukraine is no exception. It is unquestionable that the knowledge gained by young citizens at school and other educational institutions influences the formation of their world-view to a great extent, defining their future personal attitude to the rights and obligations, mentally separating the idea of lawful and unlawful behaviour. Besides, such knowledge is not only gained through traditional means of educational process, but also from other personified or non-personified sources, including manifestations of corruption, which is unacceptably often witnessed by a Ukrainian school (university) student, who a priori loses his/her not yet established faith in honest, just, and democratic society.

There is the fact that corruption in education has a particularly lasting impact, creating the basis for further corruption rooting in society in general, distorting the axiological paradigm of its existence, as well as inflicting irreparable damage, inhibiting economic development of the country in particular, and adversely affecting the possible innovative growth given the sharp decline in the quality of education.

For a good reason even Socrates believed that the roots of crime are to be found in poor education and its shortcomings: people, as he noted, behave badly because of their ignorance of the good [1, p. 39]. The above mentioned classical statement, fair in the context of general crime characteristics, is more suitable for special applications in assessment of the nature of corruption, as well as the conclusion of C. Beccaria that, among other things, includes nurturing respect for the law instead of fear of the authorities to the main means of combating crime, giving special importance to enlightening and education, noting that the most infallible, though, the most difficult way to prevent crime is improving education [2, p. 45].

In modern criminology criminal identity is studied at various levels of abstraction not as a congenial phenomenon

with a certain genetically predetermined criminal programme, but as a product of insufficient socialisation and negative social impact. A statement that a person becomes a future criminal as a result of weak positive socialisation is fundamental in the national and international criminology [1, p. 15]. Actually, the first public means of socialisation in Ukraine is the system of educational institutions, although it does not perform its mission successfully. Moreover, paradoxically, the national education system is one of the sources of increased corruptogenic potential of the Ukrainian society, indirectly causing the destructive personality formation of a number of future criminals.

Indeed, corruption has deeply penetrated into the whole system and structure of national education, causing, in fact, irreparable damage, the character of which is not so immediate, as hidden and delayed. In Ukraine, where complete secondary education is compulsory according to the Constitution, virtually every citizen goes through this system, and sooner or later encounters its corruption-related disadvantages. Although at the pre-school stage or in primary school, these disadvantages at least do not affect the child's conscienceless, while high school and higher education institutions students are already quite capable of realising these things and assessing the nature and significance of actions of unscrupulous members of academic administration and teaching staff. Meanwhile, without always being able to resist the imposed corruption stereotypes, students perceive the proposed behaviour model as an efficient and consistent with social norms means of achieving goals. Parents guided, as they believe, by good intentions, in their turn, only reinforce this belief by their actions that are aimed at "creating favourable learning conditions for children". Thus, the double standard, which is indirectly taught to people at the stage of their mental development, is, in many cases, the basis for a distorted world-view for the rest of their lives [5].

**Basic content.** The state almost does not pay proper attention to combating corruption at this stage above mentioned

negative socialisation in the education system, though, it would be the easiest to deal with at this point, taking into account the features which will be discussed later, and the problem could be solved in the bud without spreading to the next stages. It could play a crucial role in the whole anti-corruption process in Ukraine, which has been bothering the society with its helplessness for more than a quarter century. Obviously, the proper attention to the corruption prevention in school would contribute to reducing this phenomenon at the level of higher education institutions.

Of course, it is much more complicated to prevent corruption in education comprehensively, including the university level, than directly fight its consequences and obvious manifestations, which, surely, also needs to be done, but with the awareness of the limitations of this method. Preventing corruption by identifying and eliminating its causes, in fact, is much more effective, though, it requires more serious work, as well as much greater intellectual and organisational resources. However, the pretence that there is lack of such resources as explanations for the lack of relevant work is unacceptable, because the former are certainly available, and the latter can and must be found. The above mentioned proves that corruption in education is one of the main reasons for high corruption level in Ukraine in general, as it is a complex nation-wide socio-legal phenomenon.

Undoubtedly, the opponents of this statement may suggest the opposite logic, saying that corruption in education is not one of the reasons, but only a consequence of the unfavourable situation in society in general, but we can agree with that only partially (in the sense that these phenomena are interrelated). But the position of the apologists of this approach does not account for all the complexity of corruption, which is characterised by different criteria, levels and manifestations, with different degrees of complications and rooting, each of them being caused by certain factors, having their extent of expansion, being unequally manifested and influencing on each other and on social life in general, requiring a separate methodology of theoretical research and practical work in the field of combating it. Therefore, we must accept the fact that effective corruption combating is only possible by finding out all the hidden prime causes of each obvious problem, manifested in different forms, but having a common origin [5].

It is known that the main subject of the corruption-related offence is an official and this status is usually gained by graduates of higher education institutions, which requires no statistical proof. Generally, higher education is a mandatory requirement for the majority of official positions. Watching corruption-related practices during studies, and even worse, involving into them directly, gaining, eventually, higher education, a graduate, naturally, does not get rid of the acquired habits while performing their duties at work, which was obtained owing to the university diploma. Therefore, the level of corruption at the highest academic level must be reduced to minimum and punished uncompromisingly, and corruptogenic factors have to be eliminated with high priority and special attention. The degree of anti-corruption activity concentration in higher education institutions should be the highest. First of all, it must be a number one priority for the universities and faculties that train future officials, especially, those of the judiciary and law enforcement agencies, security services, state executive authorities and local self-governments.

In other words, we should no longer tolerate a situation where education does not bring benefits but harms the society. In this respect, analysing the criminological aspects of the corrupt official identity, M. Melnyk notes a significant increase in their educational level: "if in 1990 only every second (52.9%) corrupt official had higher or special secondary education, today, the share of such persons is already over

80%. Certain level of education is determined by the nature of the official activities and peculiarities of positions. The increase of education level, required by the needs of an effective performance of duty, may have a negative effect of the improvement of methods of committing corruption-related crimes, enhancing the nature and the degree of danger for the society" [3, p. 180]. We would also like to draw attention to an interesting pattern – traditionally, the highest education level among people who commit official crimes belongs to those who abuse power or office (in the last ten years it fluctuated in the range of 80–90%).

Generally, we agree with a part of these conclusions and consider it necessary to examine them and some other problems of the analysed sector in more detail, taking into consideration national circumstances, and mentioning the main corruption causes in education.

We should pay attention to a certain indistinctness of the limits of corruption-related crimes in the education sector. Quite often when school (university) teachers commit or do not commit certain acts using their position in the relevant institution, they do it not for a certain excessive benefit or a clearly stated promise, but basing on rather abstract aspirations for some future benefits for committing such acts. In fact, what we mean is one of the most hidden, "camouflaged", the most dangerous form of corruption, when it is almost impossible to catch the criminal red-handed and, therefore, prove the crime in his/her actions and bring the him/her to responsibility.

Such actions are inherent not only in education, but here they are rooted and implemented in a special way. Working according to the "quid pro quo" principle has often a systematic character, which means that no one keeps a record of such "services", and it is practically impossible to define the financial or any other amount of the excessive benefit, its precise time and way of obtaining. Because of the above mentioned, this corruption method allows the perpetrators to find more convincing arguments for self-exculpation (except for low salary, etc.), adding dubious, in terms of pure morality, justifications of their motives to the obviously illegal actions, but which, after appropriate mental processing, appear quite reasonable.

It should not go unspoken about the lack of successful corruption combating practice in education in Ukraine, especially with regard to teachers, who are not officials. That is the result of the fact that not all employees of the education sector are aware of criminal punishment for receiving so-called gratitude for their unjustified loyalty to individual school (university) students. It is not widely known that according to the Law of Ukraine "On Bringing the National Legislation into Compliance with Standards of the Criminal Law Convention on Corruption" as of April 18, 2013 there has been established criminal liability for the offer or promise to employees of enterprises, institutions or organisations, who are not officials, to give them excessive benefit, as well as for providing such benefit for committing or not committing an action using the position, which is occupied by the employee, in the interests of the person who offers, promises or gives such benefit or that of a third person (p. 1, Art. 354 "Bribery of a company, institution, or organisation employee").

It is neither widely known that accepting an offer or promise of excessive benefit or receiving it by a company, institution or organisation employee, who is not an official, as well as requesting for such benefits for themselves or a third person for committing or not committing any acts using the position, which is occupied by the employee in the enterprise, institution or organisation in the interest of the person who offers, promises or gives such benefit or that of a third person is criminally persecuted (p. 2 Art. 354 "Bribery of a company, institution, or organisation employee").

Lack of financial support induces a significant part of the young generation and their parents not to consider the cases of giving an excessive benefit to teachers, or their receiving it, as corruption, but as common and usual phenomena in the Ukrainian society – helping school (which are mostly insufficiently funded) or a form of gratitude to teachers. So, naturally, similarly to the medical industry, most parents consider increasing teachers' salaries (54.2%) and funding for education (48.4%) to be an effective mechanism for combating corruption in schools [4]. So, the general culture of corruption tolerance is firmly rooted in the university life that it cannot be explained by the underfunding problems any more. However, at the same time, without salary increase in education sector, any attempt to overcome the bribery is doomed to failure.

Surely, one cannot say that there has absolutely been no progress in anti-corruption activities in education recently. The introduction of the external independent evaluation (ZNO) can be considered as a successful reform that, in fact, reduced the level of corruption in education, as well as the introduction of electronic exams in a number of universities, the results of which are not related to subjective evaluation of the teacher, and others. However, those are only minor elements of a much more global and longer process required for an appreciable minimisation of the corruption-related practices. Therefore, the implemented and ongoing reforms in education as the consequences of self-evident urgent needs of the society are welcomed, but, as already noted, insufficient. The problem is much deeper and it is impossible to solve it by introducing some innovations, without going deeply into the reasons that led to it.

Therefore, for a good reason the priority of legal anti-corruption education in the formation of anti-corruption mindset is noted, in particular, its importance in anti-corruption activities which, in general, is caused by two main points: 1) such education, especially aimed at the younger generation and youth, lays the groundwork for lawful conduct of citizens and, therefore, forms negative psychological attitude to corruption; 2) anti-corruption knowledge enables the creation of conditions for effective corruption combating with the involvement of the general public into this process. The legal anti-corruption education, which involves the implementation of a complex of measures of educational and informational nature aimed at forming high anti-corruption lawful mindset, must be comprehensive and differentiated depending on the category to which it is directed. Such education should be oriented, first of all, at school and university youth [2, p. 264].

Relevant anti-corruption activity in education is feeble. People require immediate, high-profile revelations, instead of hard work for the result, and they receive it from anti-corruption governmental agencies that are not motivated enough to work on high-profile cases. They focus on "entrapping" corrupt individuals, followed by mass media coverage, albeit inconclusive, but spectacular attempts to bring them to justice, which is sharply dissonant with the lack of systematic work against corruption as a phenomenon that does not always require publicity. As a result, the fight against corrupt individuals, not corruption, is a characteristic feature of the present stage of anti-corruption activity. Thus, these individuals come to the attention of the competent authorities not due to a systematic approach, but, at best, on the basis of a random selectivity. In addition, despite the large number of the latest scientific studies and findings of practising public organisations, including international ones, outdated repressive methods of combating corruption prevail over preventive measures and are disproportionately asymmetric in Ukraine.

**Conclusions.** Analysing the above mentioned, it must be admitted that the activities of the newly established anti-corruption bodies in Ukraine, specialising in "higher level" corruption will make sense only in case other corruption-combating subjects simultaneously work of in various spheres, including education. Combating corruption in education has to become one of the main subjects of all competent authorities and a special focus of attention of the National Agency on Corruption Prevention, Prosecutor General's Office, the head of the state and government. The main organisational and legal initiative should be taken by the National Agency on Corruption Prevention, since it is a specially authorised body, responsible for ensuring the formation and implementation of the state anti-corruption policy [5].

This of course does not mean that combating the political or oligarchic corruption or its manifestations at the highest level should be conducted less intensively. What we mean is only the extreme necessity of shifting the focus of public attention concentration from the consequences to the causes of corruption, from tactical to strategic measures, from pressing problems of the modern society to the democratisation of Ukraine, its liberation from the burdens of the unsuccessful past, one of which is corruption.

So, not only general activity without specific goals, but purposeful education of new, honest, decent citizens who will confidently bear high legal and human ideals, has to become one of the main tasks of Ukraine. Only new highly and fully educated young generation will be able to have a positive impact on the economic indexes of quality of life in Ukraine, establish civil political liberties, as well as form high lawful mindset of the rest of society, without which its integration into the European community will not happen.

The importance of achieving these goals dictated by the need for reformatting relations existing in society. Position when most Ukrainian citizens lay the opportunity to solve their personal problems, achieve economic benefits and significant social status, etc. through corruption is not acceptable to the state and society, that is moving towards strengthening the ideals of the rule of law. One of the parts of the personal development in which one lay the foundation of a corrupt thinking is educational sector. Effective fighting any corrupt practices in the field, minimizing the risk of corruption and its effective development is the key to the formation of an effective government, through proper staffing.

#### References:

1. Кримінологія : [підручник] / за ред. В.В. Голіни, Б.М. Головкина. – Х. : Право, 2014. – 440 с.
2. Кримінологія : [підручник] / за заг. ред. Л.С. Сміяна, Ю.В. Нікітіна. – К. : Національна академія управління, 2010. – 496 с.
3. Мельник М.І. Корупція – корозія влади (соціальна сутність, тенденції та наслідки, заходи протидії) : [монографія] / М.І. Мельник. – К. : Юридична думка, 2004. – 400 с.
4. Стан корупції в Україні: порівняльний аналіз загальнонаціональних досліджень 2007, 2009, 2011 та 2015 рр. // Київський міжнародний інститут соціології [Електронний ресурс]. – Режим доступу : [http://kiis.com.ua/materials/pr/20161602\\_corruption/Corruption%20in%20Ukraine%202015%20UKR.pdf](http://kiis.com.ua/materials/pr/20161602_corruption/Corruption%20in%20Ukraine%202015%20UKR.pdf).
5. Трепак В.М. Корупція в українській освіті як пріоритетний об'єкт протидії / В.М. Трепак // Прикарпатський юридичний вісник. – 2016. – № 4.