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SYSTEM OF MEASURES TO COUNTER CORRUPTION IN THE CIVIL SERVICE OF THE REPUBLIC OF KAZAKHSTAN

Abstract

The Law of the Republic of Kazakhstan No. 410-V, issued November 18, 2015, «On Combating Corruption», which includes a number of measures meant to combat corruption in government agencies and the civil service, is examined in this article. A broad range of anti-corruption initiatives are covered by the statute. Measures to avoid conflicts of interest, fight corruption, and enhance the public procurement system receive special focus. The essay highlights how fighting corruption is a systemic process that involves both legal accountability for those who have committed corruption offenses and preventive actions. It takes into account the significance of disclosing civil officials' earnings and outlays as well as the implementation of contemporary information technology to improve the civil service's transparency. The article's main points are the necessity of methodical efforts to guarantee openness and the incorporation of global anti-corruption norms into the Republic of Kazakhstan's domestic laws.

Key words: civil service, anti-corruption measures, monitoring, corruption risks, transparency, public procurement, anti-corruption.

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ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ МЕМЛЕКЕТТІК ҚЫЗМЕТІНДЕГІ СЫБАЙЛАС ЖЕМҚОРЛЫҚҚА ҚАРСЫ ШАРАЛАРДЫҢ ЖҮЙЕСІ

Аңдатпа

Мақалада мемлекеттік органдар мен мемлекеттік қызмет саласында сыбайлас жемқорлықтың алдын алуға және оған қарсы әрекет етуге бағытталған шараларды қамтитын 2015 жылғы 18 қарашада қабылданған №410-V Қазақстан Республикасының «Сыбайлас жемқорлыққа қарсы іс-қимыл туралы» Заңы талқыланады. Заңда сыбайлас жемқорлыққа қарсы бастамалардың кең ауқымы қамтылған. Мүдделер қақтығысын болдырмау, сыбайлас жемқорлықпен күрес және мемлекеттік сатып алу жүйесін жетілдіру шараларына ерекше назар аударылады. Мақалада сыбайлас жемқорлыққа қарсы іс-қимылдың құқық бұзушылықтар үшін заңды жауапкершілікпен қатар, алдын алу шараларын да біріктіретін көпқырлы әрі жүйелі сипатта жүзеге асырылатыны көрсетілген. Ол мемлекеттік қызметтің ашықтығын арттыру үшін мемлекеттік қызметкерлердің табыстары мен шығыстарын жария етудің, сондай-ақ заманауи ақпараттық технологияларды енгізудің маңыздылығын ескереді. Мақаланың негізгі ойы - мемлекеттік басқаруда ашықтықты арттырып, халықаралық жемқорлыққа қарсы нормаларды еліміздің заңдарына енгізу үшін нақты әдістемелік жұмыстар керек екенін көрсету.

Түйін сөздер: мемлекеттік қызмет, сыбайлас жемқорлыққа қарсы шаралар, мониторинг, сыбайлас жемқорлық тәуекелдері, ашықтық, мемлекеттік сатып алулар, сыбайлас жемқорлыққа қарсы іс-қимыл.

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СИСТЕМА МЕР ПРОТИВОДЕЙСТВИЯ КОРРУПЦИИ НА ГОСУДАРСТВЕННОЙ СЛУЖБЕ РЕСПУБЛИКИ КАЗАХСТАН

Аннотация

В статье рассматривается Закон Республики Казахстан №410-V от 18 ноября 2015 года «О противодействии коррупции», который включает в себя ряд мер, направленных на противодействие коррупции в государственных органах и на государственной службе. Закон охватывает широкий спектр антикоррупционных инициатив. Особое внимание уделяется мерам по недопущению конфликта интересов, борьбе с коррупцией и совершенствованию системы государственных закупок. В статье подчеркивается, что борьба с коррупцией является системным процессом, который включает как правовую ответственность лиц, совершивших коррупционные правонарушения, так и профилактические меры. Принимается во внимание важность раскрытия доходов и расходов государственных служащих, а также внедрение современных информационных технологий для повышения прозрачности государственной службы. Основными положениями статьи являются необходимость методической работы по обеспечению открытости и имплементации международных антикоррупционных норм в национальное законодательство Республики Казахстан.

Ключевые слова: государственная служба, антикоррупционные меры, мониторинг, коррупционные риски, прозрачность, государственные закупки, противодействие коррупции.

Introduction

The main provisions of this study stem from the stated objective of the research and address the following aspects: a comprehensive analysis of the issue allowed us to examine relevant questions concerning the practical implementation of the legislation of the Republic of Kazakhstan regarding the system of anti-corruption measures within the civil service of Kazakhstan.

The research emphasizes that combating corruption is a complex process involving both preventive actions and the lawful punishment of individuals accused of corruption.

Key directions have been analyzed and identified, highlighting the need for further improvement of national legislation across various facets of the anti-corruption system in the civil service.

The Republic of Kazakhstan has ratified a number of international legal instruments in the field of anti-corruption. Among these, the United Nations Convention against Corruption [1] and the United Nations Convention against Transnational Organized Crime [2] are two of the most significant international frameworks adopted by Kazakhstan. Additionally, international standards such as ISO 37001:2016 [3], which outline anti-corruption management systems, have also been implemented in Kazakhstan.

«Substantial obligations» related to the application of international standards in regulating anti-corruption efforts within the civil service have been defined, helping to fill existing gaps in this area. When discussing international anti-corruption norms, «substantial obligations» typically refer to the fundamental criteria and guiding principles that governments or organizations must follow to effectively combat corruption. These include commitments to cooperate with other countries and international organizations, as well as to establish and enforce relevant laws, regulations, and procedures.

Important recommendations have been formulated for the implementation and improvement of legislation regulating the system of anti-corruption measures in Kazakhstan's civil service, along with strengthening law enforcement practices and addressing real challenges in the fight against corruption.

The study concludes that despite the progress achieved, the fight against corruption remains highly relevant, necessitating further enhancement of Kazakhstan's legislation. Therefore, this research emphasizes the need for systematic efforts to ensure transparency and to integrate international anti-corruption standards into Kazakhstan's national legal framework. The multifaceted nature of the related problems and issues underscores the importance and timeliness of this study.

The establishment of Kazakhstan's statehood is intimately related to the growing significance and role of the civil service as one of the primary tools guaranteeing the execution of the duties and responsibilities of the state. The necessity to create a suitable model of civil service and public administration is determined by the altered social realities in Kazakhstan. Administrative reform led to substantial transformations in the organizational structure of both central and local government bodies, along with changes in the roles, methods, and formats of public administration. Furthermore, these entities became more accountable for their decisions and actions.

During the dissolution and functioning of state bodies and institutions, special focus is placed on implementing measures to prevent undue influence on the civil service of the Republic of Kazakhstan. Corruption increases the costs of public services and reduces their quality. Kazakhstan, implementing the «Listening State» strategy, focuses on strengthening ethical standards, developing digital control tools and combating corruption, including personal responsibility of managers and transparency of processes [4].

Most countries around the world are actively involved in combating corruption. Prominent scientists and numerous state and non-governmental groups have been studying the root causes of corruption and strategies for preventing and combating it in recent years [5]. Conversely, established industrial nations are receiving more and more attention, in contrast to former years. However, only a small number of nations have been able to effectively combat corruption and provide measurable outcomes that can be replaced [6].

Global trends in anti-corruption policy create obstacles for international analysis and standards in the field of combating corruption. The Anti-Corruption Agency of the Republic of Kazakhstan is undertaking a range of initiatives aimed at improving national anti-corruption legislation and law enforcement practices by aligning them with international standards [7].

Materials and methods

The study utilized a variety of sources and methods characteristic of legal science and interdisciplinary analysis. The primary materials included international standards, legal and regulatory acts of the Republic of Kazakhstan, scholarly publications from international databases, official reports from government agencies, and results of comparative legal analysis.

The following legal science methods were applied within the research framework - legislative and law enforcement practice analysis - examining current regulations governing the system of anti-corruption measures within Kazakhstan's civil service, as well as identifying legal gaps and corruption risks; historical-legal method - studying the dynamics of legal and social changes influencing the formation of corruption practices in the contemporary period; comparative-legal method - comparing domestic legal norms and practices with foreign systems of anti-corruption measures in the civil service. Legal modeling method - developing recommendations for improving legislative and organizational mechanisms aimed at reducing corruption risks and content analysis - analyzing scholarly publications and public opinion to identify trends and key issues in the fight against corruption.

This comprehensive methodological approach enabled an in-depth examination of the main problems related to anti-corruption measures in the civil service and allowed for the proposal of ways to enhance the effectiveness of anti-corruption efforts.

Results and discussion

A significant milestone in this effort was the adoption of the Law of the Republic of Kazakhstan No. 410-V, dated November 18, 2015, titled «On Combating Corruption». This law laid the foundation for the development of an effective anti-corruption framework.

According to Article 6 of the Law «On Combating Corruption», the following are defined as anti-corruption measures:

- a systematic periodic assessment of the effectiveness of the anti-corruption campaign in various facets of public administration is known as anti-corruption monitoring. It involves gathering, analyzing, and processing corruption data as well as evaluating how well anti-corruption initiatives are working. Monitoring enables the early detection of trouble spots and inefficient procedures, as well as the creation of suggestions for enhancing current anti-corruption strategies. The use of data from inspections, audits, and investigation outcomes serves as a vital tool for anti-corruption monitoring [8].

- corruption risk analysis includes an assessment of factors that may contribute to the emergence of corruption within specific areas of activity of government agencies.

This is the process of determining and evaluating possible weaknesses in government agencies' operations that could be used to perpetrate crimes related to corruption. Early detection of the parts of the public administration system most vulnerable to corruption using corruption risk analysis enables prompt and efficient actions to reduce or eradicate them.

- measures of anti-corruption culture consist of educating civil servants and citizens of a high level of moral and ethical standards aimed at preventing corrupt actions. This is a complex process that includes educational programs, training in the principles of integrity, transparency and accountability. The creation of an anti-corruption culture organization within the framework of management forms among employees of internal convictions that corruption is unacceptable, which, in turn, helps to reduce the measures of corruption offenses.

- conducting scientific anti-corruption expertise of draft regulatory legal acts is an important measure aimed at preventing corruption risks at the stage of developing legislative initiatives. The expertise allows identifying and eliminating corruption-generating norms in draft documents, ensuring their compliance with anti-corruption standards and principles. This is necessary to ensure that new laws and regulatory legal acts do not become a source of additional corruption risks [9].

- finding corruption-generating norms in the course of legal expertise is identifying and evaluating the parts of laws and regulations that might encourage the growth of corrupt activities. This crucial phase of legal analysis enables the prevention of corruption during the adoption or modification of legal standards as well as during their application in public and private institutions.

- the creation and application of regulations that dictate the conduct of government agencies, their staff, and other process participants is part of guaranteeing and adhering to anti-corruption guidelines. The goal of these guidelines is to establish clear, transparent, and intelligent processes that guarantee corruption in government agencies is kept out. Maintaining a high degree of public trust in government institutions is ensured by adherence to anti-corruption norms.

- financial control involves monitoring adherence to financial discipline and verifying that public monies are being spent appropriately. This is a crucial step in preventing corruption in the areas of public funding utilization and budgetary distribution. Financial control makes it possible to spot instances of bribery, money laundering, and other financial crimes [10].

- measures to prevent employees from using their position for personal benefit are known as anti-corruption limitations. This could entail restrictions on accepting presents, engaging in specific transactions, and imposing limitations when collaborating with family members or former coworkers. These steps lessen the possibility of unethical behavior and support upholding strict professional ethics.

- making sure that a civil servant's interests do not clash with their official responsibilities is necessary for preventing and resolving conflicts of interest. This could involve requiring employees to disclose their own interests and putting in place safeguards against situations where they make choices based only on their own interests. Resolving conflicts of interest contributes to a decrease in corruption and an improvement in public confidence in government agencies.

- anti-corruption measures in the business sector include initiatives such as the creation of transparent procedures for obtaining permits, controls and government contracts, as well as the use of technology for Diptychs and government procurement. Reducing barriers and increasing the transparency of procedures help prevent corrupt practices at present and ensure fair competition.

- an successful anti-corruption program must include the following essential elements: the identification, repression, disclosure, and investigation of corruption offenses. This procedure entails carrying out inquiries, gathering proof, and pursuing legal action against individuals convicted. These measures show the state's commitment to fighting corruption and aid in punishing lawbreakers.

- one crucial tool for bringing potential corruption cases to light is the reporting of corruption offenses. This can be accomplished by setting up hotlines, websites, and other avenues that give whistleblowers security and anonymity. Government representatives and individuals should be able to disclose corruption without worrying about their safety.

- restoring justice and repaying stolen property are two aspects of eradicating the effects of corruption offenses. Restoring public confidence in government agencies, putting reforms into place, and enhancing the operations of institutions that corruption may have damaged are all crucial. These steps aid in preventing similar offenses from happening again in the future.

- an evaluation of the effectiveness of the actions taken, suggestions for enhancing anti-corruption policy, and information on the present status of the nation's battle against corruption are all included in the National Anti-Corruption Report, which is regularly prepared and published. The release of these reports encourages public participation in the fight against corruption and contributes to greater openness of government entities' operations [9].

Conclusion

These clauses make it abundantly clear that the counteraction is systemic in character and seeks to implement a wide range of warning and preventive measures in addition to imposing legal accountability measures on those who have committed corruption offenses.

The illegal exploitation of material and non-material gains brought about by corruption undermine societal interests and lowers governmental power indicators. As a result, the government keeps taking all the required steps and establishing the circumstances that will make it impossible and unprofitable for people to utilize their official positions for personal gain.

One of the most important steps will be for civil servants to disclose their income and expenditure. Such declarations will eventually become publicly available, improving compliance and ensuring openness in the civil service. International anti-corruption standards can be consistently implemented in national laws by moving towards universal reporting of income and expenditure.

The accountability of managers for corruption offenses committed by their subordinates is a crucial component in bolstering preventive efforts to fight corruption. The mechanism for maintaining integrity in the civil service will be greatly strengthened by this strategy. Improving preventive measures is also aided by assessing the degree of corruption as a gauge of executive bodies' efficacy. As the state's financial capacity grows, it is intended to further progressively raise officials' pay and social benefits in an effort to lower the degree of corruption in the governmental machinery. Given that civil worker compensation is currently insufficiently competitive when compared to the private sector, this duty is also pertinent. The honesty of public personnel and the openness of their operations. As the state's financial capacity grows, it is intended to further progressively raise officials' pay and social benefits in an effort to lower the degree of corruption in the governmental machinery. Given that civil worker compensation is currently insufficiently competitive when compared to the private sector, this duty is also pertinent.

The success of the anti-corruption policy is based on the honesty of civil personnel and the openness of their operations [11].

Direct interaction between a citizen and an official is also one of the requirements for corruption. The degree of corruption decreases when the process for acquiring public services becomes more straightforward and transparent. A number of state functions will be progressively transferred to the non-state sector in this regard [12].

The extensive usage of contemporary information technologies also reduces the impact of the human element. Consequently, the number of services offered to the public in an electronic format will rise, and permit issuing will be guaranteed in this format.

The delivery of permanent services in an electronic format lovers the possibilities of corruption in fundamental social domains like health care and education.

One of the most corrupt sectors of the economy, the public procurement system, has undergone modernization. Every fourth corruption crime is perpetrated here. To significantly improve the situation, measures such as appointing a single operator, automating product selection, and streamlining the acceptance procedures for completed work and services are essential. To the greatest extent feasible, the processes for delivering public services including those in the banking, tax, customs, agricultural, and land relations sectors will be automated. Additionally, a wider range of public services will be offered to the populace through public service centers.

Since the principle of transparency is generally a crucial component in the fight against corruption, efforts to put it into practice will be conducted continuously and methodically, particularly by keeping an eye on the caliber and availability of public services.

Authors' contributions

The study's general concept, purpose, and objectives were devised by *Balgimbekova G.U.* She carried out a thorough examination of the provisions of Law of the Republic of Kazakhstan No. 410-V dated November 18, 2015 "On Combating Corruption" in relation to the civil service,

including the procedures for revealing civil workers' income and the regulations controlling conflicts of interest. Additionally, she created analytical sections that focused on the Republic of Kazakhstan's public administration system's practice of assessing corruption risks and putting anti-corruption measures into action.

Jacek Zaleśny helped with the comparative legal examination of how national laws implement international anti-corruption norms. He produced recommendations for enhancing anti-corruption strategy based on European experience and compiled international approaches to public procurement and digital transparency. Additionally, he helped to validate the legal and theoretical facets of fighting corruption as a systemic issue. The article's main conclusions were discussed by both authors, who also edited the content and came up with ideas for better anti-corruption laws.

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