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**Corruption Crime: the concept,  
structure, dynamics**

This article discusses one of the most pressing problems of today. Corruption in government in modern Kazakhstan is one of the most pressing problems without a radical solution that can not be effective development of Kazakhstan's society. The negative effects of corruption can be put at the center of all the current social conflicts in Kazakhstan. Socio-destructive consequences of corruption manifest in all the spheres of public life. Therefore, the state in which power is highly corrupt, can not be considered neither democratic nor legal, nor social. Corruption in government is a uniquely great social threat, as it directly or indirectly affects the social values, morality, and the foundations of statehood

**Key words:** corruption, public service, crime, officer, public authorities.

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**Сыбайлас жемқорлық  
қылмыс: түсінігі, құрылымы,  
динамикасы**

Бұл мақалада қазіргі заманның өзекті мәселелерінің бірі қарастырылған. Бүгінгі Қазақстанның мемлекеттік билік органдарындағы сыбайлас жемқорлық өткір тақырыптардың бірі, ол түбегейлі шешілмейінше қазақстандық қоғамның тиімді дамуы мүмкін емес. Сыбайлас жемқорлықтың жағымсыз салдарын Қазақстандағы барлық әлеуметтік түсініспеушіліктің қақ ортасына қоюға болады. Сыбайлас жемқорлықтың әлеуметтік-деструктивті салдары қоғамдық өмірдің барлық салаларында көрініс табуда. Сондықтан да, билік сыбайлас жемқорлықпен байланысса, ол қоғам не демократиялық, не әлеуметтік, не құқықтық мемлекет деп танылмайды. Мемлекеттік билік органдарындағы сыбайлас жемқорлық үлкен әлеуметтік қатер, себебі ол қоғамдық құндылықтарға, құлықтылыққа мемлекеттілік негіздеріне әсер етеді.

**Түйін сөздер:** сыбайлас жемқорлық, мемлекеттік қызмет, қылмыс, лауазымды тұлға, мемлекеттік орган.

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**Коррупционная преступность:  
понятие, структура, динамика**

В данной статье рассмотрено одно из наиболее актуальных проблем современности – Коррупция в органах государственной власти в современном Казахстане, без кардинального решения которой невозможно эффективное развитие казахстанского общества. Негативные последствия коррупции можно поставить в центр всех нынешних социальных коллизий в Казахстане. Социально-деструктивные последствия коррупции проявляются во всех без исключения сферах общественной жизни. Поэтому государство, где власть в высокой степени коррумпирована, не может считаться ни демократическим, ни правовым, ни социальным. Коррупция в органах государственной власти однозначно представляет собой большую социальную угрозу, так как она прямо или опосредованно влияет на общественные ценности, мораль и устои государственности.

**Ключевые слова:** коррупция, государственная служба, преступление, должностное лицо, государственные органы.

**CORRUPTION CRIME:  
THE CONCEPT,  
STRUCTURE, DYNAMICS**

The concept of legal policy of the Republic of Kazakhstan from September 20, 2002 emphasized that the main objectives of public authorities is to improve system of state control in the sphere of financial and economic activities in order to prevent abuse, increase the effectiveness of public authorities to prevent corruption, respect for professional ethics.

Public danger of corruption is expressed as follows:

Public policy is dictated by the private interests of those in power, and thus able to influence the government on a scale exceeding the government to implement the activities of public interest. Key decisions that have the greatest impact on society, made on the basis of corruption or to shield corrupt officials who are dependent on a variety of «shadow figures».

Direct losses from corruption lead to a decrease in state budget revenues, indirectly reducing the volume of the produced gross domestic product.

Corruption extends the shadow economy, a negative impact on competition, as the «bribe» ensure the provision of non-competitive advantages. This undermines the market relations as such, creates a new monopoly corruption often associated with organized crime, reduce the efficiency of the economy as a whole.

Corruption deprives the government of the possibility to enforce fair rules of the market game, and it discredits the very idea of the market, and the authority of the state as arbiter and judge.

The impact of corruption on privatization and bankruptcy complicates the manifestation of effective owners.

Mismanagement of public finances aggravated budget crisis.

Corruption increases the costs of economic agents, which affects the increase in consumer prices and tariffs.

Corruption corrupts not only the government, but different corporate management personnel. Accordingly, there is a general decrease in management efficiency – both public and commercial.

Widespread corruption makes it impossible to attract not only foreign, but also Kazakh investments, which in principle deprives the state of development opportunities.

In this connection it is necessary to disclose the definition of «corruption». For the first time in the domestic legal literature, the term «corruption» has been introduced in the legal conceptual

device. AND I. Estrin in «Bribery», which was released in the framework of criminal law circle at St. Petersburg University in 1913. The simplest definition of corruption – podkupaemost and corruption of public officials and officials as well as public and political figures in general. There are other definitions of the term. One of the latest was reflected in the Council of Europe Criminal Law Convention on Corruption in 1999. Most countries (including Kazakhstan) agreed on a rather broad understanding of corruption, partly modern state returns back centuries. However, it would be wrong to assume that corruption is everywhere and always appears the same, that same its causes and consequences. Crucial here are the national mentality, legal, religious, and ethnic traditions, which are never the mirror image of each other, and economic well-being of the state.

Corruption is diverse in its manifestations. In any case, it is impossible not to draw attention to the fact that national and international law rather «indifferent» look to many forms of corrupt behavior, nevertheless, condemned by public morality or religion. Corruption original «splits» into two unequal parts: the ethical deviations and violations. However, this «dualism» of corruption is not confined. Often it is expressed, on the one hand, employees use their status to obtain illegal advantages (bribability) and on the other – in the latter providing such benefits. Traditionally, in the contradictory unity of these parties in terms of greater public danger dominates venality. Quite often, corruption is a semblance of unilateral transactions or theft. Historically, differing in the Kazakh public opinion and the right forms of corruption are bribery – obtaining in violation of the established order of law a person who was in the public or public service, any advantages for committing legal actions (inaction) of the service, and extortion – to obtain the same person any benefits-or for the commission in the service of illegal actions (inaction). Bribery and extortion can occur at all levels of the system, while the volume of the amount and extent of the harmful effects on society can be infinitely varied. An example of proper ethical violations may be committed public servant acts which adversely affect the state of public opinion on the state of the rule of law in the public service, although not expressly prohibited by law or other legal act (presence at banquets arranged by organizations that control the activity of which is the responsibility of this entity; public non-business communication with people who have a previous conviction for mercenary crimes; accommodation

in apartments or use of a car, the cost of which is not comparable with the size of the salary).

Among the corruption offenses usually are four types: civil torts, disciplinary, administrative offenses and crimes, although, of course, the actual separation of disciplinary (service) and administrative offenses rather relative.

The study of literature indicates that there is no unity among the scientists in understanding the concept of «corruption». There are many views on this issue. The most common are the following: 1. The identification of corruption bribery. 2. Consideration of corruption as abuse of office, committed for pecuniary gain. 3. Identification of corruption by malpractice committed in their own interests, as well as cases of self-serving abuse of the service, characterized by bribery and corruption of public officials. 4. Consideration of corruption as part of organized crime. 5. Corruption – means any intentional violation of official or other public servant of his official duties.

For example, according to Professor AI Debt, corruption – a «social phenomenon, characterized by bribery, corruption of state and other officials, and on this basis, selfish use of their personal or narrow group, the corporate interest of the official official powers associated with them authority and capability». [1]

Professor BV Volzhenkin writes that «etymologically the term» corruption «comes from the Latin word for» corruption, bribery, «[2]. GA Satarov said that «the civil servant is obliged to take decisions on the basis of the objectives set by law (Constitution, laws and other regulations) and socially approved cultural and moral norms. Corruption begins when these purposes are replaced by the selfish interests of an official, embodied in concrete actions. This condition is sufficient to characterize the phenomenon of the abuse of power. Between this phenomenon and the brink of corruption is very blurred «[3]. Some scientists believe corruption and violation of ethnic norms of official authority [4]. It seems that the definition of the concept of corruption and the establishment of its concrete manifestations should be based on an understanding of the social nature of this phenomenon. The essence of corruption is that it distorts public relations, disrupts the normal procedures of the state apparatus, resulting in a «corruption», «corrosion» of power. A background paper on the UN international anti-corruption states that «corruption – the abuse of public power for private gain.» Eighth United Nations Congress on the Prevention of Crime and the Treatment of offenses

(Havana, 1990) in its resolution «Corruption in public administration,» noted that corruption – a typical kind of white-collar crime, it is a highly latent, often characterized by sophistication and big damage. Corruption – a catalyst of organized crime, it is one of the essential components of its «habitat».

Corruption is extremely negative social phenomenon that has such characteristic features as the scale of criminal activity, stability and consistency in the various sectors of the economy.

Not the rights of authors who believe that corruption is characteristic only for the countries in transition. For example, in the United States in every organized criminal groups is fixed at least

one post korruptera. Korruptery and bribe and intimidate officials. Moreover, ever since the «dry law» with a light hand of known gangsters in 20-30s Charlie Luciano and Al Capone racketeers brought the order, according to which about one-third of all criminal proceeds should go to the bribery of government and justice. Rightly notes AI Dolgov that «the fight against corruption should be carried out at the same time, in connection with the fight against crime in the organization». [6] It is appropriate to mention the fact that among both practitioners and theorists, there are different points of view on the mechanism of corruption, its types and subjects.

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