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### **Is it Necessary to Establish Severe Punishments for Corruption (Experience of China and Singapore)?**

*Corruption is one of the most important social problems for many countries, including Ukraine. The fact that since 2004 at the initiative of the United Nations every ninth of December is International Anti-Corruption Day demonstrates about the global nature and importance of this issue for the international community.*

*The level of civilization of any country is determined by the degree of corruption spread: namely, bribery, possession of public funds and property using powers, theft, etc. All these phenomena are well-known in Ukraine, thus it takes every year its infamous place in the international ranking of corruption spread.*

*The authors have concluded that economic development is impossible and efforts to combat corruption are useless, when leaders and high-ranking officials abuse power to seize the public funds for personal benefit. This fact is also proved by Corruption perceptions Index for 2014. Unfortunately, corrupt politicians in Ukraine impunity export and withdraw funds and assets illegally obtained in safe places through offshore companies. Therefore, it is necessary to take radical anti-corruption measures for effective counteraction this threatening phenomenon, including to initiate criminal proceedings and to prosecute responsible officials. Though, severe penalties for corruption only of political opponents may cause much anxiety. And this is not the way to overcome corruption, but instead there is a possibility to get political instability in the country. In fact it will be only the “visibility of struggle”.*

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Corruption is one of the most important social problems for many countries, including Ukraine. The fact that since 2004 at the initiative of the United Nations every ninth of December is International Anti-Corruption Day demonstrates about the global nature and importance of this issue for the international community.

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Recently, a non-profit independent organization on studying and combating corruption, Transparency International headquartered in Berlin, known for its anti-corruption research, including the

Corruption Perceptions Index, makes an annual report that Ukraine is consistently ranked in the lowest places in the Corruption Perception Index (CPI). Besides, according to international experts, especially the Group of States of the European Council against Corruption (GRECO), Ukraine demonstrates the worst paces in Europe of anti-corruption reforms [1].

In 2011, Ukraine was ranked 152 out of 183 countries involved in the study, in 2012 - 144 out of 176, in 2013 - 144 out of 177 in 2014 - 142 out of 175 positions. By the results of this study Ukraine has not overcome the limit of "corruption disgrace". Having only one additional point, compared to the year 2013, Ukraine remains in the club of totally corrupted countries along with Uganda. Anti-corruption laws adopted October 14, 2014, laid the foundation for the only possible state changes and

transformations. The nearest events will demonstrate the real situation of reforming. First of all, whether there are necessary funds for the establishment of the Anti-Corruption Bureau, secondly, whether there going to be an electronic declaration system of officials at all levels, and thirdly, whether there is a transparent recruitment for new anti-corruption agencies and punishment of all those involved in corruptive practices?

We would like to concentrate the attention on the last event. Though, severe penalties for corruption only of political opponents may cause much anxiety. And this is not the way to overcome corruption, but instead there is a possibility to get political instability in the country. In fact it will be only the “visibility of struggle”.

Thus it is appropriate to recall foreign experience related to severe penalties for corruptive acts in China. Nowadays the most severe criminal penalties for bribery are in PRC. However, we can not state that the country managed to overcome corruption, bribery and embezzlement of the state property; they are still very spread phenomenon. The problem of corruption is discussed as one of the most critical at each meetings of the Communist Party of China. It is associated with it the danger of collapse of Chinese society. In 2014, China was ranked 100th out of 175 countries according to the Corruption Perceptions Index published by the Transparency International. Thus, China went down from 80th to 100th place during one year, despite a strong anti-corruption campaign that was carried by President of PRC Xi Jinping. The published report caused outrage of Chinese media, which in turn accused the West of bias [2]. This prejudice is explained by the fact that the ranking is based on estimates of Western NGOs, which abuse their international influence and stubbornly keep negativity and bias of estimates related to China, misleading the world community.

Considering the experience of combating corruption in China it should be noted that an authoritarian regime dominates in the state government. Regarding this fact very harsh measures, including two kinds of death sentences, with immediate execution and deferred (up to two years) are used against corrupt officials.

The death penalty is enshrined in the laws of the PRC Criminal Code of 1982. Between December 1951 and June 1952 China started the struggle against corruption, which was called “war strategy”. It still includes three main programs: “Anti-

corruption”, “Anti-bureaucracy”, “Anti-extravagance”. But then it should be noted that corruption is perceived in two ways in China:

- corruption, as a criminal and legal phenomenon (bribery, smuggling, gambling, theft and abuse of power);
- corruption, as a political and moral phenomenon (bureaucratic gambling, drunkenness, lewd behavior, passion for women, not truthful charges, etc.).

An important role in combating corruption is reserved to the Ministry of Control and Central Commission. Besides, the State Department of Corruption Counteraction was formed in 2007. Its duties include detection of corrupt officials, conduction of investigation and anti-corruption measures.

Consequently, the fight against corruption in China is centralized, there are also Central Discipline Commission of the Central Committee of the Communist Party of China and the Ministry of Control, and special authorized agency – the State Department of Corruption Counteraction has been created. But the effectiveness in combating this phenomenon was not achieved, and it should be noted in Ukraine. It is not possible to solve the problem just creating special departments and agencies.

The system of repressive measures against corrupt officials is very cruel. Since 2003, 10 thousand defendants, whose guilt in corrupt practices has been proven, were publicly executed by shooting, 120 thousand were imprisoned for 10-20 years [4]. For example, in 2013, the former Minister of railways Liu Zhijun was sentenced to death with a delay of two years.

Looking at China’s experience in this sphere, the provisions of Ukrainian criminal law – cruel punishment does not mean its effectiveness should be recalled once again. Therefore, the value of punishment in combating corruption should be determined not by its cruelty, but fairness, inevitability, timeliness and inevitability of its application for every criminal act.

The problem of corruption is one of the oldest in the world’s history. It dates back to the emergence of primitive society and is relevant even today. Historically corruption comes from the custom to make gifts. A gift was presented as gratitude for the assistance and intervention or to satisfy the request

of a person, in that case a gift distinguished a person from the others.

The gradual professionalization of the state administrative apparatus led to the development of corrupt officials as well. The use of official position for personal requisitions from people became the norm and almost was not condemned by the society and was an ordinary income of “an official”. Such a tolerance to corruption manifestations was most noticeable in the eastern society where it was perceived philosophically quiet – as a natural social phenomenon. In Asian countries government officials increased their financial situation by bribes, trying to take as higher position as possible, then to “make a living” from it; thus such positions often were bought by substantial reward. The similar situation can be observed in modern Ukraine.

Nowadays corruption in Singapore is traditionally perceived as the lowest in the Asian region and throughout the world. According to the Corruption Perceptions Index published by Transparency International for 2013, Singapore is on the 5th place, but in 2010 Singapore held the 1st place [5]. According to this year's survey of the Corruption Perceptions Index (Corruption Perceptions Index, CPI), Ukraine's ranking by the level of corruption has remained virtually unchanged; in 2013 our country was ranked 144 among 177 countries in the study. Ukraine stably remains in the “high-risk” group along with Cameroon, Iran, Nigeria, Central African Republic and Papua New Guinea. Transparency International is a non-profit independent organization that studies and combats corruption both in international scale, and in the scale of individual countries, its one of the objectives is to achieve greater transparency and power accountability.

The authors offer to study the experience of combating corruption in Singapore, a country that has overcome the corruption in about 40 years. Thus, it was able not only to avoid mass shootings of officials as it was in China, and even it could do it without hard repressions.

At the time of getting independence in 1965, Singapore was the country with a weak legal base, almost uneducated population, low wages, not transparent economy and very high level of corruption. Lee Kuan Yew together with his party “People's Action Party” won the elections and became the Prime Minister; that was him, who was the symbol of combating corruption, his slogan was:

“If you want to overcome corruption, be ready to send you friends and relatives to jail” [6, p. 168].

The successful experience of combating corruption in Singapore is very valuable to us, although it should be immediately noted that the mentality of our countries is quite different. But this does not mean that one can not use positive developments in this direction.

Anti-Corruption Campaign of Lee Kuan Yew consisted of four elements, the first of which was the creation of a strong independent service to combat corruption. This agency was the Corrupt Practices Investigation Bureau (CPIB), which was subordinated to the Prime Minister and had broad powers.

CPIB agents had the right to check bank accounts, not only officials' property, but also the property of their children, wives, relatives. If an official and his family were living beyond their means, the Bureau automatically without waiting for permission started an investigation. CPIB investigations were focused on bribetakers among the highest officials. Minor officials were fought by simplifying decision-making procedures and removing any ambiguity in the law, until the abolition of permits and licensing in less important areas of life. In parallel courts were entitled to confiscate benefits obtained from corruption.

By the way CPIB repeatedly conducted investigations of the activity of Lee Kuan Yew and his family, but there were no results. While the CPIB activities some federal ministers, heads of trade unions, community leaders and top managers of public companies were identified and convicted.

The second element of the anti-corruption program was the fact that there was actually a presumption of guilt of government's employees of any state department or public NGO. In 1960 they adopted a law that allowed considering evidence of corruption as the fact that the accused did not live for the fortune or owned property, which he could not buy according to the income; and it was a proof that the accused received corruptive incomes.

This actually transferred the duty to proof one's innocence to the employee, who had to convince the court that no compensation was received as a part of corruption scheme. In case if the official's guilt was proved his property was to be confiscated, he had to pay a fine and was imprisoned to the statutory period.

The third element was to increase salaries of officials. Lee Kuan Yew argued that state officials should be paid most salaries because they deserved it, representing a decent and honest government.

Increase of salaries has led to the fact that experienced professionals moved to the public sector. When the country had economic growth, wages of officials began to increase in proportion to the revenues of private sector. Salaries of state officials and judges, who occupied responsible positions, were raised to the level of the top managers of private companies.

The fourth element of the successful anti-corruption campaign, surprisingly, was the formation of independent, objective mass media. It was mass media that began covering all found corruption facts and still do this job. Thus intolerance of corruption in the minds of public opinion was formed.

The main idea of anti-corruption policy of Singapore was to minimize or eliminate the conditions that create both incentive and opportunity for a person to commit corrupt acts [6, p. 170].

Particularly we should note that Lee Kuan Yew did not stake on repressions, but on preventive measures and the implementation of anti-corruption policy was primarily based on administrative and economic instruments. Punitive methods can never be fully productive, and an example of China is a brilliant proof of this. The brutal tactics of combating corruption makes the latter only quicker, and leads to higher rates of illicit rewards.

Especially we should remember that struggle for transparency and efficiency of public administration in Singapore took nearly four decades, so we also have to be realistic and get rid of the stereotype of the fast overcoming of corruption, where it is enough to imprison most corrupt officials and the situation in the country immediately is going to be better. Besides, particular concern can cause imprisonment only political opponents for corruption. Since, it is not possible to overcome corruption in this way, but we may get continuing political uncertainty in the country. And it will only

be “visibility of struggle”. So it is necessary to depoliticize the fight against corruption.

Another important factor in combating corruption can be recognized the level of financial guaranteeing of officials. Corruption must be fought by offering something rather than just fear of punishment. There is no qualified and incorruptible official, if he is poor.

Thus, the experience of Singapore in combating corruption demonstrates the possibility to overcome corruption, if there is a strong political will, implemented on a practical level and there is a support for such a program by the whole society. We hope that the current sufficiently high level of corruption in our country does not mean inability for effective response to this social phenomenon aiming at reducing it to an acceptable level.

It should be noted that the use of international experience in Ukraine cannot be done with a simple copy of certain activities of state administration, which were effective in Singapore. Corruption is constantly adapted to changes in political, economic and social conditions of life, has national characteristics and stereotypes of perception. Therefore, these measures should always be adapted for using in our country, adapted to national specifics.

Resulting the paper we would like to cite Jose Uhas – the chairman of the Transparency International: “Corruption Perceptions Index for 2014 shows that economic development is impossible and efforts to combat corruption are useless, when leaders and high-ranking officials abuse power to seize the public funds for personal benefit” [3]. Unfortunately, corrupt politicians in Ukraine impunity export and withdraw funds and assets illegally obtained in safe places through offshore companies. Therefore, it is necessary to take radical anti-corruption measures for effective counteraction this threatening phenomenon, including to initiate criminal proceedings and to prosecute responsible officials.

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