

## **CORRUPTION IN CUSTOMS AUTHORITIES**

## **КОРРУПЦИЯ В ТАМОЖЕННЫХ ОРГАНАХ**

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Corruption is one of global problems of the present which is in a row of the most current and hard-to-solve problems of all countries of the world including the Republic of Belarus. Unfair participants of foreign economic activity bribe customs officers to lower customs duties, customs cost, amount and weight of goods. Thereby they cause notable damage to economic security of the country. In all the manifestations corruption exerts the destabilizing impact on all spheres of activity of society, because of corruption social and economic development of the countries is considerably slowed down.

According to Article 1 of the Law of Republic of Belarus dated 7.15.2015 № 305-3 "About fight against corruption" corruption is the deliberate use of a state official his official position and the related opportunities for illegal receiving property or other benefits in the form of work, service, protection, a promise of advantage to themselves, bribery of the state official on purpose that this state official has made actions or have refrained from their commission at execution of the official (labor) duties and also commission of the specified actions from a name or for the benefit of the legal entity.

Bribery is considered one of the most dangerous and at the same time one of the most widespread manifestations of corruption among officers. But bribery is a main type of corruption, but not the only one. A number of other crimes belong to criminal manifestations of corruption: abuse of power or office powers, inaction of the official, excess of the power or office powers, office negligence, illegal participation in business activity.

Considering that customs authorities play an important role in replenishment of the state budget and also in ensuring national security, controlling the goods and vehicles moved through border, manifestation of corruption in customs authorities can cause serious damage to economic security of the country.

Declaration of the customs co-operation council concerning good governance and integrity in customs that has been accepted in 1993 by World Customs Organization plays an important role in fight against corruption. Among 10 elements of anti-corruption strategy described in this document, the key part is assigned to "development, publication and adoption of the complex code of the behavior establishing practical and unambiguous rules of conduct of all customs personnel".

The basic document and the basis of organization of anti-corruption activity in our country is the Law of the Republic of Belarus "About fight against corruption" adopted on July 20 2006. This Law is not directed to fight against concrete corruption manifestations, and has "frame character" and more regulates questions of prevention of corruption.

Making corruption offense, the person who bribes and the person taking a bribe don't just break the law, but also undermine authority of officers in the opinion of ordinary citizens. Seeing that a person, who has more money and communications, most effectively "resolves" issues, people lose faith in effectiveness of public authorities.

This problem is especially widespread among officials of the lowest and average link, because these officials work directly with citizens (registration, penalties, licensing, various permissions, issue of references, etc.). It is so-called "local" level of corruption.

There are also top and vertical types of corruption. Top corruption covers the politicians working in authorities, an average and some part of the highest officials and this corruption is connected with decision-making, having the high price (adoption of laws, government procurement and orders, change of forms of ownership).

Vertical corruption takes place in that case when the official public authority bribes the higher chief because he covers corruption actions of the briber or represents additional finance, resources and powers. She acts as a link between top and local corruption. This type of corruption is especially dangerous as it demonstrates transition of corruption from the stage of separate acts to the stage of organized forms.

In criminal practice the phenomenon when a person before offering a bribe to the official (official) interferes in a personal, family or office secret, trying to find something that can be used as an occasion for blackmail, is widespread. If that the occasion is found, the official have to choose between public exposure and "double work", at the same time working for the state and criminal community.

There is a set of the reasons pushing the official to corruption offense. Inefficient material security of public servants form feeling of uncertainty in tomorrow and push to mass local corruption. Employees, without having any guarantee of self-preservation, give in to temptation of corruption easier.

That is why it is possible to find the following reasons of commission corruption crimes: feeling of instability; the low payment which isn't corresponding qualifications and the responsibility of work; injustice at promotion.

According to the international organization "Transparency International", prevention of corruption requires introduction of nation-wide ethics which

criteria of effectiveness will become: publicity and the reporting in making decisions, in particular, in distribution of public funds; effective work of the chief auditor; independent mass media and access to official information; worthy private sector of trust; independent judges, investigators and prosecutors; the electoral parliament having the right to demand the reporting from government officials.

It is possible to give the example which has occurred at Oshmyansky customs at the check point "Kamenni log" in March, 2015. Illegal activity of the group of persons among the acting and former employees of the check point "Kamenni log", which has organized the large-scale scheme of evasion from customs payments, has been stopped. During urgent investigative actions at the place of residence of persons over 2,2 million dollars have been withdrawn. But the key moment is that the employee of the State Customs Committee has been involved in this scheme, because he had been warning employees of the check point about the coming check in advance.

This corruption scheme existed long enough. Considering the number of the people involved in the scheme and that time which it has held on it is logical to ask a question: what are the prerequisites for her emergence and rather long functioning? The World Customs Organization adds that it is necessary to consider a number of the additional factors influencing extent of manifestation of administrative corruption. These factors include:

- wage level of customs officials;
- scales in which organizational culture and standards of behavior encourage illegal behavior;
- force of the constraining influence that is put in applied measures of administrative control;
- scales of direct contact of customs officials with clients.

One of ways to reduce probability of corruption at customs and customs posts is an automation of document flow. This system allows to reduce need of contact of the official of customs authority and participants of foreign economic activity to a minimum and as a result considerably reduces probability of corruption. This system minimizes a possibility of mistakes or abuses carrying out customs operations.

In customs service of Republic of Belarus the complex of anti-corruption measures for prevention, timely opening of criminal schemes and suppression of illegal activity in the customs sphere is implemented. The defining moment is creation of Department of Internal Security of the Republic of Belarus which provides safe functioning of customs authorities and effective impact on prevention and suppression of the facts of illegal activity of staff.

In points of customs registration at information stands and near jobs of customs officers posters with information are placed, warning about criminal liability for bribery.

International experience shows that adoption of programs for fight against corruption, signings of various agreements in this sphere isn't enough for effective counteraction to this social evil. Proceeding from numerous researches, it is possible to claim that the level of corruption depends on many factors, the most important of which are democracy level in the country, structure of economy, welfare of the population and degree of social inequality and also cultural characteristics. The concept of own safety of customs authorities has to include actions for identification and definition of real-life and potential threats, adverse factors and risks influencing functioning of the customs authorities and also an effective package of measures providing reliable protection from corruption in customs authorities.

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