THE ESSENCE OF ECONOMIC CORRUPTION AND THE CLASSIFICATION OF ITS CAUSES

***Lobanovsky A.A., **Ganich A.P.,**
**3st year student VSU named after P.M. Masherov, Vitebsk, Republic of Belarus*
***1st year student VSU named after P.M. Masherov, Vitebsk, Republic of Belarus*
Scientific supervisor – Gurshchenkov P.V., Candidate of Law, Associate Professor

Corruption is a complex socio–economic phenomenon that does not have a single canonical definition. The concept of corruption is ambiguous. Some phenomena can be attributed to it without hesitation, while others cause controversy (bribery of a civil servant, a buffet for the press or a potential partner).

Among the global problems of our time, the solution of which depends on the further development of the world community in the new century, one of the most acute is the problem of corruption. Perceived by legal scholars at the beginning of the XX century. The high probability of the spread of corruption manifestations necessitated the definition of this concept.

Material and methods. The scientific and theoretical basis is the normative legal acts of the Republic of Belarus, the works of authors considering issues related to the prevention of economic corruption, as well as statistical information of law enforcement agencies on corruption crimes.

The substantiation of the provisions, conclusions and recommendations contained in the work was carried out through the complex application of the following methods of socio-legal research: historical-legal, logical, systemic, structural-functional, statistical.

Results and their discussion. Corruption is diverse in its manifestations. In any case, it is impossible not to pay attention to the fact that national and international law reacts rather "indifferently" to numerous forms of corrupt behavior, nevertheless condemned by public morality or religions. Corruption initially "splits" into two unequal parts: proper ethical deviations and offenses. However, the "dualism" of corruption is not limited to this [1].

It is expressed, on the one hand, in the possibility of an employee using his status to obtain illegal advantages, and on the other hand, in the possibility of providing these advantages to interested individuals or legal entities for selfish purposes. Traditionally, it is believed that in the contradictory unity of these parties, from the point of view of greater public danger, venality dominates. Quite often, corruption is a kind of unilateral transactions or embezzlement.

The following forms of corruption can be cited as an example: the use of power to illegally obtain material benefits by a whole group of officials who collectively benefit from violations of laws and regulations; the creation of artificial barriers by an official in relation to a certain person in making a certain decision, which forces the client to give a bribe; the adoption by an official of a decision from which the second party benefits, and the person receives remuneration with mutual consent [2].

There are six most common situations that create motives for corruption, in other words, for introducing the market rule of "benefit seeking" into state regulation: The government can prescribe the distribution of scarce rent to a large number of individuals and firms using formal criteria, rather than the desire to pay for distributed rent. Bribes clean up the market. Bureaucrats in the public sector may be poorly motivated to do their job well

due to low salaries and low levels of internal control. Here bribes act as bonuses. Private firms and individuals are trying to lower the costs imposed on them by the government in the form of taxes, consumer rules and regulations. Bribes lower the costs of those who paid them. The Government often transfers large financial profits to private firms through contracts, privatisation and the award of concessions. Bribes affect the level of monopoly rents and their distribution between private investors and public monopolies. Bribes can replace legitimate forms of political influence. Bribing politicians buys their influence, and bribing politicians buys votes. Justice has the ability to redistribute resources between the parties. Bribes can override the operation of legal norms [3].

Conclusion. Thus, state intervention creates restrictions for the private market and, consequently, motives to violate these restrictions, so economic agents themselves are often interested in bribing an official. Such a method of regulating the market by the state, such as, for example, the issuance of a permit or license, leads to the fact that a monopolist – an official who owns the right to issue a permit – has the opportunity to use his position for personal purposes. Thus, an official, as well as an agent, has a motive to violate his obligations to the state.

1. Beccaria, Ch. On crimes and punishments / Ch. Beccaria. – M.: STEALTH, 1995. – 303 p.

2. Kuznetsova, N. F. Crime and criminality: abstract of the dissertation of Dr. yurid. Sciences / N. F. Kuznetsova. – M.: Publishing House of Moscow University, 1968. – 38 p

3. Lobanovsky, A. A. Preventive measures to prevent drug use and counteract drug trafficking among minors in the activities of the Prosecutor's office / A. A. Lobanovsky; scientific hand. M. A. Kozak // XV Masherovsky readings: materials of the International Scientific and practical conference of students, postgraduates and young scientists, Vitebsk, October 22, 2021. – Vitebsk: Masherov VSU, 2021. – Vol. 1. – p. 332–334. URL: https://rep.vsu.by/handle/123456789/29350/ (date of access: 23.03.2023).

ПОНЯТИЕ ИСТОЧНИКА (ФОРМЫ) ПРАВА

Абарович В.В.,
магистрант 1 курса ВГУ имени П.М. Машерова, г. Витебск, Республика Беларусь
Научный руководитель – Бочков А.А., канд. философ. наук, доцент

Объективация понятия источник (форма) права придает ему юридическую силу, влияет на реализацию и эффективность. Вопрос важный, сложный, дискуссионный, имеет теоретическую и практическую значимость. Одни авторы считают, что внешнее выражение права называется формой права, другие – источником права, а третьи – и формой, и источником одновременно.

Актуальность данной темы заключается в необходимости анализа форм права (источников) в правовой системе современного государства для того, чтобы определить их генезис, иерархию, роль. *Целью* данной статьи является формулирование понятия «источник (форма) права».

Материал и методы. Основой исследования являются нормативные правовые акты, учебная и научная литература, доктринальные взгляды специалистов по данной теме.

Методы исследования: диалектико-материалистический, системного анализа, индуктивно-дедуктивный, толкования права, компаративистики, правового моделирования.

Результаты и их обсуждение. Вопрос о соотношении понятий «источник права» и «форма права» является одним из самых спорных на протяжении долгого времени.

Например, профессор Т.В. Кашанина подразумевает под источником право волю субъекта, который его издает. Отсюда следует, что источником права может быть человеческая воля, (права человека, принципы права), народная воля (референдумные нормы), государственная воля (законодательные нормы), коллективная воля (корпоративные нормы), гражданская и организационная воля (договорные нормы). Форма права, по мнению автора, – это резервуар, содержащий правовые нормы. К источникам права она относит: юридическую практику, религиозные тексты, юриспруденцию в целом,