

Anti-Corruption Policy Of The Republic Of Korea: History Of Formation And Modernity

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Abstract - This article describes the experience of fighting corruption in Korea. Korea is a country with tough anti-corruption laws. However, this in itself cannot guarantee the elimination of various types of corruption. In retrospect, the reasons for its functioning and the fight against it in the Republic of Korea, the traditional system of social structure is noted, which largely provokes corruption. At various stages of their activities, the presidents of Korea were engaged in “personnel cleaning” in the civil service, pursued a tough anti-corruption policy. However, each of the heads of Korea became a victim of corruption scandals, although at the household level, South Korean society is one of the most decent in the world. The use of tough measures in this area makes it possible to reveal the facts of participation in corruption schemes of former and current assistants to the head of state, deputies from the ruling and opposition parties, representatives of business structures. As a result, the Korean government’s anti-corruption measures have a positive impact on the country's international image.

Keywords - Corruption, Economic Development, Anti-Corruption Activities, Civil Servants, Ethics, Criminal Law, Legal Technique, Anti-Corruption and Civil Rights Commission (ACRC), Anti-Corruption Policy, Legislation, Justice.

I. INTRODUCTION

An event took place in the political life of the Republic of Korea (hereinafter - Korea or the Republic of Korea), which has not yet happened in the entire modern history of this country on March 10, 2017. After almost three months of considering the legality of the parliament's decision to impeach President Park Geun-hye, the Constitutional Court made a unanimous decision to dismiss her from office, the main charge for impeachment concerned corruption, creating conditions for it, the president's refusal to cooperate with investigative and judicial authorities.

In a country that ranks 13th in the world in terms of its economic potential, has been successfully developing along the path of a market economy for 70 years and has achieved impressive results in all spheres of life, with very tough anti-corruption legislation, this level of corruption seems unrealistic. Meanwhile, a year

has passed since the impeachment of parliament, and the trial against the ousted president has not yet begun, and not because of too large a volume of cases, but due to a certain lack of data on the personal involvement of Ms. Park Geun-hye in corruption, which is why the party the prosecution had to ask for additional time to present new data a few months after the beginning of the investigation.

Due to the fact that some high-ranking officials of the Presidential Secretariat, the minister, the head of the largest financial and industrial group (which accounts for more than 20% of the country's GDP), several small businessmen have already been convicted in this case, one can imagine the scale of corruption.

Note that corruption, as a social phenomenon, appears with the emergence of statehood and private property. It reached a special scope in the era of feudalism and capitalism in connection with the increased role of the state in the economic and social

development of society, respectively, with an increase in the role of the state apparatus in managing economic development. At the same time, if in the era of capitalism, somewhere relatively successful, and somewhere completely disastrous measures were taken to combat corruption, and even its internationally recognized legal basis was formed, then under the conditions of feudalism there were only isolated attempts to somehow limit it by means of punishment. specific corrupt officials, rather than eradicating it as a phenomenon.

In this regard, it seems important to consider a retrospective of the reasons for the functioning of corruption and state policy to combat it in the Republic of Korea.

One of its reasons is that petty officials received very meager salaries and existed mainly through extortions from the population. On the one hand, corruption is perceived in the Far East as one of the main social evils, and, on the other hand, the traditional system of social structure largely provokes it.

II. LITERATURE REVIEW

The following scientists have considered in their works the problems arising in the fight and fight against corruption in China: Ivanov S. B. [1], Asmolov K. V. [2], Korobeev A.I. [5], Torkunov. A.V. [6], Lee Gi-Baek [7], Tsirin A.M. [8], Rusetsky E.A. [9], Kim Young-Sam. [10], Guenkov V. [11].

III. RESEARCH METHODOLOGY

In this research, we used of methods of analysis and synthesis, grouping, comparative and structural analysis, induction and deduction.

IV. ANALYSIS AND RESULTS

Korean society is made up of many intertwined traditions, and gifts are an important part of this culture in virtually every aspect of social and business life. The classical corruption scheme presupposes not an “envelope” in exchange for a service, but a situation when a civil servant is fed and gifted for a long time, binding him with informal obligations so that when he is finally asked to, he cannot refuse for moral reasons... Actually, it is with this that such harshness in

relation to any offerings is connected, because they tend to accumulate.

It should be noted that Korea belongs to the countries of the Confucian system of social management. This system was based on the fact that the management of society was built as management of the family and the leader of any rank, which is called in the writings of Confucius, in particular in his famous “Lun yuy” (Sayings) noble husband, had to take care of his subordinates, and subordinates, in turn, take care of him, he listens to the opinion of subordinates, and subordinates must tell him the truth.

In Korea, the institution of fraternity is highly developed, there are informal or formalized organizations of people from a particular settlement, school, university, college who served in a certain military unit, in the branches and types of troops (this is associated with universal compulsory military service). These citizens are always determined to help their fellow countrymen, gifts and other types of assistance on the occasion of some family events, about moving in the service, etc., are becoming the norm. If one of the representatives of the community has any problems, the rest try to help him in some way, saving him, for example, from law enforcement, tax and other regulatory bodies.

In addition, Korea by the time of liberation from the Japanese colonial yoke in 1945, in terms of its social-class composition and real structure of the economy, as well as the mentality of the population, was basically a feudal society. Accordingly, the corruption schemes of the period of feudalism, already burdened by the development of a market economy by the knowledgeable role of the state and the state apparatus in the planning and direction of economic development, in particular industrialization, continued to operate in society.

After 1948 the state authorities tried to fight corruption. The Penal Code of the Republic of Korea, adopted in 1953, contained several articles that punished bribery or abuse of office. So, Art. 129 of the Code established: “An official who has received, demanded or promised to receive a bribe in connection with the performance of his official duties, shall be punished in the form of hard labor for a period of

not more than five years or suspension of qualifications for a period of not more than ten years". Moreover, even if he had not yet been appointed to the appropriate position, which could be used to provide non-legal services, he was still punished for receiving bribes even before his appointment: "if a person who should become an official or an arbitrator receives , requires or promises to receive a bribe in response to a request related to official duties, and such a person actually becomes an official or an arbitrator, he is subject to the punishment of hard labor for a period of not more than three years or suspension of qualifications for a period of more than seven years".

Monetary funds or property received in the form of a bribe were subject to confiscation (in Article 134 of the Criminal Code of the Republic of Korea).

It should be recognized that the strict penalties for corruption in the form of bribery or abuse of official position, fixed in the Criminal Code, cannot in itself be a guarantee of eradicating these types of corruption. Always and in every class society there is a problem of the right to use. In Korea, the above-mentioned norms of the criminal code practically did not work in the years under review. To begin with, after their adoption, the country began post-war economic recovery. Natural resources were mainly in the north of the country, there was huge destruction, lack of financial resources, most of the peasants, having land plots, eked out a miserable existence, since the purchase prices for agricultural products were below the cost price, there were no available loans for peasants, and representatives of small and medium-sized businesses. The country was heavily dependent on US economic aid, which accounted for 50% of the budget and 70% of military spending.

The distribution of incoming aid was handled by government officials and representatives of the ruling party. They came up with a scheme of so-called "emergency events", which were financed through a small group of businessmen who themselves profited from lucrative loans, tax breaks, special exchange rates, but also provided kickbacks in various forms. Within a few years, these businessmen

formed financial and industrial groups that monopolized the sales market, which led to the actual "strangulation" of small and medium-sized businesses. Therefore, it was quite rightly noted that "abuse of office, and insatiable embezzlement have become the norm in government circles".

He came to power in 1961 as a result of a military coup. President Park Chong He became the second Korean economic miracle - he led a rather tough policy of combating corruption and organized crime. During the presidential administration, a special department was created, which was engaged in tracking all the connections of high-ranking officials in order to prevent any misconduct. The following fact speaks volumes about the scale of corruption: on May 16, 1961, about 40 thousand civil servants were dismissed for involvement in corruption cases. In addition, 4 thousand political and public figures were banned from engaging in political activities for 6 years.

After his death (assassinated) in 1979, amid the weakening of control by the authorities, corruption began to flourish, both during the military regime of General Chong Doo Hwan (reign: 1980-1987), and during the reign of President Ro Daewoo (reign: 1988-1993) during the first direct alternative elections (although the provisions of the Criminal Code punishing bribes and abuse of office have not disappeared).

With the coming to power of the civilian president Kim Yong Sam in 1993. the fight against corruption has become an integral part of Korean politics. Work has begun on creating a system for limiting and enhancing punishment for corruption offenses. Kim Yong Sam believed that corruption should be fought not only by law enforcement agencies, but also by the entire state, creating socio-political, economic, as well as legal conditions for its prevention. That is, the fight against corruption has become a national policy. He said: "people have a deep distrust of politics, corruption and immorality are on the rise". This, for example, required a sharp reduction in unreasonable prohibitions and restrictions on bringing business, mitigation of punishment for non-dangerous offenses. For example, the filed by Kim Yong Sam at that time,

in order to obtain permission to open a plant, it was necessary to collect 312 documents and go through 60 stages of approval and registration.

It is noteworthy that during the reign of Kim Yong Sam (1993-1998), convictions for corruption and high treason were passed against former presidents Chon Doo Hwan and Ro Daewoo. A similar fate befell the youngest son of President Kim Yong Sam Hyun Chol in 1997. He was sentenced to three years in prison, but then amnestied. Kim Yong Sam's popularity after the scandal fell to 3.8% (instead of 80% at the beginning of his presidency).

The main method of personnel cleansing under President Kim Dae Jung (reign: 1998-2002) was the fight against corruption. From the very beginning of his activity, he stated that the main reason for the crisis is the merging of the top authorities, law enforcement agencies and big business. In addition, the fight against corruption was included in the list of requirements of the International Monetary Fund, from which Korea received a large loan in 1997, the provision of which was economic reorganization.

During the reign of Roh Moo-hyun (reign: 2003-2008), several corruption scandals ended in fact leading the accused officials to suicide (according to the national tradition of this country, only death washes away all sins). It is noteworthy that a similar ending awaited No Mu-hyun himself, who, in fact, repeated the fate of the officials convicted under him: he threw himself off a cliff, since the appropriated amount was large, and it was no longer possible to hide his personal involvement.

Since then, each new president has fought against corruption with even greater zeal, but each of them has become a victim of corruption scandals in full accordance with the formula: "the initiative is punishable", because if not they, then their closest relatives or assistants ended up in places of imprisonment precisely for corruption, for banal bribes. At the same time, researchers note that at the household level, South Korean society is one of the most decent in the world.

After a series of high-profile corruption scandals in South Korean society, largely by the suppression of non-governmental public organizations, there was an understanding of the

need to establish a separate body that would deal exclusively with this problem. As a result, the parliament of the country adopted a corresponding normative legal act - the Law "On the Fight against Corruption" dated July 24, 2001 No. 64942.

On February 29, 2008, in line with the philosophy of the Lee Myung Bak administration (reign: 2008-2013) "for a small government and a government serving the people", the Anti-Corruption Law was passed. In addition, through the consolidation of institutions such as the Korea Independent Commission against Corruption (hereinafter referred to as KICAC), the Anti-Corruption and Civil Rights Commission (hereinafter referred to as ACRC) was established by the Administrative Appeals Commission of the Korean Ombudsman. The aim of this integration was to provide citizens with a single service and save the costs associated with having three organizations.

Citizens were provided with a single service for handling complaints, filing administrative appeals and fighting corruption in a faster and more convenient way.

In addition to the ACRC, Korea has six main government actors involved in anti-corruption activities: the Presidential Secretariat; the office of the prime minister; Audit Commission (hereinafter - BAI); the prosecutor's office; general inspector of each ministry; Minister of Public Administration and Security (hereinafter - MOPAS).

Of these six bodies, prosecutors, BAI and MOPAS are at the forefront of the fight against corruption. The prosecutor's office has the right to investigate and prosecute various crimes. In addition, she directs them to the police and other investigative bodies, submits petitions for proper

Enforcement of laws, and also supervises the execution of criminal sentences.

BAI was established under the BAI Act as the supreme audit and inspection organization among government agencies to prevent corruption in Korea. She performs her duties independently. MOPAS systematically maintains the reporting and disclosure of assets of civil servants in order to prevent corruption and increase transparency.

Since the main function of the ACRC is to combat corruption, when it receives corruption complaints, it transfers this information to either the prosecutor's office or BAI for investigation. To date, there is a formal memorandum of understanding between the High Office and the ACRC regarding cooperation. ACRC and MOPAS cooperate on conflict of interest issues. In addition, MOPAS selects almost all new candidates for the civil service.

V. CONCLUSION/ RECOMMENDATIONS

Many high-profile revelations in the country are rightly associated with the work of this particular department. She revealed a number of facts of participation in corruption schemes of former and current assistants to the head of state, deputies from the ruling and opposition parties, representatives of business structures.

Thus, the South Korean authorities became famous all over the world for the fact that they were able to prosecute two former presidents of the Republic of Korea. At one time, ex-presidents of the country, Chong Doo Hwan and Ro Daewoo, were sentenced to death (the sentence was later changed to a prison term), and the heads of almost all of the country's largest concerns have visited places of detention. At the same time, the pressure of public opinion in Korea is such that such scandals, as a rule, are extremely difficult to keep silent.

In conclusion, it can be noted that the Republic of Korea has an effective anti-corruption policy and legislation and, although corruption crimes are committed, they are severely suppressed and condemned by the public, and it does not matter who takes bribes - an ordinary employee, a police officer or the president. All this testifies to the victory of the state over systemic corruption. As a result, the South Korean government's anti-corruption measures have a positive impact on the country's international image.

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