

Corruption crimes in the sphere of housing and communal services sector

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Abstract.

The article deals with the problems of corruption crime in the sphere of housing and communal services. Criminologists believe that almost all public relations established and protected by law, including in the field of housing and communal services, can be subject to corruption. The reason for this situation is that the state regulation of the sphere under consideration gives rise to a corruption defeat of the established decision-making procedure due to the mercenary actions of responsible officials.

Corruption as a factor affecting the state of crime in the sphere of housing and communal services is a significant obstacle to the development of not only the industry itself, but the entire economy as a whole. Corruption crime in the sphere of housing and communal services has a determining effect on other types of crime in the territory of the Russian Federation.

It is necessary to consider the problems of the development of corruption crime in the sphere of housing and communal services to work out subsequently a unified state strategy for ensuring the financial security of the housing sector in Russia, an integral part of which should be the reform of criminal law and the improvement of law enforcement.

Keywords: economy, offenses, bribe

1. Introduction

Currently, corruption crime permeates all spheres of the state economic activity. This negative phenomenon is most clearly manifested in the public sector, from which housing and communal services are financed.

In this regard, taking into account the social significance, the volume and scale of financial investments in the development of the housing and communal services sector, the priority areas of law enforcement activity in the housing and communal services sector should be the detection of corruption-related crimes: facts of embezzlement of budgetary funds, as well as crimes related to the placement of state and municipal orders, including those made by officials of customer organizations.

The aim of the paper is to analyze the determinants of corruption crime in the sphere of housing and communal services and to propose methods to combat it by reforming criminal law.

2. Body of paper

Methods

When writing this paper, in order to achieve the formulated goal, we used the general scientific dialectic method of cognition, as well as private scientific methods: the logical-legal method was used to disclose the concept and essence of corruption crime, the criminal law characteristics of these criminal acts. Statistical and sociological methods were necessary in studying and generalizing judicial practice.

The modern sphere of housing and communal services is one of the largest branches of the modern economy, functioning in the sphere of interests of the entire country population and the majority of state and municipal authorities. It is an industry with guaranteed demand. In the Russian Federation, over 4.5 million people are employed in this area, and the average annual production volume in this industry exceeds 5% of the entire state's GDP. The annual turnover of the housing sector is 4.14 trillion roubles, and the collection rate is 96% (Strategy for the development of housing and communal services in the Russian Federation for the period until 2020).

A significant part of industry financing is budgetary. About 80 billion roubles are annually supplied to the industry from the federal budget. However, an effective system of proactive joint control by financial and law enforcement agencies over the expenditure of large funds, which are allocated by budgets of all levels to reform the sphere of housing and communal services, has not been created yet. In such conditions of the ongoing reform of the housing and communal services sector, investment in its development of significant federal and local budget funds, as well as funds of private investors, there is a need to protect it from further criminalization. In the meantime, we have to admit that the allocated funds are increasingly becoming the subject of economic and official crimes.

In this regard, President of the Russian Federation V. Putin instructed the General Directorate of Economic Security and Anti-Corruption of the Ministry of Internal Affairs of Russia, together with the Prosecutor General's Office of the Russian Federation, the Investigative Committee, and the Federal Service for Financial Supervision, to conduct a series of measures to identify and combat corruption crimes committed in the housing and communal services sector.

One of the characteristic criminological features of crimes committed in the sphere of housing and communal services is their merging with corruption crime. At the same time, it should be noted that the issues of combating crime in the sphere of housing and communal services have recently become the focus of attention of senior officials of the state, which allows us to conclude that this social and legal phenomenon is a state-wide problem, the solution of which requires not just strengthening control at the highest level, but also the intensification of activities to counter these criminal phenomena.

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According to the Prosecutor General's Office, an analysis of the activities of the investigating authorities of the Ministry of Internal Affairs in combating crime in the housing and communal complex system showed that there were numerous violations in investigating criminal cases of this category. In a number of criminal cases, legal decisions were not taken within three to five years; criminal proceedings were often suspended unreasonably, due to incompletely investigated circumstances; sufficient measures were not taken to compensate for the damage caused by criminal activity. (Makarova, 2015)

Thus, it is noteworthy that, along with the growing trends in the economization of corruption in the sphere of housing and communal services, corruption has turned into an independent internal problem of the functioning and activities of law enforcement agencies that identify and investigate crimes committed in the sphere of housing and communal services.

The Prosecutor General of the Russian Federation, Yu. Chaika, drew attention to the low level of legality in the housing sector (The General Prosecutor's office of the Russian Federation held a panel on the state of legality in the sphere of housing and communal services, 2014). He pointed out that numerous offenses took place in almost all its segments; it was significantly criminalized and prone to corruption risks. In this regard, it is necessary to increase the effectiveness of prosecutorial supervision and the activities of all authorized persons, including law enforcement agencies in this area.

The results of prosecutorial inspections indicate a trend towards a significant increase in the number of violations in the housing sector.

Corruption as a factor affecting the state of crime in the sphere of housing and communal services is a significant obstacle to the development of not only the industry itself, but the entire economy as a whole. In addition, this crime has a determining effect on other types of crime in the territory of the Russian Federation.

We should agree with V.V. Kazakov's opinion, who revealing the criminological features and the heterogeneous structure of crime in the sphere of housing and communal services, rightly noted that "crime in the sphere of housing and communal services is a symbiosis of at least three types of crime: self-serving, economic and corruption" (Kollantai, 2013).

Experts agree that almost all public relations established and protected by law, including in the sphere of housing and communal services, can be subject to corruption. The reason for this situation is that where there is state regulation (or the provision of state, even wider – public services), a corruption defeat of the established decision-making process due to self-interested actions of responsible officials is possible. However, in spite of the recent increased activity of law enforcement agencies in detecting the aforementioned crimes, they continue to remain highly latent, including due to individual corruption ties, which helps to avoid bringing the perpetrators to justice. This is due to the fact that not only workers in the sphere of housing and communal services, but also employees of regulatory bodies are often involved in committing criminal acts.

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Practice shows that the most common crimes in the sphere of housing and communal services are various forms of embezzlement of funds allocated from the federal or local budget for the overhaul of residential buildings, various communications. (Kazakov, 2011) This also includes crimes that are related to the theft of funds collected from homeowners for maintenance and overhaul, including a fraudulent way, in particular by overstating the volume of work performed. There are also cases of unlawful use by resource-supplying organizations of a dominant position, coercion of counterparties to conclude contracts on enslaving terms, as well as episodes of unauthorized connection and insertion of third-party consumers to utility networks and pipelines. In this connection, prosecutors have revealed numerous abuses in the work of authorities and local self-government bodies, often associated with affiliation with housing and communal services organizations and improper exercise of control powers.

The analysis showed that the greatest prevalence and public danger are economic crimes related to the use of various schemes in which payments that are collected from the population are withdrawn from the turnover of housing and communal services enterprises to the checking accounts of non-resident enterprises, including those registered in offshore zones, which is confirmed analysis of information from the Russian financial monitoring. Such corruption schemes that have developed in the sphere of housing and communal services can be typologized as follows: a) corruption that manifests itself in the collection of fees for services that were not provided at all, or the collection of double tariffs for the provision of the same service; b) corruption at the stage of connecting to communications; c) corruption in horticultural associations; d) restriction in the provision of housing and communal services with the aim of seizing real estate; e) corruption in the commissioning of residential facilities.

The study of such a criminological indicator as the structure of crime in the sphere of housing and communal services allows concluding that the crimes of the studied group – committed in the sphere of housing and communal services include acts that are mainly covered by the following articles of the Criminal Code of the Russian Federation: 159, 159.4, 160, 165, 171, 172, 174, 174.1, 195, 196, 197, 201, 204, 215.1, 215.2, 216, 238, 285, 285.1, 285.2, 286, 290, 291, 291.1, 292, 293, 330 of the Criminal Code, if they are connected with: 1) violation of the law when spending money provided from budgets of various levels and state extra-budgetary funds for the needs of housing and communal services; 2) illegal spending of money received from citizens as payment for housing and communal services; 3) the illegal establishment of tariffs, standards and other types of fees for housing and communal services; 4) the criminal bankruptcy of enterprises in this sphere; 5) using common property for financial gain, if the funds received were used by management companies for other purposes. The facts of extorting bribes by officials in the form of “kickbacks” for allocating budget funds to enterprises engaged in housing and communal services are widespread, which can also be considered as one of the forms of corrupt behavior.

Combating crimes committed in the housing and communal sector as well as the prevention of corruption-related crimes is the priorities of The General Prosecutor’s Office and the Ministry of Internal Affairs of the Russian Federation; it requires economic security and anti-corruption from these departments (DES and AC), improving work efficiency in this direction. At the same time, the results of our study show that no market mechanisms in the housing and communal sector can function effectively without eliminating systemic corruption phenomena, especially in the distribution of state and municipal orders.

Taking into account what we have already stated, the social significance, volumes and scale of financial investments in the development of the housing and communal services sector, the priority areas for the activities of law enforcement bodies in the housing and communal services sector should now be the detection of corruption crimes, theft of budget funds, as well as crimes related to the placement of state and municipal orders, including those committed by officials of customer organizations of authorized bodies, auction commissions and commercial organizations – bidders.

Results and Discussion

The results of the study can be formulated as follows:

1. Having analyzed the most typical corruption-related offenses, which are manifested in almost all segments of the housing and communal services, it must be concluded that embezzlement is their main form.
2. The priority areas of law enforcement in the housing sector should be the detection of corruption crimes, theft of budget funds, as well as crimes associated with the placement of state and municipal orders.
3. It is necessary to increase the effectiveness of prosecutorial oversight, the activities of law enforcement agencies in the framework of the struggle against corruption crimes in the housing sector.

The outcomes obtained allow suggesting the following recommendations: It is necessary to constantly analyze corruption crime in the sphere of housing and communal services, to identify its new forms in law enforcement, which helps to develop and conduct criminological methods for combating these offenses in order to ensure the financial security of the state is needed.

3. Conclusion

All the circumstances, which have been mentioned, determine the necessity for a further analysis of the corruption component of law enforcement and the intensification of special criminological and criminal law research on combating crime in the housing and communal services sector for the subsequent development of a unified state strategy to ensure the financial security of the housing sector in Russia, an integral part of which should be the reform of criminal law and improving law enforcement activities.

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