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СЕКЦИЯ «ИСТОРИЯ»

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THE CONTEMPORARY PROBLEM OF POLICE CORRUPTION

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Corruption is the illegal use of legitimate authority. Any behavior that abuses and therefore crosses the parameters of one's power can be classified as corruption. Corruption is a complex problem which requires the systematic and integrated attitude; the phenomenon of corruption can be understood not only as a juridical question or criminal offence but also as the problem of culture, particular turn of mind of society, mentality and accredited social standards. Unless and until the society realizes that corruption is not only a criminal act but also a considerable ethical problem, the methods of fighting against corruption can give tangible results. Corruption is one of the most dangerous social phenomena which increases danger to the rights of man, democracy and juridical state, distorts social justice, competition and trade conditions, reduces the growth of economy, puts a strain on the government, stability of institutions of state and local government and public morals. Defining police corruption can be difficult, as it is regarded as a complex and many layered concept with varying degrees of severity. In the study by Newburn [3], the terminology and semantics of the words 'corruption' and 'misconduct' also cause debate: some view corruption as the collective term, whereas others view misconduct or gross misconduct as the generic and broader category. Both terms are seen as very serious and impact on perceptions of the police force. In the study by Arriago & Claussen [2], police corruption carries high costs. First, a corrupt act is a crime. Second, police corruption detracts from the integrity of the police and tarnishes the public image of law enforcement. Third, corruption protects other criminal activity such as drug dealing and prostitution. Protected criminal activities are often lucrative sources of income for organized crime. In the study by Miller [2] concluded that corruption exists at police circles at all, to how much of this is now accepted and encouraged, the question of police corruption is a revealed and open secret. It's no longer a question of whether corruption exists, but how much corruption is present at different hierarchical levels of law enforcement agencies and what can be done to prevent widespread corrupt practices. Police corruption is any illegal conduct or misconduct involving the use of occupational power for personal, group or organizational gain. The authors explain further that in order to be considered as corrupt, the act in question must be a violation of civil law or legally qualify as misconduct. Moreover committing the act should be facilitated by power, knowledge, access, credibility or means available to an officer by virtue of him being a member of the police service. Also, the act must be motivated by the desire to achieve some form of personal gain or a group or organizational benefit or reward. They analyze the different elements within this definition including the elements of 'personal/organizational gain', 'corrupt or illegitimate use of the police', 'occupa-

tional power or authority by virtue of being in the police force' and 'improper conduct' that is inappropriate in legal and social terms. Corruption is the work of a few, dishonest, immoral police officers. Experts dismiss this theory because it fails to explain why so many corrupt officers become concentrated in some police organizations but not others. Unenforceable laws governing moral standards promote corruption because they provide criminal organizations with a financial interest in undermining law enforcement. Since corruption involves criminal behavior, prosecution of corrupt police officers is possible. Since prosecutors depend on the police to gather evidence and develop cases, however, they often don't want to "bite the hand that feeds them". Corruption undermines the effectiveness of law enforcement, the efficiency and legitimacy of police forces/services in the performance of their functions and erodes the public confidence in law enforcement and justice. Police corruption or wider forms of misconduct were rarely raised as spontaneous issues. On prompting, police corruption was regarded as a relevant concern, but perhaps seen as less important and salient than other, more top of mind 'global issues', especially those impacting directly on individuals' lives.

Lithuanian people place corruption as the third one among the leading problems, it takes the first place according to state and council workers but entrepreneurs give the fourth place to corruption. By all accounts of participants of the research currently much more important problems are such as economic conditions, unemployment and great dues. Corruption is one of the most dangerous social phenomena which increases danger to the rights of man, democracy and juridical state, distorts social justice, competition and trade conditions, reduces the growth of economy, puts a strain on the government, stability of institutions of state and local government and public morals. First of all, corruption is related to an undue extent of bureaucracy and regulation, non-existence of decisions discretion and accountability balance. The criminal acts of corrupt character in the act of corruption prevention of the Republic of Lithuania are described as bribery, influence marketing, a bribe and other criminal acts if they are rendered in the public administrative sector or extending public service aiming for profit for themselves or other parties such as corrupt practices or going beyond their commission, misuse of official authority, falsification of papers or measures, fraud, wealth appropriation or dissipation, revelation of a service secret, disclosure of a commercial secret, introduction of false information about income, profit or wealth, capital or money legalisation which are obtained in criminal manner, interference in the proceedings of a public official or a person who fulfils public administrative functions or the rest criminal acts which result in taking or trying for a bribe, bribery or covering up for bribery.

In the named cases when a criminal act is done or is being done which can be named as corruption two basic components have to be distinguished such as people who take part in this crime, their motives, interests and the vulnerable rules of law (traditionally crime elements are examined by jurists, which are a subject, object, objective aspect, subjective aspect) between orderliness (or mostly indiscipline) which allows to pay money to one side and to take money for appropriate services to another side. Otherwise the authoresses want to emphasize that there is a giver whose motives are mostly to tackle problems which occur and a taker whose

motive is material well-being which allows corruption to appear. The analysis of acts of law of the Republic of Lithuania has shown that according to the purview various types of corruption are recognized in our country: Administrative corruption (corruption which is related to the civil service); Political corruption; Corruption in a private sector; Corruption in the international economic intercourse and corruption which is related with international organisations.

As Lithuania joined the European Union the great attention was paid to the development of juridical base of corruption prevention. We have to admit that though the juridical base was developed, however, the law security of our country was not very powerful since it did not have the centre which could coordinate the research of corrupt crimes. "In consequence of the development of means' control and prevention of crimes related with corruption" on the 15th of March in 1996, decided to establish a particular institution in 1997 which could fight against corruption according to the international commitments (since 1995 the European convention due to the search, arrest and confiscation of money-laundering and income obtained by criminal behaviour which was accepted by the Council of Europe have become effective in Lithuania). According to the act No 135 "In consequence of the establishment of the Special Investigative Service near the Home Office" on the 18th of February in 1997 the government entrusted the functions of fight against corruption and crimes for civil service to the modern institution of law security. According to the accomplished analysis of Lithuanian acts of law of incorruptibility the authoresses have grouped them in the following way:

1. The decrees which define legal responsibility for corruption actions (Criminal Code, Executive Offence Code and Civil Code), the law of their variation and addition;
2. The rest decrees (Corruption prevention, Declaration of people's wealth and earnings, Coordination of public and private interests in the civil service, Public purchases, Public management, Civil service decrees, Criminal procedure code, Civil procedure code, Legal proceedings of administrative cases, Prevention of money-laundering, Grounding of capital procurement and income legitimacy, Competition, Lobby practice, Sponsorship control of political campaigns, Sponsorship of political parties and organisations, Special investigative service, Fundamentals of national security, Participants of criminal procedures and intelligence service, Security of officers of law enforcement institutions against criminal effect, Decrees of prevention of arranged criminality, Decrees of their variation and addition and etc.);
3. The acts of law accredited by the government, the decrees of Prime Minister, the decrees of the leader of Lithuania's police and the State Border Guard Service which define the particular means of a fight against corruption such as the accredited resolution of the government No 4-805 "In consequence of the confirmation of the programme of the national fight against corruption of the Republic of Lithuania in the year 2011-2014" on the 16th of June in 2011, the decree of the leader of the State Border Guard Service No 4-805 "The programme of corruption prevention of the State Border Guard Service near the Home Office of the Republic of Lithuania in the year 2011-2013" on the 20th of Decem-

ber in 2010, the decree of the general commissioner of Lithuania's police No 5-V-447 "In consequence of the programme of a fight against corruption in the police in the year 2012-2014 and the confirmation of its means' scheme" on the 7th of June in 2012, the decree of the general commissioner of Lithuania's police No 5-V-448 "In consequence of the confirmation of means' scheme in the year 2012-2014 of a fight against corruption in the traffic police" on the 7th of June in 2012.

We have to admit that though the juridical base was developed, however, the law security of our country was not very powerful since it did not have the centre which could coordinate the research of corrupt crimes.

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MANIFESTATION OF CORRUPTION IN LITHUANIA'S POLICE AND IN THE STATE BORDER GUARD SERVICE

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In the study by Pivoriunas [2] and Jociene [1], concluded that the manifestations of corruption are everywhere the government and its institutions which make decisions exist. Corruption is a generic disease that has pervaded every aspect of society, so much so that even law enforcement agencies have not been spared. Corruption within the legal and judicial system especially those within the police and law enforcement departments has been a source for concern for ordinary citizens and political administrators. Corruption exists where the government is. The manifestations of corruption are everywhere the government and its institutions which make decisions exist. Scientists started showing interest in the problem of corruption only on the second part of decade when Lithuania became independent. The national development of law pays most attention to the administrative corruption and the prevention of officers' misuse at work. As a result, further to this article the authoresses are going to pay most attention to manifestations of corruption in Lithuania's police and the State Border Guard Service. Corruption in the police is any behaviour of a police officer, career public official or worker who works under the employment contract which does not correspond to the given authority or stated morals and strive for a profit for himself or other people thereby he does much harm to the interests of people and the police system or it is the stimulation of such behaviour. To read on the authoresses are going to analyse the corruption of the 1st half-year in 2013 as compared to the 1st half-year in 2012 as it has been mentioned before that the Immunity department in Lithuania was established in August in 2011. Since the year of 2012 great attention is being paid to the registered cases of