



The Experience of Finland and Denmark in Combating Corruption in the Education System and Opportunities for Uzbekistan

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ABSTRACT

This article is devoted to the topical issue of improving the fight against corruption in the education system of Uzbekistan. The article's aim is to analyze the experience accumulated by Finland and Denmark in the fight against corruption in the education system in order to study the possibilities of applying the most successful practices of these European states in Uzbekistan. The research methods were the following: analysis of scientific literature and legal acts, comparative legal analysis, induction, deduction and forecasting. The article's author comes to the conclusion that, by analogy with Finland and Denmark, it would be useful for Uzbekistan to reduce the size of the apparatus of the Ministry of Education, optimize its work, develop and implement an ethical code for workers in this area, conduct more public discussions on this topic, jointly with the Anti-Corruption Agency to develop and implement anti-corruption education programs. It would also be useful for Uzbekistan to improve its anti-corruption legislation in accordance with the Council of Europe Criminal Law Convention on Corruption and its additional protocol, it should provide funding for all types of educational institutions in the state budget through the provision of social grants with a strict system of control over spending budget funds exclusively for development these institutions

Keywords:

Combating corruption, education system, Finland, Denmark, experience for Uzbekistan.

Denmark and Finland are leading countries in the fight against corruption. They were able to achieve this thanks to comprehensive measures to counteract this phenomenon in all areas of public life, including education. Let us pay attention to the fact that there is no special national strategy for combating corruption in the field of education in these countries: high results are achieved mainly as a result of the application of preventive measures. In this regard, it is proposed to study their experience in more detail.

Denmark takes a leading position in the fight against corruption for a number of reasons:

1. Effective interaction between the legislative, law enforcement (executive) and judicial systems. The perfection of Danish anti-corruption legislation is manifested in its compliance with international standards. In particular, Danish law provides for all types of corruption, which are specified in the Council of Europe Criminal Law Convention on Corruption¹ and additional protocol to it,

¹ Конвенция об уголовной ответственности за коррупцию (заключена в г. Страсбурге 27.01.1999) // Правовая система «Консультант плюс». — URL: http://www.consultant.ru/document/cons_doc_LAW_121544/ (дата обращения: 27.07.2022).

except for Art. 12 on trading in influence.² Denmark has over twenty laws providing for liability for corruption offences. At the same time, the Danish Criminal Code distinguishes between bribery of officials and individuals and distinguishes between different types of bribery: “active public bribery” (the Article 122), “passive public bribery” (the Article 144) and “private bribery” (the Article 299 (2)) (active and passive).³

The first two types apply to the concept of an official, interpreted in accordance with the Convention ratified by Denmark. A public official is a person who has been elected, employed or acts on behalf of any Danish state or municipal authority, as well as a person who enters on behalf of the state into a relationship with a foreign state or international organization (in particular, the UN or NATO).

The third type covers manifestations of bribery in the private sector. This distinction provides an opportunity to act pointwise in solving specific problems, including those that take place in the field of education, since they affect not only public officials, but also private individuals.

At the same time, anti-corruption activities in Denmark are accompanied by a gradual tightening of penalties for corruption violations. In particular, under the Article 122 of the Danish Criminal Code provides for a fine or imprisonment for up to three years. According to the Article 144 of the Danish Criminal Code, the term of imprisonment was increased to six years. According to the Article 299 (2) provides for a fine and imprisonment for up to one year six months.

2. In Denmark, there is no special state anti-corruption agency, so law enforcement agencies are involved in investigating corruption crimes.

² Федоров А.Г., Крутиков В.К., Шаров С.В. Законодательное обеспечение эффективной борьбы с коррупцией и мошенничеством // Вестник Алтайской академии экономики и права. – 2019. – № 12. – С. 203.

³ Criminal Code of Denmark. – URL: <https://www.legislationline.org/documents/section/criminal-codes/country/34/Denmark/show> (reference date: July 27, 2022).

3. The principle of transparency is in place, enshrined in the Corruption Act 2002, which requires the Danish government, including ministers, to declare their income and property. Danish civil servants cannot hold shares in foreign companies. Representatives of the Danish Parliament have the right to receive information about the activities of ministers. During parliamentary sessions, ministers, including the Minister for Children and Education, issue reports and are asked questions about their involvement in corrupt relationships, if there is suspicion. This is extremely important for the development of the education system, since it is financed mainly from the state budget, and all allocated funds must reach the addressee. At the same time, Danish law provides for the possibility of anonymous reporting of corruption.⁴

4. The principle of interaction. It means cooperation in combating corruption of the public and private sectors. To do this, special anti-corruption agreements are used, the violation of which leads to a deterioration in the image and deprivation of companies of lucrative contracts.

It seems that this principle is of great importance for the education sector, since one of the priority tasks of the state is to attract foreign investment in the development of the national education system. At the same time, the practical implementation of the principles of transparency and interaction is a reliable guarantee for investors.

5. The principle of “zero tolerance”, which means “absolute intolerance” to any manifestations of corruption.⁵ It is provided by legal education by strengthening moral values; development of ethical codes of official

⁴ Мировой опыт борьбы с коррупцией и российские реалии. Специальный доклад // Центр политической информации. М., 2018 г. – URL: http://polit-info.ru/images/data/gallery/0_343_korrupciya.pdf. С. 18-19. (дата обращения: 27.07.2022).

⁵ Anti-corruption Policy // Ministry of Foreign Affairs of Denmark, October, 2018. – URL: <https://um.dk/en/danida-en/about-danida/danida-transparency/anti-corruption/> (reference date: July 27, 2022).

conduct; formation of the legal culture of the individual from an early age; adherence to the principles of openness, honesty and transparency.

Let us now single out the directly positive aspects of the fight against corruption, which are common in the Danish education system. They are based on the simplicity of the organizational structure. In particular, the Danish Ministry of Education includes a minister, a permanent secretary and two departments, all information about them is presented on the official website of this Ministry. All powers of structural divisions are clearly delineated. In the field of education, constant control is carried out in two directions: control of specific public officials and control of the education system as a whole. The latter is implemented within the framework of the National Educational Advisory System, created in 2011, which provides services to people under 25, but anyone can get advice.

Counseling centers provide information on training and employment opportunities, combining work with education. We believe that this practice is very convenient and effective in preventing corruption, since consultations can be received remotely, without leaving home in any way, the information provided is relevant, objective and excludes the so-called “pull” employment.⁶

For Uzbekistan, the opening of such counseling centers would be very relevant, since at present there are many problems in the country with informing young people about training opportunities with subsequent employment, which, of course, is a factor that increases the level of corruption. These problems were identified as a result of a comprehensive study conducted by the World Bank in 2021.⁷

⁶ Guidance in Education – the educational guidance system in Denmark. Published by Euroguidance Denmark, The Danish Agency for Higher Education, 2014. – P. 4. – URL: <https://www.euroguidance.eu/guidance-system-in-denmark> (reference date: July 27, 2022).

⁷ Онорати М., Маргери А. Трудоустройство молодежи в Узбекистане: проблемы и вызовы

The control of the Danish education system is realized through the financing of public and private educational institutions. This works as a measure to prevent corruption. Funding is provided through a system of social grants, which are received by private schools that meet the specific requirements of the Danish Ministry of Education:

- Grades 1-7 should be attended by at least 28 children, in the first year of operation of the school at least 12 students are allowed, and in the second - at least 20;

- It is forbidden to spend the allocated funds not for the benefit of the development of the educational institution;

- It is not allowed to own a school to a private person and receive private profit from its activities;

- The educational institution must be self-governing, have a board of governors accountable to the Ministry of Education and a regulation on the use of all net assets in the event of school liquidation.

These measures prevent “money laundering” in the Danish private education system. At the same time, universities cannot be private organizations, and public servants cannot receive education for free.⁸

In the Criminal Code of Finland⁹ there is no concept of “corruption”. Instead, the term “bribery” is used, which is applied to officials, which carries penalties ranging from a fine to imprisonment for more than four years, depending on the seriousness of the offense. The state does not have a special law on corruption and control over it. Corruption is

// Всемирный банк. Вашингтон 2021. – С. 82-87. – URL: <https://documents1.worldbank.org/curated/en/235891634705237783/pdf/Youth-Employment-in-Uzbekistan-Opportunities-and-Challenges.pdf> (дата обращения: 27.07.2022).

⁸ Ministry of Children and Education in Denmark. – URL: <https://eng.uvm.dk/primary-and-lower-secondary-education/private-schools-in-denmark> (reference date: July 27, 2022).

⁹ Criminal Code of Finland. – URL: <https://www.legislationline.org/documents/section/criminal-codes/country/32> (reference date: July 27, 2022).

considered part of the criminal offense and is regulated by the Constitution, the criminal code, civil service legislation, administrative instructions and other by-laws. At the same time, ethical standards are important.

Compliance with anti-corruption legislation is monitored in Finland by judicial and law enforcement agencies with a special role in this process of the Chancellor of Justice and the Parliamentary Ombudsman, who are appointed by the country's president, but are independent in their activities and have the necessary tools and rights to conduct and take investigation measures.

Charges against senior officials, including the president of the country, are considered by a special institution – the State Court, convened as needed. This institution is headed by the president of the Supreme Court, it also includes the chairman of the Administrative Court, the Court of Appeal and five delegated deputies of parliament. In essence, this is a “court of impeachment” that decides on the removal of senior officials from office. If a person participates in corruption manifestations, neither a high position, nor public popularity, nor a deputy mandate helps him.

In Finland, unlike most European states, there is no practice of political appointments (except for political positions in the prime minister's office). The central and local administration is very permanent; it consists of professional officials who are appointed for a minimum of five years. The structure of the civil service is well-proportioned, and its apparatus is not very numerous. The rights, duties and responsibilities of Finnish civil servants are clearly defined and monitored. In particular, the official to the right to maintain his own opinion, despite the position of his superiors. The minister may make a political decision that is different from the proposal of his employee, but it will not be legally binding if he does not put his visa, as he is legally responsible for the decisions. If a minister or government makes a decision that is contrary to that proposed by the respective official, the latter can avoid legal liability by submitting a written appeal. In this regard, the Finnish anti-corruption system can be considered effective,

since it requires double work from a potential bribe giver – he will have to defeat the official who makes and prepares a specific decision.

In Finland, there is a rule of public administration and openness, which implies free criticism from colleagues, citizens and the media. All minutes and records of discussions (transcripts) made by the public administration are open to citizens. At the same time, it is not necessary to speak about the uniqueness of the “Finnish model” of fighting corruption, since it is based on a high level of socio-economic development and the formation of conditions that do not create a breeding ground for corruption and minimize manifestations of corruption, which, in turn, makes it effective to deal with them. In Finland, social stratification is minimal: the difference between the incomes of the poor and the rich is 3.6 times. This country has the lowest percentage of people living below the poverty line in the world, it is about 3.8%.¹⁰

Thus, the analysis of the Finnish anti-corruption model allows us to conclude that, in relation to the field of education, it would be useful for Uzbekistan to reduce the size of the staff of the relevant ministry, optimize its work, develop and put into effect a code of ethics for workers in this area, which does not allow participation in corruption manifestations, increase transparency and openness of decisions made, conduct more public discussions on this topic, and the Ministry, together with the Anti-Corruption Agency, develop and implement anti-corruption education programs. An analysis of Denmark's anti-corruption experience in the field of education indicates that it is predominantly preventive in nature, and the effectiveness of the fight against corruption becomes a natural consequence of educating society into intolerance towards corruption in the public and private sectors. It is useful for Uzbekistan to improve its anti-corruption legislation in accordance with the Council of Europe Criminal Law Convention on Corruption and its additional protocol. In Uzbekistan, it is useful

¹⁰ Дерябин Ю.С. Можно ли одолеть коррупцию? (опыт Финляндии) // Современная Европа. – 2005. – №1 (21). – С. 75-76.

to apply the practice of Denmark, when parliamentarians, during the report of ministers, can ask questions about their participation in certain manifestations of corruption, if there are reasonable suspicions, as well as about the measures taken in the relevant ministries, where law enforcement agencies have already revealed facts of corruption. It is useful in Uzbekistan to adopt the experience of Denmark in creating counseling centers that provide information to young people about the possibilities of training and employment, combining work with education, this will exclude potential employment "through pulls" in the future. Attention should also be paid to state financing of all types of educational institutions through the provision of social grants with a strict system of control over the expenditure of budget funds exclusively for the development of these institutions, etc.

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