

The specifics of implementing international legal provisions on corruption (using the CIS as an example)

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Abstract:

The article examines the specific features of the implementation of international legal norms on combating corruption in the legal space of the CIS. It reveals the doctrinal understanding of implementation as a system of legal and institutional measures ensuring the operation of an international norm within the domestic legal order. Particular attention is paid to the regional adaptation of universal anti-corruption standards through CIS model acts, which translate general international obligations into legal constructions close to the states of the post-Soviet space. The study is based on doctrinal sources, universal international acts on combating corruption, CIS model laws, and the legislation of the Russian Federation. The doctrinal, system-structural, historical-legal, formal-legal, and comparative-legal methods were used. It is established that CIS model acts form an intermediate level between universal international legal norms and the national legislation of the member states. Using the Russian Federation as an example, the article shows that the provisions of CIS model laws are reflected in the legal component of implementation through the consolidation of anti-corruption duties, restrictions, declaration procedures, expert review, and monitoring, and in the institutional component through the creation of bodies for coordination, control, and corruption prevention. The article concludes that the implementation of international legal norms on combating corruption in the CIS legal space has a multi-level character and that regional adaptation functions as an independent stage of their realization.

Keywords: implementation, international legal norms, anti-corruption measures, CIS, regional adaptation, model laws, CIS Interparliamentary Assembly, anti-corruption standards, Russian Federation

1. Introduction

For the CIS member states, combating corruption has common significance because their legal systems developed under conditions of close historical and legal evolution and retain considerable potential for coordinated regulation. The relevance of the problem is confirmed by statistical data indicating a persistently high level of corruption risks in the public sector. According to Transparency International's Corruption Perceptions Index for 2024, published in February 2025, Armenia had the highest score among CIS countries, with 47 out of 100, followed by Moldova with 43. Kazakhstan scored 40, Belarus 33, and Uzbekistan 32. The lowest scores were recorded for the Kyrgyz Republic, with 25, Russia and Azerbaijan with 22 each, and Tajikistan with 19 [1]. If one turns to an earlier period, the 2005 Corruption Perceptions Index also shows that most CIS countries were characterized by low values. At that time, the index was calculated on a scale from 0 to 10; for comparability, the values may be conditionally converted to a 0-100 scale. Approximate estimates show: Armenia, about 35; Moldova, 33; Belarus, 32; Azerbaijan, 29; Russia, 29; Kazakhstan, 29; the Kyrgyz Republic, 28; Uzbekistan, 26; and Tajikistan, 27 [2]. For comparison, the global average score is 43, which means that no CIS state reaches even the average global level. These data indicate the systemic nature of corruption in the

region. Universal international legal norms in the field of combating corruption are intended to contribute to resolving this problem. In this connection, the study of the specific features of the implementation of international legal norms at the regional level, including in the CIS countries, is of particular importance.

The purpose of the study is to develop an integral scholarly understanding of the specific features of the implementation of international legal norms on combating corruption, using the CIS as an example.

To achieve this purpose, it is necessary to solve a number of interrelated tasks: to disclose the concept of "implementation of international legal norms" in the doctrine of international law; to identify the specific features of the implementation of international legal norms in the CIS legal space; and, using one CIS member state as an example, to demonstrate how international legal anti-corruption norms are adapted in the regional CIS space and implemented in national legislation.

2. Materials and Research Methods:

1) theoretical and legal doctrines on implementation, including the works of representatives of the Kazan school of international law (G. I. Kurdyukov, R. M. Valeev, L. Kh. Mingazov), universal international legal acts in the field of combating corruption, legal acts of the CIS Interparliamentary Assembly in the field of combating corruption, and national regulatory legal acts of individual CIS member states reflecting the implementation of international anti-corruption standards.

The materials of the study included doctrinal approaches to the implementation of international legal norms, the works of representatives of the Kazan school of international law, universal international acts on combating corruption, CIS model acts, and the national legislation of the Russian Federation.

The methodological basis of the study consisted of general scientific and special legal methods of cognition. The doctrinal method was used to disclose the concept of implementation of international legal norms and to analyze scholarly approaches to its content. The system-structural method made it possible to consider implementation as a combination of legal and institutional components. The historical-legal method was applied to identify the development of anti-corruption regulation in the CIS. The formal-legal method was used to analyze the content of international treaties, CIS model acts, and national legislation. The comparative-legal method made it possible to compare universal anti-corruption standards, their regional adaptation in the CIS, and their implementation in Russian legislation. The methods of analysis, synthesis, and generalization made it possible to formulate the conclusion that the specific feature of the implementation of international legal norms on combating corruption in the CIS is their preliminary regional adaptation through model acts.

3. Results

1. The implementation of international legal norms is a set of legal and organizational measures aimed at ensuring their operation within the domestic legal system. From the standpoint of the Kazan school of international law, implementation includes two interrelated elements: legal and institutional. The legal element is expressed in the recognition of the legal force of an international norm, its coordination with national legislation, and its normative specification. The institutional element involves the creation of competent bodies, procedures, control mechanisms, and law-enforcement mechanisms.

2. Universal international and regional acts in the field of combating corruption form an integral and multi-level normative basis for international anti-corruption cooperation. Within this system, CIS legal acts occupy the place of a regional segment that adapts international legal norms on corruption to the specific features of the post-Soviet space.

5. Discussion

1. In Russian legal scholarship, the category of implementation of international law is understood as a more complex phenomenon than the simple reproduction of an international norm in domestic legislation. The historical and theoretical basis of this approach is formed by studies on the relationship between international and domestic law, originating in Russian doctrine with F. F. Martens [3] and, in Soviet and post-Soviet scholarship, with G. I. Tunkin [4, pp. 154-160], although the special category of implementation in its modern sense had not yet received a developed independent treatment in their works. Their significance therefore lies primarily in forming a general methodological basis within which an international norm is considered in interaction with the national legal order. The special content of implementation was elaborated in the works of A. S. Gavardovsky, who defined it as purposeful organizational and legal activity of states aimed at the timely, comprehensive, and complete fulfilment of international obligations [5]. This approach makes it possible to view implementation not as a single act of normative reception of an international norm, but as an integral set of legal and organizational measures. A similar position is taken by S. Yu. Marochkin, who links the operation of international norms in the national legal system with the existence of legal conditions, organizational foundations, and forms of their practical application [6, pp. 52-63]. A. N. Talalaev, analyzing the operation and application of international treaties, emphasizes that an international obligation requires a mechanism of observance, application, and enforcement, which makes it possible to include procedural and law-enforcement components in the content of implementation [7]. I. I. Lukashuk, by connecting the operation of international law with its actual realization by states, thereby directs attention to understanding implementation as a means of ensuring the actual operation of an international norm [8].

Within the approach presented in the textbook of the Kazan school of international law edited by R. M. Valeev and G. I. Kurdyukov, implementation is understood as a set of measures aimed at recognizing the legal force of an international norm and organizationally ensuring its operation within the state [9, p. 162]. This makes

it possible to distinguish this approach from other theories in which attention is focused on changing the form of an international norm and including it in the national normative array. The content of implementation in the Kazan international legal school is revealed through the relationship between international and domestic law. The starting point is the proposition that these legal systems are autonomous; however, their autonomy does not preclude interaction. In many cases, the realization of an international norm is impossible without the assistance of national law, since it is the state that determines the competent bodies, procedures, forms of control, and other means necessary for the fulfilment of an international obligation [9, p. 148]. Implementation is considered a substantively variable mechanism, the scope of which depends on the type of international legal norm, its content, and the ultimate purpose of international legal regulation [9, pp. 162-163]. If an international norm is sufficiently definite, it may be enough for the state to recognize its legal force and ensure the possibility of its application. If the norm is general, programmatic, or framework-based, additional specification is required, including the adoption of special domestic acts, the determination of the competence of bodies, and the creation of organizational conditions for its practical operation. From the standpoint of the Kazan school, the content of implementation includes two key elements: legal and institutional. The legal element is expressed in the recognition of the legal force of an international norm, its coordination with national legislation, its specification, and the normative consolidation of the necessary rules of conduct. The institutional element is expressed in the creation of bodies, procedures, control mechanisms, coordination mechanisms, and law-enforcement mechanisms, without which an international obligation cannot be actually fulfilled. This is of fundamental importance for the present study. International legal norms on combating corruption cannot be considered implemented solely because a state has adopted a law on combating corruption or included individual provisions in criminal and administrative legislation. In this case, the content of implementation must also cover the creation of specialized bodies, declaration procedures, anti-corruption expert review, mechanisms for preventing conflicts of interest, control, and liability.

2. International legal efforts to combat corruption developed in stages, depending on how the understanding of corruption itself and its place in the system of international threats changed. Of particular importance in the formation of universal anti-corruption regulation were the International Code of Conduct for Public Officials of 1996 [10], the United Nations Declaration against Corruption and Bribery in International Commercial Transactions of 1996 [11], the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of 1997 [12], the United Nations Convention against Transnational Organized Crime of 2000 [13], and the United Nations Convention against Corruption of 2003 [14]. Alongside universal acts, regional documents played an important role in shaping the international legal framework for combating corruption. At the regional level, many anti-corruption obligations received more detailed elaboration. This was especially evident within the Organization of American States [15], the Council of Europe [16] [17], the OECD [18], the African Union [19], and Arab regional cooperation [20].

For the purposes of the present study, it is important to show that the development of CIS legal acts in the field under consideration should not be interpreted as an autonomous process detached from universal and other regional international standards. In the context of this study, it is important to understand that anti-corruption decisions adopted in the CIS space objectively develop under the influence of universal international standards and the practice of other international organizations and monitoring structures [21]. Therefore, the CIS regional anti-corruption regime cannot be understood outside its correlation with the general architecture of modern international anti-corruption law. From the standpoint of international legal theory, CIS acts in the anti-corruption sphere have a dual significance. On the one hand, they serve as a form of regional specification of universal international legal standards because they translate the general provisions of international anti-corruption treaties into legal constructions that are closer to the states of the post-Soviet legal space and that take into account the similarity of legal systems, institutional traditions, and administrative practices [22]. On the other hand, such acts form an additional level of interstate legal coordination: they supplement universal anti-corruption mechanisms with regional formats for harmonizing legislation, coordinating policy, and bringing law-enforcement approaches closer together [23]. To substantiate this position, it is necessary to address the formation of the CIS legal framework for combating corruption as a form of regional adaptation of universal international legal norms.

On 3 April 1999, at the Thirteenth Plenary Session of the CIS Interparliamentary Assembly, the Model Law "On Combating Corruption" was adopted [24]. The 1999 Model Law specified certain universal recommendatory acts of the United Nations that were in force at the time of its adoption, primarily the International Code of Conduct for Public Officials [10] and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, adapting their provisions on the integrity of public service [12], financial control, restrictions for officials, and the prohibition of unlawful benefits to the common legal space of the CIS member states.

On 31 October 2003, the United Nations Convention against Corruption was adopted [14]. This document, being the first universal international treaty devoted exclusively to the fight against corruption, had a significant influence on the development of anti-corruption cooperation in the CIS. Several days later, on 15 November 2003, at the Twenty-Second Plenary Session of the CIS Interparliamentary Assembly, the Model Law "On the Foundations of Legislation on Anti-Corruption Policy" was adopted [25]. A direct substantive connection can be traced between these acts. This connection is manifested in the general understanding of anti-corruption policy as a systemic and coordinated activity of the state. The 2003 United Nations Convention requires States

Parties to develop and implement effective and coordinated anti-corruption policies based on the principles of the rule of law, proper management of public affairs and public property, integrity, transparency, and accountability [14, Art. 5]. In the 2003 Model Law, this general international standard receives expanded legal formulation: anti-corruption policy is declared an independent subject of legal regulation, priority areas of legal regulation are identified, and it is established that the state's anti-corruption policy is built with due regard to international legal standards and that international treaties form part of its legal basis [25, Preamble, Arts. 1, 5, 6]. The 2003 United Nations Convention also orients states toward the formation of a transparent civil service system, the development of criteria for candidates for public office, the prevention of conflicts of interest, the introduction of standards of conduct for public officials, and the declaration of assets and substantial benefits [14, Arts. 7, 8]. These provisions receive substantive development in the 2003 Model Law [25, Art. 18]. The specification is particularly evident in the block of corruption prevention measures. The 2003 United Nations Convention provides for the need to assess legal and administrative measures, ensure the transparency of public administration, promote public participation, guarantee access to information, provide public education, and use other preventive tools [14, Arts. 5, 10, 13]. The 2003 Model Law transforms this general list into a system of special legal mechanisms [25, Arts. 10, 14-17, 21].

On 25 November 2008, at the Thirty-First Plenary Session of the CIS Interparliamentary Assembly, the Model Law "On Counteracting Corruption" was adopted [26]. The 2008 Model Law should not be viewed as an act that emerged outside its connection with the 2003 United Nations Convention against Corruption, since its preamble directly states that it was adopted in accordance with generally recognized norms of international law. Its significance, however, lay neither in reproducing convention provisions nor in introducing preventive mechanisms fundamentally new to the CIS, since a significant part of such constructions had already been developed in the 2003 Model Law. The specific feature of the 2008 Model Law is that it represents a new version of the general anti-corruption law adopted under the conditions of an already established universal convention standard and therefore ensures its more systematic regional adaptation. In the 2008 Model Law, the framework provisions of the 2003 United Nations Convention concerning coordinated anti-corruption policy, specialized bodies, standards of conduct for public officials, monitoring, transparency, and preventive measures were brought together into a single legislative construction and specified in relation to the legal systems of the CIS member states through the categories of anti-corruption monitoring, anti-corruption expert review, anti-corruption standards, special personnel restrictions, declaration duties, and other corruption prevention mechanisms. The development of these institutions was reflected in subsequent CIS model regulation. On 17 May 2012, at the Thirty-Seventh Plenary Session of the CIS Interparliamentary Assembly, the Model Law "On Anti-Corruption Expert Review of Regulatory Legal Acts and Draft Regulatory Legal Acts" was adopted [27], and on 29 November 2013, at the Thirty-Ninth Plenary Session of the CIS Interparliamentary Assembly, the Model Law "On Anti-Corruption Monitoring" was adopted [28].

This makes it possible to conclude that international legal norms on combating corruption in the CIS, before being implemented in the domestic legislation of a particular CIS member state, pass through a stage of regional adaptation, during which anti-corruption norms are adjusted to the common CIS legal space in the form of model acts.

To substantiate the theoretical propositions on the implementation of international legal norms within the framework of a two-component structure - legal and institutional - formulated by scholars of the Kazan school of international law, and to reveal the proposition that international legal norms on combating corruption in the CIS pass through a stage of regional adaptation in which anti-corruption norms are adjusted to the common CIS legal space in the form of model acts, it is appropriate to turn to positive practice in the implementation of model laws by specific CIS member states. In this regard, the implementation of the provisions of the last comprehensive Model Law of 2008 is analyzed using the Russian Federation as an example.

In the Russian Federation (hereinafter, the RF), the legal component of implementation was expressed in Federal Law No. 273-FZ of 25 December 2008 "On Combating Corruption" [29] (hereinafter, Federal Law No. 273-FZ). Article 1 of Federal Law No. 273-FZ contains definitions of corruption and combating corruption that structurally correspond to the relevant legal definitions of the 2008 Model Law. The concept of "combating corruption" in Article 1 of Federal Law No. 273-FZ reproduces the three-element structure embedded in the 2008 Model Law: corruption prevention, the fight against corruption offenses, and the minimization and elimination of the consequences of corruption offenses. The institution of anti-corruption expert review of regulatory legal acts was implemented through special Federal Law No. 172-FZ of 17 July 2009 [30], as well as Government Decree No. 96 of 26 February 2010, which approved the Rules for conducting anti-corruption expert review [31]. The monitoring element was consolidated by Presidential Decree No. 657 of 20 May 2011, which approved the Regulation on Monitoring Law Enforcement in the RF [32]. In further development of this regulation, Government Decree No. 694 of 19 August 2011 approved the Methodology for Monitoring Law Enforcement in the RF [33]. Anti-corruption education in the RF received normative consolidation through the broader category of forming intolerance toward corrupt behavior [29, Art. 6]. In addition, the educational and awareness-raising element of combating corruption was developed in the National Anti-Corruption Plans [34]. The declaration of income, expenses, and property of officials is enshrined in Federal Law No. 273-FZ with respect to state and municipal employees [29, Art. 8]. Subsequently, the control mechanism was substantially expanded by Federal Law No. 230-FZ of 3 December 2012 [35], which introduced control over the expenses of public servants and extended declaration requirements not only to income but also to property acquired through evidently excessive

expenditures. Personnel rotation in Russian legislation was introduced by Article 60.1 of Federal Law No. 79-FZ of 27 July 2004 [36], incorporated into the law by Federal Law No. 395-FZ of 6 December 2011. Public control received normative consolidation in Russian legislation through the adoption of Federal Law No. 212-FZ of 21 July 2014 [37]. In the institutional component of implementation, the central national body of anti-corruption policy in Russia is the Presidential Council for Combating Corruption, established by Presidential Decree No. 815 of 19 May 2008 [38] (hereinafter, the RF Council). The RF Council coordinates the activities of federal executive bodies, state authorities of the constituent entities of the Russian Federation, and local self-government bodies in the field of combating corruption, determines priority areas of anti-corruption policy, considers National Anti-Corruption Plans, and monitors their implementation. The Presidium of the RF Council provides operational management of the implementation of the National Plan between meetings. Formally, this structure corresponds to the requirement to create an interdepartmental coordinating body, but in substance it is an advisory body under the head of state and lacks independent operational powers. Direct implementation of anti-corruption policy in preventive activity is ensured by the Presidential Directorate for Anti-Corruption Issues, established by Presidential Decree No. 878 of 3 December 2013 [39] (hereinafter, the Directorate). Public control received normative consolidation in Russian legislation through the adoption of Federal Law No. 212-FZ of 21 July 2014, according to which the participation of civil society in combating corruption in the RF is implemented through the system of public control, public chambers, public councils under public authorities, and the institution of independent anti-corruption expert review. The system for declaring income, expenses, property, and property-related obligations of public officials is administered by the personnel divisions of state bodies together with the Presidential Directorate for Anti-Corruption Issues. The electronic platform for disclosing declarations ("Gossluzhba") provides public access to basic information on the property of public officials. Anti-corruption expert review of regulatory legal acts is carried out by the Ministry of Justice of the RF and by independent accredited experts. This institution is implemented systematically and reproduces the corresponding prescription of the 2008 Model Law. Anti-corruption monitoring is implemented through the system of National Anti-Corruption Plans adopted by presidential decrees every two years. Monitoring of the implementation of National Plans is carried out by the Presidential Administration, and relevant reports are prepared for the RF Council. Anti-corruption education and awareness-raising in the RF are institutionally implemented through the system of national planning, the activities of federal executive bodies in the field of education, educational organizations, and personnel and anti-corruption divisions of public authorities. At the programmatic level, anti-corruption awareness-raising is included in National Anti-Corruption Plans approved by the President of the RF. Pursuant to the National Anti-Corruption Plan for 2021-2024, the Ministry of Science and Higher Education of Russia approved a program for anti-corruption awareness-raising among the population for 2021-2024, providing for educational, awareness-raising, methodological, and competition-based anti-corruption activities [40].

6. Conclusions

The study makes it possible to conclude that the implementation of international legal norms on combating corruption in the CIS member states has a complex and multi-level character and cannot be reduced to the formal inclusion of individual international provisions in domestic legislation. Based on the approach of the Kazan school of international law, implementation is revealed as a system of legal and institutional measures that ensure the actual operation of an international norm in the national legal order. The legal component is expressed in the adoption of regulatory acts and the consolidation of anti-corruption duties, restrictions, prohibitions, and procedures. The institutional component is manifested in the creation of competent bodies, coordination mechanisms, control mechanisms, monitoring, anti-corruption expert review, declaration mechanisms, and law-enforcement mechanisms.

The specific feature of the implementation of international legal norms on combating corruption in the CIS is the existence of an intermediate stage of regional adaptation. Universal international legal norms are developed in the CIS legal space through model laws. This adaptation makes it possible to translate general international obligations into legal constructions that are closer to the states of the post-Soviet space and take into account the similarity of legal systems, administrative traditions, and institutional models.

The analysis of CIS model acts shows that the regional adaptation of anti-corruption norms developed consistently. The 1999 Model Law laid the initial foundation for anti-corruption regulation, the 2003 Model Law formed a broader construction of anti-corruption policy, and the 2008 Model Law became the last comprehensive act in which the main elements of modern anti-corruption policy were systematized: prevention, anti-corruption expert review, monitoring, restrictions and duties of officials, declaration, public control, and specialized institutional coordination. The example of the Russian Federation confirms that the provisions of the CIS Model Law of 2008 were reflected in both the legal and institutional components of national implementation.

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39. Decree of the President of the Russian Federation No. 878 of 3 December 2013 "On the Presidential Directorate of the Russian Federation for Anti-Corruption Issues" // Collection of Legislation of the Russian Federation. 2013. No. 49. Art. 6399.

40. Order of the Ministry of Science and Higher Education of Russia No. 475-r of 14 December 2021 "On Approval of the Program for Anti-Corruption Awareness-Raising among the Population for 2021-2024" // The document was not officially published. Access from a legal reference system. Appendix.