

# Anti-Corruption Policy of The Republic of Korea: History of Formation and Modernity

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**Abstract:** According to a number of domestic and foreign experts, the anti-corruption legislation of the Republic of Korea is recognized as one of the most advanced in the world. In this regard, in this article, the author attempts to reflect the results of his scientific research on the anti-corruption legislative provisions of the Republic of Korea. The basis of this scientific work is a meaningful analysis of the legislative acts of this country in the field of legal regulation of combating corruption. In the course of the research, the author found that the Republic of Korea has adopted many legal preventive legislative measures aimed at combating corruption. The study of a wide range of regulatory legal acts aimed at combating corruption in the country under consideration allowed the author to draw conclusions regarding the sufficiently advanced legislative foundations of the anti-corruption legislation of the Republic of Korea.

**Keywords:** Corruption, Republic of Korea, Anti-Corruption Activities, Civil Servants, Anti-Corruption and Civil Rights Commission (ACRC), Anti-Corruption Policy, Legislation.

## Introduction

Korea is a country with strict anti-corruption laws. However, this alone cannot guarantee the eradication of various types of corruption. In retrospect, the reasons for its functioning and the fight against it in the Republic of Korea point to the traditional system of social organization, which in many ways provokes corruption. At various stages of their activity, the presidents of Korea engaged in a "personnel purge" in the civil service and pursued a strict anti-corruption policy.

However, each of the heads of Korea has been the victim of corruption scandals, although at the domestic level, South Korean society is one of the most decent in the world. The use of harsh measures in this area makes it possible to identify 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 anti-corruption measures of the Korean government have a positive impact on the country's international image.

Since corruption undermines confidence in government policy as a result of corruption crimes, the author examines the extensive experience of the executive authorities

of the Republic of Korea responsible for combating corruption. At the beginning of the third millennium, this country was able to demonstrate to the entire world community how, in a relatively short period of time, its executive authorities managed to implement a number of effective state program measures aimed at combating corruption. The publication has been prepared on the basis of a meaningful analysis of scientific papers and other sources reflecting the specifics of the experience of the executive authorities of the Republic of Korea in combating corruption. In the course of the research, the author has convincingly proved that there are various executive authorities in the Republic of Korea, whose functions include mandatory participation in anti-corruption work. In addition, in this country, among the main directions of the anti-corruption strategy, a special role is assigned to the mobilization of anti-corruption efforts carried out by government agencies and State institutions.

### Methodology

It should be recognized that the strict penalties fixed in the Criminal Code for corruption in the form of bribery or the misuse of official position cannot in themselves be a guarantee of the eradication of these types of corruption. There is always a problem of law enforcement in every class society. 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 its 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, dragged out a miserable existence, since the purchase prices for agricultural products were below cost, there were no available loans for peasants, as well as representatives of small and medium-sized businesses. The country was heavily dependent on economic aid from the United States, which accounted for 50% of the budget and 70% of military spending.

It should be noted that corruption, as a social phenomenon, appears with the emergence of statehood and private property. It reached a special scale in the era of feudalism and capitalism due to the increased role of the state in the economic and social development of society, respectively, with the increasing role of the state apparatus in managing economic development. At the same time, while in the era of capitalism relatively successful and in some cases completely unsuccessful measures were taken to combat corruption and even its internationally recognized legal framework was formed, in the conditions of feudalism there were only isolated attempts to limit it by punishing specific corrupt officials, rather than eradicating it as a phenomenon. In this regard, it is important to consider a retrospective of the causes of corruption and government policy to combat it in the Republic of Korea.

The following scientists have considered in their works the problems arising in the fight and fight against corruption in China: Ivanov S. B., Asmolov K. V., Korobeiev A.I., Torkunov. A.V. , Lee Gi-Baek, Tsirin A.M., Rusetsky E.A., Kim Young-Sam, Guenkov V., Mirzaev R.

According to a number of domestic and foreign experts, the anti-corruption legislation of the Republic of Korea is recognized as one of the most advanced in the world. In this regard, in this article, the author attempts to reflect the results of his scientific research

on the anti-corruption legislative provisions of the Republic of Korea. The basis of this scientific work is a meaningful analysis of the legislative acts of this country in the field of legal regulation of combating corruption. In the course of the research, the author found that the Republic of Korea has adopted many legal preventive legislative measures aimed at combating corruption. The study of a wide range of regulatory legal acts aimed at combating corruption in the country under consideration allowed the author to draw conclusions regarding the sufficiently advanced legislative foundations of the anti-corruption legislation of the Republic of Korea.

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

## Result and Discussion

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

For many countries of the world, corruption continues to be an important problem that needs to be resolved, having managed to penetrate into almost all spheres of society. At the same time, the main determinants of the emergence and spread of corruption in modern states are extremely different, for this reason it is impossible to develop any uniform measures for all countries to counter this phenomenon.

At the same time, in some countries, much more advanced mechanisms have been created than in other States, allowing them to have a more effective impact on corruption, thereby reducing its scale and at the same time achieving a serious reduction in the corruption of civil servants and the effective work of the state apparatus. Today, for most countries of the world, the most in demand is the positive experience of those countries that, in the process of structural transformation, have managed to achieve the best results in the fight against corruption, creating the prerequisites for more effective development of their statehood. Among such countries, many researchers include the Republic of Korea, whose best practices in combating corruption deserve a comprehensive study. It is important to note that leading domestic scientists have already conducted a number of scientific studies in the field of anti-corruption policy of the Republic of Korea, focusing in detail on the issues of combating this phenomenon in this country.

Appreciating the work carried out by national scientists and having learned a lot from the materials of their research, the author considered it necessary to specifically focus on the analysis of the executive authorities in the Republic of Korea responsible for combating corruption. The economic and political upheavals that took place in the Republic of Korea at the end of the last century and the beginning of the new century testified to the

incomplete nature of the institutional transformations that took place during the transition from an authoritarian path to a democratic one.

Therefore, in the process of transition to the stage of universal democratization of society, the authorities first needed to deal with the problem of combating corruption. And in order to resolve this issue as effectively as possible, the country has created a single service — the "special Commission for combating Corruption and Civil Rights — Anti-Corruption and Civil Rights Commission (hereinafter — ACRC)", which examines complaints, as well as administrative appeals about bribery and bribery. ACRC employees are engaged in the collection and analysis of information data that is necessary to effectively combat corruption. Ordinary citizens who have information about corruption can directly contact them with similar information.

The ACRC staff is also working to distribute various materials published by the head of state in order to counter corruption. In addition to the ACRC, other government agencies operate in the Republic of Korea, whose responsibility includes mandatory participation in anti-corruption activities. This includes "the Secretariat of the President of the country; the Office of the Prime Minister; the Audit Commission; the Prosecutor's Office; the police; the Inspector General of all ministries and the Minister of Public Administration and Security." The Audit and Inspection Committee is also engaged in this, among whose duties is to investigate any allegations of corruption. However, a special role in this work is assigned to the police, but also, of course, to the prosecutor's office, which not only investigates corruption cases, but is also responsible for monitoring the execution of criminal sentences on them. The police and the Prosecutor's Office have special investigative departments that conduct criminal investigations into corruption

## Conclusion

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 harshly suppressed and condemned by the public, and it does not matter who takes bribes - a simple employee, a policeman 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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