

# **Criminal remedies and institutional mechanisms for combating corruption crimes: the experience of Ukraine and international approaches**

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## **Abstract**

*The article examines areas of combating corruption in Ukraine, as a country with a high level of corruption, and some other countries with successful experience in combating corruption crimes. The article highlights features of state policy and criminal legal means of combating corruption crimes in Ukraine. The shortcomings of the state policy in the field of overcoming corruption were revealed, among which is the fact that Ukraine does not meet the requirements of international instruments for interaction between government and the public. The mechanism of counteraction to corruption in Ukraine is defined and the reasons of high level of corruption in Ukraine are revealed. The international experience in the fight against corruption crimes has been studied in order to identify and borrow effective experience in combating corruption. The experience of countries with a low level of corruption shows that the system of measures to prevent corruption should be based on the principles of legality, publicity, transparency, inevitability of punishment of perpetrators of corruption crimes. Based on foreign experience, recommendations for improving the anti-corruption mechanism in Ukraine have been developed.*

**Keywords:** corruption, crimes, criminal liability, anti-corruption mechanism, combating corruption.

**JEL Classification:** K14, K42

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## **1. Introduction**

Corruption is a threat to the national security of every state and suspends the country's democratic development. Corruption poisons the economy, politics, government and other equally important areas of social life. At the current stage of development of society, the issue of combating corruption is extremely important for

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Ukraine, which has won its independence and established itself as an independent state in the world community. The sustainability of Ukraine's democratic development largely depends on the implementation of the principles of law and justice, strict observance of the letter of the law by all civil servants, overcoming cases of bribery, illegal receipt of material goods, services or other benefits by officials. The current situation in Ukraine is complex and quite controversial, the country lacks a coordinated state policy in the fight against corruption, a narrow vision of ways to counter. The government's efforts are reduced to traditional approaches, which lead to the dispersion of anti-corruption efforts, based on repressive means that are not effective in today's conditions.

Unfortunately, the assessment of the state of combating corruption, repeated sociological and criminological surveys and interviews show that Ukraine has not taken consistent steps to form a unified anti-corruption policy, in particular in the field of prevention and prosecution of corrupt officials and their illegal activities. Corruption phenomena cause significant material and moral damage to a large circle of citizens, have a detrimental effect on the activity of economic entities, especially non-state forms of ownership. Corruption in law enforcement reduces the effectiveness of the fight against crime, thus contributing to the deterioration of the criminal situation in the country.

According to foreign government officials and businessmen, the spread of corruption is one of the main problems for the development of normal economic relations between Ukraine and other countries, the reason for their unwillingness to invest heavily in the domestic economy. The above clearly shows that the search for effective ways to combat corruption in Ukraine is an urgent task of society.

Corruption undermines public confidence in the activities of civil servants, has a detrimental effect on economic and political development, and poses a real threat to the national security of most countries.

The main factors contributing to the spread of corruption in Ukraine are the impoverishment of the general population, the deterioration of the crime situation, high inequality of income distribution in society, the lack of a perfect social protection system, the processes of economic transformation. Corruption in Ukraine has become systemic. It poisons all spheres of public life, becoming more deeply rooted as the main, fastest and most effective illegal means of resolving issues, achieving certain individual selfish goals. Corruption prevents Ukraine's integration into the European Community. The problem of effectively combating corruption in Ukraine requires the immediate adoption of comprehensive, consistent measures, which can be based on the anti-corruption experience of the EU.

## **2. State policy in the field of overcoming corruption**

The process of preventing corruption in Ukraine is slowing down because the population sees corruption as an opportunity to "speed up" the resolution of their own issues, thus justifying such behavior. Most citizens do not believe in a real opportunity to defend their rights when faced with corruption<sup>5</sup>.

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<sup>5</sup> Bortnik S. (2015). *Prevention of corruption schemes in the budget sphere*. Bulletin of the Chernivtsi Faculty of the National University "Odessa Law Academy", 4, pp. 45-56.

At present, unfortunately, there is no perfect strategy of the government with the public in overcoming corruption as a systemic phenomenon, it all comes down to individual cases of corruption of officials<sup>6</sup>.

The fight against corruption is one of the most pressing social problems of our time, and solving it is an extremely important and difficult task for many countries. This fully applies to Ukraine, for which corruption has become a factor that really threatens national security and the constitutional order of the state<sup>7</sup>.

Corruption poses a threat to the rights and freedoms of citizens and is acutely felt in society, slowing down economic development<sup>8</sup>. Successful fight against corruption should increase public confidence in the government and improve the lives of people in Ukraine in general. Politicians and economists are trying to solve the problem of fighting corruption. The need to improve the directions of Ukraine's state policy in the field of corruption prevention is still relevant. Transparency International has been pointing out for many years that Ukraine is at a low level in the fight against corruption.

The main directions of anti-corruption policy are the formation of specialized anti-corruption bodies, which should prevent corruption and intensify the anti-corruption activities of state bodies<sup>9</sup>. To date, a number of anti-corruption regulations have been adopted, and a number of amendments have been made to the Law on Prevention of Corruption and the Law on the National Anti-Corruption Bureau. Changes have also taken place in the powers of the prosecutor's office, which are deprived of the function of general supervision.

Today in Ukraine exist such bodies in the field of combating corruption:

- National Agency for the Prevention of Corruption (NAPC) - a central executive body with a special status, which is responsible for formulating and implementing state anti-corruption policy;

- National Anti-Corruption Bureau of Ukraine (NABU) is a law enforcement body that counteracts corruption offenses committed by persons authorized to perform the functions of the state and local self-government;

- National Council for Anti-Corruption Policy (NCACP) is an advisory body to the President of Ukraine, which prepares and submits proposals for improving the anti-corruption strategy, analyzes the state of preventing and combating corruption in Ukraine;

- Verkhovna Rada of Ukraine (VRU) is a legislative body that approves the anti-corruption strategy, and holds annual parliamentary hearings on anti-corruption policy;

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<sup>6</sup> Petrova A. (2015). *Corruption as a socio-legal phenomenon*. Bulletin of Luhansk State University of Internal Affairs named after E. Didorenko, 4, pp. 96-102.

<sup>7</sup> Seryogin S. (2009). *The social essence of corruption in state bodies authorities*. Public administration and local self-government, 3(3), pp. 202-207.

<sup>8</sup> Mendez F., Sepulveda F. (2010). *What Do We Talk About When We Talk About Corruption?* Journal of law economics & organization, 26(3), pp. 493-514.

<sup>9</sup> Voloshina A. (2015). *Alternative report to assess the effectiveness of state anti-corruption policy*. Kyiv: Istyna, 268 p.

- Cabinet of Ministers of Ukraine (CMU) - approves the state program for the implementation of anti-corruption strategy, approves the draft national report on the state of corruption.

The creation of the electronic procurement system PROZORRO became a progressive new anti-corruption state policy<sup>10</sup>. The creation of such a service makes it possible at each stage of procurement to determine the requirements for bidders, learn about tenders, etc. To exercise control over may every willing citizen, because access to this information is publicly available<sup>11</sup>. Thus, the creation of such a system makes it impossible for corruption schemes to grow, and the risk of exposure is too great. The advantage of this system is that it is also called to reduce government spending, because thanks to it the customer can get what you want at the best price.

According to the Law “On the Principles of State Anti-Corruption Policy in Ukraine (Anti-Corruption Strategy) for 2014-2017”<sup>12</sup>, there is no legal basis for the implementation of anti-corruption policy in Ukraine through the cooperation of public authorities with the public. Measures needed to overcome this problem should be:

- determination at the legislative level of the principles of activity of a specialized body in the activities of which public representatives should participate;
- development of a draft act of the Cabinet of Ministers of Ukraine on the approval of a national methodology for assessing the state of corruption in accordance with UN standards;
- implement international standards of cooperation between the government and the public in decision-making in the field of anti-corruption policy<sup>13</sup>.

In Ukraine, the institutions of democracy are still quite weak, the legislation in the electoral environment is imperfect. Therefore, public policy provides for the creation of transparent principles for financing and conducting elections<sup>14</sup>. The principles provided in the fight against this problem are:

- conducting an anti-corruption examination of the election legislation and making a number of changes based on European standards;
- adopt legislation on mechanisms to prevent conflicts of interest in the activities of elected officials;
- enact legislation that will enable the public to monitor the decision-making of elected officials.

Anti-corruption public policy aims to create a virtuous public service. A fair

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<sup>10</sup> Raditsa O. & Pikh M. (2012). *Determining the factors of corruption in countries with different levels of economic development using the theory of fuzzy sets*. Scientific works of NDFI, 4, pp. 214-220.

<sup>11</sup> Bodnar V. (2016). *Prevention of corruption in the budget sphere*. Bulletin of the National Academy of Internal Affairs, 98, pp. 296-306.

<sup>12</sup> Verkhovna Rada of Ukraine. (2014). *On the principles of state anti-corruption policy in Ukraine (Anti-corruption strategy) for 2014-2017: Law of Ukraine of October 10, 2014*. [Online]. Available at: <http://zakon5.rada.gov.ua/laws/show/1699-18>.

<sup>13</sup> Martinez C., Diaz C., Martinez R. (2019). *Corruption and Judicial Corruption: Inputs into the Debate*. *Prolegomenos-Derechos Y Valores*, 22(44), pp. 67-82.

<sup>14</sup> Verkhovna Rada of Ukraine. (2014). *On Prevention of Corruption: Law of Ukraine of October 14, 2014*. [Online]. Available at: <https://zakon.rada.gov.ua/laws/show/1700-18#Text>.

public service system needs to be achieved through legislative reform. It is necessary to clearly indicate the income and expenses of public servants, to effectively monitor these data contained in the declaration. In the future it is necessary to adopt a law on the protection of persons who sincerely report corruption offenses, regulate the conduct of inspections of civil servants for integrity, increase the level of remuneration of civil servants<sup>15</sup>.

Prevention of corruption in the activities of executive bodies is one of the main directions of anti-corruption policy pursued by our state.

Amendments are being made to the legislation on the adoption of anti-corruption programs in central executive bodies and state-owned enterprises, the formation of commissions coordinating the prevention of corruption.

Prevention of corruption in the judiciary and criminal justice is one of the areas of the state anti-corruption strategy. The failed reform of the judiciary in 2010 brought a number of negative factors. However, in 2014, the Law "On Restoring Confidence in the Judiciary in Ukraine"<sup>16</sup> was adopted, which created the preconditions for self-purification of the judiciary.

Legislation on reforming the internal affairs bodies has been adopted. However, there is a need to amend the Constitution and the Law aimed at reforming the judiciary and the prosecutor's office in accordance with European standards<sup>17</sup>.

There is also the problem of preventing corruption in the private sector, as business and government are closely linked, leading to the use of political influence on business.

Lobbying someone's business interests leads to corruption. Mechanisms for resolving this issue are specified in the principles of state anti-corruption policy:

- conducting a demo version of the economy, creating free competition;
- adoption of legislation on the prevention of legal entities involved in corrupt practices in public procurement, auctions;
- ensuring the transparency of doing business;
- create a position of business ombudsman who will represent the interests of business in the Government of Ukraine.

Access to information is an important aspect of building a democratic society<sup>18</sup>. After all, investigative journalism and public activism are a necessary element in combating corruption. Therefore, the anti-corruption policy envisages amendments to the legislation to ensure free access to state registers. Simplification of access to public registers of their inventory, Ukraine's participation in

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<sup>15</sup> Zadorozhny S. (2014). *Local government in the fight against corruption*. Efficiency of public administration, 41, pp. 234-242.

<sup>16</sup> Verkhovna Rada of Ukraine. (2014). *On Restoring Confidence in the Judiciary in Ukraine: Law of Ukraine of April 4, 2014*. [Online]. Available at: <http://zakon2.rada.gov.ua/laws/show/1188-18>.

<sup>17</sup> Wilske S. (2019). *International arbitration and its dark sides, in particular corruption: what arbitral institutions could and should do to tackle such unwelcome issues*. Contemporary Asia Arbitration Journal, 12(2), pp. 146-176.

<sup>18</sup> Kopecny Z. (2014). *Fight against corruption in the Czech Republic under the influence of EU anti-corruption measures*. Zahranicni vlivy na vnitrostatni pravo, pp. 243-248.

international transparency initiatives should give us the opportunity to overcome corruption components in access to information<sup>19</sup>.

State policy in the field of overcoming corruption is mainly aimed at establishing links between the government and society in order to achieve the most effective fight against corruption. Public policy mechanisms include provisions on amendments to current legislation and the adoption of new regulations in the field of anti-corruption activities<sup>20</sup>.

Punishment for corruption and our domestic legislation for corruption offenses mostly meet international standards, but some articles of the Criminal Code need to be brought into line with the UN Convention against Corruption<sup>21</sup>.

It is worth mentioning what has now been implemented in accordance with the state political program in the fight against corruption, in particular:

1. A number of normative legal acts have been adopted that suppress the possibility of corruption risks, among them: the Law of Ukraine "On Prevention of Corruption" of October 14, 2014 № 1700-VII; Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" of October 14, 2014 № 1698-VII; Decree of the President of Ukraine "On the Strategy of Sustainable Development of Ukraine 2020" of January 12, 2015 № 5/2015, etc.

2. The direction of law enforcement agencies has been changed, as defined in the Law of Ukraine "On the National Police" of July 2, 2015 № 580-VIII, which regulates the activities of the National Police and re-certification of former police officers.

3. The PROZZORO e-procurement system has been created, which enables the public to monitor the procurement process.

The shortcoming of the state policy is passivity in Ukraine's cooperation. Among the states parties to the UN Convention against Corruption, Ukraine does not meet the requirements of international instruments for interaction between government and the public and there is no clearly regulated mechanism for their interaction<sup>22</sup>.

In order to radically improve the situation in the fight against corruption, it is necessary to restore the people's trust in the government, to coordinate the activities of law enforcement agencies in this area, to improve the relations of our state with the international community<sup>23</sup>.

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<sup>19</sup> Moiseienko A. (2018). *The ownership of confiscates proceeds of corruption under the UN Convention against corruption*. International & comparative law quarterly, 67(3), pp. 669-694; Nekit K. (2021). *Restrictions of private property right in terms of the COVID-19 pandemic: the experience of the US, UK and Ukraine*. The Age of Human rights, 16, pp. 263-277.

<sup>20</sup> Kurylenko O. (2007). *Corruption in modern Ukraine: analysis of the phenomenon*. History at school. Middle Ages: people and the city, 10, pp. 1-5.

<sup>21</sup> United Nations. (2003). *United Nations Convention against Corruption*. [Online]. Available at: <https://www.unodc.org/unodc/en/treaties/CAC/>.

<sup>22</sup> Pavlik J. (2017). *Political importance and its relation to the federal prosecution of public corruption*. Constitutional political economy, 28(4), pp. 346-372.

<sup>23</sup> Ivasenko S. (2014). *Corruption risk assessment: methodological approaches*. Legea si viata, 8/2, pp. 58-62.

All anti-corruption state policy can be divided into separate system blocks:

- information and research activities, which consists in obtaining real data on the state of corruption, objective data on the facts of corruption offenses, verification of the received information;
- law-making activity, which should create a system of harmonized legislation, in which there are no gaps for the development of corruption risks. Effective strategy of law-making should be based on obtaining and using first of all long-term legal and social forecasts<sup>24</sup>;
- institutional activities that should form a balanced state apparatus, improvement of organizational structures, the existence of mechanisms of self-purification of power;
- control and supervision activities, which aims to constantly assess the legality and expediency of decisions of public and private law so that they do not violate the rights and freedoms of citizens<sup>25</sup>;
- law enforcement activities are designed to investigate corruption and restore violated legal rights and interests of individuals and legal entities;
- preventive activities, which should reduce the incidence of corruption, should pay attention to the priority of corruption prevention in modern conditions;
- educational activities are aimed at changing consciousness, raising the level of legal culture of the population and employees. This is a necessary process for restoration of ethical values of society as a whole<sup>26</sup>.

### 3. Anti-corruption mechanism in Ukraine

Corruption as a social phenomenon poisons all spheres of public life, inflicts devastating blows on the part of the country's national security, undermining trust in government at all levels, destroying faith in justice and the rule of law, and the foundations of a democratic society also suffer. Therefore, it is necessary to carry out high-quality development of mechanisms to combat this "corrosion" phenomenon. Some scholars working on the analysis of existing mechanisms for combating corruption in Ukraine point to the need to learn international experience in combating this problem. In addition to criminal and administrative measures, it is proposed to impose the obligation to compensate in full for material and moral damages resulting from the committed corruption offense<sup>27</sup>.

It should be noted that the basis for developing a mechanism to combat corruption is the anti-corruption strategy of Ukraine as a document that defines the

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<sup>24</sup> Gulemyuk L. (2009). *Theoretical and social analysis of corruption as a threat to national security of Ukraine*. Scientific Bulletin of Lviv State University of Internal Affairs, 2, pp. 1–10.

<sup>25</sup> Nash C. (2018). *Human Rights and Corruption. A multidimensional approach*. *Estudios De Derecho*, 75(166), pp. 138–162.

<sup>26</sup> Kushnaryov I. (2012). *Anti-corruption strategy as a component of anti-corruption policy*. *Law and Security*, 5, pp. 177–181.

<sup>27</sup> Babich O. (2011). *Legal analysis of the Law of Ukraine "On Principles of Prevention and Counteraction to Corruption in Ukraine"*. [Online]. Available at: <https://flexp.com.ua/library/article/418>.

anti-corruption policy of Ukraine.

First of all, we should determine the "anti-corruption mechanism" as a system of purposeful actions of officials, law enforcement officers and civil society representatives, aimed at ensuring constitutional human rights and freedoms and consolidating democratic values, educating the public against corruption, preventing and further punishment for corruption in state-power relations<sup>28</sup>.

According to the classification of mechanisms to combat corruption in public authorities there could be distinguished:

1. Socio-civil mechanism, which aims to ensure active public participation in combating corruption. The main subjects of this mechanism should be the media, public organizations, local communities and concerned citizens; ethical and psychological - changes in public consciousness, mental changes, when the public will condemn corruption, rather than justify such actions. Subjects: Ministry of Education, Ministry of Culture, civil society organizations; institutional and managerial - reduction of corruption risks in government through improved governance. Main subjects: the President of Ukraine, the Verkhovna Rada, the Cabinet of Ministers, the Central Executive Bodies and local self-government bodies.

2. Socio-economic mechanism, which aims to ensure sustainable, stable economic development and social component of life in the country<sup>29</sup>. The main subjects of this mechanism will be the Verkhovna Rada, political parties, NABU, the Ministry of Internal Affairs, the prosecutor's office, the judiciary, and local governments. Such a problem as corruption needs to be systematically eradicated through a comprehensive mechanism to combat it. Therefore, it is necessary to unite all branches of government, public institutions in the face of this destructive phenomenon.

Anti-corruption policy should contain three strategic directions:

- public awareness strategy, which means free access to the media, analysis of the situation and improvement of further strategy based on the results of monitoring;

- prevention strategy, which supposes involvement of society in anti-corruption activities, reduction of state intervention in business, adoption of codes of ethics for officials;

- retaliation strategies, which aims to increase the efficiency of detection of corruption crimes, increase the level of professionalism of law enforcement officers, availability of legal aid for every citizen<sup>30</sup>.

That is, the dynamic side of the complex of anti-corruption mechanisms

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<sup>28</sup> Zadorozhny S. (2016). *The mechanism of prevention and counteraction to corruption in local authorities*. Dr. of Science Thesis. Kyiv, 246 p.

<sup>29</sup> Nekt K., Zubar V. (2020). *Fiduciary management and fiduciary ownership in the post-Soviet countries: experience of Ukraine, Republic of Moldova, Republic of Belarus and Russian Federation*. *Trusts & Trustees*, 26 (8-9), 841-858.

<sup>30</sup> Seryogin S. (2010). *Mechanisms to prevent and combat corruption in public authorities*. *Public administration: theory and practice*, 1, pp. 134-140.



finds its expression in the institutional mechanism, and achieving of effective implementation of anti-corruption measures both at the municipal level and throughout the state is possible only in case of combination of legal statics and dynamics in this area.

The general goal of the organizational and legal mechanism for combating corruption should be:

- total eradication of corruption from all spheres of Ukrainian society;
- defining corruption as socially dangerous and threatening, thus causing negative economic, political and social consequences in the country;
- it is necessary to deform moral and psychological ideas in the minds of citizens<sup>31</sup>.

Scholars distinguish two levels of institutional mechanism for combating corruption: public-municipal, at this level the essence of anti-corruption activities by local authorities, other municipal institutions and public-level institutions is considered. The second level is public-state, which in turn considers the activities of public authorities endowed with anti-corruption competence, as well as civil society institutions at the national level. Civil society institutions form a domestic institutional mechanism for preventing corruption<sup>32</sup>.

In the course of our research, we will also consider the mechanisms for preventing corruption in the civil service, which include:

1. Punitive, which aims to create a system of anti-corruption, under which a corrupt act inevitably entails responsibility for the person guilty of its commission, social measures and official consequences will be applied.

2. Organizational and legal, which includes legislative regulation of decision-making by state bodies, reforming the structures of bodies in order to avoid the performance of several bodies of the same functions.

3. Adaptive, which means unification of the structure of the civil service of Ukraine with EU recommendations and standards.

4. Legal, which aims to improve the mechanism of certification of civil servants, the development of a legal basis for its implementation.

5. Preventive, the aim of which is to do everything possible to identify the causes of corruption and eliminate them in order to reduce corruption.

6. Socio-economic, which aims to create an environment in which honest, fair, lawful work of public service will become prestigious. Ensure a high level of wages<sup>33</sup>.

The mechanisms for combating corruption also include ethical, psychological and political. As for political mechanisms, they in turn are designed to reduce the negative impact of corruption on elections. There is still a problem of

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<sup>31</sup> Bokovikov Yu. (2017). *Anti-corruption mechanisms*. Theory and practice of public administration, 56, pp. 1-7.

<sup>32</sup> Sukhonos V. (2015). *Legal measures to combat corruption in Ukraine in modern conditions: scientific and theoretical aspects*. Sumy: University Book, 74 p.

<sup>33</sup> Moldovan E. (2010). *Directions of prevention and counteraction of corruption in the civil service: moral and ideological aspect*. Public administration: theory and practice, 2, pp. 17-23.

open election procedure, transparency of funding. The purpose of this mechanism is to prevent blackmail of politicians after elections, which may make corrupt decisions that would be contrary to the interests of citizens<sup>34</sup>. In order to determine which anti-corruption tools should be used, the causes should be clarified. Some scholars believe that the reason is the imperfection of political institutions that should restrain power externally and internally.

The level of corruption is influenced by the unstable political situation in the country, imperfection of laws that can be interpreted differently, there are gaps, the population does not understand the importance of regulations and this allows officials to abuse and complicate bureaucratic procedures. Of course, the problem of corruption is the incompetence of officials involved in political harassment, nepotism, in turn, low activity of citizens, indifference, prevails over those citizens who try to control the activities of public authorities and local governments.

Defining clear preconditions for the progression of corruption should influence the choice of the state strategy in the fight against this phenomenon<sup>35</sup>.

The mechanisms for ensuring the implementation of conceptual measures in practice are as follows:

- political - the formation of a clear anti-corruption policy, the unification of all political forces to achieve a common goal of overcoming corruption<sup>36</sup>;
- economic - taking into account the costs of financing the activities of the Convention, attracting funds from foreign organizations;
- personnel - involvement of specialists, psychology, sociology, PR-technologies in the implementation of anti-corruption measures<sup>37</sup>.

The key to the successful implementation of public policy in the field of combating corruption and mechanisms designed to assist in achieving the goals is compliance with basic principles, such as:

- rule of law - the basis for any action by the state or the public should be the Constitution of Ukraine, regulations, and international acts ratified by Ukraine;
- interaction between the government and civil society - effective fight against corruption is possible by joining forces to achieve a common goal;
- transparency of budget expenditures on anti-corruption measures - targeted use of funds, and liability will be provided for residual use of funds, thus it is possible to avoid the misappropriation of funds by an official, the level of corruption risks is reduced;

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<sup>34</sup> Syrychynsky V. (2006). *Procurement as a mechanism of formation competitive market of European public procurement in Ukraine*. Competition, 4 (13), pp. 8-12.

<sup>35</sup> Bielska T. (2009). *Corruption as a factor of negative impact on the relationship between public authorities and civil society institutions*. Public administration and local self-government, 1 (1), pp. 110-117.

<sup>36</sup> Tovpyha L., Pastukh I., Tarasevych T., Bondar S., & Ilina O. (2021). *Legal regulation of practices of the police as an entity in charge of preventing and combating corruption in Ukraine*. Political Questions, 39(69), pp. 735-755.

<sup>37</sup> Moldovan E. (2010). *Directions of prevention and counteraction of corruption in the civil service: moral and ideological aspect*. Public administration: theory and practice, 2, pp. 17-23.

- availability of information on the implementation of measures to prevent corruption - to make constant reports in the media about the measures taken, to maintain publicity, so every citizen will have the impression that he or she directly controls the change process, it will cause activity on the part of the population<sup>38</sup>.

As a result, it should be noted that anti-corruption mechanisms should be applied comprehensively, including socio-economic, legal, punitive, organizational and legal elements. Only under the terms of systemic and structured means of overcoming corruption will the eradication of this phenomenon become effective and efficient.

A comprehensive mechanism to prevent corruption should be used, the media, the public should be involved through NGOs, judicial and law enforcement agencies, the Verkhovna Rada, the Cabinet of Ministers, executive authorities, local governments, line ministries, and the President of Ukraine. In order to determine which anti-corruption tools should be used, the causes should be clarified. It should be noted that the basis for developing a mechanism to combat corruption is the anti-corruption strategy of Ukraine as a document that defines the anti-corruption policy of Ukraine.

#### **4. International experience in combating corruption**

The experience of countries that have managed to transform the structure of the civil service is always of interest to scholars and political scientists.

Foreign countries have managed to choose an effective mechanism to combat corruption, reduce its scale and generally take control of the activities of officials. According to Transparency International's rankings, the leading countries in the fight against corruption include: Singapore, Denmark, New Zealand, the United States, Sweden, Switzerland, Japan, Germany, Poland, Hong Kong, and Norway. These countries and a number of others have achieved positive results in the fight against corruption<sup>39</sup>.

In these countries, very detailed selection of persons to lead positions in which you want to perform the functions of public administration and local government, an elite morality is formed. The transition of the public administration system to the Good Government model has been particularly effective in reducing corruption in developed democracies. The new ethic of "good governance" changed the attitude of public officials to corruption as an unacceptable evil, which, in turn, caused an increase in public confidence and greater involvement of civil society in the fight against corruption<sup>40</sup>.

In the society of England and Germany, the prevailing opinion is that if you hold such an important socio-economic position, then you are definitely a pragmatic,

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<sup>38</sup> Lavrinenko I. (2007). *Tender for the state*. Expert, 28, pp. 15-19.

<sup>39</sup> Quah J. (2017). *Singapore's success in combating corruption: lessons for policy makers*. Asian education and development studies, 6(3), pp. 263-274.

<sup>40</sup> Pidbereznyk N. (2013). *Management mechanisms for preventing and combating corruption in the EU: the experience of Poland*. Effectiveness of public administration, 36, pp. 158-165.

talented professional. In order to form qualitatively new measures and anti-corruption programs in Ukraine, the experience of Poland and Singapore should be borrowed, as their anti-corruption policy has proved its effectiveness.

International cooperation in the field of prevention of corruption is carried out in accordance with the UN Convention of October 31, 2003.

The peculiarity of overcoming corruption by foreign countries is that the government is aware of the seriousness of the problem of corruption and the threat to national security. Corruption is divided into political and economic. The first leads to an uncontrolled political situation, threatens democratic institutions. Economic corruption reduces the level of economic relations, affects the living standards of the population<sup>41</sup>.

Speaking of the fight against corruption, the US experience is noteworthy. American anti-corruption legislation is quite strict. The sanction of the article envisages punishment of up to 15 years of imprisonment, and with aggravating circumstances up to 20 years. An official can receive incentives only from the government.

US anti-corruption legislation consists of a set of laws, including the introduction of administrative morality - ethical and disciplinary rules. Each agency can establish a counseling service that advises management on conflicts of interest and ethical conduct, and if necessary, any counselor can contact the professional ethics office. There is an independent prosecutor in the United States, who investigates corruption offenses committed by senior officials. An independent prosecutor is appointed by a special unit of the Washington District Federal Court. Committees of the US Congress have the power to investigate offenses committed by the president and other senior officials. The United States Department of Justice has an anti-corruption unit, who monitors the prosecution of elected and appointed officials, congressmen, and federal judges; ensures the implementation of the provisions of the law on ethics in government<sup>42</sup>. The US Department of Justice, which improves national anti-corruption programs, also includes the Federal Bureau of Investigation<sup>43</sup>.

No less important role in combating corruption is played by the US Treasury Department, which has a secret service in its structure<sup>44</sup>. The United States has adopted a number of codes of conduct for senators and members of the House of Representatives. Parliamentarians are obliged to constantly declare not only their own income, but also the payment of transportation costs, meals, hotel accommodation, various entertainment. In the United States, there are a large

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<sup>41</sup> Ivasenko S. (2014). *Corruption risk assessment: methodological approaches*. *Legea si viata*, 8/2, pp. 58-62.

<sup>42</sup> Melnyk M. (2000). *Bribery: general characteristics, problems of qualification, improvement of legislation*. Kyiv: Parliamentary Publishing House, 256 p.

<sup>43</sup> Zhang Y. (2020). *Corruption: Challenges of Anti-Corruption in the US*. *Public Integrity*, 22(3), pp. 299-303.

<sup>44</sup> Dovzhanin V. (2015). *Legal regulation of preventing and combating corruption under US law*. *Scientific Bulletin of the International Humanities University. Series: Jurisprudence*, 13 (1), pp. 102-106.

number of anti-corruption bodies, thus preventing the monopolization of anti-corruption by a particular pro-government body.

As a result, there is a dispersion of forces and competition in law enforcement agencies. Parliamentarians and other officials are obliged to inform the relevant authorities about the facts of corruption offenses known to them. Commissions are set up to conduct a financial audit of the declared status of officials, they are authorized to summon an official for an interview to conduct an investigation. According to S. Rogulsky, the US experience in the fight against corruption is one of the most successful, because in the 70's the government passed the Law on Protection against Bribery by US companies and foreign government federal officials. Another interesting fact is that in the United States an official is prohibited from conducting business by those companies that are part of the management of his ministry and this rule is maintained after three years from the date of dismissal<sup>45</sup>. An interesting fact is that there is no state media in the United States, there is a special Freedom of Information Act for journalists, and the mere suspicion of corruption by one or another official can lead to the loss of his or her political career.

In conclusion, it should be noted that corruption in the United States is considered in a broader sense, and includes lobbying, protectionism and any contributions to political goals which are also considered to be a manifestation of corruption.

Further in our study we will pay attention to the experience of Poland where in 2002 the government developed and adopted a program to combat corruption<sup>46</sup>.

The whole period of prevention of corruption in Poland can be divided into three stages. The first stage is characterized by activities to inform the public about corruption, encourage the population to ethical behavior, introduced mechanisms to combat corruption in public administration. This stage was the initial one and was set the task of detecting corruption offenses. At the next stage during 2005-2009 measures on observance of anti-corruption laws were coordinated, the level of public awareness was raised, transparent structures of public administration were created. At the third stage, which lasted from 2012 to 2016, the aim was to adopt legislation on lobbying and conflict of interest, to involve non-governmental organizations in the fight against corruption, to carry out preventive actions.

In Poland, it is planned to develop codes of conduct for business structures and the need for disclosure of financial statements. The Central Anti-Corruption Bureau has also been established in Poland to combat corruption in public and economic life. The head of the bureau must report annually to the Chairman of the Council of Ministers of Poland on the work done and plans for the next calendar year. Back in 2004, Poland introduced the Anti-Corruption Citizens' Card, which wrote in an accessible form for the average citizen about anti-corruption regulations

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<sup>45</sup> Saenko Yu. (2001). *On the question of creating a system of indicators of the modern state of society*. Sociology: theory, methods, marketing, 3, pp. 26-30.

<sup>46</sup> Leven B. (2005). *Corruption and reforms: A case of Poland's medical sector*. Communist and Post-Communist Studies, 38(4), pp. 447-455.

and how to behave in situations where an official demands a bribe<sup>47</sup>.

The success of the fight against corruption in Poland is linked to four main factors: public transparency, policy control, personal civic activism and media activism.

The principle of transparency of state institutions is widely used in Poland. All activities are covered in the press, every citizen has the opportunity to receive information about the principles of the activities of public authorities, about their management decisions. In Poland, there are ethical barriers where, in accordance with the Code of Ethics, an employee cannot violate the norms because he or she has strong moral convictions so as not to harm the interests of society as a whole<sup>48</sup>. The principle of predictability applies, i.e. bodies of regional and local significance act clearly in accordance with previously defined plans and strategies<sup>49</sup>.

Talking about Germany's experience in the fight against corruption, first of all, it should be mentioned the fact that within this state there is an anonymous hotline where you can call and report known facts of corruption, economic crimes.

The main anti-corruption institution in Germany is the police, which is linked to local criminal investigation departments. In Hamburg, the Ministry of the Interior has a special department in which anti-corruption measures are developed. In some parts of Germany, there is an authorized person who can provide advice on corruption. In Frankfurt, there is a Center for Combating Corruption in Health Care - within the main department of the city prosecutor's office. In general, programs to increase the level of competence in corruption are conducted throughout the country. In Germany, the active fight against corruption begins at the local level<sup>50</sup>.

In particular, the obligation of banking institutions to provide law enforcement agencies with information on transactions with significant amounts of money, provided that this information will be used only for investigation. There is also a register of corrupt companies in Germany, which are deprived of the opportunity to fulfill government orders, and law enforcement agencies. In Germany, a civil servant who wants to get another job must obtain a permit from the highest official<sup>51</sup>.

France has a structure of anti-corruption bodies typical of many Western European countries. Much attention is paid to financial corruption. Those who carry out financial transactions are obliged to file declarations and pay taxes in case of excess, thus controlling the movement of non-cash funds. In France, ministers and deputies are included in a separate official list and are required to report on their financial situation and that of their relatives before taking office, which is then verified by a special state commission.

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<sup>47</sup> Pidbereznyk N. (2013). *Management mechanisms for preventing and combating corruption in the EU: the experience of Poland*. Effectiveness of public administration, 36, pp. 158-165.

<sup>48</sup> Lujan F. (2021). *The fundamental right to a corruption-free society: a contribution from Latin America*. Derechos Y Libertades, 44, pp. 237-275.

<sup>49</sup> Pidbereznyk N. (2013). *Management mechanisms for preventing and combating corruption in the EU: the experience of Poland*. Effectiveness of public administration, 36, pp. 158-165.

<sup>50</sup> Turchynov K. (2017). *Political corruption. Causes and legal mechanisms of its overcoming*. Scientific notes of the Institute of Legislation of the Verkhovna Rada of Ukraine, 3, pp. 19-23.

<sup>51</sup> Melnyk M. (1997). *Germany on the way to fight corruption*. Law of Ukraine, 11, pp. 111-115.

Describing Finland's experience in the fight against corruption, we immediately draw attention to a clear and effective legal framework and enormous public support in combating corruption risks.

Social control is part of the Finnish tradition. The level of education of the population plays an important role in this society, it is clear that educated people are harder to manipulate. The Finnish legislator laid down the principles of crime prevention in each legal act, which define a specific area of activity, not the type of crime<sup>52</sup>.

In the course of our study, we will also describe the experience of Singapore, where there is a specialized body - the Bureau of Investigation of Corruption, which has political independence. The functional duty of the bureau is to investigate cases of abuse of employees, to study the methods of work of prone to corruption in government agencies, and further recommends that certain measures be taken by the heads of these bodies.

The main direction of Singapore's anti-corruption policy is to reduce the incentives to commit corrupt practices, thus effectively working to eliminate the preconditions for the emergence of corruption risks. There are a number of anti-corruption principles of this strategy:

- wages, which should be based on the average wage of persons who successfully work in the private sector;
- rigor in cases of corruption committed by high-ranking government officials;
- annual reporting of officials on property, assets, debts, the prosecutor has the right to check the current accounts of a person suspected of violating the Act on Prevention of Corruption;
- unnecessary administrative barriers to economic development are eliminated.

Based on our analysis, it becomes clear that the fight against corruption in Singapore is considered the most effective and conducive to economic development<sup>53</sup> (Melnikov, 2016).

Thus, the experience of the countries of the world, which were discussed above, in preventing and combating corruption, is of considerable interest, it is usually necessary to take into account the specifics and mentality of their public administration. The system of measures to prevent corruption should be based on the principles of legality, publicity, transparency, inevitability of punishment of perpetrators of corruption crimes. Obviously, the punishment should be commensurate with the crime, but the responsibility should be severe, because the official taking bribes, lobbying someone's interests, violates clearly defined norms, and as a consequence affects global processes in the economy.

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<sup>52</sup> Salminen A. (2013). *Control of corruption: the case of Finland*. Different paths to curbing corruption: lessons from Denmark, Finland, Hong Kong, New Zealand and Singapore, 23, pp. 57-77.

<sup>53</sup> Melnikov O. (2016). *Ways to combat corruption in the field of public procurement*. Actual problems of public administration, 1, pp. 44-49.

## 5. Conclusions

Corruption poses a threat to the rights and freedoms of citizens and is acutely felt in society, slowing down economic development. Successful fight against corruption should increase public confidence in the government and improve the lives of people. The main directions of anti-corruption policy are the formation of specialized anti-corruption bodies, which should prevent corruption and intensify the anti-corruption activities of state bodies. In conclusion, we can identify a number of proposals:

- 1) in order to radically improve the situation in the fight against corruption, it is necessary to restore the people's trust in the government;
- 2) coordinate the activities of law enforcement agencies in this area;
- 3) to improve the relations of the state with the international community;
- 4) to enshrine at the legislative level clear mechanisms for implementing the anti-corruption strategy;
- 5) the need to carry out annual reports to parliament and the people on the investigations and punishments carried out. All anti-corruption state policy can be divided into separate system blocks: information and research activities; law-making activity; institutional activities; control and supervision activities; law enforcement activities; preventive activities; educational activities.

Taking into account foreign experience, the following proposals may become priorities for Ukraine:

- 1) activities aimed at raising the legal awareness of citizens, disseminating ethical rules of inadmissibility of corruption, conducting educational programs;
- 2) to involve the public in the supervisory boards of public authorities, ministries for the implementation of anti-corruption programs, to introduce a preliminary examination of regulations that will be adopted by public authorities;
- 3) create conditions for the inevitability of punishment for corrupt officials, regardless of their political power;
- 4) carry out preventive and incentive anti-corruption measures for employees of anti-corruption structures;
- 5) to create hotlines, reception rooms, where citizens could report the facts of corruption;
- 6) coverage in the media of the main results of the activities of specialized state bodies and non-governmental organizations that take an active part in combating corruption;
- 7) financing of anti-corruption measures carried out by civil society institutions. Corruption is increasingly affecting the apparatus of public administration, whose representatives use their official position for personal enrichment against the interests of the service.



### Bibliography

1. Babich O. (2011). *Legal analysis of the Law of Ukraine "On Principles of Prevention and Counteraction to Corruption in Ukraine"* [Online]. Available at: <https://flexp.com.ua/library/article/418>
2. Bielska T. (2009). *Corruption as a factor of negative impact on the relationship between public authorities and civil society institutions*. Public administration and local self-government, 1 (1), pp. 110-117.
3. Bodnar V. (2016). *Prevention of corruption in the budget sphere*. Bulletin of the National Academy of Internal Affairs, 98, pp. 296-306.
4. Bokovikov Yu. (2017). *Anti-corruption mechanisms*. Theory and practice of public administration, 56, pp. 1-7.
5. Bortnik S. (2015). *Prevention of corruption schemes in the budget sphere*. Bulletin of the Chernivtsi Faculty of the National University "Odessa Law Academy", 4, pp. 45-56.
6. Dovzhanin V. (2015). *Legal regulation of preventing and combating corruption under US law*. Scientific Bulletin of the International Humanities University. Series: Jurisprudence, 13 (1), pp. 102-106.
7. Gulemyuk L. (2009). *Theoretical and social analysis of corruption as a threat to national security of Ukraine*. Scientific Bulletin of Lviv State University of Internal Affairs, 2, pp. 1-10.
8. Ivasenko S. (2014). *Corruption risk assessment: methodological approaches*. Legea si viata, 8/2, pp. 58-62.
9. Kopecny Z. (2014). *Fight against corruption in the Czech Republic under the influence of EU anti-corruption measures*. Zahranicni vlivy na vnitrostatni pravo, pp. 243-248.
10. Kurylenko O. (2007). *Corruption in modern Ukraine: analysis of the phenomenon*. History at school. Middle Ages: people and the city, 10, pp. 1-5.
11. Kushnaryov I. (2012). *Anti-corruption strategy as a component of anti-corruption policy*. Law and Security, 5, pp. 177-181.
12. Lavrinenko I. (2007). *Tender for the state*. Expert, 28, pp. 15-19.
13. Leven B. (2005). *Corruption and reforms: A case of Poland's medical sector*. Communist and Post-Communist Studies, 38(4), pp. 447-455.
14. Lujan F. (2021). *The fundamental right to a corruption-free society: a contribution from Latin America*. Derechos Y Libertades, 44, pp. 237-275.
15. Martinez C., Diaz C., Martinez R. (2019). *Corruption and Judicial Corruption: Inputs into the Debate*. Prolegomenos-Derechos Y Valores, 22(44), pp. 67-82.
16. Melnikov O. (2016). *Ways to combat corruption in the field of public procurement*. Actual problems of public administration, 1, pp. 44-49.
17. Melnyk M. (1997). *Germany on the way to fight corruption*. Law of Ukraine, 11, pp. 111-115.
18. Melnyk M. (2000). *Bribery: general characteristics, problems of qualification, improvement of legislation*. Kyiv: Parliamentary Publishing House, 256 p.
19. Mendez F., Sepulveda F. (2010). *What Do We Talk About When We Talk About Corruption?* Journal of law economics & organization, 26(3), pp. 493-514.
20. Moiseienko A. (2018). *The ownership of confiscates proceeds of corruption under the UN Convention against corruption*. International & comparative law quarterly, 67(3), pp. 669-694.

21. Moldovan E. (2010). *Directions of prevention and counteraction of corruption in the civil service: moral and ideological aspect*. Public administration: theory and practice, 2, pp. 17-23.
22. Nash C. (2018). *Human Rights and Corruption. A multidimensional approach*. Estudios De Derecho, 75(166), pp. 138-162.
23. Nekit K. (2021). *Restrictions of private property right in terms of the COVID-19 pandemic: the experience of the US, UK and Ukraine*. The Age of Human rights, 16, pp. 263-277.
24. Nekit K., Zubar V. (2020). *Fiduciary management and fiduciary ownership in the post-Soviet countries: experience of Ukraine, Republic of Moldova, Republic of Belarus and Russian Federation*. Trusts & Trustees, 26 (8-9), 841-858.
25. Pavlik J. (2017). *Political importance and its relation to the federal prosecution of public corruption*. Constitutional political economy, 28(4), pp. 346-372.
26. Petrova A. (2015). *Corruption as a socio-legal phenomenon*. Bulletin of Luhansk State University of Internal Affairs named after E. Didorenko, 4, pp. 96-102.
27. Pidberezhyk N. (2013). *Management mechanisms for preventing and combating corruption in the EU: the experience of Poland*. Effectiveness of public administration, 36, pp. 158-165.
28. Quah J. (2017). *Singapore's success in combating corruption: lessons for policy makers*. Asian education and development studies, 6(3), pp. 263-274.
29. Raditsa O. & Pikh M. (2012). *Determining the factors of corruption in countries with different levels of economic development using the theory of fuzzy sets*. Scientific works of NDFI, 4, pp. 214-220.
30. Saenko Yu. (2001). *On the question of creating a system of indicators of the modern state of society*. Sociology: theory, methods, marketing, 3, pp. 26-30.
31. Salminen A. (2013). *Control of corruption: the case of Finland*. Different paths to curbing corruption: lessons from Denmark, Finland, Hong Kong, New Zealand and Singapore, 23, pp. 57-77.
32. Seryogin S. (2009). *The social essence of corruption in state bodies authorities*. Public administration and local self-government, 3(3), pp. 202-207.
33. Seryogin S. (2010). *Mechanisms to prevent and combat corruption in public authorities*. Public administration: theory and practice, 1, pp. 134-140.
34. Sukhonos V. (2015). *Legal measures to combat corruption in Ukraine in modern conditions: scientific and theoretical aspects*. Sumy: University Book, 74 p.
35. Syrychynsky V. (2006). *Procurrence as a mechanism of formation competitive market of European public procurement in Ukraine*. Competition, 4 (13), pp. 8-12.
36. Tovpyha L., Pastukh I., Tarasevych T., Bondar S., & Ilina O. (2021). *Legal regulation of practices of the police as an entity in charge of preventing and combating corruption in Ukraine*. Political Questions, 39(69), pp. 735-755.
37. Turchynov K. (2017). *Political corruption. Causes and legal mechanisms of its overcoming*. Scientific notes of the Institute of Legislation of the Verkhovna Rada of Ukraine, 3, pp. 19-23.
38. United Nations. (2003). *United Nations Convention against Corruption*. [Online]. Available at: <https://www.unodc.org/unodc/en/treaties/CAC/>.
39. Verkhovna Rada of Ukraine. (2014). *On Prevention of Corruption: Law of Ukraine of October 14, 2014*. [Online]. Available at: <https://zakon.rada.gov.ua/laws/show/1700-18#Text>.

40. Verkhovna Rada of Ukraine. (2014). *On Restoring Confidence in the Judiciary in Ukraine: Law of Ukraine of April 4, 2014*. [Online]. Available at: <http://zakon2.rada.gov.ua/laws/show/1188-18>.
41. Verkhovna Rada of Ukraine. (2014). *On the principles of state anti-corruption policy in Ukraine (Anti-corruption strategy) for 2014-2017: Law of Ukraine of October 10, 2014*. [Online]. Available at: <http://zakon5.rada.gov.ua/laws/show/1699-18>
42. Voloshina A. (2015). *Alternative report to assess the effectiveness of state anti-corruption policy*. Kyiv: Istyna, 268 p.
43. Wilske S. (2019). *International arbitration and its dark sides, in particular corruption: what arbitral institutions could and should do to tackle such unwelcome issues*. Contemporary Asia Arbitration Journal, 12(2), pp. 146-176.
44. Zadorozhny S. (2014). *Local government in the fight against corruption*. Efficiency of public administration, 41, pp. 234-242.
45. Zadorozhny S. (2016). *The mechanism of prevention and counteraction to corruption in local authorities*. Dr. of Science Thesis. Kyiv, 246 p.
46. Zhang Y. (2020). *Corruption: Challenges of Anti-Corruption in the US*. Public Integrity, 22(3), pp. 299-303.