

# Distinctive features of fight against corruption in Ukraine

## Особливості боротьби з корупцією в Україні

Ruslan Radetskyi

### Key words:

*anti-corruption policy, corruption, organizational arrangements, legal arrangements, causes of occurrence of corruption.*

### Ключові слова:

*антикорупційна політика, корупція, організаційні заходи, правові заходи, причини виникнення корупції.*

**Problem statement.** Nowadays, the issues of prevention, incipience and anti-corruption management remain one of the most urgent and the ones, that need constant attention in Ukraine, since this phenomenon poses a real threat to national security, especially in light of recent events. Corruption itself is a stumbling block to the implementation of the numerous reforms that take place in our society and lead our state to the European community. Effective struggle with this phenomenon is more than ever needed today. Therefore, it is necessary to figure out the reasons for the incipience and the directions of the fight against corruption in Ukraine, and our article will be devoted to these important issues.

**The analysis of recent researches and publications.** The issues of the incipience and fight against corruption were investigated by such scholars as G.D. Bozhok, T.V. Illienok, I.Yu. Karpinskyi, M.V. Kolesnikova, S.Zh. Lazarenko, E.S. Moldovan and others. However, this issue is constantly in the focus of Ukrainian society, and therefore requires constant monitoring. Thus, this scientific article will be devoted to these important issues.

**The aim of the article** is to clarify the peculiarities of fight against corruption in Ukraine. To achieve the goal set in the article, the following tasks must be solved: to investigate the essence and significance of corruption, to find out the reasons and preconditions for the spread of corruption in Ukraine, to classify measures to prevent and counteract corruption in Ukraine and to propose the principles of state policy of fighting against the phenomenon of corruption.

**Statement of basic materials.** According to Art. 1 of the Law of Ukraine "On Prevention of Corruption" dated October 14, 2014, No. 1700-VII, corruption is the use of the official authority or the powers connected with it, specified in Part 1 of Art. 3 of this Law, by a person in order to obtain the improper advantage or the adoption of such advantage or the acceptance of the promise/offer of such advantage to himself or other persons or, accordingly, the promise/offer or provision of improper advantage to a person, specified in Part 1 of Art. 3 of this Law, or, on his claim, to other individuals or legal entities in order to persuade the person to misuse his authority or the powers connected to it<sup>1</sup>.

As G.D. Bozhok notes, corruption has become one of the main threats to the development of many countries, since its influence prevents the normal functioning of state institutions, extending both to the general social and to the legal environment of society's life-sustaining activity. There is no doubt that corruption is a serious obstacle to Ukraine, as it is one of the main factors that poses a real threat to national security and democratic development of the state<sup>2</sup>.

Indeed, not only law enforcement agencies and state authorities, but also public figures, academics and the world community have recently been appealing to the fight against corruption in our state.

<sup>1</sup> On Prevention of Corruption: Law of Ukraine dated October 14, 2014. No. 1700-VII. URL: <http://zakon2.rada.gov.ua/laws/show/1700-18>.

<sup>2</sup> Bozhok G.D. Historical sources of corruption. URL: <http://www.law-property.in.ua/articles/61-idol-gd-historical-origins-of-corruption.html>.

As T.V. Illienok notes, the danger of corruption as a social phenomenon lies in the fact that it<sup>3</sup>:

- tears down the authority of the state, causes damage to the establishment of democratic foundations for the management of society and the functioning of the state apparatus;
- substantially restricts constitutional rights and human freedoms;
- violates the principle of supremacy of law;
- leads to inhibition and distortion of socio-economic reforms, impedes the development of market relations, especially medium and small businesses, as well as the inflow of foreign investments;
- rudely violates the established procedure for exercising of powers by public officials of state authorities, local self-government, administrative structures of the legal sector;
- provides illegitimate privileges to bribable groups and clans, subordinates state power to their interests;
- promotes the criminalization and shadowing of the economy, as well as the legalization of illegally obtained incomes;
- feeds organized crime activity, first of all economic one, becomes an indispensable condition for its existence;
- violates the principle of social justice, the inevitability of punishment;
- destroys spiritual, moral and social values;
- complicates relations with other states and the entire international community, makes it impossible to provide foreign aid.

Thus, indeed, corruption creates a number of factors that hinder the development of Ukraine and, primarily and mainly, harms international relations, especially with European countries. In addition, it threatens the rights and freedoms of Ukrainian citizens and the rule of law.

So, let's find out the reasons and preconditions for the spread of corruption in Ukraine.

According to S.Zh. Lazarenko and K.A. Babenko the spread of corruption at the present stage has certain features<sup>4</sup>:

- politicization of corruption: corruption in the classical manifestation, inherent in the fair trade practice of doing business, becomes more and more politicized, moving into the power structures;
- the transition of corruption links from the category of temporary and accidental phenomena into the category of established corruption schemes;
- internationalization and globalization of corruption. Forms of corrupted cash flows become inaccessible to the control of national law enforcement agencies;
- expansion of the sphere of legalization of corruption, that is, the concealment of corruptive shady transactions for legitimate operations. As a result, legalized corruption falls outside the scope of law enforcement and becomes even larger.

Let's take into account the following main causes of corruption:

- political ones, manifested in the lack of purposeful formation of the state idea and high moral qualities, slowing down the development of the Ukrainian public administration system;
- economic ones, consisting of the absence of transparent economic processes (privatization, sales, licensing, permits, limits, agreements, etc.);
- legal ones, manifested in the incomplete definition of the essence of the subjects of corrupted acts, the formal declaration of income;
- organizational ones, which consist in the possibility of employment of persons from business or crime rings in government agencies;
- socio-psychological ones, which mean loyal attitude to the facts of corruption, as well as moral deformation, self-interest, poverty, low salaries of central government employees.

As M.V. Kolesnikova notes, the reasons for corruption include<sup>5</sup>:

<sup>3</sup> Illienok T.V. Historical and legal origins of the notion of corruption. URL: <http://www.pravoznavec.com.ua/period/article/11474/%D2>.

<sup>4</sup> Lazarenko S.Zh. Political, legal and social preconditions for corruption in public authorities. URL: <http://kaas.gov.ua/law-library/articles/b/298-politiko-pravovi-ta-sotsialni-peredumovi-korupsiiji-v-organakh-derzhavnoji-vladi.html>.

<sup>5</sup> Kolesnikova M.V., Turuk N.V. Information as a way to fight against corruption. Legal Scientific Electronic Journal. 2016. No. 2. URL: [www.lsej.org.ua](http://www.lsej.org.ua).

- unmeasured “growth” of the bureaucratic apparatus of officials, significant prevalence of licensing procedures in public administration, criminalization of relations of power authorities (economic dependence of power on private capital);
- low salaries of central government employees;
- lack of effective public control over the activities of public authorities;
- imperfection of the legislation governing the relations of power and capital concerning the sphere of influence;
- socio-economic crisis in the state, etc..

According to I.Yu. Karpinskyi, the spread of corruption in Ukraine is connected with such basic moral and psychological moments<sup>6</sup>:

- the loss of the moral foundations of its former status among members of society, low assessment of its role in regulating of social interactions, devaluation of moral values, demoralization of society;
- socio-economic and political instability of society gives citizens, including central government employees, a spirit of uncertainty and uncertainty in the future (temporality syndrome);
- weakening of society's immunity to corruption and anti-corruption motivation of society;
- non-recognition of corruption as a social blemish, misunderstanding of its social danger to the society, the state, the individual, the significant part of the population;
- radical changes in the worldview, our state citizens' ideological orientations, which relate to the sphere of public power;
- professional and moral deformation of a part of managers and officials, holding important positions, which is manifested in commission or lenient attitude to corruption acts, violations of official ethics;
- the dissemination of lucratively inclined orientation in the activities of employees of the public sphere, their readiness to violate the law and morals, as well as the orientation of a significant part of the population to unlawful resolution of life issues.

Thus, the factors of corruption constantly interact with each other. The expediency of distinguishing the social prerequisites of corruption along with the causes of the incipience of conditions is determined by the complexity and versatility of the phenomenon of corruption. It should be noted that corruption is the result of social processes that have certain consistent patterns. Therefore, only a deep analysis of these processes will allow us to develop effective measures to fight against this phenomenon.

Let us also focus on measures to prevent and fight against corruption. We consider it expedient to distinguish the following ones among them: adaptation, ensuring of transparency and publicity, punitive, organizational and managerial, judicial, preventive and socio-economic.

Table 1

**Classification of Measures for the Prevention and Counteraction of Corruption in Ukraine**

Classification direction	Measures
Adaptation	Putting the structure of the civil service of Ukraine in line with the recommendations and standards of the EU member states
Ensuring of transparency and publicity	Ensuring transparency of decision-making by means of competitions, tenders. Creating a transparent hiring and promotion system for central government employees. Determining the list of information that public authorities must make available for the development of civil society and the formation of a civilized business environment. Development and introduction of a diversified system of public control over the activities of state authorities. Minimizing the contacts of officials with citizens through the use of the Internet.
Punitive	Creation of an effective anti-corruption system, in which the commission of corruptive acts entails the inevitable responsibility of the persons guilty of committing them, with the onset of negative social and service consequences (loss of pensions, career restrictions, political activities)

<sup>6</sup> Karpinsky I.Yu. Socio-psychological factors of fighting against corruption in Ukraine. URL: [http://www.nbu.gov.ua/old\\_jrn/Soc\\_Gum/Grani/2012\\_1/17.pdf](http://www.nbu.gov.ua/old_jrn/Soc_Gum/Grani/2012_1/17.pdf).

Organizational and managerial	Reducing the number of “bribe-taking” functions of the government service. Clear legislative definition of procedures for making managerial decisions. Optimization of the number of state structures in order to avoid parallelism in work, reducing the number of supervisory and reviewing authorities. Improving of mechanisms for monitoring the authenticity of declaring the incomes and expenditures by the central government employees; provision of real legal consequences of false declaring, taking into account the size of hidden revenues. Creation of a single interdepartmental computer information system for recording information on the facts of corruption and corruptive acts with the right of access of all law enforcement agencies and the MDCS to it. Securing of the duty of a central government employee to be dismissed in case of election to representative bodies. Introduction of the legal institute of rotation of government service personnel in separate positions. Elimination of functional conflicts in the activities of executive authorities. The use of the principle of “positive administrative silence” in the process of applying authorization procedures
Judicial	Unification of normative legal acts in the sphere of government service of Ukraine. Improvement of the legal mechanism for certification of central government employees. Development and adoption of the Administrative and Procedural Code of Ukraine, which should define the principles of rationalization of administrative procedures
Preventive	Preventing social background for corruption and eliminating the causes caused by corruption
Socio-economic	Establishment of a system of public relations in which the legitimate behavior of central government employees is socially prestigious and beneficial. Ensuring fair and adequate remuneration of central government employees, so that negative manifestations of patronage, clannishness and nepotism could be avoided

\*- compiled by the author on the basis of<sup>7</sup>

As it has been shown in Table 1, a significant number of measures to overcome corruption in Ukraine combines organizational, managerial and legal directions.

As it is well known, an institutional framework for fight against corruption has been developed in Ukraine in recent years. In addition to traditional institutions such as the courts and the General Prosecutor's Office, specialized agencies were set up, including the National Agency for the Prevention of Corruption, the National Anti-Corruption Bureau and the specialized anti-corruption prosecutor's office.

Also, we have been able to take a number of steps that gradually bring us closer to overcoming corruption in recent years. Among them one should mention about the adoption of the Laws of Ukraine “On the Prevention of Corruption” dated October 14, 2014, No. 1700-VII<sup>8</sup>, “On the National Anti-Corruption Bureau of Ukraine” dated October 14, 2014, No. 1698-VII<sup>9</sup>, “On the Principles of State Anti-Corruption Policy in Ukraine (Anticorruption Strategy) for 2014–2017” dated October 14, 2014 No. 1699-VII<sup>10</sup> and other regulatory documents.

Consequently, organizational and managerial, and judicial measures create the basis of the fight against corruption in Ukraine. Thanks to the successful and effective implementation of these measures, we will be able to effectively fight against the phenomenon of corruption in Ukraine.

It should be noted that the policy of fighting against corruption should be carried out on the basis of such principles:

<sup>7</sup> Moldovan E.S. Directions of prevention and counteraction of corruption in the public service: moral and ideological aspect. URL: [http://www.nbu.gov.ua/e-journals/dutp/2010\\_2/txts/10mesmia.pdf](http://www.nbu.gov.ua/e-journals/dutp/2010_2/txts/10mesmia.pdf).

<sup>8</sup> On Prevention of Corruption: Law of Ukraine dated October 14. 2014. No. 1700-VII. URL: <http://zakon2.rada.gov.ua/laws/show/1700-18>.

<sup>9</sup> On the National Anti-Corruption Bureau of Ukraine, Law of Ukraine on October 14. 2014. № 1698-VII. URL: <http://zakon3.rada.gov.ua/laws/show/1698-18>.

<sup>10</sup> On the Principles of State Anti-Corruption Policy in Ukraine (Anticorruption Strategy) for 2014–2017: Law of Ukraine dated October 14. 2014. No. 1699-VII. URL: <http://zakon3.rada.gov.ua/laws/show/1699-18>.

- objectivity, which takes into account previous experience and information;
- goal-setting, which involves the clear formation of specific strategic goals and the purpose of achieving the result;
- progress, which envisages the directing of a full set of measures, that have been put into the strategy of fight against corruption in Ukraine to obtain the final result, namely, to overcome corruption;
- effectiveness, which determines the effectiveness of carrying out of measures to fight against corruption, by balancing the efforts taken on their implementation and the results obtained;
- priority, which includes the inclusion of important tasks in the main areas of the fight against corruption, the implementation of which will achieve the desired results;
- competence, which means involvement of a wide range of experts in the anti-corruption sphere, who possess knowledge in the field of fighting against corruption, in particular foreign ones;
- continuity, which provides involving a wide range of representatives of all related parties in the process of development and implementation of the anti-corruption policy in order to ensure the inheritance of the implementation of the developed policy;
- alternative, which involves the development of parallel alternative plans for the implementation of the anti-corruption policy;
- transparency, which implies the openness and transparency of the actions of all entities in the implementation of the anti-corruption policy;
- situational activities, which involve identifying, assessing, taking into account the influence of internal and external factors, as well as scenarios of actions, as a result of possible development options, depending on their combination.

Thus, an effective anti-corruption policy in Ukraine should be based on coordinated actions of state authorities and society, which will help eliminate this phenomenon in our country and bring us closer to democratic values and the European community.

**Conclusions and suggestions.** The law enforcement agencies and state authorities, as well as public figures, academics and the world community pay attention to the issues of fight against corruption in our country recently. Corruption creates a number of factors that hinder the development of Ukraine and, first of all, harm international relations, especially with European countries. In addition, it threatens the rights and freedoms of Ukrainian citizens and the supremacy of law. The causes of corruption include political, economic, judicial, organizational and socio-psychological. The factors of corruption are constantly interacting with one another. The expediency of distinguishing of social preconditions for corruption along with the causes of the incipience and conditions is due to the complexity and multiplicity of the phenomenon of corruption. It should be noted that corruption is the result of social processes that have certain patterns. Therefore, only a deep analysis of these processes will allow us to develop effective measures to fight against this phenomenon. The main measures to fight against corruption include adaptation, ensuring of transparency and publicity, punitive, organizational and managemental, judicial, preventive and socio-economic. The organizational and managemental, judicial directions in its composition combine a significant number of measures for overcoming corruption in Ukraine. An effective anti-corruption policy in Ukraine should be based on coordinated actions of state authorities and society, which will help eliminate this phenomenon in our country and bring us closer to democratic values and the European community. It will be the direction of further scientific researches in this topic.

## Summary

The reasons for the incipience and direction of fight against corruption in Ukraine have been clarified in the article. The author has investigated the essence and significance of corruption, found the causes and preconditions for the spread of corruption in Ukraine. He has carried out the classification of measures to prevent and counteract corruption in Ukraine and proposed the principles of state policy of struggle against the phenomenon of corruption.

### Анотація

У статті з'ясовані причини виникнення та напрями боротьби з корупцією в Україні. Автором досліджено сутність і значення корупції, з'ясовано причини й передумови поширення корупції в Україні. Здійснено класифікацію заходів із запобігання та протидії корупції в Україні й запропоновано принципи державної політики боротьби з явищем корупції.

### Literature:

1. Bozhok G.D. Historical sources of corruption. URL: <http://www.law-property.in.ua/articles/61-idol-gd-historical-origins-of-corruption.html>.
2. Illienok T.V. Historical and legal origins of the notion of corruption. URL: <http://www.pravoznavec.com.ua/period/article/11474/%D2>.
3. Karpinsky I.Yu. Socio-psychological factors of fighting against corruption in Ukraine. URL: [http://www.nbu.gov.ua/old\\_jrn/Soc\\_Gum/Grani/2012\\_1/17.pdf](http://www.nbu.gov.ua/old_jrn/Soc_Gum/Grani/2012_1/17.pdf).
4. Kolesnikova M.V., Turuk N.V. Information as a way to fight against corruption. Legal Scientific Electronic Journal. 2016. No. 2. URL: [www.lsej.org.ua](http://www.lsej.org.ua).
5. Lazarenko S.Zh. Political, legal and social preconditions for corruption in public authorities. URL: <http://kaas.gov.ua/law-library/articles/b/298-politiko-pravovi-ta-sotsialni-peredumovi-koruptsiji-v-organakh-derzhavnoji-vladi.html>.
6. Moldovan E.S. Directions of prevention and counteraction of corruption in the public service: moral and ideological aspect. URL: [http://www.nbu.gov.ua/e-journals/dutp/2010\\_2/txts/10mesmia.pdf](http://www.nbu.gov.ua/e-journals/dutp/2010_2/txts/10mesmia.pdf).
7. On Prevention of Corruption: Law of Ukraine dated October 14, 2014. No. 1700-VII. URL: <http://zakon2.rada.gov.ua/laws/show/1700-18>.
8. On the Principles of State Anti-Corruption Policy in Ukraine (Anticorruption Strategy) for 2014–2017: Law of Ukraine dated October 14, 2014. No. 1699-VII URL: <http://zakon3.rada.gov.ua/laws/show/1699-18>.
9. On the National Anti-Corruption Bureau of Ukraine, Law of Ukraine on October 14, 2014. № 1698-VII. URL: <http://zakon3.rada.gov.ua/laws/show/1698-18>.

---

**Ruslan Radetskyi,**

*Associate Professor of the Department of Public Management and Administration  
Institute of Personnel Training of the State Employment Service of Ukraine*