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**INTEGRATION OF SUCCESSFUL FOREIGN ANTI-CORRUPTION POLICY
IN UKRAINIAN LEGISLATION**

The article describes the successful foreign experience of combating corruption, which was implemented in the Ukrainian anti-corruption policy. They are compared. The causes and consequences of relevant policies are analyzed. The essence of the influence of other states on the Ukrainian anti-corruption policy is revealed, which in the first place can be beneficial to these countries, or to some of its representatives, which indicates the dependence of Ukraine itself and the lack of political will regarding its own fight against corruption. The effectiveness of foreign anti-corruption methods in the Ukrainian environment is considered and compared. A variety of foreign methods are described, which in some aspects are not used in Ukrainian anti-corruption policy.

Keywords: *Transparency International Ukraine, Anti-corruption strategy, corruption, index CPI, NABU, NACP.*

Problem statement. Despite the existence of a period of armed aggression by the Russian Federation, Ukraine is on the path of complex democratic transformations. Prevention and counteraction of corruption is one of the most important components of this process. Borrowed, successful, foreign anti-corruption experience used in Ukraine may not bring the same result as in the country where it is successfully used.

Analysis of recent research and publications. To cover the topic, articles and reports of international organizations were studied, analyzed and summarized, such as: Transparency International, NABU. NACP, Foreign Policy and such figures: V. Kudryashova, B. Sela and others.

Setting objectives. The purpose of the article is to establish effective methods of using foreign anti-corruption policy in Ukrainian legislation.

Main material presenting. Ukraine improved its indicators in the index of perception of corruption from the international anti-corruption organization Transparency International Ukraine (CPI). In 2022, Ukraine received 33 points out of a possible 100 for 2022. This is one point more than in 2021. Now Ukraine ranks 116 out of 180 countries. Since 1995, the international anti-corruption organization SRI has been conducting research on the perception of corruption. It reflects how corrupt the public sector of the countries included in the rating is considered [1].

The assessment of Ukraine in 2021 was formed from 9 studies. Only two sources showed an increase in scores. The largest decrease — by 4 points — is observed in the Bertelsmann Foundation's Transformation Index. According to the SRI, the following events contributed to the decrease in scores in some studies:

- The decision of the Constitutional Court dated October 27, 2020, by which it exempted top officials, officials and judges from responsibility for unreliable declarations. According to NABU, detectives then investigated 110 criminal proceedings related to the intentional entry of false information into e-declarations. 7 persons, including three former people's deputies, were even informed of the suspicion, but due to the decision of the KSU, all these investigations were to be closed. NACC was forced to close 17 criminal proceedings and even cancel sentences.

- Changes to the antimonopoly legislation, which could harm businesses to protect their rights during public procurement appeals. At one time, TI Ukraine criticized these innovations as those that would negatively affect the procurement sphere.

- Intensification of interference in the work of the High Anti-Corruption Court (NACC). In particular, we are talking about proceedings in the CCU regarding the constitutionality of the NACC as a specialized court.

The general increase in pressure on the anti-corruption ecosystem, including due to the long-term absence of permanent leaders in institutions. Thus, the competition for the selection of the head of the SAP has been going on for over a year, and the head of SAMA was launched only in the fall of 2021 — almost two years after the dismissal of the previous head of the Agency. And in both cases there are questions for competitions.

- Delay in the implementation of the judicial reform, despite the adoption of the legislative framework for its launch.

- Postponing the adoption of the Anti-corruption Strategy in the second reading, which would help to comprehensively solve a number of problems with corruption in Ukraine.

In 2021, all the powers of the NACC were restored, the institute of whistleblowers was preserved, the laws on the work of SAMA and NABU were updated, dozens of verdicts were handed down by the NACC, and the civil confiscation tool became operational. However, as we can see, all these anti-corruption positives were not enough for an increase in the Corruption Perception Index.

The launch of the Polit data electronic registry of political party reporting by the National Agency for the Prevention of Corruption (NACC) also had a positive effect on the Index data. The register started working in the spring of 2021, but the long-awaited electronic reporting for parties has not yet fully worked, and this very important process was suspended by law in the spring of 2020 due to the COVID-19 pandemic.

20-2021, parliamentary parties received almost UAH 1.5 billion. taxpayers' money, but how it was spent is still a mystery. In November 2021, the President promised and returned to the Verkhovna Rada the law on the pseudo-restoration of the reporting of political parties, which was called for by TI Ukraine and more than 60 public organizations [2].

Declaring officials is one of the most effective tools for preventing corruption in the public sector. Thanks to the e-declaration system introduced in 2016, today every citizen can find out the wealth of an official who receives a salary from the state budget. The National Agency for the Prevention of Corruption (NAPC) ensures the control and verification of the declaration of officials in order to find out whether all subjects of declaration have submitted declarations and whether the value of their property and expenses correspond to income. In the case of detection of a violation, the subject of the declaration may be brought to:

Administrative responsibility – if the amount of the detected unreliable information differs from the reliable one by the amount of 100 to 500 subsistence minimums for able-bodied persons. For such a violation, the court may oblige the subject to pay a fine.

Criminal liability – if the amount of false information differs from the reliable information by the amount of 500 to 4,000 subsistence minimums, the subject of the declaration may face a fine or community service, as well as deprivation of the right to hold certain positions or engage in certain activities. If the amount of false information exceeds reliable information by more than 4,000 subsistence minimums, punishment is provided in the form of a fine, community service or restriction of freedom, as well as deprivation of the right to hold certain positions or engage in certain activities.

Disciplinary responsibility – if the amount of discovered false information does not exceed 100 subsistence minimums. Despite the criticism caused by e-declarations, this system brought more transparency to the country and its people [3].

This unprecedented system, which required officials to reveal their true fortunes, was met with skepticism. In March 2017 and again in March 2018, about one million civil servants filed their returns, a significant achievement for transparency and integrity in the country. In this way, anti-corruption agencies, law enforcement agencies, journalists, civil society groups and ordinary citizens have succeeded in holding officials accountable for their actions.

The introduction of electronic declaration was a turning point in Ukrainian politics and the reform agenda. Many take it for granted that the system is a major step forward

in increasing transparency and a kind of springboard for culture change. Survey conducted GfK/ΠΠΟΟΗ in 2017 showed that the vast majority of Ukrainians (72%) have a positive or mostly positive attitude towards this system and the transparency it guarantees. 33% of Ukrainians doubt that electronic declarations contain complete information, and believe that declarants disclose only the property that, in their opinion, can be verified, or consider e-declaration purely a formality, and therefore declare the minimum amount of property [4].

With the beginning of the Russian invasion of Ukraine, declarations became optional for officials, and the Register of Declarations was closed for public access. As a result, only a third of all civil servants sent information about their wealth for 2021. In addition, no representative of the Office of the President or judge of the Constitutional Court was willing to provide their data, 28 people's deputies of the Verkhovna Rada of Ukraine of the 9th convocation (as of February 2023) submitted their data.

In its numerous publications in the mass media, the anti-corruption organization "Transparency International Ukraine" called for the restoration of electronic declaration before the end of martial law.

On September 5, 2023, the Verkhovna Rada of Ukraine adopted the Law that restores electronic declaration for state and local government officials for 2021, 2022 and 2023. On September 12, 2023, the President of Ukraine Volodymyr Zelenskyi vetoed the law on the restoration of electronic declaration for state and local government officials. And already on October 10, 2023, he signed the Law "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submission of Declarations by Persons Authorized to Perform State or Local Self-Government Functions in Martial Law."

Thus, electronic declaration during martial law has been restored in Ukraine. The law provides that officials must submit declarations for the years 2021-2023 - no later than 90 days after the law comes into force. Military personnel (except officials

TCP and SS and members MMC), prisoners, citizens in the occupied territories should not submit declarations until the end of martial law or the liberation of the

territories. After the end of martial law or demobilization, the military will have 90 days to submit declarations.

Edition Foreign Policy analyzes the consequences of the publication of electronic declarations of Ukrainian politicians. The reason for the declaration was the intention to become transparent and abandon corrupt practices. American observers call the disclosure of the wealth of Ukrainian officials a great achievement for the system of public administration, which until now has been characterized by corruption and the influence of oligarchs. According to the authors, if the exposed corruption remains uninvestigated or the question of how so many politicians became so rich remains unanswered, it may distance Western capitals from Kyiv, such as Washington and Brussels, whose support (financial and political) Ukrainians hope for. Sources Foreign Policy the American government also complains about official Kyiv. "It still remains a big, big problem. [5].

According to the World Bank, approximately 150 countries already use such a tool and have introduced clear reporting requirements. Public disclosure facilitates monitoring by civil society and the media, which can easily use the data to help anti-corruption institutions fight corruption more effectively. According to World Bank statistics, the percentage of countries where property declarations are made public among the countries of the Organization for Economic Cooperation and Development (OECD) is 97%. In Europe and Central Asia — 71%, in Asia — 55%, in Latin America and the Caribbean — 30%. In contrast, in Africa and the Middle East, only 27%. For example, in China, all government employees are required to submit information about their and their family's income and expenses every year. And not so long ago, another rule was introduced for Chinese officials: they were obliged to declare their assets abroad, including real estate (the same applies to their close relatives). In Singapore, which many Ukrainian politicians consider a standard from an anti-corruption point of view, civil servants have been providing data on their expenses for 68 years, and every six months they declare their income, as well as the income of their family. It is interesting that the recipient of information about ministers' income is not a special anti-corruption bureau or agency, but

the prime minister. Moldova and Romania do not require declaration of expenses, but Lithuania allows not to publish cash funds of civil servants. Kazakhstan and Uzbekistan allow not to declare gifts. Denmark and the United States declare only the income of officials. And in Canada, Sweden and Norway, declaration is mandatory for all citizens without exception. Sweden, Norway and Denmark differ in that the greatest emphasis in the field of combating corruption is not on sanctions, but on encouraging ethical behavior and benevolence of civil servants and, surprisingly, this approach works very well in these countries. An interesting fact is that criminal liability for the discovery of facts of illegal enrichment is provided for in the constitutions of some countries, and one of them is Article 109 of the Constitution of Mexico. However, civil servants may refuse to display some information publicly, and representatives of the legislative and judicial authorities generally have to receive a written letter requesting the disclosure of information in whole or in part. How are they punished for false declaration in different countries. Liability for lying in declarations varies from country to country, and the approaches here are radically different. Asia is famous for the severity of punishments for corruption crimes, and false declaration is no exception. In Singapore, declaration was introduced back in 1952. In their Criminal Code, there is a punishment "for the accumulation of wealth that does not correspond to the official position". The court has the right to confiscate all the property of an official whose legal origin he cannot explain. As a result, Singapore is consistently among the leading countries in the Corruption Perceptions Index. In Hong Kong, the "presumption of innocence" has been abolished for officials. Instead, they need to prove the legality of the acquisition of property, which a priori is considered illegally acquired. As soon as it is not possible to provide convincing evidence of legal ownership, the violator faces prison. Back in 1974, the Governor of Hong Kong established the Independent Anti-Corruption Commission, which could not be influenced by any other government institution. In India, the punishment for untimely or unreliable declaration is much more loyal than in most other Asian countries. Depending on the severity of the violation, it may be limited to an administrative fine with suspension from public activity for a period of 3 days to 3 months. If the violation is more serious, the person may be

suspended from public work for up to 5 years. In Europe, in general, confiscation of property is practiced, which has become the subject of a corruption crime. Bulgaria, for example, introduced a new law in 2018 that allows confiscation of property whose origin is not explained or if it can be “reasonably assumed” that the property was obtained illegally. There is a separate category of "property that was transferred to third parties or relatives of the suspect in order to avoid confiscation". In Georgia, in case of submission of knowingly incomplete or unreliable information in the declaration, criminal liability is imposed, provided for by the Criminal Code. In case of minor violations of the law (including untimely submission of the declaration), a fine (approximately 370 euros) is imposed on the violator under a simplified administrative procedure. Failure to submit a declaration within two weeks after the entry into force of such an order or court decision entails criminal liability. In Albania, refusal to declare or non-declaration of income is also a criminal offense and is punishable by a fine or imprisonment for up to 6 months. Concealment or false declaration of property or private interests by elected officials or civil servants is punishable by a fine or imprisonment for a term of up to three years. Also, among the countries of the Council of Europe, criminal liability for failure to submit a declaration or for the declaration of false information has been established in such countries as Greece, Latvia, Lithuania, Poland, Portugal, Serbia, and France. Latin America generally requires public officials to declare almost all their wealth, but has many exceptions when it comes to punishment. For example, in Argentina, the punishment for late or inaccurate declarations varies from simple publication of a list of offenders to financial deductions from the official's salary, the impossibility of returning to work in public institutions, or criminal liability in general. The appropriateness of declaring the assets of family members of officials is a subject of loud debate and has been hotly debated for some time in most countries where such a requirement is declared mandatory. The e-declaration of the Ukrainian official is electronic from August 2016. In many respects, our legislation coincided with foreign practices in the approach to public access to information on property status, which is set out in declarations [6].

The task of the National Anti-Corruption Bureau of Ukraine (NABU) – there is an investigation of corruption crimes of high-ranking officials or large sums of state funds. NABU is a state law enforcement agency created after the adoption of the Law "On the National Anti-Corruption Bureau of Ukraine".

The responsibility of NABU is determined depending on the nature of the corruption crime, the amount of damage caused and the subject of the crime (high-ranking officials or individuals from among officials) [7].

NABU is a central body of the executive power with a special status, which is entrusted with the prevention, detection, termination, investigation and disclosure of corruption and other criminal offenses under its jurisdiction, as well as the prevention of new ones. Established by the President of Ukraine on April 16, 2015. Its creation was provided for by the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine", adopted on October 14, 2014. At the stage of the draft law, it was called "On the system of specially authorized entities in the field of anti-corruption". The creation of the Bureau was a program item of the Coalition Agreement of the parliamentary majority and a requirement of the International Monetary Fund. In October 2019, the Bureau received the right to conduct interrogations of individuals involved in criminal cases independently of the SBU, and the hiring of undercover employees was also streamlined.

NABU detectives and prosecutors SAP prosecuted 137 people (out of 286 applications received). Indictments regarding the actions of 147 people were submitted to the court. Thus, at present, almost a thousand people have appeared on the dock. As a result of corruption actions during the current period, damage was caused to the state in the amount of UAH 78,437,005.26. [8].

Conclusions. The integration of a successful anti-corruption policy in Ukraine in many aspects has a positive effect on the development of Ukraine's anti-corruption policy. At the same time, there is a direct influence of world powers on Ukraine's anti-corruption policy, which is important precisely for these states and not for Ukraine, which makes our country dependent.

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