

System of entities for countering corruption and the specific features of their administrative and legal status

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Abstract. The article emphasises that combating corruption is the basis for the harmonious development of society. It has been noted that, like most multifaceted problems that are significantly related to the transformation of society, it is extremely difficult to give a single and comprehensive definition of corruption.

It has been determined that corruption as a consequence of social anomalies requires the functioning of specially authorised institutions designed to reduce its impact on society and further state formation. At the same time, the complexity of this process lies in the fact that such institutions (state authorities, civil society institutions) are formed in a specific cultural, socio-economic context, which is characterised by corruption manifestations rooted in practices formed over decades, as well as centuries-old traditions of hospitality.

It has been established that the system of anti-corruption entities is a holistic set of specially authorized public authorities, civil society institutions, and individual officials who are empowered to prevent, detect, and stop corruption; in their daily activities, they implement measures, initiatives, and projects aimed at forming zero tolerance for corruption among the population and increasing the integrity of public servants; create and support special information (digital) support for the anti-corruption process, in particular in terms of uninterrupted access to relevant registers and software applications, as well as their monitoring and improvement; actively cooperate with each other during the exchange of information and joint operations; interact with international organizations, foreign experts in the process of adopting leading experience, professional training of employees, etc.

Key words: system of anti-corruption entities, administrative and legal status, features, administrative and legal support.

Problem statement. Combating corruption is the basis for the harmonious development of society. Corruption is one of the most serious problems of our time, which has become acute in Ukraine, and its scale threatens the sustainable socio-economic and socio-political development of the country and successful integration into the European Union. The essence of corruption lies in the commission by officials of intentional unlawful actions aimed at using official powers for the purpose of personal enrichment [1, p. 398].

According to Art. 1 of the basic Law of Ukraine "On Prevention of Corruption", corruption is defined as "the use by a person of official powers granted to him or the opportunities related to them in order to obtain an unlawful benefit or to accept such a benefit or to accept a promise/offer of such a benefit for himself or other persons or, accordingly, the promise/offer or provision of an unlawful benefit to a person or at his request to other individuals or legal entities in order to induce this person to unlawfully use the official powers granted to him or the opportunities related to them" [2].

At the same time, successful counteraction to such a multifaceted social phenomenon, connected with many aspects of the functioning of society and the state, such as corruption, cannot be entrusted exclusively to any single public authority. This complex task requires the functioning of a coordinated system of entities combating corruption.

State of the study. Individual issues of the features of public administration in the electric power sector of Ukraine were considered by such leading researchers as O.M. Bandurka, O.I. Bezpalova, V.M. Vats, S.M. Gusarov, M.V. Dzhafarova, O.Yu. Drozd, V.O. Ivantsov, T.E. Kaganovska, A.M. Kolodiy, T.O. Kolomoiets, A.T. Komzyuk, K.B. Levchenko, O.M. Muzychuk, O.M. Reznik, A.O. Sobakary, V.V. Sokurenko, R.V. Shapoval, M.I. Shutov, O.G. Yarema and many other scientists. However, problems related to the functioning of the system of subjects of anti-corruption

action have recently emerged in light of new challenges, the essence of which has not previously been studied in administrative and legal thought.

Purpose and objectives of the study. The purpose of the article is to consider the system of subjects of anti-corruption and establish the features of their administrative and legal status. To achieve this goal, it is necessary to solve the following tasks: to establish the essence of corruption as a social phenomenon; to investigate the essence of the system of subjects of anti-corruption; and to consider the features of the administrative and legal status of individual subjects of anti-corruption in Ukraine.

Scientific novelty of the study. The scientific novelty of the research lies in the fact that the author proposes a new understanding of the essence of the system of subjects of anti-corruption action for domestic administrative and legal thought.

Presentation of the main material. Like most multifaceted problems that are significantly related to the transformation of society, corruption is extremely difficult to provide a single and comprehensive definition for.

Thus, some scholars note that in legal practice, corruption is most often interpreted as a socially dangerous illegal phenomenon, which is the result of blackmail, obtaining illegal benefits by officials who use their powers for personal enrichment, and neglecting the interests of other members of society. Therefore, corruption is usually considered a separate type of offence and criminal action of officials that contradicts the interests of the state and its citizens [3, p. 184].

O. Busol, O. Kostenko, and B. Romanyk draw attention to the fact that corruption in Ukraine today is not an isolated phenomenon but an organic consequence and symptom of a fundamental social crisis in the country. This means that today's Ukrainian corruption belongs to the "crisis type"; that is, it is caused by a social crisis, which it

itself deepens. To explain social phenomena, the concept of a "sociogenic factor" is used, necessary for the existence of human society, namely the social culture of people as a measure of the consistency of their will and consciousness with the laws of social nature. The social culture of people consists of the following types: political, economic, legal, moral, religious, scientific and technical, rehabilitation, environmental, etc. Crisis-type corruption is also an example of "crimes caused by social anomalies". Corruption is a real phenomenon but unnatural since it is a manifestation of a violation of the laws of social nature, with which the social life of people must be coordinated [4, p. 36].

At the same time, corruption as a consequence of social anomalies requires the functioning of specially authorised institutions designed to reduce its impact on society and further state-building. The complexity of this process lies in the fact that such institutions (state authorities, civil society institutions) are formed in a specific cultural, socio-economic context, which is characterised by corruption manifestations rooted in practices formed over decades, as well as centuries-old traditions of hospitality.

In view of this, one of the key issues in the field of combating corruption is the system of anti-corruption actors. As domestic scientists note, in modern conditions in Ukraine, effective cooperation between law enforcement agencies and other public authorities at all levels, as well as with partner organisations and agencies at the national, regional and international levels, is of particular importance for the effective fight against crimes related to organised crime and corruption. Improving the investigative capacity of the criminal justice system, combined with efforts to intensify cooperation, contributes to a deeper understanding of the role of joint struggle in this area and therefore helps to deter, detect, stop and prevent crimes and corruption offences. They should be a direct part of a sustainable, long-term and comprehensive strategy aimed at reducing opportunities for corruption and opening the political and economic system to greater competition [5, p. 700].

It is also worth noting the position that, realising the need for an anti-corruption task, the state has developed an extensive and relatively closed system of specialised anti-corruption bodies. Almost all state and local government bodies have acquired certain anti-corruption powers. Scientists have concluded that such a multifaceted distribution of powers, and in some cases their duplication, does not simplify but rather complicates the effectiveness of combating corruption [6, p. 219]. At the same time, this position somewhat fails to take into account the peculiarities of the initial stage of the formation of the system of specialized anti-corruption bodies in Ukraine, which was characterized, on the one hand, by a low level of public trust in the existing system of law enforcement agencies as of 2014, and on the other hand, by the lack of previous experience in the functioning of specialized anti-corruption bodies, the leading role of European partners in the formation of such bodies, and the desire of the Ukrainian public in the wake of the Revolution of Dignity to completely renew approaches, including at the institutional level, to combating corruption in the state. In the unity of these key aspects, such a multifaceted system of subjects of combating corruption

emerged.

Under the influence of the factors mentioned above, on October 14, 2014, the Law of Ukraine "On Prevention of Corruption" was adopted, which determined that "specially authorised entities in the field of combating corruption are the prosecutor's office, the National Police of Ukraine, the National Anti-Corruption Bureau of Ukraine, and the National Agency for Corruption Prevention" [2]. At the same time, the system of entities combating corruption is much broader, representing a holistic set of specially authorized public authorities, civil society institutions, individual officials who are empowered to prevent, detect and stop corruption; in their daily activities, they implement measures, initiatives, projects aimed at forming zero tolerance for corruption among the population, increasing the integrity of public servants; create and support special information (digital) support for the process of combating corruption, in particular in terms of uninterrupted access to relevant registers and software applications, as well as their monitoring and improvement; actively cooperate with each other in the process of exchanging information and conducting joint operations; interact with international organizations, foreign experts in the process of adopting leading experience, professional training of employees, etc. It should be noted that it is the system of anti-corruption entities that ensures the coordination of the functioning of individual entities, including through the active role of international organisations, international financing of the activities of such entities and the implementation of special approaches to the selection of employees of such bodies, which are based on increased requirements for impartiality and integrity.

At the same time, each subject of anti-corruption action is endowed with a special administrative and legal status, which allows it to be part of a comprehensive system of subjects of anti-corruption action, defining and detailing its rights and obligations. T. O. Kolomoys considers administrative and legal status as "a set of subjective rights and obligations fixed by the norms of administrative law for a certain body. At the same time, a mandatory sign of the acquisition of administrative and legal status by a subject is the presence of specific subjective rights and obligations that are implemented both within the framework of administrative legal relations and outside them" [7, p. 64]. The issue of the administrative and legal status of all anti-corruption entities in Ukraine is quite complex; the administrative and legal status of each individual entity can be fully disclosed only at the level of a separate dissertation study. However, within the framework of this subsection, we will consider the administrative and legal status of the National Agency on Corruption Prevention, National Anti-Corruption Bureau of Ukraine, and Specialised Anti-Corruption Prosecutor's Office in view of the above high indicators of interconnected activities aimed at combating corruption. Thus, the administrative and legal status of the National Agency for the Prevention of Corruption is established by the Law of Ukraine "On the Prevention of Corruption", according to which "The National Agency for the Prevention of Corruption (hereinafter referred to as the National Agency) is a central executive body with a special status that ensures the formation and implementation of the

state anti-corruption policy. The National Agency, within the limits determined by this and other laws, is responsible to the Verkhovna Rada of Ukraine and is controlled by it and accountable to the Cabinet of Ministers of Ukraine. The National Agency is established by the Cabinet of Ministers of Ukraine in accordance with the Constitution of Ukraine and this and other laws of Ukraine. The issues of the National Agency's activities are represented in the Cabinet of Ministers of Ukraine by the Head of the National Agency. The legal basis for the activities of the National Agency is the Constitution of Ukraine, international treaties, the consent to which has been granted by the Verkhovna Rada of Ukraine, this and other laws of Ukraine, as well as other regulatory legal acts adopted in accordance with them" [2].

At the same time, the administrative and legal status of the National Anti-Corruption Bureau of Ukraine is defined at the level of the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine", according to which the latter "is a central executive body with a special status, which is entrusted with the prevention, detection, cessation, investigation and disclosure of corruption and other criminal offences falling within its jurisdiction, as well as the prevention of new ones. The task of the National Bureau is to counteract corruption and other criminal offences committed by senior officials authorised to perform state or local government functions and pose a threat to national security, as well as to take other measures provided for by law to combat corruption" [8].

The Law of Ukraine "On the Prosecutor's Office" stipulates that "The Specialised Anti-Corruption Prosecutor's Office is a legal entity of public law, has separate property that is state property, accounts in bodies that carry out treasury services of budget funds, and a seal with the image of the State Emblem of Ukraine and its name. In the structure of the Specialised Anti-Corruption Prosecutor's Office, separate from the Prosecutor General's Office, there are formed divisions for document management, including electronic document management (office), regime-secret work, personnel management, internal control and other divisions necessary for the implementation of the functions of the Specialised Anti-Corruption Prosecutor's Office. The divisions of the Specialised Anti-Corruption Prosecutor's Office specified in this paragraph are subordinate to the Deputy Prosecutor General – Head of the Specialised Anti-Corruption Prosecutor's Office (the person performing his duties)." [9].

Conclusion. It has been emphasised that on a state scale, corruption arises at the level of established practices that permeate various bodies and units, form corruption

schemes in their entirety, and transform approaches to organising activities, distorting the very essence and purpose of managerial influence. In view of this, when understanding the essence of corruption, it is extremely important to clarify the origins of this managerial influence, which on a state scale are reduced to specific policies, in particular anti-corruption policies.

It has been determined that corruption as a consequence of social anomalies requires the functioning of specially authorised institutions designed to reduce its impact on society and further state-building. At the same time, the complexity of this process lies in the fact that such institutions (state authorities, civil society institutions) are formed in a specific cultural, socio-economic context, which is characterised by corruption manifestations rooted in practices formed over decades, as well as centuries-old traditions of hospitality.

It has been established that the system of subjects of combating corruption is a holistic set of specially authorized public authorities, civil society institutions, individual officials who are empowered to prevent, detect and stop corruption manifestations; in their daily activities, they implement measures, initiatives, projects aimed at forming zero tolerance for corruption among the population, increasing the integrity of public servants; create and support special information (digital) support for the process of combating corruption, in particular in terms of uninterrupted access to relevant registers and software applications, as well as their monitoring and improvement; actively cooperate with each other during the exchange of information and joint operations; interact with international organizations, foreign experts in the process of adopting leading experience, professional training of employees, etc. It has been noted that it is the system of anti-corruption entities that ensures the coordination of the functioning of individual entities, including through the active role of international organisations, international financing of the activities of such entities, and the implementation of special approaches to the selection of employees of such bodies, based on increased requirements for impartiality and integrity.

Attention has been focused on the fact that the standards of transparency and impartiality embodied in domestic legislation have influenced the fact that the system of anti-corruption entities at the current stage, despite the challenges of martial law, demonstrates results that are inextricably linked to the coordinated work of the National Agency on Corruption Prevention, National Anti-Corruption Bureau of Ukraine, Specialised Anti-Corruption Prosecutor's Office, and Supreme Anti-Corruption Court of Ukraine.

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