ADMINISTRATIVE AND LEGAL INSTRUMENTS FOR COMBATING CORRUPTION: INTERNATIONAL EXPERIENCE AND OPPORTUNITIES FOR ITS IMPLEMENTATION IN UKRAINE

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Abstract. *This article examines the application of administrative and legal instruments in combating corruption within the framework of international cooperation and national legal systems. Particular attention is given to the activities of international organizations such as the United Nations, the European Union, the Council of Europe, and the Organisation for Economic Co-operation and Development, as well as to the legal acts adopted under their auspices. The study adopts a doctrinal and comparative legal approach to identify how international anti-corruption standards are formulated, implemented, and adapted by individual states.*

The research highlights the structural levels of international anti-corruption regulation – global, regional, and bilateral – and explores how these standards are integrated into national anti-corruption policies. Special emphasis is placed on the analysis of the United Nations Convention against Corruption (2003) as a cornerstone international instrument that shaped the current system of legal and institutional measures to prevent and combat corruption. The article also examines the practical experiences of selected countries, whose administrative and legal mechanisms demonstrate effective anti-corruption practices.

The findings underscore the relevance of incorporating international standards and successful foreign practices into Ukraine's administrative and legal framework, which may strengthen national anti-corruption policy and enhance its overall effectiveness.

Key words: *international law, international cooperation, corruption, anti-corruption standards, administrative and legal instruments.*

INTRODUCTION

The dynamics of world economic and civilizational development, which resulted in globalization, has led to the fact that these processes in modern conditions cover both the political, economic and socio-cultural space. The manifestations of globalization have not spared such a phenomenon as corruption, which occurs both within national states and in the international area. The global nature of corruption is evidenced, first of all, by the fact that this issue is the subject of attention of the United Nations. Despite the fact that corruption is more or less evident in almost all countries of the world, the scale of corruption and the threats it poses to national security vary significantly from country to country. Based on the scale of corruption, it is difficult to overestimate the need for international cooperation in anti-corruption activities. In the set of anti-corruption tools, special importance is attached to those that are aimed at achieving global effectiveness in combating corruption, the inevitability of prosecution and bringing to justice offenders.

The problems of corruption threats to national security and anti-corruption are represented in the research of Ukrainian scientists and practitioners.

In particular, the issues of the essence of corruption, its basis, models and factors of corruption offenses, as well as anti-corruption mechanisms were studied by V.E. Bodnar, O.Yu. Busol, S. Derkach, A. Halai, V.O. Harmatyuk, K.M. Hurtova, M.V. Hutsalyuk, D.O. Ishchuk, L.I. Kalenichenko, Yu.I. Kirzhenetsky, O.I. Khomin, V.Yu. Prokopenko, R.F. Pustovijt, S.V. Piasetska-Ustych, I.O. Revak, V.P. Samodai, A.S. Vasiliev, V.I. Vasilinchuk, Z.B. Zhivko. At the same time, the internationalization of illegal activities and the expansion of national corruption actions beyond the borders of separate countries requires an in-depth study of international efforts in the field of anti-corruption. Thus, the need to study the international experience of applying administrative and legal instruments and the possibilities of its implementation in the activities of anti-corruption bodies in Ukraine does not lose its relevance.

Given the multidimensional nature of corruption and the diversity of legal approaches to its prevention and suppression, this study employs a methodological framework that allows for both conceptual analysis and practical evaluation of anti-corruption mechanisms. Accordingly, the following section outlines the research methodology applied in examining the administrative and legal instruments for combating corruption and assessing their potential implementation in Ukraine.

RESEARCH METHODOLOGY

This study adopts a doctrinal legal research approach with a strong comparative dimension. The doctrinal approach is employed to interpret and systematize the existing body of international and national legal norms governing anti-corruption regulation. Within this framework, the research focuses on identifying the administrative and legal instruments that form the basis of anti-corruption policy at the global, regional, and national levels.

The comparative method is used to analyse and contrast the experiences of different states in developing and implementing anti-corruption mechanisms, with particular attention to how these mechanisms can be adapted to the Ukrainian legal system. Analytical and structural methods are also applied to clarify the conceptual links between international standards, domestic legislation, and institutional practices.

The research relies on an examination of international conventions (in particular, the United Nations Convention against Corruption), soft law instruments, national legislative acts, and relevant academic sources. This methodological framewor combines theoretical in uiry with a practical orientation, aiming to formulate conclusions that may support the further development of raine s administrative and legal framewor for combating corruption.

RESULTS

esearch of the given problem in the segment of analysis of foreign e perience in overcoming corruption in the conte t of its possible practical application in raine, give us grounds to note that the foreign and international aspects of anti-corruption activities should be considered in two planes first, in terms of international cooperation at the level of international organizations and multi-lateral cooperation and, accordingly, the regulatory legal acts that they adopt to ta e into account and guide the participating countries of certain international or regional organizations and formations secondly, in terms of bilateral cooperation between countries and individual practice and e perience of individual states.

International cooperation in anti-corruption issues involves oint activities in the field of interstate relations. The fundamental principles of a general nature for such cooperation are the harter , the eclaration on principles of international law , and the inal act of the meeting on security and co-operation in urope .

ue to the fact that corruption has gone beyond the borders of national states and has ac uired a transnational character, at the level of international organizations the , the ouncil of urope, the rganization for conomic ooperation and development, the uropean nion , a number of both advisory and binding normative legal acts were adopted. uch international legal acts, which differ in their legal status, areas of application, tools and mechanisms of implementation, have a common purpose, the content of which is to establish unified general standards of anti-corruption activities at the level of national states. These legal acts provide for the implementation of measures to prevent corruption, as well as the adoption and application of relevant anti-corruption laws and the introduction of criminal liability for corruption offenses. These acts include the following the nited ations eclaration on ombating orruption and ribery in International ommercial Transactions of ecember nited ations onvention against orruption of ctober , ratified by the er hovna ada of raine by the law of . . the riminal aw onvention on orruption, adopted by the ouncil of urope on anuary , ratified by the er hovna ada of raine by the law of ctober onvention on ombating ribery of oreign ublic fficials in International usiness Transactions of ecember , , adopted by the and ratified by the er hovna ada of raine The ivil aw onvention on orruption of the ouncil of urope, adopted in trasbourg on ovember , , entered into force on ovember , .

e should not lose sight of the growing interest in raine from the part of international criminal groups, in particular in the areas of laundering dirty money, illegal migration, traffic ing in people, weapons, dangerous materials, narcotic substances, corruption , p. . anifestations of specific creativity in corruption actions re uire an ade uate response, first of all, from international organizations, which, in accordance with their statutory activities, must ta e active anti-corruption measures. The problem of corruption is of increasing concern to the international community. significant milestone in the efforts of international organizations to overcome corruption was the nited ations onvention gainst Transnational rganized rime, adopted by eneral ssembly resolution of ovember , ratified by the er hovna ada of raine with reservations by aw o. - I of . . , which, among other things, draws the attention of participating countries to the criminalization of corruption rticle , as well as outlines the range of measures against corruption.

This onvention obliges states-parties to review criminal liability, that is, to criminalize a number of actions, including corruption, that are recognized by the convention as criminal offenses.

The nited ations onvention against orruption of ctober , , which was ratified by the er hovna ada of raine by the law of ctober , , played an outstanding role in ensuring the effective implementation of anti-corruption policies both at the International and national levels. This international legal act defines measures to prevent corruption in general, hapter II , including focusing on ey positions on the policy and practice of preventing and combating corruption rticle .

nited ations onvention against orruption methodologically and practically can be interpreted as a fundamental international agreement in the field of anti-corruption activities, namely, the adoption of this legal act mar ed the entry into a new level in the system of international counteraction against corruption. oreign authors note that this comprehensive document covers the most advanced rules and procedures .

The study of anti-corruption issues in the competence of international organizations gives grounds to tal about the e istence of basic and special anti-corruption standards, which are legitimized primarily within the framewor of the , as well as other international organizations of the relevant profile, such as the rganization for conomic ooperation and evelopment and the ouncil of urope at the regional level .

ompliance with international anti-corruption standards is achieved through the use of appropriate tools, which can be grouped according to the following criteria scope of application participation in relevant anti-corruption actions and processes mechanisms for ensuring implementation monitoring and the way and se uence of its implementation.

t the same time, it should be noted that the use of all legal instruments is sub ect to one goal the unification and implementation at the national level of established common standards for combating corruption. imultaneously, the use of common standards of international legal instruments by states ma es it possible to determine the positive e perience of anti-corruption actions in order to disseminate it, which strengthens the cooperation of countries in this area. ccording to the standards, international legal regulation of anti-corruption actions is classified into three levels global regional local or bilateral.

t the global level, international anti-corruption standards are adopted by such international organizations as the , Interpol, I T I International rganization of upreme udit Institutions , Transparency International, rganization for conomic ooperation and evelopment .

The regional level of international anti-corruption standards is most represented by the standards of the uropean nion, the frican nion, and the conomic ommunity of est frican tates .

The need to develop a pac age of anti-corruption standards in the uropean nion was reinforced by new manifestations of corruption, the development of e pansionist manifestations of transnational corruption actions, intentions to undermine the financial stability of countries by legalizing corruption revenues, and finally the conclusions of uropean e perts about corruption, which is no longer considered as a problem of underdeveloped countries, but is a sub ect of international concern , . . ased on this situation, a number of anti-corruption legal acts were adopted in the uropean nion. n analysis of regulations, as well as anti-corruption activities, shows that legal norms establish two types of actions that violate the financial interests of the uropean nion irregularity, defined in the general rules from the sphere of the first bloc, as well as financial abuses that violate the financial interests of the uropean nion, managerial corruption related to funds received from the budget, laundering of money obtained from financial abuse and corruption, which were defined in the rules of the third bloc , . .

irect implementation of legal norms and anti-corruption standards at the global and regional levels ta es place within the relevant countries, at the level of national states. To this end, the governments of countries implement a policy of combating corruption, which is based on four bloc s effective prosecution and punishment of corruption cases prevention effective application of the rule and the law implementation of social education measures , . - .

The effectiveness of domestic anti-corruption policy and the effectiveness of anti-corruption measures are reported to affect the dynamics of the indicator orruption erception Inde , which is based on data provided by international and regional organizations, including the orld an , orld conomic orum, ertelsmann oundation, frican evelopment an , sian evelopment an , conomist Intelligence nit, reedom ouse, lobal Insight, olitical is ervices, orld ustice ro ect, International Institute for anagement evelopment, olitical and conomic is s onsultancy. ased on these indices, Transparency International compiles annual ratings of countries. ased on these data, the relevant states may ma e certain ad ustments to the anti-corruption policy and the system of anti-corruption measures. Table shows the dynamics of the rating of out of surveyed countries ran ed with the lowest level of corruption, as well as for comparison in raine. The inde ran s countries and territories on a scale from highest level of corruption to lowest level of corruption based on the perception of the level of corruption in the public sector . ractical interest for raine may be aroused by the e perience of anti-corruption activities of these countries. lthough the basis of their anti-corruption policy is laid down by international standards for combating corruption,

Table 1

Ranking of countries by Corruption Perception Index [1]

2011			2015			2020			2023		
Place	State	Index	Place	State	Index	Place	State	Index	Place	State	Index
1	New Zealand	9,5	1	Denmark	91	1	New Zealand	88	1	Denmark	90
2	Denmark	9,4	2	Finland	90	1	Denmark	88	2	Finland	87
2	Finland	9,4	3	Sweden	89	3	Finland	85	3	New Zealand	85
4	Sweden	9,3	4	New Zealand	88	3	Switzerland	85	4	Norway	84
5	Singapore	9,2	5	Netherlands	87	3	Singapore	85	5	Singapore	83
6	Norway	9,0	5	Norway	87	3	Sweden	85	6	Sweden	82
7	Netherlands	8,9	7	Switzerland	86	7	Norway	84	6	Switzerland	82
8	Australia	8,8	8	Singapore	85	8	Netherlands	82	8	Netherlands	79
8	Switzerland	8,8	9	Canada	83	9	Luxembourg	80	9	ФРН	78
10	Canada	8,7	10	ФРН	81	9	ФРН	80	9	Luxembourg	78
11	Luxembourg	8,5	10	Luxembourg	81	11	Canada	77	11	Ireland	77
152	Ukraine	2,3	144	Ukraine	25	130	Ukraine	27	104	Ukraine	36

ompiled by the author based on

nevertheless, each state also has its own characteristics and its own administrative, legal and organizational approaches to overcoming corruption.

It should be noted that the anti-corruption strategy of almost all countries of the world provides for a systematic approach to combating corruption in all spheres of public life. This becomes possible if the common principles of overcoming corruption in both the public and private sectors are observed, in particular, transparency of activities, prevention of conflicts of interests, integrated use of legal and non-legal means, control and responsibility of officials, publicity.

The analysis of professional publications on this issue shows that according to the norms laid down by the conventions on criminal liability, the legislation of ustralia, elgium, reat ritain, enmar , Israel, anada, the eople s epublic of hina, the nited tates, ungary, rance and a number of others provide for criminal liability of legal entities. t the same time, the principles of transparency of activities and publicity are put into practice in the forms of publishing information on the results of activities, as well as declaring the income and e penses of state and municipal employees.

ne of the leading states of the uropean nion the ederal epublic of ermany, which in recent years has consistently been among the top ten countries with the lowest level of corruption, guided by international standards of the global level, applies its forms and methods to ensure the effectiveness of anti-corruption policy , . - , . - .

In anti-corruption activities in ermany are guided by the fact that, first of all, a transparent organization re uires compliance with basic organizational principles, including the following

The four-eye principle it should be understood as counter-control. efore ma ing a final decision or performing any action, they must first be approved, verified and signed by an independent official. The goal is to reduce the number of mista es and abuses of position and competence.

Function separation this means that there is a separation between the order e ecution and order control processes. The goal is for the division to maintain distance and ob ectivity.

The principle of need-to-know employees should be provided only with the information that they need to perform their daily wor . The purpose of this organizational event is to reduce the number of corrupt actions.

Staff rotation employees wor in various fields of activity throughout the entire period of their employment. t the same time, it is necessary to distinguish between duties and staff rotation. hen staff rotate, the scope of responsibility changes, and when responsibilities rotate, responsibilities change places.

Personnel development during an internal audit, an organization verifies its own system, procedure instructions, and e ecution procedure. s for the prevention of corruption, this means chec ing the correctness of the implementation of measures to prevent corruption and what results they give. The goal is to monitor proper e ecution and verify the results.

The implementation of a universal solution regarding the form of contact place of communication between the authorized employee of the anti-corruption structure and the public is absolutely necessary. The commissioner must inform employees about cases of corruption. They usually wor independently as a full-time employee and allow to send messages even anonymously, without fear of harm to himself. The employee wor s as an intermediary between informants and law enforcement agencies.

The Code of Honour as a set of rules for combating corruption, which is based on generally accepted values and norms within the organization, designed to guide the actions of people .

The fundamental positions of the legal regulation of anti-corruption activities in ermany are laid down in the erman riminal ode t .

The positive foreign e perience in the fight against corruption gained by successful countries in this regard deserves attention. Thus, enmar actively monitors official behaviour, rotates personnel, and promotes the career of the most capable and progressive-minded employees. In the , inland and witzerland, the openness of departmental systems and the prevention of money laundering obtained in a criminal way are yielding results. In weden, an independent and effective ustice system plays a special role in anti-corruption activities, as well as simulating officials for honest and conscientious service. In the etherlands and Israel, it is practiced to monitor the causes of corruption relations, as well as deprive corrupt officials of social benefits and state guarantees.

The e perience of fighting corruption in the nited tates is based on combining measures to overcome corruption processes with measures to stop them and bring them to criminal responsibility. The anti-corruption form of control is carried out by the relevant committee and commission of the enate and ouse of epresentatives. The main role in anti-corruption activities is assigned to the ederal ureau of Investigation I . udicial authorities, the prosecutor s office, the inistry of ustice, special police units, and the institute of independent prosecutors ta e part in measures to overcome corruption processes and punish participants in corruption operations.

In the conte t of a comparative analysis focused on developing proposals for improving anti-corruption activities, the e perience of fighting corruption in the eople s epublic of hina is of considerable interest to raine. If in , according to the orruption erception Inde , hina ran ed th with a coefficient of among countries, then in , respectively, th coefficient of , and in the beginning of th coefficient of . uch dynamics indicate some success in implementing anti-corruption strategies. The positive aspect of the modern anti-corruption policy of the eople s epublic of hina is bringing national legislation in line with international standards. hinese anti-corruption legislation is uite strict, and strict criminal liability measures are provided for bribery and commercial bribery, including two types of death sentences. The country has created special people's courts that deal exclusively with corruption cases.

One of the leading areas of the fight against corruption was the state program SkyNet, which is aimed at identifying and repatriating corrupt officials to China who hide in other countries, as well as at returning capital taken abroad by them. Such persons and illegal assets are regularly returned to China from more than 120 countries as part of this campaign. Thus, during 2017-2022, 7,089 criminals who fled abroad were returned to China, including 1,992 employees of state bodies, while 35,240 million renminbi were returned to the state treasury [9, P. 13-21]. This is a significant factor in preventing corruption.

The success of the PRC's anti-corruption policy at the first stage of the fight against corruption was based on strict compliance with the principle of the inevitability of punishment. It is thanks to this that Chinese civil servants have changed their attitude to the performance of their official duties, and to the ability to enrich themselves at the expense of the state and individual citizens. The second direction was the introduction of an anti-corruption ideology, which consolidated the success achieved and made it possible to change the centuries-old traditions of offering valuable gifts and money to officials [10, P.167]. Periodic certification, qualification exams and personnel rotations have also become an important form of fighting corruption in the PRC, which deprives officials of the opportunity to use existing official, friendly and other ties that would lead to illegal actions.

Summing up the experience of the Chinese anti-corruption policy, we can note that the anti-corruption activities of the PRC are quite effective, and its methods, results achieved and experience can be taken into account for use in solving anti-corruption problems, undoubtedly, taking into account local characteristics, including in Ukraine.

CONCLUSION

1. The analysis of anti-corruption efforts through the lens of foreign experience and their potential practical application in Ukraine should be approached from two perspectives. The first involves international cooperation – including the activities of international organizations, multilateral frameworks, and the legal instruments they adopt. The second relates to bilateral cooperation and the specific practices and experiences of individual states.

2. The 2003 United Nations Convention against Corruption can be regarded, both methodologically and practically, as a fundamental international instrument in the field of anti-corruption activities. The adoption of this legal act marked a new stage in the development of the international system for combating corruption.

3. Compliance with international anti-corruption standards is ensured through the use of relevant instruments, which can be grouped according to the following criteria: the scope of application; participation in relevant anti-corruption actions and processes; mechanisms for ensuring implementation; and the procedures and sequence of monitoring. In accordance with these standards, the international legal regulation of anti-corruption measures is classified at three levels: global, regional, and local (or bilateral).

4. The direct implementation of legal norms and provisions of anti-corruption standards at the global and regional levels takes place within individual countries, at the level of nation-states that pursue anti-corruption policies based on four main pillars: effective prosecution and punishment of corruption offences; prevention; effective application of law and justice; and the implementation of measures for social education.

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