

The essence of the legal principles of interaction of the State Bureau of Investigation of Ukraine with other subjects of combating corruption in Ukraine

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Abstract. *The article reveals the essence of the legal principles of interaction between the State Bureau of Investigation and other entities involved in the fight against corruption in Ukraine. It is emphasised that the effectiveness of these entities in the fight against corruption largely depends on the clear definition and formalisation of the rules governing their cooperation and that these rules must be sanctioned by the state. The article highlights that legal principles serve as the basis for ensuring unity and systemic legal regulation, contribute to stability in the state, and also determine guidelines for law-making, law enforcement and judicial activities. Methodology. The scientific research is based on both general and special methods of scientific knowledge. In particular, the formal-legal method and analytical methods were used in the process of analysing the approaches of various researchers to determine the essence of legal principles. Structural-logical and system-functional methods were used to identify the most important aspects of the studied system of legal principles related to the consistency of joint actions of the State Bureau of Investigation with other subjects of combating corruption. Results. An overview of modern scientific research on this issue is provided. In particular, it is noted that, despite a number of developments in the field of interaction between law enforcement agencies, the essence of the legal principles of cooperation between the State Bureau of Investigation and other authorised entities in the field of combating corruption remains insufficiently studied. The article analyses the approaches of various scholars to the definition of the category of "legal principles", paying attention to both a narrow view (a set of regulatory and legal acts) and a broader perspective (including principles, institutional and other elements) of this concept. It is noted that the concept of "principle" is broader than "principle", since it covers not only rules but also ideological foundations, initial provisions and general approaches to regulating relevant social relations. The opinions of scholars are given, who argue that legal principles can cover categorical, regulatory, institutional and instrumental-technological aspects of the functioning of the relevant sphere. At the same time, it is noted that the most common approach in legal science is to interpret legal principles precisely as a system of regulatory and legal foundations that determine the parameters of social relations in a certain field. Examples of defining legal principles in various areas are considered, in particular in the areas of information openness and communicative interaction of state authorities, which allows drawing parallels and distinguishing the features of the functioning of legal principles in the field of combating corruption. The author offers an original interpretation of the essence of the legal principles of interaction between the State Bureau of Investigation and other entities fighting corruption in Ukraine.*

Key words: *corruption, combating corruption, business entities, system of business entities, State Bureau of Investigation, interaction, cooperation, legal framework.*

INTRODUCTION

The proper functioning of any legitimate sphere of public life requires the definition and consolidation of certain rules of conduct of their subjects, which must be sanctioned by the state. The effectiveness of the activities of the subjects of such public relations as a whole, as well as the implementation of individual areas of their functioning, depends on how fully and clearly defined such rules are. The activities of the State Bureau of Investigation of Ukraine with other subjects of combating corruption in Ukraine are no exception in this case, within the framework of which such rules in their entirety can be designated as its legal principles. At the same time, scientists, emphasising the importance of legal principles for the functioning of the relevant sphere of public life, emphasise that it lies in the fact that it is legal principles that ensure the unity and consistency of legal regulation, contribute to stability in the state and determine guidelines for law-making, law enforcement and judicial activity. Moreover, studying the legal principles of combating corruption in the field of taxation and the place of administrative and legal norms among them, O.V. Dyatko quite rightly notes that it is thanks to legal principles that conditions are created for the proper functioning of a legal

state, in which human rights and freedoms are an integral part of the legislative system. They also serve as the basis for the legal protection of citizens' interests, the development of democratic institutions and the strengthening of law and order in society [1, p. 522]. In view of this, special attention should be paid to the issue of establishing the essence of the legal principles of interaction of the State Bureau of Investigation with other entities combating corruption in Ukraine.

RESEARCH METHODOLOGY

The scientific research is based on both general and special methods of scientific knowledge. In particular, the formal-legal method and analytical methods were used in the process of analysing the approaches of various researchers to determine the essence of legal principles. Structural-logical and system-functional methods were used to identify the most important aspects of the studied system of legal principles, related to the consistency of joint actions of the State Bureau of Investigation with other subjects of combating corruption.

Based on the comparative-legal method and the generalisation method, one of the most important sources

of legal principles for the functioning of the relevant sphere of public relations is identified – international treaties of Ukraine, the importance of which, given the European integration processes taking place in our country, is difficult to overestimate.

The validity and reliability of the research are ensured by using a system of sources: theses, research, legal encyclopaedias, scientific commentaries, scientific articles, etc. The risks of regulatory ambiguity and unsystematic application are reduced by using categories established in legal science and domestic legislation.

Methodological limitations of the study are associated with the informational closure of certain aspects of the activities of the State Bureau of Investigation and some other anti-corruption entities. These factors are compensated by using data from various sources, their verification, generalisation, and recourse to approaches established in the theory of administrative law.

RESULTS

Speaking about the essence of the category of "legal principles", it should be noted that most legal scholars are unanimous in their positions, but some disagreements can still be found on the pages of professional literature. In particular, studying the administrative and legal principles of implementing state policy in the field of entrepreneurial activity in Ukraine, K.D. Dymydyuk notes that scientists, interpreting the concept of "legal principles", put different meanings into it. In particular, the scientist notes that scientific views are generally divided into two concepts:

- definition of legal principles as a set of regulatory legal acts that determine the regulation of the main legal parameters relating to a certain type of social relations;
- identification of legal principles with the basic principles that determine the guidelines in the formation of legal regulation of a particular branch of law [2, p. 59].

For example, studying the conceptual principles of the theory and practice of resolving tax disputes, O.M. Bondarenko points out that administrative-legal principles are a set of parameters (characteristics) of a social phenomenon and legal relations fixed in the norms of administrative law that require regulation by administrative-legal means. At the same time, the scientist distinguishes the following elements in the content of administrative-legal principles: categorical, normative, institutional, instrumental-technological, etc. [3, p. 201]. Regarding similar approaches to understanding the essence of the legal principles of the functioning of the relevant sphere of social life, V.B. Pchelin notes that today at least two approaches to their understanding can be named. In particular, the scientist notes that a broader approach to their understanding involves the inclusion in their content of both the foundations of the normative-legal regulation of the relevant sphere of social relations and their other structural elements (the system of subjects, the foundations of their legal status, etc.). In the second case, we are talking about a narrow understanding of legal principles as exclusively normative foundations of the functioning of the relevant sphere of social relations. At the same time, the scientist concludes, it is the last of the above approaches to

understanding "legal principles" that is the most widespread in legal science [4, p. 108; 5, pp. 53–64]. We also adhere to this position, since we believe that the essence of one phenomenon should not be determined in several aspects, which, among other things, will also ensure compliance with one of the most famous philosophical principles – "Occam's razor" (*entia non sunt multiplicanda praeter necessitatem*), according to which entities should not be multiplied beyond necessity [6, p. 347]. Taking this into account, as an example, we will present and analyse several such approaches to determining the essence of the category under study.

Thus, while investigating the regulatory and legal principles of information openness and communication interaction of public authorities with the public, S.M. Prylipko points out that legal principles are a set of provisions of legislative and regulatory legal acts of the state regarding ensuring information openness and communication interaction of state executive bodies and local self-government bodies with the public [7, p. 234].

According to M.M. Mazepa, legal principles should be understood as a system of regulatory and legal support for law enforcement activities, which consists of a set of laws and subordinate normative acts that create a legal field for its proper organisation and functioning. Such a structural system of regulatory and legal regulation of law enforcement activities, according to the scientist, is characterised by a hierarchical combination of its elements, which is a necessary, natural connection of this system [8, p. 8]. In general, agreeing with this position, we note that, in our opinion, it overlooks one of the most important sources of legal principles for the functioning of the relevant sphere of social relations – international treaties of Ukraine, the importance of which, given the European integration processes taking place in our country, is difficult to overestimate.

In this regard, the approach of A.O. Polyansky, who, studying the administrative-legal principles of interaction between forensic institutions and law enforcement agencies, indicates that legal principles are a system of regulatory acts that combine legal norms that regulate certain areas of social activity [9, p. 84]. If we give approaches to determining the legal principles of the functioning of a specific sphere of social relations, we should agree with the position of N.S. Panova, expressed by the scientist within the framework of the study of the administrative-legal principles of the development of public administration in modern Ukraine. According to the scientist, such principles are a set of administrative-legal norms that determine the basic values, principles, tasks, forms and methods of developing the normative and administrative activities of executive bodies in order to improve their power-organising influence on relevant social relations and processes, as well as to optimise the internal organisational activities of state bodies to ensure the proper implementation of the tasks, functions and powers assigned to them [10, p. 64–65]. In the above approach, we believe that the individual components of the social relations studied by the scientist, which regulate the legal principles indicated by her, are quite successfully

emphasised.

Also successful is the position of V.O. Nevyadovsky, who, studying the administrative and legal principles of implementing quality control in higher education in Ukraine, notes that the legal principles of quality control in higher education in Ukraine are a system of regulatory and legal acts, the norms of which are aimed at regulating and streamlining social relations that arise during the activities of authorised subjects of quality control in higher education, and also establish the legal content, forms, procedure for implementation and other practical aspects of this type of control activity [11, pp. 78–79]. The approach given by the scientist as a whole can be applied to the case under study, since it quite successfully emphasises the essence of legal principles as a set of relevant regulatory and legal acts.

DISCUSSION

Thus, the legal basis for the interaction of the State Bureau of Investigation with other subjects of combating corruption in Ukraine will actually be a set of regulatory and legal acts, the provisions of which regulate this sphere of public relations, determining the rules of behaviour of their subjects. Speaking about such regulatory and legal acts, it should be noted that there are quite a large number of them, which requires choosing a certain criterion during their analysis, taking into account which they should be studied. As such a criterion, we consider it appropriate to choose the legal force of a separate regulatory and legal act, which will indicate its place in the general system of regulatory and legal regulation of this sphere of public relations. After all, as emphasised by E.V. Mykhailovska and A.D. Skoryk, the meaning of the legal force of the relevant document lies in its ability to act and cause legally significant consequences – to cause the emergence, change, or termination of legal relations [12, p. 88]. Moreover, the pages of legal encyclopedic literature emphasise the fact that legal force is the main property of legal acts to act and generate legal consequences: the emergence, change, and termination of legal relations. At the same time, scientists emphasise, legal force has two aspects: the relationship of legal acts to each other and the obligation to perform. With the relationship, a hierarchy is established, that is, a system of subordination of legal acts. This means that each act takes its place in the general system of legal acts [13, p. 476]. In our opinion, the identification of legal principles with the principles of the corresponding activity is primarily associated with the semantic meaning of the category of “principle”. In particular, the pages of the large explanatory dictionary of the modern Ukrainian language indicate that the word “principle” should be used in the following meanings: the

basis of something; the main thing on which something is based; the initial main provision, principle; the basis of a worldview, a rule of behaviour [14, p. 419]. In connection with which we support the position of those scientists who claim that “principle” is closer to the concept of “rule”, and “principle” is, rather, a more general concept that indicates belonging to some socio-legal phenomenon. The principle loses the meaning of only the principle and is understood more broadly [15, p. 16]. That is, the category of “principle” is broader than the category of “principle” and can include many substantive parts, given that some scientists give quite broad positions on understanding the essence of the legal principles of the functioning of the relevant sphere of social life.

In our opinion, when determining the essence of the legal principles of the functioning of the relevant sphere of social relations, it is not entirely appropriate to use such categories as “legislative provisions” and “normative legal acts” together, and even more so to indicate their totality, because the latter include the former in their content.

As follows from the analysis, the effectiveness of the interaction of the State Bureau of Investigation with other entities combating corruption is possible only if the legal principles of its implementation are carefully defined both in general and in individual areas, and their constant improvement in accordance with new challenges. At the same time, in modern conditions, especially those caused by the introduction of the legal regime of martial law, caused by armed aggression against our state, it is important to maintain a balance between the rigidity of regulatory and legal provisions and the adaptability of their application, taking into account the realities of today. There is no doubt that such legal principles are designed to ensure the consistency of joint actions of the State Bureau of Investigation with other entities combating corruption, the effectiveness of the use of legislative powers and the resources provided, as well as the formation of effective guarantees of legal protection against abuses and manifestations of corruption.

CONCLUSIONS

Taking into account the analysis conducted, it is proposed to understand the legal basis of the interaction of the State Bureau of Investigation of Ukraine with other entities combating corruption in Ukraine as a set of officially established regulatory and legal provisions, objectified in acts of current national legislation, which regulate the procedure, levels and directions, boundaries, forms and methods of joint, coordinated actions of the State Bureau of Investigation with other entities aimed at countering any corruption and related manifestations.

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