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SCIENTIFIC AND THEORETICAL FUNDAMENTALS OF FORMATION AND IMPLEMENTATION OF THE STATE'S ANTI-CORRUPTION POLICY

НАУКОВО-ТЕОРЕТИЧНІ ОСНОВИ ФОРМУВАННЯ ТА РЕАЛІЗАЦІЇ АНТИКОРУПЦІЙНОЇ ПОЛІТИКИ ДЕРЖАВИ

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Today in Ukraine the problems of formation and implementation of anti-corruption policy are one of the most pressing, as the scale of corruption is a real threat to national security and democratic development. Without overcoming corruption as a system of public relations, Ukraine will never be able to ensure the security of its citizens, have a high standard of living, build an efficient economy and a democratic state governed by the rule of law, defend its sovereignty, and become competitive among developed countries [1].

Despite the wide range of scientific research on the phenomenon of corruption, the specifics of corruption in certain spheres of public life, its disorganizing and reorganizing impact on society remain insufficiently studied. This highlights the need to develop mechanisms to overcome this catastrophic situation through the implementation of effective measures of anti-corruption policy of the state.

Analysis of recent research and publications

The works are devoted to the theoretical and methodological foundations of regulation, formation and development of anti-corruption policy of Nonik V.V. [1], Solovyov V.M. [3-4], Voloshina A.V. [6], Bereza O.D. [7], Yakovenko G.B. [8], etc.

The aim of the article is to develop theoretical and methodological principles and substantiate scientific and applied recommendations for improving the mechanisms of formation and implementation of anti-corruption policy in Ukraine.

Корецький О.М., Балан О.С., Лебедева В.В. Науково-теоретичні основи формування та реалізації антикорупційної політики держави. Оглядова стаття.

Розкрито теоретичні основи протидії корупції з уточненням понятійного апарату науки державного управління. Окреслено базові методичні складові формування та реалізації антикорупційної політики держави. Визначено, що антикорупційна політика має бути інтегрована у базову стратегію розвитку держави. Доведено, що ефективність антикорупційної політики держави залежить від сильної політичної волі, що втілюється в антикорупційну стратегію протидії та ефективне функціонування комплексної системи уповноважених інституцій.

Ключові слова: формування, антикорупційна політика, корупція, реалізація, Національне агентство з питань запобігання корупції

Koretskyi O.M., Balan O.S., Lebedeva V.V. Scientific and theoretical fundamentals of formation and implementation of the state's anti-corruption policy. Review article.

Theoretical bases of counteraction to corruption with specification of the conceptual apparatus of science of public administration are opened. The basic methodological components of the formation and implementation of anti-corruption policy of the state are outlined. It is determined that the anti-corruption policy should be integrated into the basic strategy of the state development. It is proved that the effectiveness of the state's anti-corruption policy depends on strong political will, which is embodied in the anti-corruption strategy and effective functioning of a comprehensive system of authorized institutions.

Keywords: formation, anti-corruption policy, corruption, implementation, National Agency for Prevention of Corruption

The main part

Anti-corruption policy is an appropriate response to corruption processes that exist in a certain period in the state and / or that are projected in the future. In addition, it should be noted that public policy itself should be understood as a set of value goals, public administration measures, decisions and actions, the implementation of public policy decisions (goals set by the government) and public administration system of development [2, p.8].

It should be noted that many scholars speculate that the state anti-corruption policy is a set of measures aimed at combating corruption in the narrow sense and preventing corruption in the broad sense. From this point of view, it seems logical to define state anti-corruption policy as a set of interrelated actions of the system of public authorities to develop and implement goals, objectives, principles and strategic directions of solving problems in preventing and combating corruption, says V. Solovyov [3, p.103].

The key tasks of the Anti-Corruption Policy of the state include the following [4, p.242]:

- prevention of corruption offenses;
- creation of a legal mechanism that prevents bribery of persons with public status;
- ensuring liability for corruption offenses in all cases expressly provided by regulations;
- compensation for damage caused by corruption offenses;
- monitoring of corruption factors and effectiveness of anti-corruption policy measures;
- formation of anti-corruption public consciousness;
- promoting the realization of the rights of citizens and organizations to access information on corruption facts and corruption factors, as well as their free coverage in the media;
- creation of incentives for replacement of state positions, positions of state and municipal services by incorruptible persons.

According to the tasks, the structure of the National Agency for the Prevention of Corruption includes five departments and six departments, which are responsible for the relevant departments, as shown in Table 1.

Table 1 Structure of the National Agency for the Prevention of Corruption

№		Name of department, management
1	2	3
1.	Department	Anti-Corruption Policy Coordination Department
		Anti-Corruption Policy Analysis and Implementation Department
		Department of normative support of anti-corruption policy implementation
		Department of Anti-Corruption Training
		Department of International Cooperation and Protocol Activities
2.		Department for the Organization of Work on the Prevention and Detection of Corruption
		Department for Development and Monitoring of Anti-Corruption Programs
		Department for Interaction with Authorized Units (Persons) for Prevention and Detection of Corruption
		Defenders Policy Department
		Corruption Reporting Department
3.		Department for Monitoring Compliance with Conflicts of Interest and Other Restrictions on Corruption Prevention
		The first department (m.Kyiv)
		Second Department (Eastern Region)
		Third Department (Central Region)
		Fourth Division (Southern Region)
	Fifth Division (Western Region)	
4.	Department of Declaration Verification and Lifestyle Monitoring	
	Life Assurance Division Lifestyle Monitoring Division	
	Special Inspection Department	
	Department for control over the timeliness of declarations	
	Department of analytical and explanatory work	
5.	Department for the Prevention of Political Corruption	
	Department of work with political parties receiving state funding for statutory activities	
	Department of work with political parties that do not receive state funding for statutory activities	
	Department for monitoring the activities of political parties and monitoring of identified violations	
	Analytical and information support department	
1.	Management	Department of organizational and administrative support
		Department for ensuring the work of members of the National Agency for the Prevention of Corruption
		Department for Organizing Meetings of the National Agency for the Prevention of Corruption
		Department of resource provision and operation
		Public procurement sector
2.	Management of information-analytical systems and information protection	
	Department for ensuring the work of state registers of the National Agency for the Prevention of Corruption	
	Information Protection Department in Information and Telecommunication Systems	
	Department of Information and Technical Support and Maintenance of Information Resources of the National Agency for the Prevention of Corruption	

Continuation of Table 1.

1	2	2
3.	Management	Department of planning and financial activities, accounting and reporting
		Accounting and Reporting Department Planning and Finance Department
4.		Documentation and Control Department
		Department of processing and registration of incoming correspondence Outgoing correspondence processing and registration department Department of Control and Archival Affairs Sector for access to public information
5.		Personnel management
		Human Resources Department Personnel Development and Planning Department
6.		Legal Support Office
		Department of regulatory and expert work Department of Law Enforcement and Judicial Representation

Source: compiled by authors on materials [5].

As can be seen from the data in Table 1, one of the main tasks of the National Agency for the Prevention of Corruption is to ensure the exercise of its powers to monitor compliance with conflict of interest legislation. This part of the work is entrusted to a structural unit of the National Agency for the Prevention of Corruption, namely the Department for Monitoring Compliance with Conflicts of Interest and Other Restrictions on the Prevention of Corruption, which in turn has five departments that implement these powers by region: Kyiv (first department); Eastern region (second department); Central region (third department); Southern region (fourth division) and western region (fifth division).

The main functional responsibilities of the Department for Monitoring Compliance with Conflicts of Interest and Other Restrictions on the Prevention of Corruption of the National Agency for the Prevention of Corruption include [5]:

- monitoring and control over the implementation of legislation on ethical conduct, receiving gifts, compliance with restrictions established by the Law of Ukraine "On Prevention of Corruption", prevention and settlement of conflicts of interest in the activities of persons authorized to perform state or local government functions, and equivalent to them persons;
- 2.taking measures to provide methodological and advisory support for the implementation of legislation on ethical conduct, receiving gifts, compliance with restrictions established by the Law of Ukraine "On Prevention of Corruption", prevention and settlement of conflicts of interest in the activities of persons authorized by state or local government. to them persons;
- identifying violations, initiating the issue of conducting an official investigation, taking measures to bring to justice those guilty of committing corruption or corruption-related offenses, sending to other specially authorized entities in the field of anti-corruption evidence such offenses;
- preparation of materials on appeals to the court with claims (applications) on the issue of declaring illegal normative legal acts, individual

decisions issued (adopted) in violation of the Law of Ukraine

- "On Prevention of Corruption" requirements and restrictions, invalidation of transactions concluded as a result of committing a corruption or corruption-related offense;
- consideration of appeals and inquiries (including for obtaining public information) of people's deputies, public organizations, individuals and legal entities on issues related to the activities of the Department;
- taking measures to involve the public in the formation, implementation and monitoring of anti-corruption policy;
- preparation of a proposal for amendments to regulations on matters within the competence of the Department.

In accordance with its powers, the National Agency for the Prevention of Corruption is the authorized body that draws up administrative protocols on violations of anti-corruption restrictions. It should be noted that the National Agency for the Prevention of Corruption has the right to draw up administrative protocols under the articles listed in Table 2 of the Code of Administrative Offenses.

The methods of public administration used in the formation and implementation of anti-corruption policy of the state depend on the strategy and tactics of combating corruption in Ukraine, as well as the strategy of socio-economic transformation and determine the adoption of appropriate measures [3;9;10].

Corruption in Ukraine, having become a system of public relations, threatens the national interests of the country. Extremely high levels of corruption in our country lead to violations of property rights, bias of the domestic judicial system and inefficiency of the legislative process. Meanwhile, anti-corruption measures taken in our country are ineffective. Authorities in the country have repeatedly and loudly stated the need to combat corruption, developed programs and strategies to overcome this phenomenon, some tough steps have been taken in this direction, but they did not bring significant positive effect [4, p.88;12].

Table 2. Powers of the National Agency for the Prevention of Corruption in terms of drawing up administrative protocols for violating anti-corruption restrictions under the Code of Administrative Offenses

Article of the Code of Administrative Offenses	The essence of the article
Article 1724 Code of Administrative Offenses	Violation of restrictions on combination and combination with other activities
Article 1725 Code of Administrative Offenses	Violation of statutory restrictions on the receipt of gifts
Article 1726 Code of Administrative Offenses	Violation of financial control requirements
Article 1727 Code of Administrative Offenses	Violation of the requirements for the prevention and settlement of conflicts of interest
Article 1728 Code of Administrative Offenses	Illegal use of information that has become known to a person in connection with the performance of official duties
Article 1729 Code of Administrative Offenses	Failure to take measures to combat corruption
Article 18846 Code of Administrative Offenses	Failure to comply with legal requirements (instructions) of the National Agency for the Prevention of Corruption
Article 21215 Code of Administrative Offenses	Violation of the procedure for granting or receiving a contribution in support of a political party, violation of the procedure for granting or receiving state funding for the statutory activities of a political party, violation of the procedure for granting or receiving financial (material) support for campaigning or campaigning in an all-Ukrainian or local referendum
Article 21221 Code of Administrative Offenses	Violation of the procedure for submitting a financial report on the receipt and use of election funds, the party's report on property, income, expenses and liabilities of a financial nature

Source: compiled by authors on materials [5].

Researchers note that anti-corruption policy in Ukraine is being replaced by imitation. In our country, each new wave of anti-corruption rhetoric is built on a similar scheme, which includes [6, p.13;14]:

- questioning (denying) the results and achievements of predecessors in the fight against corruption;
- creation of advisory bodies responsible for the development of anti-corruption policy;
- discussion and adoption of concepts and strategies to combat corruption, sometimes bills, most of which are not implemented;
- carrying out demonstrative, opportunistic actions of law enforcement bodies in pursuit of corrupt officials, as a rule, representatives of the opposition or middle and lower-ranking officials;
- demonstrative and unsystematic actions aimed at law enforcement reform, including liquidation of the State Automobile Inspectorate, Customs Service reform, but as politicians do not want to give up the opportunity to use law enforcement agencies for their political purposes, the latter is not reformed.

It is natural to expect that the implementation of anti-corruption policy may meet resistance at various levels of the administrative hierarchy. This necessitates efforts to improve domestic anti-corruption laws and the institutional system, as well as take into account the need to promote anti-corruption practices in the private sector and increase confidence in government action by society [7, p.120].

To achieve a positive result in this direction it is necessary to comply with such conditions [8; 11]:

- a clear desire of the country's political leadership to combat all forms of corruption;

- unconditional compliance with anti-corruption legislation;
- focusing on the prevention of corruption, aimed at radically eradicating the conditions that give rise to it;
- transformation of corruption into a sphere of high risk and low profitability, creation and implementation of non-corruption schemes of interaction of citizens with state institutions;
- reduction of regulatory pressure of the state on business;
- providing legal conditions for information transparency and openness of government activities, establishing public control over it;
- establishing partnerships between the government and civil society in the field of minimizing corruption. The implementation of such a public administration mechanism should become a national affair.

Conclusions

The scale of corruption in Ukraine will decrease only when both the government and society begin to fight not only the consequences of this phenomenon, but also its causes. In this way, it is necessary and quite possible to overcome the resistance of corrupt officials. However, the driving force must be a clear awareness that there are far more honest people than corrupt people. Only by uniting the efforts of the government and society will Ukraine be able to achieve significant results in combating corruption.

The priority areas for improving Ukraine's anti-corruption policy are:

- completion of adaptation of Ukrainian legislation to EU requirements;
- implementation of a set of measures aimed at increasing the credibility of the civil service;

— ensuring transparency in the activities of state bodies (given the low level of trust of civil society in government) should ensure transparency in the activities of state bodies and bodies entrusted by the state with anti-corruption policy, as well as assist public organizations in accessing information and management at all levels of government).

Thus, we are talking about the creation of mechanisms to reduce corruption in the short term, and the development and implementation of anti-corruption policy as a permanent organic function of the state. The effectiveness of this function will largely depend on how actively civil society structures will take part in its implementation.

Abstract

Today in Ukraine the problems of formation and implementation of anti-corruption policy are one of the most pressing, as the scale of corruption is a real threat to national security and democratic development. Without overcoming corruption as a system of public relations, Ukraine will never be able to ensure the security of its citizens, have a high standard of living, build an efficient economy and a democratic state governed by the rule of law, defend its sovereignty and become competitive among developed countries.

Despite the wide range of scientific research on the phenomenon of corruption, the specifics of corruption in certain spheres of public life, its disorganizing and reorganizing impact on society remain insufficiently studied. This highlights the need to develop mechanisms to overcome this catastrophic situation through the implementation of effective measures of anti-corruption policy of the state.

The aim of the article is to develop theoretical and methodological principles and substantiate scientific and applied recommendations for improving the mechanisms of formation and implementation of anti - corruption policy in Ukraine.

Anti-corruption policy is an appropriate response to corruption processes that exist in a certain period in the state and/or that are projected in the future. In addition, it should be noted that public policy itself should be understood as a set of value goals, public administration measures, decisions and actions, the implementation of public policy decisions (goals set by the government) and public administration system. The key tasks of the State Anti-Corruption Policy include the following: prevention of corruption offenses; creation of a legal mechanism that prevents bribery of persons with public status; ensuring liability for corruption offenses in all cases expressly provided by regulations; compensation for damage caused by corruption offenses; monitoring of corruption factors and effectiveness of anti-corruption policy measures; formation of anti-corruption public consciousness; promoting the rights of citizens and organizations to access information on corruption and corruption factors, as well as their free coverage in the media; creation of incentives for replacement of state positions, positions of state and municipal services by incorruptible persons. To achieve a positive result in this direction, it is necessary to comply with the following conditions: a clear desire of the country's political leadership to combat all manifestations of corruption; unconditional compliance with the requirements of anti-corruption legislation; focusing on the prevention of corruption, aimed at radically eradicating the conditions that give rise to it; transformation of corruption into a sphere of high risk and low profitability, creation and implementation of non-corruption schemes of interaction of citizens with state institutions; reduction of state regulatory pressure on business; providing legal conditions for information transparency and openness of government activities, establishing public control over it; establishing partnerships between the government and civil society in the field of minimizing corruption.

The implementation of such a public administration mechanism should become a national affair.

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