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DOI <https://doi.org/10.32849/2663-5313/2024.1.14>**Dmytro Kuznetsov,***Postgraduate Student, Scientific Institute of Public Law, 2a, H. Kirpa street, Kyiv, Ukraine, postal code 03055, kuznetsovdmtyro@ukr.net***ORCID:** orcid.org/0000-0002-5538-6978

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THE CONCEPT OF THE ADMINISTRATIVE AND LEGAL MECHANISM FOR IMPLEMENTING THE STATE ANTI-CORRUPTION PROGRAM IN LINE WITH THE ANTI-CORRUPTION STRATEGY IN THE ACTIVITIES OF THE SECURITY SERVICE OF UKRAINE

Abstract. Purpose. The purpose of the article is to propose the author's definition of the concept of the administrative and legal mechanism for implementing the state anti-corruption program in accordance with the Anti-Corruption Strategy in the activities of the Security Service of Ukraine. **Results.** Based on an analysis of scholarly opinions regarding the concepts of “mechanism,” “legal mechanism,” and “administrative and legal mechanism,” the article proposes the author's definition of the administrative and legal mechanism for implementing the state anti-corruption program in the activities of the Security Service of Ukraine. It is defined that a legal mechanism in its classical sense is an instrumental and complex structure composed of various elements of the legal system, through which the implementation of legal norms, institutions, legal phenomena, or legally significant actions is ensured. This category demonstrates how the law influences socio-legal relations or enables the implementation of certain types of social activities. In turn, the administrative and legal mechanism is a sectoral type of legal mechanism, differing in that it consists of elements of an administrative and legal nature applied in the context of public governance relations. These are relations arising from the activities of state and local self-government bodies in the exercise of their public functions. An example is the activity of law enforcement agencies in ensuring legal order and security at local and national levels. This mechanism demonstrates how, and by what means – from the perspective of administrative law, including its legal basis, principles, methodology, and other elements – the functioning of state authorities takes place. **Conclusions.** It is concluded that the administrative and legal mechanism for implementing the state anti-corruption program in the activities of the Security Service of Ukraine represents a set of specific legal elements that ensure the regulation of socio-legal relations in the sphere of internal administrative activities of the Security Service, as well as the performance of a necessary range of procedures, measures, operations, and actions aimed at fulfilling the goals set by the state anti-corruption program, practically implementing anti-corruption policy in the Service's work, supporting and ensuring the legality of its activities, and increasing public trust in the institution.

Key words: legal mechanism, administrative and legal mechanism, anti-corruption program, Anti-Corruption Strategy, Security Service of Ukraine.

1. Introduction

The implementation of the state anti-corruption program in accordance with the nationwide Anti-Corruption Strategy within the Security Service of Ukraine (SSU) is a process that permeates the entire system of this law enforcement body. It is aimed at creating legal, organizational, material, technical, and other conditions

for introducing the principles of the relevant state policy, which is achieved through the functioning of a specific, sectoral administrative and legal mechanism.

The essence and content of the concept of the administrative and legal mechanism have repeatedly attracted the attention of various scholars. In particular, this issue has been

addressed by R.A. Kalyuzhnyi, L.A. Kopenkina, V.I. Melnyk, A.Y. Prysiazhniuk, T.I. Tarakhonnych, N.P. Kharchenko, T.A. Shumeilo, among many others. However, despite significant theoretical achievements, this term has not been comprehensively studied in the context of certain specific issues – in particular, in the area of implementing the state anti-corruption program in accordance with the Anti-Corruption Strategy in the activities of the Security Service of Ukraine.

Therefore, the purpose of this article is to propose the author's definition of the concept of the administrative and legal mechanism for implementing the state anti-corruption program in line with the Anti-Corruption Strategy in the activities of the Security Service of Ukraine.

2. The Legal Nature of the Mechanism for Implementing the State Anti-Corruption Program in Accordance with the Anti-Corruption Strategy in the Activities of the Security Service of Ukraine

Etymologically, the word *mechanism* derives from the Greek term *mechane* – meaning machine or instrument. In explanatory dictionaries, this concept has several interpretations, the most common of which are: (1) a device that transmits or transforms motion; synonymous with a machine; (2) the internal structure or system of something; (3) a set of states and processes that constitute a certain physical, chemical, or other phenomenon (Kovalova, Kovryha, 2005). Thus, in its most general sense, a mechanism is a system of interrelated elements, arranged according to certain principles and functioning toward a common goal. The primary characteristic of a mechanism is its dynamic nature. That is why mechanisms are most often discussed in technical contexts, denoting devices or machines. However, it would be incorrect to limit this category exclusively to material objects.

The legal nature of a mechanism was analyzed by O.O. Semchyk, who concluded that this category is of a generalizing nature, describing a specific system of legal instruments used to implement law as a whole and the requirements of legal norms (Semchyk, 2009). S.S. Lukash emphasizes in his works that the legal mechanism is a system of legal tools designed to optimally organize various aspects of social life and is instrumental in nature (Drozd, 2016).

Some scholars equate the legal mechanism with the mechanism of legal regulation. For example, Y.O. Holikova holds the view that "by a mechanism, we mean a system of specific elements that are interconnected and share a common goal. From this, we can conclude that any mechanism has an internally organized

structure, the elements of which are interrelated and subordinated to one another. When we consider a mechanism from the perspective of legal science, we observe the general mechanism of legal regulation, which also has its own structure." According to her, the mechanism of legal regulation is a system of legal tools that influence social relations for the purpose of regulation, enforcement, etc. The main objective of the legal regulation mechanism is to organize and satisfy the needs and interests of subjects. This is achieved through legal instruments of influence that share a common goal – the effectiveness and efficiency of the mechanism's operation. The components of the legal regulation mechanism, according to the author, include: (1) legal norms establishing behavioral rules; (2) legal relations as a real-life element of law; (3) acts of exercising legal rights and obligations, i.e., the actual behavior of subjects in legal relations (Holikova, 2012).

At the same time, L.V. Yarmola challenges this view. He defines the legal mechanism for ensuring human rights in Ukraine as a system of effective legal means (guarantees) for the realization, protection, and safeguarding of human rights enshrined in legal acts and other sources of law, as well as the means through which a person's legal awareness is formed. In his view, the mechanism for ensuring human rights consists of the following elements: (1) national legislation (including ratified international treaties as part of it), which proclaims human rights; (2) a mechanism for forming legal awareness; (3) a legal mechanism for the realization of human rights; (4) a legal mechanism for the protection of human rights; (5) a legal mechanism for the defense of human rights. He further notes that the mechanism for forming legal awareness includes tools by which a person's consciousness is "filled" with a system of concepts, views, perceptions, emotions, and feelings regarding natural law and existing, past, or desired law. The legal mechanism for the realization of human rights includes legal tools aimed at implementing these rights in practice. The legal mechanism for the protection of human rights functions when the rights have not yet been violated and all tools are directed at preventing such violations. The legal mechanism for the defense of human rights, in his view, encompasses a set of legal guarantees through which violations are stopped, obstacles to realization are removed, and the possibilities of a person are restored, recognized, or reaffirmed (Iarmol, 2021).

There is also considerable scholarly debate among administrative law experts regarding the interpretation of the term *mechanism*, which is frequently used in conjunction with various phenomena, though it lacks a precise definition.

For instance, V.V. Myrhorod-Karpova defines the administrative and legal mechanism for ensuring control over international finances as an interrelated and interdependent system of measures and tools implemented by public authorities and local self-government bodies, in the manner and within the limits established by administrative and legal norms, aimed at creating all necessary conditions for the effective exercise of control over international finances (Myrhorod-Karpova, 2018).

3. Administrative and Legal Mechanism of State–Public Interaction in the Implementation of the State Anti-Corruption Program in Accordance with the Anti-Corruption Strategy

The administrative and legal mechanism of interaction between the state and the public in modern Ukraine is defined by A. Mykolaiets as a system of interconnected elements, based on administrative and legal requirements and formed through the use of administrative and legal tools. This system includes administrative and legal means that ensure the legal consolidation, protection, and safeguarding of interaction between the state and the public. It facilitates effective and systematic mutual connection between these actors, establishes continuous communication, identifies public needs—which guide public administration—and enables the pooling of shared resources to address tasks of general social importance (Mykolaiets, 2021).

S.V. Sirko interprets the mechanism of administrative and legal support for volunteer activities as a process of organizing social relations arising in the field of volunteerism and as a system of specific legal instruments through which the state regulates the behavior of the actors involved, thereby fulfilling its regulatory and protective functions to guarantee their rights, freedoms, and legitimate interests. Reflecting on the essence of this concept, the scholar arrives at several conclusions: the mechanism of administrative and legal support for volunteer activity can be viewed through the lens of the mechanism of legal regulation, since it is one of the leading categories in administrative law, used to effectively influence the behavior of legal subjects. It performs tasks closely related to the category of legal support. This mechanism regulates all social relations arising within the field of volunteer activity, and its main objective is the organization of all possible social relations in this area. It is, by nature, a process—a directed movement aimed at achieving a specific goal. Its distinguishing features are the range of participants affected and the mode of their behavior. The mechanism initially establishes the behavior of certain participants by codifying it in legal norms, and only afterward do these norms come

into effect and begin to be implemented. Its main goal is to establish specific legal foundations that ensure the legitimate rights and interests of the participants in these relations and serve as a guarantee of public societal interests in this area (Sirko, 2018).

Ya.V. Lazur defines the administrative and legal mechanism for ensuring the rights and freedoms of citizens in the sphere of public administration as the activity of state and local self-government bodies aimed at creating appropriate conditions for the realization, protection, and defense of the rights and freedoms of citizens from unlawful actions through the application of material and procedural legal means and methods (Lazur, 2011).

The above analysis allows us to conclude that the legal mechanism, in its classical sense, is an instrumental, complex construct consisting of various elements of the legal system through which the implementation of legal norms, institutions, legal phenomena, or legally significant actions is ensured. This category illustrates how exactly law influences social and legal relations or how certain types of social activity are implemented. In turn, the administrative and legal mechanism is a sectoral type of legal mechanism, differing in that its content consists of elements of an administrative and legal nature, applied in the context of public administration relations. These are relations arising from the activities of public authorities and local self-government bodies in the process of carrying out their public functions. An example is the activity of law enforcement bodies in ensuring legal order and security at local and national levels. This mechanism shows how, and by what means—through the lens of administrative law, its normative foundation, principles, methodology, and other components—the functioning of state bodies takes place.

4. Conclusion

In conclusion, it can be summarized that the administrative and legal mechanism for implementing the State Anti-Corruption Program in accordance with the Anti-Corruption Strategy within the activities of the Security Service of Ukraine (SSU) represents a complex of specialized legal elements that ensure the regulation of socio-legal relations in the sphere of the SSU's internal administrative activities. It also encompasses the necessary range of procedures, measures, operations, and actions aimed at achieving the objectives set by the State Anti-Corruption Program, the practical implementation of anti-corruption policy in the work of the SSU, the upholding and enforcement of legality in the functioning of this body, and the strengthening of public trust in it.

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Дмитро Кузнєцов,

здобувач, Науково-дослідний інститут публічного права, вул. Г. Кірпи, 2а, Київ, Україна,
індекс 03035, kuznetsovdmityro@ukr.net

ORCID: orcid.org/0000-0002-5538-6978

ПОНЯТТЯ АДМІНІСТРАТИВНО-ПРАВОВОГО МЕХАНІЗМУ РЕАЛІЗАЦІЇ ДЕРЖАВНОЇ АНТИКОРУПЦІЙНОЇ ПРОГРАМИ З ВИКОНАННЯ АНТИКОРУПЦІЙНОЇ СТРАТЕГІЇ В ДІЯЛЬНОСТІ СЛУЖБИ БЕЗПЕКИ УКРАЇНИ

Анотація. Метою статті є: запропонувати авторське визначення поняття адміністративно-правового механізму реалізації державної антикорупційної програми з виконання Антикорупційної стратегії в діяльності Служби безпеки України. **Результати.** У статті, спираючись на аналіз наукових поглядів вчених щодо розуміння таких понять, як «механізм», «правовий механізм» та «адміністративно-правовий механізм», запропоновано авторське визначення поняття адміністративно-правового механізму реалізації державної антикорупційної програми з виконання Антикорупційної стратегії в діяльності Служби безпеки України. Визначено, що правовий механізм в класичному розумінні – це інструментальна, комплексна конструкція, яку складають різноманітні елементи правової системи, за допомогою яких забезпечується реалізація правових норм, інститутів, юридичних явищ або юридично-значимих дій. Дана категорія показує: яким саме чином право впливає на суспільно-правові відносини, або реалізуються ті чи інші види суспільної діяльності. В свою чергу адміністративно-правовий механізм є галузевим різновидом правового з тією відмінністю, що його зміст складають елементи адміністративно-правового характеру, які застосовуються в контексті відносин публічного управління. Це відносини, що виникають з діяльності органів державної влади і місцевого самоврядування в процесі виконання ними публічних функцій. Прикладом є діяльність правоохоронних органів щодо забезпечення правового порядку, безпеки локального та національного масштабу, тощо. Даний механізм показує, за рахунок чого, та як з точки зору адміністративного права, його нормативного підґрунтя, принципів, методології та інших елементів відбувається функціонування державних органів. **Висновки.** Зроблено висновок, що адміністративно-правовий механізм реалізації державної антикорупційної програми з виконання Антикорупційної стратегії в діяльності Служби безпеки України, представляє собою комплекс спеціальних правових елементів, які забезпечують упорядкування суспільно-правових відносин в сфері внутрішньо-адміністративної діяльності Служби безпеки України, а також проведення необхідного кола процедур, заходів, операцій та дій із виконання поставлених державною антикорупційною програмою цілей, практичне втілення антикорупційної політики в роботі Служби, підтримку і забезпечення законності діяльності цього органу та підвищення довіри населення нього.

Ключові слова: правовий механізм, адміністративно-правовий механізм, антикорупційна програма, Антикорупційна стратегія, Служба безпеки України.