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DOI <https://doi.org/10.32849/2663-5313/2024.2.16>**Serhii Oliinyk,***PhD in Law, Senior Research Fellow, Scientific Institute of Public Law, 2a, H. Kirpa street, Kyiv, Ukraine, postal code 03055, oliynykserhii@ukr.net***ORCID:** [orcid.org/0009-0001-0466-0853](https://orcid.org/0009-0001-0466-0853)*Oliinyk, Serhii (2024). Identifying priority areas for combating corruption in Ukraine. Entrepreneurship, Economy and Law, 2, 96–102, doi <https://doi.org/10.32849/2663-5313/2024.2.16>*

## IDENTIFYING PRIORITY AREAS FOR COMBATING CORRUPTION IN UKRAINE

**Abstract. Purpose.** The purpose of this article is to identify and characterize the priority areas in combating corruption in Ukraine. **Results.** It is emphasized that each state has its own approach to preventing the receipt or offering of undue benefits. For example, Italian carabinieri are required to wear white gloves in all weather conditions, even in extreme heat—not for appearance's sake, but to draw attention when they handle money, either receiving or concealing it. In the United States, police departments are often housed in open-plan spaces where officers' workstations are not separated by walls—sometimes only by wooden or drywall partitions of about 1.5 meters in height. The department head has a glass-walled office, and rooms for suspect interrogation, identification procedures, and other investigative actions, while walled, are shared spaces accessible to all employees. It is determined that the top-priority measures to counteract corruption should include efforts to restore public trust in government institutions, foster a sense of justice among citizens, and ensure the protection of whistleblowers to eliminate fear of retaliation for reporting suspected corrupt practices. **Conclusions.** It is concluded that the foremost anti-corruption measures should be as follows:

1. restoring public trust in state authorities, cultivating a sense of justice among citizens, and guaranteeing whistleblower protection to eliminate fear of punishment for reporting suspected corruption;
2. establishing effective reporting mechanisms for corruption-related offenses through public liaison departments (hotlines, special phone lines), official websites, and electronic communication tools;
3. creating appropriate working conditions for public officials;
4. utilizing polygraph testing for candidates for public service positions;
5. implementing the "Transparent Office" program;
6. introducing automated document control systems in all state enterprises, institutions, and organizations.

**Key words:** corruption prevention, public anti-corruption expertise, regulatory legal act, parliamentary hearings, legislative initiative.

### 1. Introduction

The term "combating corruption" has long been used by criminologists and other scholars. Combating corruption is defined as any activity within the sphere of social governance aimed at reducing opportunities for the corruption of social relations, ensuring the rule of law, implementing other legal principles, promoting the development of a democratic society, and consolidating the rule of law (Mykhnenko, 2011, p. 54).

In Ukraine, specially authorized entities have been established to combat corruption. These include the prosecutorial authorities, the National Police, the National Anti-Corruption Bureau of Ukraine, and the National Agency on Corruption Prevention. The latter operate pursuant to the Law of Ukraine "On

Prevention of Corruption" (Law of Ukraine On Prevention of Corruption, 2014).

The system for preventing and combating manifestations of corruption is based on organizational and legal foundations, the core of which is current anti-corruption legislation (Kovbasyuk, Obolenskyi, Seryogin, 2012). Modern legislation has attempted to anticipate all possible variants of measures for preventing and combating corruption in Ukraine. However, this system does not function fully and therefore requires supplementation and improvement. In our view, it is necessary to start with normative legal acts directly aimed at combating corruption in Ukraine. Unfortunately, the National Anti-Corruption Strategy for 2011–2015, approved by the Decree of the President of Ukraine dated October 21, 2011, No. 1001, did not become

an effective instrument of anti-corruption policy. Consequently, the Law of Ukraine "On the Principles of State Anti-Corruption Policy in Ukraine (Anti-Corruption Strategy) for 2014–2017," dated October 14, 2014, No. 1699-VII, was adopted (Law of Ukraine On the principles of state anti-corruption policy in Ukraine (Anti-corruption strategy) for 2014-2017, 2014). Later, on June 20, 2022, the Law of Ukraine "On the Principles of State Anti-Corruption Policy 2021–2025," No. 2322-IX, was enacted (Law of Ukraine On the principles of state anti-corruption policy 2021-2025, 2022).

## 2. General Problems of Combating Corruption

Regarding the prevention of receiving undue benefits or gifts, the legislator has stipulated the actions of an official in such situations. Persons authorized to perform the functions of state or local self-government bodies, as well as persons equated to them, upon receiving a proposal for an undue benefit or gift, notwithstanding private interests, are obliged to immediately take the following measures:

1. refuse the proposal;
2. if possible, identify the person who made the proposal;
3. involve witnesses, if possible, including among employees;
4. notify in writing their immediate supervisor (if available) or the head of the respective body, enterprise, institution, organization, or specially authorized entities in the field of combating corruption.

In a situation where a person subject to restrictions on the use of official position and receiving gifts discovers in their official premises or receives property that may constitute an undue benefit or a gift, they are obliged to immediately, but no later than one working day, notify in writing their immediate supervisor or the head of the relevant body, enterprise, institution, or organization about this fact.

An act is drawn up upon detection of property that may constitute an undue benefit or gift, signed by the person who discovered the undue benefit or gift and their immediate supervisor or the head of the relevant body, enterprise, institution, or organization.

If the property that may constitute an undue benefit or gift is discovered by a person who is the head of a body, enterprise, institution, or organization, the act on the detection of such property is signed by that person and the individual authorized to perform the duties of the head of the respective body, enterprise, institution, or organization in their absence.

Let us turn to the views of scholars who have addressed issues of combating corruption in their works. Yu.V. Kovbasyuk, O.Yu. Obolenskyi, S.M. Seryogin, and others consider that the main task of the anti-corruption system should be to form effective social control institutions in society, including:

1. state control – a highly professional work of all law enforcement agencies, especially their specialized units; clear delineation of their tasks, powers, and functions;
2. legislative control – improvement of the legislative framework to combat crime, corruption, and legal mechanisms;
3. public control – the right of society to oversee the work of all branches and institutions of power, including reporting, evaluating performance, and applying influence measures (Kovbasyuk, Obolenskyi, Seryogin, 2012).

Indeed, to effectively combat corruption-related crimes, a comprehensive set of measures from various directions is required to monitor citizens' activities within the state. Only through close interaction and fostering a strong moral consciousness among citizens is it possible to halt and eliminate manifestations of corruption.

Alongside the above, O. Banchuk proposes the following measures to prevent corrupt acts:

1. a high level of awareness among private individuals regarding the activities of government bodies, i.e., providing proper, complete, and reliable information to persons who approach a certain local self-government body or seek information about it, as one of the main means of preventing corruption offenses;
2. access to the relevant body. This implies that the lack of full access to the local self-government body, including services provided by its employees, becomes a cause of corrupt manifestations;
3. establishing reasonable time limits for citizen services. That is, substantiated and reasonable deadlines must be set for the provision of relevant services, processing citizen requests, and fulfilling other tasks;
4. proper internal control and effectiveness of official investigations. The weakness and underdevelopment of the internal control function in local self-government bodies are among the general problems of organization and activity of public administration in Ukraine, significantly affecting the state of corruption. Its inefficiency manifests in the absence, in most government bodies, of the obligation to control compliance with professional ethics and anti-corruption legislation by their employees;
5. simplification of service provision procedures. This involves introducing

a comprehensive administrative procedure based on the "one-stop shop" principle; integrated services (where a person receives all or most common services at one location on a given administrative-territorial level); citizens' reception during working hours; on-the-spot payment for services, etc.;

6. transparency of service provision. This includes placing informative and accessible information stands in local self-government premises regarding citizens' rights and the specifics of their implementation;

7. reduction of personal contact between officials and citizens (for example, the use of email for submitting inquiries and providing responses thereto) (Banchuk, 2012).

In our view, the primary measures to combat corruption should focus on restoring public trust in state authorities, fostering a sense of justice among citizens, and ensuring the protection of whistleblowers in order to eliminate the fear of punishment for reporting suspected corrupt acts.

Access to information is an essential tool for conducting investigative journalism and stimulating civic engagement in the anti-corruption sphere. A positive step towards combating crimes envisaged by Article 368 of the Criminal Code of Ukraine was the legislative enshrinement of public participation in anti-corruption measures, in particular Article 21 of the Law of Ukraine "On Prevention of Corruption." Accordingly, public associations, their members or authorized representatives, as well as individual citizens, in activities aimed at preventing corruption, have the right to:

1. report detected facts of corruption or corruption-related offenses, actual or potential conflicts of interest, to specially authorized anti-corruption entities, the National Agency, management or other representatives of the body, enterprise, institution, or organization where such offenses were committed or whose employees have a conflict of interest, as well as to the general public;

2. request and receive from state bodies, authorities of the Autonomous Republic of Crimea, and local self-government bodies, in the manner prescribed by the Law of Ukraine "On Access to Public Information," information concerning anti-corruption activities;

3. conduct or commission public anti-corruption expertise of regulatory legal acts and draft regulatory legal acts, submit proposals based on the expertise results to relevant authorities, and receive information from these authorities regarding the consideration of submitted proposals;

4. participate in parliamentary hearings and other events on anti-corruption issues;

5. submit proposals to legislative initiative entities aimed at improving the legislative regulation of relations arising in the field of corruption prevention;

6. conduct or commission research, including scientific and sociological studies, on corruption prevention issues;

7. carry out activities to inform the public on corruption prevention matters;

8. exercise public control over the enforcement of laws in the area of corruption prevention, using forms of control not prohibited by law;

9. undertake other measures for corruption prevention not prohibited by law [1, p. 2056].

Furthermore, public associations, as well as natural and legal persons, cannot be denied access to information concerning the competence of subjects implementing anti-corruption measures, as well as regarding the main directions of their activities.

The above-described public activities related to exposing and reporting crimes must be safe. Citizens should be confident that they will not face any danger for reporting corruption-related offenses.

Although the legislator seemingly guarantees such safety, including the possibility of anonymous reporting of crimes, the desired effect has yet to be achieved.

A significant step in improving the anti-corruption system was the adoption of the Law of Ukraine dated May 13, 2014, No. 1261-VII "On Amendments to Certain Legislative Acts of Ukraine in the Field of State Anti-Corruption Policy in Connection with the Implementation of the Action Plan on the Liberalization of the Visa Regime for Ukraine by the European Union." According to this law, protections for whistleblowers of corruption were strengthened, in particular:

1. the burden of proof in cases involving repressive measures against informants (whistleblowers) was shifted to the defendant;

2. the possibility to report corruption anonymously, including through dedicated hotlines, was legally enshrined;

3. the obligation of state authorities to establish mechanisms for receiving and verifying reports of corruption (including anonymous reports) was introduced (Law of Ukraine On Amendments to Certain Legislative Acts of Ukraine in the Field of State Anti-Corruption Policy in Connection with the Implementation of the Action Plan on the Liberalization of the Visa Regime for Ukraine by the European Union, 2014).

Importantly, since May 2011, Ukraine has been operating under the Law "On Access to Public Information," which has been

recognized as one of the best in the world in terms of regulation. Subsequently, important amendments were made to several legislative acts to align them with this law and the Law of Ukraine "On Information" (new edition). Nevertheless, practical implementation of new provisions concerning access to information remains low; actual access opportunities are limited; instances of unjustified denial of information access or failure to publish information proactively are not uncommon; and effective state control over the implementation of the right to access public information is absent.

Scholars such as Yu.V. Kovbasyuk, O.Yu. Obolenskyi, S.M. Seryogin, M.M. Bilynska, and others classify measures for preventing and combating corruption in the civil service into the following areas:

1. Adaptive – aligning the structure of Ukraine's civil service with the recommendations and standards of EU member states;
2. Transparency and publicity – ensuring openness in the hiring of civil servants, decision-making through competitions, etc.;
3. Punitive – establishing an effective anti-corruption system whereby committing corruption offenses inevitably results in responsibility for the perpetrators, with negative social and official consequences;
4. Organizational and managerial – for example, legislative definition of procedures for decision-making, control over the accuracy of civil servants' declarations of income and expenses;
5. Legal – unification of normative legal acts in the field of Ukraine's civil service;
6. Preventive – preventing social prerequisites of corruption and eliminating causes of corrupt acts;
7. Socio-economic – creating a system of social relations in which lawful behavior of public servants is socially prestigious and beneficial (Kovbasyuk, Obolenskyi, Seryogin, 2012).

There are many ways to prevent corruption, among which the majority involve reporting corruption offenses through: public liaison departments (hotlines, special telephone lines), official websites, electronic communication means, creating appropriate working conditions for officials, and institutions for control, among others.

### **3. Creating Appropriate Conditions as an Anti-Corruption Measure**

Creating appropriate conditions is considered the safest and most cost-effective anti-corruption measure. There are various ways to implement it, including:

1. establishing adequate organizational and material working conditions;
2. guaranteeing and ensuring social protection for civil servants;
3. providing an appropriate level of financial remuneration, among others.

However, ensuring these conditions does not guarantee that a civil servant will refrain from the temptation to accept undue benefits; it only makes it possible to minimize such cases.

As a means to achieve this goal, we propose utilizing the positive experience gained from implementing the "Transparent Office" program, which was launched in 2009 in Vinnytsia as an experimental project and received a positive evaluation from the Council of Europe as the best practice in the provision of administrative services to citizens.

According to this program, the Administrative Services Center "Transparent Office" was established in Vinnytsia as a working body of the city council executive committee, where administrative services are provided through an administrator interacting with the service providers. An integral part of the Center is a unified permitting center, which organizes the issuance of permit documents in accordance with the Law of Ukraine "On the Permitting System in the Sphere of Economic Activity." The Center unites representatives of administrative bodies, administrators, state administrators, and state registrars to ensure interaction among all participants of the Center in achieving its goals.

The Center was created with four main objectives:

1. organizing the receipt and registration of applications and petitions from applicants for the subsequent legal formalization of the conditions for the exercise of their rights, freedoms, and legitimate interests upon their request;
2. forming permitting cases, conducting registration actions, creating, maintaining, and storing registration files of business entities, and organizing document flow to ensure quality administrative services for applicants;
3. developing and applying methods and tools to minimize and eliminate corruption threats that may arise during interactions between applicants and administrative bodies;
4. simplifying and optimizing the system of administrative service provision to applicants (Regulations on the Center for Administrative Services "Transparent Office," 2020).

Furthermore, paragraph 1.9 of the General Provisions states that officials and employees of the Center's participants ensure compliance with and implementation of the Quality Policy, Anti-Corruption Policy, and Information

Security Policy approved by the Vinnytsia City Council.

The general principles governing the work of the Center's participants are:

1. accessibility of services for all natural and legal persons;
2. adherence to service provision standards;
3. compliance of service fees with legislative requirements;
4. openness and transparency;
5. clarity of procedures;
6. prompt resolution of issues;
7. ensuring applicants' access to information on the status, progress, and results of consideration of their requests.

A distinctive feature of the Centers is the presence of transparent glass walls in offices providing permit services. Citizens are received exclusively by electronic queue.

We consider the introduction of these provisions into all areas of public service as the most necessary next step in the fight against Ukrainian corruption. Corruption offenses have so deeply entrenched themselves in our mentality over many years that the term "Ukrainian corruption" has become, in fact, justified.

A positive outcome will result from implementing these principles in the judicial and law enforcement spheres.

As is known, judges' chambers are located separately from courtrooms and common areas and also serve as deliberation rooms. However, practice shows that unauthorized persons, whose goal is to obtain and provide undue benefits to influence court decisions, have access to these premises and chambers. Often such persons are defense attorneys, including lawyers. There is even an unofficial saying: "A good lawyer is a good middleman." Sometimes the aforementioned goal is realized in the judge's chamber (deliberation room) precisely during the period between the judge's entry into the deliberation room and the announcement of the court's decision. Media outlets have repeatedly reported cases of hundreds or thousands of units of foreign currency found in judges' robes. Also known are cases of interference with the automated system for the distribution of criminal cases among judges aimed at obtaining undue benefits.

Accordingly, it is proposed to introduce the use of transparent glass walls in judges' deliberation rooms and offices to prevent interference by external interested parties in the adoption of procedural decisions and in the resolution of proceedings on the merits. However, such glass must be equipped with anti-eavesdropping systems to ensure confidential discussions and voting.

These measures would facilitate the proper administration of criminal and other forms of justice and safeguard the rights and legitimate interests of participants in judicial proceedings.

Similar measures may be implemented in prosecutorial offices with minor adjustments. All workspaces in prosecution offices should have transparent walls, except for one or two rooms designated for investigative actions, such as identification parades, forensic examinations, etc. A similar but more differentiated approach can be introduced in the structural subdivisions of the National Police.

Each country has its own methods of preventing the offering or acceptance of undue benefits. For example, Italian carabinieri are required to wear white gloves in all weather conditions, even in extreme heat—not for aesthetic reasons. The rationale is that such gloves draw greater attention to the officer when he receives or places money into his pocket. In the United States, police departments are located in large open spaces with no walls between workstations—only partial wooden or drywall partitions of about 1.5 meters in height. The department head occupies a quasi-office with glass walls. Rooms for interrogations, suspect identifications, and other investigative procedures, which have regular walls, are shared and accessible to all personnel.

In our opinion, the office of an investigator of the National Police of Ukraine should remain isolated until the standard layout of police station buildings is comprehensively reformed. Practice shows that in many Ukrainian cities, it is not uncommon for parties to proceedings, their parents, relatives, and other persons to queue outside an investigator's office, waiting to be called in. At times, co-perpetrators of a criminal group must be kept in separate corners of the hallway to prevent them from coordinating their testimonies, due to the absence of designated facilities. Unlike prosecutors, investigators are solely responsible for conducting investigative actions and adopting procedural decisions in criminal proceedings. Therefore, their offices should remain isolated for the time being, albeit with a mandatory long-term objective of aligning with Western standards.

Another preventive anti-corruption measure aimed at avoiding the acceptance of offers, promises, or undue benefits by public officials is the introduction of an automated document management control system—"Megapolis"—in all state enterprises, institutions, and organizations. This system has been in use by the Main Department of the Civil Service of Ukraine for many years. Its core principle is that any document (e.g., a citizen's request) submitted to



a public institution remains in the registry office throughout the entire processing period. Only a scanned copy of the document is transmitted between the office of the institution's head (who assigns it for execution) and the relevant executors. The movement of this copy is recorded down to the second. In the electronic database, it is possible to track when the document was received and how much time each individual employee spent processing it. Each executor affixes their electronic signature. At the final stage, the completed paper response is signed only by the institution's head and then sent to the applicant (whether an individual or a legal entity).

This system enables tracking which employees exceeded the execution deadline for a specific document, thus providing grounds for establishing whether the delay was intentional and whether it was aimed at soliciting undue advantage. The exact time and list of individuals who accessed the document facilitate the identification of corruption schemes and their participants. For example, when combined with the analysis of communication channels, the system allows the determination of the precise sequence of events: whether the corruption initiator first contacted a specific executor, or whether the executor, having received the document for processing, decided to solicit an undue benefit and then reached out to the initiator.

#### 4. Conclusions

Therefore, the primary measures to counteract corruption should include:

1. efforts to restore public trust in state authorities, foster a sense of justice among citizens, and ensure whistleblower protection to eliminate fear of retaliation for reporting suspected corrupt acts;
2. the establishment of mechanisms for reporting corruption-related crimes through public relations units (hotlines, special telephone lines), official websites, and electronic communication channels;
3. the creation of appropriate working conditions for public officials;

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## ВИЗНАЧЕННЯ ПРІОРИТЕТНИХ НАПРЯМІВ ПРОТИДІЇ КОРУПЦІЇ В УКРАЇНІ

**Анотація. Метою** статті є визначити та охарактеризувати пріоритетні напрями протидії корупції в Україні. **Результати.** Наголошено, що у кожній державі є власний спосіб запобігання одержанню або наданню неправомірної вигоди. Наприклад, італійські карабієри в будь-яку пору року

4. the use of polygraph testing for candidates applying for public office;

5. the implementation of the "Transparent Office" program;

6. the introduction of an automated document flow control system in all state enterprises, institutions, and organizations.

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за будь-якої погоди, навіть у спеку, змушені працювати в білих рукавичках аж ніяк не для гарного вигляду. Влада вважає, що так поліцейський привертає до себе більше уваги, коли бере в руки гроші або кладе їх до кишені. У США поліцейські відділки розташовуються в загальних великих приміщеннях, де між робочими місцями працівників взагалі немає стін, іноді лише півтораметрові дерев'яні чи гіпсокартонні перегородки. Щось схоже на кабінет, але зі скляними стінами, має начальник відділу. Кабінет для допитів підозрюваних та впізнання особи, інших слідчих дій зі звичайними стінами і є кабінетом загального користування для всіх співробітників. Визначено, що першочерговими заходами щодо протидії корупції має бути діяльність щодо відновлення довіри громадян до органів державної влади, виховання в громадянах відчуття справедливості, забезпечення безпеки викривачів з метою ліквідації страху бути покараним за повідомлення про підозру в корупційних діяннях. **Висновки.** Зроблено висновок, першочерговими заходами щодо протидії корупції мають бути: 1) діяльність щодо відновлення довіри громадян до органів державної влади, виховання в громадянах відчуття справедливості, забезпечення безпеки викривачів з метою ліквідації страху бути покараним за повідомлення про підозру в корупційних діяннях; 2) налагодження схеми повідомлення про злочин корупційної спрямованості шляхом використання: відділів зв'язку з громадськістю (гарячих ліній, спеціальних телефонних ліній), офіційних веб-сайтів, засобів електронного зв'язку; 3) створення належних умов роботи службових осіб; 4) використання поліграфа для перевірки кандидатів на державні посади; 5) запровадження програми «Прозорий офіс»; 6) запровадження в усіх державних підприємствах, установах та організаціях автоматизованої системи контролю за документообігом.

**Ключові слова:** запобігання корупції, громадська антикорупційна експертиза, нормативно-правовий акт, парламентські слухання, законодавча ініціатива.

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