

THE WAYS OF PREVENTION OF CORRUPTION: UKRAINIAN AND FOREIGN EXPERIENCE

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INTRODUCTION

Nowadays poverty and corruption have become the main national thread for any country. And for modern Ukraine poverty has become not only chronic phenomenon, which determines the way of living for the biggest part of population, but the factor of polarization of society as well, its separation into very rich and very poor people with catastrophic reduction of middle class¹.

Corruption is one of the most dangerous threads for the human rights, democracy, law and order, honesty and social justice, it impedes economy development and threatens appropriate and fair functioning of countries, has negative financial consequences for citizens, companies and states and for international institutions as well. Nowadays in our country a complex of measures has been taken in the sphere of prevention and interference of corruption, and the most part of them are aimed to prevention of corruption just like in the most European countries².

Corruption in Ukraine has infiltrated in all spheres of social relations and become one of the fundamental reasons of the crisis of Ukrainian statehood. As a result of defeat of the most of state institutions by the corruption virus the ruining of social and economy spheres, degradation of law-enforcement and judicial bodies, system of health protection, national science and education can be observed. Actual

¹ Shchur N.O. Poverty and corruption – threatening challenge of modernity [Text] / Innovations in state management: system integration of education, science, practice: materials of scientific and practical international conferention Kyiv, 27 May 2011 : in 2 v. / edited by Y.V. Kovbasyuk, V.P. Troshynsky, S.V. Zagorodnyuk.– K. : NASM, 2011. – V.2. – P. 311

² Corruption risks in activity of state officials URL: https://minjust.gov.ua/m/str_34678 (date of appeal 25.06.2019)

corruption of all country, eventually, has defeated its viability and become an obstacle for introduction of necessary social and economy reforms³.

The scope of national corruption has complex and system character, threatens national safety of the country and proves inefficiency of government and social institutions activity, slows down economy growth, undermines confidence of citizens to government, complicates Ukrainian relations with foreign partners. Corruption – is a complex and multidimensional social and political phenomenon, one of the most dangerous displays of social life. It is a born of the whole system of social premises and reasons: on the one hand, corruption characterizes the main processes, which occur in society (violation of property relations, monopolization, criminalization and illicit economy), on the other hand - it influences economy, policy, law, ideology, social moral⁴.

According to the index of perception of corruption in the worldwide rate CPI Ukraine has placed 131 position among other 176 countries. Our rate “neighbours” are Kazakhstan, Russia, Iran, Nepal. As we see, we are among those countries, which can’t be named prosperous, and this means, that the reasons of corruption, a lot of things, have social and economy origin and lie in the sphere of well-being of population⁵.

As a result of numerous sociology researches, remarkable part of population is defeated by corruption – more than 65% of respondents proved, that they were involved into corruption acts. Extortion (bribe, “charitable aid”, gifts) is occurred twice often, than voluntary bribery⁶.

According to the official Press release about the assessment of corruption in Ukraine, which was announced on the 22nd of May, 2007 by the Ambassador of the

³ Bereza O.D. Corruption in the sphere of state management as stimulating factor of social and economy reforms. P. 173 [URL:http://academy.gov.ua/ej/ej19/PDF/22.pdf](http://academy.gov.ua/ej/ej19/PDF/22.pdf) (date of appeal 25.06.2019)

⁴ Milena Kravchenko. Prevention and fight with corruption in the social sphere as a factor of modernization of Ukrainian society [URL:file:///C:/Users/%D0%B0%D0%B4%D0%BC%D0%B8%D0%BD/Downloads/apdyo_2014_2_24.pdf](file:///C:/Users/%D0%B0%D0%B4%D0%BC%D0%B8%D0%BD/Downloads/apdyo_2014_2_24.pdf) (date of appeal 25.06.2019)

⁵ Romanov M.V. Basic grounds of prevention of corruption / M.V. Romanov “Kharkiv law-enforcement group”. – Kharkiv: LTD “Publishing house “ Human Rights”, 2017. – 176 p. [URL: http://library.khpg.org/files/docs/1500543466.pdf](http://library.khpg.org/files/docs/1500543466.pdf) (date of appeal 05.07.2019)

⁶ National institute of strategic researches [URL: http://old.niss.gov.ua/Monitor/desember08/17.htm](http://old.niss.gov.ua/Monitor/desember08/17.htm)(date of appeal 05.07.2019)

USA in Ukraine V.Taylor, over 50% of citizens in Ukraine consider corruption to be acceptable way to solve problems⁷.

On the 21st Summit Ukraine-EU, held in Kiev, the President of Ukraine has promised, that his team would start the most complicated and important reforms within European integration, namely, anti-corruption. “Because I know, that our European partners are exhausted to provide us with money to defeat corruption in Ukraine”⁸.

Factors, influencing corruption and its displays in Ukraine and other foreign countries are actual to be researched.

1. Concept of corruption and its display in different areas

Concept “corruption” originates from combination of Latin words *correi* – mandatory involvement of some representatives of one of the parties to other business, and *rumpere* – to violate, break, abolish, damage. Thus independent term – *corrumpere*, which means taking part in activity of some people with the aim to “damage”, “break”, “spoil” the normal development of trial or management of social affairs. Roman law contained the term “*corrumpere*”, which meant to “break”, “spoil”, “damage”, “falsify statements”, “dishonor a virgin”, but the same time to “bribe a judge (*preator*)” as well⁹.

The Law of Ukraine “About prevention of corruption”¹⁰ provides, that corruption – is using by the person, determined in part 1 paragraph 3 of this Law, his official powers or connected possibilities with them, aimed to receive wrongful benefit or accept such benefit or accept promise/offer of such benefit for himself or other persons or, accordingly, promise/offer or providing a person, indicated in part 1 paragraph 3 of this Law, with wrongful benefit, or in response to his demands other

⁷ Shchur N.O. Influence of corruption on social policy of Ukrain // State management: improvement and development № 9, 2012 URL: <http://www.dy.nayka.com.ua/?op=1&z=467>(date of appeal 05.07.2019)

⁸ Vlasenko V. Summit Ukraine –EU: five-year-old conclusions and plans for the future. *Official courier*. 10.07.2019. №128.

⁹ Concept, reasons, consequences and legal base for prevention of corruption URL: https://arm.naiu.kiev.ua/books/atikorruption/lectures/lecture_1.html (date of appeal 25.06.2019)

¹⁰ About prevention of corruption: Law of Ukraine 14 October 2014 № 1700-VII (Schedule of the Supreme Soviet (SSS), 2014, № 49, cr.2056) URL: <https://zakon.rada.gov.ua/laws/show/1700-18/print> (date of appeal 25.06.2019)

individuals or legal persons, with the aim to persuade this person to use his official powers improperly or connected possibilities with them.

Big explanatory dictionary of Ukrainian language interprets corruption as “activity of persons, empowered to fulfil government functions, aimed to wrongful use their powers to receive material benefits, services, privileges or other advantages; direct using by official his functional authorities with the aim of personal enrichment; bribe, venality of civil servants and public activists”. Additional document of UN, concerning international fight with corruption, contains provision, that corruption – is an abuse of state power to receive advantages in personal aims. Scientific publication treats corruption as a multidimensional social phenomenon, which is: peculiar reflection of political, economy, ideological and other social phenomenon and process, which have their place in society and state and plays a role of the result of imperfect functioning of government and social institutions, logical reaction of social members to flaws of social development; psychological phenomenon, connected with inner world of officials, who cross the line of morality for some time or leave themselves there forever; certain system, special infrastructure of daily relations, which contains representatives of all government authorities, law-enforcement and control bodies, political activists, managers of enterprises and organizations¹¹.

M.V. Romanov determines corruption as an action, which is made by official or civil servant, by abuse of official position and/or powers, aimed to receive benefit and satisfaction of personal interest of a person, who fulfils action¹².

Corruption in public sphere is, generally, a rule. This is classic of corruption displays and namely public sphere gives the most favourable grounds for violations. The reason of it lies in competent subject’s availability of powers. Thus, a person has such status, which gives him an opportunity to realize state or public interest according to their own decision. Moreover, such decision and responsibility for making it depend on it. Another specific moment is that very often decision of such

¹¹ Prokhorenko M.V. Corruption in Ukrainian: monography / O.Y. Prokhorenko. – K.: NASM, 2005. – 166 p.

¹² Romanov M.V. Basic grounds of prevention of corruption / M.V. Romanov “Kharkiv law-enforcement group”. – Kharkiv: LTD “Publishing house “Human Rights”, 2017. – P. 28 URL: <http://library.khpg.org/files/docs/1500543466.pdf> (date of appeal 05.07.2019)

person doesn't condition any rules or procedures, in other words, it relies on consciousness and inner will of subject (so called discretionary authorities)¹³.

The line of legislative acts is very significant that for fight with corruption, such as: the Constitution of Ukraine, Laws of Ukraine "About prevention of corruption" of 14 October 2014 № 1700-VIII, "About grounds of anti-corruption policy in Ukraine (Anti-corruption strategy) on 2014-2017" of 14 October 2014 № 1699-VIII; "About National anti-corruption bureau of Ukraine" of 14 October 2014 1698-VIII; "About clearing of authority" of 16 September 2014 № 1682-VII; "About making changes to some legislative acts of Ukraine in the sphere of state anti-corruption policy in connection with fulfilment of Plan of Action, concerning liberalization of visa regime for Ukraine by European Union" of 13 May 2014 № 1261-VII; "About making changes to some legislative acts of Ukraine, concerning harmonization of national legislation with standards of Criminal convention about fight with corruption" of 18 April 2013 № 221-VII; "About making changes to some legislative acts of Ukraine about responsibility for corruption violations" of 7 May 2011 № 3207-VI; "About state service" of 16 December 2015 № 889VIII and other international law acts, codes of Ukraine, decrees of the President of Ukraine, orders and regulations of the Cabinet of Ministers of Ukraine.

Citizens of Ukraine consider, that social sphere, which contains education, health protection, system of social protection, is one of the most corrupted, as it relates to solvation of important and daily demands of people. "Leaders" are medical and educational institutions, and also state authorities of social protection, which deal with processing of unemployment aid, calculation and re-processing of pensions, processing of subsidy for restitution of housing and municipal services, privileges and other social payments, issuing and privatization of state property and so on. Social and labor relations have become an object of corruption as well. Corruption in social sphere leads to homogenization of social protection of population, social inequality of citizens is getting stronger, social tension is getting bigger, social justice

¹³ Romanov M.V. Basic grounds of prevention of corruption / M.V. Romanov "Kharkiv law-enforcement group". – Kharkiv: LTD "Publishing house "Human Rights", 2017. – P. 28 URL: <http://library.khpg.org/files/docs/1500543466.pdf> (date of appeal 05.07.2019)

is disappearing. Such position results in uncertainty of population in government's possibility to make organizational and practical measures, concerning overcoming of system crisis¹⁴.

A special department in the Ministry of Social Policy of Ukraine – the Sector on prevention and identification of corruption, which provides training and monitoring of fulfilment measures within prevention of corruption, has been created according to the decree of the Cabinet of Ministers of Ukraine of 4 September 2013 № 706 “Questions of prevention and identification of corruption”. On the basis of the paragraph 19 of the law of Ukraine “About prevention of corruption” Anti-corruption program was adopted by the Ministry of Social Policy of Ukraine, which was approved by the order of the Ministry of Social Policy of Ukraine “About adopting of the Anti-corruption program of the Ministry of Social Policy of Ukraine for 2018-2019” of 25 September 2018 № 1416 and agreed by the decision of the National agency on prevention of corruption “About alignment of anti-corruption program of the Ministry of Social Policy of Ukraine for 2018-2019” of 16 November 2018 № 2593. The grounds of general branch policy about prevention and fight with corruption, measures of its realization, procedures of monitoring, assessment of fulfilment and frequency of screening have been provided by the program¹⁵.

With the aim of prevention of corruption within making decisions about consent for adopting children some measures have been taken to make changes to Order of adopting of children and monitoring observance of the rights of adopted children, adopted by the decree of the Cabinet of Ministers of Ukraine of 8 October 2008 № 905 and order of the Ministry of Social Policy of Ukraine of 17 November 2011 № 445 “About order and conditions of reception of citizens of Ukraine, who live outside the country and will to adopt the child in Ukraine for submission of cases by them”, which will allow to join the representatives of other central authorities and

¹⁴ Milena Kravchenko. Prevention and fight with corruption in the social sphere as a factor of modernization of Ukrainian society URL: file:///C:/Users/%D0%B0%D0%B4%D0%BC%D0%B8%D0%BD/Downloads/apdyo_2014_2_24.pdf (date of appeal 25.06.2019)

¹⁵ Public report of management of the Ministry of social policy URL: <https://www.msp.gov.ua/news/16447.html?PrintVersion> (date of appeal 25.06.2019)

state institutions to the cast of work group (commission) on question of agreement on adoption by foreign citizens, and also will minimize possibility of changing of documents, submitted for registration as candidates for adoptive parents¹⁶.

For providing of targeted and effective use of funds, prevention of abuse in the sphere of social protection both by recipient of social service and public officials as well during receiving/providing services of social support and privileges (social service), measures on working out and implementation of mechanisms of public monitoring have been planned during creating and launching of Unified information and analytical system of social protection of population (E-SOCIAL), namely, enchanted effectiveness of inner co-operation, concerning implementation of E-SOCIAL, development and realization of informative company, concerning implementation of E-SOCIAL (public awareness by publication of presentation materials), development and providing of public scrutiny of E-SOCIAL model, etc¹⁷.

Measures have been planned, aimed to avoidance of loss in the form of unpaid taxes and customs fees during import into the custom territory of commercial goods as humanitarian aid and implementation of effective monitoring mechanisms over targeted and address use of humanitarian aid by controlling authorities, namely, concerning information of publicity about the activity of work group on humanitarian aid, according to the Law of Ukraine “About humanitarian aid” and digitalization of process of humanitarian aid, which foresees integration of processes of identification of demands in unified system, submission of applications and accompanying documents by recipients, aligning the drafts about recognition of cargos, funds, fulfilled works, services to be humanitarian aid, promulgation of decisions about recognition goods (items) to be humanitarian aid, adding subjects to Unified register

¹⁶ Public report of management of the Ministry of social policy URL: <https://www.msp.gov.ua/news/16447.html?PrintVersion> (date of appeal 25.06.2019)

¹⁷ Public report of management of the Ministry of social policy URL: <https://www.msp.gov.ua/news/16447.html?PrintVersion> (date of appeal 25.06.2019)

of recipients of humanitarian aid and exclusion from it, running of electronic report, accounting and monitoring over use of humanitarian aid¹⁸.

During one of the session of the Cabinet of Ministers of Ukraine officials heard a regular fifth report of public initiative “Together against corruption”, which exposes corruption risks in the work of central power authorities.

Occasions of selling and buying of falsified sick lists, driving licenses and also lack of the evaluation system of the risks during building of the roads have been identified to be the most disturbing¹⁹.

Unfortunately, people, willing to buy sick lists (hereinafter - lists) medical certificate, can easily find corresponding advertisement about its sale and buy.

If adopt the target to fight corruption in mentioned area, then it is necessary to pay attention of law-enforcement authorities upon contacts in and take corresponding measures.

Use of falsified sick lists or medical certificates harms not only the financial position of Fund of social insurance and employers, but can also make harm to health of people (for instance, when falsified medical certificates are submitted for kindergartens, or for attending a swimming pool).

Also question of audits are also often solved with the help of corruption, namely, economic entities in part of observance of legislation, concerning occupational safety and health and this can result in factory or industrial accidents.

Supply motivates demand and, though, officials are often accused in bribery, we can't forget about such corruption occasions like buys and sales of sick lists, when a “buyer”, who dreams to live in European country with order and justice, initiates satisfaction of personal needs with the help of corruption. That's why it is so difficult to overcome corruption, as, for example, making selling or buying of falsified sick lists not only “providers of corrupted service” but “recipients corrupted service” as well don't want to refuse using illegal ways to solve personal problems.

¹⁸ Public report of management of the Ministry of social policy URL: <https://www.msp.gov.ua/news/16447.html?PrintVersion> (date of appeal 25.06.2019)

¹⁹ Holovko O. Further fight has been announced for corruption/ O. Holovko.// *Official courier*. 01.03.2018. №42. P.1,3

Fight with corruption has to be realized not only in legislative area, but also in the consciousness of population of Ukraine.

It is necessary to mention that corruption in the sphere of government management compromises the work of national system of social protection of population, which is characterized by big amount of different types of financial assistance and privileges; and the system of its providing is too bureaucratic and it is not supported by budget financing. In fact, existing system of social insurance is an environment, favourable for corruption displays. Simultaneously, the social policy of separation looks like to be the most effective and devoid of corruption component. It foresees provision of address assistance for categories of population instead of simple aliments, size and form of it depend on demands of people in need. Social and economy reforms can be based on well-known principles of effective anti-corruption policy: integrity and good faith openness and accountability and responsibility. Discovery of possibilities for growth of national economy and providing of justice of state social policy has to become an effect from realization of social and economy reforms in complex with measures of rise of effectiveness of state anti-corruption policy²⁰.

According to the Law of Ukraine “About making changes to some legislative acts of Ukraine in the sphere of state anti-corruption policy in connection with fulfilment of Plan of Action, concerning liberalization of visa regime for Ukraine by European Union” of 13 May 2014 № 1261-VII, a line of provisions of national anti-corruption legislation have been improved, namely:

- stricter forms of penalty for offence have been provided both for individuals and entities;
- safety guarantees for persons, who inform about corruption offences have been improved;
- possibility of informing about corruption offences anonymously and also order of its consideration have been provided;

²⁰ Bereza O.D. Corruption in the sphere of state management as stimulating factor of social and economy reforms. P. 179 [URL:http://academy.gov.ua/ej/ej19/PDF/22.pdf](http://academy.gov.ua/ej/ej19/PDF/22.pdf) (date of appeal 25.06.2019)

- competency of law-enforcement authorities, responsible for fight with corruption is clearly divided;
- jurisdiction of Ukraine is spread on foreign citizens and stateless persons, who committed joint crimes, connected with passive and active bribery, abuse of powers, with officials, who are Ukrainian citizens; or if they committed crimes towards mentioned officials or vice versa, and also the scope of all the offences of the mentioned category has been added by the element “promise”;
- provision, concerning responsibility for active and passive forms of bribery of people, who hold the any post in enterprises, organizations or institutions of private sector;
- procedure of special confiscation for predicate crimes has been provided²¹.

Social safety of members of Armed Forces in Ukraine is a priority task of state institutions nowadays. Only appropriate social protection of members of Armed Forces of Ukraine, which contains processes of satisfaction of material and spiritual needs of soldiers according to their public status, support of social stability in military environment is a remarkable factor for creating of rule of law and civil society. Activity processes of state authorities, aimed to implementation of the system of legal and social guarantees, which provide realization by members of Armed Forces of Ukraine of their rights and freedoms, demand overcoming the line of negative social reasons, including corruption²².

The question of disability group establishment is situated somewhere in the crossing of the sphere of social protection, medicine and defence and causal link of disease (accident, injury) with military actions on the East of Ukraine.

²¹ Bereza O.D. Corruption in the sphere of state management as stimulating factor of social and economy reforms. P. 178 [URL:http://academy.gov.ua/ej/ej19/PDF/22.pdf](http://academy.gov.ua/ej/ej19/PDF/22.pdf) (date of appeal 25.06.2019)

²² Moysey L.O. Legal grounds of providing of fight with corruption in the Ministry of Defence of Ukraine and armed forces of Ukraine // URL: http://elar.naiu.kiev.ua/jspui/bitstream/123456789/12060/1/%D0%A0%D0%B5%D0%B0%D0%BB%D1%96%D0%B7.%20%D0%B4%D0%B5%D1%80%D0%B6.%20%D0%B0%D0%BD%D1%82%D0%B8%D0%BA%D0%BE%D1%80.%20%D0%BF%D0%BE%D0%BB%D1%96%D1%82.%20%D0%A72_p204-205.pdf (date of appeal 25.06.2019)

Members of Armed Forces of Ukraine, risking of their lives and health guard calm of the Ukrainians, including the members of commission, who, for fulfilment their job, wait for additional encouragements from the members of Armed Forces. Doubtless, there are persons, who use situation and abuse official position by bribery or falsifying of documents, try to receive undeserved privileges and advantages. And during identification of link between disability and taking part in military actions thorough audit is needed. However, reluctance (without additional reward) to fix obvious things, realizing groundless of demands on submission additional documents, is a cynical and corrupted action.

Such phenomenon as corruption in Armed Forces, namely in the area of regulating of the processes, which directly influences the level of proper realization of guaranteed rights and freedoms of soldiers, ruin defence institutions from inside, depriving them of possibility of adequate reacting on external challenges. Among many factors, which influence the displays of corruption in armed forces, facilitates its spread, it is possible to distinguish human and economy factors, self-serving wish of military officials to enrich themselves by deliberate violation of moral and legal norms. Absence of offensive combat from the side of authorities, including higher military managers, presence of legal nihilism of members of Armed Forces, feeling of permissiveness and impunity for committed corruption actions stimulate law offenders to commit them. In general, corruption in defence sphere is characterized as complex, multidimensional phenomenon, that envisages the character of its occurrence, administrative and legal norms, that comprise sanctions, activity of specially created authorities on prevention and identification of corruption and connected violations with it²³.

Modern system of prevention and identification of corruption in the Ministry of Defence of Ukraine and Armed Forces of Ukraine is not perfect and demands

²³ Moysey L.O. Legal grounds of providing of fight with corruption in the Ministry of Defence of Ukraine and armed forces of Ukraine // URL: http://elar.naiu.kiev.ua/jspui/bitstream/123456789/12060/1/%D0%A0%D0%B5%D0%B0%D0%BB%D1%96%D0%B7.%20%D0%B4%D0%B5%D1%80%D0%B6.%20%D0%B0%D0%BD%D1%82%D0%B8%D0%BA%D0%BE%D1%80.%20%D0%BF%D0%BE%D0%BB%D1%96%D1%82.%20%D0%A72_p205-208.pdf (date of appeal 25.06.2019)

reflecting of real risks, which occur during guaranteeing of social safety of soldiers, their minimization, in conditions of implementation of effective mechanisms of developed strategies of defence agency. Types of corruption threads, which occur within fulfilment of the functions of armed forces in providing the sovereignty, territorial integrity and inviolability of Ukraine points out their scale, including the full absence of effective steps for their overcoming. For providing of social protection of soldiers and in Ukraine in general, including the system on corruption prevention there are a lot of interconnected vertically and horizontally social and state institutions, namely, judicial authorities, institution of Ombudsman, public prosecution service, National police, National anti-corruption bureau of Ukraine, National prevention corruption agency, inspector authorities departmental and internal character, empowered persons (departments) on prevention and identification of corruption, which function within the system of ministers, namely in the Ministry of defence, public organizations, etc²⁴.

Concluding mentioned above, it is necessary to notice that corruption as a mass phenomenon is a real problem for all country and state policy in the sphere of the fight with corruption within the social protection has to strengthen its acts and include the peculiarities of regions in developing anti-corruption measures.

2. Foreign experience fight with corruption

Distinguishing and learning foreign programs, aimed to prevention of bribery and corruption, which have proved their effectiveness in practice, are great perspectives for learning from the positive abroad experience, especially without own real acting mechanism of prevention of corruption²⁵.

²⁴ Moysey L.O. Legal grounds of providing of fight with corruption in the Ministry of Defence of Ukraine and armed forces of Ukraine // URL:

http://elar.naiu.kiev.ua/jspui/bitstream/123456789/12060/1/%D0%A0%D0%B5%D0%B0%D0%BB%D1%96%D0%B7.%20%D0%B4%D0%B5%D1%80%D0%B6.%20%D0%B0%D0%BD%D1%82%D0%B8%D0%BA%D0%BE%D1%80.%20%D0%BF%D0%BE%D0%BB%D1%96%D1%82.%20%D0%A72_p205-208.pdf (date of appeal 25.06.2019)

²⁵ Chepelyuk N.O. experience of foreign countries in fight with corruption URL: <http://uspishnaukraina.com.ua/strategy/69/244.html> (date of appeal 25.06.2019)

Significant science groundwork in research of fight with corruption in foreign countries has been made by V. Chepelyuk in his work “experience of foreign countries in fight with corruption”.

Thus, he has stated, that administration of Georgia has made new social program to be impersonal, which was the main disadvantage of previous state program. Nowadays, Georgian social services identify people, who really need help, with the help of computer programs by testing different factors, determined on the ground of statistic information. Using mentioned program deprives the valuation methodology of subjectivity, which is reliable anti-corruption protection. Apart from that, a family in need knows that information, submitted for review, is in public access. Its openness is explained by the principle: since a citizen pays taxes, which are going to support of certain family, he has a right to know, who is receiving his money. Simultaneously, credibility of given data is checked by social agent in filling the social questionnaire. If information calls into question, then a control group is involved, which learns the situation more thorough in a certain household²⁶.

High standards of public behaviour in Britain is a result of political and legislative measures, moral changes and more effective social control over state officials. This country has the oldest traditions of fight with corruption. The system of anti-corruption measures is regulated legislatively here. The first law about corruption in state authorities was passed in 1889, the laws about prevention of corruption – in 1906 and 1916 and they were reaction of people on spread this social and political phenomenon. Unlike traditional law principles, these laws demand officials to prove their innocence. The second peculiarity – is an extremely high role of public opinion, it watches the dynamic of negative phenomenon in society. Mostly public debates are taking place in the spheres, connected with lobbying and sale of political influence, problems, created by the change of borders of private and state

²⁶ Burakova L.A. Why Geourgia has made it / L.A. Burakova. – M.: LTD “United Press”, 2011. - P 155.

property, moral climate, bribery, abuse of power of local officials, police, customs, etc.²⁷.

General line of German government in the sphere of prevention of corruption is revealed in impossibility of official position abuse in state service by legislative, organizational, personnel and other measures. Among the anti-corruption mechanisms, which are being implemented in Germany, it is necessary to mention intention to create a list of corrupted firms. In this case Germany moves through foreign experience, namely Israel experience. Its essence of it is that a firm, which is included to this list, is derived of a fight to carry out any public procurement, becomes an object of more thorough attention of law-enforcement authorities²⁸.

On the 4th of May 2014 the Law of Ukraine “About making changes to some legislative acts of Ukraine in the sphere of state anti-corruption policy in connection with fulfilment of Plan of Action, concerning liberalization of visa regime for Ukraine by European Union” of 13 May 2014 № 1261-VII, was enacted, which improved the line of provisions of national anti-corruption legislation have been improved, namely:

- stricter forms of penalty for offence have been provided both for individuals and entities;
- safety guarantees for persons, who inform about corruption offences have been improved;
- possibility of informing about corruption offences anonymously and also order of its consideration have been provided;
- competency of law-enforcement authorities, responsible for fight with corruption is clearly divided;
- jurisdiction of Ukraine is spread on foreign citizens and stateless persons, who committed joint crimes, connected with passive and active bribery, abuse of powers, with officials, who are Ukrainian citizens; or if they committed

²⁷ Chepelyuk N.O. experience of foreign countries in fight with corruption URL: <http://uspishnaukraina.com.ua/strategy/69/244.html> (date of appeal 25.06.2019)

²⁸ Chepelyuk N.O. experience of foreign countries in fight with corruption URL: <http://uspishnaukraina.com.ua/strategy/69/244.html> (date of appeal 25.06.2019)

crimes towards mentioned officials or vice versa, and also the scope of all the offences of the mentioned category has been added by the element “promise”;

- provision, concerning responsibility for active and passive forms of bribery of people, who hold the any post in enterprises, organizations or institutions of private sector;

- procedure of special confiscation for predicate crimes has been provided²⁹.

Administrations of numerous countries, which are willing to make their countries rich and prosperous, has realized that with the aim of improving the situation in social and economy sphere, except fulfilling according reforms, it is necessary to overcome corruption in the sphere of state management. Thus, lately appearance of initiative of complex implementation of reforms, concerning change of the character and incentives of social and economy growth together with measures of strengthening of effectiveness of anti-corruption policy has been observed. Mentioned reforms are being carried out even at the cost of dramatic deceleration of the economic growth rates in the last conclusion, due to its success and effectiveness, harsh improvement of the social sphere appears and the domestic economy demonstrates features of healing thanks to access to world market of goods and services³⁰.

In the base of social and economy reforms well-known principles of effective anti-corruption policy can be put: integrity and good faith, openness and accountability and responsibility. Discovery of possibilities for growth of national economy and providing of justice of state social policy has to become an effect from realization of social and economy reforms in complex with measures of rise of effectiveness of state anti-corruption policy. We consider development of measures

²⁹ Bereza O.D. Corruption in the sphere of state management as stimulating factor of social and economy reforms. P. 178 [URL:http://academy.gov.ua/ej/ej19/PDF/22.pdf](http://academy.gov.ua/ej/ej19/PDF/22.pdf) (date of appeal 25.06.2019)

³⁰ Bereza O.D. Corruption in the sphere of state management as stimulating factor of social and economy reforms. P. 178 [URL:http://academy.gov.ua/ej/ej19/PDF/22.pdf](http://academy.gov.ua/ej/ej19/PDF/22.pdf) (date of appeal 25.06.2019)

of risen of effectiveness of state anti–corruption policy and factors (indicators) to be the perspective approach of further scientific researches³¹.

CONCLUSION

Taking into account all mentioned above, the circumstances, which influence the fight with corruption have been distinguished by the authors and the ways to overcome the negative aspects of mentioned circumstances have been proposed as well.

<u>Circumstances, which influence the fight with corruption</u>	<u>Ways for overcoming</u>
Psychological attitude to corruption:	
a) absence of proper condemnation in society	Promulgation of “cause and effect” links between corrupt actions and negative results for population (for instance, information about fire, which caused loss of life in a café and information about actual audit in a place and actual fire safety condition)
б) wish to solve personal interests by easier way for remuneration	Simplifying unduly confusing procedure of solving questions to avoid incentive and profit to use funds for solution to the issue bypassing determined procedure (for instance, using possibilities of information systems wider, sharing between structures of data base, which will cause to absence of

³¹ Bereza O.D. Corruption in the sphere of state management as stimulating factor of social and economy reforms. P. 179 [URL:http://academy.gov.ua/ej/ej19/PDF/22.pdf](http://academy.gov.ua/ej/ej19/PDF/22.pdf) (date of appeal 25.06.2019)

	<p>necessity to receive certificates with information, contained in database).</p> <p>For solving financially significant questions of impossibility of uncontrolled solution to the issue by single person</p> <p>Impossibility of retaining information to electronic bases “retroactively”, substitution of documents, etc.</p>
<p>b) wish to occupy position, which will allow to get additional enrichment for corruption actions</p>	<p>Monitoring over sources for selling and buying goods, payments for tourist service, other payments (for public official to understand that being on public service demands adequate wastes for his and his family private interests).</p>
<p>Passivity in prevention of corruption:</p>	
<p>a) absence of active position in tries to be involved into corruption scheme</p>	<p>Creation of “window of trust”, which will allow any person to inform anonymously about corruption actions with according proofs, that can be verified. It is possible, that somebody will use it as revenge to principled official, who didn’t want to satisfy hos favours, but information about appeal should be verified (taking into consideration, that appeal is anonymous,</p>

	such verification can't be equated to verification, based on official statement)
б) not using (not proper using) by authorized bodies of legislatively determined mechanisms of reacting on corruption display	Monitoring of Internet resources, advertisements in public places about selling of medical certificates, diplomas by authorized bodies and taking according measures to fix violations by appropriate and allowable proofs
Legal nihilism:	
a) outdated legislation, which doesn't address the challenges of modernity	Modernization of legislation according to the needs of time
b) unfair legislation (is not perceived by society or its significant part)	Discovering balance between interests of the state, society and a person
c) absence of negative consequences (judicial or actual) for d) absence of negative consequences (judicial or actual) for non-compliance with laws	Control over the process of receiving information about actions, which contain features of corrupted action before serving of a sentence and irreversibility of punishment

A whole series of problems in the sphere of building of anti-corruption actions in the social sphere, namely in the sphere of social protection of people with disability, veterans of ATO, old-aged citizens, low-income families and other vulnerable categories of people is existing now. Established reforms are making the situation better, but this happens slowly and the corruption problem in Ukraine continues to be very actual and influences further destiny and development of the state. Taking into consideration all mentioned above, corruption remains one of the

biggest obstacle on the way of its integration to world community, development of civil society.

Corruption is a problem not only for Ukraine, foreign countries also have such problem and they seek for the ways to overcome this disgraceful phenomenon. It is necessary to adopt the experience of foreign countries, taking into account conditions they had and the ways for overcome it, losses and experience of reforming.

SUMMARY

The article is intended to develop recommendations, concerning fight with corruption (reduction of its displays) in Ukraine. The concept of corruption in dictionary literature, legislation and scientific sources is analysed to that end. Issue of mentioned concept is distinguished in certain spheres (social protection, medicine, education, defence). These are not single spheres, affected by corruption, although the bigger part of society is involved to these spheres. Foreign experience in fight with corruption has been analysed. Fight with corruption should be carried out not only in judicial area, but in consciousness of people as well. Not only public officials take the lead of corruption actions, but a person, who wants to solve personal problem quickly and advantageous as well. That's why fight with corruption should be built both through the system of punitive sanctions and reformatting of procedures and orders of paperwork effectively and clearly, that will low demand on issues with using corruption components. Conclusion contains separate circumstances, which influence fight with corruption (psychological attitude to corruption, passivity in overcoming corruption and legal nihilism), their components and the ways to overcome negative aspects of mentioned circumstances.

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