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CORRUPTION IN UKRAINE AS A RESULT OF SYSTEMIC INEFFICIENT STATE ADMINISTRATION

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The article analyzes corruption as a result of inefficient public administration in our country. It is noted that it is the state that is obliged to carry out purposeful activities in the fight against corruption at all levels of state power by creating a state-legal mechanism for eradicating corruption, eliminating the prerequisites for its existence through the implementation of a system of preventive measures, both legal and organizational.

It was found that a characteristic feature of corruption is the use by representatives of power structures (officials) of the rights and opportunities they have in accordance with their position, illegally, to the detriment of state interests and for the purpose of personal enrichment.

The principles of successfully overcoming corruption, which will help to build a coherent and consistent anti-corruption policy of the state, should be: purposefulness, consistency, diagnostics, continuity.

It is noted that one of the main directions in the field of corruption prevention is the identification of corruption risks that may arise in the activities of civil servants, as well as the elimination of the conditions and causes of the occurrence of these risks, which are: dishonesty of civil servants; the occurrence of a conflict of interests; insufficient level of control or lack of control on the part of management; availability of discretionary powers. The maximum elimination of corruption risks in the activities of civil servants will eliminate the possibility of them violating the legislation of Ukraine.

Inefficient state administration, the weakening of state and public control, the imperfection of anti-corruption legislation cause tension in society, which is accompanied by a decrease in the spiritual and moral potential of society, with legal nihilism prevailing in it, despair in the inevitability of punishment. An effective fight against corruption is possible only with the use of a system of economic, political, legal and psychological measures of state administration.

Key words: corruption, state power, civil servants, corruption risks, anti-corruption legislation, anti-corruption policy.

Formulation of the problem. The state, which concentrates all the levers of power in its institutions, was and remains the main subject of the implementation of political, legal, and socio-

economic security of the individual and society as a whole. It is the state that is obliged to carry out purposeful activities in the fight against corruption at all levels of state power, to implement legal, economic and social reforms, to strengthen the foundations of the economic security of society, including those that give rise to corruption.

In Ukraine, corruption destroys the structure of state power, constrains the business life of the country and reduces the efficiency of state administration, creates "double standards" of morality and behavior among members of society, promotes unfair redistribution of benefits, discredits law as a tool for legal regulation of the life of the state and society, reduces public trust in authorities. Therefore, the problematic issue of overcoming corruption is still relevant today.

Analysis of scientific research and publications. The problems of preventing and countering corruption, forming the state anti-corruption policy are contained in the works of such domestic scientists as V. Averyanov, V. Bordeniuk, Z. Gladun, T. Kovalev, N. Lipovskaia, V. Lugovoi, V. Malinovskiy, A. Mykhnenko, P. Nadolishnyi, E. Nevmerzhitskyi, V. Oluyka, N. Pidberezhenyuk, O. Obolenskyi, V. Reshot, and others. Most of them focused their attention on the causes of corruption in state bodies.

The aim of the study. To analyze corruption in Ukraine as a result of systemic inefficient state management.

Presenting main material. The definition of corruption is etymologically related to the concept of "corruption", which is translated from Latin as "bribery, bribery of public and political figures, officials" [1, p. 170].

The definition of corruption is specified in Art. 1 of the Law of Ukraine "On Prevention of Corruption" dated October 14, 2014 No. 1700-VII [2].

In a broad sense, corruption means a negative phenomenon inherent in the public management apparatus, which consists in the degradation of power structures, the deliberate use by state and municipal officials, other persons authorized to perform state functions, of their own official position, status and authority of the position held for personal gain enrichment or in group interests.

A narrow understanding is typical of the definition of corruption as a situation where an official makes an illegal decision (sometimes a decision that is morally unacceptable to public opinion) from which another party benefits (for example, a firm that secures a government contract through this decision against the established procedure) and actually the official receives an illegal reward from this party.

According to Part 2 of Art. 2 of the Law of Ukraine "On Civil Service" dated 10.12.2015 No. 889-VIII [3] the Law of Ukraine "On Prevention of Corruption" applies to civil servants.

The classification of the main approaches to understanding the phenomenon of "corruption" is offered by M. Melnyk, who considers corruption as: 1) bribery and venality of state or other officials (under this approach, corruption is equated with bribery); 2) abuse of power or official position committed for selfish purposes; 3) abuse of power or official position committed out of any personal interest; 4) use of official powers, status of the position, as well as its authority and related opportunities to satisfy personal interest or in group interests; 5) element (sign) or type of organized crime; 6) a concept, the definition of which is limited only to general features, the absence of clear formulations that would allow to highlight the essential features of this legal category [4].

Therefore, a characteristic feature of corruption is the use by representatives of power structures (officials) of the rights and opportunities they have by virtue of their position, illegally, to the detriment of state interests and for the purpose of personal enrichment. Above all, widespread corruption manifested itself in the bribery of officials and social and political figures, as well as in protectionism.

Realizing and recognizing the existence of a threat, the state must create a state-legal mechanism for its eradication by eliminating the prerequisites for its existence through the implementation of a system of

preventive measures, as well as improving the legal and organizational foundations for preventing and countering corruption.

It is obvious that one of the most important tasks in the implementation of the state anti-corruption policy should be the formation of an atmosphere of strict rejection of corruption in society by systematically improving the legal culture of the population, achieving maximum transparency in the procedures for the provision of public services, as well as constant targeted preventive work in all state and municipal bodies and in self-regulatory organizations. At the same time, it is legal means and methods that can provide real practical help in the fight against corruption, since laws are a connecting link in the unification of all healthy forces of society, they give the opportunity to participate in the fight against corruption in a broad way to the institutions of civil society and the population, activating their control over the work of state bodies.

However, in our country, the real anti-corruption policy is often replaced by an imitation; each new wave of anti-corruption rhetoric is built according to a similar scheme, which includes:

- questioning (denying) the results and efforts of their 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 for the fight against corruption (sometimes, draft laws designed to improve the regulation of the issue – most of these documents are not implemented);
- conducting demonstrative, non-systematic actions by law enforcement agencies in pursuit of corrupt officials (as a rule, representatives of the opposition to the ruling power or officials of medium and small rank);
- conducting demonstrative and non-systematic actions aimed at the reform of law enforcement bodies [5].

The lack of government reporting mechanisms to society and low political will lead to the fact that documents are developed for the sake of the process and are often not implemented. Therefore, our country continues to remain systemically corrupt, in which all public institutions and sectors are covered by corruption, without exception, both at the national and regional levels.

This situation persists for a long time, despite socio-political and socio-economic changes in the state. The extremely high level of corruption in our country is noted not only by domestic and foreign analysts, but also by representatives of higher authorities.

S. Dryomov believes that the rules for successfully overcoming corruption, which will help to build a coherent and consistent anti-corruption policy, should be:

- purposefulness: adoption of anti-corruption strategies and their constant improvement;
- consistency: measures of anti-corruption policy should be taken taking into account a strict algorithm of repeated actions;
- diagnosis – development and use of measures, monitoring of measures and their further improvement;
- continuity: anti-corruption policy cannot be fixed in time [5].

One of the main directions in the field of corruption prevention is the identification of corruption risks that may arise in the activities of civil servants, as well as the elimination of the conditions and causes of the occurrence of these risks.

Corruption risks are a set of legal, organizational and other reasons that contribute to, generate or encourage civil servants to commit corruption offenses during their performance of state functions.

By prevalence, corruption risks in the activities of civil servants can be arranged in the following order: dishonesty of civil servants; the occurrence of a conflict of interests; insufficient level of control or lack of control on the part of management; availability of discretionary powers [6].

Unscrupulous behavior of a civil servant, as one of the corruption risks, is first of all a violation or deliberate neglect by him of moral criteria and ethical norms of behavior in the civil service.

Both ethical and psychological aspects and socio-legal factors have a significant influence on the conscientiousness of civil servants in the performance of their official duties. As a rule, a civil servant

makes a decision, first of all, based on his own experience, psychological attitude to the work performed, focusing on personal beliefs and, sometimes, on his personal social and material situation.

Another significant corruption risk is the occurrence of a conflict of interests, that is, the presence of real or seemingly real conflicts between a person's private interests and his official powers, which can affect the objectivity or impartiality of decision-making, as well as the performance or non-performance of actions during the performance of her official powers.

The presence of a conflict of interests does not necessarily lead to facts of corruption, but it significantly increases the risk of committing corrupt acts and is essentially their prerequisite [7].

A conflict of interest is an intra-personal conflict of a civil servant, which arises due to the desire to use power, contrary to the norms of professional ethics.

Therefore, in order to prevent the occurrence of a conflict of interest, the direct supervisor of the civil servant should exercise proper control. In turn, the insufficient level of control or lack of control on the part of the management is also one of the corruption risks that generate other corruption risks.

The list of corruption risks includes the presence of discretionary powers, since it is the possibility to act at one's own discretion that creates the conditions for committing corruption offenses.

The signs of discretionary powers are: the ability to choose one of several forms of response to a given legal fact proposed in the draft regulatory act at one's own discretion; the possibility of the body at its own discretion to choose the degree of public-legal influence on individuals and legal entities, its type, size, method of implementation; the opportunity to choose the form of exercising one's powers – issuing a normative or individual legal act, committing (refraining from committing) an administrative action; granting the right to fully or partially determine the procedure for legally significant actions, including the term and sequence of their implementation; the ability to determine at their own discretion the method of execution of a management decision by subordinates, other state authorities and local self-government bodies, to establish terms and procedures for execution [8].

Attempts by individuals to use discretionary (at their own discretion) right in the interpretation of this or that law for the purpose of personal gain are prevented by the state, first of all, by strengthening the independent judicial system. And the maximum elimination of corruption risks in the activities of civil servants will eliminate the possibility of them violating the legislation of Ukraine.

Conclusions. It is impossible to estimate the negative impact of abuses in public administration. Inefficient state administration, the weakening of state and public control, the imperfection of anti-corruption legislation cause tension in society, which is accompanied by a decrease in the spiritual and moral potential of society, with legal nihilism prevailing in it, despair in the inevitability of punishment. An effective fight against corruption is possible only with the use of a system of economic, political, legal and psychological measures. The real goal of such a struggle should be to reduce corruption to a level that does not threaten the development of society.

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КОРУПЦІЯ В УКРАЇНІ ЯК РЕЗУЛЬТАТ СИСТЕМНОГО НЕЕФЕКТИВНОГО ДЕРЖАВНОГО УПРАВЛІННЯ

У статті аналізується корупція як результат неефективного державного управління в нашій країні. Зазначено, що саме держава зобов’язана здійснювати цілеспрямовану діяльність щодо боротьби з корупцією на всіх рівнях державної влади шляхом створення державно-правового механізму з викорінення корупції, усунення передумов її існування через впровадження системи превентивних заходів, як правових так і організаційних.

З’ясовано, що характерною рисою корупції є використання представниками владних структур (посадовцями) прав і можливостей, які вони мають відповідно до посади, незаконно, в збиток державним інтересам і з метою особистого збагачення.

Принципами успішного подолання корупції, що допоможуть збудувати цілісну і послідовну антикорупційну політику держави мають бути: цілеспрямованість, послідовність, діагностика, безперервність.

Зазначено, що одним із основних напрямів у сфері запобігання корупції є виявлення корупційних ризиків, які можуть виникнути в діяльності державних службовців, а також усунення умов та причин виникнення цих ризиків, якими є: недоброчесність державних службовців; виникнення конфлікту інтересів; недостатній рівень контролю або безконтрольність з боку керівництва; наявність дискреційних повноважень. Максимальне усунення корупційних ризиків в діяльності державних службовців виключить можливість порушення ними законодавства України.

Неефективне державне управління, послаблення державного і громадського контролю, недосконалість антикорупційного законодавства спричиняють напруження в соціумі, що супроводжується зниженням духовно-морального потенціалу суспільства, з пануючим в ньому правовим нігілізмом, зневірою в невідворотність покарання. Ефективна боротьба з корупцією можлива тільки з використанням системи економічних, політичних, правових і психологічних заходів державного управління.

Ключові слова: корупція, державна влада, державні службовці, корупційні ризики, антикорупційне законодавство, антикорупційна політика.