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## ON THE PRECONDITIONS OF CORRUPTION DURING THE FULL-SCALE WAR IN UKRAINE

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Preventing and combating corruption is one of the main tasks of the state. It should be noted that the war is another reason to fight this negative phenomenon. Unfortunately, Ukraine has an insufficient level of countering and preventing corruption, as statistical studies show that its scale is not decreasing. Therefore, public authorities need to pay special attention to improving anti-corruption mechanisms and measures to ensure the quality and safe functioning of public policy for the benefit of Ukrainian society.

The full-scale war on the territory of Ukraine has shifted the focus of the authorities' efforts towards protecting the state from the enemy, and has also affected the determinants of corruption. The article analyses the main prerequisites for corruption in wartime, in particular, the temporary suspension of the Register of Electronic Declarations, the closure of access to most public data, the weakening of public control over the activities of public authorities, and public procurement without competitive procedures. Socio-economic reasons remain relevant, such as low wages; depreciation of moral norms in state and public life; low level of legal culture, etc.

It is emphasised that the effective fight against corruption crime in Ukraine during the war continues and requires the creation of a more effective state system of coordination of anti-corruption policy with proper legislative consolidation and implementation of preventive measures to prevent corruption, especially in wartime. Ukraine's current anti-corruption legislation needs to be improved and detailed. The activities of law enforcement agencies should not be influenced by corruption-related factors. A combination of law and order in the government and law-abidingness in society will help the Ukrainian state reach a new level of development.

**Key words:** corruption; martial law; prerequisites for corruption offences; prevention and counteraction to corruption; state anti-corruption policy.

**Problem statement.** The issue of preventing corruption has been relevant and significant for a long time, as it is one of the biggest problems of state and society development. Especially now, in the context of martial law, corruption is a subject for discussion and debate in public authorities, as well as among

scholars and conscious citizens of our country. In Ukraine, the scale of corruption has reached a critical level, which means a direct threat to national security and the constitutional order. Corrupt relations are increasingly replacing legal and moral human relations and are beginning to become a norm of behaviour.

In today's realities, the fight against corruption is becoming more and more acute every day. Ukraine, as a democratic, social and legal state, has been striving for many years to eradicate corruption from all spheres of public life, primarily at the level of state institutions. This mainly concerns government officials who, through their actions, destroy social values and the country's economic health. After all, corruption offences reduce the level of public trust in the authorities, thereby causing socio-political instability, slowing down the economy and hindering the development of human potential, which affects the quality of life of the entire population.

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Unfortunately, today Ukraine is considered one of the most corrupt countries in Europe. Last year, Ukraine was ranked 104th out of 180 countries in the international Corruption Perceptions Index (CPI) and received 36 points out of 100 [1]. Ukraine's progress in the Corruption Perceptions Index over the past 10 years has shown that positive changes are possible if there is political will. The current anti-corruption system has shown its capability, and the world is recognising these successes. However, compared to other developed countries, our results still show that there is still a lot of work to be done. This confirms the fact that the anti-corruption measures taken in our country are not sufficient and cannot overcome this phenomenon.

Therefore, public authorities need to focus special attention on improving mechanisms and measures to combat corruption to ensure the quality and safe functioning of public policy for the benefit of Ukrainian society.

**Analysis of the research problem.** The following scholars have dealt with the problems of overcoming corruption and improving Ukrainian anti-corruption legislation: V. B. Ave'rianov, Y. Baulina, O. Bandurka, O. Zakaliuk, A. Komziuk, M. Melnyk, E. Nevmerzhytskyi, M. Romanov, S. Serhiogin, V. Trepak, S. Shylo and others. At the same time, the peculiarities of preventing and combating corruption in connection with the introduction of the martial law regime in Ukraine have not been systematically studied.

**The purpose of the article.** The purpose of the article is to identify and analyse the determinants of corruption in connection with a full-scale war on the territory of Ukraine in order to develop effective and efficient tools for their elimination.

**Presentation of the main material.** For Ukraine, as a fairly young state that has been fighting for its independence for years, the issue of corruption has become a significant obstacle to development and opportunities to join global coalitions. Democratic transformation, which began in 1991, reached a new level during the period of the Russian Federation's attack on sovereign territories, annexation of part of the country and the full-scale attack that took place in 2022. Nevertheless, while the Armed Forces of Ukraine are defending the borders, all other state bodies must strengthen their work to not only defeat the enemy but also to further develop the state without corruption.

Legislative coordination and the course of the fight against corruption in Ukraine is enshrined in the Anti-Corruption Strategy, a document created by the National Agency for the Prevention of Corruption,

which specifies both general issues of the concept of state policy formation and specific sections on combating corruption, identifying priority industries and sectors of corruption influence, as well as types of liability of entities committing offences in this area [2]. The Anti-Corruption Strategy for the following years was approved by the Law of Ukraine “On the Principles of State Anti-Corruption Policy for 2021–2025” of 20 June 2022 [3].

The development and implementation of effective mechanisms and means of counteracting and combating corruption requires a scientific concept of prevention. According to S. Shil, one of the main principles of such a concept should be the understanding of corruption as a socially determined phenomenon. In this regard, the author proposes to develop a strategy and tactics for combating corruption, defining the relevant tasks, means of achieving them, the level of material, financial, organisational and legal support [4, p. 238].

According to Art. 1 of the Law of Ukraine “On Prevention of Corruption”, corruption is the use by a person of his/her official powers or related opportunities to obtain an unlawful benefit or acceptance of such benefit, or acceptance of a promise/offer of such benefit for himself/herself or other persons, or, accordingly, a promise/offer or provision of an unlawful benefit to a person or, at his/her request, to other individuals or legal entities in order to persuade this person to unlawfully use his/her official powers or related opportunities [5]. From this definition, it follows that corruption is the abuse of one's official position for selfish purposes (certain benefits). In professional circles, this concept is interpreted differently, depending on the scale of its manifestation. It can be said that corruption as a phenomenon is volatile: it is most often prone to growth, and rarely to decline. However, it will always be transnational, as it manifests itself in the activities of governments and politicians of all countries, regardless of the level of economic development of the state.

As you know, since 24 February 2022, a special legal regime, martial law, has been introduced in Ukraine. According to the Law of Ukraine “On the Legal Regime of Martial Law”, such a regime is introduced in Ukraine or in certain areas of Ukraine in the event of armed aggression or threat of attack, threat to Ukraine's state independence and territorial integrity [6].

It should be noted that in times of instability and threats to Ukraine's state independence, territorial integrity, and the state's focus on preserving its sovereignty, the level of corruption may increase. The damage caused to the country by the war is comparable to uncontrolled manifestations of corruption [7, p. 30].

It is obvious that the procedure for bringing offenders to justice for corruption offences in Ukraine is currently quite complicated, as the issues of national security and defence are being addressed first. One of the most pressing issues today is to determine the specifics of corruption offences and to decide on the fate of the perpetrators. S. Serhiogin divides the complex of reasons and factors that contribute to the spread of corruption in public authorities in Ukraine into groups of political, economic, legal, organisational, managerial, social and psychological prerequisites [8, p. 286].

The manifestations of corruption in wartime and peacetime are somewhat different, since the effectiveness of their overcoming will significantly affect the reconstruction of the state and integration into the European Union. The suspension of the Register of Electronic Declarations, the closure of access to all public data and the weakening of public control over officials in general can be called prerequisites for not only corruption offences, but also any other corruption-related offences. Among the secondary, but no less important reasons, are the following: low wages; devaluation of moral standards in state and public life; low level of legal culture, etc.

The full-scale war on the territory of Ukraine inevitably affected the fight against corruption, as the changes in the country with the onset of martial law could not but contribute to a certain shift in focus to the topic of defending the state from the enemy. Determining the prerequisites for not only corruption and corruption-related offences, let us dwell on the following:

1. Temporary suspension of the submission of electronic declarations by officials during martial law. The Law of Ukraine “On Protection of the Interests of Subjects of Submission of Reports and Other

Documents during the Period of Martial Law or State of War”, which was adopted by the Verkhovna Rada on 3 March 2022, provided the option to choose whether to submit a declaration or to resume this action only after three months from the end of martial law [9].

However, a year after the adoption of this law, society raised the issue of the possibility of restoring mandatory filing of declarations, as the main reason for the impossibility of filing them due to the presence of the enemy in the capital was eliminated. According to the public, this will prevent corruption, strengthen public confidence in the government and help restore transparency in cooperation with Western partners. Thus, on 12 October 2023, the Law of Ukraine “On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorised to Perform State or Local Government Functions under Martial Law” [10] came into force, restoring electronic declaration by most categories of officials.

The campaign for submitting declarations for 2021 and 2022 lasted until 31 January 2024. According to the National Agency for the Prevention of Corruption, public officials filed 1 million 457 thousand declarations – 744.6 thousand for 2021 and 712.9 thousand for 2022. At the same time, almost half of them (747 thousand declarations) were submitted voluntarily before the resumption of mandatory declaration [11].

2. Reduction of public control in the field of public procurement. From the first days of the invasion, the government allowed all procurement to be carried out directly, without tenders, on the Prozorro service. This helped to avoid competitive procedures, which were considered an aggravating factor during the defence of the country. Entities must report on all contracts after the end of martial law.

Nevmerzhytskyi identifies the economic component as one of the main prerequisites for corruption offences, pointing out that “regardless of the area in which corruption manifests itself, it has a material interest and grows due to the desire to obtain economic benefits” [12, p. 8].

At the same time, such closed information not only simplifies the public procurement scheme, but also expands the space for abuse and corruption. This thesis is confirmed by the resonant material of journalists who published the contract of the Ministry of Defence of Ukraine for catering services for military units in 2023, where prices differed significantly from market prices, which outraged the population, which is unable to track such cases in the public domain during martial law. The state anti-corruption agencies (NABU and SAPO) opened criminal proceedings in this case under Part 5 of Article 191 of the Criminal Code of Ukraine: “Misappropriation, embezzlement or seizure of property through abuse of office committed on a particularly large scale or by an organised group” [13].

3. Suspension of financial reporting by political parties. Open reporting of parties on property, income, expenses and financial liabilities became an opportunity for transparent management of taxpayers’ funds when this mechanism was approved in the Law of Ukraine “On Political Parties in Ukraine” in 2016 [14]. However, during the COVID-19 pandemic, the parliament allowed political parties not to report to the NACP until the end of the quarantine. Ukraine became the only country in Europe to grant such exemptions as part of the fight against the coronavirus disease. However, the absence of clear boundaries and deadlines meant that this requirement was not renewed even after the full-scale invasion began. Under such conditions, it becomes impossible to understand where political parties receive funds and how they are used, whether they are under oligarchic influence, and whether the aggressor country is involved in the shadow financing of Ukrainian parties. It is impossible to overestimate the importance of this problem, so in 2021, the Verkhovna Rada of Ukraine submitted draft law No. 5253 “On Amendments to the Law of Ukraine “On Political Parties in Ukraine” to improve the procedure for suspending and terminating state funding of the statutory activities of a political party” [15].

Although the document underwent quite a few changes and necessary amendments, it failed to gain enough votes for adoption.

Only on 23 August 2023, the Parliament adopted the Law “On Amendments to Certain Legislative Acts of Ukraine on Improving State Financing and Control over the Activities of Political Parties” [16]. This law came into force on 23 December 2023. From that date, a 90-day period for submission of reports

on property, income, expenses and financial liabilities for 2020–2022 by parliamentary parties to the National Agency for the Prevention of Corruption and a 120-day reporting period for other political parties begins. At the same time, the law provides for the possibility of exemption of political parties from the statutory liability for failure to submit or late submission of financial reports to the National Agency for the Prevention of Corruption if it is related to the implementation of measures to prevent the occurrence and spread of coronavirus disease (COVID-19) or the introduction of martial law in Ukraine (clause 2, sub-clause 5 of the Law).

**Conclusions.** In conclusion, it should be noted that Ukraine has come a long and difficult way to gaining independence, establishing democracy and recognising human and civil rights and freedoms as the greatest social values. And it is corruption that can destroy all these achievements of the Ukrainian people. Corruption remains an urgent problem in Ukraine today, but now it is not only a rather negative phenomenon in society, but also a real threat to national security in times of war. In times of war, public officials must bear increased responsibility. After all, right now it can be called profiteering not only on the lives of civilians, but also on the lives of our defenders.

Some problematic issues of overcoming corruption in the public authorities have emerged in connection with the introduction of martial law in Ukraine and need to be revised due to the importance of restoring the full functioning of those institutions where it is possible. At the same time, there are aspects that have existed for years and cannot go unnoticed. That is why the effective fight against corruption continues and requires the appropriate political will, as well as a review of the legislative framework, which should take into account both martial law and the anti-corruption strategy of change. Ukraine's current anti-corruption legislation also needs to be improved and detailed. The activities of law enforcement agencies need to be constantly monitored and not exposed to corruption-related factors. The combination of law and order in government and law-abidingness in society will help Ukraine reach a new level of development.

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#### **ДО ПИТАННЯ ПЕРЕДУМОВ КОРУПЦІЇ ПІД ЧАС ПОВНОМАСШТАБНОЇ ВІЙНИ В УКРАЇНІ**

Запобігання і протидія корупції є одним з основних завдань держави. Слід наголосити на тому, що війна є ще одним приводом для боротьби з цим негативним явищем. На жаль, в Україні недостатній рівень протидії та запобігання корупції, адже, враховуючи дані статистичних досліджень, її масштаби не зменшуються. Тому органам державної влади необхідно зосередити

особливу увагу на вдосконаленні механізмів і заходів протидії корупції для забезпечення якісного та безпечного функціонування державної політики задля блага українського суспільства.

Повномасштабна війна на території України змістила напрям зусиль органів влади у бік захисту держави від ворога, а також вплинула на детермінанти корупції. У статті проаналізовано основні передумови корупційних проявів у воєнний час, зокрема, тимчасове зупинення Реєстру електронних декларацій, закриття доступу до більшості публічних даних, послаблення громадського контролю за діяльністю представників публічної влади, здійснення публічних закупівель без конкурсних процедур. Актуальними залишаються соціально-економічні причини, такі як низька заробітна плата; знецінення моральних норм у державному та суспільному житті; низький рівень правової культури тощо.

Підкреслено, що ефективна боротьба з корупційною злочинністю в Україні в умовах війни продовжується і вимагає створення дієвішої державної системи координації антикорупційної політики з належним законодавчим закріпленням та реалізації превентивних заходів запобігання корупції, особливо в умовах воєнного часу. Чинне законодавство України у сфері протидії корупції потребує удосконалення та деталізації. Діяльність правоохоронних органів не повинна піддаватися впливу корупціогенних чинників. Завдяки поєднанню правопорядку в органах державної влади і законслухняності в соціумі Українська держава зможе вийти на новий рівень розвитку.

Ключові слова: корупція; воєнний стан; передумови корупційних правопорушень; запобігання та протидія корупції; державна антикорупційна політика.