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## **THE PROBLEM AND SIGNIFICANCE OF DETECTION, COMBATTING AND QUALIFICATION OF CORRUPTION CRIMINAL OFFENSES**

<http://doi.org/10.23939/law2025.46.140>

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**Corruption under martial law emerges as a complex, multi-level socio-legal phenomenon that not only distorts the institutional foundations of public administration but also undermines the legitimacy of state authority in the eyes of society. This study provides a comprehensive analysis of the theoretical and legal principles for the classification of corruption-related crimes in the context of the current criminal legislation of Ukraine, taking into account the dynamic changes influenced by the legal regime of the state of emergency. Particular attention is paid to the lack of systematic structuring of relevant norms within the Criminal Code of Ukraine, which results in fragmented law enforcement practices, complicates the identification of the characteristics of corruption crimes, and creates prerequisites for the misuse of qualification tools.**

**The article presents a range of scholarly positions on the definition of the essence of corruption offenses, particularly the concepts developed by O. M. Sakhan, M. I. Melnyk, O. M. Dzhuzha, V. Kuts, Yu. Trunova, O. Zakharchuk, and V. Tyutyuhina, which highlights the absence of a unified approach within criminal law doctrine to distinguishing the features of corruption-related criminality. At the same time, the article emphasizes the existence of a profound institutional conflict between the legislative construction of offenses and the actual functioning of anti-corruption control mechanisms, especially in terms of recording, reporting, and qualifying such acts. The study establishes that the fear of potential whistleblowers, the lack of effective legal protection guarantees, as well as the low level of public trust in government bodies significantly limit the state's ability to detect and prevent corruption offenses.**

**The research substantiates the appropriateness of normative specification of corruption-related crimes through the establishment of a separate section in the Special Part of the Criminal Code of Ukraine, which would comply with the structural and dogmatic requirements of criminal law and enable the implementation of a systemic approach to combating corruption. Additionally, the necessity of revising the institutional design of anti-corruption policy is emphasized, taking into account the challenges of wartime, which includes both the reform of the organizational and functional mechanism for controlling public finances and ensuring the transparency and accountability of public authorities to society under the new security conditions.**

**Keywords: corruption, martial law, criminal law, anti-corruption policy, legal qualification, whistleblowers.**

**Formulation of the problem.** The article addresses a systemic issue in combating corruption-related offenses under martial law conditions in Ukraine. The primary focus is on how the ongoing military conflict has become a catalyst for new forms and scales of corruption, particularly in the misappropriation of budgetary funds, humanitarian and military aid, and the abuse of official powers under the cover of emergency conditions. A key concern raised is the complexity of establishing clear legal definitions of “corruption” and “corruption-related crimes”, given the diverse and often contradictory academic approaches and the absence of a dedicated chapter on corruption crimes in Ukraine’s current Criminal Code.

A crucial part of the problem lies in the lack of an effective reporting mechanism for corruption offenses. This deficiency is rooted in the public’s deep mistrust toward state institutions, fear of reprisals, and inadequate legal protection for whistleblowers. The situation is further exacerbated by the practice of reclassifying corrupt actions under non-corruption articles, which distorts statistical data and hinders the development of a coherent national anti-corruption policy.

The authors also highlight issues related to institutional mechanisms for combating corruption. These include the need to reform or establish new anti-corruption bodies, expand the functionality of the Unified State Register of Declarations, enhance financial oversight, and introduce additional reporting obligations for public officials. Particular emphasis is placed on the necessity to introduce a separate chapter on corruption-related crimes in the Criminal Code of Ukraine. Such a step would help unify law enforcement practices, ensure a systematic approach to legal qualification of these offenses, and facilitate more effective detection and prevention of corruption across all levels of public administration.

Therefore, the article outlines a broad and multifaceted problem that encompasses both legal-regulatory and institutional-societal dimensions, jointly contributing to the complex landscape of corruption prevention under wartime conditions.

**Purpose of the article.** The purpose is to study corruption crimes under martial law in Ukraine, analyze gaps in criminal legislation, examine the reasons for the failure to report such offences, and formulate proposals for improving anti-corruption policy.

**Analysis of the study of the problem.** The article presents conceptual approaches to understanding the essence of corruption proposed by leading Ukrainian scholars. In particular, O. M. Sakhan interprets corruption as a social anomaly that negatively affects all spheres of state functioning. Significant contributions to the development of theoretical and legal foundations for combating corruption have been made by M. I. Melnyk, O. M. Dzhuzha, V. Kuts, Y. Truniova, O. Zakharchuk, and V. Tiutiuhina, who offer various classifications and approaches to defining the elements of corruption-related crimes. In addition to the scholars mentioned in the article, it is important to highlight the academic contributions of Tetiana Varfolomieieva, Olena Stefanyuk, Serhii Savchenko, and Andrii Kozlov, who study the institutional, legal, and social aspects of anti-corruption efforts in Ukraine. Their research promotes the formation of a comprehensive understanding of corruption as a multifaceted legal and social phenomenon.

**Presentation main material.** Even in course of martial law in Ukraine the operation of state institutions proceeds further. These institutions aim at providing rights and freedoms of a human and a citizen, property, public order and civil security, environment, protecting constitutional order of Ukraine from criminal or illegal violations, keeping peace and security of the mankind, as well as preventing criminal offences. Moreover, authority of the top-management of the state is an integral part of functioning of any country despite any emergencies or legal conditions in the state. In contrast to other violations, corruption offences are committed in different fields of the state’s activity and relate to various social groups resulting in a particular deformation of socially substantial features, which in its turn results in committing crimes and offences. Unfortunately, martial law and war have become a new driver in corruption offences.

According to O. M. Sakhan, corruption is not a single phenomenon, but a social anomaly reflecting in all spheres of the state's and society's functioning, causing harm to their normal operation and existence. Not only a citizen, group of individuals or an organization, but also the whole state and society suffer from this harm, since damaging nature of corruption harms the above stated elements of the state's life, resulting in decrease in citizens' respect to the law, authorities, fair justice, losing of social solidarity, expanding of political apathy and cynicism, legal nihilism and indifference, as well as increase in crime [1]. Besides, the criminal law theory defines corruption crimes in different ways: crimes of misuse (misconduct) of authorized power or their position by officials from state power bodies or local self-government bodies in their own favor or in favor of the third persons (M. I. Melnyk); any deliberate crime committed by an official from state power body or local self-government body using his/her authority for mercenary motives, another personal interest or to satisfy interests of the third persons (O. M. Dzhuzha); socially dangerous action with features of corruption and a corruption offence, stipulated by the Special Part of the Criminal Code of Ukraine (V. Kuts, Y. Truniova). According to O. Zakharchuk, corruption offence shall be deemed a socially dangerous action encroaching upon relations in the sphere of providing public services protected by criminal law, for the commission of which a subject of a crime is made liable in accordance with criminal law. V. Tiutiuhina suggests that corruption crimes mean intentional socially dangerous actions possessing all features of corruption offences, the commission of which is connected with using power, official position or opportunities by an official. Thus, such official position harms the interests of society, while a complete list of crimes is set in the law on criminal liability [2, p. 16].

However, the notion of corruption is defined not only by scientists, but also by legislators. Thus, Art. 1 of the Law of Ukraine "On the Corruption Prevention" as of 14 October 2014, states that corruption means using person's official powers or opportunities related to them with the aim of obtaining undue benefits, accepting such benefits, accepting a promise/proposal of such benefits for himself/herself or other persons, or correspondingly promising/proposing or providing undue benefits to a person stated in part 1 of Art. 3 of this Law, or to other natural persons or legal entities on his/her demand aiming at encouraging this person to misuse his/her official powers or opportunities related to them [5].

Therefore, according to the note of Art. 45 of the Criminal Code of Ukraine, Art.Art. 191, 262, 308, 312, 313, 320, 357, 410, as well as criminal offences stipulated by Art.Art. 210, 354, 364, 364<sup>-1</sup>, 365<sup>-2</sup>, 368–369<sup>-2</sup> relate to corruption criminal offences in theory and practice [3].

Based upon the above stated, 15 articles of the whole Criminal Code of Ukraine relate to corruption criminal offences, and in practice this amount of articles is absolutely enough to qualify corruption actions. However, some scientists see particular problems in this, namely, absence of the separate chapter. For instance, the Criminal Code of Ukraine does not reflect any liability for corruption offences in terms of any separate chapter of its Special Part. Neither chapter among twenty ones of the Special Part of this Code has the title "Corruption Offences". In contrast, legislators used non-standard approach; corruption offences are defined in the note to Art. 45 "Exemption from Criminal Liability in Connection with Effective Confession" in chapter IX "Exemption from Criminal Liability" of the General Part of the Criminal Code of Ukraine [3].

Analyzing and comparing statistic data of the General Prosecutor's Office of Ukraine for the period of 2019–2023 years, 20069 criminal offences connected with official activities and professional activity have been committed within 2019, 18996 criminal offences have been committed within 2020, while 14820 criminal offences have been committed within 2023 [4].

Having analyzed the above stated data, the decrease in fixing corruption criminal offences can be seen. Furthermore, the National Agency in Corruption Prevention revealed the situation improvement, namely, Corruption Perceptions Index-2023: Ukraine has improved its ratio up to 3 scores. Yaroslav

Liubchenko, Deputy Head of the National Agency in Corruption Prevention, claimed: “One of the factors having impact on Ukraine’s ratio increase was the approving and start of implementation of the State Anti-Corruption Program for 2023–2025 years based on the Anti-Corruption Strategy approved earlier. Our further step will be the qualitative implementation of the Anti-Corruption Strategy by all state executive bodies. The period researched does not include renewal of mandatory declaration and reporting of political parties, declaration checking, as well as start of operation of the Unified Whistleblower Reporting Portal. These events shall have a positive impact on Ukraine’s positions in the Index, which will be counted under the results of 2024”. Corruption Perceptions Index (CPI) is the most popular indicator of the corruption perception level in the world states. Transparency International makes calculations for the Index based on the research conducted by authoritative international institutions and research centers [5].

However, analyzing and comparing statistic data of the General Prosecutor’s Office of Ukraine for the period of 2024, 4000 criminal offences connected with official activities and professional activity have been committed within January and February of 2024 [4]. Therefore, some risks exist that the figure may have risen up to 30000–40000 by the end of 2024. The risks are connected with martial law, since several cases of misappropriation of military finances, as well as appropriation and embezzlement of military humanitarian aid, etc. have been revealed.

In addition, such dip may indicate not only the cut of corruption activities, but also not notifying on corruption cases. Returning to our topic, the problem and significance of notifying on corruption offences is up-to-date, since every citizen can face corruption crimes, but cannot notify on them correspondingly. Besides, not notifying on the cases, having features of corruption offences, lies in mistrust to the state power. Moreover, even in case of receiving notifications on such offences, authorities try to hide such facts by means of other qualification of such actions. Also, such mistrust is the result of fear connected with notifying on such actions, since it may threaten life or health of a witness or his/her relatives. Furthermore, such mistrust and fear are connected with the link between branches of executive, judicial and legislative power. Thus, combination of power, business and law confuses society and results in mistrust and fear towards state power. In such situation a citizen cannot rely on protection, because everything has its own cost. We suppose that if citizens trusted state power bodies more, the quantity of reported criminal offences would increase, which would allow combatting and preventing corruption within state power bodies through systematic monitoring and analysis of their operation aiming at detecting cases, when particular functions are unnecessary, create extra regulation, which worsens conditions in a corresponding sector of economics or, in contrast, insufficient regulation of this or that aspect, as well as regarding elimination of contradictions in distribution of authorities between different subjects of regulation [7, p. 102–103].

**Conclusion.** To sum up the above stated it should be noted that notifications on corruption offences and crimes are sufficient for executive power bodies. It is connected with rocketing of corruption crimes, since such criminal violations are subversive for authorities and trust to them in citizens. We suppose that solving the problem of not notification on corruption offences shall be of help. Studying practical examples from the EU, it can be stated that there is a need in reforming old or creating new anti-corruption bodies, bringing to the effect and expanding functions of the Unified State Register of Declarations of persons authorized to perform functions of the state or self-government, as well as implementing additional measures of financial control, for instance, monthly report to the Register of Declarations in terms of expenditures of persons authorized to perform functions of the state or self-government. Moreover, distinguishing corruption is a separate chapter in the Criminal Code of Ukraine with a relevant structure of disposition, hypothesis and article sanctions will contribute to introducing new measures and means of combatting corruption. In its turn, such changes shall satisfy the need in reforming old or creating new anti-corruption bodies, bringing to the effect and expanding functions of the Unified State Register of

Declarations of persons authorized to perform functions of the state or self-government, as well as implementing additional measures of financial control, for instance, monthly report to the Register of Declarations in terms of expenditures of persons authorized to perform functions of the state or self-government.

### СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ

1. Сахань О. М. Корупція в сучасній Україні як джерело деструктивності влади URL: [https://dspace.nlu.edu.ua/bitstream/123456789/14588/1/Sahan\\_112-129.pdf](https://dspace.nlu.edu.ua/bitstream/123456789/14588/1/Sahan_112-129.pdf) (Дата звернення: 25.03.2025).
2. Савченко А. В. (2016). Корупційні злочини (кримінально-правова характеристика). К.: “Центр учбової літератури”, 168 с.
3. Кримінальний Кодекс України: Закон України від 5 квітня 2001 року № 2341-III. База даних “Законодавство України” / ВР України. URL: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=2341-14> (Дата звернення: 25.03.2025).
4. Генеральна прокуратура України: вебсайт. URL: [https://old.gp.gov.ua/ua/stst2011.html?dir\\_id=113897&libid=100820&c=edit&\\_c=fo](https://old.gp.gov.ua/ua/stst2011.html?dir_id=113897&libid=100820&c=edit&_c=fo) (Дата звернення: 25.03.2025).
5. Національне агентство з питань запобігання корупції. (2023). Індекс сприяння корупції: Україна покращила свій показник на 3 бали. URL: <https://nazk.gov.ua/uk/novyny/indeks-spryynyattya-koruptsii-2023-ukraina-pokraschyla-sviy-pokaznyk-na-3-baly/#:~:text=Україна%20отримала%2036%20зі%20100> (Дата звернення: 25.03.2025).
6. Про запобігання корупції: Закон України від 14 жовтня 2014 року № 1700-VII. База даних “Законодавство України” / ВР України. URL: <https://zakon.rada.gov.ua/laws/show/1700-18> (Дата звернення: 25.03.2025).
7. Ярошенко А. С. (2015). Світовий досвід та перспективні напрями реформування адміністративно-правового регулювання в галузі насінництва та розсадництва в Україні. Вип. 5. С. 102–103.

### REFERENCES

1. Sahan, O. M. *Koruptsiia v suchasni Ukraini yak dzherelo destruktivnosti vlady* [Corruption in modern Ukraine as a source of power destructiveness]. Retrieved from: [https://dspace.nlu.edu.ua/bitstream/123456789/14588/1/Sahan\\_112-129.pdf](https://dspace.nlu.edu.ua/bitstream/123456789/14588/1/Sahan_112-129.pdf) (Accessed: 25.03.2025). [In Ukrainian].
2. Savchenko, A. V. (2016). *Koruptsiini zlochyny (kryminalno-pravova kharakterystyka)* [Corruption crimes (criminal law characteristics)]. Kyiv: Tsentr uchbovoi literatury. [In Ukrainian].
3. Kryminalnyi kodeks Ukrainy [The Criminal Code of Ukraine]: Zakon Ukrainy vid 05.04.2002 No. 2341-III. Baza danykh “Zakonodavstvo Ukrainy” / VR Ukrainy. Retrieved from: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (Accessed: 25.03.2025). [In Ukrainian].
4. Generalna prokuratura Ukrainy. *Ofitsiyni sait* [Official website]. Retrieved from [https://old.gp.gov.ua/ua/stst2011.html?dir\\_id=113897&libid=100820&c=edit&\\_c=fo](https://old.gp.gov.ua/ua/stst2011.html?dir_id=113897&libid=100820&c=edit&_c=fo) (Accessed: 25.03.2025). [In Ukrainian].
5. Natsionalne ahenstvo z pytan zapobihannia koruptsii (2023). *Indeks spryiniattia koruptsii: Ukraina pokrashchyla sviy pokaznyk na 3 baly* [Corruption Perceptions Index: Ukraine improved its score by 3 points]. Retrieved from <https://nazk.gov.ua/uk/novyny/indeks-spryynyattya-koruptsii-2023-ukraina-pokraschyla-sviy-pokaznyk-na-3-baly/#:~:text=Україна%20отримала%2036%20зі%20100> (Accessed: 25.03.2025). [In Ukrainian].
6. *Pro zapobihannia koruptsii* [On Prevention of Corruption]: Zakon Ukrainy vid 14 zovten 2014 roku No. 1700-VII. Baza danyh “Zakonodavstvo Ukrainy” / VR Ukrainy. Retrieved from <https://zakon.rada.gov.ua/laws/show/1700-18> (Accessed: 25.03.2025). [In Ukrainian].
7. Yaroshenko, A. S. (2015). *Svitoviy dosvid ta perspektyvni napriamy reformuvannia administratyvno-pravovoho rehuliuвання v haluzi nasinnitstva ta rozsadnytstva v Ukraini* [World experience and promising directions for the reform of administrative and legal regulation in the field of seed and nursery production in Ukraine]. *Law and Society*, p. 102–103. [In Ukrainian].

Дата надходження статті: 21.03.2025 р.

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## ПРОБЛЕМАТИКА ТА ВАЖЛИВІТЬСЯ ВИЯВЛЕННЯ, ПРОТИДІЯ ТА КВАЛІФІКАЦІЯ КОРУПЦІЙНИХ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ

Корупція в умовах воєнного стану постає як складне багаторівневе соціально-правове явище, яке не лише деформує інституційну основу державного управління, але й підриває легітимність державної влади в очах суспільства. У межах цього дослідження здійснено всебічний аналіз теоретико-правових засад кваліфікації корупційних злочинів у контексті актуального кримінального законодавства України з урахуванням динаміки змін, що відбуваються під впливом правового режиму надзвичайного стану. Особливу увагу зосереджено на відсутності системної структуризації відповідних норм у Кримінальному кодексі України, що зумовлює фрагментарність правозастосовної практики, утруднює ідентифікацію ознак корупційного злочину та створює передумови для зловживання інструментами кваліфікації.

У статті репрезентовано спектр наукових позицій щодо визначення сутності корупційних правопорушень, зокрема концепції О. М. Сахана, М. І. Мельника, О. М. Джузі, В. Куця, Ю. Труньової, О. Захарчука та В. Тютюгіної, що засвідчує брак уніфікованого підходу в доктрині кримінального права до розмежування ознак корупційної злочинності. Водночас підкреслено наявність глибинного інституційного конфлікту між законодавчою конструкцією правопорушень і фактичним функціонуванням механізмів антикорупційного контролю, зокрема в аспектах фіксації, повідомлення та кваліфікації таких діянь. Встановлено, що страх потенційних викривачів, брак ефективних гарантій їх правового захисту, а також низький рівень суспільної довіри до органів публічної влади істотно обмежують здатність держави виявляти та попереджувати корупційні правопорушення.

У межах дослідження обґрунтовано доцільність нормативної конкретизації корупційної злочинності шляхом формування окремого розділу в Особливій частині Кримінального кодексу України, що відповідатиме структурно-догматичним вимогам кримінального права та уможливить реалізацію системного підходу до протидії корупції. Водночас акцентовано на потребі перегляду інституційного дизайну антикорупційної політики з урахуванням викликів воєнного часу, що охоплює як реформування організаційно-функціонального механізму контролю за публічними фінансами, так і забезпечення відкритості й підзвітності органів влади перед суспільством у нових безпекових умовах.

Ключові слова: корупція, воєнний стан, кримінальне право, антикорупційна політика, правова кваліфікація, викривачі.