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# LEGITIMACY AND RULE OF LAW: FUNDAMENTAL ADMINISTRATIVE AND LEGAL PRINCIPLES IN ENSURING THE FUNCTION OF COORDINATING ANTI-CORRUPTION SUBJECTS

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The article presents a comprehensive analysis of the administrative and legal principles of legality and the rule of law as fundamental foundations for ensuring the coordination function of anti-corruption entities in Ukraine. Emphasis is placed on the fact that these principles serve as key benchmarks for forming an effective system of interaction between state authorities, local self-government bodies, and specialized anti-corruption institutions. Conceptual approaches to understanding legality and the rule of law in administrative law science are examined, allowing for a reevaluation of their role in ensuring legal order and transparency in public administration. Particular attention is paid to the adaptation of these principles to the conditions of administrative law reform in Ukraine, as well as to the legal regime of martial law, which significantly impacts the functioning of the anti-corruption system.

The article highlights the theoretical and practical challenges of understanding and applying the principles of legality and the rule of law, which, despite their universality, often remain formal declarations without proper implementation in the actual activities of anti-corruption bodies. A detailed analysis of the normative framework for coordinating the activities of anti-corruption entities is conducted, particularly regarding its compliance with international standards and national interests. The key challenges in law enforcement are identified, focusing on ensuring the principle of inevitability of accountability and safeguarding human rights in the fight against corruption. Special attention is devoted to the implementation of the rule of law principle in the activities of anti-corruption bodies under complex legal conditions, including extraordinary legal regimes arising from armed aggression against Ukraine. The article explores the interconnection between the principles of legality, the rule of law, and other administrative and legal categories such as transparency, accountability, and efficiency. It is substantiated that adherence to these principles is a fundamental prerequisite for ensuring legal certainty and the proper functioning of the public administration system. The study also examines international experience in applying these principles in anti-corruption activities, outlining prospects for integrating this experience into national practice.

In conclusion, the article offers the author's vision for improving the system of principles governing the administrative and legal coordination of anti-corruption entities. Recommendations are provided for legislators, practitioners, and scholars on harmonizing national legislation with international standards and ensuring a comprehensive approach to implementing the principles of legality and the rule of law in the field of anti-corruption coordination.

Key words: legality, rule of law, public administration, administrative law, anti-corruption efforts, anti-corruption agencies, legal regulation, legal liability, international standards, harmonization of legislation, legal mechanisms, coordination, law enforcement, transparency, public trust

Formulation of the problem. Principles represent a fundamental category of the legal system, performing a system-forming function and ensuring the structural and substantive coherence of law. It is on the basis of these principles that the architecture of the legal system is built, encompassing not only the interaction of its elements but also defining the trajectory of its development. The study of principles of administrative and legal regulation of the state's coordination function in combating corruption provides an opportunity to conduct a comprehensive analysis of this category, uncovering the patterns of its implementation and its significance for ensuring the efficiency of the state apparatus. These principles are not only the ideological foundation of law but also reflect its integrative nature, bridging theoretical concepts with the realities of legal practice. The state of development and practical implementation of principles directly impacts the stability and effectiveness of the corresponding legal institution. Therefore, the need to study the principles of administrative and legal regulation of the state's coordination function in combating corruption arises from their determining influence on the coherence and efficiency of interaction between the elements of the state mechanism. A high degree of scientific elaboration of these principles contributes not only to the optimization of coordination processes but also ensures legal stability in the face of growing societal challenges. Within the framework of administrative and legal regulation, the state's coordination function is normatively embodied through principles that serve as guiding benchmarks for the formation and implementation of relevant legal relations. These principles provide the structural organization of the content of coordination activities, forming legal mechanisms that adapt to the dynamic changes in society. Without their proper normative consolidation and practical application, ensuring harmonious interaction between the subjects of state coordination is virtually impossible. The relevance of studying the principles of administrative and legal regulation of the state's coordination function is driven by their insufficient elaboration in the scientific domain. This highlights their significance not only for the development of the theoretical foundation of administrative law but also for the creation of an effective normative environment that ensures the fulfillment of the state's objectives in combating corruption. Thus, the outlined issue holds not only theoretical novelty but also practical importance for the legal system of Ukraine.

Analysis of the study of the problem. The legal constructions and system of principles of administrative and legal support for the coordination of anti-corruption entities have been studied by such scholars as S. Boiko, A. Borovyk, A. Hladilina, V. Hladkyi, I. Hryn, M. Hryshchuk, Yu. Hurzel, M. Hutsuliak, Yu. Demianchuk, D. Yerenko, I. Klochko, Yu. Kovalenko, V. Kryvenko, V. Kubalskyi, R. Lemeha, O. Lytvynov, S. Moshenskyi, L. Pashkevych, V. Piekhov, O. Rudenko, T. Sozanskyi, V. Spasenko, O. Khomchenko, D. Chumachenko, and Ya. Shvydkyi. The necessity to study the principles of legality and the rule of law in the administrative and legal regulation of the state's coordination function regarding anti-corruption efforts is dictated by the importance of filling theoretical gaps and providing scientific assistance to the legislator in resolving existing issues in the regulation of this institution [281, p. 173]. This is particularly relevant in the context of public administration transformation, where coordination among anti-corruption entities is not only a matter of ensuring legality but also of the effective use of state resources.

It is important to emphasize that the principle of legality in administrative and legal regulation serves as the foundation, ensuring that all anti-corruption actors adhere to clear rules and procedures. At the same time, the principle of the rule of law guarantees that these rules comply with international standards and

protect human rights. The principles of coordination aim to prevent the duplication of functions, which can lead to resource wastage and reduced efficiency. They also define mechanisms for interaction among executive authorities, local self-government bodies, and specialized anti-corruption institutions. A significant component of coordination is the introduction of modern information technologies that enable real-time data exchange and action coordination. This, in turn, enhances transparency and reduces opportunities for misconduct.

During the period of 2023–2025, Ukrainian scholars continued to actively study the principles of the rule of law and legality in the context of anti-corruption activities. In particular, R. Grechaniuk, in her article published in 2023, provided a detailed analysis of the mechanisms for formulating and implementing Ukraine's state anti-corruption policy during martial law, focusing on the role of the National Agency on Corruption Prevention and the peculiarities of the Anti-Corruption Strategy for 2021–2025. Additionally, in 2024, M. Chekhunov dedicated his article to a comprehensive analysis of the current state of corruption in Ukraine's private sector, highlighting ongoing scholarly efforts in this field. Furthermore, the Ministry of Education and Science of Ukraine announced a competition in 2024 for research and development projects by young scientists working in higher education institutions and research organizations, with project implementation to begin in 2025. This initiative reflects the state's support and encouragement of academic research in the field of anti-corruption activities and the rule of law. During this period, Ukrainian scholars have continued to advance the study of the principles of the rule of law and legality in anti-corruption activities, contributing to the development of both theoretical and practical dimensions of this critical area.

The article is aimed to study the principles of legality and the rule of law in the administrative and legal regulation of the state's coordination function contributes to the development of a theoretical foundation for improving the effectiveness of anti-corruption measures, ensuring legal certainty, and harmonizing national legislation with international standards.

**Presenting main material.** The principles of law represent fundamental normative ideas that define the axiological benchmarks of legal regulation and ensure the integrity and systemic nature of the legal system. They serve as the conceptual foundation upon which the formulation, implementation, and interpretation of legal norms are based, harmonizing the legal order with the strategic goals of societal development. Among the key principles of law are the rule of law, legality, justice, equality, humanism, legal certainty, and others, which reflect the sociocultural essence of law. The universal nature of these principles ensures their relevance both within the context of national legal systems and in the international legal sphere, serving as a bridge between legal traditions and global standards. They promote the alignment of positive law with ethical, moral, and humanistic values, forming its social legitimacy. The principle of the rule of law, for instance, affirms the idea of the priority of legal norms over political or administrative decisions, maintaining a balance between the state and the individual. At the same time, the principles of law play a heuristic role, determining the strategic directions for the development of legal doctrine and serving as a tool for adapting the legal system to evolving societal challenges. Their observance is a mandatory condition for establishing the rule of law, democratic governance, and the protection of fundamental human rights and freedoms.

The effectiveness of the coordination mechanism for entities engaged in combating corruption is ensured through the incorporation of principles into domestic legislation, which establish the administrative and legal foundations for this activity. These principles, once formally enshrined in legal norms, become fundamental guidelines for organizing and directing the activities of specialized anti-corruption institutions, regulating their interaction and competence. General ideas acquire the status of principles only when they are formally expressed in legal provisions, which underscores the pivotal role of their normative consolidation in ensuring administrative and legal coordination in anti-corruption efforts. Thus, principles not only serve as a systemic foundation but also as a methodological framework for coordination activities, ensuring their internal coherence and legal legitimacy. Moreover, the normative nature of these principles allows for their universal applicability and systematic implementation within the complex legal environment.

Their integration into the national legal system establishes a legal framework that facilitates the adaptation of coordination mechanisms to contemporary challenges, such as the globalization of corruption schemes or the use of advanced technologies to evade legal accountability. A critical aspect is that adherence to these principles by all participants in the coordination process contributes not only to enhancing the efficiency of anti-corruption efforts but also to strengthening public trust in the institutions responsible for these activities. Conversely, failure to adhere to these principles may not only diminish the effectiveness of coordination but also generate significant reputational and functional risks for the entities involved in combating corruption, thereby hindering their ability to achieve strategic objectives in the fight against corruption.

When it comes to the coordination of anti-corruption subjects, the legislative basis for its implementation consists of the provisions of the Constitution of Ukraine [2], the Regulation on the Coordination of Law Enforcement Agencies in the Fight Against Crime and Corruption [3], the Order of the Prosecutor General of Ukraine dated February 8, 2021, No. 28 "On the Approval of the Procedure for the Coordination of Law Enforcement Agencies in the Fight Against Crime" [4], and other regulatory legal acts. Thus, both the domestic legislator and the Prosecutor General of Ukraine have adopted a number of norms, the purpose of which is to uphold the rule of law and strengthen law and order in the legal relations between the subject responsible for coordinating anti-corruption subjects (for example, the Prosecutor's Office) and the subjects being coordinated (such as the National Anti-Corruption Bureau of Ukraine and the State Bureau of Investigation).

The principles themselves define the powers of coordination entities and serve as a guarantee for its implementation [6, p. 146]. Essentially, the principles of administrative and legal support for the coordination of entities combating corruption are fundamental guiding provisions of coordination and are mandatory for all participants. They not only reveal the essence and significance of coordination but also serve to fulfill the tasks of coordination activities, being directly embodied in each form of coordination.

At the scientific level, it is noted that the understanding of the principles of the coordination role somewhat differs from the generally accepted understanding of principles. While principles in the general sense are interpreted as the fundamental basis of legal regulation in a specific area, the meaning of principles in the coordination role goes beyond this. In particular, P. M. Karchak defines the principles of coordination as general guiding provisions or means that determine the powers of coordination subjects and serve as a guarantee of its implementation [7, p. 286].

Referring to works that analyze the principles of other state functions, it is first appropriate to focus on the research of V. I. Vyshkovska, who analyzed the principles of the state's human rights function. According to the scholar, they should be divided into two groups:

- 1. General principles determined by the level of societal development, which is the result of human achievement: the principle of humanism, the principle of democracy, the principle of social justice, the principle of equality before the law.
- 2. Special principles a kind of system of coordinates within which the state's human rights function is implemented: this group includes the principle of the rule of law; legality; publicity; the principle of joint activity of state authorities of Ukraine with local government bodies, citizens' associations, and the population; the principle of the independence of subjects implementing the state's human rights function; the principle of professionalism and competence [1, p. 118].

The list of general legal principles in this position is more refined than in the previously analyzed ones, with each of them being acceptable and relevant to the state's coordination function in the fight against corruption. Regarding the special principles, several of them are also general. In particular, the principles of the rule of law and legality were previously highlighted in the works of other authors as general legal principles. The principle of joint activity of state authorities of Ukraine with local government bodies, citizens' associations, and the population was also emphasized earlier in this work, as its content is fundamental to understanding the essence of the state's coordination function in the fight against corruption. Thus, it can be concluded that despite the generally specialized nature of this position, most of the principles are also characteristic of the function under investigation. Furthermore, when researching the preconditions for the emergence and current state of administrative-legal

support for the coordination of subjects in the fight against corruption, it was emphasized that the principles of unity and interaction were at the core of the development of this institution. These principles remain guiding ideas for the state's coordination function in combating corruption today.

The principle of legality entails the strict adherence to and implementation of legal provisions by the subjects of the state's coordination activities, meaning the elements of the state apparatus and non-governmental subjects of the social system, such as state authorities of Ukraine, local government bodies, citizens' associations, the population, and others. The subjects of the state's coordination activities may use all the rights granted to them by law to carry out the tasks assigned by current legislation, provided that their activities do not exceed the boundaries set by law. This principle is constitutional and is enshrined, in particular, in the norms of the Constitution [2], as well as in legislative acts that regulate the activities of the aforementioned subjects, where the requirement to comply with the legislation of Ukraine is clearly established. This principle is general, as legality is the foundation of any activity regulated by law, and the requirements for ensuring legality apply to all subjects of any legal relations without exception.

The principle of the rule of law follows from Article 8 of the Constitution of Ukraine [2], which recognizes and enshrines the principle of the rule of law in Ukraine. The recognition, adherence to, and practical implementation of this principle are important conditions for the participation of any subjects in legal relations, including participants in the state's coordination activities. Under other conditions, the existence of a rule-of-law state would be impossible. Moreover, the constitutional enshrinement of this principle signifies that it is one of the priorities.

Special principles have a more specific nature, although even those principles that have been emphasized and borrowed from the works of other scholars, in the context of the state's coordination function regarding anti-corruption efforts, also possess unique characteristics.

The principles of administrative-legal support for the coordination of anti-corruption subjects, in general, should not differ from the principles of administrative-legal regulation of the coordination role of individual institutions or other state functions.

At the same time, each of the analyzed principles is distinguished by characteristics that are unique to it, shaped by the peculiarities of the studied institution. In general, summarizing the study of the principles of administrative-legal regulation of the state's coordination function, it can be stated that these legal categories are often examined in conjunction and interconnection, and this research has demonstrated their kinship and complexity.

Therefore, within the framework of the study of the principles of administrative-legal support for the coordination of anti-corruption subjects, we will primarily focus on the content of the Regulation on the Coordination of the Activities of Law Enforcement Agencies in the Area of Combatting Crime and Corruption [3].

Section 3 defines the following principles of coordination in the fight against corruption: legality; equality of subjects in coordination activities in defining problematic issues regarding crime and corruption prevention and combating, as well as in developing proposals for measures aimed at overcoming them; the principle of independence of each law enforcement agency in implementing agreed decisions; the principle of accountability of law enforcement leaders, within their competence, for the quality and timely execution of agreed measures; the principle of transparency regarding coordination activities, highlighting the results of the work in mass media within the limits that do not contradict the requirements of legislation on the protection of human and civil rights, state and other secrets.

The approach of supplementing the list of principles of coordination of anti-corruption subjects with the principle of the rule of law is also supported in the works of other scholars. In particular, I. S. Kurbatova, analyzing the principles defined in Section 3 of the Regulation on the Coordination of the Activities of Law Enforcement Agencies in the Area of Combating Crime and Corruption [3], concluded that the principle of the rule of law is paramount, given the content of the Constitution of Ukraine [2] and the Criminal Procedure Code of Ukraine [5], as neither the court nor any state body can apply the provisions of a legal act if its application infringes upon the rights and freedoms of individuals and citizens guaranteed by the Constitution [8, p. 119].

Therefore, the need to supplement the list of principles of administrative and legal support for the coordination of anti-corruption subjects with the principle of the rule of law is quite reasonable. Based on the conducted research on the principles of the state's coordinating function, the analysis of the content of normative legal acts, and the works of domestic scholars, the principles of administrative and legal support for the coordination of anti-corruption subjects include the principle of legality in the coordination of anti-corruption subjects and the principle of the rule of law in the process of coordinating anti-corruption subjects.

Legality is considered in the scientific literature as the general and fundamental principle of any activity regulated by law, and therefore, the requirements for strict compliance with legality apply to all state bodies, officials, and citizens. In other words, all subjects, objects, levels, forms, various procedural and organizational foundations of coordination must be defined in the provisions of the current legislation, and the coordination itself must be carried out in strict adherence to them. The principle of legality in the practical activities of anti-corruption bodies is the foundation of the rule of law, serving as a key factor that ensures the legitimacy and legality of all actions undertaken within anti-corruption investigations and requires strict adherence to both national and international legal standards. It stipulates that all procedures, from the initiation of an investigation to the judicial process, must strictly comply with the provisions of the legislation, which serves as the highest criterion of legality in the activities of anti-corruption structures. The principle of legality also guarantees that no body or official has the right to exceed their authority, and their activities cannot violate the fundamental rights and freedoms of individuals, as enshrined in the Constitution of Ukraine and the international treaties to which the country is a party. At the same time, to ensure full and proper implementation of this principle, constant adaptation and updating of the normative and legal framework is necessary, as changes in the socio-political life may require adjustments in the approaches to applying anti-corruption legislation. Moreover, the principle of legality demands that all measures related to combating corruption, from overseeing state bodies to conducting special investigative actions, be carefully checked for compliance with legal norms, particularly through the system of internal control and supervisory institutions, which ensure the independence and impartiality of the process. In this context, the role of external control mechanisms is crucial, as they guarantee respect for the rights of individuals suspected or accused of corrupt crimes, preventing the arbitrary use of powers by anti-corruption bodies. The principle of legality also requires strict adherence to procedural requirements established by law regarding the use of evidence, conducting investigations, and implementing preventive measures, as violations of these norms may lead to negative consequences, including the potential annulment of anti-corruption actions. Additionally, this principle contributes to increasing public trust in anti-corruption bodies, as clear and transparent adherence to the law prevents accusations of bias or violations of human rights, which is critically important for effective anti-corruption efforts. Furthermore, the principle of legality requires anti-corruption bodies to be flexible and capable of quickly adapting to changes in the legal field, which creates conditions for their effective operation even in a rapidly changing legal and socio-political context. In turn, ensuring the rule of law, as a component of the principle of legality, not only enables the effectiveness of anti-corruption activities but also contributes to the realization of the fundamental principles of the rule of law, including equality before the law and the protection of citizens' rights and freedoms.

An important principle, which has a general legal character and, in the field of coordination, acquires a certain specificity in the administrative-legal support of coordination of anti-corruption subjects, is the principle of the rule of law. The inclusion of this fundamental idea in the list of principles of administrative-legal support for the coordination of anti-corruption subjects is quite controversial. Specifically, it is absent from the list of principles defined in the Regulation on the Coordination of Law Enforcement Agencies in the Fight Against Crime and Corruption [3].

The principle of the rule of law is fundamental to any activity, including the coordination activities of anti-corruption subjects, and is regulated at the level of the Constitution of Ukraine, the Criminal Procedure Code of Ukraine, as no state body can carry out activities that violate the rights and freedoms of individuals guaranteed by the Constitution. Additionally, the principle of the rule of law is included in the basic principles of the coordination of law enforcement activities in the fight against crime in the Order of the

Prosecutor General of Ukraine of February 8, 2021, No. 28, "On the Approval of the Procedure for the Coordination of Law Enforcement Agencies in the Fight Against Crime" [4], which undoubtedly also serves as evidence of the need to include this principle in the list of principles of administrative-legal support for the coordination of anti-corruption subjects.

The fact that the administrative-legal support for the coordination of anti-corruption subjects is based on the principle of the rule of law is evidenced by the establishment of rules and procedures according to which the coordination of anti-corruption subjects should take place, and, consequently, failure to comply with these rules results in responsibility and the imposition of sanctions on the violators.

Harmonizing Ukraine's national legislation with international standards and ensuring a comprehensive approach to implementing the principles of legality and the rule of law in anti-corruption coordination is a multi-tiered task requiring coordinated efforts from legislators, practitioners, and scholars. Foremost, attention should be directed toward developing a specialized legislative act that establishes the conceptual foundations and mechanisms for coordinating the activities of anti-corruption entities. Such an act should integrate key provisions of international instruments, including the UN Convention Against Corruption and GRECO recommendations, to align Ukraine's legal framework with European and global standards. Concurrently, it is crucial to review the existing administrative legislation to eliminate conflicts, particularly concerning the legal regulation of interaction among state bodies within anti-corruption activities, especially under extraordinary legal regimes, such as martial law. At the practical level, effective coordination tools rooted in the principles of legality and the rule of law must be introduced to ensure transparent and efficient interaction between anti-corruption institutions. One such tool could be the creation of a unified digital platform for monitoring and coordinating anti-corruption activities, which would reduce bureaucratic barriers, accelerate decision-making processes, and enhance accountability. Systematic professional development for officials involved in anti-corruption efforts is also essential, through the introduction of training programs based on international best practices. In this context, fostering close cooperation with international organizations that could provide expert assessments of Ukrainian anticorruption initiatives and share their expertise to improve existing practices is of paramount importance. The academic community, in turn, should focus on in-depth studies of the principles of legality and the rule of law, particularly in the context of their application to the state's coordination function during crisis situations. New conceptual approaches to defining the content of these principles must be developed, taking into account contemporary challenges related to globalization, war, and digitalization. Comparative legal research on the experiences of other countries in combating corruption could form the basis for innovative coordination models. Special attention should be given to analyzing the effectiveness of Ukraine's existing anti-corruption institutions, especially their ability to adhere to the principles of legality and the rule of law. The harmonization of national legislation and the implementation of international standards in the field of anti-corruption activities require simultaneous efforts on regulatory, practical, and scientific-theoretical levels. This will facilitate the establishment of a unified, comprehensive system of legal regulation for anticorruption coordination, aimed at affirming democratic values, increasing public trust in state institutions, and ensuring effective counteraction to corrupt practices.

Conclusions. The coordination function of the state remains largely underestimated in theoretical discourse and methodologically underdeveloped, particularly when analyzed through the lens of administrative and legal categories designed to ensure systematic and consistent governance. The insufficient scientific attention to issues of administrative and legal support for the coordination of anti-corruption actors—especially regarding its essential characteristics, structural-functional aspects, and implementation directions—highlights the pressing need to define the system of principles underpinning this legal institution. These principles, which serve as conceptual guidelines and determine the logic of state influence on social relations, must form the theoretical foundation for developing effective coordination mechanisms. However, their insufficient elaboration is largely due to the overall fragmentary nature of research in this area and the challenges associated with conceptualizing the very notion of "principle."

Despite the considerable potential of principles for administrative and legal support in coordinating anticorruption efforts, they have yet to become the subject of in-depth scholarly analysis. In most cases, principles are addressed abstractly and detached from the realities of practical activity, significantly diminishing their applied value. Yet, coordination, as a complex, multi-level, and dynamic phenomenon, cannot exist without the formulation of clear and overarching methodological foundations. The absence of such foundations prevents not only the full disclosure of the essence of the state's coordination function but also complicates the identification of key principles governing its functioning and interaction with other aspects of public administration.

The principle of legality, as a fundamental category of the legal system, cannot be confined to specific sectors or areas of activity—its universal and intersectoral nature provides the foundations for legal regulation across all spheres of public life. At the same time, legal theory acknowledges other general legal principles, such as the rule of law, humanism, and democratism, which are equally critical for understanding the state's coordination activities. Ignoring these principles within the framework of studying the specifics of administrative and legal support for coordinating anti-corruption actors creates significant methodological gaps. In this context, it is essential to distinguish between general legal principles, which possess a universal nature, and special principles that pertain exclusively to coordination activities. This approach would allow for the systematization of principles, clarification of their hierarchy, an understanding of the interaction between them, and an assessment of their impact on the effectiveness of the administrative and legal coordination mechanism in the field of anti-corruption.

The principle of the rule of law, as a cornerstone of the legal system, remains a critically important element in the functioning of Ukraine's anti-corruption bodies, even under the legal regime of martial law. Its implementation under wartime restrictions ensures not only the maintenance of legality but also serves as a safeguard against abuse of power and arbitrariness, which may arise due to the expanded authority of state institutions. During this period, anti-corruption bodies must adhere to internationally recognized human rights standards, ensuring a necessary balance between protecting national interests and respecting individual rights. The rule of law plays a pivotal role in ensuring transparency in state governance procedures, which is crucial for minimizing corruption risks, particularly amid the heightened challenges associated with resource mobilization and defense activities. Moreover, this principle guarantees that any actions of public officials, even within the framework of an extraordinary legal regime, must strictly comply with the Constitution of Ukraine and current legislation. Of particular importance is the role of judicial oversight over the activities of anti-corruption bodies, as only through independent judicial review can potential violations of legal norms, which may arise during the intensification of state oversight functions, be avoided. Overall, adherence to the principle of the rule of law under martial law is an essential condition for ensuring the stability of the legal system, fostering public trust in anti-corruption institutions, and upholding the legal equality of all participants in legal relations.

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### REFERENCES

1. Vyshkovska, V. I. (2014). *Pravozakhysna funktsiia derzhavy: sutnist ta mekhanizm zdiisnennia v Ukraini:* dys. kand. yuryd. nauk: 12.00.01 [The human rights function of the state: essence and mechanism of implementation in Ukraine: dissertation for the degree of Candidate of Legal Sciences: 12.00.01]. Kyiv. 224 p. [In Ukrainian].

- 2. *Konstytutsiia Ukrainy* [Constitution of Ukraine]. (1996). Zakon Ukrainy vid 28.06.1996 № 254k/96-VR. Vidomosti Verkhovnoi Rady Ukrainy (VVR), 1996, No. 30, Art. 141. [In Ukrainian].
- 3. *Pro zatverdzhennia Polozhennia "Pro koordynatsiiu diialnosti pravookhoronnykh organiv po borotbi iz zlochynnistiu ta koruptsiieiu"*: Nakaz Heneralnoi prokuratury Ukrainy, Ministerstva vnutrishnikh sprav Ukrainy, Sluzhby bezpeky Ukrainy, Derzhavnoi podatkovoi sluzhby Ukrainy, Ministerstva oborony Ukrainy, Derzhavna mytna sluzhba Ukrainy, Administratsiia Derzhavnoi prykordonnoi sluzhby Ukrainy, Derzhavnoi penitentsiarnoi sluzhby Ukrainy vid 26.04.2012 No 43/375/166/353/284/241/290/236. Retrieved from: https://cutt.ly/Ij4vNtl. (Accessed: 27.01.2021) [In Ukrainian].
- 4. *Pro zatverdzhennia Poriadku koordynatsii diialnosti pravookhoronnykh organiv u sferi protydii zlochynnosti*: Nakaz Heneralnoho prokurora vid 08.02.2021 No 28. Retrieved from: https://zakon.rada.gov.ua/laws/show/v0028905-21#Text. (Accessed: 27.01.2025) [In Ukrainian].
- 5. *Kryminalnyi protsesualnyi kodeks Ukrainy* [Criminal Procedure Code of Ukraine]. (2012). Zakon Ukrainy vid 13.04.2012 № 4651-VI. Vidomosti Verkhovnoi Rady Ukrainy, 2013, No. 9–10, No. 11–12, No. 13, Art. 88. [In Ukrainian].
- 6. Lukiianova, H. Yu. (2020). *Antykoruptsiina reforma v Ukraini: problemy i perspektyvy* [Anti-corruption reform in Ukraine: problems and prospects]. Yurydychna nauka, No. 7, p. 146–151. [In Ukrainian].
- 7. Karkach, P. M. (2008). *Orhanizatsiia roboty prokuratury mista, raionu: metod. posib. z orhanizatsii roboty v miskykh, raionnykh prokuraturakh* [Organization of the work of city and district prosecutor's offices: a methodological guide]. Kharkiv: Pravo. 352 p. [In Ukrainian].
- 8. Kurbatova, I. S. (2017). *Rol orhaniv prokuratury Ukrainy v koordynatsii diialnosti pravookhoronnykh organiv shchodo protydii ekonomichnii zlochynnosti* [The role of Ukrainian prosecution bodies in coordinating law enforcement activities to counter economic crime]. Prykarpatskyi yurydychnyi visnyk, Issue 1(16), Vol. 2, p. 116–121. [In Ukrainian].

# СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ

- 1. Вишковська В. І. Правозахисна функція держави сутність та механізм здійснення в Україні: дис. ... канд. юрид. наук: 12.00.01 Київ, 2014. 224 с.
- 2. Конституція України. Закон України від 28.06.1996 р., № 254к/96-ВР Відомості Верховної Ради України (ВВР). 1996. № 30. Ст. 141.
- 3. Про затвердження Положення "Про координацію діяльності правоохоронних органів по боротьбі із злочинністю та корупцією": Наказ Генеральної прокуратури України, Міністерства внутрішніх справ України, Служби безпеки України, Державної податкової служби України, Міністерства оборони України, Державна ситна служба України, Адміністрація Державної прикордонної служби України, Державної пенітенціарної служби України від 26.04.2012 № 43/375/166/353/284/241/290/236 URL: https://cutt.ly/lj4vNtl (Дата звернення: 27.01.2021)
- 4. Про затвердження Порядку координації діяльності правоохоронних органів у сфері протидії злочинності: Наказ Генерального прокурора від 08.02.2021 № 28. URL: https://zakon.rada.gov.ua/laws/show/v0028905-21#Text (Дата звернення: 27.01.2025 року)
- 5. Кримінальний процесуальний кодекс України: Закон України від 13.04.2012 № 4651-VI. Відомості Верховної Ради України. 2013. № 9–10, № 11–12, № 13. ст.88
- 6. Лук'янова Г. Ю. Антикорупційна реформа в Україні: проблеми і перспективи. *Юридична наука*. 2020. № 7. С. 146–151.
- 7. Каркач П. М. Організація роботи прокуратури міста, району: метод. посіб. з організації роботи в міських, районних прокуратурах Харків: Право, 2008. 352 с.
- 8. Курбатова І.С. Роль органів прокуратури України в координації діяльності правоохоронних органів щодо протидії економічній злочинності. Прикарпатський юридичний вісник. Випуск 1(16). Том 2. 2017. С. 116–121

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# ЗАКОННІСТЬ ТА ВЕРХОВЕНСТВО ПРАВА: ОСНОВНІ АДМІНІСТРАТИВНО-ПРАВОВІ ПРИНЦИПИ У ЗАБЕЗПЕЧЕННІ ФУНКЦІЇ КООРДИНАЦІЇ СУБ'ЄКТІВ ПРОТИДІЇ КОРУПЦІЇ

У статті здійснено комплексний аналіз адміністративно-правових принципів законності та верховенства права як фундаментальних засад забезпечення координаційної функції суб'єктів протидії корупції в Україні. Акцентовано увагу на тому, що ці принципи виступають ключовими орієнтирами для формування ефективної системи взаємодії між органами державної влади, місцевого самоврядування та спеціалізованими антикорупційними інституціями. Розглянуто концептуальні підходи до розуміння законності та верховенства права в адміністративно-правовій науці, що дозволяє переосмислити їх роль у забезпеченні правопорядку та прозорості державного управління. Особливу увагу приділено питанню адаптації принципів законності та верховенства права до умов реформування адміністративного права в Україні, а також до правового режиму воєнного стану, що суттєво впливає на функціонування антикорупційної системи.

У статті розкрито проблеми теоретичного та практичного сприйняття принципів законності та верховенства права, які, попри їхню універсальність, нерідко залишаються формальними деклараціями без належного втілення в реальну діяльність антикорупційних органів. Здійснено детальний аналіз нормативного забезпечення координаційної діяльності суб'єктів протидії корупції, зокрема в аспекті його відповідності міжнародним стандартам та національним інтересам. Визначено основні виклики у сфері правозастосування, пов'язані з забезпеченням принципу невідворотності відповідальності та дотриманням прав людини у процесі боротьби з корупцією. Особливу увагу приділено проблемі імплементації принципу верховенства права в діяльність антикорупційних органів у складних правових умовах, включаючи надзвичайні правові режими, що виникають унаслідок збройної агресії проти України.

Досліджено взаємозв'язок між принципами законності та верховенства права й такими адміністративно-правовими категоріями, як прозорість, підзвітність і ефективність. Обґрунтовано, що дотримання цих принципів є основоположною умовою для забезпечення правової визначеності та належного функціонування системи державного управління. Проаналізовано міжнародний досвід застосування зазначених принципів у антикорупційній діяльності, що дозволило окреслити перспективи його інтеграції в національну практику. У підсумку статті запропоновано авторське бачення вдосконалення системи принципів адміністративно-правового забезпечення координації суб'єктів протидії корупції. Запропоновано рекомендації для законодавців, практиків і науковців щодо гармонізації національного законодавства з міжнародними стандартами та забезпечення комплексного підходу до реалізації принципів законності та верховенства права в сфері антикорупційної координації.

Ключові слова: законність, верховенство права, державне управління, адміністративне право, протидія корупції, антикорупційні органи, правове регулювання, юридична відповідальність, міжнародні стандарти, гармонізація законодавства, правові механізми, координація, правозастосування, прозорість, суспільна довіра.