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IMPLEMENTATION OF ANTI-CORRUPTION POLICY IN THE PROCESS OF TRANSFORMING THE PUBLIC ADMINISTRATION SYSTEM

РЕАЛІЗАЦІЯ АНТИКОРУПЦІЙНОЇ ПОЛІТИКИ В ПРОЦЕСІ ТРАНСФОРМАЦІЇ СИСТЕМИ ПУБЛІЧНОГО УПРАВЛІННЯ

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Корецький О.М., Балан О.С., Лебедева В.В. Реалізація антикорупційної політики в процесі трансформації системи публічного управління. Оглядова стаття.

Розкрито моделі корупції на основі її соціальної сутності. Виділено дослідницькі підходи до формування антикорупційної політики за напрямками та охарактеризовано їх. Наведено фактори, що впливають на формування та реалізацію антикорупційної політики. Проаналізовано Індекс сприйняття корупції в Україні за період 2012-2019 роки. Запропоновано шляхи протидії корупції. Окреслено базові методичні складові прозорості у діяльності органів публічної влади з використанням інформаційно-комунікаційного інструментарію. Визначено пріоритетні завдання антикорупційної політики держави. Розроблена структурна схема реалізації антикорупційної політики. Визначено сучасний тренд на удосконалення національного законодавства у контексті формування основ антикорупційної політики. Розглянуто Стратегію реформування державного управління України на 2022 – 2025 роки та очікувані результати від її впровадження. Доведено, що процес формування та реалізації антикорупційної політики у сфері публічного управління залежить від сильної політичної волі, що втілюється в антикорупційну стратегію протидії.

Ключові слова: антикорупційна політика, запобігання корупції, публічне управління, корупція

Koretskyi O.M., Balan O.S., Lebedeva V.V. Implementation of anti-corruption policy in the process of transforming the public administration system. Review article.

Models of corruption based on its social essence are revealed. Research approaches to the formation of anti-corruption policy by areas are highlighted and characterized. The factors influencing the formation and implementation of anti-corruption policy are presented. The Corruption Perceptions Index in Ukraine for the period 2012-2019 is analyzed. Ways to combat corruption are suggested. The basic methodological components of transparency in the activities of public authorities with the use of information and communication tools are outlined. The priority tasks of the state's anti-corruption policy have been identified. The structural scheme of anti-corruption policy implementation has been developed. The current trend of improving national legislation in the context of forming the foundations of anti-corruption policy is identified. The Strategy of Public Administration Reform of Ukraine for 2022 - 2025 and the expected results from its implementation are considered. It is proved that the process of formation and implementation of anti-corruption policy in the field of public administration depends on strong political will, which is embodied in the anti-corruption strategy.

Keywords: anti-corruption policy, prevention of corruption, public administration, corruption

The problem of preventing and combating corruption and corruption-related offenses, which pose a serious threat to Ukraine's existence as a democratic, social and legal state, has become particularly acute. For Ukraine, the problem of preventing corruption in public authorities continues to be one of the most pressing tasks of public administration. After all, corruption poses a significant threat to society and today the scale of its spread is a real problem in the functioning of the national security system [1].

The current state of preventing and combating corruption is characterized by a formal approach to setting priorities for anti-corruption policy, declarativeness, inconsistency, delays in passing laws, and the predominance of political factors. The integration of the task of rationalizing the administrative activity of state power in this context is due to the need to adapt more conservative in lawmaking and law enforcement activities to the processes of formation and development of civil society, the rule of law, ensuring the rights and freedoms of citizens. Despite the wide range of scientific research on the phenomenon of corruption, the implementation of anti-corruption policy in the process of transforming the public administration system remains insufficiently studied.

Analysis of recent research and publications

Theoretical and methodological foundations of regulation, formation, development and implementation of anti-corruption policy in the process of transforming the system of public administration are

devoted to works: Novak A.M. [1], Shardina G.O. [2], Gvozdetsky V.D. [3], Dekhtyareva S. [4], Movchan A.V. [5], Rozvadovsky B. [7], Voloshenko A.V. [8], Vasilevskaya T.E. [9] and others.

The purpose of the article is to study the implementation of anti-corruption policy in the process of transforming the system of public administration, substantiation of approaches and development of principles for the formation and implementation of national anti-corruption policy.

The main part

Corruption slows down the evolution of the economic and legal system, making it impossible for Ukraine to move closer to the world's leading living standards. The lack of effective levers to fight corruption, the spread of corruption risks in almost all spheres of public life, the loyal attitude of some citizens to this phenomenon led to the fact that corruption at all levels of government paralyzed reforms identified by the government as a priority. Effective counteraction to corruption is impossible without consistent, planned and coordinated actions united by one concept, as systemic phenomena require a systematic approach to overcoming them [2].

At the same time, there are usually several models of corruption based on its social nature.

First, "high-level corruption" is characteristic of the highest echelons of power: the highest authorities, central executive bodies, central law enforcement agencies and the judiciary. Scholars distinguish the following types of such corruption: corruption lobbying; corruption protectionism and favoritism; combination of civil service with commercial activity; illegal provision of tax benefits; granting a monopoly on a certain type of commercial activity; obstacle to obtaining special permits, licenses to engage in certain activities; appointments to responsible government positions, etc.

Secondly, corruption at the regional level (prototype of corruption at the highest level).

Third, corruption is "grassroots" (at the level of districts, cities) [3].

Based on the analysis of research of domestic and foreign scholars, research approaches to the formation of anti-corruption policy should be divided into the following areas: the first direction – involves a combination of international and national mechanisms

and resolutions of international organizations. In fact, it is a question of a certain generalization of the concept of "corruption", which is based on the standards of official activity, regulations of functioning of administrative structures, peculiarities of legal consolidation of delegated and discretionary powers, etc. The second direction is based on establishing the institutional characteristics of corruption and involves a combination of political, socio-economic and legal components. The third direction is based on the modern understanding of the concept of "good governance". Within this area, the impact of corruption on the effectiveness of social governance in general, the ability of management systems to combat corruption and maintain managerial stability in a sufficiently high level of corruption. The fourth area is based on a comprehensive study of the impact of corruption on the observance of human rights and freedoms in the system of public administration. At the same time, quite often the third and fourth directions appear in numerous publications in an integrated form, while being supplemented by a modern understanding of the principle of "non-discrimination" [1]. The basis of the principle of legality is:

- imperative nature of the norm of the relevant legal act;
- integrative unity of the rule of law, i.e., uniformity of understanding and application of laws and bylaws throughout their territory and in relation to the subjects of the same name;
- the concept of "rule of law", i.e., the regulation of all major aspects of public and state life by law and the compliance of all bylaws with the Constitution and laws;
- public control over the rule of law, the existence of a rational mechanism for preventing and eliminating any violations of the rule of law by any legal entity;
- the inevitability of liability for violation of the law, i.e., each case of violation of the law by any subject of law must entail a response from the state, the relevant authorities [4].

In this context, it is necessary to list the factors influencing the formation and implementation of anti-corruption policy, which are presented in Table 1.

Table 1. Factors influencing the formation and implementation of anti-corruption policy

Factors	Content of influence
1. Economic	state of the state economy, development of economic processes; level of economic support for systemic reforms; income level and employment status; development of economic relations, foreign economic policy, trade balance;
2. Political and institutional	stability of state power; legal certainty of national policy in public spheres; activities of public organizations;
3. Socio-demographic	demographic policy, social stratification, social polarization;
4. Scientific and technical	introduction of digital technologies in public administration ("state in a smartphone");
5. Political and administrative	changes in the administrative – territorial structure of the state;
6. Geopolitical	certainty of foreign policy.

Source: compiled by authors on materials [4].

One of the main roles in the national anti-corruption system belongs to law enforcement agencies. Given that the phenomenon of corruption is deeply rooted in the state apparatus and law enforcement agencies, appropriate central bodies with special status and anti-corruption law enforcement agencies are being established. However, the activities of these bodies face a number of problems related to the lack of quality

legal framework, not developed systematic approaches to the activities of anti-corruption actors and their interaction with civil society in this area, no conceptual vision of organizational and legal support for corruption [5].

Figure 1 shows the Corruption Perceptions Index in Ukraine for the period 2012-2019.

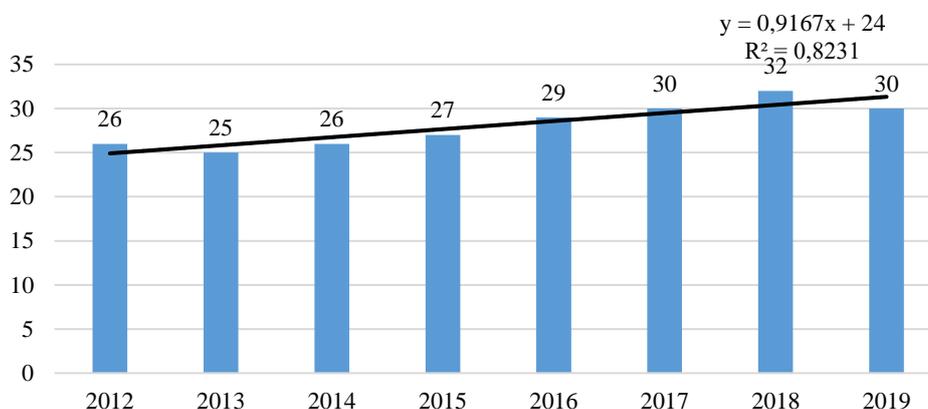


Figure 1. Corruption Perceptions Index in Ukraine for the period 2012-2019

Source: compiled by authors on materials [6]

30 points out of 100 possible is the result of the Corruption Perceptions Index 2019 in Ukraine. The country returned to the level of 2017 and now ranks 126th out of 180 countries.

At the same time, the problem of combating corruption must be solved by:

- clear division at the legislative level of the functions and powers of state bodies involved in combating corruption, while maintaining the optimal number of them with special powers;
- focusing efforts primarily on detecting and stopping corruption offenses by high-ranking officials, exposing corruption networks;
- wider application of an integrated approach to the organization of anti-corruption measures, based on in-depth analysis of corruption risks in various fields;
- changes in the criteria for assessing the effectiveness of investigative and special units for the fight against corruption and organized crime from quantitative to qualitative indicators - based on the results obtained and the content of anti-corruption measures;
- Improving the procedure and increasing the efficiency of responding to reports from regulatory authorities, citizens and the media about corruption offenses by officials of public authorities and administration;
- expanding international cooperation in the fight against corruption, including accelerating the preparation and signing of interstate (interdepartmental) agreements on legal relations and legal assistance, improving the practical interaction of operational units with foreign partners, etc.;

— improving the professional selection, special training, retraining and advanced training of law enforcement personnel involved in the fight against corruption [7].

In general, transparency in the activities of public authorities with the use of information and communication tools can be achieved by [8; 13]:

- improving the e-government system, which will ensure, inter alia, transparency of administrative processes and procedures for public servants themselves;
 - improvement of the system of declaration of income and monitoring of expenditures of civil servants;
 - creation and practical implementation of information systems that will increase the level of accountability of civil servants and local government officials;
 - creation and widespread use of mechanisms to ensure transparency of public procurement procedures, privatization, implementation of state projects, issuance of state licenses, state commissions, National Bank loans, government guaranteed loans, budget allocations and tax exemption procedures, etc.
- The priority tasks of anti-corruption policy are:
- continuing to reform state institutions and the political system in the direction of establishing democracy and European values, freedom of speech, and the development of civil society;
 - achieving protection of society from the influence of corruption by overcoming both objective and artificial contradictions in the current legislation, building the state apparatus on the basis of

- unconditional observance of constitutional guarantees of human and civil rights and freedoms;
- introduction of anti-corruption education and awareness through: education of citizens of high moral values; raising the level of legal awareness of the population, especially in terms of citizens' knowledge of their rights and freedoms, the mechanism of their implementation and legal means of protection; knowledge of officials of public authorities and self-government bodies – their powers and the legal consequences of their abuse; development of a stable psychological attitude towards the positivity of a lawful way of life; creating an atmosphere of public intolerance to corrupt forms of behavior and public condemnation of persons who have committed acts of corruption; overcoming the passivity of society in combating corruption as a threat to national security, a real threat to every member of society and involving large sections of the population in active participation in anti-corruption activities;
 - improving the efficiency of public administration and local self-government. To this end, it is necessary to consolidate the efforts of public authorities and local governments to improve state regulation of public relations in Ukraine;
 - reforming the institutions of the law enforcement sector in order to ensure their readiness to perform the tasks of combating corruption and organized crime in the state;
 - institutional reform of bodies conducting inquiries, pre-trial investigation and criminal prosecution in cases of corruption crimes;
 - accelerate the implementation of judicial reform – the establishment of the judiciary and the judiciary, which will operate on the basis of the rule of law in accordance with international and European standards and guarantee the right of a person to a fair trial;
 - improving the system of interaction between public authorities and civil society institutions by involving the public in the implementation of Ukraine's anti-corruption policy;
 - monitoring of corruption factors and the effectiveness of anti-corruption policy measures will solve the following tasks: study the mechanism of corruption, measure the level and structure of corruption, analysis of factors that contribute to corruption [9].

In the context of the realization of the right of citizens to effective governance, in accordance with the human rights of the "third generation" and the concept of Good governance [10; 14-15] it is necessary to realize that the effectiveness of this process largely depends not only on the existence of a set of necessary laws that ensure organizational and economic independence of administrative-territorial entities, but also on public understanding of their rights and opportunities in public administration, on real capacity such rationally use. That is why a promising area of

research on the development of rule-making in the system of public administration should be the role and place of the citizen in public administration, public initiatives in rule-making, the development of social forms in public policy-making.

In general, it is worth noting that the science of public administration has formed a modern paradigm of government, which is based on a new management culture, focused on people. In particular, we are talking about the theoretical and methodological basis of modern democratic governance should be the humanitarian paradigm. The transition to this new paradigm must be ensured by administrative reform based on human-centered ideology. Therefore, the renewed system must not only combine the requirements of efficiency and transparency, it must be able to cooperate with the public. At the same time, in modern conditions it is important to develop (concretize) the paradigm of reforming public (public) governance, which is based on determining the patterns of development of the nation state in terms of European integration processes. This is the identification of patterns of development of national public administration systems in Europe, the post-Soviet space and Ukraine. The level of civilization of any state is determined not only by the level of social and economic development, but also by the level of organization and activity of state power, which ensures the governance of society. Administrative law, which is also called administrative law, belongs to the basic branches of law and together with the constitutional law forms the foundation of public law of Ukraine. This is an extremely broad branch of law in terms of regulated social relations: there is virtually no sphere of public life where the rules of administrative law do not apply. However, their main feature is that one of the parties is always a state body or its official, the other – a citizen, citizens' association, enterprise, institution, organization or local government. The citizen is the main subject of law, which is why through the rules of law we get a complete process of administrative reform [1; 16].

It is necessary to conceptually confirm the role of the state in the formation of anti-corruption policy, to determine the principles of public administration in the field of anti-corruption, which is achieved on the basis of the structural scheme presented in Figure 2. At the same time, it is important to identify the current trend of improving national legislation in the context of forming the foundations of anti-corruption policy.

The Public Administration Reform Strategy of Ukraine for 2022-2025 [11] is a continuation of the previous stage of public administration reform and is based on the results of the assessment of the state of public administration of Ukraine conducted by experts of the Program to Support Governance and Management (SIGMA).

82% of respondents consider public administration reform important. 65% of citizens are satisfied with the service in the centers of administrative services.

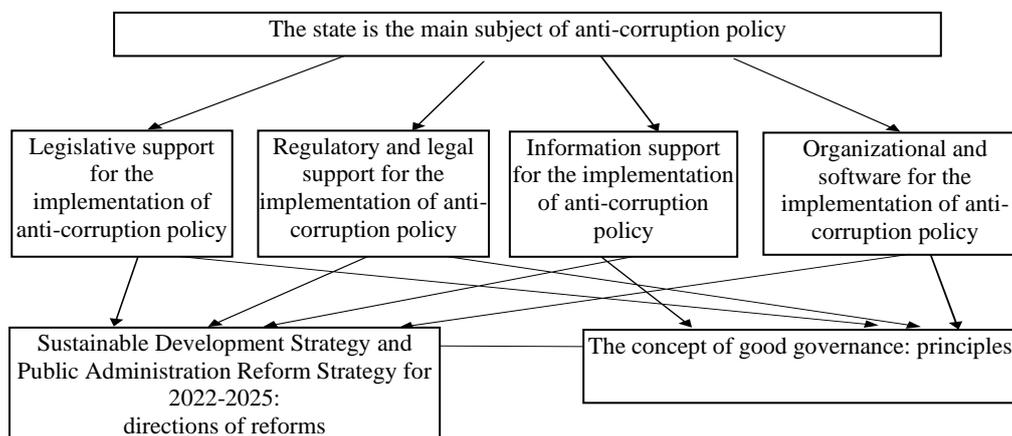


Figure 2. Block diagram of anti-corruption policy implementation

Source: authors' own development

At the same time, the general administrative procedure, the reform of public service remuneration and a number of other aspects need to be implemented.

The main goal of the Strategy is to build a capable service and digital state in Ukraine, which protects the interests of citizens based on European standards and experience.

The expected results of public administration reform by 2025 are:

- ensuring the provision of high-quality services and the formation of a convenient administrative procedure for citizens and businesses;
- formation of a system of professional and politically neutral public service focused on protecting the interests of citizens;
- development of effective and accountable to citizens of state institutions that shape public policy and successfully implement it for sustainable development of the state [12].

That is why within the modern paradigm of public administration, built in accordance with the norms, rules and procedures of administrative and legal regulation of public relations, the definition of the process of rule-making is based not only on rules and norms of legal technique, but based on the established dichotomy within which the problem of the whole modern humanization model of public – administrative relations is solved. The process of formation and implementation of anti-corruption policy in the field of public administration is based on such management principles as the proactive nature of activities; systematic, comprehensive and balanced approaches as the most integrated understanding of the problems of social process, taking into account all factors of analysis and impact, balanced decisions, adequacy of decisions to the needs of citizens and society, complexity in the development of norms, rules and procedures; continuity and consistency of rule-making, which are implemented in the performance of duties in the regime of long-term planning, maximally deprived of situational influence and political pressure. Another group of principles includes the problem approach, which involves a clear definition of problems, defining the hierarchy of problems, the inclusion of domestic issues in the process of programming management;

realism as the ability and possibility to implement a certain solution, in the presence of not only financial but also informational, administrative, social resources; humanism, which ensures the direction of management activities to address the needs of authorities, public organizations, individual citizens, the involvement of citizens in the process of development and implementation of decisions; the validity of the implementation of foreign experience in the context of the implementation of procedures and regulations of EU law; activity planning and control [1].

That is why the science of public administration should focus on the following areas:

- systematic development and implementation of anti-corruption policy;
- development of state programs to support the activities of non-governmental organizations to increase public participation in combating corruption;
- development of the regulatory framework for political, economic, social, organizational and managerial problems of prevention of corruption and corruption offenses [1].

Conclusions

Thus, it can be concluded that anti-corruption policy was institutionally ensured in Ukraine. Taking into account the content of anti-corruption work, functional orientation and scope of powers, separate entities were formed to combat and prevent corruption (National Agency for Prevention of Corruption, National Anti-Corruption Bureau of Ukraine, State Bureau of Investigation, Specialized Anti-Corruption Prosecutor's Office, Supreme Anti-Corruption prosecutor's offices, police). An important achievement in the implementation of the state anti-corruption strategic plan is that separate specially authorized bodies for combating corruption with special powers have been established, where their competence is clearly divided.

Thus, according to recognized international standards of public administration, one of the most important problems of modern social development is to establish relations between the state and the citizen by

forming effective national and international instruments of public participation in drafting and adopting regulations, implementing principles of openness, transparency and accessibility. It is proved

that at the present stage of state building a new concept of national rule-making activity is needed, which will be built in accordance with the objective needs of public administration.

Abstract

The problem of preventing and combating corruption and corruption-related offenses, which pose a serious threat to Ukraine's existence as a democratic, social and legal state, has become particularly acute. For Ukraine, the problem of preventing corruption in public authorities continues to be one of the most pressing tasks of public administration. After all, corruption poses a significant threat to society and today the scale of its spread is a real problem in the functioning of the national security system.

The purpose of the article is to study the implementation of anti-corruption policy in the process of transforming the system of public administration, substantiation of approaches and development of principles for the formation and implementation of national anti-corruption policy.

Models of corruption based on its social essence are revealed. Research approaches to the formation of anti-corruption policy by areas are highlighted and characterized. The factors influencing the formation and implementation of anti-corruption policy are presented. The Corruption Perceptions Index in Ukraine for the period 2012-2019 is analyzed. At the same time, the problem of combating corruption must be solved by: a clear division at the legislative level of the functions and powers of state bodies involved in combating corruption, while maintaining the optimal number of them with special powers; focusing efforts primarily on detecting and stopping corruption offenses by high-ranking officials, exposing corruption networks; wider application of an integrated approach to the organization of anti-corruption measures, based on in-depth analysis of corruption risks in various fields; changes in the criteria for assessing the effectiveness of investigative and special units for the fight against corruption and organized crime from quantitative to qualitative indicators - based on the results obtained and the content of anti-corruption measures; improving the procedure and increasing the efficiency of responding to reports of regulatory authorities, citizens and the media about corruption offenses by officials of public authorities and administration; expanding international cooperation in the fight against corruption, including accelerating the preparation and signing of interstate (interdepartmental) agreements on legal relations and legal assistance, improving the practical interaction of operational units with foreign partners, etc.; improving the professional selection, special training, retraining and advanced training of law enforcement personnel involved in the fight against corruption.

The basic methodological components of transparency in the activities of public authorities with the use of information and communication tools are outlined. The priority tasks of the state's anti-corruption policy have been identified. The structural scheme of anti-corruption policy implementation has been developed. The current trend of improving national legislation in the context of forming the foundations of anti-corruption policy is identified.

The Strategy of Public Administration Reform of Ukraine for 2022 - 2025 and the expected results from its implementation are considered. The main goal of the Strategy is to build a capable service and digital state in Ukraine, which protects the interests of citizens based on European standards and experience.

The expected results of public administration reform by 2025 are: ensuring the provision of high quality services and the formation of a convenient administrative procedure for citizens and businesses; formation of a system of professional and politically neutral public service focused on protecting the interests of citizens; building effective and accountable to citizens state institutions that shape public policy and successfully implement it for sustainable development of the state.

It is proved that the process of formation and implementation of anti-corruption policy in the field of public administration depends on strong political will, which is embodied in the anti-corruption strategy.

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