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MEASURES TO COUNTERACT CORRUPTION LOBBYING IN UKRAINE

Анотація. Корупція у всіх її проявах – одна з найнебезпечніших проблем сучасних суспільств. Особливо шкідливою є політична корупція високого рівня, яка набула нині універсального характеру. Корупційний лобізм є однією з ключових форм такої корупції. Автори приділяють особливу увагу аналізу ключових заходів протидії корупційному лобізму. Вони роблять висновок, що головним визначальним фактором корупційного лобізму є відсутність як політичної волі законодавців щодо створення механізму лобіювання, так і волі суспільства стимулювати цю діяльність за допомогою правових механізмів.

Ключові слова: корупція, корупційний лобізм, законодавство.

Summary. Corruption in all its manifestations is one of the most dangerous problems of modern societies. High level political corruption, which has now acquired a universal character, is especially harmful. Corruption lobbyism is one of the key forms of such corruption. The authors pay special attention to the analysis of key measures of counteracting corrupt lobbyism. They conclude that the main determinant of corrupt lobbyism is the absence of both the political will of lawmakers to create a lobbying mechanism and the will of the society to stimulate these activities with law mechanisms.

Keywords: corruption, corruption lobbying, legislation

One of the varieties of political corruption is political lobbying. Political lobbying is flourishing in Ukraine, for many reasons. The key to overcoming this destructive phenomenon is a multitude of measures.

The first and the fundamental one is legal regulation of lobbying. To this end, it is important to adopt a law that defines the legal nature of lobbying, the principles of lobbying, guarantees of lobbying activities, methods of lobbying activities, the procedure for providing lobbying services, subjects of lobbying, their legal status, responsibility and so on. In our opinion, the bill No. 5144, drafted in 2016, should be taken as a basis. As such, this draft law is currently recognized by the Verkhovna Rada Committee on Corruption Prevention and Countering as an act that does not contain corruption factors and meets the requirements of anti-corruption legislation. .

Legislation of lobbying will certainly reveal the degree of influence of lobbyists on the implementation of state power; will ensure the implementation of the principle of publicity in the activities of the subjects

of power, which is important. Moreover, the legalization of lobbying promises to civil society another way to influence the formation and implementation of state policy. Since lobbying is a tool of its self-organization, with the help of which it mobilizes public support or opposition to a certain decision or bill of state bodies [1, p. 46].

The second measure, aimed at combating corruption lobbying, is closely related to the previous one and provides for amendments and additions to a number of legislative acts. First, in Art. 91 of the Law of Ukraine “On the Rules of Procedure of the Verkhovna Rada of Ukraine”, it is necessary to add part 1-1 and state in the following wording: which should include the names of the authors and participants in the drafting of the bill, as well as (if any) the positions and names of the organizations they represent.

Secondly, Art. 48 of the Law of Ukraine «On Committees of the Verkhovna Rada of Ukraine» to be supplemented with part four in the following wording: «Subjects of lobbying are entitled to participate in the meetings of committees». Accordingly, parts four to five should be considered as parts five to six.

Third, § 3 of the Decree of the Cabinet of Ministers of Ukraine No. 950 of July 18, 2007 «On Approval of the Regulation of the Cabinet of Ministers of Ukraine», to read in the following wording: «The Cabinet of Ministers informs the public about its activities, involves citizens, representatives of public and lobbying organizations in the decision-making process on issues of major public importance and concerning the sphere their activities.

Fourth, to ensure a comprehensive approach to counteracting corruption lobbying, as we are convinced that it is appropriate not only to prevent this destructive phenomenon, but also to combat it. Considering this, it is necessary to ensure systemic legal protection of lobbying and to introduce not only mediocre criminal liability for corruption lobbying, but also a legal norm that will ensure the protection of lobbying relations at the administrative and legal level. So, it follows

Chapter 13-A of the Code of Administrative Offenses to be supplemented with Article 172-3 as follows:

«Article 172-3. Violation of legislation in the field of lobbying

1. Non-presentation, untimely presentation or presentation of deliberately inaccurate information by the subject of lobbying to the body that maintains an electronic register of the subjects of lobbying, -

entails a fine of two hundred to five hundred non-taxable minimum incomes.

2. Repeated violation of the requirements for providing such information, within one year from the date of the last penalty imposed by the sanction of this article, -

entails the imposition of a fine of one thousand to two thousand five hundred non-taxable minimum incomes of citizens with the deprivation of

the right to occupy certain positions or engage in certain activities for a period of one year.

The third measure to counteract corruption lobbying involves the creation of a sound system of control over the provision of lobbying services. For this purpose, the Ministry of Justice of Ukraine should be empowered to exercise state control, in particular to be the holder of an electronic register of lobbyists, to carry out routine and unplanned inspections of subjects of lobbying, and the like. However, we believe that the most effective form of control over the activities of lobbyists should be public, since, according to experts, the development of modern media and a high level of public consciousness contribute to reducing the amount of abuse of power [2].

According to the Ukrainian legislation (the Law of Ukraine «On Counteracting Corruption», the Law of Ukraine «On Access to Public Information») the mass media are full subjects of the prevention of corruption. The role and importance of the media in securing democracy, pluralism and publicity in the activities of public authorities and local governments, as well as persons authorized to perform the functions of the state or local government are invaluable. After all, the main task of the media is to provide prompt, objective and proper coverage of events, facts or phenomena. The realization of this task is the key to informing the population about the state of corruption in all its manifestations.

Thus, corruption lobbying, as a manifestation of a shadowy, unethical and unlawful influence on power, remains one of the most closed processes for any influence, and even more counteraction. However, the factors that contribute to the emergence and development of this destructive phenomenon can be either eliminated or significantly reduced. Finally, it should be noted that the main determinant of corruption lobbying is the absence of the will of the legislator to create a lobbying mechanism, and the desire of society through legal mechanisms to stimulate this will.

List of references

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