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ANALYSIS OF FORMATION OF ANTI-CORRUPTION POLICY IN UKRAINE: A SCIENTIFIC APPROACH

At the present stage development of Ukrainian society corruption has become one of the main threats national security and democratization. The negative impact of this social phenomenon felt in the economy, political and socio-economic development state. This the issue in the context of the implementation of the European integration course of Ukraine. After all, a high level of corruption, which is confirmed both internationally expert level and public institutions shows that this problem has emerged beyond the domestic policy of Ukraine and restrains economic development of the state.

Corruption is viewed as the biggest threat to the rule of law, democracy, human rights and freedoms, the rule of law, and social justice. Moreover, the creation of an effective system for preventing and combating corruption is one of the conditions for Ukraine to obtain EU membership. The International Monetary Fund, the European Union and a number of other influential international organizations expect effective steps in the field of anti-corruption policy formation. In this regard, the modern tasks of public administration, Ukraine's European integration course and the policy of Euro-Atlantic cooperation require a balanced and effective theoretical and methodological support for the formation of anti-corruption policy in Ukraine. During 2015–2019, such state institutions were created as: the National Agency for the Prevention of Corruption, the National Anti-Corruption Bureau of Ukraine, the Specialized Anti-Corruption Prosecutor's Office, the State Bureau of Investigation, the National Agency of Ukraine for the Identification, Search and Management of Assets Received from Corruption and Other Crimes (ARMA), Supreme Anti-Corruption Court. At the same time, these institutions did not become an effective tool for implementing anti-corruption policies in Ukraine. According to the global indicators of the Transparency International Corruption Perceptions Index in 2018, Ukraine improved its position among other countries of the world. The result is 32 points and 120th place among 180 countries. Thus, Ukraine moved up 10 places. Thus, Ukraine has overcome the 30-point barrier, which is considered «shameful» in the world.

The indicated increase in the rating was obtained as a result of the introduction of the automatic VAT refund procedure, the expansion of the scope of the ProZorro system and the activities of the business ombudsman institution, the creation of the Supreme Anti-Corruption Court. But the state of corruption prevention remains unsatisfactory. Among the main reasons, it should be mentioned that for almost two years the anti-corruption policy (Anti-corruption strategy) has not been adopted. At the same time, from January 1, 2018, the foundations of the anti-corruption strategy of state building for the new period, as well as the state program for its

implementation, were to come into force in Ukraine, but the state anti-corruption policy has not yet been adopted. At the same time, there was no analysis of the implementation of the previous state program during 2014–2017. The National Agency for Prevention Corruption prepared draft national reports on the implementation of the foundations of anti-corruption policy, but it was incomplete, reflected one-sided views, did not have an objective analysis of the mechanisms of confrontation and causes, which did not allow to fully implement certain measures to prevent and combat corruption in various branches of government, as well as the dynamics of changes in corrupt behavior and forms of corruption.

In this regard, some of the measures proposed by the public and international experts in the draft Law on Anti-Corruption Policy for 2018–2023 were received critically. Some of the proposed provisions were ineffective, others were declarative in nature. As a result, the relevant parliamentary committee recommended the Verkhovna Rada of Ukraine to reject the bill. The analysis shows that the National Agency for the Prevention of Corruption has not properly identified and carried out preparatory measures. To a certain extent, the National Agency for the Prevention of Corruption lacked specific powers to carry out the relevant functions, and the National Council on Anti-Corruption Policy under the President of Ukraine in 2016–2018 practically withdrew from the exercise of the powers assigned to it. From the standpoint of the implementation of foreign experience in the formation of the foundations of anti-corruption policy, it is advisable to emphasize that corruption is understood as a complex, multifaceted phenomenon that manifests itself not only in the specific actions of government officials, but can also be traced in the ignorance of established norms of social behavior, moral and cultural values of society by such persons.

Therefore, as V. Galunko aptly notes, the anti-corruption policy of Ukraine should become a permanent component of state policy. Anti-corruption measures should have an integral coordinated system of legal, organizational, managerial measures that should apply to all spheres of state activity and be based on a scientific understanding of the nature of corruption, analysis of the reasons that contribute to its existence in accordance with the development of public relations in the state [1, p. 88]. Considering the above, first of all, it is necessary to determine and approve the foundations of the anti-corruption strategy for a new stage, which would consolidate the priority measures to prevent and combat corruption and create the basis for further comprehensive measures in this area.

First, the question arises about the status of the anti-corruption policy (Anti-corruption strategy). We believe that the anti-corruption policy (Anti-corruption strategy), which is approved by the law of Ukraine, should have the status of «national». At the same time, the Cabinet of Ministers of Ukraine, on the basis of the national anti-corruption policy (Anti-corruption strategy), develops a state program for its implementation. This corresponds to other provisions of the Law of Ukraine «On the Prevention of Corruption». So, Art. 20 «The National Report on the Implementation of the Fundamentals of Anti-Corruption Policy» indicates that the legislator believes that the Anti-Corruption Strategy is not only of a state nature, but of national importance

for Ukraine. In this regard, we propose to amend section III of the Law of Ukraine «On Preventing Corruption», which is expediently called «Formation and Implementation of the National Anti-Corruption Policy». Secondly, unfortunately, the main anti-corruption law of our state does not contain provisions defining the «principles» and general requirements for the preparation of «the foundations of anti-corruption policy (Anti-corruption strategy)». In this regard, we consider it expedient to supplement the Law of Ukraine «On Preventing Corruption» with a list of principles that enshrined the requirements for the formation of anti-corruption policy by the National Agency for the Prevention of Corruption.

Therefore, we propose to supplement the Law of Ukraine «On the Prevention of Corruption» with Article 18-1 «Basic principles of the formation of anti-corruption policy»: «The principles of the formation of anti-corruption policy in Ukraine are: 1) compliance of the anti-corruption strategy with general democratic changes in the state, the rule of law, access of the media to public information; 2) the specificity, openness and transparency of the activities of state authorities and local self-government bodies; 3) accounting in state programs of state institutions to support the activities of non-governmental organizations to increase the participation of the population in measures to prevent and combat corruption; 4) taking into account in the strategy of the assumed international obligations in the field of preventing and combating corruption; 5) a unified state policy in the field of preventing and combating corruption; 6) cooperation with foreign states and international organizations, in particular with the Group of States of the Council of Europe against corruption (GRECO); 7) targeted budget financing of the activities of public authorities and local governments to fulfill the tasks of anti-corruption policy; 8) the availability of information on committed corruption offenses, corruption-generating factors and measures taken to prevent and combat corruption».

Moreover, the problem of rationalizing the activities and optimizing the subjects of preventing and combating corruption in order to implement an effective and efficient state anti-corruption policy, and reduce the manifestations of corruption in Ukraine remains urgent. Moreover, the rationalization and optimization of anti-corruption public authorities, according to the researchers, should be carried out according to the following algorithm: the formation of a problem field - in particular, an increase in the level of anti-corruption culture, the formation of preventive mechanisms to prevent corruption; reengineering of anti-corruption public authorities; reforming anti-corruption government bodies [2, p. 85; 6].

The foregoing allows us to conclude that the problems of the formation of anti-corruption policy in Ukraine remain relevant and require further improvement. And although there are certain shifts in the sphere of state anti-corruption policy of Ukraine, which demonstrate a positive trend, much still needs to be done. In particular, it is necessary, first of all, to develop requirements for the process of forming the National Anti-Corruption Policy, the procedure for public discussion of its draft, and monitoring of its implementation. It is advisable to entrust the development of such requirements to the National Agency for the Prevention of Corruption. It is also advisable to

define in more detail the powers of the Verkhovna Rada of Ukraine, which determines the foundations of anti-corruption policy in accordance with the Law of Ukraine «On the Prevention of Corruption». In the process of forming and implementing the national anti-corruption policy in Ukraine, a special place belongs to the definition of strategy, tactics and specific measures of anti-corruption activities. Accordingly, the basis of such a policy should be not only the adoption of a package of anti-corruption legislation, but also the dissemination of knowledge about corruption, the reasons for its occurrence, the principles of prevention and counteraction, which will contribute to the formation of anti-corruption consciousness in society [3; 4; 5].

It is advisable to more thoroughly revise the current national legislation of Ukraine, from the point of view of the effective formation of the administrative and legal foundations of the state anti-corruption policy. Indeed, the current legislation in this area contains many shortcomings, and therefore needs to be improved. Moreover, such legislative changes must be implemented in conjunction with the reform of the personnel potential of anti-corruption actors. It seems expedient to conduct systematic state and public monitoring in order to identify corruption risks. After all, a timely analysis of corruption risks and the adoption of preventive anti-corruption measures will eliminate violations of the legislation of Ukraine by civil servants, will positively affect the improvement of the work of these bodies and contribute to increasing their authority.

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