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ORGANIZATIONAL AND LEGAL MODELS OF SPECIALIZED ANTI-CORRUPTION AGENCIES IN THE WORLD

Ensuring national security is impossible without the proper level of protection of the rights guaranteed by the state, freedoms and human rights, which is possible only in the case of effective functioning of the institutions authorized to prevent and counteract a corruption.

A corruption as a social phenomenon is inherent in any society, any state, no country in the world today can declare itself free of corruption [1, p. 121]. The obvious reason for the creation of any anti-corruption institution is to solve a specific problem of corruption and to help reducing its level due to the activity thanks to specially designated agency. The model of a special anti-corruption agency depends on the specifics of a particular state, legislation, and economy, and involves the formation of a separate specialized body or the allocation of special departments within existing law enforcement agencies. The international experience shows that in the member states of the Organization for Economic Cooperation and Development this task is solved by appointing appropriate officials in the existing state institutions of law-enforcement bodies. However, developing countries are characterized by the establishment of independent specialized anti-corruption agencies.

In many foreign countries different specialized anti-corruption agencies have been established, both by names and by activities.

In accordance with international practice, there are three models (types) of specialized institutions: 1) multi-purpose specialized bodies with law enforcement powers and preventive functions; 2) anti-corruption services within the structure of criminal justice bodies (anti-corruption services in the structure of law-enforcement bodies); 3) Institutions for the prevention of corruption, development of policy and coordination.

Multipurpose specialized agencies with law enforcement powers and preventive functions. These are anti-corruption agencies that have preventive and enforcement powers and carry out a wide range of tasks beyond the scope of the traditional criminal investigation, such as: analytical activities, counseling and technical assistance, information dissemination, ethics compliance, vocational training and scientific research [2]. By focusing on the responsibility of one body for all functions of anti-corruption activities – analytical activity, definition of development and improvement policy, technical assistance on prevention of crime, cooperation with civil society and informing about results of activity, monitoring, conducting of relevant investigations – the complexity of approach to solving problems related to corruption. Anticorruption authorities in Hong Kong and Singapore have been built on this model.

Anti-corruption agencies in the structure of criminal justice bodies (anti-corruption agencies in the structure of law-enforcement bodies) provide for the functioning of specialized services in the structure of law-enforcement bodies or prosecutors. That is, within the framework of this model, specialized bodies may be set up in the institutions responsible for the detection and investigation of corruption, or in the prosecutor's office, or to combine all three functions within a single agency. This type of anti-corruption model is common in the countries of Western Europe. These countries include, in particular: the Federal Republic of Germany, Belgium, Spain and Portugal.

The institutions for preventing corruption, developing policies and coordinating actions. These bodies are authorized solely the preventive powers. Among their functions are research and analysis, development and coordination of anti-corruption policies, training and counseling to different departments on the risk of corruption, possible measures for its prevention, monitoring and making proposals for changes in legislation; control of rules for settling conflicts of interest and declaration of property, and others. These institutions usually do not have the powers of law enforcement agencies. Under this model, agencies have been established in France, Albania, Malta, Serbia and Montenegro, the United States, India, the Philippines and Bulgaria.

The choice of a particular model of a specialized anti-corruption agency in a particular country should be preceded by long-term analytical work, taking into account legal, structural and financial aspects. In the process of establishing this agency should take into account political, cultural, social, historical, economic conditions of life of society. Also need to pay attention to features of the existing sector of security and defense of the country.

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