

## THE CURRENT STATE OF ENSURING THE EFFECTIVENESS OF COORDINATION OF ANTI-CORRUPTION REFORM

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**Abstract:** The article examines the sphere of state anti-corruption policy, in particular, the social and legal foundations of combating corruption. The main problems existing in this direction are highlighted and possible ways of their solution are proposed. The results of the analysis and conclusions presented in the article will help to form an idea of the nature of corruption, the legal and social content and forms of manifestation of corruption, the current state policy in the field of combating corruption. The article also provides an overview of recent studies of a country-specific nature, which makes it possible to form new knowledge about the high degree of relevance and versatility of the problems of combating corruption in modern states.

**Keywords:** Anti-corruption reform, Corruption, Prevention, Reforming, Rights of citizens.

### 1 Introduction

Corruption hinders the economic development of states and worsens the quality of life of citizens, and undermines confidence in government institutions, inhibits economic growth and investment. The phenomenon of corruption in many countries has become systemic. It is largely due to the ineffectiveness of public administration, the peculiarities of the public mentality, the specifics of political culture, as well as the underdevelopment of civil society institutions designed to control the activities of executive authorities. In addition, the socio-economic and political conditions of society are constantly changing, the "corruption field" of social interactions is 'updated' through the introduction of more and more new actors into it. In other words, the range of objects and subjects of corruption relations is constantly expanding. At the same time, only certain officials who have committed corrupt acts are revealed and, accordingly, punished. As a consequence, this undermines the principle of inevitability of punishment and negates the effectiveness of anti-corruption measures.

Often, administrative corruption is perceived as an endemic phenomenon, a product of local traditions and culture, and, therefore, is considered inevitable. Namely with this, politicians often cover up their inactivity, explaining it by people's tolerance of corruption [12, 46]. The world experience is replete with cases of failed reforms and unrealized expectations, while there are only a few examples of successful fight against corruption. Therefore, an analysis of the current state of the effectiveness of reforms to combat corruption is of crucial importance.

### 2 Materials and Methods

An important and integral element in a number of measures to effectively combat corruption is its measurement, adequate assessment, appropriate conclusions and subsequent anti-corruption decisions on this basis [1, 4-7]. The results of measurements, first of all, of the general state and level of corruption draw the attention of society to the danger of the consequences of corruption, make it possible to assess not only the scale of the corruption scourge, but also help the society to exert a constructive influence on the authorities in order to increase the effectiveness of the efforts being made in the direction of combating corruption [10, 11].

Meanwhile, the state of corruption is difficult to measure even sociologically, which is due to the hidden nature and immorality of corruption relations [14-16]. Due to the fact that corruption

has a latent feature, it is hardly observed directly and is assessed indirectly through indicators, each of which can characterize not all, but only one or another part of the observed corruption phenomenon.

The application of a systematic approach makes it possible to consider the corruption system not only as a hierarchical structure, including different levels, spheres, but also as an autonomous system interacting with other social systems. The methodological basis for the study of the problem is the structural-functional, systemic and comparative political science approaches, which make it possible to identify the fundamental principles of the study of anti-corruption policy.

### 3 Results

Today, the international community, in order to increase the effectiveness of the fight against corruption, develops various legal recommendations, insists on the need to improve anti-corruption legislation. However, the success of the implementation of these recommendations in specific countries presupposes taking into account the historical traditions of these countries and the legal systems that have developed here. In addition, modern corruption is characterized by transnationality and consistency, as well as a significant ramification of structures that not only carry out illegal activities, but are also included in the international mechanisms of the shadow economy [52]. The commission of acts of corruption involves the use of various mechanisms: political, social, economic (bribery, material benefit, etc.). The mechanisms of blackmail and threats, as well as espionage and other illegal activities, together constitute a complex system [2].

The main goal of improving the legal framework for combating corruption is to reduce its level in all spheres of society [19-21]. To achieve this goal, it is necessary to perform the following tasks: ensuring the protection of the rights, freedoms, and legitimate interests of citizens and society from corruption; improving the regulatory legal framework for the prevention, detection, and suppression of corruption offenses; optimization of forms, methods, and means of combating corruption; involving state bodies and local self-government bodies, within their competence, in activities to prevent and combat corruption, expand and intensify international cooperation in the field of combating corruption.

In this regard, it is especially important to ensure effective interaction between representatives of public authorities, civil society institutions and the scientific community and international organizations in order to solve legal problems [22-27]. An example of such a successful interaction is the activities of the international non-governmental organization Transparency International, which is engaged in anti-corruption research in modern states. It annually determines the Corruption Perceptions Index [47-51, 54]. The Index is a global survey and its accompanying ranking of countries around the world in terms of the prevalence of corruption in the public sector; it is calculated using the Transparency International methodology and is compiled based on surveys of experts and entrepreneurs conducted by independent organizations around the world [3]. The poor performance in this index is an obvious "call to action" for the country concerned.

However, it should be noted that, in addition to the actual corruption offenses giving a bribe, accepting a bribe, mediating in the transfer of a bribe, abuse of office, extortion there is a large number of not so obvious forms of corruption: favoritism as a phenomenon in which the actions of a leader are determined by the influence of favorites; nepotism promotion of persons to positions on the basis of consanguinity; protectionism patronage on the part of officials in relation to their subordinates,

as well as business entities in exchange for remuneration; lobbyism as the activity of representatives of economically strong structures that influence government policy and decision-making; illegal distribution and redistribution of public resources and funds; illegal privatization; illegal support and financing of political structures (parties, public associations); provision of soft loans, orders; the use of personal connections to gain access to positions, public resources, sources of income, privileges [8, 18].

Corruption often has a hidden, implicit nature, but it is always selfish, always pursuing the achievement of a certain goal, benefit. The study of the mechanism of bribery allows researchers to carry out a typology of bribery, to single out several of its types. Thus, the American scientist Raisman identifies three main types of bribes [37]:

- 1) A business bribe ("payment to a civil servant in order to ensure or accelerate the performance of his official duties");
- 2) Inhibiting bribe ("for the suspension of a norm or its non-application in a case where it, in principle, should be applied");
- 3) Direct bribery (i.e., "buying not a service, but an official employee") [56-58].

Seeking to obtain benefits in personal or corporate interests, officials use their official powers, causing colossal harm to the state and society [59, 60]. It is the same at the global level countries whose image is spoiled by corruption stories cause less confidence in other countries and a corresponding attitude towards themselves.

A number of states have developed a set of administrative tools aimed at preventing and suppressing corruption in the spheres of public administration [29-30, 32, 33]. These norms are based on the recognition and protection of the rights and freedoms of the individual and on the strict performance by civil servants of their official duties. In the interests of preventing and suppressing corruption in the civil service, complex administrative measures are being developed to prevent and suppress corruption in the state apparatus. Some countries have adopted special laws containing such norms – a kind of ethical codes for officials [31, 36, 42]. The accumulated world experience in countering such a social evil as corruption has clearly shown that only punitive policies and tougher punishments cannot eradicate this social pathology. There is the need for a whole range of measures aimed at systemic counteraction to any manifestations of corruption. Among the anti-corruption policy tools developed by the state, an important place is occupied by preventive measures aimed at preventing any facts of a corrupt nature.

The experience of law enforcement has shown that a significant part of corruption acts becomes possible due to defects in laws and by-laws, some of which appear as a result of the formal preparation of an act, and some – deliberately, with predetermined corruption purposes. Therefore, the task is to eradicate possible norms with corruption potential from the draft normative legal act at the stage of its discussion. At the same time, the examination can be applied to already existing acts for the same purpose, while it is important that the acts should be checked in conjunction with those laws or by-laws that are applied simultaneously to regulate one group of relations. This also means that the norm of corruption must be eliminated or adjusted so that it does not create "legal" prerequisites for corruption – does not contain corruption factors [8, 17].

In addition to authorized entities, civil society institutions and citizens can, in accordance with the established procedure, at their own expense, conduct an independent anti-corruption examination of regulatory legal acts (draft regulatory legal acts), and in the conclusion based on its results also indicate the identified corruption-generating factors and propose ways to eliminate them.

An unusual and new factor influencing the level of corruption is the influx of migrants. Eugen Dimant's study "On the Impact of Immigration on Corruption in the Host Country" analyzes the impact of the influx of migrants from countries affected by corruption into the territory of different countries. It was found that in areas where migrants from disadvantaged countries are located, the level of corruption is indeed increasing. This should be a wake-up call for the authorities and push them to look for new methods of working with visitors from countries with a high level of corruption [44].

Liz David-Barrett, director of the Center for the Study of Corruption at the University of Oxford, in her article "Codes of Conduct as an Anti-Corruption Tool", argues that today's popular "codes of conduct" for civil servants are not as effective as many believe, and are not suitable as the main measure for preventing corruption in government bodies [31]. However, codes of conduct have proven to be very effective in some cases, for example, when it is necessary to restore the reputation of an agency after a corruption scandal. It is possible to foresee a change in the content and forms of manifestation of corruption, taking into account the dynamics of legal, socio-political, and socio-economic conditions. Historical and modern analysis of corruption as a social and legal category indicates the importance of the formation of effective ways and means of countering this phenomenon [53].

The following aspects should be considered here. First, the creation of an effective system for combating corruption is impossible and inexpedient without taking into account and implementing successful international experience in both legal regulation and law enforcement. Secondly, a correct comparative legal analysis of the competences of national and foreign anti-corruption institutions is required in order to avoid their mechanical comparison and duplication [35, 38]. Of particular importance are measures to improve the legal forms and methods of interaction between the state and business, streamline and systematize the regulation of the processes of production and sale of goods, works and services by public authorities, and reduce the corruption component in this area.

In this regard, the interconnection of anti-corruption measures is very important, such as the formation of intolerance to corrupt behavior in society, anti-corruption examination of legal acts, an increase in the qualification requirements for state or municipal employees, the development of institutions of public and parliamentary control, and administrative reform aimed at limiting state interference in the economic activities of business entities and providing, in particular, the termination of excessive state regulation, the elimination of duplication of functions and powers of executive authorities, the development of a system of self-regulatory organizations, the organizational separation of functions related to the regulation of entrepreneurial activity, supervision and control, management of state property and the provision of services by state organizations to citizens and legal entities, completion of the process of delineation of functions between executive authorities and optimization of the activities of territorial executive bodies and provision of conditions that exclude the combination of control and supervisory functions with the implementation of economic activities.

#### 4 Discussion

Corruption, giving rise to injustice and uneven distribution of public goods and costs, is a symptom of the fact that the state mechanism is not able to effectively distribute public goods, and is a product of corrupt practices in various spheres of life. In a broad sense, corruption is a phenomenon that affects all spheres of life, without exception: the sphere of power and administration, the law enforcement sphere, the sphere of health care and education. In a narrow sense, corruption is the abuse of public position for the sake of gaining personal gain for oneself or third parties. Actions (inaction) of public persons related to the use of powers, decision-making, action to obtain benefits

contrary to the legitimate interests of citizens, organizations, society and the state can be considered either as a condition for the emergence of corrupt practices, or as corrupt behavior [8].

The term “anti-corruption”, as a rule, precisely defines the need to apply in the field of public administration not only a mechanism for responding to persons who have committed corruption offenses, but also focuses on the creation of a mechanism for identifying and eliminating the causes and conditions that contribute to the emergence and development of corruption risks in the public sphere management. At the same time, as practice shows, one of the principles of combating corruption is the principle of priority application of preventive measures [9, 34, 55].

General anti-corruption prevention represents a set of non-specific measures not directly aimed at the causes and conditions of corruption, but indirectly affecting the suppression of corrupt behavior. For example, measures related to the organization of the provision of state and municipal services are not actually special anti-corruption measures, but are considered as part of the activities of executive authorities carried out at the request of applicants. However, poor-quality service provision can become a condition for the emergence of corrupt practices both at the level of development and approval of administrative regulations, and at the level of the practice of providing public services [13]. Therefore, measures to improve the quality of service delivery can be considered as a general preventive activity to form interaction between the authorities and citizens without corruption.

Special prevention is a set of measures directly focused on the causes and conditions of corruption, and carried out by specialized entities (for example, units of the human resources service for the prevention of corruption and other offenses; commissions for compliance with the requirements for official behavior of employees and the settlement of conflicts of interest).

In this context, the mechanisms associated with special preventive measures implemented in the field of public administration are of interest. Such measures can be conditionally subdivided into the following groups: personnel; specially warning; material and technical, legal [43].

Personnel prevention consists in creating conditions aimed at the implementation of measures related to the careful selection of personnel, their moral motivation and material incentives. In particular, the following should be attributed to personnel anti-corruption preventive measures: improving the system of admission to the public service, taking into account the developed criteria and procedures for selecting the best candidates; setting standards and criteria for employee behavior based on codes of ethics and preventing conflicts of interest; conducting anti-corruption training, consulting, informing in the public administration system, etc.

Analyzing, for example, the system of selecting citizens for public service, it should be noted that such democratic principles of personnel policy as equal access of citizens to service and competitive selection of personnel in the field of public administration have been known for a long time, even before the fight against corruption. These principles are guaranteed and proclaimed by the Constitution and laws. The preventive potential of these requirements is associated with the exclusion of the recruitment of unworthy persons and ensure the selection of the best personnel in terms of professional knowledge, business, and moral qualities. Nevertheless, in practice, these provisions on the competition often remained and remain declarative, since in reality they are not ensured by such special anti-corruption measures as openness and transparency of the recruitment procedure; the presence of objective criteria for the selection of personnel through computer testing or other similar procedures. With this state of affairs, it is possible that there are signs of protectionism and patronage [45, 46, 52]. To eliminate the causes and conditions for the occurrence of corruption risks

in the selection system for the public service, it is necessary to analyze the risks for the emergence of corruption practices and establish objective criteria for assessing recruitment.

Special preventive measures should include the imposition of prohibitions and restrictions, duties and requirements on an employee in order to prevent the commission of corruption offenses. The need for such anti-corruption restrictions is due to the fact that the effectiveness of the performance by any employee of their duties, compliance with requirements and prohibitions affects, in general, the effectiveness of the entire public administration. For example, such a special precautionary measure as the obligation to provide information about employees, their spouses and minor children on income, property obligations, as well as information on expenses, is a condition that prevents illegal enrichment. To this end, the personnel services are creating a database on the property status of employees, which will become an auxiliary tool for tracking the sources of income of employees.

Material and technical measures in the field of combating corruption are associated with the development of electronic services to ensure interaction between authorities and citizens, as well as with the creation of subsections of the official websites of public administration authorities, in frames of “e-democracy”. Material and technical measures are focused on the implementation of the following preventive tasks: ensuring openness and transparency of the activities of state and municipal bodies; guaranteeing the availability of information for citizens that is not confidential; increasing the discipline and personal responsibility of the relevant public officials.

Legal prevention of corruption is associated with the definition and development of various methods and mechanisms that eliminate the causes and conditions for corrupt behavior. An element of legal prevention, in particular, is the anti-corruption expertise of lawmaking [40, 41]. Such measures make it possible to clearly regulate the legal status of an official at all levels, develop and implement administrative regulations for work in the field of public administration.

Of course, it is not possible to consider absolutely all preventive measures, due to the significant content and complexity of anti-corruption mechanisms. On the one hand, preventive measures differ from punishment in terms of their application and only partly in content [20], but on the other hand, the prevention system requires a more significant investment of time and resources. Therefore, rapid effectiveness and ‘exemplary’ preventive activities by any means should not become the basis for anti-corruption preventive activities in the public administration system. The formation and development of new anti-corruption approaches naturally face numerous mistakes and shortcomings, but the choice of a course for prevention is the only right decision if the goal is really the good of the people.

It is interesting to note that, for example, in Australian legislation, the functions of preventing corruption are assigned to law enforcement, municipal and public structures. At the federal level, the matter falls under the purview of the prosecutor's office (and the subordinate Australian Crime Commission, the Intelligence and Security Organization and the Federal Police), the Ombudsman and the Enforcement Commission, and the fight against union corruption [44]. The preventive measures carried out by these bodies are mainly based on the initiative appeals of citizens.

The states of New South Wales, Queensland, Western Australia, Victoria, South Australia, and Tasmania also have independent anti-corruption commissions and ombudsmen specializing in various sectors of the economy who are engaged in informing citizens and providing them with legal assistance on anti-corruption issues, promoting an “ethical climate” facilitating the participation of individuals and social sector organizations in countering this phenomenon. Such regional structures are actively working with the population, organizing outreach

activities both remotely and directly in municipalities, education, health and justice institutions, with government officials and private sector workers in offices and industrial facilities, as well as with national and religious communities. The training programs include both general theoretical developments on combating corruption, and practical recommendations, taking into account the characteristics of a specific audience [44]. Networked types of citizens' consultation are widely developed by organizing various forums with permanent on-line pages. The largest anti-corruption effort in Australia is the Biennial Anti-Corruption Commissions of New South Wales, Queensland and Western Australia, the Australian Public Sector Corruption Conference [44].

In addition, Australia actively participates in all major international and regional Asia-Pacific anti-corruption formats and structures, including the UN, G20, OECD, APEC and the Asian Development Bank.

In the UK, the main anti-corruption law with extraterritorial effect is the Bribery Act 2010, which entered into force on 1 July 2011. It provides for liability for the following offenses: giving a bribe, bribery of a foreign civil servant, and connivance of officials of legal entity. A special feature of this act is that its provisions apply in the same way to British individuals and legal entities, and its effect applies to crimes committed outside the UK [46].

A special place in the structure of British anti-corruption legislation is occupied by the Codes of Conduct for Members of Parliament and civil servants. These documents are binding and imply the observance of a high level of financial discipline and transparency by the indicated categories of persons.

The popularization of anti-corruption standards of conduct in the UK is carried out through government agencies to combat corruption, in particular, through the Anti-Fraud Agency (an independent agency that investigates complex economic crimes, as well as combats corruption) and the Financial Conduct Authority (it is empowered to conduct anti-corruption investigations against legal entities and individuals by monitoring the situation in the financial services industry) [46].

Parliamentary oversight is one of the most important areas in the fight against corruption in the UK. At the same time, the most effective and widely used tools of legislators are parliamentary inquiries and reports of parliamentary committees. National and international non-governmental organizations play an important role in the fight against corruption in the UK.

The National Anti-Corruption Commission of Thailand (NAC) has developed and approved an anti-corruption strategy, which includes four areas. Within the framework of the first block of ethical and value tasks, measures are being developed to introduce into the mass consciousness the philosophy of "self-sufficient economy", which implies moderation of consumption, promotes moral behavior, the principles of intransigence to embezzlement, and carrying out self-control. Additional classes on anti-corruption thinking are being introduced in secondary schools, and teachers are being trained to serve as a model of decency and discipline for the younger generation. The second area involves the development of a step-by-step and all-encompassing PR plan to collect statistics and research data on corruption, as well as to promote anti-corruption thinking in the media [39].

The political processes taking place in Ukraine lead to the constant intensification of the anti-corruption struggle. The top leadership of the country has repeatedly stated the need to minimize corruption in state and local government bodies. According to the current Ukrainian legislation, the National Anti-Corruption Committee, the Ministry of Justice of Ukraine, and the Government Commissioner for Anti-Corruption Policy were also vested with separate powers to combat corruption [31, 36].

Nevertheless, the level of corruption in Ukraine is still quite high, which is confirmed by the results of international research. Ukrainian anti-corruption policy has a strictly oriented vertical vector, and organizational and legal decisions do not have the proper material and technical content due to the difficult economic situation in the country. A successful anti-corruption fight is quite often accompanied by an improvement in the general state of the economy, and, on the contrary, in conditions of a constant lack of funds, the initiatives of the state leadership to combat corruption may simply not be implemented properly.

Currently, in Ukraine, the main goal of improving the legal framework for combating corruption is to reduce its level in all spheres of governance by increasing the efficiency of coordination of the activities of state and municipal bodies and civil society institutions, based on benchmarking of best foreign experience. The main directions of such activities should be adjusted not only as individual measures are taken, but also taking into account the results of an in-depth analysis of the phenomenon of corruption, its causes, motivation for corrupt behavior, a more serious and objective assessment of direct and indirect economic and other losses. At the same time, one of the most important criteria for assessing anti-corruption activities should be the effectiveness of the implementation of all constitutional human and civil rights and freedoms.

## 5 Conclusion

The problem of corruption is relevant for many countries of the world, from developing to the most prosperous. The scale and level of corruption relations in a particular country depend on various factors: culture, history, economic and political system of the state.

Corruption causes enormous harm to constitutional rights and freedoms of man and citizen, since various forms of corruption pressure from public authorities and officials restrict the population's ability to fully and freely use and exercise their rights. At the same time, corruption is not a frozen static phenomenon it develops and changes under the influence of various factors. General and specific features of corruption allow saying that this negative social phenomenon should be considered as a sign of any society with a developed bureaucratic structure. Corruption not only drastically restrains the socio-economic development of any state, hinders the implementation of investment projects, but also hinders the processes of integration into the international economy and generally worsens the image of the state.

Revealing patterns of development and functioning of anti-corruption policy in order to determine ways to optimize mechanisms for the implementation of national security actualizes the topic of anti-corruption reforms.

The main directions of the formation of anti-corruption policy should include: development of a strategy and preparation of cooperation programs in the field of anti-corruption policy at the international level; exchange of specialists and technologies in the field of implementation of anti-corruption policy, exchange of experience and organization of scientific and methodological support of anti-corruption activities, creation and operation of information systems; assistance in training and advanced training of personnel; providing legal protection and support to citizens and organizations involved in anti-corruption policy, as well as ensuring appropriate support to compatriots abroad.

The activities of civil society institutions can be aimed at ensuring information transparency of the decision-making process by executive authorities, their use of budget funds, including through access to financial documents of state bodies by non-governmental organizations and the media.

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**Primary Paper Section:** A

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