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IMPLEMENTATION WAYS OF ANTICORRUPTION POLICY OF UKRAINE

Abstract. In the article it is analyzed the current conditions of corruption in Ukraine and factors its scattering in public authorities. It is specified world models of anticorruption systems and forming features of national model of anticorruption system. It is analyzed results opinion poll on scattering corruption in deferent spheres of social life and rank of Ukraine in Corruption Perception Index. On results of comparative analysis of anticorruption strategic documents it is identified current status and ways for implementing anticorruption policy. It is addressed reasons of ineffective implementation of State program on corruption prevention and counteraction 2011–2015, and also key recommendations for reforming anticorruption policy of Ukraine. As perspective direction for further scientific research it is proposed the issue on developing measures and mechanisms for implementing new anticorruption strategy of Ukraine.

Keywords: corruption, preventing and counteraction, anticorruption policy, ways of realization, anticorruption strategy Ukraine.

ШЛЯХИ РЕАЛІЗАЦІЇ АНТИКОРУПЦІЙНОЇ ПОЛІТИКИ УКРАЇНИ

Анотація. Проаналізовано сучасний стан корупції в Україні та фактори її поширення в органах державної влади. Перелічено існуючі у світі моделі антикорупційної системи та визначено особливості формування вітчизняної моделі антикорупційної системи. Здійснено аналіз результатів соціологічного опитування щодо поширення корупції у різних сферах суспільного життя та рейтингу України за індексом сприйняття корупції. За результатами порівняльного аналізу антикорупційних документів стратегічного рівня визначено стан та шляхи реалізації антикорупційної політики. Названі основні причини неефективного виконання Державної програми щодо запобігання і протидії корупції на 2011–2015 роки, а також ключові рекомендації щодо реформування антикорупційної політики України. Як перспективний напрям для подальших наукових досліджень запропоновано питання розроблення заходів та механізмів реалізації нової антикорупційної стратегії України.

Ключові слова: корупція, запобігання і протидія, антикорупційна політика, шляхи реалізації, антикорупційна стратегія України.

ПУТИ РЕАЛИЗАЦИИ АНТИКОРРУПЦИОННОЙ ПОЛИТИКИ УКРАИНЫ

Аннотация. В статье проанализировано современное состояние коррупции в Украине и факторы ее распространения в органах государственной власти. Перечислены существующие в мире модели антикоррупционной системы и определены особенности формирования отечественной модели антикоррупционной системы. Осуществлен анализ результатов социологического опроса относительно распространения коррупции в различных сферах общественной

жизни и рейтинга Украины в индексе восприятия коррупции. По результатам сравнительного анализа антикоррупционных документов стратегического уровня определены состояние и пути реализации антикоррупционной политики. Названы основные причины неэффективного выполнения Государственной программы по предотвращению и противодействию коррупции на 2011–2015 годы, а также ключевые рекомендации по реформированию антикоррупционной политики Украины. В качестве перспективного направления для дальнейших научных исследований предложен вопрос разработки мер и механизмов реализации новой антикоррупционной стратегии Украины.

Ключевые слова: коррупция, предотвращение и противодействие, антикоррупционная политика, пути реализации, антикоррупционная стратегия Украины.

Formulation of the problem. In terms of the need to implement policy reforms in various areas: administrative, regulatory, military, law enforcement and medical priority for the government is fighting corruption - one of the main problems of Ukraine, which is constantly in the spotlight as the Ukrainian and international community.

After his election as President of Ukraine Petro Poroshenko said at the inauguration that the Ukraine for European prosperity and building the economy of free competition requires a national anti-corruption pact, under which officials will not take bribes, and people will give them no [1]. However, during the years of independence in our country, the process of development and implementation of the state anti-corruption policy, accompanied by the adoption of anti-corruption laws, development of relevant concepts and strategies, and making government programs for their implementation. The high level of corruption in Ukrainian society today makes the need for systematic study of the state and ways to implement anti-corruption policy in Ukraine.

Analysis of recent research and publications. The state of and ways of implementing anti-corruption policies devoted to the works of domestic and foreign scholars, including G. Kalnysha, ON Kostenko, TB Kachkina, MI Miller, A. Myhnenka, EV Nevmerzhytsky, Mauro Paola, Jeremy Pope, S. Rose-Ackerman, V. Soloviev, etc.

To isolate issues that were ignored scientists analyze in more detail some of them. Doctorate in Public Administration Yu.H.Kalnysh in scientific work "Corruption in Ukraine: Causes and mechanisms for combating the spread" notes that the inadequacy of anti-corruption legislation, unsystematic, ill-

founded and certain provisions of the crude is usually the cause of ineffective anti-corruption activities, but according to scientists in most cases the problem is the inefficient use of the legal base for combating corruption [2]. Instead, Doctor of Law M.I.Melnyk on the issue of anticorruption policy notes that the effectiveness of its implementation depends on the scientific understanding of the social and legal nature of corruption and social conditions of corruption, the causes and conditions of corruption, the proper definition content main corruption processes, patterns of development, as well as the adequacy of the chosen means of combating corruption [3, p. 56]. In his study, Doctor of Political Sciences Ye.V.Nevmerzhytsky offers to share anti-corruption activities in the fight against corruption as a specific criminal or administrative manifestations and complex economic, political, prophylactic, preventive, educational and organizational measures aimed at reaching socio-economic and political background corruption [4, p. 227]. One of the latest comprehensive research Preventing and Combating Corruption in government is a monograph of Doctor of Public Administration V.M.Solovyova "Preventing and combating corruption in public administration of Ukraine", which by the notion of a state anti-corruption policy proposes understood as a set of interrelated activities system of government for the development and implementation of goals, objectives, principles and strategic directions of solving problems in preventing and combating corruption [5, p. 103]. One of the founders of the international organization "Transparency International" (hereinafter - IT) Jeremy Pope says that you can not bring the whole spectrum of possible actions to control the level of corruption to expose and prosecution, but

rather suggests using a combination of blocking measures: improving transparency relations; prevent the development of relationships that may lead to corruption; transparency of financial relations between key players and prospects of the audit by the independent agencies are not enmeshed in corrupt networks [6, p. 40]. Meanwhile, a former employee of the World Bank and board member of the American branch of TI S. Rose-Ackerman in her book "Corruption and the State. Causes, Consequences and Reform" determines that corruption is a symptom of the presence of failure in the system of government [7, p. 7]. As the anti-corruption policy of Ukraine, despite the significant number of works devoted to corruption, needs improvement and efficiency measures, of precursors can be used as the basis for new developments in this area.

The article is to determine ways to implement anti-corruption policy in Ukraine based on the analysis of the current state of preventing and combating corruption. To achieve this goal was set the following objectives: to identify and describe the national anti-corruption model system; analyze the status and nature of anti-corruption policy of Ukraine, define its main shortcomings and justify the ways of further implementation.

Presenting main material. In Ukraine, corruption, consistently hitting the whole sphere of public administration turned its characteristic feature t and led to distorted incentives character and social development. Objectively, one can argue that, despite the existence in our state anti-corruption strategy and action plan, as well as a number of relevant laws in Ukraine failed to build a coherent anti-corruption infrastructure, either in terms of policy, nor in terms of legislation or

on the institutional support [8, p. 3] .At our opinion in Ukraine, corruption is manifested primarily in the form of abuse in state government, which contribute to the following factors: extensive licensing and regulatory authority officers and employees; inefficient and inappropriate law enforcement and the security sector to new external and internal requirements, democratic and European aspirations of Ukraine; a large number of permits, taxes and fees; fluidity and temporary stay of personnel in the civil service; Legal nihilism, lack of effective education policies aimed at spreading knowledge of anti-corruption laws; sluzhbi.Naukovtsi state bureaucracy to determine the existence of the world these conceptual models of anti-corruption system: totalitarian, authoritarian, oligarchic, liberal and democratic law [9, p. 64 66]. In the Soviet Union once was reproduced authoritarian model anti-corruption system in which there was a selective responsibility for the orders "from above", as a rule, the ruling party elite [9, p. 64]. So naturally. that the main shortcomings of the public sector of Ukraine became independent, poor organization, lack of harmonization of decisions; numerous delays; lack of decisions framework; slowness and inefficiency of reforms [7, p. 93 - 94]. In such circumstances, the national anti-corruption system of Ukraine, especially in recent years, finally transformed into oligarchic model of implementation responsibility for the clan principle of "your own - someone else" [9, p. 65]. Unfortunately we have to admit that in Ukraine the idea of building a legal democratic state corruption has given way to pragmatism and adaptation, which literally caused rampant corruption in public administration [10] .Odnochasno, according to the corruption perception index ranking "Transparency International" Ukraine following the

results of 2012 2013 years consistently ranked 144th among 177 countries [11]. Along with her settled countries such as Papua New Guinea, Nigeria, Cameroon, Central African Republic, Iran, Kyrgyzstan. [11] For comparison, Poland, Hungary, Romania, Slovakia, Czech Republic and Georgia in 2013 achieved a much better result - 38, 54, 69, 43, 57 and 55 place respectively [11]. Tempy and efficiency of the fight against corruption flew affect Ukrainian society and remain slow. So in 2013, Ukraine's position in the ranking on the Corruption Perceptions Index, Transparency International has improved slightly, rising up only 14 seats. Now in 2016, our country occupies 130th place, sharing it with countries such as Nicaragua and Kamerun. Triykoyu leaders in the world's most famous anti-corruption ranking CPI 2015 is Denmark, Finland and Sweden with 91, 90 and 89 points respectively. Naykoruptsiynishymy countries are North Korea and Somalia with 8 points. "Colleagues" Ukraine for the shameful anti-corruption index is 27 points Iran, Cameroon, Nepal, Nicaragua and Parahvay. Dovidkovo: Corruption Perceptions Index is based on independent surveys, involving international financial and human rights experts, including the World Bank, Freedom House, World Economic Forum, the Asian and African development bank and others. The index is an estimate from 0 (highest level of corruption) to 100 (no corruption) according to a study Transparency International Ukraine www.ti-ukraine.org. Zaznacheni circumstances suggest corruption in our country as corruption crisis type, which is generated by the crisis of contemporary Ukrainian society and can it deepen, with property negate any political, economic, legal and

moral reform [2]. In the minds of the citizens of our state fixed idea about the widespread corruption in all government structures and management at all levels. In addition, high levels of corruption deprives the feasibility of individual anti-corruption struggle [12, p. 4]. V.M. Solovyov study on preventing and combating corruption in government, drew attention to the following key messages [5, p. 60]: - the term "corruption" complex, multi-system organized social phenomenon, which combines a variety of components, including: administrative, political, economic, legal, social, ethical - corruption - is a negative social phenomenon that is constantly and actively influence the minds of citizens and their personal views, forms selfish immoral values, defines corruption subculture in society, destroys social relations reduces resources and undermines confidence in the state - corruption covers higher (elitist), middle and grassroots level keeps vnoho management, penetrating all spheres and subsystems social life infringing affects the interests of all social groups and strata of society, affects politics, economics, social sphere, culture - corruption can be political, economic, administrative and domestic, can occur organized or spontaneously - corruption created a corrupt ethics, which has become an alternative to the moral and ethical standards in Ukraine. It can accept the position of Ukrainian scientist OM Kostenko, who notes that at the present stage combating corruption in Ukraine reduced to a "blind" manipulation changes in legislation (which looks to improve) and random acts of "improving" institutions of criminal justice ("law enforcement"). More than twenty years' experience in combating such evidence of its futility. So, ignoring the laws of the

existence of corruption in Ukraine Crisis type leads to anti-corruption so voluntarism (notably the legislature voluntarism and political voluntarism, which is manifested in haphazard reform institutions combating corruption). Experience shows that a sincere desire of citizens to fight corruption is not enough [20]. The results of nation-wide poll by the Razumkov Centre show that the newly established National Anti-Corruption Bureau of Ukraine flew enjoys high public trust. NABU is trusted by only 14.5% and 59.3% do not trust at most a fraction of those who could not answer (26.1%). Obviously, outstinky citizens is quite subjective, as in a short period of NABU still could not demonstrate a compelling rezultataty work, nor compromise itself, like the courts and the prosecution case [21]. .Kryzovyy and systemic nature of corruption in Ukraine requires consistent implementation of planned and coordinated measures to prevent and combat corruption, united by one anti-corruption strategy, the success of which depends on four components: the presence of a common political will; appropriate legal framework; coordinated with clearly defined functions and system interaction and feedback submission organizational and management structure of anti-corruption activities; measures aimed at forming anti-corruption public awareness and public control system, combined with the active involvement and cooperation with international experts and organizations [13, p. 184]. The first document, which can be brought under the category of national anti-corruption strategy has become accepted April 10, 1997 National program to combat corruption, approved by the Decree of President of Ukraine № 319/97. In the said National Program for the first time stated that

corruption negatively affect the provision of national security. [14] Interestingly Natsprohramy position that existing at the time the anti-corruption legislation largely gives the opportunity to fight with various acts of corruption [14], that is a priori recognized the lack of anti-corruption measures of a preventive nature. However, the national program was first shown in need of criminological examination of regulations to identify criminogenic factors in legislation and the lack of accountability to combat corruption. [14] Noted for fragmented legislative improvement and tightening it [14] .Sered organizational and legal measures, in particular, was determined the development and submission to the Cabinet of Ministers of Ukraine the draft concept of fighting corruption in Ukraine for 1998-2005, and the preparation of the Code of Conduct of Public employee [14]. However, purely from a legal point of anti-corruption strategies in Ukraine can be considered three documents: the concept of fighting corruption in 1998 - 2005 years (Presidential Decree Ukraine from 24.04.1998 № 367/981); Concept of Eradicating Corruption in Ukraine "On the way to virtue" (Decree of the President of Ukraine of 11.09.2006 № 742/20062); National Anti-Corruption Strategy for 2011 - 2015 years (the Decree of the President of Ukraine of 21.10.2011 № 1001/2001) .In the Concept of combating corruption for 1998 - 2005 for the first time at the legal act has been allocated forms (species) of corruption, defined the fight against corruption should be based on a combination of prevention, enforcement and repressive measures, while priority should be given to prophylactic measures [15]. It was suggested to divide and action against corruption in the immediate short term, including emergency, long-term and permanent nature [15] .Sered preventive

measures Concept allocated social, political, economic, legal, economic, organizational, managerial, social and psychological measures. Implementation Concept ensured primarily through consideration of the document in state anti-corruption policy, the development of new and improvement of existing national and sectoral programs combating korupts ies, the adoption of new laws and amendments to existing normative acts, elaboration of a clear system of state control and responsibility over the implementation of regulations and guidelines Conception [3, p. 236 - 237]. Kontseptsiya combating corruption in Ukraine "Towards Integrity" included the creation of an effective system of preventing corruption, development of comprehensive measures to combat this phenomenon, identifying and overcoming its consequences and social conditions [4, p. 300]. The Concept was determined characteristics of corruption and bribery assigned to the most widespread corruption. Emphasized that secured integrity in executive bodies and local authorities, allocated the corruption risks in the activities of elected bodies, the judiciary and the envisaged measures to overcome these risks. [16] Special attention was paid to problems in identifying corruption civil society and law enforcement agencies, and proposed measures to improve their performance [16]. Zresh toyu national anti-corruption strategy for 2011-2015 was the systematic and progressive document, because it defines priority directions of anticorruption policy, in particular to identify and eliminate conditions conducive to or may contribute to corruption, and to prevent their attempts to create [5, p. 285]. Metoyu National Anti-Corruption Strategy identified reduction of corruption in Ukraine by addressing the conditions of its

emergence through the implementation of preventive measures, strengthening the rule of law, and the formation of social intolerance, negative attitudes towards corruption. [17] That document indicated the issue of anticorruption prefer safety and preventative measures. Separately defined reforms that have positively promote anti-corruption activities of the state, including the judiciary, tax, administrative, criminal justice, improving mechanisms for access to public information and obtaining legal aid. [17] Also progressive in the National Strategy considered using the term "integrity" in the context of determining its level to persons authorized to perform state functions or local government [5, p. 286]. Pursuant to the National Anti-Corruption Strategy for 2011-2015 Government of Ukraine November 28, 2011 adopted Resolution № 1240 "On approval of the State Programme on Prevention and Combating Corruption for 2011-2015", which corresponds structurally National Anti-Corruption Strategy and contains a list of measures the volume and sources of funding, expected results, indicators, terms of responsible and partners implementing measures. In 2013, the "Transparency International", having in Ukraine civil society monitoring of the said State Program, the main causes of ineffective performance attributed the lack of adequate funding most of the planned measures, clear indicators of the tasks and activities proper coordination performers discrepancy of some tasks planned measures, limited opportunities for performers, low executive discipline, lack of public demand for some reforms, laying responsibility for the implementation of anti-corruption organs that are affected by corruption [18, p. 71]. In addition, in its report TI has identified a number of these key recommendations for our state, including: reform of the public

service, law enforcement and judicial system, establishment of a specialized independent anti-corruption body, the definition of a clear hierarchy of regulations, to ensure proper regulation of the administrative process, introduction independent audit of public finances at the local level, reform of political finance [18, p. 71] .2 July 2014 at a meeting of Cabinet of Ministers of Ukraine adopted ten priority anti-corruption steps. In particular, the first realization of which was planned for the end of 2014 to pass in the Parliament of Ukraine anti-corruption strategy that ensures adoption of the political responsibility for the implementation of anti-corruption policies [19] .In the result of the said government plan only in 2014 the Parliament of Ukraine adopted a new anti-corruption "package", which consisted in particular the Law of Ukraine "on principles of state anti-corruption policy in Ukraine (anti-corruption strategy) for the years 2014-2017", "on corruption prevention", "The National Anti-corruption Bureau of Ukraine" and "on amending some legislative acts of Ukraine regarding the definition of final beneficiaries of legal entities and public figures, "" on prevention of legalization (laundering) of proceeds from crime, terrorist financing and the financing of proliferation of weapons of mass destruction, "" on Prosecution "In result of the adoption of the said" package "of anti-corruption laws was:—establishment of the National Anti-Corruption Bureau of Ukraine and Nation Inoho Agency for prevention of corruption; – fixing in law the Anti-Corruption Strategy, which reinforces the political responsibility for its implementation; – introduction of requirements with respect to anti-corruption programs in public administrations, as well as certain

categories of public enterprises; – introduction of anti-corruption restrictions after termination activities related to the performance of the functions of state or local government; – strengthen the protection of persons who report corruption; – directly introduce criminal responsibility for corruption, abuse of power and illicit enrichment;—introduction of administrative liability for corruption-related offenses including violations of restrictions on combining, receiving a present requirements of financial control and disciplinary and civil liability for both types of violations; – establish a mechanism for identifying individual - the final beneficiary entities;—establish free access to the State register of rights to immovable property ; – improving legal aspects that affect the quality of crime investigation legalization (laundering) of proceeds of crime; – amendments to the Code of Ukraine regarding jurisdiction crimes legalization; – the Financial Monitoring on national public officials and officials of international organizations;—deprivation prosecutors to exercise general supervision;—setting for prosecutors prohibition to participate in the parliament, boards of ministries, central executive authorities, local councils and administrative bodies; – appearance of clear provisions on the rights and responsibilities of prosecutors;—introducing clearer criteria and procedures for the appointment of prosecutors; – detailed provisions relating to the dismissal of prosecutors and the use of disciplinary way zahodiv.Takym was launched key reforms, which according to international experts for a long time in Ukraine were not implemented [8, p. 5 - 6]. However, there are reasonable concerns that a successful and serious anti-corruption reform should consist of the following elements [6, p. XXXI]

commitment to political leaders to combat all forms of corruption; paying special attention to prevention; adoption of comprehensive anti-corruption laws; identify government actions that are most prone to corruption; the establishment of adequate salaries to civil servants and political leaders; study of legal and administrative protection; partnership between government and civil society; conversion of corruption on very risky and unprofitable affair [6, p. XXXI] .Vysnovky and prospects for future research. In Ukraine, corruption crisis struck all type of social life and become a direct threat to the constitutional rights and freedoms of citizens. The result of high-level corruption in Ukrainian society was the frustration of people in the fairness of public administration and local government in the honesty and integrity of law enforcement agencies and judges. We have to admit that in our country actually operates successfully oligarchic model anti-corruption system. The adoption of national anti-corruption programs, concepts and strategies contributed to the elaboration fairly solid legal base and expertise in the fight against corruption, but its level in Ukraine remains unacceptably high, which prevents the release of the Ukrainian society, economy and politics of the crisis. Analysis of the provisions of anti-corruption strategic documents in terms of the National Program to combat corruption in 1997 the Law of Ukraine "On principles of state anti-corruption policy in Ukraine (anti-corruption strategy) for the years 2014-2017" indicates that all anti-corruption strategic documents are structured and have ordered description of corruption as a social phenomenon, highlighting its prerequisites and anticipating not only legal measures to combat corruption, but

also political, economic, organizational, managerial, social and psychological. Implementation of these instruments planned to implement through appropriate approved by the Cabinet of Ministers of Ukraine. In addition, the methodology of Ukraine anti-corruption policy shift was a response to corrupt acts after the fact in the direction of preventive measures and preventive character that is undoubtedly important result of the study on fighting corruption and serve as basis for progressive development of follow-corruption policy is considered Ukrayiny.Zahalom that the presence of the highest political level uncompromising will to counter corruption is perhaps the most important condition for effective implementation of the state anti-corruption policy, however further this political will must be backed by concrete measures aimed at preventing and combating corruption. Such measures may in particular be a special anti-corruption system of justice adapted to perform the functions of investigation is corruption crimes (including international experience) .2. Agreeing with Ukrainian scientists O.Kostenkom that today is sufficient reason to believe that anti-corruption policy and strategy and tactics against corruption in Ukraine is unscientific and this is one of the reasons for its ineffectiveness. For permanent scientific and expert support for fighting corruption, including the study and enforcement of foreign experience in combating corruption, including activities to create within the National Anti-Corruption Bureau of Ukraine coordinating research center, which would have explored the causes and conditions that facilitate corruption, corruption of technology and social (political, economic, legal, moral) consequences of corruption would hotovuvav materials for anti-corruption education and raising legal

awareness of citizens and anti-corruption activities. Unfortunately the current Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine", which defines the legal basis for the organization and activities of the National Anti-Corruption Bureau of Ukraine existence or scientific institution or institution in its structure is not provided. Also promising directions for further scientific studies consider the study and development of measures and mechanisms for implementing anti-corruption policy, taking into account international experience to take into account when developing new anti-corruption strategic document level.

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