UDC 35:328.185

Poplavskyi Andriy Anatolievich,

postgraduate student of the Department of Public Administration, Interregional Academy of Personnel Management, Kyiv, 04074, Prospect Pravdy, 5-b, sq. 40, tel.: (067) 509 65 56, e-mail: andrey-sistema@ukr.net

ORCID: 0000-0002-5384-1706

Поплавський Андрій Анатолійович,

аспірант кафедри публічного адміністрування, Міжрегіональна Академія управління персоналом, м. Київ, 04074, проспект Правди, 5-6, к. 40, тел.: (067) 509 65 56, e-mail: andrey-sistema@ukr.net

ORCID: 0000-0002-5384-1706

Поплавский Андрей Анатольевич,

аспирант кафедры публичного администрирования, Межрегиональная Академия управления персоналом, г. Киев, 04074, проспект Правды, 5-6, к. 40, тел.:

(067) 509 65 56, e-mail: andrey-sistema@ukr.net ORCID: 0000-0002-5384-1706

DOI: 10.32689/2617-2224-2018-15-5-203-212



MODERN POTENTIAL OF THE STATE REGULATION OF THE ACTIVITY OF COMBATING CORRUPTION AND ORGANIZED SUSTAINABILITY

Abstract. The article analyzes the state of scientific developments and international research in the field of state regulation of the fight against corruption and organized crime. The main determinants of the phenomenon of corruption and factors of the formation of organized crime are considered in the light of modern advances in the fields of philosophy, sociology and law. An attempt was made to systematize the main features of the regulation of the fight against corruption and organized crime, which differ in aggregating the corruption ratings offered by the Global Competitiveness Index. The state of the legislative base, the positive and negative dynamics of the state regulation mechanisms of the fight against corruption and organized crime activity are analyzed. The problems of implementation of the State Anti-Corruption Strategy Implementation Program, which is a reliable political document, but does not have a separate budget, are considered, and at the same time anti-corruption institutions have significant budget allocations, and support of donors also helps to implement.

The state and sources of the origin of organized crime in Ukraine are analyzed. Based on data published in domestic and international studies on anti-corruption and organized crime, it has been established that eradicating corruption is an important aspect of the fight against organized crime. Therefore, the fight against corruption should be comprehensive.

Considering the components of anticorruption policy, we conclude that the most important task for Ukraine now is to ensure the stability of the institutional structure and strengthen anti-corruption efforts that constantly undermine the ruling elite, the activation of public institutions, their participation in international monitoring and the monitoring mission of the institutes of anticorruption policy in Ukraine.

Keywords: corruption, mechanisms of counteraction to corruption, counteraction to corruption, anti-corruption legislation, NABU, public control.

СУЧАСНИЙ ПОТЕНЦІАЛ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ДІЯЛЬНОСТІ БОРОТЬБИ З КОРУПЦІЄЮ ТА ОРГАНІЗОВАНОЮ ЗЛОЧИННІСТЮ

Анотація. Проаналізовано стан наукових напрацювань та міжнародних досліджень у сфері державного регулювання діяльності боротьби з корупцією та організованою злочинністю. Розглянуто основні детермінанти феномену корупції та чинники формування організованої злочинності з урахуванням сучасних досягнень у галузях філософії, соціології та права. Зроблено спробу систематизувати основні ознаки регулювання діяльності боротьби з корупцією та організованою злочинністю, що відрізняються агрегуванням рейтингів корупційності, що пропонуються Індексом глобальної конкурентоспроможності. Проаналізовано стан законодавчої бази, позитивну і негативну динаміку впровадження проголошених в державі реформ та механізмів державного регулювання діяльності боротьби з корупцією та організованою злочинністю. Акцентовано увагу на тому, що попри позитивні зрушення у регулюванні діяльності боротьби з корупцією та організованою злочинністю існує ряд проблем, які потребують контролю як з боку держави, так і громадськості. Розглянуто проблеми виконання Державної програми з реалізації антикорупційної стратегії, яка є надійним політичним документом, однак не має окремого бюджету, а разом з тим антикорупційні установи мають значні бюджетні асигнування, а підтримка донорів також допомагає реалізації.

Проаналізовано стан та джерела зародження організованої злочинності в Україні. Спираючись на дані, оприлюднені у вітчизняних та міжнародних дослідженнях, присвячених діяльності по боротьбі з корупцією та організованою злочинністю, встановлено, що важливим аспектом боротьби з організованою злочинністю є викорінення корупції. Тому боротьба з корупцією повинна бути всеохоплюючою.

Розглянувши складові антикорупційної політики, дійдемо висновку, що найважливішим завданням для України зараз ϵ забезпечення стабільності інституційної структури та посилення антикорупційних зусиль, які постійно

підриває правляча еліта, активізації інститутів громадськості, їх участі у міжнародних моніторингах та наглядовій місії за інститутами антикорупційної політики в Україні.

Ключові слова: корупція, механізми протидії корупції, протидія корупції, антикорупційне законодавство, НАБУ, громадський контроль.

СОВРЕМЕННЫЙ ПОТЕНЦИАЛ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ ДЕЯТЕЛЬНОСТИ БОРЬБЫ С КОРРУПЦИЕЙ И ОРГАНИЗОВАННОЙ ПРЕСТУПНОСТЬЮ

Аннотация. Проанализировано состояние научных наработок и международных исследований в сфере государственного регулирования деятельности по борьбе с коррупцией и организованной преступностью. Рассмотрены основные детерминанты феномена коррупции и факторы формирования организованной преступности с учетом современных достижений в области философии, социологии и права. Сделана попытка систематизировать основные признаки регулирования деятельности по борьбе с коррупцией и организованной преступностью, отличающиеся агрегированием рейтингов коррупционности, предлагаемых Индексу глобальной конкурентоспособности. Проанализировано состояние законодательной базы, положительная и отрицательная динамика механизмов государственного регулирования деятельности по борьбе с коррупцией и организованной преступностью. Акцентировано внимание на том, что несмотря на положительные сдвиги в регулировании деятельности по борьбе с коррупцией и организованной преступностью существует ряд проблем, требующих контроля, как со стороны государства, так и со стороны общественности. Рассмотрены проблемы выполнения Государственной программы по реализации антикоррупционной стратегии, которая является надежным политическим документом, однако не имеет отдельного бюджета, но вместе с тем антикоррупционные учреждения имеют значительные бюджетные ассигнования, помогает реализации и поддержка доноров.

Проанализировано состояние и источники зарождения организованной преступности в Украине. Ссылаясь на данные, обнародованные в отечественных и международных исследованиях, посвященных деятельности по борьбе с коррупцией и организованной преступностью, установлено, что важным аспектом борьбы с организованной преступностью является искоренение коррупции. Поэтому борьба с коррупцией должна быть всеобъемлющей.

Рассмотрев составляющие антикоррупционной политики, приходим к выводу, что важнейшей задачей для Украины сейчас является обеспечение стабильности институциональной структуры и усиление антикоррупционных усилий, постоянно подрывает правящая элита, активизации институтов общественности, их участия в международных мониторингах и наблюдательной миссии за институтами антикоррупционной политики в Украине.

Ключевые слова: коррупция, механизмы противодействия коррупции, противодействие коррупции, антикоррупционное законодательство, НАБУ, общественный контроль.

Thesis statement. Under the conditions of the modern development of the Ukrainian economy, the influence of corruption on the rule of law in the state becomes ever more and more significant, which leads to a restriction of the rights and legitimate interests of individuals and legal entities, a decrease in the efficiency of the system of public administration, the development of monopolization in the economy, and, as a consequence, a serious damage caused to the moral principles of society. At the same time, the patterns characterizing the essence of corruption and organized crime, its occurrence and development, necessitate the use of specialized mechanisms for its prevention.

Despite the achievements, the level of corruption in Ukraine remains very high. Fighting corruption, especially against high-level officials, meets great resistance, and trust in the Government in recent years has further diminished. However, the most important task for Ukraine now is to ensure the stability of the institutional structure and to strengthen the anti-corruption efforts that constantly the ruling elite undermines. Recent measures to prevent anti-corruption activities are alarming. There is a need to ensure conditions for the open and full participation of civil society in the development and monitoring of anti-corruption policy.

Analysis of recent research. The mechanisms of state regulation of the fight against corruption and organized crime are one of the most discussed topics among statesmen and scholars in many countries of the world. Ukraine started to introduce anti-corruption measures in 2014, and at the present stage, the scientific and theoretical sub-

stantiation of modern approaches to the definition of the nature of corruption and public-management activities in the fight against it and organized crime is reflected in the works of such domestic and foreign scholars as E. Demskyi, A. Kazdim, G. Kokhan, Yu. Kuzuvkov, E. Lohinov, M. Melnyk, R. Senin, A. Sukharenko, O. Tereshchuk.

Objective of the article is to analyse the state of scientific developments and international research in the field of state regulation of the fight against corruption and organized crime, and to identify the main determinants and factors of the phenomenon of corruption taking into account current advances in the fields of philosophy, sociology and law

Results. Following the Revolution of Dignity, which was largely provoked by endemic corruption in Ukraine, with a view to creating an anti-corruption system in Ukraine, a whole range of legislative measures was developed and implemented. Adopted on October 14, 2014, a package of anti-corruption laws (so-called anti-corruption reform), developed with the participation of the public and international non-governmental organizations, was accompanied by its adoption by adequate and democratically-minded public control. These are the laws of Ukraine aimed at fighting crime and corruption: "On the Principles of State Anti-Corruption Policy in Ukraine (Anticorruption Strategy) for 2014–2017" № 1699VII [1]; "On the National Anti-Corruption Bureau of Ukraine" № 1698VII [2]; "On Prevention of Corruption" № 1700VII (entered into force on April 26, 2015) [3]; "On Amendments to Certain Legislative Acts of Ukraine on Defining the Final Beneficiaries of Legal Entities and Public Figures" № 1701VII [3].

In addition, by the Decree of the President of Ukraine № 808/2014 of October 14, 2014, the National Council on Anti-Corruption Policy was created as an advisory body under the President of Ukraine [5], the activities of which are aimed at the full and effective implementation of its constitutional powers in this field. Separate mechanisms for fighting crime and corruption are regulated by the Laws "On Prosecutor's Office" № 1697VII (entered into force on July 15, 2015) [6], "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine Regarding the Inevitability of Punishment for Certain Crimes against the Foundations of National Security and Corruption crimes" (law on absentee sentencing) [7], "On Prevention and Counteraction of the Legalization (Laundering) of the Proceeds from Crime, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction" (entered into force on February 6, 2015) [8], "On amendments to some legislative acts of Ukraine concerning support of the National Anti-Corruption Bureau of Ukraine and the National Agency for the Prevention of Corruption" as of February 12, 2015 [9].

The unprecedented transparency achieved in some industries with the use of modern tools is another key aspect of current anti-corruption reforms in Ukraine, which includes the disclosure of information on electronic assets, electronic purchases, the opening of public registers and the provision of a wide range of data sets in the format of open data.

It should be noted that the participation of public institutions in promoting anti-corruption reforms is extremely important, and the international community supports anticorruption in Ukraine. The formation of the legislative, political and institutional framework for fighting and preventing corruption through the implementation of various transparency initiatives are the main achievements in Ukraine. However, there is a need for adjusting and maintaining this direction.

In our opinion, Ukraine has not yet firmly established itself on the path of sustainable anti-corruption reform, but, of course, is on the right path. However, the political will of the Government to truly fight corruption is seriously questioned. Endurance, perseverance and full definition of the anti-corruption struggle of Ukrainian society as a whole will be crucial in the coming years.

The state program on the implementation of anticorruption strategy is a reliable political document. It does not have a separate budget, but anticorruption institutions have significant budget allocations, and donor support also helps with its implementation. Reports on the implementation of the State Program and the Strategy have recently been adopted. However, the Government or the Parliament do not systematically monitor progress according to the law. Two-thirds of the State Program measures were implemented. The outstanding actions are mainly related to raising awareness of the fight against corruption. We must state that the implementation of the State Program was the most difficult when it came to the interests of the President and the ruling elite.

Thus, with some delays, Ukraine began its activities on coordinating and preventing anticorruption policy by creating a National Agency for the Prevention of Corruption (NAPC). With a broad mandate, significant budget and staffing capability, NAPC is an important institution that can play an important role in the anticorruption infrastructure of Ukraine. However, the agency is currently facing serious problems ranging from attempts to manipulate the choice of its members, to abandon the legislation necessary for its functioning, to political interference in its work. Significant achievements are the creation and financing of NAPC in a short period of time and ensuring its functioning in most of its functions. It should be noted that further measures are needed to strengthen the units and officials in the fight against corruption, their role and to ensure their effective coordination, assistance and methodological guidance of the NAPC.

At the same time, the National Council on Anti-Corruption Policy (National Council) was established and several meetings were held. However, it does not have government support and remains passive, which in turn affects the overall performance of the State Program. Notable is the lack of coordination and interaction between the National Council and the NAPC.

The Parliament of Ukraine plays an important role in anti-corruption policy, and the functioning Anti-Corruption Committee demonstrates robust activity.

Turning to the question of the participation of public institutions in monitoring and control of the implementation of the State Program, we

note the following. Recently, the Civil Council under NAPC was created, but its work and effectiveness have not vet been verified. Public organizations conducted an alternative monitoring and published shadow reports. According to released data. Ukraine is invited to complete the development of measures that are still under consideration and to develop a new anti-corruption strategy with broad and significant stakeholder involvement based on an analysis of the implementation of previous policy documents, existing surveys and assessments of the situation with corruption in the country. The methodology of a standardized survey on corruption and the first study conducted on its basis is a desirable development step.

Despite the obvious positive developments, the corruption of Ukrainian officials provokes the development of organized crime. These two concepts are inextricably linked. The purpose of organized crime communities is to obtain maximum income, enrichment in particularly large amounts. Therefore, organized crime communities are as a rule not interested in small and random "sources of income" [10, p. 112].

Ukrainian criminologists note: "Organized crime is characterized by a clear definition of perspective directions of development of the economy sectors, business structures and the speed of response to changes in economic, social and political conditions" [11, p. 76].

The escalation of organized crime in the world today is one of the main threats to global security. The seriousness of this phenomenon was also discussed in the UN Congress on Crime Prevention and Criminal Justice. According to its participants, the processes of globalization and integration created new opportunities for criminal organizations that use them to expand their activities. They began to more freely use the legal economy to conceal their actions, to quickly launder incomes. Applying the latest information technologies, they have the opportunity to maintain communication and coordinate their actions, despite the state borders [12, p. 37].

Organized criminal activity, especially in the economic sphere, is practically completely globalized. Mechanisms for the collection of proceeds in a criminal way are increasingly becoming interregional and international, realized in the territory of several countries at once [13, p.36].

Globalization exposed new forms of transnational crime, for example, illegal migration. According to experts from the UNO, illegal migration brings about 7 billion USD annually in gross income. Illegal migration destabilizes the situation in general in the state [14, p. 81].

An important aspect of the fight against organized crime is the elimination of corruption. Therefore, the fight against corruption should be comprehensive. According to the General Prosecutor's Office for 2017, the rates of organized crime increased by 1.6 times in Ukraine [1].

Specialists of the World Economic Forum [15] compiled the rating of the impact of organized crime on business in the countries of the world. Ukraine with an overall score of 3,9 ranked 113th in the list of 137 countries. The states of South, Latin America and Africa are next to our country in the ranking. Sal-

vador, Honduras and Venezuela are at the end of the ranking.

Proceeding from the current criminal situation, the legislation on the fight against organized crime has been constantly improved. A number of changes were made in the legislation: the Law of Ukraine "On the Organizational and Legal Foundations of Fighting Organized Crime" [16], as amended on January 5, 2017. The National Police of Ukraine announced the creation of a new department to fight organized crime. However, these steps are inadequate and require further legislative regulation and control by the public.

Conclusion and prospects of further research. We must state the fact that organized crime is one of the most serious problems of modern society. The activities of organized criminal groups are immediately directed against the foundations of statehood and public safety and in the overwhelming majority of them are generated by corrupt factors. Proceeding from this, the following is necessary:

- 1. To identify and to analyse new forms of organized crime, as well as to formulate goals and priority directions of law-enforcement activity.
- 2. The state policy on fighting organized crime at different levels should be the same regardless of the regional component, especially in the context of decentralization.
- 3. The state authorities should carry out economic and logistical maintenance of law-enforcement activity, develop informational-analytical and research policy in the field of counteraction organized crime.
- 5. Strengthening the international legal framework for the fight against

organized crime should be through the unification of the norms of the national legislation of the states in this area.

We also offer the main directions of involving non-governmental organizations in the implementation of measures to prevent corruption and to fight against organized crime:

- analysis of the situation and recommendations to the authorities and civil society organizations;
- creation of new institutions: centres of civic education, centres of public policy;
- construction of anti-corruption networks;
 - control over access to information;
 - support for independent media;
- impact on power to ensure its transparency (first of all, transparent budget, transparent electoral process, transparent procedures);
- public participation in the process of preparing, adopting and controlling the execution of power decisions through public councils, public expertise:
- introduction of codes of corporate ethics for businessmen and authorities;
- public legislative expertise and legislation monitoring;
 - legal assistance and protection;
- implementation of the institution of the regional ombudsman.

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