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INFLUENCE OF ANTI-CORRUPTION POLICY ON PUBLIC ADMINISTRATIVE TRANSFORMATION AND DEVELOPMENT OF CIVIL SOCIETY IN UKRAINE

Abstract. The purpose of the study is to conduct an analysis of the current state and main problems of the formation and implementation of anti-corruption policy in the public service system of Ukraine, as well as to establish stable trends in the development of civil society while studying changes in the functioning of the public governance system in the context of the process of reforming anti-corruption legislation. The results of the analysis of the current state and the main problems of close and clear cooperation between the bodies responsible for the formation and effective implementation of anti-corruption policy in the system of public-management transformation at the current stage of civil society development are provided. The prerequisites for the legislative consolidation of successful anti-corruption on the basis of effective anti-corruption legislation with effective application by the relevant authorities and mandatory public awareness regarding the implementation of measures to prevent and combat corruption, the interaction of all institutions of civil society with public authorities in the field of formation and implementation of state anti-corruption policy have been considered. Key characteristics of anti-corruption policy in the system of public governance as a legal and socio-political phenomenon of coordinated interaction of all state bodies, local self-government bodies and civil society institutions are defined. Ways of improving and increasing the effectiveness of institutional consolidation of prevention and countering corruption under the conditions of administrative transformations of the public service on the basis of coordinated interaction of central and local state authorities have been developed. The available opportunities for the participation of civil society institutions in the implementation of the anti-corruption policy of the state with the comprehensive application of controlling and educational anti-corruption procedures in compliance with the principles of publicity and openness are identified. Ways of improving the formation and implementation of anti-corruption policy in accordance with the conditions of martial law with the involvement of civil

society institutions and ensuring the transparency of coverage of corruption problems in mass media are proposed.

Keywords: anti-corruption policy, civil society, public power, public administration, corruption, state, public.

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ВПЛИВ АНТИКОРУПЦІЙНОЇ ПОЛІТИКИ НА ПУБЛІЧНО-УПРАВЛІНСЬКУ ТРАНСФОРМАЦІЮ ТА РОЗВИТОК ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В УКРАЇНІ

Анотація. Метою дослідження є проведення аналізу сучасного стану та основних проблем формування й реалізації антикорупційної політики в системі публічної служби України, а також встановлення стійких тенденцій розвитку громадянського суспільства при дослідженні змін в функціонуванні системи публічного врядування в умовах процесу реформування антикорупційного законодавства. Надано результати аналізу сучасного стану та головних проблем тісної та чіткої співпраці між органами, відповідальними за формування та дієву реалізацію антикорупційної політики в системі публічно-управлінської трансформації на сучасному етапі розвитку громадянського суспільства. Розглянуто передумови законодавчого закріплення успішної протидії корупції на основі діючого антикорупційного законодавства при ефективному застосуванні відповідними органами влади та обов'язковій поінформованості громадськості щодо здійснення заходів запобігання та протидії корупції, взаємодії всіх інститутів громадянського суспільства з органами публічної влади у сфері формування та реалізації державної антикорупційної політики. Означено ключові характеристики антикорупційної політики в системі публічного врядування як правового та суспільно-політичного явища скоординованої взаємодії всіх державних органів, органів місцевого самоврядування та інститутів громадянського суспільства. Розроблено шляхи удосконалення та підвищення ефективності інституційного закріплення запобігання і протидії корупції за умов управлінських трансформацій публічної служби на засадах скоординованої взаємодії центральних та місцевих органів державної влади. Означено наявні можливості участі інститутів громадянського суспільства в реалізації антикорупційної політики держави при комплексному застосуванні контролюючих та просвітницьких процедур антикорупційного

спрямування з дотриманням принципів публічності та відкритості. Запропоновано шляхи вдосконалення формування та реалізації антикорупційної політики відповідно до умов воєнного стану при залученні інститутів громадянського суспільства та забезпечення прозорості висвітлення проблем корупції у засобах масової інформації.

Ключові слова: антикорупційна політика, громадянське суспільство, публічна влада, публічне управління, корупція, держава, громадськість.

Introduction. At this stage of the development of the Ukrainian state, one of the most acute catalysts of social dissatisfaction with the state policy and institutions of civil society is the high level of corruption in the system of public administration, which requires the improvement of the formation and implementation of an effective anti-corruption policy in the system of public power of Ukraine and the normative provision of preventing and countering corruption in this sphere in accordance with European standards.

The presence of corruption creates a real danger for the existence and development of civil society. Tasks related to the prevention and counteraction of corruption are prioritized and recognized as nationwide, which is connected with the fact that the scale of the spread of corruption poses a real threat to the country's security. This stage of the development of civil society in the conditions of martial law is characterized by the fact that the issue of combating corruption has already gone beyond formal boundaries and is the primary focus of the leadership of the Ukrainian state. The mass media constantly publish information on the development and implementation of preventive measures to prevent corruption in public authorities, the scale of corruption and the principled position of citizens regarding manifestations of corruption are made public.

At all levels of public administration, in the field of preventing and countering corruption, considerable attention is paid to the formation of a system of values regarding the standards of the public services sector and behavioral ethics, the creation of ethical norms of public administration, the application of best practices of corporate governance in the system of public administration, and the standardization of election legislation.

Analysis of recent research and publications. A lot of attention in scientific research on the legal regulation of activities aimed at preventing and combating corruption is given in the works of M. Bezdolny, M. Viktorchuk [1], I. Dyomin, D. Zabroda, I. Klochko, O. Kuzmenko, R. Polovynkina [2], S. Savytska, S. Stetsenko, T. Khabarova [3] and others. Aspects of the participation of civil society institutions in the development and implementation of anti-corruption policy in Ukraine and the directions of strengthening citizen awareness and the implementation of legal educational work together with civil society institutions regarding the improvement of the formation and implementation of an effective anti-corruption policy in the system of public power of Ukraine are considered in the works of V. Abdullayev [4], V. Anisimova, N. Bocharova, V. Demyanchuk [5], S. Kravchenko, K. Kulyk, V. Trepak [6], T. Khabarova [3] and others.

However, research on the specifics of the impact of anti-corruption policy on the activities of institutions and organizations of public power in the conditions of public-management transformation, which restrains the development of civil society institutions and requires the activation of scientific research, still remains outside the attention of scientists.

Setting objectives. The object of the research is the process of implementing anti-corruption policy in the conditions of transformational changes in public governance.

The subject of the research is the analysis of the formation and implementation of anti-corruption policy during the transformation of organizational structures and mechanisms of public administration, as well as the practice of applying anti-corruption legislation with the existing features of the development of civil society on the basis of effective public governance in Ukraine.

The purpose of the research is to conduct an analysis of the current state and main problems of the formation and implementation of anti-corruption policy in the public service system of Ukraine, as well as to establish stable trends in the development of civil society while studying changes in the functioning of the public governance system in the conditions of the modern process of reforming anti-corruption legislation.

The following tasks were set and solved in the research: an analysis of the key problems of public administration institutions in the implementation of anti-corruption policy was carried out; the prerequisites for the legislative establishment of a successful fight against corruption have been formed; ways of improving and increasing the institutional consolidation of prevention and counteraction of corruption and the implementation of anti-corruption policy on the basis of building a civil society are proposed.

Corruption in Ukraine is one of the main threats to the economic security of the state. Corrupt relations increasingly supplant legal and ethical relations between people and turn into a norm of behavior. The economic meaning of corruption lies in the division of society into two social subsystems that function in parallel. Subjects of corruption belong to an unofficial system in which their own values, goals and means of achieving them prevail.

According to the results of annual research carried out by the international non-profit organization Transparency International [7], the indicator of the Corruption Perception Index in 2022 was 33 (116th place). During the period from 2023, when this indicator was equal to 25, Ukraine improved its position, although it returned to the level of the value of the indicator in 2020.

The EU pays great attention to combating corruption in all spheres of public administration. Throughout its territory, special emphasis is placed on the implementation of anti-corruption mechanisms: legal, institutional, informational and political. This is explained by the fact that EU institutions strive to develop uniform legal standards in the form of communitarian acts and institutions common to EU member states for coordination and information and analytical support of anti-corruption measures at the international level (Europol, Eurojust, Olaf, Venice Commission, Greco, etc.).

International organizations indicate that uniform approaches are necessary for an effective anti-corruption policy in the public service system, and close and clear cooperation between the bodies responsible for the formation and implementation of anti-corruption policy, as well as mandatory cooperation with the public and international organizations, must be ensured.

In order to effectively overcome corruption, the following main components are necessary: elimination of deficiencies in anti-corruption legislation; political will and the inevitability of punishment for committing corruption and corruption-related offenses; ensuring the maximum involvement of the public in the work on the development of anti-corruption legislation, as well as the implementation of control over the activities of anti-corruption bodies.

The main goal of the state policy in the field of anti-corruption [8-12] is to create an effective system of preventing and combating corruption, identifying and overcoming its social prerequisites and consequences, exposing corrupt acts, and mandatory accountability of the guilty. Successful countering of corruption is possible only if there is proper anti-corruption legislation, its effective application by relevant state authorities and coordination, public awareness of the implementation of measures to prevent and counter corruption, interaction of civil society institutions with public authorities in the field of formation and implementation of state anti-corruption policy, support of anti-corruption measures by institutions of civil society. That is why the effectiveness of the implementation of measures to prevent corruption crimes cannot be achieved only through non-systemic actions at various levels of public administration, rational strategic socio-economic, political and legal transformations of a systemic nature are necessary.

According to the results of studies [3, 5, 6, 9, 11 – 17] of the current state and ways of improving the formation and implementation of anti-corruption policy in the system of public power, the essence of state anti-corruption policy in the public service system as a complex legal and socio-political phenomenon has characteristic features.

The characteristic features of anti-corruption policy in the public service system are as follows: in terms of administrative and legal meaning, it is a type of public policy and public management; is realized through purposeful, volitional activity of specific people who are officials of public authorities; has a systemic nature and is carried out only within the framework of a complex social system that ensures agreement, coordination, subordination, purposefulness, rationality and efficiency; is carried out exclusively on the basis of current legislation; in accordance with the forms, directions, tasks, spheres of influence, it is considered as a coordinated interaction of the activities of all state bodies, local self-government bodies, civil society institutions, citizens, aimed at countering any corruption manifestations in society; anti-corruption policy in the civil service system consists in the implementation of regulatory and organizational practical influence on the objects of state administration, which are social relations in any sphere of society's life, while the interaction of subjects and objects takes place within a single complex system; the task is to implement the anti-corruption function of the state in legal, political, social, economic, cultural and other socially important spheres.

Several institutions are involved in the fight against corruption in Ukraine, in particular: the National Agency for the Prevention of Corruption (NAPC), the National Anti-Corruption Bureau of Ukraine (NABU), the Specialized Anti-Corruption Prosecutor's Office (SAP), the High Anti-Corruption Court (HAC). Each of these bodies has clearly defined powers and duties. Some institutions receive delegated functions in the field of combating corruption: the National Council for Anti-Corruption Policy, prosecutor's offices, courts, national police.

The results of a sociological survey conducted by the Razumkov Center from January 19 to 25, 2024 as part of the Program for Promoting Public Activity "Join!" [18] the following results of trust in social institutions participating in the fight against corruption can be identified (Table 1).

Table 1

Trust in social institutions, %

Social institutions	I do n't trust it at all	Rather, I do n't trust it	I rather trust	I fully trust
National police	9.5	23.6	40.3	18.1
Prosecutor's Office	22.9	36.8	19.7	4.7
Courts	31.9	35.9	14.3	3.6
National Anti-Corruption Bureau	21.1	29.7	23.0	7.2
Specialized Anti-corruption Prosecutor's Office	21.8	30.2	21.2	5.9
National Agency for the Prevention of Corruption	21.5	29.6	21.0	6.0
NGOs	6.8	22.1	45.8	9.0
Volunteer organizations	2,3	10.5	48.1	29.7

Source: compiled by [18].

The data of the conducted survey mean that trust in the National Agency for the Prevention of Corruption is only 6%, while in civil society institutions: public organizations – 9%, volunteer organizations – 29.7%. The National Anti-Corruption Bureau deserves the highest level of trust in the system of bodies implementing anti-corruption policy (7.2%), the level of distrust in institutions ranges from 21.1 to 21.8%. Among the bodies that ensure the implementation of the anti-corruption policy, the highest level of mistrust in courts is 31.9% (the level of trust is 3.6%).

Prevention of corruption and combating corruption-oriented crime must necessarily be carried out with the involvement of civil society institutions, because this is provided for by the provisions of the UN Convention against Corruption. That is why the national legislation should guarantee such opportunities, as well as determine the direct forms of participation of the latter. Given the fact that the national legislation does not yet contain such provisions, this issue should become the subject of comprehensive research for its scientific development with further implementation of the obtained results in the legislative sphere [19, p. 176].

Almost all scientists who have considered the issue of preventing corruption in Ukraine unanimously declare that such countermeasures are impossible without the participation of the public. The government cannot fight corruption on its own, because the largest percentage of corrupt acts are committed precisely in the field of activity public authorities [3, p. 179].

In general, it should be said that the lack of a strong non-governmental organization, which would systematically deal with the problems of fighting corruption and would be an influential partner of public authorities, is one of the important problems of anti-corruption activities of the public. This organization could become a communication platform for other public organizations and coordinate activities in the field of corruption prevention [20, p. 65].

The current stage of the development of national anti-corruption legislation as the basis for the implementation of anti-corruption policy in the public service system is characterized by active law-making work, however, the following changes are urgently needed in the anti-corruption legislation of Ukraine: extend criminal liability to the majority of corruption offenses; expand special restrictions on civil servants and other persons authorized to perform state functions aimed at preventing corruption; introduce stricter requirements for financial control of civil servants.

The main mechanisms for preventing corruption that can be effectively applied include the following: monitoring the activities of public authorities in terms of transparency and openness of their actions; protection of human and civil rights and freedoms; ensuring information openness of public authorities regarding the state of corruption prevention and the effectiveness of measures taken; organization of legal education work with the population and certain social groups that are directly involved in the implementation of anti-corruption policy in the state [21, p. 30].

The fundamental principle of interaction between public officials, the population and institutions of civil society should be the openness of the activities of public authorities. The interest and active position of the public regarding the control over the exercise of authority should be formed at the level of civic duty and the consciousness of the citizens themselves, and broad awareness of cases of corruption, reporting by high-ranking officials on the results of investigation of cases and measures taken to prevent corruption should be not only before the highest by the state authority, but also before the population itself. It is expedient to develop mechanisms for the targeted study and implementation of best international experience in the formation and implementation of anti-corruption policy in the public service system, to improve and increase the effectiveness of the institutional base for preventing and countering corruption on the basis of optimizing the system and functions of central and local state authorities, implementing the processes of further reforming public governance and modernization of the public service.

According to the analysis of the perception of Ukraine's problems [15], "corruption" consistently ranks second (71.6% of respondents – 2023, 64.2% – 2022, 68.6% – 2021) after the problem "armed aggression of the russian federation against Ukraine – 89.7% (2023).

According to the results of a survey conducted by the sociological campaign "Info Sapiens» [15] in 2023, the following changes in the level of corruption in Ukraine for 2020-2023 can be observed (Fig. 1).

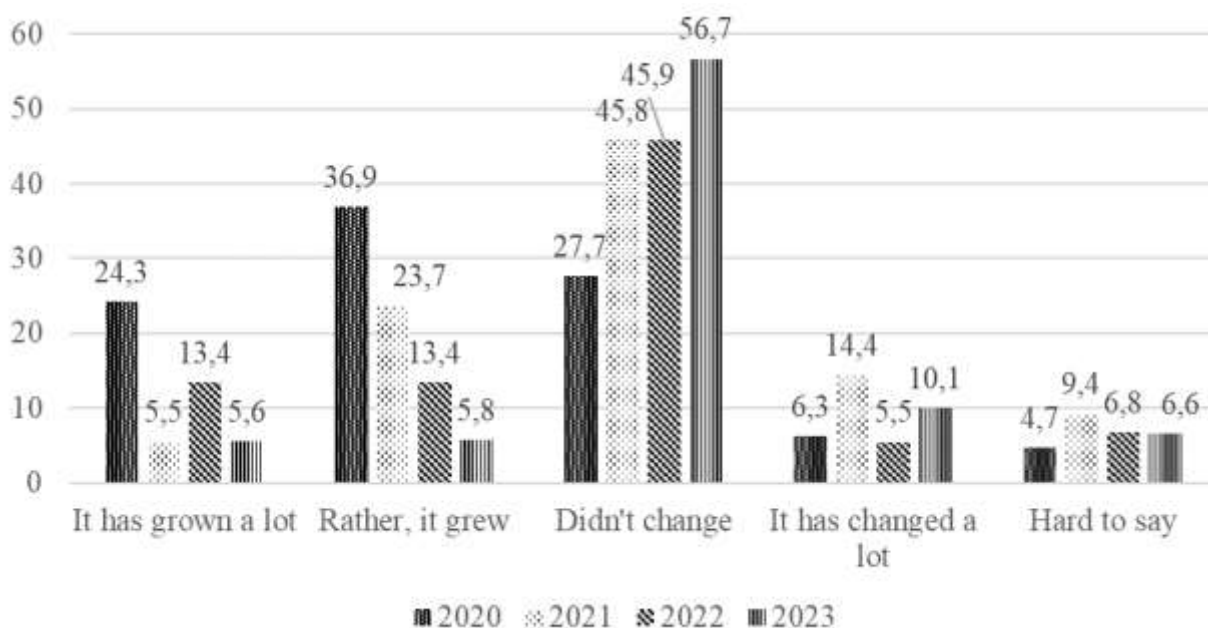


Figure 1. Change in the level of corruption in Ukraine 2020-2023, %
Source: compiled by [15].

According to the results of the conducted research, the public believes that compared to 2020, when the level of corruption increased and was 5.8% of the number of respondents, in 2023 the growth of corruption manifestations exceeds 4 times the data of 2020 and is 24.3% of the respondents. The lowest growth of this indicator was observed in 2022 (5.5%). Regarding the opposite opinion, in 2020, 10.1% of respondents noted that the level of corruption has decreased, in 2023, only 6.3% supported this position

The population's assessment of the effectiveness of state bodies anti-corruption activities is presented in Figure 2. The survey was conducted on a 5-point scale. Out of a maximum of 5 points, the National Security Service has the most effective anti-corruption activity – 2.29 (2023), although there is a decrease in efficiency compared to 2022, when this indicator was 2.58. In second place – the Office of the President of Ukraine – 2.24, (2023), compared to the previous year, the public noted a decrease in work efficiency (2.9 – 2022). The National Anti-Corruption Bureau of Ukraine was rated 2.14, there is a decrease in the efficiency of this state institution compared to 2022 (2.39). Only in 7th place is the National Agency for the Prevention of Corruption: 2023 – 2.07, 2022 – 2.35. The Verkhovna Rada of Ukraine ranks last in terms of anti-corruption efficiency. In 2023, the work results were estimated at only 1.69, in 2022 – 2.09.

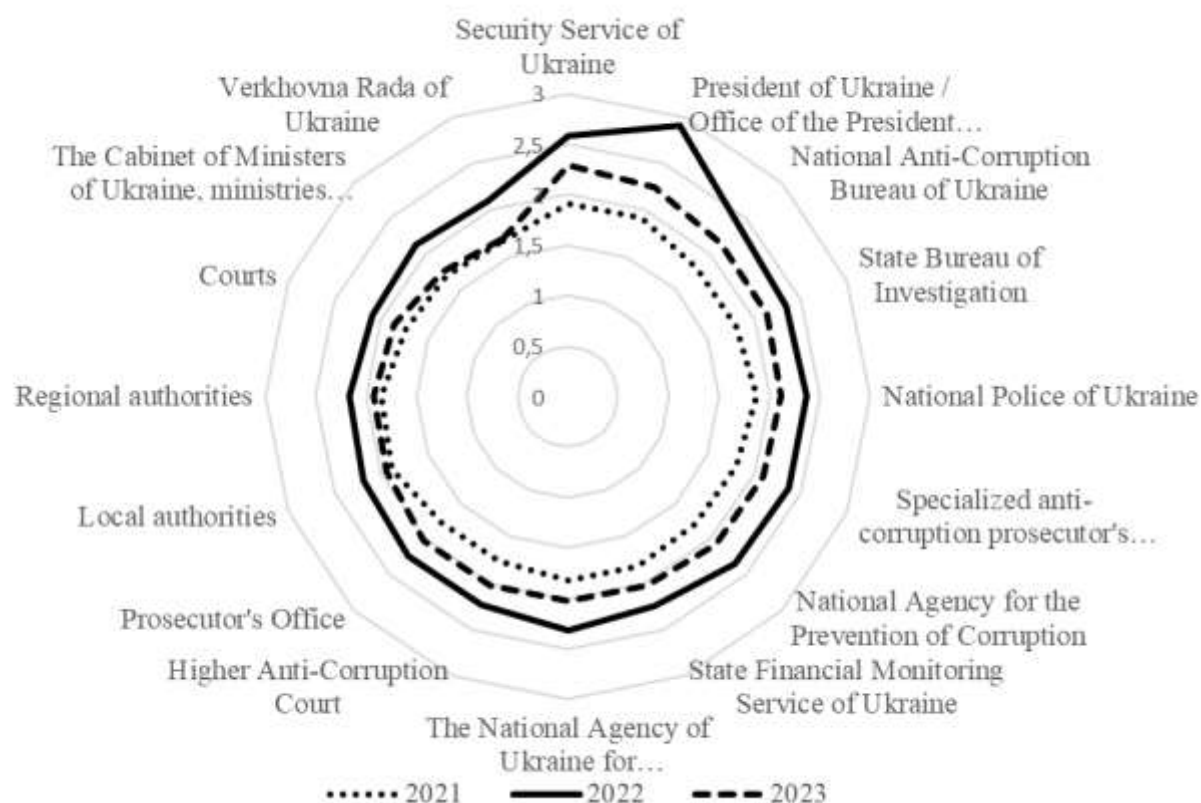


Figure 2. Public assessment of the effectiveness of state bodies anti-corruption activities

Source: compiled by [15].

Regarding priority areas of the fight against corruption, the results of the conducted survey present: the first place for three years in a row among the priorities of the fight against corruption is the Judiciary (2023 – 50.6% of respondents), the second place – customs (2023 – 37.8%). 4th place – other activities of law enforcement agencies – 27.9%. By the polled means: sustums; state and communal medicine; 1 and relations, land management; activities of the patrol police; social services and assistance to various categories of citizens; i nstitutions of higher education; activities of service centers of the Ministry of Internal Affairs; activities of administrative service centers (3.9%); provision of administrative services.

Determining the role of civil society in the prevention and counteraction of crime, V. Abdullaev suggested that the following areas of activity should be recognized as priorities: the development of a national anti-corruption policy, which should be implemented only with the active participation of the public, in particular public organizations of an anti-corruption orientation, and be based on the complex application of procedures of a warning, educational, controlling and revealing nature; strengthening the influence of public activity in preventing and countering corruption in modern Ukraine by minimizing bureaucratic procedures for obtaining information about corruption factors; further improvement of activities in compliance with the principles of publicity, transparency and openness of judicial and law enforcement bodies; implementation of reliable protection of corruption whistleblowers, etc.;

active use of such forms of communication between public authorities and public organizations as: implementation of anti-corruption monitoring; implementation of programs of a research, analytical, explanatory and educational nature; ensuring the openness and availability of information regarding the activities of public authorities, anti-corruption measures, etc. [4, c. 11-12].

Therefore, in order to improve the formation and implementation of the anti-corruption policy in the civil service system, it is advisable to implement the following anti-corruption measures: develop the concept of the state anti-corruption policy and approve the anti-corruption program in accordance with the conditions of martial law; to adopt the code of ethical behavior of a civil servant; ensure the implementation of the principle of equality of all before the law; introduce criminal liability for corrupt activities for all subjects of the state and civil society; ensure the absence of immunity for officials of any level; create an institution for reporting cases of corruption in public authorities, as well as legislative protection of persons who provided such information against dismissal from the workplace and discrimination; at the legislative level, clearly distinguish the functions between the bodies that carry out anti-corruption activities; promote the development of active public activities and the involvement of civil society institutions in the field of anti-corruption; ensure unimpeded coverage of corruption issues in mass media.

The national agency prevents corruption and promotes the formation of integrity and zero tolerance for corruption in the state and society, the development of corruption-free business. Given the legal nature and scope of competence in the system of state bodies of Ukraine, the National Agency is assigned the role of a preventive anti-corruption institution, primarily responsible for the formation and monitoring of the implementation of the anti-corruption policy in the state, prevention and settlement of conflicts of interest, financial control over the property status of public officials and monitoring of their way of life, ensuring the legality and transparency of funding of political parties, as well as the implementation of other preventive anti-corruption mechanisms defined by the legislation of Ukraine.

The goals of the anti-corruption policy in Ukraine should be to reduce the level of corruption and ensure the protection of the rights and legitimate interests of citizens, society and the state from threats related to corruption. The customer of overcoming corruption in the civil service system of Ukraine is the society, and therefore it cannot be left out of attention and beyond the scope of the implementation of anti-corruption policy in the civil service system. At the same time, it is necessary to ensure strategic communication, namely the consideration of public opinion in the adoption of certain decisions, which will be limited to the conditions of transparency and openness of the activities of officials in civil service system; all decisions must be economically justified, balanced, adopted only after a detailed study of all proposed options. The basis for the formation and implementation of the anti-corruption policy in the civil service system should be the indicators of the investigation of corruption manifestations by the public and the assessment of their danger.

In order to reduce the level of corruption, the state should be interested in cooperation with civil society and remember that important organizational and legal

prerequisites for effective citizens' participation in the formation and implementation of the state anti-corruption policy is directly: ensuring the transparency of the activities of public authorities, constant, timely informing of citizens about management decisions, providing comprehensive explanations regarding future intentions, ensuring the right of citizens to access public information; informing the public by specially authorized entities in the field of corruption prevention about the discovered facts of corruption; improvement of the current anti-corruption legislation, which will provide effective mechanisms for citizens' participation in the formation and implementation of the state anti-corruption policy; creation of conditions for the public to carry out an anti-corruption examination in order to identify corruption risks in the provisions of normative legal acts or their drafts; creation of conditions for the existence of sustainable forms of constructive dialogue between the authorities and the public on issues of formation and implementation of state anti-corruption policy on the basis of partnership and cooperation; conducting events aimed at informing the public about issues of preventing and countering corruption, which contribute to the formation of a permanent rejection of corruption in the minds of citizens, as well as the implementation of measures that encourage the search, receipt, publication and dissemination of information about corruption within the limits of the law, etc. [4].

Summarizing the above, it should be noted that the formation of the legislative and institutional framework for effective public participation in the prevention of corruption has not yet been fully completed in Ukraine. The current anti-corruption legislation contains some conflicts and gaps, and the legislator is in no hurry to adopt important laws that would improve the forms and methods of involving the public in anti-corruption activities. This can only indicate a lack of political will in the field of anti-corruption reform in Ukraine [20, p. 63].

Conclusion. The conducted analysis gives reasons to identify the following blocks of problems of formation and development of anti-corruption institutions of state power. First of all, there is a lack of specially trained specialists who are knowledgeable not only in jurisprudence, but also in the formation and development of state policy, able to conduct financial audits, and compare data. That is, there was an urgent need to form a new generation of anti-corruption policy specialists. Secondly, there is no system of auditing the efficiency and effectiveness of the anti-corruption institutions themselves. The state spends many times more funds and resources on the creation and development of anti-corruption institutions than the funds and resources brought by the activities of such state authorities. Thirdly, there are no real punishment mechanisms for corruption offenses. Fourthly, there is no institution of voluntary confiscation of funds if it is impossible to explain the origin of the wealth, which would allow guilty persons to avoid or mitigate criminal liability. Fifth, the composition of the High Anti-corruption Court has not yet been formed, which nullifies all the efforts of other anti-corruption institutions.

The level of corruption can be reduced only by implementing the following tasks [3-6, 13, 16, 19-22]: prevention of corruption offenses; creation of a legal mechanism that prevents bribery of persons with public status; ensuring responsibility for corruption offenses in all specified cases directly provided for by normative legal acts; compensation for damages caused by corruption offenses;

monitoring of corruption factors and effectiveness of anti-corruption policy measures; formation of anti-corruption public awareness; promoting the realization of the rights of citizens and organizations to access information about the facts of corruption, as well as to their free coverage in the mass media; creation of incentives for the replacement of public positions, positions of state and municipal services by incorruptible persons.

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