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GUIDELINES OF THE STATE POLICY OF PREVENTION OF CORRUPTION IN UKRAINE

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Today in Ukraine the efficiency of the results of the fight against corruption is rather low, which causes an increase in the threat to national security in the country.

Corruption poses a serious threat to the rule of law, democracy and human rights, hinders economic development, affects mismanagement and public fraud, and threatens the state's ability to respect, protect, promote and enforce all rights. These actions set the state the task of in-depth study of the phenomenon of corruption, its content and ways to prevent it in the future.

The Law of Ukraine "On Prevention of Corruption" defines corruption as the use by a person of official powers or related opportunities for the purpose of obtaining an improper benefit or accepting such a benefit or accepting a promise / offer of such a benefit for himself or others or a promise / offering or granting an illegal benefit to a person specified in part one of Article 3 of this Law, or at his request to other natural or legal persons in order to persuade this person to illegally use the official powers granted to him or related opportunities [1].

One of the central places in the nationwide anti-corruption mechanism is occupied by law enforcement agencies. Given that corruption is deeply ingrained in the state apparatus and law enforcement agencies, the state creates appropriate central bodies with a special status and law enforcement agencies to combat corruption.

According to foreign experience, the greatest achievements in the implementation of anti-corruption legislation have been made in those countries where independent specialized anti-corruption bodies have been established.

The first stage of the formation of Ukrainian anti-corruption legislation and anti-corruption was mostly declarative, as it had a number of significant shortcomings: the lack of a clear legal understanding of corruption, systematized subjects of corruption offenses, a clear list of corruption and, consequently, sanctions hindered the actual application in practice of these legislative acts. It should be noted that the above legislation, Ukraine, one of the first in the post-Soviet space, recognized the existence of the problem of corruption and began activities to eliminate them. [2, p. 171].

The next, more balanced, steps to enshrine at the legislative level the concept of corruption and other corruption offenses was the Law of Ukraine "On Combating Corruption" [1].

According to Art. 1 of the Law of Ukraine "On Prevention of Corruption" specially authorized entities in the field of anti-corruption are defined: the prosecutor's office, the National Police, the National Anti-Corruption Bureau of Ukraine, the National Agency for Prevention of Corruption [1].

This Law already provides legal and organizational principles for the prevention of corruption, detection and cessation of its manifestations, restoration of legal rights and interests of individuals and legal entities, elimination of the consequences of corruption. Identifies specific types of acts that are recognized as corrupt and for which administrative liability is provided, subjects of corruption, specific measures of punishment for committing acts of corruption [2, p. 172].

At the same time, the norms of this Law have a number of shortcomings, in particular, the issue of defining corruption is not disclosed, the list of corruption acts and restrictions is not agreed in various articles (Articles 1, 5, 6), an important link of subjects of corruption constitutionally enshrined functions of the state (including employees of health care, education, etc.).

However, the activities of these bodies face a number of problems related to the lack of quality legal framework, not developed systematic approaches to the activities of anti-corruption actors and their interaction with civil society in this area, there is no conceptual vision of organizational and legal support against corruption.

The Verkhovna Rada of Ukraine delays consideration of bills important for the fight against corruption on the establishment of the Specialized Anti-Corruption Court and granting the National Anti-Corruption Bureau the right to autonomously withdraw information from communication channels [3, p. 56].

The problems of training highly qualified specialists for anti-corruption law enforcement agencies remain relevant.

In addition, the launch of the National Agency of Ukraine for Detection, Investigation and Management of Assets Obtained from Corruption and Other Crimes and the State Bureau of Investigation, which should also play an important role in preventing corruption in Ukraine, is being delayed.

The National Agency of Ukraine for Detection, Search and Management of Assets Obtained from Corruption and Other Crimes is a central executive body with a special status that ensures the formation and implementation of state policy in the field of detection and search of assets that may be seized in criminal proceedings, and the management of assets seized or confiscated in criminal proceedings [3, p. 57].

The State Bureau of Investigation is the central body of executive power that carries out law enforcement activities in order to prevent, detect, stop, detect and investigate crimes within its competence. Improving the effectiveness of the fight against corruption is also one of the main commitments made by Ukraine in cooperation with international financial and other organizations [4, p. 121].

To date, Ukraine has confirmed its participation in a number of anti-corruption programs implemented at the international level:

1) in September 2003, it joined the Istanbul Action Plan to Combat Corruption. In particular, it envisages strengthening public participation in the prevention of corruption and assigning to the state the obligation to inform the population about anti-corruption policy;

2) in 2006 it joined the Council of Europe Group of States against Corruption. Among other things, paragraph 1 of the GRECO recommendations invites us to create an anti-corruption body, which should include representatives of the government and

civil society. The functions of such a body include the implementation of the national anti-corruption strategy and monitoring of its implementation;

3) co-financing of anti-corruption measures within the framework of the program of the American state corporation "Millennium Challenges", the main purpose of which is to reform the judiciary, improve the application of ethical standards and involve domestic civil society in the fight against corruption;

4) Ukraine has been ratified:

– in March 2005. Civil Convention of the Council of Europe on Combating Corruption;

– in October 2006, the United Nations Convention against Corruption; Council of Europe on corruption in the context of criminal law and its Additional Protocol [5, p. 87].

During the independence of Ukraine, the legislative and executive branches of government have not been able to significantly influence the limitation of the level, scale and extent of corruption. Anti-corruption legislation, which is about 100 laws, decrees of the President of Ukraine and government decrees, despite the large number of various and mostly appropriate measures aimed at preventing and combating corruption, did not contribute to achieving the ultimate goal – overcoming corruption.

Focused on combating these manifestations among middle and lower-level officials, it does not provide for the creation of an effective anti-corruption system that meets the requirements of the time [6, p. 39].

So, summing up our research, it is possible to say that reducing the preconditions of corruption, increasing the social cost of the civil service (prestige, social security) and increasing the risk of corruption – these are the components that are the basis of anti-corruption policy. Such areas of combating corruption have been decisive in a number of foreign countries, which, according to the international community, have achieved significant success in this area.

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