RELATIONSHIP OF CONFLICT OF INTERESTS AND ETHICS OF A CIVIL SERVANT

Abstract. Institute state services plays huge role in life society, and on how much organized his work, depends efficiency state management Changes in existing public relationships entailed necessity rethinking legal and moral norms governing public service. From effective interaction these regulators, depends state legality, law and order, level legal culture, legal consciousness society and its citizens It is clear that, as in any another sphere public consciousness, in the state service as regulators of relationships and behavior law and morality stand out, and their influence carried out in relationships. Studying ethics state employees necessary in order to understand what ethical norms and rules of official behavior exist and how their application serves for worthy performance them his professional activities. Ethical norms play fundamental role in the implementation any species professional activities, however There is professions where the role of ethical standards especially great. One from such professions is public service. In the article revealed peculiarities ethics state employees, the Ethical Code of state servicemen and township officials of municipal self-government, regulating behavior given professional groups. Therefore, the article describes how it is formed professional ethics state employee in Ukraine. Also are being considered separate Problems conflict interests in the state service are analyzed separate difficulties in his application in practice, as well as are offered possible ways improvements his legislative regulation. Currently time the term "conflict" interests" is enshrined in the anti-corruption legislation within which Also the circle of persons on whom is determined entrusted duty on his prevention, as well as a list of measures has been fixed, implementation which is aimed at his prevention.
ВЗАЄМОЗВ'ЯЗОК КОНФЛІКТУ ІНТЕРЕСІВ ТА ЕТИКИ ДЕРЖАВНОГО СЛУЖБОВЦЯ

Анотація. Інститут державної служби грає величезну роль в житті суспільства, і від того, наскільки організована його робота, залежить ефективність державного управління. Зміни у сформованих суспільних відносинах спричинили необхідність переосмислення правових та моральних норм, які регулюють державну службу. Від ефективної взаємодії цих регуляторів залежить стан законності, правопорядку, рівень юридичної культури, правосвідомості суспільства та його громадян. Зрозуміло, що, як і в будь-якій іншій сфері суспільної діяльності, у державній службі регуляторами взаємовідносин та поведінки виступають право та мораль, причому їхній вплив здійснюється у взаємозв'язку. Вивчення етики державних службовців необхідно для того, щоб зрозуміти, які етичні норми та правила службової поведінки існують та як їх застосування служить для гідного виконання ними своєї професійної діяльності. Етичні норми відіграють фундаментальну роль при здійсненні будь-яких видів професійної діяльності, але є професії, де роль етичних стандартів є особливо великою. Однією з таких професій є державна служба. У статті розкрито особливості етики державних службовців, проаналізовано Етичний кодекс державних службовців та посадових осіб місцевого самоврядування, що регламентує поведінку цієї професійної групи. Тож у статті описано, яким чином формується професійна етика державного службовця в Україні. Також розглядаються окремі проблеми конфлікту інтересів на державній службі, аналізуються окремі труднощі в його застосуванні на практиці, а також пропонуються можливі шляхи удосконалення його законодавчого регулювання. В даний час термін «конфлікт інтересів» закріпленний в антикорупційному законодавстві, в рамках якого також визначається коло осіб, на яких покладено обов’язок щодо його недопущення, а також закріплено перелік заходів, реалізація яких спрямована на його запобігання.
Key words: ethics, state service, state servant, management of personnel, professional competence, corruption, conflict of interests, combating corruption.

Statement of the problem. Moral norms and principles work state employee lead to increased attention to the issue their professional ethics State sphere services formed certain peculiarities professional ethics state employee Let's consider these peculiarities more details Firstly, the personal characteristics of the employee provide influence on the level his professional ethics Process become leniation and development social and professional competencies state employees occurs in conditions overcoming crisis in society. So, in case dissatisfaction citizens work in government structure, assessment activities understated as consequence and level ethics state employee

Ukrainian legislation in detail regulates question organizations state services exist certain characteristics and principles in the organization systems state services Also legislatively state status determined employee who endured some changes [1]. For the last decade in Ukraine were produced significant changes in the field regulatory expansion state services Was formed special regulatory framework governing labor relationship state civilian employees [2].

Today in the country there is a problem of lack of legal formalization of professional standards morality state employee Besides this society required highly qualified state employees who own theory and practice management and development, working in conditions tough competition, respecting ethical and moral principles in business relations.

Social and professional group state employees has single mental basis, some bureaucratic consciousness. Many modern state employees may not have profile education, therefore among them there are engineers, economists, lawyers. Exactly That's why young specialists pass not only adapt to a new profession place, but also in parallel pass secondary professional cash socialization [3].

Behavior state employee plays important role in his activities, because his actions and deeds not only are his business card card, but also affect relationships with employees and citizens. From how will behave employee with colleagues and citizens, will depend image the state as a whole.

State employees called upon contribute his official behavior establishment in the team business relationships and constructive cooperation with each other. They must be polite, friendly, correct, attentive and tolerant in communicating with citizens and colleagues.

In modern Ukraine at state and local basically legal mechanisms have been developed regulation administrative ethics At the same time, the state organizational mechanisms given regulations do not comply world standards. There is no system of coordinating bodies management administrative ethics, undeveloped institute parliamentary control over ethical side activities civil servants.
Analysis of recent research and publications. Many domestic researchers, such as M. Vasylevska, V. Honcharuk, T. Voronko, I. Gaevsky, V. Koltun, O. Knyazev, V. Kozlovsky, N. Lipovska, M. Nyzhnyk, O. Nynyuk, V. Oleshko, V. Oluyko, O. Piren, M. Polekhina, V. Rebkalo, T. Rudakevich, L. Salamatov, V. Senyushkina, B. Tsvetkov and others made a significant contribution to the study of various aspects of professional ethics and etiquette in public service. Despite these significant scientific achievements, a deep understanding of the basic concepts of professional ethics and public service etiquette still requires additional analysis and study.

Target articles – research professional ethics state employee in Ukraine.

Contribution to the main material. Story development professional ethics dates back to the ancients times, however special became widespread in the 20th century. This resulted in the creation numerous codes professional morality, in reorientation public attention from questions development of fundamental ethical knowledge to questions applied ethics [4].

State employees must act politically neutral and supportive control official competence State employees must avoid actions that can undermine confidence the public and their service center to their capabilities impartially fulfill their official responsibilities.

Basic directions improvement mechanisms regulation administrative ethics in conditions modern Ukraine are shown in Fig. 1.

- Implementation of a set of measures to increase the prestige of the civil service
- Development of a system for objective monitoring of the state of the level of ethics (unethics) of civil servants, depending on industry and status.
- Creation of coordinating bodies for administrative ethics management.
- Improving the pre-university level of professional socialization of future civil servants, as well as the relationship of this level with the higher education system.

Fig.1. Basic directions improvement mechanisms regulation administrative ethics. Source: author's development
The first principle of a civil servant is implementation officials powers within the limits of what is permitted. The second principle is exception influence personal and other interests preventing conscientious execution officials responsibilities. Further I wanted would identify compliance justice, which excludes opportunity influence on them official activity. Implementation problem ethical codes in Ukraine lies in the features domestic legal systems, possibility legally formalize the norms and their principles is enough limited. First, bear the punishment can only those who violates legal norms. Norms ethics leave opportunity arbitrary communication. Secondly, corporate responsibility, that is, ethical behavior organizations in relation to society, easily turns into arbitrariness of the authorities. Thirdly, with weak development civilian institutions moral liability “does not work”, but to bring to legal responsibility for unethical actions is not allowed principles of law.

And finally, if legislation provided measures legal responsibility for corruption offenses then duplicate similar provisions in the code ethics is simply meaningless. Failure to comply there are no ethical standards the basis for the application of liability measures under labor legislation. So the punishment civil servants for violation provisions codes ethics contrary to labor laws. Violation state employees provisions of the code of ethics subject to only moral condemnation.

Thus, one of main regulatory documents containing basic job requirements behavior employees, is the Ethical Code of State Servicemen and Township Personnel of Municipal Self-Reliance. He imagines yourself vault general principles proprofessional official ethics and basic rules of official behavior that must guided by state employees regardless of the replacement them positions [5].

In Etichny code it is also indicated that in the official behavior state employee must abstain from any kind statements and actions discriminatory character based on gender, age, race, nationality, language, citizenship, social, property or family situation, political or religious preferences; rudeness, displays of disdain tone, arrogance, biased comments, presentations wrongful, undeserved accusations; threats, insulting expressions or remarks, actions that interfere with normal communication or provoking illegal behavior; smoking in time official meetings, conversations, other official communication with citizens [5].

The Ethical Code thus represents yourself vault principles professional official ethics and contains basic rules of service behavior regulating behavior state employee, regardless of position them positions. Purpose creation of the Model Code is establishment ethical norms and rules of state employee providing worthy performance civil servants his professional activities. The Model Code strengthens the authority of government employees, provides confidential attitude towards government authorities authorities, providing united norms behavior civil servants.

Also, it's not worth it forget about corruption component in activities state employee. The problem of corruption has recently acquired enormous and well-founded relevance. Today, corruption in Ukraine is the main negative characteristic of public administration institutions, hindering the effective socio-economic and public development of the country.

Among the anti-corruption mechanisms in the civil service system, first of all, it is necessary to highlight the administrative procedures that determine the
procedure for its completion, including the holding of competitions for vacant positions, certifications, qualification exams, etc. In addition to the above, an important mechanism is the institution of overcoming conflicts of interest.

The legal establishment of the institution of resolving conflicts of interest in the civil service, among other things, was aimed at increasing public confidence in state institutions, providing conditions for the conscientious and effective performance of their official duties by civil servants, as well as eliminating possible abuses in the service.

The development of this institution is associated with the adoption of the Law of Ukraine “On the Prevention of Corruption” dated 14.10.2014 No. 49 [6], the norms of which partially repeat provisions, contained in previously adopted normative legal acts on the civil service, and partly represent novelties that clarify the concept of conflict of interest in the civil service and propose new methods for resolving it.

The main reasons for conflicts of interest in the public service include the following (Fig. 2).

Fig. 2. Basic causes conflicts interests in the state service Source: author's development

- violation of basic requirements for official conduct of civil servants;
- failure to fulfill the duties of a civil servant;
- non-compliance with the rights and legitimate interests of citizens, organizations, society and the state in their execution;
- failure to comply with current legislation;
- violation of restrictions and prohibitions related to public service, including those established by the Anti-Corruption Law, etc.
Conditions conducive to emergence conflict interests in the state service, you can name such (Fig. 3).

Conflict interests can define how situation contradictions between personal, private, group (departmental, corporate) interests and interests communities, total society, state (organization, party). Into the situation conflict interests Maybe get in every. It is important to note that in the system state services contradictions between interests concern public resources (funds budget, elected and appointed positions and related opportunities). It is possible that the situation conflict interests hits an entire government body: for example, a local authority self-government simultaneously is both an authority and an economic entity subject (has in its property municipal enterprises and institutions) – conflict between corporate and public interests. Here we can talk about institutional conflict interests.

| high level of competence uncertainty; |
| duplication of powers of government bodies, their structural divisions, and civil servants; |
| insufficient information about the activities of government bodies; |
| the presence of contradictions between regulatory legal acts of authorities at various levels, the inclusion in them of provisions that contribute to the creation of conditions for corrupt behavior, existing gaps in legal regulation; |
| failure to comply with official and organizational discipline; |
| lack or insufficient use of moral and material resources to motivate a civil servant, discrimination and unequal remuneration when performing an equal volume of official functions due to the bias and ineffectiveness of the remuneration system, etc. |

*Fig. 3. Main conditions that contribute to the emergence of a conflict of interest in the public service. Source: author's development*
Conflicts of interest are associated with such negative phenomena as corruption, abuse of administrative resources, official position, lack of transparency of government, etc. At the same time, it is incorrect to reduce a conflict of interest to either corruption or abuse of administrative resources. It is dangerous to treat this phenomenon as something that needs to be “eradicated.” The conflict of interest itself is an objective phenomenon, and one must learn to live with it.

Thus, unlike corruption and abuse of administration and – nistrative resource, a conflict of interest is a common situation; it is only necessary to prevent negative consequences (Fig. 4) by preventing or resolving it.

<table>
<thead>
<tr>
<th>Negative consequences of conflict of interest</th>
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<td>violating constitutional rights of citizens</td>
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Fig. 4. Consequences of conflict of interest. Source: author's development

A conflict of interest may exist in the economic (budget, government procurement, competitions, privatization, etc.), political (elections, party membership, etc.) and official (admission, promotion, dismissal) spheres. In each of these areas, conflicts of interest have specific sources, methods, manifestations, possible negative consequences and possible resolutions.

The process of resolving a conflict of interest is implemented in stages, in accordance with the methods of conflictology: identifying a (potential) conflict of interest, preventing the occurrence of a conflict of interest, preventing the negative consequences of a conflict of interest.

The Anti-Corruption Law provides for several ways to resolve conflicts of interest in the public service:

— changing the official or official position of a civil servant who is a party to a conflict of interests, up to and including his removal from official duties;
— refusal of such an employee to benefit, which was the reason for the no conflict of interest;
— recusal (self-recusal) of a civil servant in cases and procedures established by law.

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<th>A civil servant has a personal interest that, in his opinion, leads or may lead to a conflict of interest</th>
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<td>A civil servant draws up a notice in any form or in accordance with a sample</td>
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<td>The civil servant submits a notification to the personnel department or person whose job responsibilities include working to prevent corruption and other offenses</td>
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<td>The received notification is registered. A copy of the registered notice with a registration mark is issued to the civil servant</td>
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<td>The registered notice is forwarded to the employer for review.</td>
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<td>The employer's representative orders an inspection based on the facts specified in the notice</td>
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<td>Based on the results of the inspection, the employer’s representative forwards the notification to the civil servant and related materials to the commission for resolving conflicts of interest</td>
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<td>The Commission for Resolving Conflicts of Interest makes a decision on compliance / non-compliance by a civil servant with the requirements for resolving conflicts of interest</td>
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Fig.5. Flowchart for notifying a conflict of interest or potential conflict of interest. Source: author's development

Failure to take measures to resolve conflicts of interest may lead to the emergence and development of corruption. Therefore, every civil servant must:
— refrain from behavior that could cast doubt on the objective performance of official duties by civil servants, including behavior that may be perceived by others as an agreement to accept a bribe or as a request for a bribe, and also avoid conflict situations that could damage their reputation or the authority of a government agency;

— take measures provided for by current legislation to prevent the emergence of conflicts of interest and resolve conflicts of interest that arise;

— not to use one’s official position to influence the activities of state bodies and local self-government bodies, organizations, officials, civil servants, municipal employees and citizens when resolving issues of a personal nature.

Failure by a civil servant who is a party to a conflict of interest to take measures to prevent or resolve a conflict of interest is an offense leading to the official’s dismissal from public service.

The employer's representative must also take measures to prevent or resolve conflicts of interest. For this purpose, a mechanism can be used to check the accuracy and completeness of information provided by citizens applying for civil service positions. In addition, an anti-corruption structure is created in each government body, for example, a commission to comply with requirements for official conduct and resolve conflicts of interest. This commission develops measures to prevent conflicts of interest. It is she who evaluates the actions of a civil servant, establishes the presence or absence of benefits received by him, and also carries out preventive action.

If the representative of the employer, who became aware of the If a civil servant subordinate to him has a personal interest that leads or may lead to a conflict of interest, he does not take any measures to prevent or resolve the conflict of interest, then this is also an offense. Such an offense may result in the dismissal of a civil servant who is a representative of the employer from public service.

Anti-corruption legislation is constantly being improved. Recently, a number of changes have been adopted. The deadline for paying fines for corruption offenses has been reduced. Now legal entities that are held accountable for corruption must pay a fine within a week (previously it was 60 days). Taking into account the fact that legal entities are not subject to criminal liability, but take part in corruption schemes, a new penalty for bribery or bribery has been introduced - seizure of property. If a legal entity does not have property, then bank accounts will be seized.

Not only current civil servants, but also those who have left office will be subject to anti-corruption checks. The prosecutor's office will monitor the income and expenses of officials for the next six months after removal from office or dismissal.

Anti-corruption units of government agencies received additional powers. To monitor the activities of officials, such services will be able to receive information from banks about transactions, accounts and deposits.
Conclusions. Thus, in conclusion of the article, we can add that the ethical component is one of the central ones in creating a new model of civil service. Regulation of official behavior of officials at the moral and value level and strict control over their compliance with high ethical standards are necessary conditions for a real increase in the quality of public administration, the social efficiency of the state as a whole and, ultimately, increasing the level of public trust in relation to it. A significant increase in attention to the issues of administrative ethics is one of the leading vectors of reform.

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