FEATURES OF THE IMPROVEMENTATION OF ANTI-CORRUPTION LEGISLATION ACCORDING TO THE STATUS OF THE CANDIDACY OF UKRAINE TO THE EUROPEAN UNION

Abstract. This article reveals the key reasons for improvement of Ukrainian anticorruption legislation from the perspective of the EU candidacy. It is noted that low international authority of Ukraine is caused, first of all, by insufficient anti-corruption legislation and declarative character of the majority of legal norms, low law enforcement discipline, as well as inadequate coordination, interaction and control of public authorities in the implementation of anti-corruption measures. It is reported that an important step in the fight against corruption was the adoption of the Law of Ukraine "On Preventing Corruption. It was established that in accordance with the opinion of the European Commission in Ukraine: Signed all major international agreements in the field of combating corruption, especially the UN Convention against Corruption (UNCAC); implemented international recommendations on mechanisms for the monitoring of corruption, especially GRECO; All forms of corruption have been criminalized and legislation adopted to eliminate the conflict of interest, protect the criminals and ensure a transparent mechanism of party financing; A comprehensive system of electronic filing of declarations for civil servants has been introduced; the system of state procurement has been made transparent; and these anti-corruption organizations have been created: National Anti-Corruption Bureau of Ukraine (NABU), Specialized Anti-Corruption Prosecutor's Office (SAP), Supreme Anti-Corruption Court (VACC), National Agency for Prevention of Corruption (NAPC), Agency for Rescue and Management of Assets (ARMA). We are convinced that the effectiveness of prevention and fight against corruption in accordance with the implementation of the Ukraine's EU candidacy program in the area of anticorruption policy can be improved.
due to the following tasks: Formulate and implement the state anti-corruption policy; form a negative attitude to corruption; resolve the conflict of interests, common restrictions and prohibitions, rules of ethical conduct; Implement financial management measures; ensure the integrity of political parties and election campaigns; protect the victims of corruption.

**Keywords:** anti-corruption legislation, European Union, civil service, fighting corruption.

**Problem Statement.** Ukraine received the status of a candidate for membership in the European Union (EU) on June 23, 2022, when all 27 EU member countries voted for it. It is must be stated that path to the EU is long and continues to be long for Ukraine. In 2014, Ukraine and the EU signed the Ukraine-EU agreement on an alliance between Ukraine, on one side, and the European Union, the European Atomic Energy Community and their member states, on the other side [1], which has been in force since 2017: At that time, a visa-free regime was in place and free trade zones were opened. In 2019, the Constitution of Ukraine [2] was amended and the course for European and Euro-Atlantic integration was officially formalized. Reforming anti-corruption legislation in accordance with international standards is the logic of Ukraine's integration process and the way to fulfill obligations to the world community. Therefore, aims to continue the implementation of the best international practices in the field of combating and countering corruption.

**Analysis of the latest research and publications.** The problems of improving the anti-corruption legislation of Ukraine are studied by such researchers as K. Buryak and E. Kozlov, who are trying to find solutions to these problems. Buryak, T. Vdovichenko, V. Garashchuk, M. Goncharova, M. Gryshchuk, Y. Grytsak, V. Kabalnyi, D. Kadenko, S. Kravchenko, S. Kuznichenko, L. Priymak, O. Pronina and others.

Thus, K. Buryak [3] investigates the peculiarities of anti-corruption legislation in the EU countries and states that in each of these countries they differ significantly both in the status of corruption and in the way they fight it. The main problems of corruption in the EU countries are: the unevenness of the laws regulating relations; the high level of social capital in the eastern Catholic countries; the search for illegal sources of funding for political parties, which led to an increase in the number of corrupt elements; Changes in the international economic environment; diminution of the role of the state and public sector as a result of privatization. The scientist asserts that the experience of the EU member countries is reasonable for implementation into the practice of improvement of the Ukrainian anti-corruption legislation.

At the same time, O. Kravchenko [4] proposes the following directions for improvement of the normative-legal basis of anticorruption activity in Ukraine:

– expand the criminal legislation of Ukraine for corrupt offenses related to the use of all public funds, including a full list of their types;
to envisage among the provisions of the Code of Administrative Offenses a provision on special responsibility for violation of the order requirements for close relatives of civil servants and individuals who have not informed on the existence of such order;

– put in place a legislative framework for lobbying in Ukraine by adopting special legislation and making appropriate changes and additions to the current legislative framework;

– improve the legislative regulation of political party financing, including the appropriate systems of state control, mechanisms of public control, and sanctions for violations of legal norms;

– approve the Code of Ethical Conduct for civil servants based on the best international experience.

O. Pronina [5] states that in order to efficiently fight corruption as a systematic phenomenon, it is necessary to develop integrated methods of fighting it in such key spheres as state administration, local self-government, justice, construction, education and medicine. These technologies must consist of a set of appropriate tools controlled by one special department, such as analytics, examination, investigation, and prosecution. The main goal of the efforts of all government agencies in this area must be to ensure respect for the rights and freedoms of citizens as a full implementation of their legitimate interests.

However, proceeding from the research carried out by the scientists, it is reasonable to state that the improvement of Ukraine's anticorruption legislation from the perspective of the EU candidate from the standpoint of the practical approach is not fully disclosed.

**The purpose of this article** is to disclose the key principles of improvement of Ukraine's anticorruption legislation from the perspective of the EU candidacy.

**Main Material.** At the international level, Ukraine has been recognized as a country that has suffered greatly from corruption both at the national and local levels. War, global competition in the country, limited opportunities for economic and human development. Especially for the quality of state institutions, high level of internal and external security, high level of corruption and low level of satisfaction of the population with national activities. These are the peculiarities that can characterize the current situation in Ukraine.

Low international authority of Ukraine is caused primarily by insufficient anti-corruption legislation, declarative character of the legal norms, low law enforcement discipline, as well as insufficient coordination, interaction and control of public authorities in the implementation of anti-corruption measures. Due to the lack of effective mechanism of anti-corruption measures, which significantly contributes to the emergence of corruption risks. As a result, the formation of a corrupt environment, the normal functioning of all public and state mechanisms is significantly hampered.
Improvements to anti-corruption legislation should be aimed not only at developing comprehensive legislation that would meet international standards in the field of combating corruption. But also, at establishing practical international cooperation, which contributes to improving the national legislation.

An important step in the fight against corruption was the adoption of the Law of Ukraine "On Preventing Corruption" [6] which regulates the legal and organizational foundations, the content and order of functioning of the Ukrainian anti-corruption system, specific features of the anti-corruption mechanisms and rules for excluding the consequences of corruptive offences.

During the last eight years the process of anticorruption reforms has been underway in Ukraine. Creation of anti-corruption bodies and adoption of the appropriate changes to the legislation that have occurred over the years are clearly described in the European Commission (EC) report [7], including the following:

1. All major international anti-corruption treaties, especially the United Nations Convention Against Corruption (UNCAC), were signed.

2. International recommendations on mechanisms for monitoring corruption, especially The Group of States against Corruption (GRECO), have been implemented.

3. All forms of corruption are criminalized, and legislation is adopted to eliminate the conflict of interest, protect the criminals and ensure a transparent mechanism of party financing.

4. A comprehensive system of electronic declarations for civil servants has been introduced.

5. Ensured the transparency of the public procurement system.


It is also worth mentioning that the independence of anti-corruption institutions is an important issue for Ukraine's EU candidacy. In addition to this requirement, the European Commission report states that the independence of anti-corruption bodies is important. In view of that, it was stressed that a transparent and open procedure for the election of the NABU director was carried out, because the term of office of the former NABU director ended in this year's quarter.

These requirements characterize the short-term outlook. Apart from appointing the heads of the NABU and the SAP, experts believe that it is also necessary to appoint a new head of the SAP, as his term of office has recently expired. In addition, it is necessary to recognize the head of ARMA, because the agency has been functioning for two years without a direct leader [7].

At the same time, the European Commission conclusion indicates that Ukrainian investigations of corruption crimes are carried out ahead of schedule,
potentially exposing law enforcement agencies to political pressure. It was also noted that the cooperation between anti-corruption agencies was irrelevant. These phenomena are considered unacceptable in the candidate countries for EU membership. Nevertheless, the European Commission paid attention to Ukraine's significant success in fighting corruption.

Thus, at the end, EC recommended that the head of the SAP be appointed as the head of the competition and to hold a public competition for the position of the NABU director. This will allow to strengthen the fight against corruption through effective investigation [7].

On June 20, 2022 the Verkhovna Rada of Ukraine adopted the Anti-Corruption Strategy [8]. This step was made with the aim to give Ukraine the status of a candidate for the EU membership. Thus, according to this document, it is planned to improve the efficiency of prevention and fight against corruption through the following tasks:

1) formulate and implement the state anti-corruption policy by solving such problems:
   – problems of the state anti-corruption policy, which is not always based on complete, objective, and reliable data, since the efforts of various bodies of state power, local self-government bodies and the community are poorly coordinated.
   – problems of haphazard legislative changes in the area of combating and preventing corruption, because it negatively affects the efficiency of law enforcement activities.
   – problems of further improvement of legal conduct regulations and their drafts to eliminate the factors that may provoke corruption.
   – problems of insufficient guarantee of autonomy of the Institute of responsible units (persons) in charge of preventing corruption.
   – problems of the lack of an objective overview of the situation regarding prevention and fight against corruption in Ukraine, because this leads to a misunderstanding by the public of the causes of corruption, its level and effectiveness of anti-corruption bodies;
2) create a negative attitude towards corruption by solving the following problems.
   – the problem of corruption at home, which is a tired code of conduct and is not considered a violation of moral or legal norms.
   – lack of an objective overview of the situation regarding prevention and fight against corruption in Ukraine, which leads to a misunderstanding by the public of the causes of corruption, its level and effectiveness of anti-corruption bodies;
3) resolve the conflict of interests, common limitations and prohibitions, and ethical rules of conduct by solving these problems:
problems of legislative deficiencies and inadequate risk-oriented mechanisms of detection of conflict of interest, which limit the possibility of minimizing corruption by preventing and resolving the conflict of interest;
problems of legislative restrictions on receiving gifts and legal regulation of participation in certain legal relations, because such participation is often incomplete;
problems of the fact that the legislative level has not established standards of ethical behavior of people's deputies, deputies of local councils, elected officers of local self-government bodies;
4) implement measures of financial management by solving the following problems:
problems of legislative regulation on the inclusion of certain categories of persons to the subjects of declaration, because the regulation of such a process is inconsistent and interferes with the possibilities of financial management tools;
problems with the process of submitting information to the Unified State Register of Declarations of Individuals authorized to perform the functions of the state or local self-government bodies, because the subjects of the declaration are not often fully aware of the subject of the declaration and the requirements for completing the declaration, so there are constant problems with the functioning of this registry;
problems of ineffectiveness of control and verification of declarations, processes of monitoring the way of life of declaration subjects;
5) to ensure the integrity of political parties and election campaigns by solving the following problems.
problems of a tight and non-transparent mechanism of establishment, operation and termination of activities of political parties;
problems of the dominant influence of individuals and legal entities on political parties and election campaigns, as this causes private interests to prevail over public interests in the representative body;
problems of improving the system of managing the financial management of political party activities and participation in elections;
6) Ensure protection of corrupt officials by solving these problems:
the problem of lack of respect for the victims of corruption in the society and the lack of necessary knowledge of legal guarantees of protection of their violated rights among those who want to report corruption;
the problem that in many spheres of social life corruption is a more useful and effective tool than legitimate ones;
lack of respect for the victims of corruption in the society and the lack of necessary knowledge of legal guarantees of protection of their violated rights among those who want to report corruption;
lack of knowledge necessary for proper notification of cases of corruption, the persons authorized to investigate them, and the mechanisms for effective examination of such notifications.
Challenges of protection for whistleblowers since it is not adequately implemented due to the lack of institutional capacity of authorized institutions and insufficient legislative regulation. It is worth mentioning that the provision of electronic services by state authorities may be useful to reduce the significant level of corruption in certain areas. This approach minimizes the interaction of government officials with citizens and prevents the emergence of corruption.

**Conclusion.** Based on the mentioned above, it is worth emphasising that Ukraine has already achieved significant success in the fight against corruption by adopting relevant legislation and establishing anti-corruption bodies. However, there are still a lot of challenges that need to be met and problems that need to be solved. International practice shows that the elimination of corruption cannot be done quickly because it requires a complete reevaluation of the activities of officials and citizens, a reassessment of the ratio of the ruling power of corruption and the impact of this process on the development of the state. In the course of the research, it was determined that the EU will monitor progress in Ukraine. According to the study, the EU will monitor Ukrainian progress in implementation of the terms of the state anti-corruption policy and report on them with a detailed assessment by the end of the current year.

**References:**


