

Legal Regulation and Ways to Overcome Corruption in The Authorities of Public Administration

Viacheslav Puzyrnyi¹, Margaryta Liutikova², Mykola Butko¹, Oksana Lashuk¹, Yuliia Olyfirenko¹

¹Chernihiv Polytechnic National University, Chernihiv, Ukraine

²Zaporizhzhia National University, Zaporizhzhia, Ukraine

popelo.olha@gmail.com

Abstract

This study is caused by the urgent need to constantly fight against such a shameful phenomenon of society as corruption, the flourishing of which cannot be overlooked. This phenomenon has many negative manifestations and consequences, undermines the national security of the state, slows down the development of democracy, worsens the state of all spheres of life (economic, political, administrative, etc.), worsens relations with foreign partners, forms tolerance for corruption in the public consciousness. Today, the process of fighting corruption is extremely important for our country, because it depends on the independence, democracy, sustainability of Ukraine. However, there is a complex and ambiguous situation regarding this process, as there is a clear coordination of state policy in the fight against corruption, insufficient and narrow understanding of ways to combat it. There is a lack of efforts by the authorities to overcome corruption challenges and use ineffective means of combating them. Instead, corruption causes great material and moral damage to states as a whole and many of its citizens.

Key words:

corruption, local government, public administration, civil service reform; state regulation.

1. Introduction

Corruption today is defined as a socio-economic, political, legal, moral and psychological phenomenon that has very deep historical roots and complex nature, has a very significant impact on important social processes and which is characterized by constant change and adjustment to today's realities. Such a phenomenon is negative and dangerous, manifested in social inequality, which is unacceptable. In a democracy, corruption does not occupy a leading place, but under the post-Soviet mentality it becomes a component of everyday life, permeates all its spheres, is perceived as a custom, tradition, characteristic feature, norm. Therefore, to overcome this trend, it is necessary to effectively implement the current anti-corruption legislation and look for ways to overcome corruption.

The purpose of the article is to analyze the legislation that regulates in the field of preventing and combating corruption and identify ways to overcome corruption in public administration.

2. Literature review

Many scholars from different countries have studied the mechanisms of overcoming corruption, issues of economic security and the peculiarities of public administration, namely: Abraham J. (2020) [1]; Abramova A. (2021) [2]; Antón M.P.S. (2020) [3]; Arefieva O. (2021) [4]; Bautista-Beauchesne N. (2019) [5]; Cornell A. (2020) [6]; Derhaliuk M. (2021) [7]; Hamzah (2020) [8]; Khanin S. (2021) [9]; Kholiavko N. (2021) [10]; Kosach I. (2019) [11]; Marhasova V.G. (2017) [12]; Najih M. (2020) [13]; Nurlinaa Kristin D.M. (2019) [14]; Pohrebniak A. (2021) [15]; Popelo O. (2021) [16]; Prabowo H.Y. (2020) [17]; Scaroina E. (2020) [18]; Shkarlet S.M. (2016) [19]; Tkachenko T. (2021) [20]; Tkalenko N.V. (2011) [21]; Widhiasthini N.W. (2020) [22]; Zatonatskiy D. (2021) [23]; Zhang M. (2020) [24] and others.

According to the authors' research [1], it can be argued that the propensity for moral emotions, ie shame and guilt, can predict corrupt behavior. The authors' study uses a violation of the psychological contract as a harbinger of a tendency to moral emotions. The authors argue that this study contributes to the axiological aspect of business psychology, especially in the ethical psychology of the banking industry.

The purpose of the authors' research [24] is to study and develop a system of indexes for assessing the prevention and control of corruption risks. Researchers are also establishing a model for assessing the level of management of corruption risk prevention and the level of management and control. Through case studies, the authors proved that the model can effectively assess the level of management of corruption risk prevention.

The research [17] is based on research into the potential of computer software for qualitative data analysis to support the qualitative evaluation of anti-corruption initiatives, especially those aimed at changing behavior. The authors explore how quality methods can strengthen the current anti-corruption regime by helping decision-makers better assess the success or failure of their anti-corruption initiatives. The researchers emphasize the importance of quality measures to assess behavioral

initiatives to prevent corruption in the Indonesian public sector.

The authors [18] investigated that for many years the fight against corruption has been a privileged area for testing new models of accountability. Researchers have critically analyzed controversial points and not always clear interferences between normative contexts.

Researchers [6] have found that low salaries among civil servants lead to corruption. The authors analyze the relationship between the experience of corruption and the level of salaries of civil servants, using data from both objective and expert surveys with global coverage. According to the results of the analysis, it was found that higher wages compared to the average wage in the country are associated with less corruption.

Researchers [13] have found that according to international rankings, Indonesia is at a very high level of corruption, and Malaysia - at a moderate level. The study is based on identifying an effective legal basis for anti-corruption and law enforcement strategies that can prevent corruption. The authors' study showed that the legal basis for preventing corruption plays a strategic role in enforcing anti-corruption legislation. Researchers have identified two approaches to preventing and combating corruption, namely legal and non-legal.

The aim of the research [8] is to determine the social impact of the process of learning agreements and norms of civil law on the purchase of goods and services during the Covid-19 pandemic, its consequences for preventing corruption in Indonesia. The results of the research of scientists indicate that the legislation on contracts of goods and services gives freedom to people who have no restrictions in the code; good faith is the key to success in resolving the unpleasant problems of the agreement, to preserve the agreement, to provide benefits and benefits to both parties, and civil law provides an essential lesson that in agreements based on good faith, where there are values of decency, honesty and fairness wisdom, is to prevent corruption in the purchase of goods.

The authors [3] investigate that corruption scandals in Spain have caused a crisis of confidence in the public sector and its control mechanisms. International bodies and institutions are committed to new forms of governance and institutional integrity that require profound changes in organizational culture. The authors analyze the current configuration of internal control in public administration, as well as its strengths and weaknesses. Researchers have developed suggestions for improvement to create an integrated system of internal control that will effectively prevent fraud and corruption.

One of the models of preventing corruption, which is considered by the authors of the study [22], is the social prevention of crime. This model aims to prevent crime / corrupt practices through socialization agents, namely the family, the playground, the media and the education

system. The authors argue that the prevention of corruption can be achieved by strengthening individual ties with groups, in this case the main thing is the family and the education system.

Scholars [14] argue that the fight against corruption requires not only a centralized and institutional strategy, but must also respond to a distribution effort backed by a wealth of data and technological progress. Scholars consider the problem of decentralized prevention of corruption, describing the method of heuristic analysis based on many data on corruption. The authors argue that the result is a decision support system to prevent corruption, visualized using the Google Map API.

The purpose of scientific work [5] is to clarify the theoretical and conceptual foundations of corruption prevention. The results of the authors' research prove the need for methodological diversity, theoretical debates and clarification of the definitive basis for preventing corruption. The authors propose a conceptualization of corruption prevention, built around a two-on-two matrix, to synthesize existing definitions and provoke scientific debate. Researchers claim that their research contributes to the fight against corruption at the theoretical level by highlighting the current strengths and weaknesses of the existing literature.

3. Results

The current state of the system aimed at overcoming corruption in public administration depends on its legal framework and mechanisms for preventing and combating corruption challenges, which in turn requires the development and implementation of effective anti-corruption policies and measures. The establishment of such a system should be carried out taking into account the successful foreign experience and in accordance with international standards.

Ukraine has joined the international process aimed at overcoming anti-corruption activities by ratifying a number of international legal instruments and forming its own national anti-corruption legislation based on them. Today, anti-corruption reform is outlined as the greatest urgent need of our country, which is aimed at establishing compliance of anti-corruption legislation with international, in particular European standards.

The leading global document in the field of combating corruption is the UN Convention against Corruption and adopted at the fifty-eighth session of the UN General Assembly in 2003, which defined the theoretical basis for adapting national legislation and outlined the main provisions of anti-corruption policy.

The provisions of Article 5 of the Convention provide for a number of leading measures for States Parties to prevent corruption. Accordingly, each State Party, based

on the basic principles of its country's legal system, prepares and implements effective policies aimed at combating corruption based on transparency, accountability, honesty, order and commitment.

The provisions of this Convention also provide for the formation of a special body (bodies) whose activities are related to the implementation of actions aimed at preventing and combating corruption, public involvement in this area, strengthening the autonomy of the judiciary, criminal responsibility for corruption and their definition.

The most important steps of the Council of Europe to combat corruption are the formation of European anti-corruption agreements, anti-corruption standards, the formation of a specialized monitoring body for their observance in the member states of the Council of Europe - the Group of States against Corruption (GRECO).

Of great importance in overcoming corruption in public administration is the preparation and adoption of anti-corruption legislation as a leading component of Ukraine's strategy, which should be understood as a set of different legal acts aimed at preventing and combating corruption. This legislation contains special provisions that form the features of corruption crimes, responsibility for their implementation, regulate the functioning of public administration bodies, whose activities are limited to preventing and overcoming corruption. The effectiveness and success of anti-corruption activities is determined by the existence of decent legislation in the country. The analysis of anti-corruption legislation of Ukraine, consisting of laws, resolutions of the Verkhovna Rada, acts of the President and the Cabinet of Ministers, etc., includes many of regulations governing this area, which can be grouped as follows (Fig. 1).

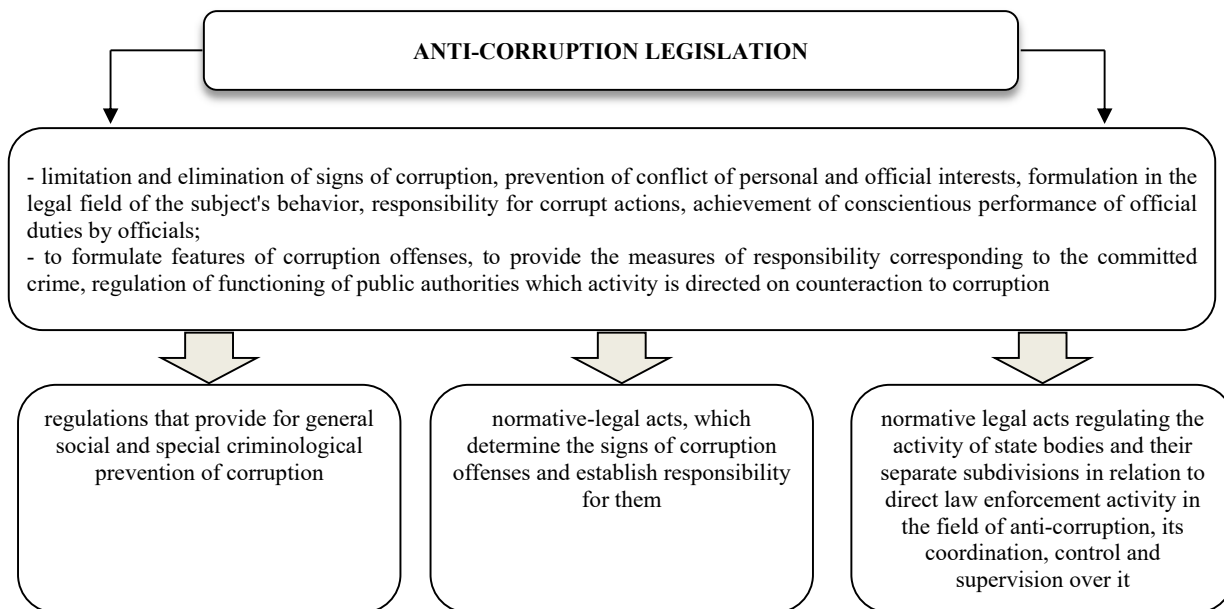


Fig. 1 The essence and composition of anti-corruption legislation.

Source: developed by the authors

The study of legislation aimed at regulating the prevention and combating of corruption in public administration has identified its main components, including the Constitution of Ukraine as the main legal source of our state, the Criminal Code of Ukraine and the Laws of Ukraine (Fig. 2).

Corruption is a social phenomenon that permeates all spheres of life, undermines the national security of the country, destroys people's trust in government, the foundations of democracy, and faith in justice. Therefore, an urgent issue in this context is the need to prepare effective mechanisms to prevent and combat corruption,

the essence, purpose and varieties of which are shown in Fig. 3. We note the need to introduce world experience in combating this disease in the development of mechanisms to combat corruption in Ukraine, as well as complement the implementation of criminal and administrative measures to establish the obligation to compensate in full material and moral damages in case of corruption. The preconditions for the emergence of corruption include the crisis in various spheres of the economy, the unfinished process of reforms, pervasive corruption at all levels and in all spheres of life.

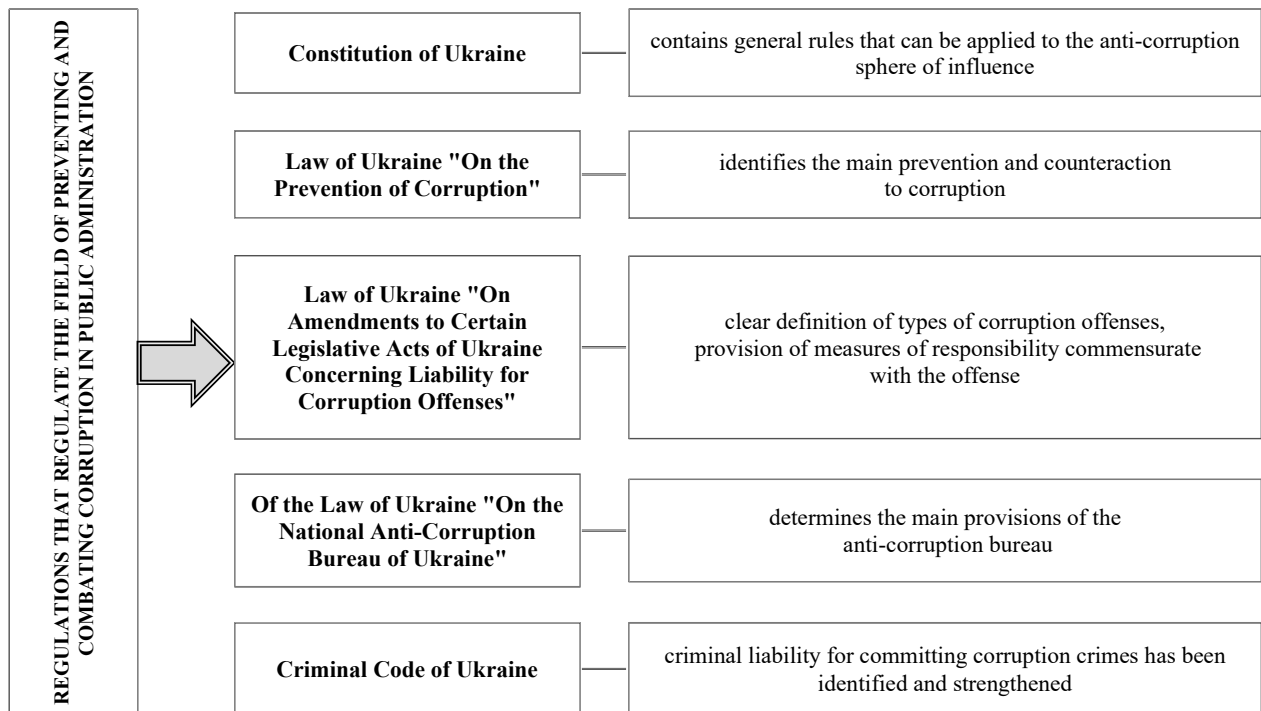


Fig. 2 Legislation of Ukraine in the field of prevention and counteraction of corruption in public administration bodies. Source: compiled on the basis of [25-29].

The foundation of the mechanism for overcoming corruption is the anti-corruption state strategy, which is a document that outlines the anti-corruption policy of our state. Anti-corruption policy should consist of three strategic vectors:

- strategy of public awareness: free access to mass media;
- precautionary strategy: application of the public to actions aimed at overcoming corruption, minimization of state intervention in the business environment;
- retaliation strategy: achieving a higher level of efficiency in the detection of corruption offenses, the professionalism of law enforcement officers, the availability of legal aid for the average citizen of our country.

The institutional mechanism reflects the dynamic side of the system of anti-corruption mechanisms, and to achieve effective implementation of measures to combat corruption in public administration is possible only with a combination of effective legal statics and the dynamics of this area.

Among the main areas of overcoming corruption in public administration should be noted primarily the following:

- formation of a system of public administration, the activity of which is based on the interests of ordinary citizens of the state, and not the own interests of officials

of public administration bodies. To this end, it is necessary to strictly adhere to the involvement in public administration on the basis of a real competitive selection, which is based on the principles of professionalism, competence, high level of moral qualities of candidates. Why is it necessary to significantly raise the salaries of those who passed the competition;

- achieving the availability of information and facilitating access to sources of public information through the establishment of uninterrupted operation of official websites, portals of public administration bodies; introduction of e-government; enabling the public to monitor and control information on the use of public funds;

- achieving transparency of tender public procurement through the use of electronic services and open bidding procedures in order to reduce the manifestations of corruption risks, the cost of products and services and prove the absence of corruption for business in this process;

- elimination of the corruption component, corruption schemes between business and government, for which it is necessary to establish interaction and cooperation of public administration bodies with representatives of business structures, with the complete removal of those whose involvement in corruption abuses has been proven;

- to prevent corruption in public administration bodies by achieving comprehensive public awareness of the

activities of public administration bodies, simplification of administrative services, access to public administration bodies with clear deadlines for citizens, etc.

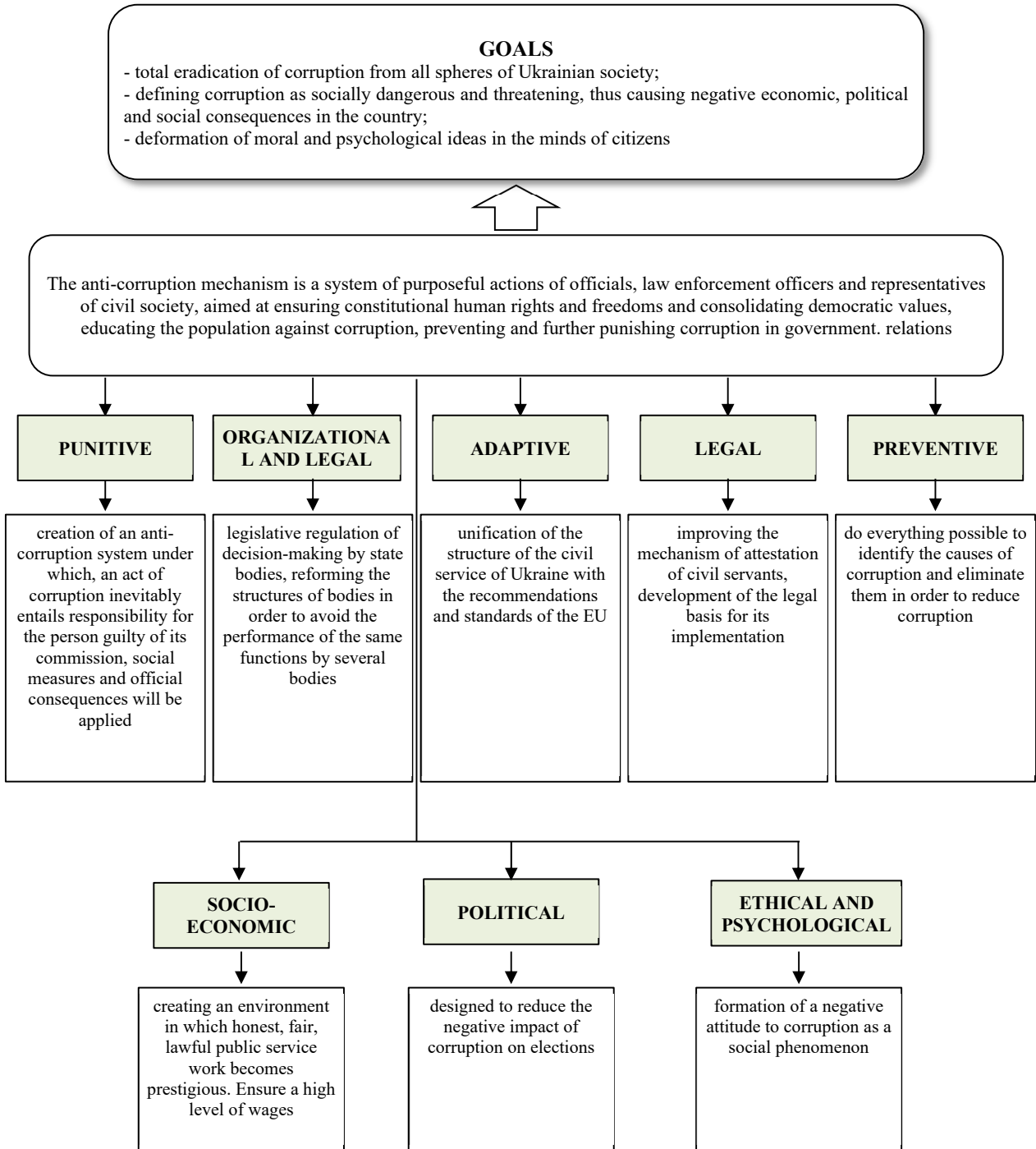


Fig. 3 Mechanisms to prevent corruption.
Source: developed by the authors

4. Conclusions

Corruption is a threat to the country's security, its economic development and the rights and freedoms of citizens. Effective overcoming of corruption leads to the restoration and increase of people's trust in government structures, as well as the socio-economic standard of living of the population, its well-being. The main vectors of anti-corruption policy are the creation of special anti-corruption bodies to combat and combat corruption and the intensification of anti-corruption activities of public administration bodies. Given the above, we can form a number of proposals:

- to initiate the process of combating corruption by amending regulations and adopting a number of new legislative acts that would regulate and regulate the mechanisms for implementing the state anti-corruption strategy;

- formation within each public administration body of a specialized commission to monitor the activities of officials;

- observance of the independence of specialized bodies, whose activities are aimed at combating corruption, from all political parties and forces without exception;

- application of public organizations to actions and processes related to the fight against corruption and their involvement in the supervisory boards of public administration bodies;

- to raise the level of public consciousness, education of intolerance and non-perception of corruption in any of its manifestations;

- creating conditions for the actual implementation of the inevitability of punishment for persons who have committed corruption offenses, regardless of their political, social affiliation and economic and financial status.

References

- [1] Abraham, J., Kurniadi, M.A., Andangsari, E.W., Ali, M.M., Manurung, R.H., & Warnars, H.L.H.S. (2020). Prediction of guilt and shame proneness based on disruption to psychological contract: A new light for corruption prevention. *Heliyon*, 6(6), e04275. DOI: 10.1016/j.heliyon.2020.e04275.
- [2] Abramova, A., Shaposhnykov, K., Zhavoronok, A., Liutikov, P., Skvirskiy, I., Lukashev, O. (2021). Ecosystem of VAT Administration in E-Commerce: Case of the Eastern Europe Countries. *Estudios de economia aplicada*, 39(5). <http://dx.doi.org/10.25115/eea.v39i5.4909>.
- [3] Antón M.P.S. (2020). Internal control of public administrations. Its role in prevention and the fight against the corruption of the public powers. *Revista Catalana de Dret Public*, 60, 87-101. DOI: 10.2436/rcdp.i60.2020.3412.
- [4] Arefieva, O., Tulchynska, S., Popelo, O., Arefiev, S., & Tkachenko, T. (2021). The Economic Security System in the Conditions of the Powers Transformation. *IJCSNS International Journal of Computer Science and Network Security*, 21(7), 35-42. <https://doi.org/10.22937/IJCSNS.2021.21.7.4>.
- [5] Bautista-Beauchesne, N., & Garzon, C. (2019). Conceptualizing corruption prevention: a systematic literature review. *Journal of Financial Crime*, 26(3), 719-745. DOI: 10.1108/JFC-10-2018-0106.
- [6] Cornell, A., & Sundell, A. (2020). Money matters: The role of public sector wages in corruption prevention. *Public Administration*, 98(1), 244-260. DOI: 10.1111/padm.12634.
- [7] Derhaliuk, M., Popelo, O., Tulchynska, S., Mashnenkov, K., & Berezovskyi, D. (2021). State policy of the potential-forming space transformation in the context of the regional development intensification. *CUESTIONES POLÍTICAS*, 39(70), 80-93. DOI: 10.46398/cuestpol.3970.04.
- [8] Hamzah (2020). Civil law agreement and its implication on regulation for prevention of corruption within COVID-19 pandemic. *Journal of Social Studies Education Research*, 11(3), 156-176.
- [9] Khanin, S., Arefieva, O., Dergaliuk, M., Popelo, O., Tulchynska, S. (2021). Concepts of the activation of intellectual and innovative determinants for the development intensification of regional economic systems introduction. *Laplace em Revista (International)*, 7(Extra E), 234-244. <https://doi.org/10.24115/S2446-622020217Extra-E1180p.234-244>.
- [10] Kholiavko, N., Popelo, O., Dubyna, M., Panchenko, O., Tarasenko, A., & Kozlianchenko, O. (2021). Criteria for the description of the financial behavior model of households in the digitalization conditions. *Laplace em Revista (International)*, 7(3B), 57-67. <https://doi.org/10.24115/S2446-6220202173B1486p.57-67>.
- [11] Kosach, I.A., Zhavoronok, A.V., Fedyshyn, M.F., Abramova, A.S. (2019). Role of commission receipts in formation of the revenue of the commercial bank. *Financial and credit activity: problems of theory and practice*, 4(31), 22-30. <https://doi.org/10.18371/fcaptop.v4i31.190781>.
- [12] Marhasova, V.G., Sakun, O.S., & Klymenko, T.V. (2017). Modelling and prognostication of macroeconomic dynamics of providing the economic sustainability to the economic security threats. *Scientific bulletin of Polissia*, 1(1(9)), 43-54.
- [13] Najih, M., & Wiryani, F. (2020). Learning the social impact of corruption: A study of legal policy and corruption prevention in Indonesia and Malaysia. *Journal of Social Studies Education Research*, 11(4), 175-189.
- [14] Nurlinaa, Kristin, D.M., Muqsith, A.M., Mursitama, T.N., Sasmoko, & Makalew, B.A. (2019). A Design of Crowd-Based Corruption Prevention System in Indonesia: Indonesia Corruption Map. *Proceedings of 2019 International Conference on Information Management and Technology, ICIMTech 2019*, 367-372. DOI: 10.1109/ICIMTech.2019.8843839.
- [15] Pohrebniak, A., Arefieva, O., Boiarynova, K., Arefiev, S., & Davydenko, V. (2021). Management of Attracting Investment Resources of Enterprises to Ensure Their Economic Security in Circular Economy. *IJCSNS International Journal of Computer Science and Network Security*, 21(10), 302-309. <https://doi.org/10.22937/IJCSNS.2021.21.10.43>.

- [16] Popelo, O., Garafonova, O., Tulchynska, S., Derhaliuk, M., & Berezovskyi, D. (2021). Functions of public management of the regional development in the conditions of digital transformation of economy. *Amazonia Investiga*, 10(43), 49-58. <https://doi.org/10.34069/AI/2021.43.07.5>.
- [17] Prabowo, H.Y. (2020). Reinvigorating the human instrument: An exploratory study on the potential use of CAQDAS in qualitative evaluation of corruption prevention in Indonesia. *Journal of Financial Crime*, 27(2), 505-530. DOI: 10.1108/JFC-01-2019-0004.
- [18] Scaroina, E. (2020). The prevention of corruption in Controlled and Public Participated Companies. *Archivio Penale*, 72(1). <https://archiviopenale.it/File/DownloadArticolo?codice=3d777623-c359-4658-b5bd-3694bb61f8f2&idarticolo=21783>.
- [19] Shkarlet, S.M., Marhasova, V.H., & Sakun, O.S. (2016). The management mechanism in the system of strategic providing of the economic sustainability to the economic security threats. *Scientific bulletin of Polissia*, (3(7)), 29-37.
- [20] Tkachenko, T., Kozak, K., Sytnyk, H., Vysochyn, I., & Andrus, O. (2021). Methodological support of the efficiency diagnosis of the economic security system of industrial enterprises in competitive environment. *Laplage em Revista (International)*, 7(3B), 460-469. DOI: 10.24115/S2446-6220202173B1572p.460-469.
- [21] Tkalenko, N.V., & Margasova, V.G. (2011). Conceptual grounds of financial security in cross-border cooperation development programs in Ukraine. *Actual Problems of Economics*, (7(121)), 166-172.
- [22] Widhiasthini N.W., Dewi N.L.Y., Igaag Dewi Sucitawathi P., Wisudawati N.N.S., & Maheswari A.A.I.A. (2020). The prevention of corruption through the social crime prevention. *International Journal of Psychosocial Rehabilitation*, 24(3), 2372-2379. DOI: 10.37200/IJPR/V24I3/PR201885.
- [23] Zatonatskiy, D., Marhasova, V., & Korogod, N. (2021). Insider threat management as an element of the corporate economic security. *Financial and Credit Activity: Problems of Theory and Practice*, 1(36), 149-158.
- [24] Zhang, M., Lang, J., Zhang, J., Shen, Q., & Wang, Y. (2020). Research on EPC Engineering Corruption Risk Prevention and Control Evaluation System. *IOP Conference Series: Earth and Environmental Science*, 474(714), 072018. DOI: 10.1088/1755-1315/474/7/072018.
- [25] On Amendments to Certain Legislative Acts of Ukraine Concerning Liability for Corruption Offenses, Law of Ukraine № 3207-VI (on April 7, 2011) (Ukraine). <https://zakon.rada.gov.ua/laws/show/3207-17#Text>.
- [26] On the National Anti-Corruption Bureau of Ukraine, Law of Ukraine № 1698-VII (on October 14, 2014) (Ukraine). <http://zakon3.rada.gov.ua/laws/show/1698-18>.
- [27] On the Prevention of Corruption, Law of Ukraine № 1700-VII (on October 14, 2014) (Ukraine). <https://zakon.rada.gov.ua/laws/show/1700-18?lang=en#Text>.
- [28] The Constitution of Ukraine, Law № 254к/96-BP (on June 28, 1996) (Ukraine). <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80?lang=en#Text>.
- [29] The Criminal Code of Ukraine, Law of Ukraine № 2341-III (on April 5, 2001) (Ukraine). <http://zakon5.rada.gov.ua/laws/show/2341-14>.