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Nataliia SLOTVINSKA©
PhD in Law
(Lviv Polytechnic National University, Lviv, Ukraine)

UN EXPERIENCE OF LEGAL REGULATION OF ANTI-CORRUPTION ISSUES IN PUBLIC SECTOR

Наталія Слотвінська. ЗАПОБІГАННЯ КОРУПЦІЇ У ПУБЛІЧНОМУ СЕКТОРІ: ДОСВІД ООН. Усунення, нейтралізація чи обмеження дії соціальних передумов корупції потребує системних змін в основних сферах соціального життя, насамперед у функціонуванні публічної влади. Оскільки корупція – це явище, яке пов'язане зі зловживанням певними можливостями, які надаються певною посадою чи службовим становищем осіб, які уповноважені на виконання функцій держави, традиційно вважається, що заходи запобігання корупції мають перш за все бути спрямовані на таких осіб.

Питанням запобігання корупції у публічній сфері особливу увагу звертає ООН, результати роботи цієї організації над створенням антикорупційних механізмів у цій сфері закріплені у Конвенції ООН проти корупції, яка є комплексним документом, який містить як стандарти криміналізації корупційних правопорушень, так і запобігання корупції, міжнародного співробітництва та повернення майна, придбаного в результаті вчинення будь-якого зі злочинів, які передбачені конвенцією.

Зі змісту цієї Конвенції можна зробити наступні висновки: 1) Конвенція не покладає на держав-учасниць обов'язку, а держави-учасниці, ратифікувавши Конвенцію, не взяли на себе зобов'язання запровадити обов'язкове декларування державними посадовими особами своїх доходів, а тим більше – видатків; 2) рекомендації Конвенції стосуються лише декларування доходів державними посадовими особами, а не всіма суб'єктами відповідальності за корупційні правопорушення, і випускають з уваги декларування доходів та видатків близькими особами (родичами) суб'єктів відповідальності за корупційні правопорушення; 3) рекомендації щодо декларування доходів стосуються лише випадків, коли у зв'язку з їх одержанням може «виникнути конфлікт інтересів навколо їхніх функцій як державних посадових осіб», а не стосуються всіх інших ситуацій одержання доходів.

Одним з пріоритетних напрямків запобігання та протидії корупції є заходи щодо забезпечення відкритості влади. Забезпечивши відкритість діяльності владних структур, влада вирішує три надзвичайно важливі для себе і суспільства завдання: 1) повертає віру громадян до офіційної влади; 2) створює несприятливі передумови для корумпування суспільства; 3) забезпечує реалізацію конституційних прав громадян у інформаційній сфері. Рівень прозорості влади – це показник рівня її демократичності, ступеня довіри громадян до обраної ними влади, потужний загальносоціальний антикорупційний фактор.

Ключові слова: *корупція, злочин, покарання, публічний сектор, приватний сектор, влада.*

Relevance of the study. Elimination, neutralization or restriction of the social preconditions of corruption requires systemic changes in the main spheres of social life, first of all in the functioning of public authorities. Because corruption is a phenomenon associated with the abuse of certain opportunities provided by certain posts or official position of persons authorized to perform state functions, it is traditionally believed that anti-corruption measures should be aimed primarily at such persons. Public confidence and public accountability play an important role in preventing corruption. Preventing and combating corruption cannot be effective without preventive measures in the public sector, an area where those authorized to represent the state perform their professional duties. Corruption in the state and inefficient governance in it are interrelated phenomena: inefficiency of public administration inevitably stimulates corrupt relations, and corruption, in turn, reduces the efficiency of public administration. That is, the inefficiency of public administration is one of the factors of corruption in the state.

ORCID iD: https://orcid.org/0000-0002-2756-4557
e-mail: n.slotvinska@meta.ua

Recent publications review. issues of combating corruption in the public sector were studied by V. Hryb, L. Oks, B. Crumley, V. Kolotiy, V. Vytvytskyyand others.

The research paper's objective is to study the UN expierence of lwgal regulation of anti-corruption issues in the public sector.

Discussion. The UN pays special attention to the prevention of corruption in the public sphere, the results of the work of this organization on the creation of anti-corruption mechanisms in this area are enshrined in the UN Convention against Corruption.

The UN Convention against Corruption is a comprehensive document that contains both standards for the criminalization of corruption offenses and the prevention of corruption, international cooperation and the return of property acquired as a result of any of the crimes covered by the convention. Articles 7 to 10 of the Convention set international anti-corruption standards in the public sector, which can be divided into the following groups, depending on the areas in which corruption is most pronounced:

1. The system of employment, selection, training and preparation of civil servants in order to deepen their awareness of the risks associated with corruption and related to the performance of their functions; establishing criteria for candidates and elections for public office; enhancing transparency in the financing of candidates for elected public office and, where appropriate, in the financing of political parties.
2. Application of codes of conduct that establish a proper model of conduct for public officials; measures and systems to ensure that public officials report to the relevant authorities any acts of corruption which they become aware of in the performance of their duties; measures that ensure that government officials declare their extracurricular activities, occupations, investments, assets, and significant gifts or profits; rules for preventing conflicts of interest that may arise when an official carries out his official activities.
3. Ensuring openness and transparency of public administration through the establishment of the right of access to public information, its publication, and simplification of administrative procedures in public bodies that are authorized to make decisions.
4. Ensuring transparency in public procurement and public finance management.

The activities of the entire public sector in the country should be based on such principles as efficiency, transparency, honesty and probity. This involves establishing objective criteria for the recruitment of civil servants, as well as creating conditions for continuous training and fair remuneration. S. Rose-Ackerman, for example, argues that ensuring adequate remuneration for work is a guarantee not only of overcoming corruption in the public sector, but also of an influx of highly qualified professionals who are reluctant to work as government officials for low wages, preferring the private sector or relocating abroad in search of professional realization. As a result, vacancies in the civil service are not filled by highly qualified specialists. Or there is another situation, especially in countries where corruption is very common, when vacancies are filled in order to compensate for low wages with bribes. In developing countries, positions in the bureaucratic hierarchy are very desirable, because they provide broad opportunities for bribery [1, p. 116]. Increasing the remuneration for the performance of official functions in the state is a way to reduce the level of corruption in the civil service, confirmed by the experience of other states. For example, one of the measures of the anti-corruption reform package in Singapore (Singapore ranked 5th in Transparency International's Corruption Perceptions Index in 2019) [2] was to raise the salaries of senior government officials to the level of top managers of private corporations [3]. Regarding the criteria for recruitment, most countries have developed similar criteria for admission to the civil service, and the tendency to ensure transparency in recruitment is the use of electronic means of communication as a mechanism for announcing competitive recruitment and processing applications from candidates and so on.

The experience of Georgia is interesting in this respect. In this country, during the implementation of anti-corruption reforms, an electronic system of registration of civil servants was introduced, which did not allow nepotism when hiring a person [4, p. 34].

The international standard in the anti-corruption policy of states are measures taken to prevent conflicts of interest. In Art. 7 of the UN Convention against Corruption emphasizes the need to create, maintain and strengthen such systems that promote transparency and prevent conflicts of interest.

Conflict of interests is a complex and sometimes difficult concept to understand, especially in countries with a low legal culture and systemic corruption. There is no universal definition of this concept, but in most countries this concept means a situation in which the

public interests to be represented by an official, conflict with the private interests of a person, which can lead to bias in the performance of official duties and to corruption offenses.

To prevent conflicts of interest, it is common practice to adopt written standards, in particular codes of conduct, that guide officials on how they should behave and what actions to take to prevent conflicts of interest. In Article 8 of the UN Convention against Corruption states that each State Party shall take into account, as appropriate and in accordance with the fundamental principles of its legal system, relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials [5].

Such codes of conduct are usually aimed at preventing potential conflicts of interest through a combination of positive declarative provisions or principles and restrictions and prohibitions on certain activities, such as accepting gifts or rewards that may give rise to a conflict of interest.

In many countries, such codes are created not only for all civil servants, but also for various areas of public administration. For example, codes of conduct can be created to ensure integrity and transparency in public procurement, for customs authorities and bodies with high corruption risks. Corruption risk should be understood as circumstances (phenomena, processes) in the functioning of state bodies and local governments, the activities of their officials, which create a situation of possible or even inevitable corrupt behavior of such persons [6, p. 152].

According to Art. 11 of the Convention («Measures relating to the judiciary and prosecution services») taking into account the independence of the judiciary and its crucial role in the fight against corruption, each State Party shall, in accordance with fundamental principles of its legal system and without damage to the independence of the judiciary, strengthen the integrity of the judiciary and preventing any possibility of corruption among them (in those States Parties where the prosecution service is not part of the judiciary but enjoys the same independence as the judiciary, and in relation to representatives of the prosecutor's office). Such measures may include rules concerning the conduct of the judiciary. Well-known international instruments in this area are the Bangalore Principles of Judicial Conduct and the Code of Conduct for Law Enforcement Officials.

For the code to work as required by international experience, its implementation must be ensured in practice. This is done by two main methods. First, it is necessary to create a well-organized curriculum on the requirements of professional ethics. Every employee must undergo similar training. In addition, such training should be provided not only when a person enters the civil service, but periodically. Second, for the code to be effective, it is necessary to develop an effective system of sanctions for violations of the code, which should be proportional to the offense [7, p. 6].

An important means of detecting violations of the Code of Conduct is to create an effective system of notifications of suspicions of corruption. According to Part 4 of Article 8 of the UN Convention against Corruption, states are considering the introduction of measures and systems that ensure that public officials report to the relevant authorities about acts of corruption that they became aware of during the performance of their functions. However, such a rule is often ineffective without providing certain guarantees for those who report offenses. Important in this aspect is the application of standards on the protection of whistleblowers (informants), as well as the formation of mechanisms for effective response to reports of offenses.

In the United States, for example, all executives are required to report to the Attorney General any information or statement by an employee regarding a violation of the law by employees. An official who knew about the theft, misuse of property or corrupt practices committed by other officials, but did not report it, is subject to administrative liability [8].

In order to prevent conflicts of interest, it is common in the world to restrict the activities of public officials in the private sector. Such a restriction can be absolute (for example, in Armenia and Bulgaria) or relative, when public officials can receive income from private activities, but with certain permits or only up to a certain level of income (such a limited ban exists in Austria and France). In Japan, for example, public officials are prohibited from engaging in any activity in the private sector without the special permission of the National Personnel Authority, the central body that monitors the conduct of public officials. It may also prohibit any links between public sector officials and any private organizations, or those that are controlled or otherwise interact with the public authority in which the public official works. There is also a practice of banning or restricting activities in the private sector

after the end of the civil service, in many countries the period of such restriction is from 3 to 5 years.

However, as noted at the UN Conference on the Prevention of Corruption in 2012 in Vienna, public officials, despite a legal ban or restriction on private sector activities, actually have serious business interests, and this phenomenon is most common among elected officials [8]. S. Rose-Ackerman notes that it is difficult to find a universal recipe for overcoming the conflict of interest of elected officials. The minimum that can be done in this direction is to decisively expose the financial interests of incumbent politicians and their family members when making certain decisions. The links between politicians and wealthy lobbyists should also be exposed so that voters can evaluate the activities of their representative. This problem with the conflict of interest of elected officials is particularly acute in young post-communist states [1, p. 119].

However, such restrictions vary from state to state. If, for example, French law is compared with American law, it is more about administrative than criminal law, with the same goal – to prevent the unification of personal financial interests and the performance of civil servant functions. In practice, French bans seem less severe. Officials are generally not required to declare their income, and restrictions on professional activity after dismissal are not as severe as, for example, in the United States. In the United States, restrictions on the political activities of civil servants have been imposed to prevent dependence on party commitments. In France, on the other hand, it is common for an official to seek an elected political office. Officials can run in elections without losing their status, and at the local level they can even combine public service with elected office. If an official goes to parliament, he is obliged to take a leave, but with the expiration of his term of office, he may return to his previous position. Such a system is viable because it is based on a long tradition of understanding the social significance of the civil service. In countries where the civil service is associated with corruption and favoritism, it cannot operate. However, such a model in France must be changed very quickly, as it is planned to establish new stricter rules to limit conflicts of interest [9]. Establishment of disciplinary, administrative or other liability for non-compliance with the requirements to prevent conflicts of interest is a condition for the effectiveness of such rules. For example, in the United States, if an official is found to be in violation, the following measures may be applied:

– partial or complete disqualification;

– transfer to a lower position;

– a proposal to terminate «conflicting» financial ties [10, p. 107].

Part 5 of Article 8 of the United Nations Convention against Corruption stipulates that each State Party shall endeavor, where appropriate and in accordance with the fundamental principles of its domestic law, to introduce measures and systems which oblige public officials to submit declarations to the relevant authorities, in particular on off-duty activities, occupations, investments, assets and significant gifts or profits that may give rise to a conflict of interest over their functions as public officials. Subject to paragraph 6 of this article, each State Party shall consider disciplinary or other measures against public officials in violation of the codes or standards established pursuant to this article.

At the same time, the text provides grounds for the following fundamental conclusions:

1) The Convention does not impose obligations on States parties, and States Parties, having ratified the Convention, have not undertaken to introduce a mandatory declaration by public officials of their income, let alone expenditure; 2) the recommendations of the Convention apply only to the declaration of income by public officials, and not to all subjects of responsibility for corruption offenses, and not take into account the declaration of income and expenses by close persons (relatives) of subjects of responsibility for corruption offenses; 3) the recommendations on the declaration of income apply only to cases where in connection with their receipt may be «a conflict of interest around their functions as public officials», and do not apply to all other situations of income.

Thus, the imposition or non-imposition by a national legislator of certain categories of persons whom it recognizes as liable for corruption offenses, the obligation to declare income and / or expenditure, is a matter for the national legislature itself.

However, the obligation to declare income has already become an international standard in the field of anti-corruption.

Singapore is one of the most successful countries in the fight against corruption, where declaration is mandatory. Every year, government officials are required to fill out special forms

to declare their income. If such persons cannot explain where their additional funds come from, it can be assumed that the source of their income is corruption. The relevant inspection is then carried out by the prosecutor.

The obligation to declare in foreign countries provides for the application of a broad and limited approach to the range of persons subject to financial control. In some states, the obligation to declare extends to all public officials, but in most states, the obligation to declare rests with senior government officials. For example, in South Korea, high-ranking government officials are required to declare information about their property, as well as the same information about their family members. The same obligation is imposed on certain categories of public officials working in areas particularly prone to corruption, such as tax management, financial control, law enforcement, etc. [8].

Some countries also apply the principle of «de minimis», according to which a certain minimum income limit is set, the excess of which is subject to declaration. In Austria, for example, an elected public official is required to disclose income in excess of € 1,142 per year. Bodies that control the declaration of income by government officials are empowered to require declarations from officials who are not defined by law as subjects of declaration [8].

There are also different models for publishing income tax returns. Declarations can be confidential when declarations are submitted to anti-corruption bodies or other state bodies that control them, or public, when the body receiving the declarations is obliged to publish them through the media or the Internet or in any other way. In the United States, for example, those who want to review a senator's declaration must personally visit a special body, identify themselves, and only then they will have access to the declaration.

However, a confidential regime can only be effective if the anti-corruption body that controls the declarations is independent and enjoys the trust and support of the public. But, such conditions are very difficult to achieve in most countries.

A certain compromise system has also been formed, when only the declarations of the top government officials are published.

As for the control over the declaration of income, there are also two models: when such control is carried out by one specialized body and when the control powers are vested in separate units of the bodies where the subjects of the declaration work.

The importance of establishing a centralized body to monitor compliance with the rules on overcoming conflicts of interest and to monitor the submission of declarations by public officials was noted at UN Conferences [8]. Different states decide differently on the introduction of special bodies to prevent conflicts of interest of officials. Some have centralized bodies that monitor the implementation of conflict of interest prevention standards (Japan, the United States, and the Republic of Korea). In others, this is done by internal units of state bodies (Russia) [10, p. 109].

Declaring the income of public officials helps to identify in which areas of the official's activity a conflict of interest may arise. Of course, for those who systematically take bribes, declaring income may not have a deterrent effect, but such an anti-corruption measure makes it possible in some way to deter honest civil servants from receiving illegal benefits. In addition, in most countries, the declarations of senior government officials are subject to publication, i.e. public scrutiny, which is necessary for the effective implementation of anti-corruption mechanisms.

An area where corruption abuses are particularly prevalent is public procurement. This is evidenced by the fact that a separate article of the UN Convention against Corruption deals with public procurement and public financial management (Article 9).

In most countries, public procurement is an important part of the economy. In developing countries, where the state plays an important role in the economy, public procurement is even more important. From an economic point of view, bribery and conspiracy, rigging of bidding results cause additional costs in the bidding process, inefficient allocation of limited state resources. That is why measures have recently been taken at the international level to develop public procurement systems that should prevent corruption and increase competition in this area.

Fraud with bids during the procurement procedure takes various forms.

In «suppression of bids» or «restriction of bids» schemes, where one or more competitors who would otherwise have to bid or have previously submitted bids agree to refrain from bidding or to withdraw a previously submitted bid for that the application from the predetermined winner of the competition was accepted. Sometimes one or more conspirators

may file fabricated protests in an attempt to prevent those who do not participate in the conspiracy from obtaining a contract. After the contract is awarded, the winner of the tender may pay the other conspirators in cash or by subcontracting.

«Submission of additional bids» (also called «defensive or shadow participation» in the tender) occurs when some competitors submit bids with bids that are too high, ie unable to win, or if the bids are submitted as competitive in price, they are unacceptable for reasons other than prices. Such applications are designed to create a sense of real competitive choice. This allows you to win for a predetermined bid of one of the competitors, when the institution requires a minimum number of bidders [11, p. 25].

Sometimes «silent partners» join the contracts awarded for the works. These conspirators are involved in the sharing of profits from the performance of contracts with an officially appointed contractor, but their participation in the work is not known to the contracting authority.

Conspiracy is more likely if there are a small number of contractors. The fewer competitors, the easier it is to get together and agree on prices, bids, customers or territories. Conspiracy can also occur when the number of firms is quite large, but there is only a small group of major customers or applicants, and others are firms that control only a small market share. At the same time, corrupt agreements are being made with persons authorized to conduct tenders.

Part 1 of Article 9 of the UN Convention against Corruption, which deals with issues related to public procurement, is based on 3 basic principles: transparency, competition and objective decision-making criteria.

UN standards on public procurement provide for the following: timely public dissemination of information related to procurement procedures; establishing in advance the conditions of participation in public procurement; application of pre-established and objective criteria for decision-making on public procurement; an effective system of internal control, including an effective system of appeal, to ensure the possibility of recourse to the courts in the event of non-compliance with rules or procedures; adoption of special rules concerning the personnel responsible for procurement.

At the Conference of the State Parties of the UN Convention against Corruption in December 2010, the UN Intergovernmental Working Group on the Prevention of Corruption in Vienna recommended that State Parties consider the use of computerized systems to regulate public procurement, monitor and detect violations in procurement, and to consider the issue of non-admission to the procedure of public procurement of entities involved in corruption offenses [12].

The use of electronic procurement systems can be an important contribution to ensuring the transparency of operations in this area. Free access to such systems can lead to increased participation of entrepreneurs in public procurement, increased competition in their implementation. Electronic procurement systems can be particularly effective in involving small and medium-sized enterprises in the procedure. In addition, increased transparency can help to strengthen the control of procurement process by competitors and civil society.

One of the priority areas for preventing and combating corruption is to ensure open government. Having ensured the openness of the activity of governmental structures, the government solves three extremely important tasks for itself and society: 1) restores the faith of citizens to official authorities; 2) creates unfavorable preconditions for corruption of society; 3) ensures the realization of the constitutional rights of citizens in the information sphere. The level of transparency of the government is an indicator of the level of its democracy, the degree of trust of citizens in the government they have elected, a powerful social anti-corruption factor. The unavailability of information on decision-making by public authorities contributes to the development of backroom agreements that benefit certain individuals with the greatest influence in society, corruption relations within the public sector of the state. Article 10 of the UN Convention against Corruption obliges States to take such measures as may be necessary to enhance transparency in public administration. The key to open government is the existence in the state of legislation on access to public information, which allows citizens to be as informed as possible about the governmental processes in the state, and therefore to monitor the activities of public officials.

The main international standards in the field of the right of access to information are:

– the principle of maximum openness – all information held by public authorities is open, except as provided by law;

– information to which access is closed must be clear, narrowly described and consistent with control in accordance with the «three-part test», namely: 1) the information must be relevant to the legitimate purpose provided by law; 2) the disclosure of information must threaten to cause significant damage to the specified legitimate purpose; 3) the damage that may be caused to the specified purpose must be more significant than the public interest in obtaining information;

– the amount of information, access to which is limited, about a public person should be much less than the amount of information about a private person;

– the procedure for access to information should be clearly defined, and the general deadline for providing information on request should be short;

– provides not only the right of access to information held by public authorities and local governments, but also to information belonging to private organizations, if the disclosure of this information reduces the risk of harm to the main public interest;

– availability of a special out-of-court mechanism to protect the right of access to information (information commissioner);

– protection of «whistleblowers» [13, p. 112].

The reduction of opportunities for bribery in the sphere of official activity can be achieved through the introduction of new mechanisms of interaction between citizens and officials. For example, the use of electronic systems of interaction with public authorities, e-procurement, e-government is widely used to prevent corruption. For example, in Estonia, the government has introduced an online payment system as an alternative to paying for various types of documents, which has significantly reduced the possibility of extorting bribes from officials, as personal contact is minimized under such conditions [10, p. 111].

Greece is one of the countries that successfully implements the principles of transparency of information on the use of public funds. In 2010, a law was passed requiring all public authorities to publish their decisions online, including decisions related to public procurement. From October 1, 2010, all state and local governments are required to publish their decisions on the Internet through a platform called «Transparency» (diavgeia – διαύγεια) [14]. By law, the decisions of these bodies cannot be carried out without first posting them on this website. Only decisions that contain legally protected information or information related to state security are not published. Each document with the decision is accompanied by an electronic digital signature and number. If there is a discrepancy between the decision published in the official publication and the decision posted on the Transparency website, the latter is preferred. Public procurement contracts are also published on this website.

Ensuring the openness of government is also achieved by simplifying administrative procedures to facilitate public access to the competent decision-making bodies. Such measures are also provided in Art. 10 of the UN Convention against Corruption. The experience of states that have managed to significantly reduce the level of corruption as a result of the implementation of the anti-corruption reform system shows that deregulation is a necessary element of this system. Comparing the fight against corruption and bureaucratic hurdles in Ukraine and Georgia, Georgian Deputy Justice Minister Giorgi Vashadze told at the conference «Ukraine, where are you going?» in Oxford in 2011 that the first step to successful reforms should be to minimize all bureaucratic procedures. This applies to everything from obtaining a passport, buying an apartment or obtaining a copy of a birth certificate.

In Georgia, for example, the complex system of obtaining permits and licenses has been replaced by the principle of a «single window», which provides for the provision of many administrative services by a single body, which significantly reduces administrative burdens and corruption risks. The number of licensed activities decreased by 85%, in this area strict deadlines were set for processing applications for licenses and permits by state bodies, which was based on the principle of «tacit consent» – the application was considered satisfied if the applicant did not receive a response within the prescribed period. Customs, property and business registration procedures have also been simplified.

Conclusions. UN anti-corruption standards in the public sphere provide for the implementation of a set of measures aimed at preventing the commission of corruption offenses. These are, first of all, the requirements for public officials to carry out their activities on an ethical basis, which can be established in special codes of conduct that help persons performing public functions to choose the right course of action in a situation where there is a high risk of corruption. An important issue for settlement is the emergence of a conflict of interest in the performance of their duties, the related declaration of income of public officials.

The condition for effectively combating corruption in the public sector is also the implementation of measures aimed at ensuring the openness of government through access to public information and reducing bureaucracy and entanglement in public administration.

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ABSTRACT

UN anti-corruption standards in the public area provide for the implementation of a set of measures aimed at preventing the commission of corruption offenses. These are, first of all, the requirements for public officials to carry out their activities on an ethical basis, which can be established in special codes of conduct that help persons performing public functions to choose the right course of action in a situation where there is a high risk of corruption. An important issue for settlement is the emergence of a conflict of interest in the performance of their duties, the related declaration of income of public officials. The condition for effectively combating corruption in the public sector is also the implementation of measures aimed at ensuring the openness of government through access to public information and reducing bureaucracy and entanglement in public administration.

Keywords: *corruption, crime, punishment, public sector, private sector, government.*

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Олександр ТАЛДИКІН©
кандидат юридичних наук, доцент
(Дніпропетровський державний університет внутрішніх справ, м. Дніпро, Україна)

АСОЦІЙОВАНА ДЕРЖАВА

Проаналізовано, існуючі в сучасних суспільних науках підходи до визначення поняття «асоційована держава». На цій основі зроблено висновок, що визначення поняття «асоційована держава» має дещо різну інтерпретацію. Метою роботи є теоретико-правовий аналіз поняття «асоційована держава», виявлення рівнів асоціації. Запропоновано класифікацію шляхів утворення асоційованих держав. Подано авторський варіант поняття «асоційована держава», як: особлива форма наддержавних, державних або внутрішньодержавних відносин, які виникають на основі договору про асоціацію, та передбачають втрату частини суверенітету за умови збереження народом свого права на самовизначення, самостійність стосовно вирішення питань внутрішньої політики, збереження власних конституцій та державного апарату.

Ключові слова: *асоційована держава, держава, державний суверенітет, квазідержава, протекторат, форма устрою, держава-сателіт, маріонеткова держава.*

ORCID iD: https://orcid.org/0000-0001-8681-5523
alextall14@gmail.com