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4. Regulatory and legal aspects of corruption prevention in Ukraine in accordance with the requirements of the European Union

Law-making as a method of scientific research plays an extremely important role in the knowledge of social phenomena and processes and their essence. It is a universal method also in terms of transforming the future: it is impossible to carry out social transformations without having a proper innovative project.

Modern Ukraine has become a training ground for various social experiments. Therefore, in its history, it is not difficult to find different types of anti-corruption models that meet the requirements of the European Union. Turning to the comprehensible historical period in modern Ukraine and the former USSR, several such conceptual models can be distinguished.

The totalitarian model of the fight against corruption involves comprehensive control by the state over the behavior of officials and a tough response to any deviations from accepted norms (written and unwritten) that they have allowed. This model was mostly implemented in the era of Stalinism [1].

With this approach to fighting corruption, human rights are violated, since totalitarianism is fundamentally incompatible with their observance.

However, this model also has positive aspects: it ensures a close correlation between the level of authority of an official and the degree of responsibility. The risk of being prosecuted and punished increases for individuals who are closer to the top of power – the closer to the top, the greater the risk. In other words, the principle of implementation of responsibility works: „from top to bottom", which is an ideal means of optimizing any social system.

The authoritarian model of combating corruption according to the requirements of the European Union has its own fundamental feature – the implementation of responsibility is selective, in accordance with the attitudes of the „leader". For a long time, such persons were representatives of the party elite. This model was typical during the reign of Khrushchev-Brezhnev [1].

Two more features inherent in the authoritarian model should be mentioned: firstly, the rise of an official to a certain level of authority actually provides legal immunity and, secondly, money in this model plays a secondary role or has no importance at all [1].

The considered model of combating corruption motivates the desire to get into power structures for reasons of personal safety and impunity; therefore, the processes of power degradation and its successive corruption are embedded in it.

The liberal model of fighting corruption means complete irresponsibility, impunity and permissiveness. Such a situation occurs in periods of revolutionary upheavals, when the new government has not yet mastered the functions of management or deliberately initiates destructive processes. The historical periods of the existence of this model are the time of the Provisional Government, reforms are actively taking place.

The oligarchic model of combating corruption is carried out in accordance with the clan approach – according to the principle of „one's own – another's". Since power is exercised by „teams", they protect their „own" from responsibility in all possible ways, but in relation to „strangers" they collect compromising material and try to give it a legal course. We can observe the implementation of this model today [1].

In the oligarchic model, money is extremely important, so the vast majority of issues, including in the law enforcement sphere, are settled with their help. Hence the modification of this model into a criminal one, since, as practice shows, bandits are also freed from responsibility, which allows them to engage in criminal business with impunity.

Since oligarchic clans do not support feedback from the population and management structures (including in the law enforcement sphere), the fight against corruption becomes instrumental in nature and is seen as a tool in inter-clan struggles for power. Lack of control gives rise to large-scale corruption in lower power structures [1].

As a result of ignoring feedback, the social system is unstable, so this model can exist for a short time.

It is worth noting that these models of combating corruption according to the requirements of the European Union are dynamic and tend to transform from one type to another: there is a high probability of modification of a liberal model into an authoritarian one, an authoritarian one into an oligarchic one, and an oligarchic one into a totalitarian one. All models are unstable (due to instability in the state and society), so it is advisable to define the main features of an ideal model in order to imagine how the anti-corruption strategy should be implemented in a civilized society.

Therefore, strictly speaking, this model exists and is mostly embodied in the concept of the legal Ukrainian state. Another thing is that this concept is abstract and requires content saturation that corresponds to the spiritual and cultural-historical traditions of our country. The realization of such ideas as the reconciliation of law and morality, the definition of a reasonable hierarchy of law enforcement values, the equality of all before the Law, the correspondence between the level of authority and the degree of responsibility, the maintenance of feedback, and the formation of priorities in the fight against crime are of great importance in this process.

In terms of the fight against corruption, it is especially important to ensure the real implementation of the principle goal of the rule of law model, as the equality of all before the law, in particular, by minimizing the system of legal and factual immunities. This is possible only with a change of attitude towards law.

Currently, law is treated as a mechanism for regulating social relations, which can be „turned on" and „turned off" in appropriate situations, guided by one's own benefit.

Ukrainian society certainly expects the authorities to declare their intention to carry out fundamental reforms of the law enforcement system in accordance with the requirements of the European Union. During such changes, its security will be strengthened, first of all, the protection of people from any illegal encroachments, the entire law enforcement system will be democratized and humanized, and the efficiency of its activities will increase dramatically. From what will be law enforcement agencies and the judicial system, what will be criminal justice in general and will depend on what will be our state: legal, democratic or totalitarian [2].

The difficulty of solving this problem lies in how to find a balance between ensuring human rights and freedoms and the interests of the state. This requires a rethinking of the social purpose, first of all, of criminal justice. Modern Ukrainian society needs such a Criminal Procedure Code of Ukraine, which would „adequately ensure the balance of public and private interests, because criminal proceedings are carried out in the interests of the entire society as a whole and an individual person in particular" [3]. We believe that the adopted new Criminal Procedure Code of Ukraine will primarily serve the interests of society in general and an individual in particular.

Therefore, based on the analysis of the current regulatory and legal mechanism and a retrospective analysis of typical models of combating corruption, we can offer our own model of regulatory and legal support for the prevention and counteraction of corruption in the civil service system of Ukraine in accordance with the requirements of the European Union.

When proposing the reform of authorized entities in the field of anti-corruption, including prosecutor's offices, in our opinion, the following factors should be taken into account: appointment and tasks of prosecutor's offices; determination of the role and place of the prosecutor's office among the branches of government; the state of law and order in the transitional Ukrainian society; requirements of the Venice Commission of the Council of Europe regarding the democratization of the activities of the prosecutor's office of Ukraine; experience of activities of prosecutor's offices in developed European countries; the circumstances in which state power functions today; the impoverishment of a significant part of the population against the background of the concentration of ever-increasing national wealth in the hands of an insignificant speculative-mafia stratum; a significant level of the „shadow" sector of the economy, corruption, crime in the economic sphere; functioning of many spheres of social life outside the legal field; loss of control function of the state; growth of business and power; the corruption of officials and other negative trends that do not meet the necessary opposition from law enforcement agencies, and as a result – the loss of moral guidelines by a significant part of the population; legal nihilism, mistrust of the authorities, extremism, growth of negative trends in the state as a whole.

Under such conditions, determining the role and place of the prosecutor's office in the system of state-legal institutions in modern Ukraine plays a leading role.

Regarding the ways of reforming the prosecutor's office, we see that it is focused on ensuring the independence of the prosecutor's office as a condition for its effective activity; places of the prosecutor's office in the system of branches of government; functions of the prosecutor's office in a state governed by the rule of law.

In the European sense, the prosecutor's office must be independent and obey only the Law. As for modern Ukraine, this principle is constantly tested. All the time, the prosecutor's office is actually in the center of political struggle. Each political force wants to have only „its" Prosecutor General of Ukraine (as well as the Chairman of the Supreme Court, the Minister of Internal Affairs) and use him exclusively to achieve their corporate interests and goals. As a result of such a permanent struggle, formal law has ceased to be general, but acts selectively.

That is why scientists and practitioners put the problem of real assurance of its independence at the forefront of reforming the prosecutor's office [4].

The Law of Ukraine „On the Prosecutor's Office" adopted by the Verkhovna Rada of Ukraine defines the legal principles of the organization of the Prosecutor's Office of Ukraine, the system of the Prosecutor's Office, the status of prosecutors, the procedure for prosecutorial self-government, and also establishes the system and general procedure for ensuring the activities of the Prosecutor's Office [5]. Article 16 of the Law of Ukraine „On the Prosecutor's Office" declares that in performing the functions of the prosecutor's office, the prosecutor is independent from any illegal influence, pressure, interference and is guided in his activities only by the Constitution and Laws of Ukraine [5]. However, this provision of the Law did not actually apply. Each political force, each new Government, coming to power, wanted the prosecutor's office to follow only their line, defend only their interests. But this contradicted and contradicts the main legal principle, according to which the prosecutor, like the judge, is subject only to the Law. It is on this principle that the prosecutor's office in developed European countries is built. This is a norm of the effective functioning of the legal state.

In Europe and the world as a whole, there is no single standard regarding the place and role of the prosecutor's office in the state power system. The recommendation of the Committee of Ministers of the Council of Europe envisages the existence of the prosecutor's office as part of the executive power and part of the judicial power.

In Ukraine, certain representatives of legal science believe that the inclusion of the prosecutor's office in the judicial branch of government solves a fundamental issue, since „the integration of the prosecutor's office into the judicial branch of government should pursue the gradual approximation of the legal status of the prosecutor to the legal status of the judge". Such intentions of Ukraine to include the prosecutor's office in the judicial branch of government are also approved by the Venice Commission. The experience of developed democracies also convinces that this is the best option, as it really brings the status of a prosecutor closer to the status of a judge. In Italy, for example, the status of a prosecutor is equated to that of a judge, which ensures his real independence and allows him to bring charges even against high-ranking state officials [1].

The independence of the prosecutor of the European model, like the judge, is an integral feature of the rule of law.

So, we can note that the strengthening of the independent status of the prosecutor's office will be facilitated by the adoption of the new version of the Law of Ukraine „On the Prosecutor's Office", where the status of a prosecutor will be equated to the status of a judge.

Along with the above, the judicial authorities of Ukraine also need reform.

According to the World Justice Index (World Justice Project – Rule of LawIndekx), Ukraine ranks 130th out of 180 analyzed countries in the field of „absence of corruption" in the judicial system [2].

According to the judicial index determined by the European Business Association, the judiciary discredited itself also in the eyes of the business environment: according to all components of the Index, the evaluation of the judiciary in Ukraine is negative. At the same time, according to the sociological research of the

Razumkov Center, judicial bodies and the judicial system in general, according to the level of corruption in them, occupy the „leading" places [6].

As noted in the Fundamentals of State Anti-corruption Policy in Ukraine, one of the main reasons for the destruction of the judiciary is the unsuccessfully implemented judicial reform: the adoption of the Law of Ukraine „On the Judiciary and the Status of Judges" – they became completely dependent on the political power. The mechanism for selecting judges was characterized by abuses on the part of the bodies responsible for this procedure [7].

According to the researchers, the main reasons for the spread of corruption in judicial bodies are: ineffectiveness and insufficient transparency of the procedure for the selection and appointment of judges; the uncertainty of the ethical standards of the judges' conduct, the incompleteness of the procedure for the settlement of the conflict of interests during the performance of professional duties by the judges; presence of non-procedural dependence of judges on judges of higher echelons; insufficient openness and transparency of the judicial process; imperfection of the procedure for appointing officials to administrative positions in the Courts; ineffectiveness of the mechanisms for bringing judges to justice and non-use of available means of combating corruption in the judicial corps; selective application of mechanisms for checking information on the commission of corruption offenses by judges; imperfection of the legal regulation of the inviolability of judges; insufficient level of material support of judges and financial support of court activities [8].

Unfortunately, in the formation of the judicial branch of power, the means of corruption are quite broad in accordance with the requirements of the European Union.

First, bribery of officials of state bodies, who select candidates for judges, prepare materials for the election of judges, form and fill administrative positions in the Courts. Among other means, one can single out forgery of documents, concealment of compromising materials regarding candidates for the positions of judges, presidents of the Court, etc.

The corruption of judicial authorities and judges makes them especially vulnerable to corruption. A judge with regard to whom there are compromising

materials that can at the right moment be used to hold him accountable for corrupt actions or inaction becomes obedient to the subjects of responsibility for corruption offenses.

The most negative impact on the effectiveness of combating corruption is precisely the corruption of judicial authorities, as it not only helps the subjects of responsibility for corruption offenses to avoid responsibility, but also creates a sense of impunity, thereby stimulating corruption offenses.

Without encroaching on the authority and powers of the judicial branch of government, it should be noted that the state in which the Courts find themselves today is threatening and significantly affects the effectiveness of combating corruption and crime in general.

The analysis of the sanctions of the criminal law norms, which provide for responsibility for corruption offenses of a criminal nature, shows that the current criminal legislation provides for rather strict responsibility for such acts. When defining them, the legislator was guided by the fact that the stricter the sanction, the more effective it is in terms of crime prevention and in performing the function of punishment. However, judicial practice proves that this is not quite the case [1].

The most obvious form of judicial corruption is a direct promise made by a judge or a person representing him, in exchange for material benefit, favors or other benefits, to render the necessary Decision, Resolution or Resolution on a case.

Judicial practice shows that the Courts apply a punishment lower than the lowest limit to a considerable number of convicted corrupt officials. It is an unfortunate fact that today a judge is not responsible for a mistake made or a deliberately unfounded act or court decision. If the judge did not take into account the inner conviction when making the Decision, the groundless return of the case for additional investigation, he is not responsible for this.

One of the reasons for corruption in the judiciary is the lack of control by society and lack of accountability to it. The people of Ukraine do not elect judges, so they cannot even initiate the procedure for their recall or prosecution.

The level of widespread corruption requires further reform of the judiciary in Ukraine to the requirements of the European Union. With an independent judicial system, under which a corrupt person who has violated the Law is promptly and effectively found guilty of committing a corruption offense, the potential attractiveness of corruption is therefore sharply reduced.

In the Law of Ukraine „On Prevention of Corruption", Courts are not classified as entities that carry out measures to prevent and combat corruption, this is correct. The appointment of judges is responsible for the administration of justice. At the same time, it remains obvious that the final results of anti-corruption actually depend on the position of the Court or the judge, since they are the ones who complete all the activities of specially defined entities in the field of anti-corruption, considering cases and making decisions regarding the legal responsibility of corrupt persons or releasing them from such responsibility.

In Ukraine, during the years of independence, certain steps were taken regarding the formation of an independent judicial branch of government. The Constitutional Court of Ukraine, the Higher Economic and Administrative Courts, and at the end of 2017 the Supreme Court were created. The relevant decision was adopted by the Plenum of the Supreme Court on November 30, 2017. The Supreme Council of Justice functions. Reformed civil, economic, criminal and criminal procedural legislation.

Today, in Ukraine, in accordance with the requirements of the European Union, the formation of a truly independent, independent judicial branch of government remains an acute and urgent problem. The current state of the judiciary, with a high level of politicization and corruption, has become a gap in the way of Ukraine becoming a legal state. That is why the importance of its urgent reform is growing significantly today precisely in the legal aspect.

First of all, anti-corruption measures must be associated with the development of effective anti-corruption mechanisms, which include unified regulatory and legal measures aimed at preventing and countering corruption in the civil service system, since corruption in the vast majority of cases is related to the authorities, officials authority and official position to claim property and other benefits of a property and

non-property nature. The creation of effective anti-corruption mechanisms depends on the formation of an effective legislative and organizational legal framework.

Therefore, taking into account the conclusions made above, it is appropriate to add:

firstly, the task of combating corruption is largely reduced to the task of forming an honest and incorruptible top of the bureaucracy, which is not guided by its personal interests, but works for the good of the state and society.

Secondly, the most successful states in history, and especially the most successful and stable democratic states, applied a set of principles for the formation of their top officials, which include:

1) a single altruistic ideology, the commitment to which serves as one of the criteria for the selection of the ruling layer;

2) voluntary-forced refusal of the ruling body to own large personal property and receive significant personal income;

3) frequent and forced rotation of officials, especially in the higher echelon, limiting the official's stay in one place to a few years at most;

4) severe punishment for violation of the established rules – dismissal from the state apparatus, confiscation of property – and severe punishment for discovering facts that expose the official to bribery and theft.

These measures prove to be the most effective in the fight against corruption, if their introduction prevents those who aspire to wealth and power as such from coming to power, and also counteracts the formation of stable corrupt groups. Accordingly, the implementation of the specified system of measures will open the way to power for those who are ready to serve society for a decent, but not excessive reward, without pursuing powerful ambitions and enrichment goals.

Thirdly, the modern foreign experience of combating corruption proves that the above-mentioned principles are not enough, since the Western anti-corruption measures proved to be insufficiently effective and could not prevent the growth of corruption in the West either in the past or today. Among such measures that it is advisable to adopt from the Western arsenal, it is possible to note:

– a ban on officials and their family members conducting personal business that competes with the official's activities („conflict of interests");

– prohibition of ownership of offshore campaigns and contacts with them;

– declaration of income and expenses of officials;

– publicity and openness of all procedures carried out by the authorities;

– election campaign financing rules: prohibition of financing by campaigns working under state contracts; establishing the total amount of contributions for each politician and funds from each of his supporters.

As for the Western practice of universal election of officials, it cannot be recognized as a satisfactory, successful means of fighting corruption. History shows that elections very often became an arena of corruption: candidates were bribed, and seats in the Parliaments were bought.

Fourthly, it is necessary to learn the developed experience of fighting against corrupt groups formed on the basis of secret societies and national minorities. If we discard the negative experience associated with the repression of these groups and minorities and the oppression of their civil rights and be guided only by the positive experience, it consists of the following:

– all officials must be prohibited from participating in any secret societies, be they Masonic lodges, religious sects or other closed societies;

– all high and middle-level officials must belong to the native nationality of the given state (state entity) or, if the definition of nationality causes a problem, among the officials of a given level there should be no persons who belong to national diasporas or have contacts with the latter.

It should be borne in mind that these restrictions imposed on members of secret societies, national minorities, cannot be considered as any significant restrictions on their civil rights, since they leave open for them all existing professions, types of entrepreneurial activity and other occupations and spheres of activity , existing in this country, except for this area, where very few people are employed in relation to the total number of employed. But these restrictions are designed to protect society from potential channels of corruption; just as they are called to protect the representatives of

national minorities themselves from unfounded accusations against them by the population and mass media, which can be found in various countries even today, and which led to mass repressions against representatives of national minorities.

Thus, our proposed legal model for preventing and countering corruption to the requirements of the European Union will include such methods and measures, which can be divided into two general groups.

The first group includes measures to combat external manifestations of corruption (bribes to specific officials), with already existing corruption, with specific corruptors, to the second – measures to combat the institutional prerequisites that cause corruption to be potential corruption, with the impersonal corruptor who can, according to certain conditions, to become an official.

We can also single out compensatory measures – measures to eliminate the consequences of corruption.

The first group of measures will be punitive with increased state control.

Some researchers explain the problem of corruption through the following measures, which indicate the reasons for the flourishing of corruption in developing countries, with the following disadvantages:

– punitive measures contribute to the gap between the profit of the official and the level of punishment of the potential corruptor, which leads to the growth of corruption;

– the object of such measures is the corruptor himself, not corruption;

– finally, within the framework of these anti-corruption measures, only representatives of this apparatus fight among the state apparatus, which often turns into a fight against competitors in the market of corruption services.

The second group is preventive measures that are preventive, not punitive in nature, aimed at eliminating the causes, not the external manifestations of corruption, and therefore are devoid of many shortcomings.

Measures of a preventive nature should include ensuring the independence and efficiency of the judiciary; transparency in party financing; transparency of the voting procedure for voters; duty of civil servants to declare property; rules governing conflict

of interest issues; guaranteeing freedom of information; reduction of market entry barriers associated with the need to obtain various permits; decent pay for civil servants; decentralization of power; increasing the transparency of the budget process for controlling bodies; increasing transparency in the fiscal service, depriving tax officials of the opportunity to arbitrarily grant tax benefits, simplifying the fiscal service system.

For modern Ukraine, it is worth addressing the requirements of the European Union, among the measures mentioned, to improve legislation and the legislative process, in the following areas:

– investigation of contradictions and explanation of „interpretations" in the current legislation, as this creates an opportunity for arbitrariness and corruption of officials;

– „simplification" of numerous referring norms in the current Laws;

– revision of the scale of punishments for corruption actions, taking into account the fact that often excessive punishments hinder the proof of crimes;

– differentiation of corruption actions;

– revision of the duty scale, fines, etc.;

– strengthening control over departmental regulation;

– establishment of anti-corruption examination of draft normative acts.

The above list of measures to prevent and combat corruption is not exhaustive. It is obvious that the limitation of corruption should be carried out comprehensively and comprehensively, and since the anti-corruption policy will meet resistance at different levels of the power hierarchy, a necessary measure will be a constant review of measures to prevent and combat corruption in order to identify and abandon ineffective measures and replace them with more effective ones.

Unfortunately, there are still more failures than successes in the field of combating this negative phenomenon, but there is an opportunity to contain it within certain limits, and the positive experience of foreign countries serves as an example.

Political and economic cooperation, which has been expanding in recent years, adds an international color to corruption manifestations [9]. The mysterious

disappearance of funds received in the form of aid from international organizations, the creation of fictitious enterprises, illegal foreign economic operations, the combination of public service with activities in commercial structures – constitute the main threat to the existence of not only the state, but also society as a whole.

New trends in combating corruption consist in moving this problem from the domestic to the international level. Our state often took the initiative in this matter, worrying about the state of corruption in „capitalist countries" and forgetting about its officials. Now the priorities are changing, but corruption is increasingly showing itself as a universal human problem that must be solved in interstate cooperation. This once again proves that isolation is unacceptable in this matter [10].

It should be recognized that recently, in various spheres of Ukrainian society, awareness of the real danger of corruption and the need for a qualitatively new attitude to countering it is gradually maturing to the requirements of the European Union. This is a decisive factor in concentrating the necessary political will here. As experts rightly point out, „in the absence of political will, the most perfect anti-corruption legislation is doomed to a declarative existence, and the activities of elite special law enforcement structures – to an imitation of the fight against corruption".

Reforming state systems, procedures, orders, restructuring the order of functioning of state institutions is only part of the methods of reducing the level of corruption manifestations. Most of the above measures are carried out within the framework of administrative reform in Ukraine at both the national and local levels.

Unfortunately, the first steps on the way to administrative reform in Ukraine in accordance with the requirements of the European Union deserve serious criticism, the goals and objectives put forward by it were limited to half-measures and stopped halfway, and there was no significant impact of its results on the corruption situation. This further confirms the conclusion that the interested environment does not accept reforms, and half-hearted measures cannot defeat bureaucracy and corruption. It is impossible to limit yourself to partial measures. Radical reform is necessary [11].

Radical transformations in Ukrainian society in the context of the transition to a new system of social relations necessitate the development, approval and acceptance

by citizens of Ukraine of a new paradigm of social values, which should be based on the idea of the self-sufficient value of the human personality, which, according to the Constitution of Ukraine, is defined as the highest social value in society.

Analysis of anti-corruption measures in individual countries to the requirements of the European Union indicates a large gap between the declared principles of equality of all citizens before the Law and the actual practice of criminal prosecution. But most importantly, corruption is a catalyst for organized crime, one of its necessary components. Existing in symbiosis, these two phenomena represent the most serious danger for the state and society, especially in the conditions of a nascent democracy. All this determines the need for the fastest possible legislative regulation of anti-corruption, the adoption of relevant Laws and regulations [12].

Summarizing what has been said, it should be noted that the growth of crime and the spread of corruption is becoming a real threat to international democracy and international security. The United Nations and other international organizations organize symposiums, congresses and conferences of specialists on these issues, heads of states and parliaments are looking for common ways to overcome this evil.

At the same time, the analysis of combating corruption in individual countries makes it possible to draw some practical conclusions. The main one is the fact that efforts in this direction should be based on an understanding of the specific problems of the country and take into account the stage of its political development. At the same time, the experience of these countries shows that there are universal lessons for the world community, without which it is practically impossible to achieve success in overcoming corruption.

First of all, it is the political will of the Government. No legislative or administrative measures can be effective if there is no political will.

The second is the real, guaranteed independence of the judicial and investigative system of the country.

The third is that legal reforms only partially solve the problem. To be effective, they must be closely combined with other forms of anti-corruption, economic, financial, social, organizational and even cultural.

And fourth, recognition of the role of the public, especially its formal and informal associations. Their constant awareness is a key element. A knowledgeable public organization can be the most effective driver of any anti-corruption campaign.

The experience of foreign countries in preventing corruption to the requirements of the European Union is diverse and depends on various interdependent factors. They include legal, social, political conditions, level of economic development, improvement of public administration.

It is thanks to the joint actions of all the countries of the world that we can hope for a real limitation of the influence of organized crime and corruption on the democratic principles of the world community.

Therefore, the study of the practice of combating corruption in our country shows that for the last fifteen years, the search for an optimal model of such combating has been unsystematic, therefore, the urgent need to develop a model for preventing and combating corruption in the civil service system of Ukraine is becoming urgent.

Today, the Laws in the field of anti-corruption work without proper effect, and individual provisions of such conceptual documents as the National Program and the Concept of Combating Corruption are declarative and general in nature, therefore they remain largely unimplemented. The measures that are constantly being implemented in Ukraine show that the state does not remain indifferent to the problem of overcoming corruption and is aware of the negative consequences associated with it.

Therefore, in view of the above, it is proposed to speed up the formation of the legal anti-corruption system of the state and government bodies as a whole, since the current system of these bodies enables managers of different levels to manage organizational, economic and other processes related to the exercise of power in their own way and to their advantage .

All organizational measures should be carried out by coordinating the work of state, law enforcement and control bodies. At the same time, it is necessary to clearly define the range of issues, the solution of which is subject to mandatory coordination.

The issue of protecting the participants in the judicial process (victims, witnesses, judges, and others) and creating appropriate power structures to provide

citizens with the opportunity to participate in the judicial process, feeling psychologically protected from the influence of criminals, requires an urgent solution.

Thus, a change in the situation for the better in solving the mentioned problems requires the executive and legislative authorities to take extraordinary measures to establish legality and restore order, primarily in the economy and, in particular, to strengthen control, financial and power functions.

We believe that political responsibility is more than a corporate type of responsibility, because its consequences are resignation from a state (not a party or some other corporate) position. Therefore, giving a definition, we consider it appropriate to point out that the political responsibility of civil servants is a special type of social responsibility that has clearly defined legal consequences and consists in the need to apply the procedure for dismissal from office to persons who have committed violations of political, moral, ideological norms .

For this purpose, we propose to add to the Law of Ukraine „On Civil Service" the following: „Positions of the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine, the Chairman of the Constitutional Court of Ukraine, the Chairman of the Supreme Court of Ukraine, the Heads of Higher Specialized Courts of Ukraine, the Prosecutor General belong to state political positions, and the persons who hold them are political figures by their legal status. Peculiarities of the legal status of a political figure are determined by the Law". This version of the legislative consolidation will allow to relieve some tension that manifests itself in the issues of the legal status of political figures, to optimize their activities in the service of the state and to make the procedure of recruitment, completion of service and dismissal from office (resignation) more transparent.

We noted that according to the Law of Ukraine „On Civil Service" a range of positions is listed, the legal status of which is determined by separate laws. Taking into account that the terminological positions of political figures are defined in a number of by-laws, we consider it expedient to supplement Article 6 of this Law with a corresponding part, which would list political positions in the state. It would be

expedient to bring the categories „politician" and „patronage service" into line with each other. In other words, only political figures should have a patronage service.

As a result, a certain category of political figures under the current legislation does not have the right to create a patronage service, and, on the other hand, some categories of civil servants, not being political figures, have the right to a patronage service. In order to improve this situation, we propose to make changes to the current Law of Ukraine „On State Service", the wording of which will be given below, after substantiating the controversial points of the institute of patronage service.

In turn, it is worth supplementing the Law of Ukraine „On Civil Service" in the following version: „A civil servant is obliged to: perform official duties conscientiously, at a high professional level; proceed from the fact that the recognition, observance and protection of human and citizen rights and freedoms determine the meaning and content of his professional official activity; to carry out professional official activities within the framework of the competence of the state body established by law; not to give preference to any public or religious associations, professional or social groups, organizations and citizens; not to take actions related to the influence of any personal, property (financial) and other interests that prevent the conscientious performance of official duties; comply with the restrictions established by the Law for civil servants; to observe neutrality, which excludes the possibility of influencing one's professional official activity, decisions of political parties, other public associations, religious associations and other organizations; not to commit acts that encroach on his honor and dignity; to show correctness in dealing with citizens; show respect for the moral customs and traditions of peoples; to take into account cultural and other features of various ethnic and social groups, as well as confessions; promote international and interreligious harmony; to prevent conflict situations capable of harming his reputation or the authority of the state body; to observe the established rules of public speaking and providing official information".

We consider it expedient to provide a definition of the legal responsibility of civil servants, which, as it seems, in addition to the methodological benefit, will also allow us to systematize the characteristic features of this phenomenon. Thus, the legal

responsibility of a civil servant is a tort-legal relationship that arises between the state and a civil servant due to the violation of the latest norms of the current legislation, which make it necessary for the civil servant to take into account restrictions of a personal, organizational or property nature.

In order to optimize their activities, public authorities need public support, effective feedback between the state and society. The analysis of foreign experience in preventing and combating corruption shows that corruption in Ukraine differs from European corruption in that in the West it is limited mainly to the sphere of illegal business, which does not affect the everyday life and daily life of the general population. Ukrainian corruption has in a short time affected all spheres of social life and, in fact, puts pressure on all its layers and is oriented towards the maximum use of opportunities for personal enrichment at the expense of mistakes made during the reformation of society.

One of the reasons for the crisis of state power is the ineffectiveness of the control function by the authorized bodies. The control function must be performed at all levels of state administration. Constitutional control acquires a conceptual meaning.

To this end, in order to effectively combat corruption in the civil service system of Ukraine in accordance with the requirements of the European Union, it is necessary to develop and improve the following areas of reform: anti-corruption education of Ukrainian society, transparency of the judicial system and state administration, creation of a national Anti-Corruption Coalition. As shown by the study of the effectiveness of organizational and management measures to combat corruption in a number of Ministries and other central agencies of Ukraine, such an atmosphere of combating corruption has not yet been created.

The existing system of special anti-corruption bodies cannot significantly affect the improvement of the situation. As the actions of corrupt individuals become more sophisticated, conventional legal authorities become less and less capable of detecting and investigating complex cases of corruption.

The situation is further complicated by the fact that the National Agency for the Prevention of Corruption has been established in the state, for which the fight against

corruption is the main and determining factor, however, the National Anti-Corruption Agency does not perform the three functions provided: prevention, disclosure and investigation of corruption. According to the Constitution of Ukraine, the NAKC is entrusted with a preventive role in the prevention of corruption. The national agency should analyze statistical data on bribery in Ukraine, develop an anti-corruption strategy, coordinate anti-corruption programs of state bodies, etc. The National Anti-Corruption Bureau of Ukraine (NABU) is responsible for combating criminal corruption crimes that threaten national security. Operational and investigative activities of NABU are supervised by SAP (Specialized Anti-Corruption Prosecutor's Office). At the same time, all of them are controlled by the Parliamentary Committee on Prevention and Combating Corruption.

In our opinion, it is worth using foreign experience to meet the requirements of the European Union, it is necessary to form a single anti-corruption structure, independent of the branches of government, empowered to prevent, disclose, investigate and punish corruption crimes.

It can also be argued that the entire set of legal means should be used to effectively counter corruption in the civil service system of Ukraine. Among the regulatory and legal means of combating corruption can be attributed: administrative prohibitions related to the state service regime; means of conflict of interest settlement in the civil service; clear job regulations of civil servants; competitive replacement of civil service positions; establishment and mandatory use of the personnel reserve in the civil service system; mandatory establishment of an alternative when selecting candidates for a position; test upon entering the civil service; the mechanism of coordination with units of own security of candidates for admission to responsible positions of the state law enforcement service; determining the status of a civil service position related to corruption threats; social guarantees related to the regime and status of a civil servant; certification of civil servants; determination of exemplary stages of career growth of a civil servant; removal from the civil service position, in cases of „conflict of interests"; administrative control over official activities of civil servants; tax control over the property status of a civil servant and his family members;

disciplinary and administrative responsibility of civil servants; the mechanism for providing information on the income, property and property obligations of a civil servant; personnel rotation in the civil service system.

In order to further develop the mechanisms for preventing and countering corruption, we consider it necessary to supplement the Law of Ukraine „On Prevention of Corruption" with provisions on the protection of civil servants who have informed the relevant state authorities about the facts of corruption.

Thus, it is currently necessary to optimize the interaction between various law enforcement agencies involved in the anti-corruption mechanism. In this regard, it would be quite logical to develop and adopt the Law on ensuring the safety of law enforcement and control bodies. Such a legislative act would make it possible to create a legal basis for ensuring the own security of law enforcement and control bodies

Therefore, based on the analysis of the current regulatory and legal mechanism and a retrospective analysis of typical models of combating corruption, we can offer our own model of regulatory and legal support for the prevention and counteraction of corruption in the civil service system of Ukraine.

When proposing the reform of authorized entities in the field of anti-corruption, including prosecutor's offices, in our opinion, the following factors should be taken into account: appointment and tasks of prosecutor's offices; determination of the role and place of the prosecutor's office among the branches of government; the state of law and order in the transitional Ukrainian society; requirements of the Venice Commission of the Council of Europe regarding the democratization of the activities of the prosecutor's office of Ukraine; experience of activities of prosecutor's offices in developed European countries; the circumstances in which state power functions today; the impoverishment of a significant part of the population against the background of the concentration of ever-increasing national wealth in the hands of an insignificant speculative-mafia stratum; a significant level of the „shadow" sector of the economy, corruption, crime in the economic sphere; functioning of many spheres of social life outside the legal field; loss of control function of the state; growth of business and power; the corruption of officials and other negative trends that do not meet the

necessary opposition from law enforcement agencies, and as a result – the loss of moral guidelines by a significant part of the population; legal nihilism, mistrust of the authorities, extremism, growth of negative trends in the state as a whole.

Under such conditions, determining the role and place of the prosecutor's office in the system of state-legal institutions in modern Ukraine plays a leading role.

Regarding the ways of reforming the prosecutor's office, we see that it is focused on ensuring the independence of the prosecutor's office as a condition for its effective activity; places of the prosecutor's office in the system of branches of government; functions of the prosecutor's office in a state governed by the rule of law.

The modern foreign experience of combating corruption in accordance with the requirements of the European Union proves that the above-mentioned principles are not enough, since Western anti-corruption measures have proven to be insufficiently effective and have not been able to prevent the growth of corruption in the West either in the past or today. Among such measures that should be adopted from the Western arsenal, it is possible to note: a ban on officials and their family members conducting personal business that competes with the activities of the official („conflict of interests"); ban on ownership of offshore campaigns and contacts with them; declaration of income and expenses of officials; publicity and openness of all procedures carried out by the authorities; election campaign financing rules: prohibition of financing by campaigns working under government contracts; establishing the total amount of contributions for each politician and funds from each of his supporters.

Thus, our proposed model of preventing and countering corruption to the requirements of the European Union will include such methods and measures, which can be divided into two general groups.

The first group includes measures to combat external manifestations of corruption (bribes to specific officials), with already existing corruption, with specific corruptors, to the second – measures to combat the institutional prerequisites that cause corruption to be potential corruption, with the impersonal corruptor who can, according to certain conditions, to become an official.

We can also single out compensatory measures – measures to eliminate the consequences of corruption.

The first group of measures will be punitive with increased state control.

Some researchers explain the problems of corruption through such measures, which indicate the reasons for the flourishing of corruption in developing countries, with the following disadvantages: punitive measures contribute to the gap between the income of an official and the level of punishment of a potential corruptor, which leads to the growth of corruption; the object of such measures is the corruptor himself, not corruption; finally, within the framework of these anti-corruption measures, only representatives of this apparatus fight among the state apparatus, which often turns into a fight against competitors in the market of corruption services.

The second group is preventive measures that are preventive, not punitive in nature, aimed at eliminating the causes, not the external manifestations of corruption, and therefore are devoid of many shortcomings.

The above list of measures to prevent and combat corruption is not exhaustive. It is obvious that the limitation of corruption should be carried out comprehensively and comprehensively, and since the anti-corruption policy will meet resistance at different levels of the power hierarchy, a necessary measure will be the constant review of measures to prevent and combat corruption in order to identify and abandon ineffective measures and replace them with more effective ones according to the requirements of the European Union.

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