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Effectiveness of international legal instruments to combat corruption

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■ **Abstract.** The relevance of this study is argued by the need to implement international practices of combating corruption and to improve the efficiency of legal mechanisms and instruments for combating corruption in all spheres of the state's life. The purpose of this study was to conduct a comprehensive investigation of the effectiveness of international legal instruments for combating corruption in Ukraine. To fulfil this purpose, it was necessary to perform the following tasks: to identify international legal instruments for fighting corruption; to investigate ways to assess the level of corruption perception in the world; to determine the progress in the fight against corruption in Ukraine; to identify problems that prevent the increase of the corruption perception index in Ukraine; to develop tools for improving the level of combating corruption in Ukraine. The principles of dialectics served as the basis of the methodological framework of the study, which included such general scientific and special legal cognition methods as comparative legal, formal legal, analysis, and synthesis. Based on the analysis of secondary sources, the study established the significance of analysing and classifying the definition of international legal instruments for combating corruption and ways of assessing the level of perception of corruption in the world. The analysis of statistical data and sociological surveys helped to establish the progress of the fight against corruption in Ukraine, which is reflected in the concrete data of monitoring the level of perception of corruption in Ukraine. The emphasis was placed on a systematic approach to identifying the problems that hinder the improvement of the corruption perception index in Ukraine. Using the comparative legal method, the study compared the provisions of Ukrainian and international legislation directly related to the issues of combating corruption and its manifestations. The conclusions of the study were formulated, with propositions of concrete tools for improving the level of combating corruption in Ukraine by improving the activities of state structures. The study reviewed and analysed relevant scientific articles of Ukrainian and foreign researchers. The practical significance of this study lies in the possibility of using its findings in the activities of Ukrainian state bodies, considering the international experts' assessment of the effectiveness of the anti-corruption instruments already applied

■ **Keywords:** international norms; anti-corruption measures; corruption perception index; recommendations; reforms

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■ Introduction

The principal vector of Ukraine's foreign policy is its European integration, which involves systematic reforms in various areas following the norms and standards of the European community. One of the key challenges in implementing the EU's requirements for Ukraine is systemic corruption in the public and private sectors of Ukraine. This is a pervasive phenomenon that permeates Ukrainian society, threatens national security, violates the Constitution and social order, and is one of the reasons for the growth of Ukraine's shadow economy. It has penetrated the institutions of government, the party system, and civil society. Manifestations of corruption affect all aspects of public life, contribute to the spread of organised crime and generate social tension, and call into question the ability of the authorities to implement measures aimed at overcoming the systemic crisis and promoting positive development of Ukraine, including organisational and practical actions. International legal instruments were used for many years to counteract corruption in Ukrainian society based on international agreements and relations, and their effectiveness ensures the gradual overcoming of this phenomenon. However, the pace of such activities does not match the efforts expended. That is why the study is relevant, considering the urgency of addressing the issue of fighting corruption, which is becoming an obstacle to joining the international community, the full development of Ukrainian society, and even the prompt resolution of the armed conflict.

Z. Semchuk *et al.* (2018) argue that corruption is a phenomenon that continues to evolve, change, and adapt to the legislative, social, and state conditions of development, but its essence and negative consequences have not changed. The transformation processes of corruption should be predicted and prevented by appropriate state instruments adapted to the needs of the present. L. Hbur (2020) emphasises that effective anti-corruption requires a scientific concept of its prevention. J. Barafi *et al.* (2022) investigated anti-corruption mechanisms in international law and national legislation of Jordan and Iraq, which is interesting in the context of understanding that Jordan is also a developing country, like Ukraine. V. Holovachko *et al.* (2019) reviewed the existing provisions in the field of preventing and combating corruption in Romania, Hungary, Slovakia, and Ukraine, and compared the methods of preventing corruption employed in these countries.

M. Kirzhetska & Yu. Kirzhetskyy (2023) thoroughly investigated the main areas of legalisation of economic processes, i.e., bringing public finances of Ukraine out of the shadow. B. Lohvynenko *et al.* (2022) emphasised the benefits of using electronic trading systems and the application of control measures over public procurement procedures as

appropriate tools for preventing corruption. I. Adama & M. Fazekas (2021) reviewed the state of the evidence on the role of new technologies in the fight against corruption, conducting a comprehensive analysis of the impact of information and communication technology tools on corruption, offering a detailed and context-specific assessment.

F. Ceschel *et al.* (2022), based on a literature review, concluded that corruption prevention strategies should be implemented on an ongoing basis and adapted to the local context. A. Bowra *et al.* (2022) analyse the anti-corruption activities of international organisations, combining elements of content analysis and thematic analysis. R.Yu. Polovynkina (2019) emphasises that the key role of international organisations in the fight against corruption is to develop policies that contribute to solving social, economic, and environmental problems in concrete states. V. Topchii *et al.* (2021) also investigated international anti-corruption standards and the specific features of their application in Ukraine.

B. Olmos Giupponi & H.L. Yu (2022) analysed the obstacles and challenges in fighting corruption directly in cases of illegal investment, assessing the effectiveness of the international investment arbitration regime in fighting corruption. L. Marchuk & V. Yakovlev (2023) studied the areas of economic development in a state under martial law. O.A. Ulutina (2021) researched such an anti-corruption tool as the institution of a specialised anti-corruption prosecutor's office in Ukraine and compared it with the legal support of the institution of anti-corruption prosecutor's office in foreign countries. F. Ceschel *et al.* (2022), reviewing the scientific literature, concluded that it is necessary to apply measures aimed specifically at preventing corruption, i.e., measures aimed at avoiding the occurrence of corrupt behaviour in the organisational context. The positions of researchers are appropriate and should be considered in the activities of Ukraine's state bodies and its political course. At the same time, most scientific research is aimed at developing various anti-corruption measures, rather than assessing the effectiveness of the measures already in place, which is necessary to provide reasoned scientific recommendations.

The purpose of this study was to analyse the effectiveness of international legal instruments for combating corruption in Ukraine with a view to finding promising ways to counteract the phenomenon considering foreign practices. The objectives of the study were to assess the state of perception of corruption in Ukraine in state-building and on the path towards European integration in comparison with other foreign countries; to analyse the effectiveness of anti-corruption measures recommended by international organisations; and to identify further ways to combat corruption in Ukraine.

■ Materials and Methods

The study employed a set of methods of scientific cognition. The principles of dialectics underlay the methodological framework of this study and outlined a strategy for determining the effectiveness of international legal instruments to combat corruption in Ukraine. The methods of analysis, classification, and the systemic-structural method were used to identify international legal instruments for combating corruption and ways to assess the level of perception of corruption in the world. Statistical and sociological methods helped to determine the progress of the fight against corruption in Ukraine based on concrete data from the monitoring of the level of perception of corruption in Ukraine. Therewith, the systematic approach helped to identify the issues preventing the improvement of the corruption perception index in Ukraine. The comparative legal method helped to compare the provisions of Ukrainian and international anti-corruption legislation. The functional method helped to propose tools to enhancing the level of combating corruption in Ukraine by improving the activities of state structures. The generalisation method was used to formulate the conclusions of the study.

The study also employed and analysed relevant scientific articles of Ukrainian and foreign researchers on the subject under investigation. The conclusions drawn in previous studies have become the basis for comprehensive research of the effectiveness of anti-corruption in Ukraine. Furthermore, public information from official representations of state and international bodies and organisations provided the basis for the conclusions. The study analysed the

websites of the Council of Europe (Second Compliance Report of Ukraine, 2022; Interim compliance report of Ukraine, 2023), the Prosecutor General's Office (2023), Transparency International (2023; 2024), the Jordanian Integrity and Anti-Corruption Commission¹, etc. Public information on the implementation of anti-corruption instruments in Ukraine was investigated, specifically, the websites Prozorro (What is Prozorro, 2023), eHealth (CIET Holding, 2024), Spending (Ministry of Finance of Ukraine, 2024). The regulatory framework of this study included international legal acts (Criminal Law Convention on Corruption², Civil Law Convention on Corruption³, On the Twenty guiding principles for the fight against corruption⁴, Model Code of Conduct for Civil Servants⁵, Uniform rules for combating corruption in the financing of political parties and election campaigns⁶, etc.), anti-corruption legislation of Ukraine (Law of Ukraine "On Prevention of Corruption"⁷, Anti-corruption strategy⁸, State anti-corruption program⁹, etc.), and some other states (e.g., anti-corruption strategies of Great Britain¹⁰, Vietnam¹¹, Jordan¹², Egypt¹³, Armenia¹⁴, etc.), as well as regulations that determine the administrative legal status of certain bodies of the state and judicial branches of the government of Ukraine, which affects the effectiveness of the fight against corruption and the effectiveness of the international tools used to combat it. This approach helped to obtain the most complete understanding of the definition of the content and guarantees of the implementation of the principles under study. To obtain reliable research results, the use of these methods is interrelated and interdependent.

¹ The National Integrity and Anti-Corruption Strategy 2020-2025 (updated). (2005, June). Retrieved from https://jiacc.gov.jo/EBV4.0/Root_Storage/AR/EB_Blog/JIACC_Strategy_2020-2025_English.pdf.

² Criminal Law Convention on Corruption. (1999, January). Retrieved from <https://rm.coe.int/168007f3f5>.

³ Civil Law Convention on Corruption. (1999, November). Retrieved from <https://rm.coe.int/168007f3f6>.

⁴ Resolution of the Council of Europe No. (97)24 "On the Twenty Guiding Principles for the Fight Against Corruption". (1997, November). Retrieved from <https://rm.coe.int/16806cc17c>.

⁵ Recommendation of the Committee of Ministers to Member states No. R(2000)10 "On Codes of Conduct for Public Officials". (2000, May). Retrieved from <https://rm.coe.int/16805e2e52>.

⁶ Recommendation of the Committee of Ministers to member states No. R(2003)4 "On Common Rules Against Corruption in the Funding of Political Parties and Electoral Campaigns". (2003, April). Retrieved from <https://rm.coe.int/16806cc1f1>.

⁷ Law of Ukraine No. 1700-VII "On Prevention of Corruption". (October, 2014). Retrieved from <https://zakon.rada.gov.ua/laws/show/1700-18#Text>.

⁸ Law of Ukraine No. 2322-IX "On the Principles of State Anti-Corruption Policy for 2021-2025". (2022, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2322-20#Text>.

⁹ Resolution of the Cabinet of Ministers of Ukraine No. 220 "On the Approval of the State Anti-corruption Program for 2023-2025". (2023, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/220-2023-%D0%BF#Text>.

¹⁰ UK Anti-corruption Strategy 2017 to 2022. (2017, December). Retrieved from https://assets.publishing.service.gov.uk/media/5a829eb7e5274a2e87dc21f0/6_3323_Anti-Corruption_Strategy_WEB.pdf.

¹¹ Drafting a National Anti-corruption Strategy for Vietnam. (2008, September). Retrieved from <https://www.u4.no/publication/drafting-a-national-anti-corruption-strategy-for-vietnam.pdf>.

¹² The National Integrity and Anti-Corruption Strategy 2020-2025 (updated). (2005, June). Retrieved from https://jiacc.gov.jo/EBV4.0/Root_Storage/AR/EB_Blog/JIACC_Strategy_2020-2025_English.pdf.

¹³ National Anti-corruption Strategy 2019-2022. (2019, January). Retrieved from <https://sherloc.unodc.org/cld//treaties/strategies/egypt/egy0001s.html?lng=en&tmpl=sherloc>.

¹⁴ Republic of Armenia Anti-corruption Strategy and Implementation Action Plan. (2001, January). Retrieved from <https://www.gov.am/files/docs/74.pdf>.

■ Results and Discussion

The goal of international organisations in the fight against corruption is to pursue policies that promote prosperity, equality of opportunity and well-being for countries, civil society, and the population. In cooperation with governments, political leaders and society, international organisations work together at meetings and scientific events to set international standards and develop sound social, economic, and environmental solutions that have an impact on reducing corruption risks. These measures include improving economic welfare, increasing employment, developing high-quality new education and combating tax evasion offences on a global scale. International institutions are making every effort to combat corruption through national commitments, voluntary agreements with firms, the development of national anti-corruption laws, the introduction of licensing of firms to prevent unauthorised payments, the creation of codes of conduct, and the ratification of international legal instruments to combat corruption.

One of these international organisations is the Council of Europe, which implements anti-corruption measures in three interrelated areas: creating European standards, monitoring their implementation, and providing technical support to countries and regions. The Council of Europe has developed a range of international legal documents in this area, including the Criminal Law Convention on Corruption¹, the Civil Law Convention on Corruption², On the Twenty guiding principles for the fight against corruption³, Codes of Conduct for Public Officials⁴, and Common Rules Against Corruption in the Funding of Political Parties and Electoral Campaigns⁵. The implementation of these documents is monitored by the Council of Europe Group of States against Corruption (GRECO), which is one of the key international organisations that aims to help states overcome corruption by setting anti-corruption standards in the work of public authorities and monitoring their compliance with the standards⁶. Since 2019, the Ukrainian delegation has been taking part in the work of GRECO and

coordinating Ukraine's activities aimed at improving the national anti-corruption policy, implementing legislative, institutional, and operational measures. When assessing the progress of Ukraine in meeting the requirements for full membership in the European Union, the European Commission will consider the state of implementation of GRECO recommendations.

It is positive that Ukraine continues to work towards fulfilling GRECO's requirements for implementing transformational anti-corruption measures even amidst the introduction of martial law (Second compliance report..., 2022). Such a policy is positively perceived by international partners and is factored in when determining the level of corruption perception in Ukraine. Specifically, GRECO representatives emphasise the need to improve the regulation of problematic issues related to conflicts of interest among MPs arising from legal restrictions on engaging in prohibited activities, including entrepreneurship, ensuring the inviolability of the status of judges, regulating the career development process in the prosecution service, and introducing effective means of raising awareness of the morality of MPs themselves (Interim compliance report..., 2023).

It is worth highlighting such organisations that are making attempts to overcome corruption as the European Union⁷, as well as international organisations such as the Organisation of American States (United Nations Convention Against Corruption⁸), the Global Coalition for Africa (On the Twenty Guiding Principles for the Fight Against Corruption⁹), etc. Considering the activities aimed at combating and preventing corruption within these international organisations, one of the key trends can be identified – anti-corruption agreements strengthen political commitments to fight corruption and define fundamental international norms and procedures for combating this phenomenon. This confirms the interest of the international community in fighting corruption at the national level and in the global context. In other words, international organisations act as a guideline for state policy and the work of Ukrainian

¹ Criminal Law Convention on Corruption. (1999, January). Retrieved from <https://rm.coe.int/168007f3f5>.

² Civil Law Convention on Corruption. (1999, November). Retrieved from <https://rm.coe.int/168007f3f6>.

³ Resolution of the Council of Europe No. (97)24 "On the Twenty Guiding Principles for the Fight Against Corruption". (1997, November). Retrieved from <https://rm.coe.int/16806cc17c>.

⁴ Recommendation of the Committee of Ministers to Member States No. R(2000)10 "On Codes of Conduct for Public Officials". (2000, May). Retrieved from <https://rm.coe.int/16805e2e52>.

⁵ Recommendation of the Committee of Ministers to Member States No. R(2003)4 "On Common Rules Against Corruption in the Funding of Political Parties and Electoral Campaigns". (2003, April). Retrieved from <https://rm.coe.int/16806cc1f1>.

⁶ Authorising the Partial and Enlarged Agreement Establishing The Group of States Against Corruption – GRECO. (1998, May). Retrieved from <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806cd24f>.

⁷ Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee No. COM/2003/0317 final "On a Comprehensive EU Policy Against Corruption". (May, 2003). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52003DC0317>

⁸ United Nations Convention Against Corruption. (2003, October). Retrieved from https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

⁹ Resolution of the Council of Europe No. (97)24 "On the Twenty Guiding Principles for the Fight Against Corruption". (1997, November). Retrieved from <https://rm.coe.int/16806cc17c>.

government agencies in the fight against corruption, carrying out their activities in a systematic and comprehensive manner, accommodating the objective situation in the country and the factors influencing the effectiveness of the proposed measures.

The sustainability of anti-corruption processes in Ukraine is often based on the cooperation of the community, business, and the state. This is most clearly manifested in innovative solutions that not only help the state to eliminate the possibility of influencing certain processes through corruption, but also serve as a positive example for other countries to follow. There are several key international legal mechanisms to counteract corruption in Ukraine, which have already been applied in other countries and proved to be effective (E-Government Development Index, 2024). Prozorro is an electronic tool for public procurement, an electronic platform where businesses and public sector organisations seeking to place procurements issue tenders for the purchase of certain goods, works, and services. At the same time, entrepreneurs and organisations compete in tenders to get the opportunity to receive these goods and provide services to the state. This system allows observing where citizens' financial contributions are spent. Since the launch of the Prozorro system, over 15 million deals worth UAH 4.3 trillion have been announced. In 2020, Prozorro was recognised as the most transparent public sector procurement platform in the world. Prozorro-sale is a state-owned joint-stock company owned and operated by the Ministry of Economy, which is an online auction system for the sale and lease of property. As of the beginning of 2024, sales and leases at Prozorro-sale auctions brought more than UAH 83 billion to the state budget of Ukraine and local budgets of various levels (What is Prozorro, 2023).

eHealth is an electronic healthcare system that automates the recording of medical services and manages medical information in electronic form. The eHealth system includes the main database with the relevant registers and the information system of the National Health Service of Ukraine, and medical information systems that automatically exchange data. Using eHealth (CIET Holding, 2024), citizens can make appointments with doctors online and receive an electronic prescription for medicines. Furthermore, an electronic medical record is available. Proceeding from this, corruption is minimised when patients receive medical services.

"Spending" is the only source of information on the use of public funds, an official resource that

publishes data on public finances following the Law of Ukraine No. 183-VIII¹. This resource provides access to information on transactions of spending units, including amounts, purposes, and recipients (Ministry of Finance of Ukraine, 2024). E-declaration is an electronic system of the Unified State Register of Declarations of Persons Authorised to Perform the Functions of the State or Local Self-Government, using which one can search for declarations of concrete persons and view them according to the selected filters: by the last name, first name, or patronymic of the declarant, sort documents by type, year of submission, type and category of position, as well as see declarations of all persons who hold positions with a high level of corruption risks or a responsible (especially responsible) position (National Agency for the Prevention of Corruption, 2024). In September 2023, the mandatory electronic declaration in Ukraine, which had been suspended since the beginning of martial law, was resumed², including previously undeclared periods (2021-2023). In other words, this tool for combating corruption in Ukraine is also being used effectively, despite the continuation of martial law on its territory. This tool is effective, considering the possibility of public monitoring of the property status of persons authorised to perform the functions of the state or local self-government, including members of parliament, ministers, judges, etc. This helps to identify grounds for investigations into the illicit enrichment of individuals and other illegal corruption.

Summarising the most effective international legal means of combating corruption in Ukraine, the following conclusions can be drawn. The identified tools meet the requirements of the modern world and the highest achievements of e-government, which determines their relevance and timeliness. All instruments make provision for compliance with the principle of openness of the state's financial flows. Furthermore, all the tools are in electronic form, which ensures their publicity and the efficiency of information receipt and processing. The use of these tools facilitates the possibility of public control over the finances of the state and civil servants. The use of the proposed anti-corruption tools eliminates the possibility of a corrupt component, such as an intermediary.

Apart from these tools, it is worth emphasising the need for rulemaking, transformation of the functioning of state bodies, increased transparency of personnel policy, etc. All the steps taken by Ukraine are clearly monitored and evaluated by the international community, which is then digitally translated into

¹ Law of Ukraine No. 183-VIII "On Openness of the Use of Public Funds". (2015, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/183-19/ed20150211#Text>.

² Law of Ukraine No. 3384-IX "On Amendments to Some Laws of Ukraine on Defining the Procedure for Submitting Declarations of Persons Authorised to Perform the Functions of the State or Local Self-Government in Martial Law Conditions". (2023, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/3384-20#Text>.

an annual report. The global Corruption Perceptions Index (CPI) is an internationally recognised index developed by Transparency International through the regular use of expert opinions on the level of corruption in a particular country. The index is regarded as the most comprehensive and reliable corruption measurement (Voyer & Beamish, 2004), along with analogous instruments such as the World Bank's Corruption Monitor (Judge *et al.*, 2011).

CPI expresses the views of entrepreneurs, capital investors, market researchers, etc. The composite index reflects the position of private sector businesspeople and the level of corruption in the public sector. The European Commission positively noted the methodology for determining the composite index and gave it a positive stamp. The CPI reflects experts' perceptions of corruption in the public sector, including bribery; theft of material assets; nepotism in the public sector; seizure of state power; the ability of government officials to apply integrity algorithms; inevitable prosecution of corruption-related offences; unnecessary bureaucratic restrictions; availability of an adequate legal framework for disclosure of financial data, prevention of conflicts of interest and access to relevant information; implementation of legislation on the protection of whistleblowers, reporters, and procedural persons (Transparency International, 2024).

There are also other ways to measure corruption, such as testing the level of corruption in a country before and after countermeasures are implemented to test the effects of fighting corruption over time, as well as the results of responding to it by introducing changes in globalisation and development levels (Aïssaoui & Fabian, 2022): The causal KOF-CPI model (M5) estimates the cross-country paths from globalisation and corruption to development, together with the reciprocal effects between globalisation and corruption; the inverse KOF-CPI model (M6) tests the reverse effects of development towards globalisation and corruption; the reciprocal KOF-CPI model, which combines M5 and M6, is fully saturated; the hypothetical model (M7) includes pathways identified by prevailing perspectives that suggest that globalisation affects both corruption and development; corruption affects both globalisation and development; and development affects both corruption and globalisation. In other words, theoretical calculations of the

impact of corruption on society and the state continue, although their practical significance has not yet been widely applied. That is why identifying ways to increase the Corruption Perceptions Index stays a priority of Ukraine's state policy as a factor influencing the decisions of the European Union.

Considering this value of the index, it is necessary to analyse the indicators of corruption perception in the countries that became members of the European Union in the 21st century. The following countries were selected for comparison with Ukraine's indicators: Croatia (EU member since 2013); Romania (since 2007); Bulgaria (since 2007); Poland (since 2004); Latvia (since 2004); Lithuania (since 2004); Estonia (since 2004); Slovenia (since 2004); Slovakia (since 2004); Czech Republic (since 2004); Hungary (since 2004). The statistics presented in Table 1 show that the results of combating corruption in these countries are generally an order of magnitude higher than in Ukraine. In 2023, Ukraine was at the same level of corruption perception as Croatia, Bulgaria, Latvia, and Slovakia in 2000. At the time of accession to the European Union, Croatia's corruption perception index was 48; Romania's was 3.7 (37 according to the measurement method established in 2012); Bulgaria's was 4.1 (41); Poland's – 3.5 (35); Latvia's – 4 (40); Lithuania's – 4.6 (46); Estonia's – 6 (60); Slovenia's – 6 (60); Slovakia's – 4 (40); Czech Republic's – 4.2 (42); Hungary's – 4.8 (48); average – 4.08 (40.8). Ukraine has been gradually and steadily increasing its Corruption Perceptions Index, with annual increases every year. The data in Table 1 show that the growth of the Ukrainian index is in line with global trends, and in some cases even exceeds them (e.g., the average growth rate of the corruption perception index in the countries that became EU members in the 21st century is 1.4% compared to 4.4% in Ukraine), but in absolute terms, as of 2023, the indicators were insufficient for a country seeking to join the European community, as in 2000 Ukraine had the lowest index in the sample – 1.5 (15). Predicting the effectiveness of further anti-corruption measures taken by Ukrainian state authorities, it is possible to assert that the proper level of perception of corruption has been achieved, which will allow Ukraine to become a member of the European Union in the near future (two to three years at the current growth rate), based on the history of its European neighbours.

Table 1. Corruption Perceptions Index
in the Countries that Became Members of the European Union in the 21st century

Corruption Perceptions Index	Croatia	Romania	Poland	Bulgaria	Latvia	Lithuania	Estonia	Slovakia	Slovenia	Czech Republic	Hungary	Ukraine
2000	3.7	2.9	4.1	3.5	3.4	4.1	5.7	3.5	5.5	4.3	5.2	1.5
2001	3.9	2.8	4.1	3.9	3.4	4.8	5.6	3.7	5.2	3.9	5.3	2.1

Table 1, Continued

Corruption Perceptions Index	Croatia	Romania	Poland	Bulgaria	Latvia	Lithuania	Estonia	Slovakia	Slovenia	Czech Republic	Hungary	Ukraine
2002	3.8	2.6	4	4	3.7	4.8	5.6	3.7	6	3.7	4.9	2.4
2003	3.7	2.8	3.6	3.9	3.8	4.7	5.5	3.7	5.9	3.9	4.8	2.3
2004	3.4	2.9	3.5	4.1	4	4.6	6	4	6	4.2	4.8	2.2
2005	3.4	3	3.4	4	4.2	4.8	6.4	4.3	6.1	4.3	5	2.6
2006	3.5	3.1	3.7	4	4.7	4.8	6.7	4.7	6.4	4.8	5.2	2.6
2007	4.1	3.7	4.2	4.1	4.8	4.8	6.5	4.9	6.6	5.8	5.3	2.7
2008	4.4	3.8	4.6	3.6	5	4.6	6.6	5	6.7	5.2	5.1	2.5
2009	4.1	3.8	5	3.8	4.5	4.9	6.6	4.5	6.6	4.9	5.1	2.2
2010	4.1	3.7	5.3	3.6	4.3	5	6.5	4.3	6.4	4.6	4.7	2.4
2011	4	3.6	5.5	3.3	4.2	4.8	6.4	4	5.9	4.4	4.6	2.3
2012	46	44	58	41	49	54	64	46	61	49	55	26
2013	48	43	60	41	53	57	68	47	57	48	54	25
2014	48	43	61	43	55	58	69	50	58	51	54	26
2015	51	46	63	41	56	59	70	51	60	56	51	27
2016	49	48	62	41	57	59	70	51	61	55	48	29
2017	49	48	60	43	58	59	71	50	61	57	45	30
2018	48	47	60	42	58	59	73	50	60	59	46	32
2019	47	44	58	43	56	60	74	50	60	56	44	30
2020	47	44	56	44	57	60	75	49	60	54	44	33
2021	47	45	56	42	59	61	74	52	57	54	43	32
2022	50	46	55	43	59	62	74	53	56	56	42	33
2023	50	46	54	45	60	61	76	54	56	57	42	36
Average growth rate	1.5%	2%	1.3%	1.3%	2.6%	1.8%	1.3%	2.0%	0.2%	1.5%	-0.8%	4.4%

Source: Transparency International (2023)

The increase in this indicator by ten positions confirms the existence of positive changes in Ukrainian society. A more detailed analysis of the presented statistics suggests a gradual increase in the fight against corruption in Ukraine in 2012-2017 and relative stability in the global ranking of Ukraine in 2018-2022. Periods of state transformation and the introduction of anti-corruption mechanisms coincide with periods of improvement in Ukraine's global CPI score. For instance, the largest increase in the index was by three positions in 2020. This result was achieved due to the introduction of the High Anti-Corruption Court in Ukraine with the appropriate jurisdiction (Romanenko, 2019), as well as the reorganisation of the National Agency for the Prevention of Corruption¹. The

biggest pullback occurred the day before. In 2019, the index dropped by two points due to the failure to implement most of the recommendations of the international community on the use of anti-corruption tools (Transparency International Ukraine, 2020).

The increase in Ukraine's Corruption Perceptions Index by three points in 2023 (Table 1) indicates that the government is trying to fulfil its commitments to fight corruption and move closer to international standards. In 2023, Ukraine's result is one of the most successful indicators for this period in the world, despite the duration of the armed conflict on its territory. This result was achieved through the adoption and implementation of the Anti-Corruption Strategy² and the State Anti-Corruption Programme³, i.e.,

¹ Resolution of the Cabinet of Ministers of Ukraine No. 458 "On the Approval of the Criteria and Methodology for Evaluating the Effectiveness of the National Agency for the Prevention of Corruption". (May, 2020). Retrieved from <https://zakon.rada.gov.ua/laws/show/458-2020-%D0%BF#Text>.

² Law of Ukraine No. 2322-IX "On the Principles of State Anti-corruption Policy for 2021-2025". (2022, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2322-20#Text>.

³ Resolution of the Cabinet of Ministers of Ukraine No. 220 "On the Approval of the State Anti-corruption Program for 2023-2025". (2023, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/220-2023-%D0%BF#Text>.

statutory-level regulation and coordination of the activities of all public authorities aimed at overcoming corruption. The UN Convention against Corruption¹, which has been ratified by Ukraine, points to the coordination of such actions as a necessary condition for effective counteraction to corruption. Formulation of an anti-corruption strategy can be identified as the crucial means of ensuring appropriate coordination, which has gained popularity. Analogous anti-corruption strategies are used by some governments in different regions of the world and levels of economic and social development: United Kingdom², Vietnam³, Jordan⁴, Romania, Egypt⁵, Armenia⁶, etc.

The second reason for Ukraine's rise in the ranking was the intensification of detentions and investigations of criminal cases for committing corruption offences on a large scale. The exposure of criminals who committed illegal corruption in the defence sector of Ukraine and the provision of supplies to the military caused particular public outrage (Pavlenok, 2023). However, the law enforcement agencies of Ukraine still face many challenges, as exemplary arrests of corrupt criminals are rare.

According to the official public statistics of the Office of the Prosecutor General of Ukraine, in 2023, the Prosecutor General's Office recorded 14,820 crimes committed by officials of various levels, in various areas of their professional activity, while providing public services (General Prosecutor's Office, 2023). Among these crimes, the largest number of cases were documented under the following offences in the Criminal Code of Ukraine⁷: abuse of power or position (Article 364) – 2,983 cases; abuse of power or authority by a law enforcement officer (Article 365) – 1,256 cases; abuse of authority by persons providing public services (Article 365-2) – 227 cases; forgery in office (Article 366) – 4,335 cases; negligence in office (Article 367) – 1,786 cases; acceptance of an offer, promise, or receipt of an undue advantage by an official (Article 368) – 1,403 cases; offer, promise, or provision of an undue advantage to an official (Article 369) – 2,041 cases (Prosecutor General's Office, 2023). However, the performance indicators of law enforcement agencies indicate that the results of such activities are not sufficiently effective.

Thus, in 2023, the number of unlawful acts resulting in the serving of suspicion notices to offenders was 6,048 cases, while the number of criminal offences for which proceedings were sent to court was only 4,760. Therewith, the number of criminal offences in which proceedings were closed was 4,160, while the number of criminal offences in which no decision was made at the end of the reporting period was 9,885 (General Prosecutor's Office, 2023). In other words, there is a lack of efficiency and effectiveness of law enforcement agencies in fighting corruption and bringing perpetrators to justice. This performance will have negative consequences for Ukraine in the future when determining its place in the CPI rankings.

The third factor that influenced Ukraine's score in the CPI ranking is that most procurement is conducted through Prozorro. The implementation of this anti-corruption mechanism is most welcomed by international partners, as it is practical and is an effective state instrument. In the context of the armed conflict, this instrument was designed to provide comprehensive support to citizens, the state, and the Armed Forces of Ukraine. Accordingly, in 2022, 160,000 transactions following the principles of competition were made through electronic trading, worth almost UAH 200 billion. These procurements involved 33,000 entities. Furthermore, Prozorro Market is gaining traction, with the volume of purchases in the electronic catalogue amounting to approximately UAH 2 billion in 2022. Interesting for this study is the fact that Prozorro is integrated with the register of corruption offences (Public procurement. Annual report, 2023).

Accordingly, it can be concluded that the introduced anti-corruption instruments are directly proportional to the level of corruption perception. The presented dynamics confirms the need for further work of state authorities towards the implementation of fundamental changes in Ukrainian society by introducing additional tools that are effective in foreign countries. It is possible that the introduction of innovative, proprietary anti-corruption tools will also contribute to overcoming corruption.

However, it is the internal attitude of citizens towards corruption in the country that affects the

¹ United Nations Convention Against Corruption. (2003, October). Retrieved from https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

² UK Anti-Corruption Strategy 2017 to 2022. (2017, December). Retrieved from https://assets.publishing.service.gov.uk/media/5a829eb7e5274a2e87dc21f0/6_3323_Anti-Corruption_Strategy_WEB.pdf.

³ Drafting a National Anti-corruption Strategy for Vietnam. (2008, September). Retrieved from <https://www.u4.no/publication/drafting-a-national-anti-corruption-strategy-for-vietnam.pdf>.

⁴ The National Integrity and Anti-Corruption Strategy 2020-2025 (updated). (2005, June). Retrieved from https://jiacc.gov.jo/EBV4.0/Root_Storage/AR/EB_Blog/JIACC_Strategy_2020-2025_English.pdf.

⁵ National anti-corruption strategy 2019-2022. (2019, January). Retrieved from <https://sherloc.unodc.org/cld//treaties/strategies/egypt/egy0001s.html?lng=en&tmpl=sherloc>.

⁶ Republic of Armenia Anti-corruption Strategy and Implementation Action Plan. (2001, January). Retrieved from <https://www.gov.am/files/docs/74.pdf>.

⁷ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

world ranking. The results of independent sociological surveys conducted in Ukraine are worrying. Specifically, despite Ukraine's rise in the CPI ranking, in the spring of 2023, 53% of respondents said that corrupt officials in power were the state's biggest internal enemy. Therewith, 84% of respondents support the position that it is necessary to make the facts of corruption acts public. Notably, the survey confirms that the Ukrainian population understands the relationship between the eradication of corruption, community unity, support from international partners, and victory (Samayeva, 2023). In other words, based on the results of the survey, it can be argued that the existence of corruption in Ukraine is still an open question, one of the ways to solve which is to bring perpetrators to justice publicly.

The results of the external independent assessment of the effectiveness of the National Agency for the Prevention of Corruption, approved on 24 July 2023 (External independent assessment..., 2023), are not entirely optimistic. Thus, according to the report of such an assessment, the National Agency fulfilled 72% of the indicators for which the audit was carried out, while 28% (58 indicators) were not fulfilled. However, according to the external audit, the National Agency satisfactorily performed most of its tasks. As a result, the commission has developed 120 recommendations for the agency, which will further facilitate the National Agency's activities to achieve higher performance. In other words, further fruitful work should continue, and improvement of the activities of the main state anti-corruption bodies is a priority area that affects the results of Ukraine as a whole in this area.

The analysis of the activities of state bodies in Ukraine in combating corruption allows identifying the problems that prevent the improvement of the corruption perception index in Ukraine:

- The armed conflict on the territory of Ukraine, on the one hand, hinders the introduction of certain effective mechanisms for combating corruption, and on the other hand, it accumulates community efforts in this area, as evidenced by the above statistical information;
- Conventionally lenient attitude towards corruption in the Ukrainian government and society. The transfer of the traditions of Soviet society to the period of Ukraine's independence took decades. Self-awareness of the community's European affiliation and the development of anti-corruption mindset will help overcome existing problems;

- The existence of loopholes in the legislation that allow for ambiguous interpretation of corruption-related acts. That is why one of the requirements of international partners is to review the regulatory framework of anti-corruption legislation, which is being amended and improved;

- Fragmentary application of the proposed anti-corruption instruments. For instance, partners point to the lack of transparency in the activities of the National Agency for the Prevention of Corruption, although in other areas the implementation of this principle is not in doubt;

- Failure to fulfil Ukraine's goals and commitments to the international community in terms of reforming anti-corruption mechanisms and applying anti-corruption measures. For instance, considering the reports of the National Agency for the Prevention of Corruption.

It is on solving these problems that attention should be focused. It is worth considering the positive practices of national government agencies and developing them. A range of international documents define further anti-corruption measures to be taken by Ukraine: European Commission Report on the Enlargement of the European Union on Ukraine as a Candidate State for 2023¹, List of Priority Reforms from the US Government (The White House sent out a letter..., 2023). The latest report on the implementation of the IMF-Ukraine Memorandum². Some of the requirements for Ukraine to overcome corruption and the tools to fight it are overlapping in these international documents. The analysis of the recommendations of international partners and domestic experts allows Transparency International to identify the priority areas of work of Ukrainian government agencies in the fight against corruption for 2024, which are presented in Table 2, and which will help reduce the level of corruption. Therewith, Transparency International develops global recommendations for governments to ensure effective fight against corruption as a threat to national security: to define corruption as a threat to national security and to make the fight against it a goal of internal and external policy; to balance the system of checks and balances by organising the activities of anti-corruption bodies and oversight institutions; real access to public information, including the movement of financial resources of the state; policy should be determined by fair and public processes; and measures to counter transnational forms of corruption.

¹ European Commission Staff Working Document No. SWD(2023) 699 final "Ukraine 2023 Report". (2023, November). Retrieved from https://neighbourhood-enlargement.ec.europa.eu/document/download/bb61ea6d-dda6-4117-9347-a7191cefc3f_en?filename=SWD_2023_699%20Ukraine%20report.pdf.

² Staff Report and Statement by the Executive Director for Ukraine No. 2023/132 "Request for an Extended Arrangement Under the Extended Fund Facility and Review of Program Monitoring with Board Involvement-Press Release". (2023, March). Retrieved from <https://www.imf.org/en/Publications/CR/Issues/2023/03/31/Ukraine-Request-for-an-Extended-Arrangement-Under-the-Extended-Fund-Facility-and-Review-of-531687>.

Table 2. Transparency International's recommendations for further fight against corruption in Ukraine

Area	Content
Improvement of the procedure for bringing to criminal liability those who have committed corruption offences	▪ conducting investigations and litigation efficiently and promptly; ▪ increase the capacity and conduct an objective competitive selection of NABU employees, SAPO prosecutors, and judges of the High Anti-Corruption Court; ▪ implement the reform of the forensic service; ▪ eliminate conflicts in criminal procedure and criminal legislation, review the timeframe for consideration of corruption-related criminal cases
Implementation of mechanisms for alienation of property obtained as a result of corruption offences	▪ improvement of the efficiency of the National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes by changing the personnel policy, implemented forms and methods of the agency's activities, specifically in the area of asset sales; ▪ development, adoption, and implementation of a regulatory framework for the implementation of mechanisms for the alienation of property obtained as a result of corruption offences according to international standards; ▪ prescription of mechanisms in the current legislation to seize Russian assets on the territory of Ukraine as a precautionary measure before their confiscation; ▪ criminalise acts of violation of restrictive sanctions imposed by the international community in connection with the armed conflict on the territory of Ukraine in any way
Reform of the financial and budgetary control bodies of Ukraine	▪ development, adoption, and implementation of the legal framework for reforming the activities of the Accounting Chamber, including updating the approaches to the personnel selection procedure; ▪ reform the activities of the State Audit Service of Ukraine, changing its vector to a preventive one, specifically in terms of monitoring public procurement

Source: Transparency International (2023)

When identifying tools to improve the level of anti-corruption in Ukraine, it is necessary to consider internal and external factors of Ukraine that affect the social order, as well as positive and negative results of previously used tools. External control by international partners directly affects the effectiveness of the fight against corruption in Ukraine. Despite a fairly large body of research and analytical materials, including those discussed in this study, the issue of combating corruption stays relevant. The effectiveness of international legal instruments to combat corruption in Ukraine requires special attention.

The analysis of modern scientific research on the issues covered in this study confirms the conclusions and recommendations made and encourages discussion. O.H. Melnyk (2021) notes that the effective fight against corruption in Ukraine is based on several fundamental principles. These include the political will to implement anti-corruption measures, compliance with international regulatory documents, the existence and continuous improvement of clear anti-corruption legislation, effective operation of all responsible institutions, transparency and accountability of public authorities, and clear rules of financial control. While these measures are not universal, they point to opportunities for considerable improvement in Ukraine's anti-corruption system. Notably, there is no single way to fight corruption, and therefore it is necessary to develop one's own way, accommodating local realities, foreign practices, and developing civic awareness, which contributes to changes in the perception of corruption and improves the transparency and accountability of public institutions in the provision of services.

The authors of this study agree with the conclusions drawn by A. Bowra *et al.* (2022), who emphasise the need to adopt comprehensive and effective

anti-corruption strategies developed based on monitoring and evaluation of the activities of international organisations in the field of anti-corruption. F. Ceschel *et al.* (2022) also noted the need to consider the specific features of each state when developing anti-corruption strategies. V. Topchii *et al.* (2021) conclude that measures taken by individual states to combat corruption may have short-term effects. That is why the researchers' position is to unite the efforts of states through the adoption of international treaties and recommendations that should underlie an effective mechanism for monitoring corruption. J. Barafi *et al.* (2022) also emphasise the increased role of international and local monitoring agencies. In other words, monitoring and evaluation of the activities of public authorities in this area should be the basis for the introduction of international anti-corruption instruments in each state.

Supporting L. Hbur's (2020) position on interpreting corruption as a socially determined phenomenon, we can agree with the researcher's areas of anti-corruption public policy: improvement of current legislation; comprehensive use of positive foreign practices in combating corruption; involvement of the general public and public institutions in anti-corruption programmes; application of measures to improve preventive activities in the field of corruption. However, such areas are rather forms of implementation of the international anti-corruption instruments introduced by the national authorities.

M. Kirzhetska & Yu. Kirzhetsky (2023) investigated the tools for counteracting illegal economic processes in Ukraine, concluding that the factor that affects the overcoming of shadow imports is not the level of wages of employees, but the level of integrity of civil servants of the State Customs Service, for example. This opinion coincides with the thesis that

lenient attitude towards corruption in the government and society of Ukraine is a factor that influences the effectiveness of the fight against it and is a problem that should be eradicated. Therewith, it is worth agreeing with the opinion of R. Subačienė *et al.* (2023), who propose that anti-corruption measures include training of employees of enterprises, institutions, and organisations on anti-corruption issues, supplementing the thesis with the need to train civil servants. Training in the basics of preventing and combating corruption can encourage Ukrainian citizens to have a virtuous attitude towards their official duties, to fulfil their tasks, and to apply countermeasures in their everyday lives. I. Nalyvaiko & R.W. McGee (2023) and R. Subačienė *et al.* (2023) emphasise the significance of interaction between the state, civil society, and business to ensure sustainable social development, and thus free from the impact of corruption.

The research results presented in this study confirmed the position of B. Lohvynenko *et al.* (2022) on the effectiveness of the use of electronic systems and tools for combating corruption, which has been practically implemented in Ukraine on the example of public procurement. The tool minimises the possibility of corrupt influence in various areas, which can also be called a means of controlling integrity in various sectors of the economy. I. Adama & M. Fazekas (2021) find it debatable that information and communication technologies are a positive tool for making governments more transparent, accountable, and less corrupt. The researchers note the positive impact of information and communication technologies on the level of fighting corruption, but such technologies can also provide new opportunities for corruption through the dark web, cryptocurrencies, or the misuse of technologies such as centralised databases.

B. Olmos Giupponi & H.L. Yu (2022) consider the gaps in the international investment arbitration regime as a tool for combating corruption. The researchers identify two broad strategies for addressing the issue of liability for corruption. The first strategy involves reorganising the existing international investment arbitration regime. The second strategy envisages the creation of an institute of specialised international criminal investigators who will work in tandem with special anti-corruption courts that will hear criminal complaints. Ukraine's path in the fight against corruption involves development according to the second scenario, as Ukraine has ratified the Anti-Corruption Protocol to the UN Convention against Corruption¹, which makes provision for the obligation to introduce specialised international criminal investigators and specialised anti-corruption courts in the country. Such tools will contribute to the

effectiveness of the fight against corruption and improve the perception of corruption in Ukraine.

The position expressed by O.A. Uliutina (2021) on the withdrawal of the Specialised Anti-Corruption Prosecutor's Office from the subordination of the Prosecutor General's Office of Ukraine can be considered debatable, since the creation of the institution has already had a positive impact on the effectiveness of combating corruption. The analysis of the study conducted by L. Marchuk & V. Yakovlev (2023) proves the relevance of applying the international anti-corruption instruments identified in the present study under martial law, as the need to regulate and stabilise the financial system of regions and the state as a whole was confirmed.

■ Conclusions

Having analysed the provisions of various types of regulations and literature and having investigated the opinions of scholars who have addressed the issue of the effectiveness of international legal instruments for combating corruption in Ukraine, the authors of this study concluded that the purpose of the study was fulfilled.

The international legal instruments for fighting corruption introduced in Ukraine (Prozorro, eHealth, Spending) meet modern requirements and are a manifestation of e-governance. It is the electronic format of public services and financial transactions by public authorities that ensures the implementation of the principle of openness of the state and enables public control over the finances of the state and its officials. The effectiveness of international legal instruments for combating corruption in Ukraine depends on their types and intensity of application. The analysis of the level of perception of corruption in Ukraine over the past 24 years has led the authors of this study to conclude that the introduced anti-corruption instruments are directly proportional to the level of its perception.

The tools used at this stage of development of Ukrainian society are effective, as the corruption perception index in Ukraine is gradually increasing. Guided by the path of European countries towards EU membership, and considering the dynamics of the corruption perception index in these countries, it is predicted that Ukraine will achieve the due level of corruption perception that will allow it to become a member of the European Union in the near future (two to three years).

However, an analysis of the activities of certain state bodies suggests that the measures taken are insufficient and that further transformational processes in Ukrainian civil society are needed to combat corruption. The author highlights the problems that prevent the introduction of certain effective mechanisms for

¹ Criminal Law Convention on Corruption. (1999, January). Retrieved from <https://rm.coe.int/168007f3f5>.

combating corruption: the armed conflict in Ukraine; conventionally lenient attitude towards corruption in the government and society of Ukraine; gaps in the regulatory framework of anti-corruption legislation; fragmented application of the proposed anti-corruption instruments; and Ukraine's failure to fully perform its obligations to the international community.

The key areas for further research on the effectiveness of international legal instruments to combat corruption include the development of new and improvement of existing means of combating this phenomenon. The identification and elimination of gaps in international and national anti-corruption legislation by providing concrete practical recommendations

is also worthy of academic attention. Furthermore, it is worth emphasising the need for researchers to develop the reform of financial and budgetary control bodies.

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■ Conflict of Interest

The authors of this study declare no conflict of interest.

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Ефективність міжнародних правових інструментів боротьби з корупцією

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■ **Анотація.** Актуальність статті обґрунтована необхідністю імплементації міжнародних практик протидії виявам корупції, підвищення ефективності оперування правовими механізмами й інструментами боротьби з корупцією в усіх сферах життєдіяльності держави. Метою статті є комплексне дослідження ефективності міжнародних правових інструментів боротьби з корупцією в Україні. Для досягнення поставленої мети виникла потреба виконати завдання, що стосуються визначення міжнародно-правових інструментів боротьби з корупцією; дослідження способів оцінювання рівня сприйняття корупції у світі; з'ясування прогресу боротьби з корупцією в Україні; визначення проблем, які перешкоджають підвищенню індексу сприйняття корупції в Україні; розроблення інструментів підвищення рівня боротьби з корупцією в Україні. Принципи діалектики були основою методологічної конструкції дослідження, яка охоплювала такі загальнонаукові та спеціально-юридичні методи дослідження, як порівняльно-правовий, формально-юридичний, аналізу й синтезу. На основі аналізу вторинних джерел було встановлено важливість аналізу та класифікації визначення міжнародно-правових інструментів боротьби з корупцією і способів оцінювання рівня сприйняття корупції у світі. Аналіз статистичних даних і соціологічних досліджень дав змогу встановити прогрес боротьби з корупцією в Україні, що знайшов своє вираження в конкретних даних моніторингу рівня сприйняття корупції в Україні. Було акцентовано на системному підході до виявлення проблем, які стоять на заваді підвищенню індексу сприйняття корупції в Україні. За допомогою порівняльно-правового методу було зіставлено положення українського й міжнародного законодавства, що безпосередньо стосуються питань протидії корупції та її виявам. Сформульовано висновки наукової роботи, на підставі яких запропоновано конкретні інструменти підвищення рівня боротьби з корупцією в Україні шляхом удосконалення діяльності державних структур. У процесі вивчення порушеного питання використано та проаналізовано відповідні наукові праці українських і зарубіжних дослідників. Практичне значення здійсненого дослідження полягає в можливості використання цих висновків у діяльності державних органів України, з огляду на оцінку міжнародних експертів результативності вже застосованих інструментів протидії корупції

■ **Ключові слова:** міжнародні норми; заходи протидії корупції; індекс сприйняття корупції; рекомендації; реформування