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**FEATURES OF FORMATION AND REALIZATION OF ANTICORRUPTION  
POLICY IN UKRAINE**

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**Abstract.** *The article reveals the content of anticorruption policy as one of the types of legal policy. Characterized by subjects who, firstly, form and implement anticorruption policies in the state within the limits of their powers, which are enshrined in them by the national legislation (parliament, the National Agency for the Prevention of Corruption, etc.), and secondly, mainly implement anticorruption policy in the state (executive bodies, public prosecutor's offices, local state administrations, local self-government bodies, etc.), and thirdly, contribute to the formation and implementation of anticorruption policy in the state (citizens and their associations). The article analyzes the peculiarities of developing and approving the principles of anticorruption policy in Ukraine. It is stated that at the current stage of state building in Ukraine, the requirements of anticorruption legislation on the development of anticorruption policy, as well as the development and improvement of the State Program for the implementation of anticorruption strategy, are not duly carried out. The article reveals the peculiarities of public participation in measures of preventing corruption. It is stated that measures of preventing corruption are more effective when state and local authorities work closely with civil society institutes.*

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**JEL Classification: K 10; K13; K23; K40.**

**Introduction.**

The need for the formation and implementation of anticorruption policy in Ukraine is due, first of all, to the lack of established democratic traditions in the state, the lack of real experience in controlling civil society in power, and also the level of consciousness of society, which often considers corruption acts as the means of solving personal and corporate problems. The factors that also indicate the need to develop a strategy and tactics for preventing corruption in Ukraine include the institutionalization of corruption relations that are losing abnormal and massive character, centralization of corruption and the transition from single corruption links to the creation of corporate corruption networks. This is evidenced by data from foreign supranational and non-governmental organizations, official statistics on the prevention of corruption in Ukraine and numerous sociological investigations and research works on law.

Chaotic measures of corruption prevention, which were used, for example, in the 90s of the last century, did not yield positive results for Ukrainian society. The lack of clear logic in the sequence of implementation of measures of corruption prevention, low level of effectiveness of interaction between the state and the public and international institutions on the prevention of corruption, showed that Ukraine has no effective national anti-corruption policy.

When formulating and implementing anticorruption policy as a set of measures aimed at reducing the level of corruption in the country, one should take into account the achievements of science on the identified issues, the practical experience of national anti-corruption authorities and the experience of countries in the world on the prevention of corruption. Particular attention should be paid to the powers of the subjects of anticorruption policy and the causal aspects of the spread of corruption in certain areas of public life. The timely elimination of the causes of the occurrence and spread of corruption relations in society, the identification of corruption acts and those who committed them are the main goals of the formation and implementation of anticorruption policy. Currently all conditions are created at the legislative level for the formation and implementation of an effective anti-corruption policy, which will contribute to the recovery of Ukrainian society from corruption.

### **1. Principles of the formation and implementation of anticorruption policy in Ukraine.**

Legal policy is an important component of the effective functioning of the legal system of society. It is impossible to imagine the existence and development of a modern state without it. Namely, a democratic, social and legal state. The term “legal policy” combines two categories of “law” and “politics”. Such a union of two terms became possible only in the conditions of the development of society in a democratic way. Indeed, in the conditions of the existence of a non-democratic regime, politics tends to dominate the law. In this case, the right acts only as one of the tools for implementing the state policy based on the principle of “the power of law”.

In the conditions of democratization of public life and the development of a democratic, legal and socially-oriented state, law begins to dominate politics. This is due to the fact that, firstly, state policy is based on the law, that is, it should not contradict the provisions of the Constitution and laws of Ukraine, as well as violate the rights and freedoms of man and citizen, and secondly, state policy is formed and implemented by subjects, according to which such powers are enshrined in national legislation, and thirdly, state policy is implemented in the manner and according to the mechanisms established by the current legislation. That is, in a democratic state, law acts as the basic element of state policy and the main source of its formation. Any state policy should be legal.

There are many criteria by which legal policy can be categorized. For example, it is possible to distinguish national, regional and local policies from a territorial point of view; in directions of implementation - internal and foreign policy; depending on the social relations, where it is realized, - information, migration, tax, anticorruption policy, etc. That is, anticorruption policy is one of the types of legal policy that is being developed and implemented in Ukraine.

The main reason for the formation and implementation of a national anticorruption policy in Ukraine is the widespread corruption manifestations in various spheres of public life.

Anticorruption policy is a complex of legal, economic, organizational, educational, and other measures aimed at reducing corruption and ensuring the protection of the rights and legitimate interests of citizens and society from its negative consequences. Such a policy should be implemented with clearly defined and established parameters. These parameters are determined by the anticorruption strategy and anticorruption tactics. This is the difference between the concepts of “anticorruption policy”, “anticorruption strategy” and “anticorruption tactics”. Anticorruption policy is a set of measures aimed at reducing corruption in society, while anticorruption strategy is the definition by the government of the main, milestones of legal policy and the system of separate decisions and organizational measures aimed at achieving these goals, and anticorruption tactics are development of separate tasks and ways of their solution within the aforementioned strategic directions of anticorruption policy. Anticorruption policy may not exist in the absence of strategic conceptual ideas and goals, as well as tactical tasks and means of their implementation, based on long-term or short-term forecast. Thus, anticorruption strategy and anticorruption tactics are structural elements of anticorruption policy. In terms of authority and specificity of participation in public relations on the prevention of corruption, the subjects of anticorruption policy in Ukraine can be divided into three groups:

- a) subjects that form anticorruption policy in the state and implement it within the limits of the powers entrusted to them by national legislation (for example, the Verkhovna Rada of Ukraine, the National Agency for the Prevention of Corruption, etc.);
- b) subjects that implement anticorruption policies in the state (for example, executive bodies, prosecutors, local state administrations, local self-government bodies, etc.);
- c) subjects that promote the implementation of anticorruption policy in the state (for example, citizens and their associations).

The Verkhovna Rada of Ukraine refers to subjects who are entitled to form anticorruption policy in Ukraine. For example, in the Law of Ukraine of October 14, 2014, the Verkhovna Rada of Ukraine approved the Principles of State Anticorruption Policy in Ukraine (Anticorruption Strategy) for 2014-2017 (2014). This law defined: firstly, the entire application and a list of necessary anticorruption measures to prevent corruption in representative bodies of power, in the field of public service, in the activities of executive authorities, in the field of public procurement, in the judicial system and in criminal justice, as well as in the private sector; and secondly, a set of measures to improve the criminal procedural legislation on punishment for corruption; thirdly, the list of measures aimed at forming in the society ideas of intolerance to corruption; fourthly, the procedure and methodology for evaluating the results and the mechanism for implementing the anticorruption strategy for 2014-2017.

A more comprehensive list of anti-corruption measures is proposed in the Draft Anticorruption Strategy Law 2018-2020.

Successful implementation of anticorruption policy will reduce the level of corruption in Ukraine and increase public confidence in the government. Parliamentary hearings on the situation regarding corruption and the publication of an annual national report on the implementation of the principles of anticorruption policy are those measures that allow assessing the results and mechanisms of the implementation of the state anticorruption strategy in Ukraine.

The Verkhovna Rada of Ukraine shall, every year no later than June 1, hold parliamentary hearings on the situation regarding corruption, as well as approve and publish on its official website a national report on the implementation of the principles of anticorruption policy, which, in accordance with the requirements of Article 20 of the Law of Ukraine “On Prevention of Corruption” is prepared by the National Agency for the Prevention of Corruption (hereinafter referred to as the National Agency) ( 2014). For example, on May 24, 2017, parliamentary hearings on the topic “The stage of implementation of the principles of anticorruption policy in Ukraine” were held in the plenary session hall of the Verkhovna Rada of Ukraine (2017). At these parliamentary hearings, the draft National Report on the Implementation of Anticorruption Policies in 2016 was considered (2017).

A special place in the system of newly created and functioning special anticorruption bodies is the National Agency. Unlike other anticorruption bodies (NABU, the Anticorruption Prosecutor’s Office, the Supreme Anticorruption Court), which implement anticorruption policies in our state, the National Agency is the only special body that forms the state anticorruption policy.

The duties of the National Agency include carrying out an analysis of the state of prevention and counteraction of corruption in Ukraine and the state of activity of state bodies and bodies of local self-government in the field of prevention and counteraction to corruption (Clause 1, Part 1, Article 11 of the Law “On the Prevention of Corruption”). This duty of the National Agency is conditioned by the fact that in the course of its activities, a special anticorruption body has access to relevant statistics, as well as the ability to accumulate, process and analyze information related to the implementation of anticorruption policy in Ukraine. The analysis of the state of prevention and counteraction to corruption in Ukraine is: a) in identifying gaps in the current legislation, which contribute to the emergence and development of corruption relations in society; b) in defining the shortcomings in the activities of law enforcement bodies, which equalize all efforts of the state in this direction; c) to develop recommendations for the improvement of national legislation regarding the enhancement of the effectiveness of law enforcement agencies in the field of prevention of corruption, as well as recommendations on how to involve the public in the process of implementation of anticorruption policy.

Only on the basis of knowledge about the current state of prevention and counteraction to corruption in Ukraine we may propose an effective arsenal of anticorruption measures, designed for the long-term or short-term prospect. This explains why the Anticorruption Strategy is being developed by the National Agency.

In addition to developing a common anticorruption strategy, the National Agency, as an element of anticorruption policy in Ukraine, is authorized to develop anticorruption tactics. The tasks and measures related to the anticorruption tactics are set forth in the state program of implementation of the Anticorruption Strategy, which is approved by the Cabinet of Ministers of Ukraine. For example, the State Program on Implementing the Fundamentals of State Anticorruption Policy in Ukraine (Anticorruption Strategy) for 2015-2017 provided the following tasks in the area of the formation and implementation of state anticorruption policy: 1) creation of an institutional mechanism for the formation and monitoring of the implementation of the state anticorruption policy, in particular the launching of the Agency's work, promotion of the active work of the National Council on Anticorruption Policy; 2) creation of tools for obtaining reliable information on quantitative and qualitative indicators of corruption; 3) preparation of a new anticorruption strategy; 4) establishing new forms of cooperation with the public in shaping and monitoring the implementation of the state anticorruption policy. To address these challenges, a list of urgent measures was proposed, which were supposed to ensure the implementation of anticorruption policy in the country. Thus, in order to establish new forms of cooperation with the public in formulating and monitoring the implementation of state anticorruption policy, it was proposed to approve a public memorandum on principles of partnership in the field of anticorruption policy and ensure its implementation (2015).

The procedure for the development of anticorruption programs, which are adopted by other state bodies and local self-government bodies, as well as the requirements for their content, are regulated by the provisions of Art. 19 of the Law "On Prevention of Corruption".

Heads of state bodies are personally responsible for ensuring the implementation of the state program on the implementation of the Anticorruption Strategy. In this case, it is not about legal liability for a corruption or corruption-related offense, which is regulated by the provisions of Section XI of the Law "On Prevention of Corruption", but about the disciplinary liability established by the Law "On Civil Service" and stipulated for the commission of a disciplinary offense. in the form of non-fulfillment or improper performance of official duties, acts of state authorities, orders (decrees) and instructions of directors, taken within the limits of their powers (clause 5, part 2, article 65).

The personal responsibility of heads of state, communal enterprises, business associations and heads of legal entities that are obliged to approve the anticorruption

programs of their organizations are regulated by the Procedure for granting the consent of the National Agency for the Prevention of Corruption to the release of the person responsible for the implementation of the anticorruption program (2016).

Taking into account the results of the implementation of anticorruption measures determined by the anticorruption policy in Ukraine, as well as taking into account the conclusions and recommendations of the parliamentary hearings on the situation regarding corruption, the State Program for the implementation of the Anticorruption Strategy is subject to annual revision. This does not mean that certain changes in the state program must be made annually. Such changes can be made, for example, in cases when: a) the terms of fulfillment of tasks stipulated by the state program were violated, requiring the establishment of new terms; b) there was an optimization of the system of subjects that implement anticorruption policy, which requires the redistribution of powers between these subjects and fixation of this fact in the state program; c) there have been changes in the list of anticorruption policy tasks or in the list of measures aimed at its implementation, etc. For example, in the three years of the State Program on the implementation of the principles of state anticorruption policy in Ukraine (Anticorruption Strategy) for 2015-2017, changes to its content were made only once in 2015 (2015). At the same time, the National Agency in the National Report on the Implementation of Anticorruption Policy Principles in 2016 [6] states that the overall measure of implementation of measures in Section I of the State Program "Formation and Implementation of State Anticorruption Policy" is 54%, Section II "Prevention of Corruption" - 46%, Section III "Punishment for Corruption" - 39%, and section IV "Formation of negative attitude towards corruption" - 50%. On the basis of this, it was concluded that some tasks and measures identified by the State Program have become obsolete, and therefore there is a need to adjust and update the tasks and activities of the State Program, the timetable and indicators for their implementation, as well as the list of bodies responsible for their implementation. To do this, it was planned to amend the Resolution of the Cabinet of Ministers of Ukraine No. 265 dated April 29, 2015 (2015), setting forth for a new version of the State Program. Unfortunately, due to objective and subjective reasons caused by the political and economic situation in the state, changes to the State Program have not been made.

It should be noted that at the present stage state building in Ukraine improperly implements the requirements of Article 18 of the Law "On Prevention of Corruption" regarding the elaboration of the principles of anticorruption policy (Anticorruption Strategy), their legislative consolidation, as well as on the development and improvement of the State Program for the implementation of the Anticorruption Strategy. And the Law on Anticorruption Strategy for 2018-2020 and the State Program for the Implementation of the Anticorruption Strategy for 2018-2020 have not yet been adopted.

## **2. Procedure for adoption and approval of anticorruption programs by the subjects of the authorities.**

In addition to the national program for the implementation of the Anticorruption Strategy, which is developed by the National Agency and is approved by the Cabinet of Ministers of Ukraine, state authorities and local self-government bodies develop departmental anticorruption programs, which establish the principles of anticorruption policy of a specific body. The main objective pursued in the course of the adoption of departmental anticorruption programs is the identification of spheres in the activity of the body, where potential corrupt relations are possible, and the development of measures aimed at timely eliminating the causes and conditions of the emergence of corruption relations both in the middle of the body (internal management relations), and in the sphere of realization by the body of its powers (external organizational activity, for example, with regard to the provision of administrative services, the exercise of supervisory or jurisdictional powers, etc.).

Depending on the way decisions are made, state bodies and local self-government bodies are divided into collegial and individual ones. Individually departmental anticorruption programs are approved by the heads of the Administration of the President of Ukraine, the Office of the Verkhovna Rada of Ukraine, the Secretariat of the Cabinet of Ministers of Ukraine, the Secretariat of the Ombudsperson of the Verkhovna Rada of Ukraine for Human Rights, the General Prosecutor's Office of Ukraine, the Security Service of Ukraine and heads of other bodies provided in clause 1 part 1 of Article 19 of the Law "On Prevention of Corruption". Sometimes departmental anticorruption programs are approved not by the head of the body but by another authorized official. For example, the Anticorruption Program of the Apparatus of the National Security and Defense Council of Ukraine is approved by the Secretary of the National Security and Defense Council of Ukraine. Collegially departmental anticorruption programs are approved by:

a) the decision of the Board of the Bank, if it is an anticorruption program of the National Bank of Ukraine;

b) decisions of collegial bodies in the case of anticorruption programs of the Audit Chamber, the Central Electoral Commission, the High Judicial Council, the Verkhovna Rada of the Autonomous Republic of Crimea, and the anticorruption programs of other bodies provided for in clause 5 part 1 of Article 19 of the Law "On Prevention of Corruption".

All anticorruption programs of bodies, listed in part 1 of Article 19 of the Law "On Prevention of Corruption", are subject to approval by the National Agency. The procedure for the preparation and submission to the National Agency of anticorruption programs that are subject to approval is regulated by the Procedure for Preparation, submission of anticorruption programs for approval by the National Agency for the Prevention of Corruption and their approval dated December 8, 2017 (hereinafter - ORDER of approval) (2017).

The responsible body (person) on the prevention and detection of corruption is responsible for preparing an anticorruption program in the government. In the absence of it – another structural unit (person), which is entrusted with the responsibility to prepare for the anticorruption program.

Anticorruption programs in duplicate (original and certified copy of an anti-corruption program in compliance with the law, together with annexes and cover letter) shall be submitted to the National Agency for approval within three working days from the date of their approval. If an anticorruption program is submitted for re-approval, the cover letter shall indicate the date and number of the National Agency's letter on the abandonment of the anticorruption program without consideration or a decision on its non-approval.

Together with the anticorruption program and the cover letter to the National Agency, the following materials are also submitted: 1) a copy of the administrative document approved by the established procedure in accordance with the established procedure; 2) materials on the assessment of corruption risks; 3) information on the analyzed normative legal acts; 4) informational and analytical materials on the results of public discussion of the draft anticorruption program.

An anticorruption program with cover letter and attachments is filed or sent by mail to the National Agency by the employee of the authorized subdivision (authorized person).

In clause 8 of Section III of the ORDER of approval, the grounds listed in the presence of which the National Agency leaves the anticorruption program unattended and returns it and other materials to the authority within five working days from the date of receipt: a) approval of the anticorruption program by an inappropriate entity; b) submission of an anticorruption program not approved (not signed) in accordance with the established procedure; c) filing an incomplete set of documents for approval. Letter from the National Agency on the abandonment of the anticorruption program without consideration:

- is either personally taken by an employee of an authorized subdivision (authorized person), which is recorded in the corresponding column of the accounting journal of anticorruption programs;

- or sent by mail, if within one working day from the date of signing the letter it was not received by an employee of an authorized subdivision personally (authorized person).

Within ten working days from the date of receipt of a letter from the National Agency, the authority is obliged to re-submit it for approval. The process of approval of anticorruption programs consists of two stages: 1) an analysis of their provisions; 2) adoption by the National Agency of decisions on the coordination of anticorruption programs. The analysis of anticorruption programs is carried out by the structural unit of the Apparatus of the National Agency, which authority includes the organization of work on the prevention and detection of corruption. The analysis of anticorruption programs can involve employees of other structural units of the National Agency, scientists and on a contractual basis, employees of state bodies and local self-government bodies.



The deadline for coordinating anticorruption programs with the National Agency is 30 days from the day following the day the program is received by the National Agency. This period may be extended, but no more than 30 days, if researchers are involved in the analysis or on a contractual basis of employees of state bodies and local self-government bodies.

Anticorruption program with attached materials is considered at a meeting of the National Agency, which may be attended by a representative of the authority (at his request) who approves the anticorruption program.

According to the results of consideration of an anticorruption program by the National Agency, one of the following decisions may be made: 1) on the approval of the anticorruption program; 2) on refusal to approve (disapprove) anticorruption program.

The decision to approve the anticorruption program of the authority is taken if it fully complies or partially does not comply with the requirements stipulated by the current legislation. If the anticorruption program of the authority partially does not comply with the requirements stipulated by the current legislation, then the National Agency decides on its approval with the provision of mandatory proposals for consideration, for example: to specify the measures, deadlines and responsible executives enshrined in it; supplementing measures to eliminate (minimize) corruption risks by additional measures proposed by the National Agency; editorial changes in the text of the anticorruption program.

A decision to refuse to approve (disapprove) an anticorruption program with appropriate justification shall be taken if: the program was developed in violation of the principles of the preparation of anticorruption programs of the authorities; the program does not include one or more obligatory components of anticorruption programs of the authorities; the report on the results of the assessment of corruption risks in the activity of the authority does not contain obligatory components; there is a need for an additional assessment of corruption risks, as the preliminary assessment has been carried out incompletely or incorrectly.

A duly certified copy of the National Agency's approval, refusal to approve (disapproval) with the anticorruption program and the original anticorruption program shall be sent at the location of the relevant authority no later than three working days from the date of such decision (2017).

National legislation contains three groups of requirements for departmental anticorruption programs: 1) requirements for their content; 2) requirements relating to their text and structure; 3) requirements for anticorruption programs.

Part Two of Art. 19 of the Law "On Prevention of Corruption" contains a non-exhaustive list of requirements concerning the content of departmental anticorruption programs. These provisions of the law were detailed in Section II of the ORDER of approval (2017). Thus, the Anticorruption program should include: a provision on the definition of the principles of a general departmental policy on prevention and counteraction

to corruption in the relevant sphere; measures to implement such principles; measures to implement anticorruption strategy and state anticorruption program; information on carrying out an assessment of corruption risks in the activities of the authority; educational measures and measures to disseminate information on anticorruption programs; procedure and entity responsible for periodic monitoring of the implementation of the anticorruption program; procedure for evaluating the implementation of the anticorruption program, fixing the criteria for its implementation, taking into account the timeliness, completeness of implementation of the measures fixed in it and the results of their implementation (for example, the impact of the results of the action taken on the state of compliance with the requirements of the Law of Ukraine and/or the priority of corruption risk by comparing the situation with corruption in the authority before the adoption of the anticorruption program and during its implementation); procedure and cases of periodic review of the program; a report on the results of the assessment of corruption risks and other measures aimed at preventing corruption and corruption-related offenses.

Chapter II of the ORDER of approval includes the requirements related to the text and structure of anticorruption programs:

- anticorruption program should be clear and consistent, its position should be clearly defined, without any misunderstanding;

- anticorruption program should not contain provisions that are duplicate or have no semantic charge;

- anticorruption program must contain the details of the regulatory document, by which it is approved, and the title;

- anticorruption program may contain sections, subdivisions, chapters, clauses, sub-clauses, paragraphs;

- if necessary, the text of the program may contain notes or applications;

- the text of the anticorruption program is outlined in the present or future time. The past time applies only in the provisions relating to the assessment of corruption risks, or when describing the measures that are included in the anticorruption program of the authority in the previous period as non-executed.

The current legislation also contains requirements for anticorruption programs. In the ORDER of approval it is stated that:

- measures identified in the anticorruption program must be clear and specific;

- anticorruption program should include indicators of implementation (anticipated results) of anticorruption measures that can be measured (evaluated) during periodic monitoring and evaluation of implementation of the anticorruption program.

Violation of the above-mentioned requirements is the reason for the decision of the National Agency to agree with the provision of mandatory consideration of proposals or a decision to refuse to approve (disapprove) the anticorruption program.

### **3. Public participation in anticorruption measures.**

Part 1 of Art. 21 of the Law “On Prevention of Corruption” (2014) lists subjects that, on behalf of the public, can take part in measures to prevent corruption, and establishes an incomplete list of rights that the public is implementing in the field of prevention of corruption.

Public entities, their members or authorized representatives, as well as individuals participate in corruption prevention activities on behalf of the public. Public association is a voluntary association of individuals and/or legal entities of private law for the realization and protection of rights and freedoms, satisfaction of public, in particular economic, social, cultural, environmental and other interests. According to the legal form of organization there are two types of public associations - a public organization or a public union. A public organization is a public association, which founders and members (participants) are individuals. Public union is a public association, the founders of which are legal entities of private law, and members (participants) may be legal entities of private law and individuals as well (2012).

It should be emphasized that Art. 21 of the Law “On Prevention of Corruption” (2014) refers exclusively to civil society institutions, while the importance of the formation and implementation of anticorruption policy in Ukraine has not only cooperation with civil society institutes, but also cooperation with business. It would be desirable to reflect this aspect of cooperation in the provisions of the law. For example, in the National Report on the Implementation of Anticorruption Policy Principles in 2016 [6] it was noted that the cooperation of the authorities with civil society and business institutes in the formation of anticorruption policy is quite active and results in positive consequences. Thus, an important step for starting cooperation between the National Agency and the Business Ombudsman's Council was the signing in 2016 of a Memorandum of Cooperation aimed at creating a common effective platform for communication and practical implementation of cooperation and cooperation activities through the creation of an appropriate Expert Group, the main purpose of the activity of which is to ensure the transparency of the activities of state authorities, reduce the level of corruption and prevent the unfair behavior of officials in relation to business.

Thus, measures to prevent corruption are more effective when public authorities and local authorities work closely with civil society institutions. It is possible to constantly intensify measures of state coercion for corruption in society or to create new specialized anticorruption bodies, but all this will be useless without participation in the formation and implementation of state anticorruption policy of the public. In European countries, public participation in the formation and implementation of state anticorruption policy is a key factor in the success of minimizing corruption in society. The system of anticorruption bodies and the severity of punishment for acts of corruption are only additional and secondary factors that ensure the success of anticorruption measures. Therefore, achieving

measurable results in counteracting this problem can only be coordinated by the joint efforts of the state and civil society.

The Law “On Prevention of Corruption” (2014) establishes an incomplete list of the rights of individual citizens, public associations, their members or authorized representatives in the field of prevention of corruption. Unfortunately, the law does not clearly define the forms of cooperation between the state and the public in the defined sphere.

Analysis of the provisions of Part 1 of Art. 21 of the Law “On Prevention of Corruption” (2014) allows the identification of three main forms of public participation in the prevention of corruption: 1) monitoring; 2) informing (conducting information events); 3) control.

Monitoring is a complex system for monitoring, collecting, processing, systematizing and analyzing information on the state of corruption in the country, the state of fulfillment of anticorruption legislation requirements and the state of implementation of the state anticorruption policy, which gives an assessment of the current state, forecasts its possible changes and develops well-founded recommendations for the prevention of corruption in Ukraine. This form of public participation in the prevention of corruption is manifested through the exercise of rights by public unions and citizens: a) request and receive from the state bodies, authorities of the Autonomous Republic of Crimea, local governments in accordance with the procedure provided for by the Law “On access to public information”(2011), information on activities on the prevention of corruption; b) to conduct, order the conduct of public anticorruption expertise of normative legal acts and draft normative legal acts, submit, on the basis of expert examination, proposals to the relevant bodies, and receive from the relevant bodies information on the consideration of the submitted proposals (See: parts 7 and 8 of Article 55 of the Law “On Prevention of Corruption”, (2014)); c) participate in parliamentary hearings and other measures on the prevention of corruption; d) make proposals to the subjects of the right of legislative initiative to improve the legislative regulation of relations arising in the field of prevention of corruption; e) to conduct, commission research activities, including scientific, sociological, etc., on the prevention of corruption.

Informing is a system of events that are connected, firstly, with informing the authorities, heads of enterprises, institutions, organizations about the facts of committing corruption or corruption-related offenses, as well as the existence of a conflict of interest; secondly, informing the population about the state of corruption in the country, the state of fulfillment of the requirements of anticorruption legislation and the state of implementation of state anticorruption policy. This form of public participation in the prevention of corruption is manifested through the realization by the public unions and citizens of the following rights: a) to report on the revealed facts of committing corruption or corruption-related offenses, a real, potential conflict of interest to specially authorized counter-parties

corruption, the National Agency, the management or other representatives of the body, enterprises, institutions or organizations in which these offenses have been committed or which employees have an existing conflict of interests and the public; b) take measures to inform the population on issues of prevention of corruption.

Control is a comprehensive system of monitoring of the activities of specialized anticorruption bodies and other authorities in compliance with the laws in the field of prevention of corruption provided by the current legislation. Item 9 of Part 1 of Art. 21 of the Law “On Prevention of Corruption” (2014) provides for the right of the public to exercise public control over the enforcement of laws in the field of prevention of corruption. For example, to ensure public participation in the formation and implementation of state anticorruption policy, as well as to publicly control the activities of specialized anticorruption bodies, public councils are created for them. Currently such public councils are already operating with NABU and the National Agency. The Public Council under the National Agency has the right: to hear information about the activities, implementation of the plans and tasks of the National Agency; approve annual reports on the activities of the National Agency; to provide conclusions on the results of examination of draft acts of the National Agency; to delegate a representative to the meeting of the National Agency with the right of deliberative vote (See: Part 3 of Article 14 of the Law “On the Prevention of Corruption”, 2014) ).

Separate aspects of public participation in the formation and implementation of state policy are regulated in the Decree of the Cabinet of Ministers of Ukraine “On Ensuring Public Participation in the Formation and Implementation of State Policy” dated November 3, 2010 No. 996 (2010) , which approved the Procedure for Public Consultation on Issues of Formation and the implementation of the state policy and the Model Regulations on the Public Council under the Ministry, the other central executive body, the Council of Ministers of the Autonomous Republic of Crimea, the regional, Kyiv and Sevastopol city, district, district in Kyiv and Sevastopol state administration.

Information regarding the competence of the entities engaged in the prevention of corruption, as well as in relation to the main directions of their activity, is public information, the access procedure of which is regulated by the Law of Ukraine “On Access to Public Information” (2011).

Public information is represented and documented by any means and on any medium of the information that was received or created in the course of the fulfillment by the subjects of the authorities of their duties, provided by the current legislation, or which is in the possession of the subjects of power authorities, and other administrators of public information, defined by the Law “On Access to Public Information” (2011).

Access to public information is provided through: 1) systematic and prompt disclosure of information in official publications, on official web sites on the Internet, in a single state

web portal of open data, on information stands or in any other way; 2) providing information on information requests.

Part 1 of Art. 22 of the Law of Ukraine “On Access to Public Information” (2011) provides four grounds in which a public information administrator has the right to refuse to satisfy a request: 1) when the information manager does not possess and is not obliged, in accordance with his or her competence, provided for by law, to possess information about which request is made; 2) when the requested information falls into the category of restricted information, namely, confidential, secret or official information; 3) the person who submitted the request for information did not pay the actual costs associated with copying or printing provided by the legislation; 4) the requirements for the request for information provided for in part 5 of the article 19 of the Law of Ukraine “On Access to Public Information” (2011) are not met.

In all other cases, a public union, a physical person, a legal entity shall not be denied in access to information regarding the competence of subjects involved in the prevention of corruption, as well as in relation to the main directions of their activity.

A separate category of laws and drafts of normative acts for the active participation of the public in their discussion is mandatory on the official websites of the relevant bodies. These are draft laws and regulations, which, firstly, provide for the provision of privileges or benefits to individual economic entities, and secondly, they are connected with the delegation of powers of state bodies or local self-government bodies.

The appearance of this norm in the Law «On Prevention of Corruption» (2014) is due to the following factors:

a) it is spoken about the spheres of public relations with increased corruption risk. Granting privileges to business entities and delegating the powers of state bodies and local self-government bodies are those areas of public relations, where the merger of business interests and private interests of certain state or municipal officials may take place. That is, there are favorable conditions for the emergence and prosperity of corruption relations. That is why, for the purpose of additional monitoring by the public, such draft legal acts are posted on the official websites of the relevant bodies;

b) draft regulatory acts on the granting of privileges to economic entities or the delegation of powers of state bodies and local governments do not require specialized (professional) knowledge to analyze their content and to identify norms that could potentially contribute to corruption in society. For example, draft tax or customs regulations may also be posted on the official websites of the relevant bodies for public discussion, but only on the initiative of these bodies.

In order to provide sufficient time for public discussion of draft legal acts, the Law “On Prevention of Corruption” (2014) obliges state and local authorities to place them on the official websites of the relevant authorities promptly and not later than 20 working days prior to their consideration with the purpose of adoption.

The results of the discussion of draft laws and regulations, which, firstly, provide the granting of benefits or benefits to individual economic entities, and secondly, related to the delegation of powers of state bodies or local authorities, are summarized by state authorities and bodies of local government and are to be made public on the official websites of the said authorities. For example, on December 2, 2014, the Department of Public Procurement and State Purchase under the Ministry of Economic Development and Trade of Ukraine published on the official website the Report on the results of the public discussion of the draft Law “On Amendments to the Law of Ukraine “On Government Procurement (regarding electronic procurement)” (2014). In this report, it was noted that one subject participated in the discussion of the draft law, who provided a number of comments and proposals, which were substantiated by their rejection. Consequently, the public's activity in discussing draft legal acts, such as those listed in part 3 of Art. 21 of the Law “On Prevention of Corruption”(2014), as well as those made for discussion on the initiative of the authorities, remains low. Today, the public interest only comes to those draft laws and regulations that deal with issues of their social protection and professional activities.

### **Conclusions.**

Legal policy is an important component of the effective functioning of the legal system of society. Without it, it is impossible to imagine the existence and development of a modern state, namely, a democratic, social and legal state.

Anticorruption policy is one of the types of legal policy that is being developed and implemented in Ukraine. The main reason for the formation and implementation of a national anticorruption policy in Ukraine is the widespread corruption manifestations in various spheres of public life.

Anticorruption policy is a complex of legal, economic, organizational, educational and other measures aimed at reducing corruption and ensuring the protection of the rights and legitimate interests of citizens and society from its negative consequences. Elements of anticorruption policy are anticorruption strategy and anticorruption tactics. Successful implementation of anticorruption policy will help to reduce corruption in Ukraine and increase the level of public confidence in the government.

A special place in the system of newly created and functioning special anticorruption bodies is the National Agency. Unlike other anticorruption bodies (NABU, the Anticorruption Prosecutor's Office, the Supreme Anticorruption Court), which implement anticorruption policies in our state, the National Agency is the only special body that forms the state anticorruption policy.

Public entities, their members or authorized representatives, as well as individuals, are public unions that participate in corruption prevention activities on behalf of the public. Measures to prevent corruption are more effective when public authorities and local authorities work closely with civil society institutions.

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