

ISSUES OF IMPROVING THE LEGISLATION ON CORRUPTION IN UKRAINE

QUESTÕES DE MELHORIA DA LEGISLAÇÃO SOBRE CORRUPÇÃO NA UCRÂNIA

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Abstract: In Ukraine, there is a slow process of change in the field of countering and combating corruption, despite some legislative changes, innovations, and institutional transformations. The article aims at highlighting the priority issues related to the processes of improving anti-corruption legislation in Ukraine. The research methodology includes historical legislative analysis and content analysis of the results of the work of key anti-corruption institutions in Ukraine responsible for improving the legislation on corruption. The results show that in general, the situation in Ukraine concerning countering and combating corruption has not changed much in 2012-2021. The key reasons for the lack of changes include insufficient legislative initiative of the Verkhovna Rada and the Cabinet of Ministers of Ukraine, sporadic attempts to introduce legislative changes, the unsatisfactory activity of the Verkhovna Rada in the field of anti-corruption policy, and delayed adoption of the anti-corruption strategy. In some cases, the Verkhovna Rada weakens or distorts legislative initiatives, which poses threats to the work of anti-corruption institutions. Adopted anti-corruption laws of lower importance contain certain ambiguous provisions and have little impact on corruption. In most cases, the Cabinet of Ministers of Ukraine initiated draft laws in the field of anti-corruption policy, which were of a spotty and/or technical nature. The latest draft laws are indicative, as they demonstrate the level of politicization of the Government's decision-making process on anti-corruption policy. Ukraine also faces the problem of clear delineation of certain functions between anti-corruption institutions. On a positive note, the adoption of the Anti-Corruption Policy is based on the analysis of the current state of corruption and its perception in society. In 2020, activities to improve corruption legislation were intensified. Moreover, mechanisms for verification and monitoring, analysis, and examination of regulatory documents in various areas were formed.

Keywords: Anti-corruption policy. Anti-corruption legislation. Anti-corruption strategy. Corruption risks. Anti-corruption issues.

Resumo: Na Ucrânia, existe um lento processo de mudança no domínio da luta contra a corrupção, apesar de algumas mudanças legislativas, inovações e transformações institucionais. O artigo pretende destacar as questões prioritárias relacionadas com os processos de melhoria da legislação anti-corrupção na Ucrânia. A metodologia de investigação inclui análise legislativa histórica e análise do conteúdo dos resultados do trabalho das principais instituições anti-corrupção na Ucrânia responsáveis pela melhoria da legislação sobre corrupção. Os resultados mostram que, em geral, a situação na Ucrânia relativamente à luta contra a corrupção e ao combate à corrupção não se alterou muito em 2012-2021. As principais razões para a falta de alterações incluem a insuficiente iniciativa legislativa do Verkhovna Rada e do Gabinete de Ministros da Ucrânia, tentativas esporádicas de introduzir alterações legislativas, a actividade insatisfatória do Verkhovna Rada no domínio da política anti-corrupção e a adopção tardia da estratégia anti-corrupção. Em alguns casos, o Verkhovna Rada enfraquece ou distorce as iniciativas legislativas, o que constitui uma ameaça ao trabalho das instituições anti-corrupção. As leis anti-corrupção adoptadas de menor importância contêm certas disposições ambíguas e têm pouco impacto sobre a corrupção. Na maioria dos casos, o Gabinete de Ministros da Ucrânia iniciou projectos de lei no domínio da política anti-corrupção, que eram de natureza manchada e/ou técnica. Os últimos projectos de lei são indicativos, pois demonstram o nível de politização do processo decisório do Governo em matéria de política anti-corrupção. A Ucrânia também enfrenta o problema da clara delimitação de certas funções entre as instituições anticorrupção. Numa nota positiva, a adopção da Política Anti-Corrupção baseia-se na análise do estado actual da corrupção e da sua percepção na sociedade. Em 2020, as actividades para melhorar a legislação anticorrupção foram intensificadas. Além disso, foram criados mecanismos de verificação e monitorização, análise e exame de documentos regulamentares em várias áreas.

Palavras-chave: Política anti-corrupção. Legislação anti-corrupção. Estratégia anti-corrupção. Riscos de corrupção. Questões anti-corrupção.

1. Introduction

In Ukraine, there is a slow process of change in the field of countering and combating corruption, despite some legislative changes and innovations, and institutional transformations. Continuous improvement of corruption legislation is accompanied by problems related to corrupt behavior and social factors (norms, standards, formal and informal rules of conduct, effectiveness of institutions), arbitrary interpretation of legislation, and political, economic, and other factors that cause them. The expert community and academic circles are discussing and debating these issues. Among the key ones are the high involvement of the civil sector in corruption (the share of citizens with experience was 60% in 2020) problems related to the rule of law; slow implementation of anti-corruption policy and lack of revision and full implementation of program documents, in particular since 2016; distrust in state institutions, in particular the judiciary and anti-corruption bodies, due to the long processes of their reform and establishment (Verkhovna Rada of Ukraine, 2023).

The article aims to highlight the priority issues related to the processes of improving legislation on corruption in Ukraine.

2. Literature review

Many factors influence the effectiveness of the process of improving corruption legislation. The literature on corruption in Central and Eastern Europe (CEE) identifies a number of factors: the emergence of populist and illiberal political parties, the controversial nature of their reforms, the state of democracy (Cianetti, Dawson & Hanley, 2018; Hanley & Vachudova, 2018; Engler et al., 2019; Stanley, 2019); a system of social psychology, identity and thinking, perception, tolerance to corruption in society that determines the level, approval, and support of corrupt behavior in the country (Takacs Haynes & Rašković, 2021); the gradual politicization of the fight against corruption, the gradual creation of institutions to manage counteraction and prevent corruption (Mungiu-Pippidi, 2018); the effectiveness and quality of institutions, the judicial system, its support for the rule of law, and compliance with the principle of equal responsibility before the law (Popova & Post, 2018; Ullah, 2020); the extent of intergovernmental funding for the development of institutions to combat corruption, prevent its manifestations through control mechanisms that should be implemented by funding organizations (Fazekas & King, 2019; Gherghina, Simionescu & Hudea, 2019); monitoring, assessment and analysis of the level of corruption risks, in particular in the proposed amendments to the legislation, including those regulating anti-corruption institutions (Fazekas & King, 2019); separation of institutions, functions and personnel, their clear coordination (Kosař, Baroš & Dufek, 2019). In general, the scientific literature lacks comprehensive detailed studies of the problems of improving corruption legislation. Scientific publications and expert circles mostly discuss factors, causes, corruption risks, institutions and the judiciary, financing, and control of corruption in CEE countries.

3. Methodology

This paper uses the methods of legislative historical analysis and content analysis of the results of the work of key anti-corruption institutions in Ukraine responsible for improving the legislation on corruption. The legal analysis is based on the work and

functioning of the National Agency on Corruption Prevention (NACP), the central executive body in Ukraine responsible for the development of anti-corruption policy and prevention of corruption. Based on the results of processing reports on the NACP's activities in 2016-2021, statistical analysis of the number of adopted and amended legal documents, and the key issues of improving legislation were identified. Additional documents used to evaluate the effectiveness of legal changes in practical counteraction and prevention of corruption were the Anti-Corruption Strategy for 2021-2025, the National Report on the Implementation of Anti-Corruption Policy in 2020, the Alternative Report on the Assessment of the Effectiveness of the Implementation of the State Anti-Corruption Policy, and the Corruption Perception Index (CPI) in 2012-2021.

4. Results

The Corruption Perception Index (CPI) has revealed a slight improvement in the situation in Ukraine concerning the level of corruption in the public sector. The country still has a high level of preconditions for abuse of office, bribery, theft, fraud, and other criminal acts. In general, the situation concerning countering and combating corruption has not changed much in ten years: the global average CPI score is 43 in 2021. One of the key reasons for the lack of changes is the absence of an effective anti-corruption strategy, which was adopted only in June 2022 (Verkhovna Rada of Ukraine, 2023). Since January 1, 2018, Ukraine has not approved a strategy and a state program for its implementation. Accordingly, in 2019-2021, no measures were taken to monitor and coordinate the activities envisaged by such program documents.

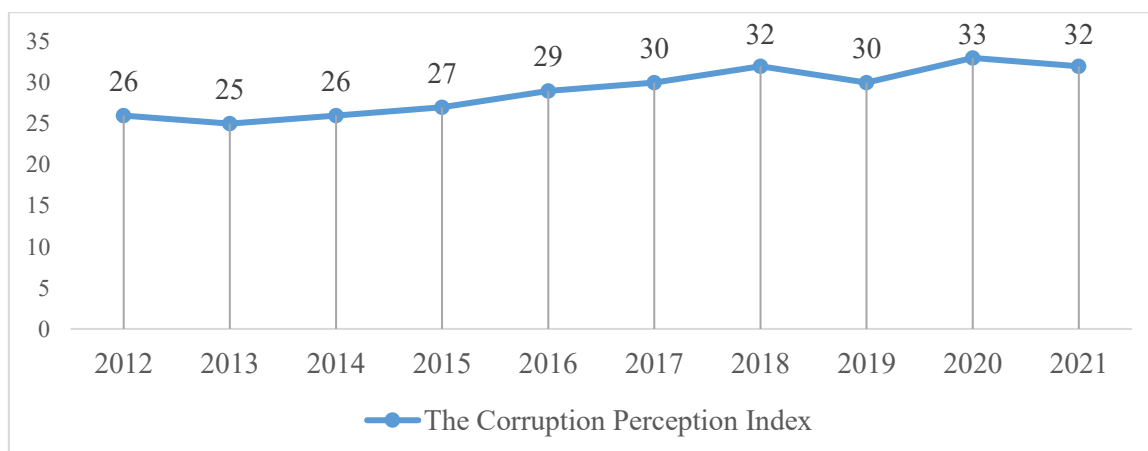


Figure 1. The Corruption Perception Index changes in Ukraine, 2012 – 2021

Source: Transparency International (2023).

The National Agency on Corruption Prevention (NACP) is a central executive body with a special status responsible for the development of anti-corruption policy and the prevention of corruption (National Agency on Corruption Prevention, 2023i). The NACP was established and operates under the Law of Ukraine "On Corruption Prevention". The key areas of work of the NACP include (National Agency on Corruption Prevention, 2023a):

- analysis of the situation with corruption in Ukraine, development of the Anti-Corruption Strategy and the state program for its implementation, and coordination of the implementation of these documents;
- Identification of corruption provisions in legislation and draft regulations;
- control over compliance with the rules of ethical behavior and legislation on the prevention of conflicts of interest in the work of public servants;
- coordination and provision of methodological assistance to state and local government bodies in identifying and eliminating corruption risks in their activities, approval, and control of the implementation of anti-corruption programs in these bodies;
- others.

Over the past 2019-2022, there have been no significant changes in the distribution of powers, functions, and tasks between state bodies in the field of anti-corruption policy in Ukraine. The NACP plays a key role in this area. The advisory body, the National Anti-Corruption Policy Council, retains coordination and monitoring powers (National Agency on Corruption Prevention, 2023b). In Ukraine, there is still a problem of clear division of certain functions between the NACP and the National Anti-Corruption Policy Council. There have been no changes in the powers of the Verkhovna Rada and the Cabinet of Ministers, with the Verkhovna Rada Committee on Anti-Corruption Policy playing a special role in shaping anti-corruption policy. In February 2021, the interdepartmental working group on anti-corruption reform under the Cabinet of Ministers was liquidated. It duplicated the functions and powers of the Verkhovna Rada Committee, being inefficient and ineffective. Ukraine has adopted the Anti-Corruption Strategy for 2021-2025 and proposed amendments to the Law on Corruption Prevention. The latter envisages

improvement of the institutional mechanism for the formation and implementation of anti-corruption policy (National Agency on Corruption Prevention, 2023b).

The anti-corruption policy in Ukraine includes such components as an anti-corruption strategy, a state anti-corruption program, lawmaking, corruption research, and statistics on the state of anti-corruption in Ukraine for its continuous monitoring (National Agency on Corruption Prevention, 2021). The key principles of Ukraine's anti-corruption policy for 2021-2025 are as follows: 1) optimization of the functions of the state and local self-government by eliminating duplication of powers of different bodies, suspension of ineffective powers for a certain period of time, elimination of cases of exercise of powers by the same body, the combination of which creates additional corruption risks; 2) digital transformation of the exercise of powers by public authorities and local self-government bodies, transparency of their activities and openness of data as a basis for minimizing corruption risks in their activities; 3) creation of more convenient and legal ways to meet the needs of individuals and legal entities as opposed to existing corrupt practices; 4) ensuring the inevitability of legal liability for corruption and corruption-related offenses, which creates an additional deterrent effect for all subjects of legal relations; 5) formation of public intolerance to corruption, establishment of a culture of integrity and respect for the rule of law. These principles are taken into account in the development and implementation of program documents of the Cabinet of Ministers of Ukraine and other government agencies, in the development and implementation of anti-corruption programs of public institutions, in the activities of local governments, and the consideration and adoption of laws by the Verkhovna Rada of Ukraine.

In 2020, the NACP will intensify its efforts to improve corruption legislation by developing mechanisms for verification and monitoring, analysis, and examination of regulatory documents in various areas. In line with the Law of Ukraine "On Corruption Prevention", the NACP may conduct, on its initiative, an anti-corruption expert review of draft legal acts submitted to the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine following the established procedure. Typical criteria and methods of evaluation, as well as ways to identify and eliminate corruption factors in such draft legal acts, are defined in the NACP's methodology for conducting anti-corruption expertise. In 2020, for the first time in the entire period of the NACP's activity, a mechanism for continuous monitoring of the lawmaking process was introduced. The mechanism includes the identification and analysis of draft laws that potentially affect anti-corruption policy or the corruption

situation in Ukraine. Since 2020, the NACP has systematically started analyzing most of the draft laws related to anti-corruption policy, preparing and publishing opinions on them. As a result, 39 opinions on anti-corruption policy draft laws registered in the Verkhovna Rada have been prepared (National Agency for the Prevention of Corruption, 2021). As a rule, the conclusions provided are of high quality and substantiated. As a result, the NACP has become more active in the consideration of relevant draft laws, with NACP representatives participating in meetings of the VR Committee on Anti-Corruption Policy, at least in the consideration of those draft laws that directly relate to the NACP's mandate. This practice should be welcomed and encouraged (National Agency on Corruption Prevention, 2023a).

The NACP's activities to improve corruption legislation include monitoring draft legal acts. In 2020, the NACP specialists developed a new methodology and procedure for conducting anti-corruption expertise of draft legal acts. Since the beginning of the development, 512 draft regulations have been monitored, and 42 have been sent for examination. In general, the projects envisaged improvement of legislation in the field of administrative services, licensing of certain types of economic activity, determination or change of the procedure for conducting tender, competitive, auction procedures, etc. The conclusions of the NACP's anti-corruption expertise contain detailed recommendations for eliminating corruption risks and gaps, which are passed on to the authors of the projects (National Agency on Corruption Prevention, 2021). In 2020, the NACP began systematically analyzing legislative initiatives in the context of their compliance with the purpose, objectives, and principles of anti-corruption policy, compliance with international standards, etc.

In 2021, the agency monitored 3,950 acts submitted to the Verkhovna Rada and the Cabinet of Ministers. Signs of corruption risks were found in 100 drafts, which is why such documents were subject to anti-corruption expertise. For the examination, 44 draft acts submitted to the Cabinet of Ministers, 55 draft acts submitted to the Verkhovna Rada, and 1 draft act submitted to the President were selected. In terms of the authors of the acts under consideration by the CMU, the largest number of drafts with corruption risks were established ones: 7 out of 667 developed by the Ministry of Economy of Ukraine, 7 out of 206 developed by the Ministry of Education and Science of Ukraine, 9 out of 190 developed by the Ministry of Social Policy of Ukraine, 7 out of 133 developed by the Ministry of Infrastructure of Ukraine, 5 out of 53 developed by the Ministry of Strategic Industries of Ukraine. Thus, the problem of the need for constant improvement of legal

acts in the field of corruption arises due to the insufficiently effective mechanism of their development, examination, insufficient competence of developers, and their coordination.

Several problems have been identified based on the results of processing and analyzing the NACP's reports on its activities in 2016-2021. The main problems with improving the legislation include the lack of movement, delayed adoption, and approval of amendments to the regulations.

For example, in 2019, the NACP continued to prepare a draft law to improve anti-corruption legislation on the prevention and settlement of conflicts of interest of persons authorized to perform state or local government functions and persons equated to them, financial control requirements for verifying declarations, and provisions governing the application of preventive anti-corruption mechanisms.

Table 1: Regulatory documents of the NACP for the period
01.01.2012 - 01.01.2023

Type of regulatory act	Number of documents, units
Regulatory legal acts of the NACP	75
Orders of the NACP	169
Anti-corruption expertise	201
Explanation	30
Results of inspections by state bodies	23
Methodological recommendations	8
Activities of the Public Council	26
NACP meeting	247
Projects	12
Other (information notices, instructions, reports, opinions, international standards and their explanations, etc.)	43

Source: National Agency on Corruption Prevention (2023j).

However, given the significant changes to anti-corruption legislation in the second half of 2019 (which sometimes took into account the National Agency's work), the draft law was left without movement due to the need to update it.

Table 2: Main efforts and activities of the NACP to improve the legislation
on corruption in Ukraine, 2016-2021

Areas of activity of the NACP	Efforts, measures		
	2019	2020	2021
1. Anti-corruption policy	+ Best practices	+ Cooperation with the Parliament and the	+ Cooperation with the Parliament and the

		Government, legislative activity	Government, legislative activity
1.1. Anti-corruption strategy	+ Project preparation	+ Active discussion and strategy development	+ Facilitating the adoption of the strategy
1.2. Regulatory and development activities	+ Improving anti-corruption legislation	+ Preparation of draft regulations	+ Preparation of draft regulations
1.3. Sociological research	- Lack of funding	+ Expert survey on corruption	+ Expert survey on corruption
1.4. International cooperation	+ Sharing knowledge and expertise	+ USAID, UKAID, EC, IFES, OECD, etc.	+ UN conference, specialized meetings
2. Analysis of corruption risks, control over the implementation of corruption programs and inspections	+ Finalizing the draft regulations	+ Expert analysis, development of materials for analysis, an inspection of the organization of work of state bodies	+ Identification of the most corrupt schemes
2.1. Corruption risk assessment	+ Review of regulations, conclusions	+ Conducting inspections through 75 inquiries, 232 consultations on risk identification and assessment	+ Evaluation in the field of land relations, urban planning, defense industry, and social sphere
2.2. Anti-corruption programs	+ Development guidelines, 88 programs approved	+ 122 anti-corruption programs approved	+ Analysis of 122 programs, methodological recommendations
3. Anti-corruption expertise	+ Monitoring of draft laws, 15 conclusions	+	+ Monitoring of 3950 draft regulations
4. Anti-corruption education	+ Development of the Integrity Office	+ Public discussions, guidelines, etc.	+ Activities of the Integrity Offices

Source: generalized by the author based on (National Agency on Corruption Prevention, 2023c; 2023d; 2023e; 2023f; 2023g).

It is also worth considering the effectiveness of the Verkhovna Rada in the field of anti-corruption policy, which has not been satisfactory in recent years. In 2019, some progress was made in adopting priority anti-corruption laws. However, at the end of 2019,

several systematic attempts were made to weaken anti-corruption legislation, some of which were successful, but without proper basis and justification. In some cases, the Verkhovna Rada weakens or distorts legislative initiatives, which poses threats to the activities of anti-corruption institutions. Some sporadic changes in legislation in Ukraine do contribute to success. In 2020-2021, the Verkhovna Rada did not fulfill its powers properly, did not adopt the Anti-Corruption Strategy due to insufficient political will, and did not introduce any legislative changes. The Verkhovna Rada also did not hold parliamentary hearings on the situation with corruption, nor did it approve the national reports on the implementation of the anti-corruption policy framework for 2019 and 2020 prepared by the NACP. Despite the support of various stakeholders for the draft law on the Anti-Corruption Strategy, its approval was postponed in 2021. The legislative function of the Verkhovna Rada and its performance in the context of anti-corruption policy can also be assessed ambiguously. Among the positive legislative changes in 2020-2021, it is important to note the restoration of the NACP's powers after the CCU Decision 13-r/2019, the restoration of enhanced criminal liability for failure to declare, improvement of whistleblower protection mechanisms, and the creation of legislative preconditions for the introduction of the electronic criminal proceedings system (e-Case MS). Other adopted anti-corruption laws, which contain some ambiguous provisions, have a much lesser impact on the state of corruption in Ukraine. The laws have been repeatedly adopted with negative amendments, and if the relevant provisions enter into force, one could expect the work of institutions (e.g., the institution of whistleblower protection or declaration of public officials) to be leveled. Thanks to the President's position and his support of public calls to veto such laws and submit appropriate proposals, many risks were eliminated and several laws were eventually adopted by the Verkhovna Rada. However, a larger number of necessary legislative changes were not adopted, in particular (National Agency on Corruption Prevention, 2023a):

- Amendments to the Law "On the National Anti-Corruption Bureau of Ukraine" were not adopted in the proper wording, taking into account the CCU Decision 11-r/2020;

- no legislative changes have been made to strengthen the independence of the Specialized Anti-Corruption Prosecutor's Office, expand the powers of the acting head of the SAPO and the deputy head of the SAPO, and depoliticize the competitive selection for administrative positions in the SAPO;

- no comprehensive improvement of the legislative provisions on the rules for preventing and resolving conflicts of interest;
- the provisions of the Criminal Code in terms of sanctions for corruption and corruption-related offenses have not been brought in line with international standards and the consistency of the provisions of the Criminal Code has not been ensured, etc.

The Verkhovna Rada is characterized by the tendency of a large number of MPs to try to negatively influence the implementation of anti-corruption policy in various ways. This manifests itself in various forms, including submitting drafts of obviously illegal resolutions on dismissal of the NABU Director; initiating unreasonable and manipulative constitutional submissions on the unconstitutionality of certain provisions of anti-corruption legislation; initiating draft laws that unreasonably limit the powers of anti-corruption agencies, reduce guarantees of their independence or negatively affect the effectiveness of anti-corruption instruments and mechanisms; submitting relevant amendments to draft laws.

The CMU generally fulfilled the powers defined in the relevant legislation - it submitted to the VRU drafts of the Anti-Corruption Strategy and draft national reports on the implementation of the state anti-corruption policy. Otherwise, the Government was not active in the issues of formulation and implementation of the state policy, except for the situation with the need for legislative changes regarding the NABU's activities, caused by two decisions of the CCU. At the same time, the Government adopted several different decisions that contradicted each other, which showed the politicization of the process of their adoption.

In 2020-2021. The Government submitted draft national reports on the state of implementation of the anti-corruption policy to the Verkhovna Rada, and in 2020, it submitted a draft Anti-Corruption Strategy to the Verkhovna Rada. During the Government's consideration of the relevant draft acts, they underwent certain changes, which would be desirable to avoid. Usually, such changes are purely political and worsen the legal basis of the prepared drafts. In 2020-2021, the CMU initiated draft laws in only a few cases in the field of anti-corruption policy, most of which were of a point and/or technical nature, except for the already mentioned draft Anti-Corruption Strategy and several draft laws on the status of the NABU. The latter draft laws are significant as they demonstrate the level of politicization of the Government's decision-making process on anti-corruption policy. In November 2020, the CMU initiated changes to the NABU,

which provided for the continuation of the powers of the NABU Director by the current Director after the CCU Decision 9-r/2020. However, in February 2021, a draft law provided for a different solution, and in March 2021, the Government initiated a third draft law, amending (in a rather controversial move in terms of the VR Rules of Procedure) a draft law that explicitly provided for the dismissal of the NABU Director regarding CCU Decision 9-r/20203. An interagency working group on anti-corruption reform was established under the Cabinet of Ministers by 2021, which included representatives of government agencies, international technical assistance projects, and the public-government initiative "Together Against Corruption." No meetings of this working group took place in 2020-2021 and it was dissolved in February 2021 (National Agency on Corruption Prevention, 2021).

5. Discussion

One of the key problems in the formation and implementation of Ukraine's anti-corruption policy is the lack of systematic changes to legislation in the area of preventing, combating, and combating corruption, which negatively affects the effectiveness of law enforcement. The lack of systematic transformation and improvement of legislation, in turn, is due to the

1. Long-term absence of planning of legislative work under the developed and approved principles of anti-corruption policy, strategy, and multi-level expertise involving experts of the National Agency and the public. This problem affected the quality of legislation on preventing and combating corruption. With the new stage of reforming anti-corruption institutions in Ukraine, changes in legislation have begun, including the procedures for drafting legal acts.

2. Late introduction of necessary changes to the legislation in line with changes in the external environment. This problem led to law enforcement deficiencies identified by the National Agency and other institutions in the course of analyzing law enforcement practice.

The lack of multilevel expertise and detailed discussion of the effectiveness and efficiency of corruption legislation in Ukraine has led to the need for constant improvement and the emergence of corruption risks due to gaps and arbitrary interpretation. This problem is closely related to the timeliness and consistency of changes,

and their combination led to a vicious circle of further improvement of the provisions of legal acts and their drafts.

The Anti-Corruption Strategy of Ukraine plans to solve this problem through the development and adoption of a law that will determine the types, legal force of regulatory legal acts, requirements, procedures for their preparation (public discussion), adoption, entry into force, rules of rulemaking, accounting, systematization, interpretation, regulation of the procedure for overcoming contradictions and gaps. Anti-corruption expertise also ensures the effectiveness of improving corruption legislation through a systematic approach, inclusion of public discussion, coverage of the results of such expertise, their publication, and review (National Agency on Corruption Prevention, 2023b).

Ambiguity in the interpretation of legislation and violation of the principle of legal certainty leads to systemic corruption risks, conflicts, and gaps in regulations. An additional problem with improving legislation is the lack of sufficient coordination of efforts and activities of state authorities, local governments, and the public. This results in untimely changes to regulations.

Completeness, objectivity, and reliability of data on corruption, as the timely receipt of data on the external environment also affect the quality of regulatory changes in the area under study. Accordingly, the potential for implementing an effective anti-corruption policy is reduced.

6. Conclusions

In general, the situation in Ukraine has changed little in terms of counteracting and combating corruption in 2012-2021: the global average CPI score was 43 in 2021. The key reasons for the lack of changes include the insufficient level of the legislative initiative of the VRU and the CMU, isolated attempts to introduce legislative changes, unsatisfactory performance of the VRU in the field of anti-corruption policy, and the delay in adopting the anti-corruption strategy. In some cases, the VRU weakens or distorts legislative initiatives, which poses threats to the work of anti-corruption institutions. The legislative function of the VR and its performance in the context of anti-corruption policy can be assessed ambiguously. Adopted anti-corruption laws of a lower level of significance have much less impact on the state of corruption in Ukraine, which contain certain ambiguous provisions that cause corruption risks. The government has also been inactive in the

development and implementation of the state anti-corruption policy. In 2020-2021, the CMU initiated draft laws in only a few cases in the field of anti-corruption policy, most of which were of a spotty and/or technical nature. The latest draft laws are indicative, as they demonstrate the level of politicization of the Government's decision-making process on anti-corruption policy. Over the last 2019-2022, there have been no significant changes in the distribution of powers, functions, and tasks between state bodies in the field of anti-corruption policy in Ukraine. There is still a problem of clear delineation of certain functions between anti-corruption institutions. A positive development is the adoption of an anti-corruption policy based on the analysis of the current state of corruption and its perception in society, which includes such components as an anti-corruption strategy, a state anti-corruption program, lawmaking, corruption research, and statistics on the state of anti-corruption in Ukraine for its continuous monitoring. In 2020, the NACP stepped up its efforts to improve corruption legislation by developing mechanisms for verification and monitoring, analysis, and examination of regulatory documents in various areas. In 2020, the NACP specialists developed a new methodology and procedure for conducting anti-corruption expertise of draft legal acts. Many problems were identified based on the results of processing and analyzing reports on the NACP's activities in 2016-2021. The main problems with improving the legislation include the lack of movement, delayed adoption, and approval of amendments to the bylaws.

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