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Conceptualisation of the phenomenon of corruption: international practices and Ukrainian experience

Abstract. On the basis of the analysis of international program documents and modern scientific researches devoted to the actual issues of counteraction to corruption, the problematic aspects in the implementation of the formula «definition - measurement - counteraction to corruption», which are hindering the state anti-corruption policy in many countries of the world, and in particular in Ukraine, are grounded. The authors of the article argue that effective counteraction to corruption, regardless of national context, depends on the coherence of a three-component mechanism which includes the categorical design of corruption, development and taking into account the features of economic development, political history of the country, its institutional «heritage», ethnic and socio-cultural traditions of proper and adequate tools for measuring corruption, and, finally, the formation of an adequate anti-corruption policy. Unlike other similar studies, this article attempts to reveal the underlying causes of the failure of anti-corruption programs which are of theoretically, methodologically and nationally determined character. The authors investigate the problem of combating corruption in its global and general social dimension, and, at the same time, on the example of the Ukrainian experience, which proves the need to develop a sound methodology for studying the level of corruption, taking into account the national specificity.

Keywords: Corruption; Corruption Measurement Methodology; Index of Corruption Perception; Anti-corruption Policy

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Концептуалізація феномену корупції: міжнародні практики та український досвід

Анотація. На основі аналізу міжнародних програмних документів й сучасних наукових досліджень, присвячених актуальним питанням протидії корупції, у статті обґрунтовано проблемні аспекти в реалізації формули «визначення – вимірювання – протидія корупції», які стають на заваді державної антикорупційної політики у багатьох країнах світу і, зокрема, в Україні. Сучасні дослідники вказують на проблемні аспекти у побудові методологій дослідження корупції. Зокрема, піддаються критиці існуючі підходи до вимірювання корупції, в основу яких покладено вивчення суспільної думки. Подекуди сама процедура діагностики громадської думки набуває ідеологічного й політичного забарвлення, в результаті чого дослідники отримують недостовірну інформацію, яка свідчить лише про наявність у масовій свідомості певних стереотипів стосовно розуміння корупції, а не про реальний стан корумпованості суспільства. Для розвинених європейських країн із усталеними демократіями та дієвими правовими системами вивчення громадської думки щодо рівня корупції в суспільстві, поєднане з думкою експертів, є цілком прийнятним. Тоді як у суспільствах перехідного типу (що стосується, в першу чергу, країн пострадянського простору), де свідомість громадян піддається маніпулюванню з боку ЗМІ й окремих політичних сил, гостро відчувається «розбалансованість» і конфліктність настроїв у суспільстві, а це, без сумніву, впливає на достовірність отриманих у ході опитування результатів. В українських реаліях використання неадаптованих західних методик вимірювання рівня корупції – заздалегідь провальний шлях. Автори статті доводять, що ефективна протидія корупції безвідносно до національного контексту залежить від злагодженості трикомпонентного «механізму», який включає категоріальне оформлення корупції, розробку на цій основі з урахуванням особливостей економічного розвитку політичної історії країни, її інституціональної «спадщини», етнічних і соціокультурних традицій коректного інструментарію для вимірювання корупції та формування належної антикорупційної політики.

Ключові слова: корупція; інтерпретація поняття «корупція»; методологія вимірювання корупції; індекс сприйняття корупції; антикорупційна політика держави.

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Концептуализация феномена коррупции: международные практики и украинский опыт

Аннотация. На основе анализа международных программных документов и современных научных исследований, посвященных актуальным вопросам противодействия коррупции, в статье обоснованы проблемные аспекты реализации формулы «определение – измерение – противодействие коррупции», которые препятствуют реализации государственной антикоррупционной политики во многих странах мира и, в частности, в Украине. Современные исследователи указывают на проблемные аспекты в построении методологии исследования коррупции. В частности, подвергаются критике существующие подходы к измерению коррупции, в основу которых положено изучение общественного мнения. Исследователи получают недостоверную информацию, которая свидетельствует лишь о наличии в массовом сознании стереотипов относительно понимания коррупции, а не о реальном состоянии коррумпированности общества. Для европейских стран с устоявшимися демократиями и действенными правовыми системами изучение общественного мнения об уровне коррупции в обществе, соединенное с мнением экспертов, является вполне приемлемым. Тогда как в обществах переходного типа, где остро ощущается «разбалансированность» и конфликтность настроений в обществе, а это, несомненно, влияет на достоверность полученных в ходе опроса результатов. В украинских реалиях использование неадаптированных западных методик измерения уровня коррупции – заранее провальный путь. Авторы статьи доказывают, что эффективное противодействие коррупции, безотносительно к национальному контексту, зависит от слаженности трехкомпонентного «механизма», который включает категориальное оформление коррупции, разработку на этой основе и с учетом особенностей экономического развития, политической истории страны, ее институционального «наследия», этнических и социокультурных традиций корректного инструментария для измерения уровня коррупции, а также формирование надлежащей антикоррупционной политики государства.

Ключевые слова: коррупция; интерпретация понятия «коррупция»; методология измерения коррупции; индекс восприятия коррупции; антикоррупционная политика государства.

1. Introduction

Effective counteraction to corruption is one of the most pressing problems of our time. This is evidenced by systematic international seminars, conferences, forums on innovations in the study of corruption in Europe and beyond (for example, the School of Slavonic and East European Studies (SSEES)).

The solution of this problem is impossible without systematic study of the essential features, manifestations and determinants of this negative social phenomenon. Since the proclamation of independence by Ukraine, this problem has become the subject of increased attention of both Ukrainian scholars, politicians and leaders of the state. The experience of other countries and the theoretical and methodological base that has already been developed by European researchers has become a valuable support to solving complex problems of combating corruption in Ukrainian.

One of the key issues that is being addressed in this study is the reason why the effectiveness of individual anti-corruption programmes is so low, especially in the countries of Central and Eastern Europe. Scientists, as a rule, are unanimous in the statement that the effectiveness of anti-corruption activities depends on the full implementation at the state level of a three-component process of combating corruption:

- 1) understanding the essence of this phenomenon, which is formalised in the definition which is uniquely identifiable for perception and enforcement;
- 2) measuring and monitoring the «volumes» of corruption spread in society;
- 3) developing and implementing an adequate anti-corruption policy on the basis of understanding and measurement results.

The problem arises when, as a result of the categorical uncertainty of the notion of corruption, there takes place the development of an incorrect instrument for measuring the volume of spreading corruption, which ultimately leads to a decrease in the effectiveness and, in some cases, to a complete levelling of the state anti-corruption policy as a whole.

2. Brief Literature Review

The task of our study is to analyse the conceptual foundations of international program documents on combating corruption and the most famous scientific works on this subject by modern foreign researchers such as Ledeneva, Bratu, & Köker (2017), Lane (2017), Campbell (2016),

Heywood (2015), Galtung (2015), Dodman, & Satterthwaite (2011), Lambert (2008), Philp (2006), etc., as well as methods for measuring the level of corruption in society, commonly used in the European legal area.

Referring to the experience of European countries in combating corruption, we have been able to reveal the main trends and perspectives in counteracting corruption in modern Ukrainian realities. Anti-corruption issues are widely represented in domestic legal literature. Thus, the works by Busol (2015), Kyrychko (2013), Goncharuk, & Fleichuk (2011), Lischenko (2011), Fleichuk (2007), Chernyavsky (2010), Melnyk (2002), Tereshchuk (2000) and others are devoted to the actual issues of combating corruption in Ukraine.

Unlike other similar studies, this article attempts to identify the underlying causes of the failure of anti-corruption programmes, which are inherent in many countries, and which have a theoretical and methodological nature. We try to investigate the problem of combating corruption in its global, socially-based dimension and to show the key points of failure, which became the beginning of further issues in anti-corruption activities in different countries.

3. Purpose

The purpose of the article, based on the experience of conceptualising the phenomenon of corruption in international program documents and scientific works of contemporary researchers, is to identify the problematic aspects of implementing the formula «definition - measurement - counteraction to corruption» and to substantiate that the lack of categorical certainty in the understanding of corruption as a negative social phenomenon leads to the emergence of substandard methodologies for its measurement.

The first part of the article analyses the existing approaches to the definition of corruption, presents a view on corruption in its broad and narrow sense and shows a number of features in the understanding and conceptualisation of corruption in the existing international legal acts. The second part, provides an analysis of the shortcomings of existing methodologies for measuring corruption, generalises the key positions of the analysed research and corresponding legal basis and substantiates the dependence between the components of the formula «determination - measurement - counteraction to corruption». In the third part, these problematic aspects are analysed on the example of the experience of anti-corruption activity in Ukraine.

4. Main results of the study

4.1. Definition of corruption

It is impossible to know the essence of the phenomenon, considering it only in a particular life situation, taken in its «pure form», apart from other branches of social life. For example, to determine the essence of punishment, it is not enough to appeal only to criminal law, according to which «punishment is a measure of coercion, applied on behalf of the state by a court judgment to a person convicted of committing a crime, and consists in the restriction of the rights and freedoms of the convicted person provided for by law» (Criminal Code of Ukraine, Section X, Article 50, Clause 1). The concept of punishment, rich in its socio-legal nature, absorbs a whole range of semantic variants which involve the reproduction of it in various fields of law enforcement, as well as in the moral and ethical sphere, including self-punishment. In other words, the broad sense in a certain context of a certain notion is general in relation to its derivatives - partial, narrow meanings. Thus, in the general social sense, corruption is considered to any form of illegitimate use of service for personal purposes.

In the anti-corruption legislation, in particular the Law of Ukraine «On Prevention of Corruption», which entered into force on 26 April 2015, the legal definition of corruption is presented, on the basis of which derivative legislative terms are formulated. An analysis of this large-scale and complex legal definition of terminology gives grounds for the conclusion that lawyers decide on the categorical certainty of corruption conventionally. The subject of the treaty is the unified application of the meaning of corruption, which is bribery.

In the study by M. Filth, «Definition and Measurement of Corruption», the author argues that no matter how large the conceptualisation of corruption within the framework of legal science is, three compulsory components should be taken into account: officials who for their own benefit violate established norms of conduct; losses to the state, which this unlawful act leads to and subjects who reward officials for access to goods or services that they otherwise would not have (Philp, 2006, p. 46).

Corruption is directly related to behaviour, activity and the way of thinking of man, and, therefore, is a psychological and moral phenomenon. In fact, from the point of view of psychology, corruption should be seen as an established system of negative manifestations, beliefs and attitudes that determine the lifestyle of a person. Political science considers corruption to be inseparable from the concept of power. This phenomenon is studied as a method of using force or as a method of struggle for power possession. Sociology also considers corruption in the context of the structure of social life and perceives it as part of the cumulative social system of society, which in comparison with jurisprudence and political science, allows us to form a more complex social portrait of this phenomenon.

The discussion between representatives of narrow and wide-ranging interpretation of corruption is a consequence of interpreting this concept and its operationalisation. In our opinion, the mistake of many authors is an attempt to translate the broad (ethical) meaning of corruption into a criminal-law context, which, of course, leads to a significant increase in the range of interpretations of acts that can be called corruptive.

Therefore, it is not surprising that some authors use the term corruption as the one that covers most of the official crimes under the current Criminal Code.

This conclusion is confirmed by the results of the analysis of existing international legal treaties, which reveals a number of features in the understanding and conceptualisation of corruption.

One of the first international documents in which the definition of the concept of corruption was filed is the Code of Conduct for Law Enforcement Officials, adopted by the Resolution of the General Assembly of the United Nations on 17 December 1979. In this document, the notion of corruption is used in the sense of bribery: «Although the notion of

corruption should be determined in accordance with national law, it should be understood that it covers the exercise or non-exercise of a certain act in the performance of duties or in connection with the performance of these duties as a result of obtaining gifts that are required or accepted, promises or incentives, or their illegitimate receipt every time such action or inactivity takes place» (Article 7, paragraph «b»). This document is of a recommendatory nature, and the content of the concept of corruption is reduced to bribery in the narrow sense: «The expression «act of corruption» should be understood as reflecting an attempt to bribe» (Article 7, paragraph «c»).

Subsequently, the main directions of the fight against corruption were outlined in Resolution No. 7 «Corruption in Public Administration», adopted by the United Nations Congressional Committee on the Prevention of Crime and the Treatment of Offenders, held from August 27 to September 7, 1990. The recommendations set out in this document are of fundamental importance for each state to assess the adequacy of its criminal law and criminal-procedure legislation in order to respond to all types of corruption and ensure that appropriate sanctions.

The fact that almost all international instruments devoted to the fight against corruption do not have a direct definition is indicative. The *Civil Law Convention on Corruption* of the Council of Europe (Council of Europe, 1999), ratified by the Law of Ukraine of 24.03.2000 N 2476-15 (hereinafter - the Council of Europe), in which the meaning of the term corruption reveals the goals of the Convention itself, may serve as an exception. Thus, the document states that «corruption means direct or indirect extortion, offering, giving or receiving a bribe or any other unlawful benefit or the possibility of obtaining it that violates the proper performance of any duty by the person receiving the bribe, unlawful benefit or the opportunity to have such a benefit or the behaviour of such a person» (Council of Europe, 1999).

There are several reasons explaining the lack of specificity in international anti-corruption documents.

Firstly, the international scientific community perceives corruption not as a legal but rather as a synthetic social concept. Therefore, the focus is not on the specific composition of the crime, but on the totality of related types of criminal acts. This approach is based on the Inter-American Convention, the Convention of the African Union and other documents, where a list of acts constituting an act of corruption is given instead of a single notion of corruption. Such understanding of the phenomenon under study is likely to be due to the impossibility of covering all forms of corruption and many corrupt practices with a single definition.

Secondly, corruption is treated differently in the national legislation of different countries, and the practice of prosecution for acts of corruption has a relatively short history.

In this regard, international instruments provide for the right of states parties to independently consider the possibility of criminalizing a number of acts. For example, in all the departments of corruption contained in the Council of Europe Convention on Criminal Liability, it is stated that their qualifications are «conducted in accordance with the national law of the State Party».

Article 5 of the UN Convention against Corruption states: «Each State Party, in accordance with the fundamental principles of its legal system, develops and implements or pursues an effective coordinated anti-corruption policy that promotes the participation of society and reflects the principles of law and order, good governance of public affairs and state property, honesty and integrity, transparency and responsibility».

The analysis of international legal acts provides grounds for the conclusion that international treaties contain rather general wording on the characteristics of corruption crimes, and each state has the right to independently determine the possibility of applying the provisions of anti-corruption instruments, taking into account the peculiarities of not only the national legislation of that state, but also its legal system as a whole. However, the lack of a uniform definition of

corruption in international legal acts does not mean the impossibility of developing a unified understanding of the very phenomenon of corruption, which would determine common general principles, methods, measures and interaction of states, to cooperate more effectively on issues of extradition of criminals and on a number of other issues.

The need for such categorical harmonisation to date is obvious, and it is primarily due to the need to develop an effective methodology for measuring corruption.

4.2. Consequences of categorical uncertainty of corruption for further measurement

In scientific works by modern foreign researchers, the current state of the implementation of the formula «definition - measurement - counteraction to corruption» in the European legal space is sharply criticised.

So, for example, in a scientific article by Liz Campbell, a UK researcher on «Current Legal Problems» (2016), a thorough analysis of existing approaches to understanding corruption is presented in the current criminology. The author focuses on the definition of corruption by the National Crime Agency (NCA) of Great Britain, which coordinates the activities of law enforcement agencies in the fight against organised crime.

In its latest National Strategic Assessment, the NCA defines corruption as «the ability of an individual or group to distort the process or function of an organization to achieve a criminal purpose». Such an interpretation of corruption seems broad and general. Several important semantic accents, which became the subject of criticism from the author of the article, claim attention. Thus, the focus on ability raises the question: how to determine who is capable of such actions, to what extent such potential is subject to fixation and measurement, under which conditions ability must already be perceived as an attempt of action or action itself? Another focus is on the subject of corruption: there is no indication of a public office in the definition, that is, any person or group may be the subject of corruption. The priority for the drafters of a document is a criminal act (Campbell, 2016, pp. 117-118).

In the definition of the NCA, we can observe the actualisation of corruption as criminal acts that damage the production process and offset the key principles of the organisation functioning. The author of the article emphasises the correctness of such a focus because, in her opinion, corruption can be considered criminal and attract the attention of criminal justice bodies only when it concerns the process or functions carried out by the organisation, rather than personal relationships. Finally, the author concludes that the definition of corruption presented by the NCA in its analytical review may be the starting point for its conceptualising.

Articles and existing approaches to measuring corruption, including the Transparency International methodology, based on the study of public opinion, are unduly criticised. The author raises the question as to how the results presented in the Corruption Perception Index are objective, unbiased and reasoned from the point of view of the average citizen's awareness of the real state of affairs and the anti-corruption activity of the respective authorities in one professional field or another.

In general, the problem of developing a correct methodology for studying the level of corrupt society has not yet been adequately addressed. If the history of corruption as a social phenomenon counts for centuries, then the desire to «measure» corruption with the help of scientifically grounded tools began to be realised in life not so long ago. Existing attempts to investigate the state of corruption in society or the perception of corruption in society can be conventionally grouped into three groups:

- 1) polls at the level of individual organisations, corporations, public and private structures;
- 2) expert studies of the level of corruption in a particular country;
- 3) combined indices that unite surveys of experts, civil servants, politicians, etc.

The reliability of the results of measuring the level of corruption is directly linked to the transparency of the conduct of such surveys by various agencies and non-governmental organisations, and they are often opaque in defining the corruption that underlies the Index and in the principles of building the measurement methodology itself. Combined indices raise even more doubts as they embody the results of several surveys (Bauhr, 2012, p. 68).

In general, the quantitative indicators, which represent the perception of ordinary citizens or politicians of the volumes of corruption in one country or another, can at best be considered approximation when the complex phenomenon is deliberately simplified to bring it in line with the needs and opportunities of practice. Modern scholars are categorically opposed to the assumption that such a complex and multifaceted phenomenon as corruption can be estimated by one number by deducing the average rate of perception of citizens of a certain country of this phenomenon (Heywood, 2015, p. 101).

Political intervention to overcome corruption is based on the assertion that this negative social phenomenon may be presented in quantitative terms and develop on this basis a certain anti-corruption strategy. At the same time, modern scholars (Ledeneva, Bratu, & Köker, 2017) refer to numerous examples when informing government authorities of certain countries about the corruption perceptions index detected using commonly accepted methodologies (such as Transparency International) has led to an attempt to improve the indicators on the part of these authorities in different ways, rather than eliminate the problem as such. As a result, today some scholars strongly object to the use of corruption perceptions for political or social purposes (Ledeneva, Bratu, & Köker, 2017, p. 6).

Paul M. Heywood (2015), one of the leading researchers in the field of anti-corruption, points out the significant disadvantage associated with the use of corruption indices, namely focusing on corrupt practices at the level of states and governments, with the private sector remaining out of focus. As a result, there is tax evasion, capital flight and the financial world of offshore campaigns.

From this point of view, differentiation should take place not only between types but also between levels of corruption, which will enable us to investigate the interdependence between transnational events (macro levels) and the practice of anti-corruption activities at the level of individual states (meso-levels), as well as the ways in which corruption is practised in specific contexts (macro level) (Heywood, 2015, p. 136).

The fact that corruption acts of civil servants are primarily subject to study in the indices, while corruption in the private sector is left out of the attention of the society, is also stressed by Jan-Erik Lane (2017) in the article «Corruption: A New Analysis». According to the author of the article, in the market sector, with its multinational enterprises and financial institutions, there are many types of rewards that are in the gray zone between legality and lawlessness. Compensation, bonuses, commissions, acceptable in the activities of powerful corporations and enterprises, are often hidden corruption for the owner or other people to obtain unlawful benefit.

Lane explores the concept of corruption on the basis of the analysis of existing approaches to the interpretation of this conceptual unit in academic publications, such as the Oxford Thesaurus, and the accepted methodology of well-known international projects aimed at defining the Corruption Index (Transparency International). The researcher notes that according to the reference literature the concept of corruption is a bribe. The synthetic row which corresponds to this concept is extremely broad: «crime», «offence», «dishonesty», «falsification», «unprincipled», «deception», «fraud», «bribery», «contractual crime» (Lane, 2017, p. 158). Such ambiguity causes the «erosion» of the concept of corruption and leads to its misunderstanding and the emergence of erroneous measurement methodologies.

The definition of corruption which formed the basis of the Corruption Perceptions Index (CPI) is no less widespread: «Corruption is an abuse of office for personal gain. It can be qualified in different ways (large, minor, political, etc.), depending on the amount of money lost and the sector in which it takes place».

Consequently, the lack of a unified understanding of the concept of corruption and a wide range of its values, leads to selectivity in combating this phenomenon and creates conditions for lobbying interests of powerful corporations in different sectors of the economy (Lane, 2017, p. 161-162).

The flaws in the indices of corruption perceptions used to build anti-corruption policies of the state are indicated by F. Galtung in his scientific works. He stresses the indices ignore some important characteristics such as the level of economic development of the country, the peculiarities of political history, the institutional «legacy» of the previous state system, as well as ethnic and socio-cultural traditions (Galtung, 2006, p. 101).

In the scientific study of Naziru Suleiman and Zaleha Othman (2017), «Corruption Typology: A Review of Literature», the authors present four typologies of corrupt practices that are most common in European countries. Thus, one of them includes bribery, abuse of office, favouritism (appointment to positions based on personal likes, not professional qualities), insider trading, fraud and theft. The branching of the content of the concept of corruption and a wide range of criminal acts, which are treated as corruptive, becomes apparent from one of these typologies.

The article gives the following definition of corruption: «It is manipulation to gain personal benefit at the expense of others (state, organisation, citizens), it is action or non-action, abuse of trust, resulting in violations of both legal and ethical obligations for personal, political, social or economic benefits» (Suleiman, & Othman, 2017, p. 103).

The authors emphasise that corruption is a universal phenomenon for the whole world. At the same time, the interpretation of this phenomenon is different in different countries, and it is sometimes different within the legal system of one country, which leads to the emergence of a large number of classifications of corruption, which greatly complicates the process of monitoring the state of corruption in societies, and thus undermines the efforts to counter corruption as both internationally and nationally.

The analysed studies have common key features. It is proved that the categorical uncertainty of the very concept of corruption and a wide range of its values results in selectivity in the struggle against this phenomenon, which leads to its misperception and the emergence of false methodologies of measurement. Existing approaches to measuring corruption, including methodologies based on the study of public opinion, as well as doubts about the transparency of conducting such surveys by various agencies and non-governmental organisations, are criticized. They emphasise that important characteristics such as the level of economic development of the country, the peculiarities of political history, the institutional «legacy» of the previous state system and ethnic and socio-cultural traditions in the existing indices of measuring the level of society perception of corruption are ignored. It is noted that in the corruption indices reflecting corruptive acts of civil servants are, first of all, subject to investigation, while corruption in the private sector is left out of society's attention.

4.3. Problematic aspects in the implementation of anti-corruption policy in Ukraine

In Ukraine, today there is no scientifically grounded methodology for monitoring and evaluating the level of corruption that can be used in the formation and implementation of state anti-corruption policy.

Although Ukrainian scientists conducted numerous studies on the prevalence and factors of corruption, their results are difficult to use to formulate and evaluate the effectiveness of anti-corruption policies of the state. They are not sufficiently interconnected by the generality of conceptual foundations and methodology, the understanding of

corruption is separated from legal definitions, their selection is often limited, the Western European practices of methods that are poorly adapted to Ukrainian realities are used, etc. The methodical and methodological incorrectness available in such investigations in some cases even leads to a distortion of the real picture, an exaggeration of some measurements of «Ukrainian corruption» and the silencing of others. The obtained information often appears questionable due to political engagement, methodical incorrectness, obscurity of ideas about the nature and forms of corruption in the researchers themselves, etc. (Decision of the National Agency for the Prevention of Corruption, 2017, p. 3).

A significant problem in the development of a national methodology for investigating the state of corruption, both at the level of individual social institutions and in the general social dimension, is the incorrect use of two basic research strategies: the first is focused on measuring the parameters of corruption perception at the level of mass consciousness; the other involves assessing the prevalence of corruption practices in specific conditions of social existence (public service, business, law enforcement agencies, etc.). Both strategies have their advantages and disadvantages. In the first case, the danger lies in the lack of awareness of the wide circle of the population with the real state of corrupting society. Ideological speculation and political manipulation of certain high-ranking officials in this case fall on the fertile ground.

The very procedure for diagnosing public opinion in modern Ukrainian realities often acquires an ideological and political colour, and, as a result, researchers receive inaccurate information or the so-called «sociological artefacts» which are confirmed only by the presence of stereotypes in the sense of corruption in society. Mass media, which are dependent on certain political forces, play a role in shaping these stereotypes. As a result, it is not the real corruption that is measured, but existing myths in the mass consciousness are evaluated.

Providing the benefits of the second strategy alone often leads to a loss of transparency in these studies when corrupt officials or law enforcement officers have the opportunity to provide distorted statistics and disseminate information about the level of corruption that is not true with the help of engaged experts. The efforts of some Ukrainian scholars to combine both strategies to develop a unified methodology to study corruption have not yet been successful.

According to experts from the National Agency for Prevention of Corruption (NAPC), which was created in Ukraine in 2015 in accordance with the Law «On Prevention of corruption», the basis of the national system for assessing the level of corruption should be the annual baseline thematic sample survey of the population and business representatives which is also supplemented by a survey of experts by means of special tools. In this case, the NAPC believes that the estimation model of the level of prevalence of real corruption practices rather than indicators of corruption perception as a specific measure of mass consciousness should be provided.

5. Conclusions

The fight against corruption, regardless of the national context, depends on the coherence of the three-component mechanism: definition, measurement and formation of an adequate anti-corruption policy. The first component involves the categorical design of corruption as a negative social phenomenon. The mistake of many authors of anti-corruption strategies is the attempt to translate the broad (ethical) meaning of corruption into the criminal-law context, which, of course, leads to a significant increase in the range of interpretations of acts that can be called corruptive.

In the narrow sense, corruption requires its research within dogmas established in a particular area of law enforcement. Thus, in terms of the criminal aspect, the criminal activities of officials are subject to study and evaluation in the field of their activity. In the second case, corruption is seen as an ethical category that reflects a certain attitude

of subjects of power to their professional duties as a moral and legal obligation. It is important that the criminal-law and general-social plane of corruption analysis do not dissolve in one another, thus minimizing the task and consequences of such an analysis. In the first case, the task is to properly justify specific criminal acts as corruption, to detect and criminalise previously unknown forms of corruptive criminal manifestations. In the second case, one can identify the underlying preconditions and factors of corruption at the mental, historical, economic and social levels, and develop certain strategies for preventing this social disease. Attempts to look at corruption from two angles of view at the same time and the conceptual apparatus of two different branches of scientific knowledge leads to a false perception of this phenomenon and makes it impossible to measure it accurately.

Modern researchers point to the problematic aspects of constructing methodologies for corruption research. In particular, existing approaches to measuring corruption which are based on the study of public opinion are criticized. Sometimes the procedure for diagnosing public opinion acquires an ideological and political colour. As a result, researchers receive inaccurate information, which only indicates the presence of certain stereotypes in understanding corruption, and not the real state of corrupting society.

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