STATE REGULATION OF ANTI-CORRUPTION ACTIVITIES IN UKRAINE DURING MARTIAL LAW

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Abstract. Since the 1950s, corruption has been an important topic of academic investigation and continues to be relevant nowadays. Scholars, international organizations, ordinary citizens and other beneficiaries continue to pay attention to this issue, as well as to the social projects, political economics, and social implications of corruption’s expansion, economic resource allocation, the national regulator, and others. This analysis is particularly important in light of the current Russian-Ukrainian war, which has far-reaching implications, undermining national development, reducing public confidence and posing new threats to national security. Consequently, in developing effective strategies to repel the aggression of the Russian Federation, tackling corruption appears as an essential part of the multifaceted challenges. Therefore, the primary objective of this study is to elucidate the complexities of the country’s legal frameworks related to anti-corruption efforts in Ukraine in the post-war context and to provide recommendations on effective anti-corruption policies. For this purpose, the following methods were used: social statistical analysis, survey analysis, system-structure analysis, classification and categorizing operations, deductive reasoning, abstraction, dialectical inquiry, modelling, synthesis and analysis of relevant data.

Keywords: corruption, war, kleptocracy, threat to law and security, anti-corruption policy, anti-corruption

1. INTRODUCTION

Since February 24th, 2022, Ukraine has found itself immersed in a state of war. Within this context, the Ukrainian Armed Forces have demonstrated remarkable capability in repelling enemy attacks, reinforced by substantial weaponry from allies and extremely...
helpful assistance in preparing to return Ukrainian territories from Russian occupation. Simultaneously, civil society, in particular, volunteers, has devoted their efforts to providing essential humanitarian aid and defence resources. The Security Service of Ukraine has also contributed to the struggle for the survival of the Ukrainian nation by actively apprehending individuals involved in espionage, sabotage, and collaboration with the adversary.

Thus, we can confidently state that the full-scale invasion by the Russian Federation (RF) has had a profound impact on Ukraine as a whole, as well as on the functioning of its government agencies. In these circumstances, anti-corruption agencies have demonstrated commendable vigour and reorganized their operations in accordance with the changed conditions to continue their efforts in counter-corruption. However, amidst this multifaceted struggle, the implementation of more effective anti-corruption measures still remains a priority for Ukraine, especially considering its endeavours to membership in the European Union (EU). This necessity is reinforced by the increasingly apparent evidence that one of the most significant internal adversaries to be addressed is the insidious menace of corruption.

It is well known that the distinctive aspect of the war initiated by the Russian Federation against Ukraine is the aggressor’s employment of a wide range of tactics aimed at the country’s institutions with the objective of hindering Ukraine’s ability to respond effectively to challenges and threats to its national security. These strategies encompass the deliberate promotion of corruption and associated organized crime, which have consistently represented serious risks to Ukraine’s sovereignty since it emerged as an independent nation, and especially after February 24, 2022. Therefore, to counter effectively the aggression of the Russian Federation, it is critical to prioritize the issue of countering corruption, as it constitutes an integral component of the multifaceted threats confronting the nation. Currently, the prevailing consensus among experts emphasizes corruption as the preeminent internal peril to a country’s national security. Furthermore, already become a widely accepted opinion in Ukraine that effective resistance to the aggressive actions of the Russian Federation also depends on the establishment of a proficiently functioning anti-corruption mechanism within Ukrainian governing bodies. This requires a substantial improvement in the country’s institutional capabilities aimed at entailing a significant reduction in the prevalence of corruption.

The above is supported by the fact, that a direct consequence of corruption is an aggravation of the contradiction between government bodies and society, and even within society itself, which is inherently dangerous in itself, and especially in light of the existing external threats stemming from the war initiated by Russia against Ukraine. In this way, corruption becomes the main internal factor that can lead to the loss of sovereignty of a country.

In addition to the above, one of the most important aspects of Russia’s aggressive actions involves the spreading of anti-Ukrainian propaganda through mass media and the internet, frequently involving corrupt politicians and individuals within local and central authorities who are either influenced by them or directly under their control. Russia’s intelligence services continue to disorient and demoralise Ukrainian society by disseminating ostensibly peaceful and liberal ideas alongside overt disinformation. Consequently, it can be said that the sphere of ideology and disinformation dissemination with the assistance of corrupt enemy agents has become a breeding ground for subversive of national and international
law and security activities.

Therefore, the escalation of discord between the country and its society results from corruption, creating a risky situation, especially in light of the ongoing external threats stemming from Russia’s armed invasion; corruption emerges as a critical factor with the potential to undermine a country’s sovereignty. Given that corruption, which the Ukrainian country is suffering from, increasingly revealing the character of transnational organized crime, addressing this issue necessitates concerted international efforts. Furthermore, considering the course of events in Ukraine and the range of threats, corruption should be considered a menace not only to national but also to international law and order, impacting security not only at the regional European but also at the global level (Chivvis, 2017).

In the field of scholarly discourse, legal scholars have consistently focused on the examination of legal mechanisms aimed at mitigating the scourge of corruption. Notable contributions to this discourse have come from A. O. Bilous (2022), C. S. Chivvis (2017), O. Dunda (2022), O. M. Sahan (2017), and O. A. Zarichansky (2022). Nonetheless, given the aforementioned context, there is an urgent need for a new and comprehensive investigation into the phenomenon of corruption in Ukraine. This investigation should include how it relates to the ongoing war and should allow for the generation of strategies to address this issue. These strategies should take into consideration the current situation and be consistent with Ukraine’s national security imperative.

In this regard, it is also worth noting that, as of June 2023, the total amount of direct, documented losses resulting solely from the destruction and damage of physical infrastructure caused by the war had reached a significant figure of $150.5 billion, and the number of indirect losses is $265.6 billion. These numbers were calculated using the most recent estimates provided by experts affiliated with the “Russia will pay” project, and it includes the economic consequences of the ongoing war (Russia will pay, 2023). Given the expected significant financial inflows designated for post-war reconstruction efforts, the presence of a heightened susceptibility to corrupt practices is cause for concern. Thus, in order to avoid instances of malfeasance and abuse during the reconstruction phase, a prudent and equitable set of solutions that will facilitate the unhindered implementation of anti-corruption legislation, ensuring the transparent and accountable receiving and allocation of resources, is an urgent necessity.

Given the foregoing, the main purpose of this research is to shed light on the nation’s governance of anti-corruption attempts in the context of wartime conditions in Ukraine, as well as to formulate recommendations for improving the country’s anti-corruption initiatives. This article is one of the innovative and comprehensive scholarly investigations in the field of domestic jurisprudence, devoted to resolving the regulatory challenges associated with anti-corruption activities in Ukraine under martial law.

2. MATERIALS AND METHODS

The research presented here is based on a rigorous application of cognitive, general philosophical, general scientific, and specific scientific methodologies, allowing for precise scientific insights and a thorough examination of the subject under consideration. Notably,
the study used statistical and sociological methods when scrutinising and extrapolating from empirical data. The comparative legal methodology was used to examine Ukrainian legislative statutes, while the analytical method was used to identify the critical need for improved anti-corruption regulatory frameworks. The logical-legal method was used to develop proposals and recommendations in this context, and the system structure method was used to investigate Ukraine’s primary anti-corruption mechanism.

The study investigated the components that need to be included for the improvement of the anti-corruption prevention system using classification and grouping techniques. The deduction technique was used to outline prospective pathways for the development of socio-legal anti-corruption mechanisms, based on a thorough understanding of current national circumstances and trends in institutional and legislative evolution. Given the complexities of the corruption phenomenon, the abstraction method was critical in focusing on its most significant characteristics and underlying patterns while ignoring incidental and less significant attributes.

The dialectical method was used to identify the main trends and shortcomings in Ukraine’s anti-corruption policy implementation, particularly in the context of wartime conditions and the Russian Federation’s ongoing armed aggression. This analysis aided in the development of potential avenues for future regulatory development as part of the country’s national anti-corruption strategy. Additionally, following formal logic principles ensured that the research’s findings and recommendations retained the qualities of certainty, consistency, reliability, and validity.

The research’s normative legal foundation was established through an examination of legislative actions taken by Ukraine’s Verkhovna Rada (Ukraine’s parliament), internet sources, and articles from academic journals. Numerous scholarly works relevant to the research’s thematic focus were also consulted, including “Problems and prospects of reforming the public administration system in wartime conditions” (Bilous, 2022), “The development of corruption in the conditions of a market economy: issues of countermeasures and prevention. Transformational processes in the war and post-war period” (Bondarenko & Ivanitsa, 2022), “Transformational processes in corruption manifestations in the conditions of military operations on the territory of Ukraine” (Bondarenko & Maletov, 2022), “Corruption in war is worse than looting” (Dunda, 2022), “The main causes of corruption in Ukraine and ways to overcome it” (Melnyk & Koren, 2018), “The problem of nepotism in modern Ukrainian society” (Sakhan, 2017), “Corruption and anti-corruption in conditions of war” (Zarichanskyi, 2022).

3. RESULTS

3.1 GENERAL ASPECTS OF CORRUPTION IN UKRAINE

Corruption is widely recognized as a societal phenomenon deeply ingrained in modern social interactions, often intensifying during transitional periods. Post-World War II modernization, for example, saw pervasive corruption as Western democracies underwent significant political, legal, and economic transformations. This led to practices like the sale of parliamentary seats, turning corruption into a powerful tool for unscrupulous individuals
within the system.

Key challenges in addressing corruption arise from the persistence of established informal norms and the emergence of new ones, which hinder the implementation of formal regulations. Thus, corruption can be seen as resistance to institutional change, flourishing in the gap between old and new systems. The extent of institutional changes is directly proportional to the opportunities for new forms of corruption, making it an indicator of the inefficacy of reform efforts.

The war in Ukraine, a devastating event with significant loss of life and economic damage, has necessitated discussions about substantial financial support for reconstruction. Preliminary estimates suggest a need for at least one trillion dollars, a figure likely to rise due to the ongoing conflict. This large influx of funds raises concerns about potential corruption risks, calling for strict enforcement of anti-corruption legislation (Melnyk & Koren, 2018).

Since Ukraine’s independence in 1991, it has faced challenges of corruption, often exacerbated by external influences aimed at destabilizing the country. However, significant progress in anti-corruption efforts has been made, as evidenced by improvements in the Corruption Perceptions Index (Transparency International Ukraine, 2022). Reforms have focused on establishing a robust institutional framework and legal measures to address corruption. Challenges remain, including ineffective leadership in anti-corruption agencies, incomplete judicial reforms, inadequate whistleblower protections, and vulnerabilities in the Prozorro e-procurement system.

The Ukrainian government and civil society are actively addressing these issues, exemplified by the adoption of the anti-corruption strategy for 2021–2025 (Verkhovna Rada of Ukraine, 2022a). However, anti-corruption guarantees alone are insufficient for transparent resource allocation, as highlighted by the European Commission’s requirements. Despite the ongoing war, urgent attention is needed for critical anti-corruption issues. Effective functioning of anti-corruption agencies is paramount. Internal political opposition has hindered progress, particularly in filling leadership vacancies within the Agency for Investigation and Management of Assets (AIMA) and the National Anti-Corruption Bureau of Ukraine (NABU). Delays in these processes, combined with concerns over organizational autonomy and legislative adequacy, pose risks, especially in the post-war recovery phase.

To enhance the effectiveness of Ukraine’s anti-corruption institutions, several measures are essential. These include establishing transparent selection procedures for key positions, revising NABU legislation to strengthen its jurisdiction, conducting independent audits of anti-corruption agencies, and empowering the National Agency for the Prevention of Corruption (NAPC) to engage in legal proceedings. Additionally, strategic measures are needed to ensure transparent reconstruction efforts. The Prozorro procurement service, a notable success in promoting transparency and accountability, should be leveraged more effectively in reconstruction-related procurement.

In summary, comprehensive and strategic actions are crucial for the effective functioning of Ukraine’s anti-corruption institutions and the transparent execution of reconstruction efforts, especially in the challenging context of ongoing war and its aftermath.
3.2 ANTI-CORRUPTION MEASURES AND THE CRITICAL ROLE OF JUDICIAL REFORM

The judicial reform in Ukraine is crucial for the country’s recovery process. Key priorities include legitimizing the High Council of Justice (HCJ), initiating the High Qualification Commission of Judges (HQCJ), restructuring the Kyiv District Administrative Court, and reforming the Constitutional Court. These steps are vital to ensure the judiciary’s reliability and effectiveness, especially during the expected surge in contract disputes in the recovery period.

Repatriating misappropriated assets back to Ukraine is another significant aspect. Efforts should continue to reclaim assets belonging to Ukrainian individuals involved in criminal activities. This includes domestic investigations, acquiring confiscation orders, and pursuing legal proceedings in foreign jurisdictions. There’s also a need for implementing confiscation clauses in international cases and finalizing an asset recovery strategy and action plan, considering post-war risks and priorities. The confiscation of assets frozen due to military sanctions presents a challenge. Ukraine must coordinate its legal framework with international standards and intensify efforts related to confiscation proceedings that do not require a prior criminal record. Mutual legal assistance for partner countries employing analogous legal procedures is also essential.

Ukraine’s National Committee for Post-War Reconstruction accepted a primary reconstruction plan at the Lugano conference, which includes additional governmental anti-corruption measures. These measures focus on following international anti-corruption commitments, introducing extensive anti-corruption policies, protecting the autonomy of anti-corruption bodies, establishing frameworks for preventing money laundering, encouraging ethical standards in public and private sectors, and reducing corruption-related weaknesses. Efforts against oligarchic influence are underway, with the government enhancing the Antimonopoly Committee’s capabilities and implementing anti-oligopoly measures. Challenges include completing the competitive selection procedure for the Agency for Investigation and Management of Assets (AIMA) and the National Anti-Corruption Bureau of Ukraine (NABU) by the end of 2022, and appointing the chief anti-corruption prosecutor.

The implementation of martial law affected the effectiveness of anti-corruption efforts. A comprehensive examination of officials’ financial declarations led to certain information being restricted within the register. The plan for 2023 includes restoring asset disclosure requirements for political parties, standardizing monitoring procedures for officials’ lifestyles, and establishing a centralized platform for whistleblowers.

Currently, there’s no clear mechanism for accessing and effectively utilizing Ukrainian funds for reconstruction and humanitarian assistance. Specific provisions within Ukraine’s anti-corruption legislation do not comply with EU standards, which is critical for obtaining full EU membership.

Despite these challenges, Ukraine’s anti-corruption bodies have adapted to wartime conditions and continued their fight against corruption. The National Anti-Corruption Bureau, Specialised Anti-Corruption Prosecutor’s Office, National Agency for Prevention of Corruption, Agency for Search and Management of Assets, and Supreme Anti-Corruption Court have remained operational during the war.
Representatives from these agencies reported on their achievements since the beginning of the full-scale war. Notable cases include the „Onishchenko gas case“ and the South Ukraine Nuclear Power Plant case, with several high-profile legal proceedings initiated. These efforts demonstrate Ukraine’s commitment to maintaining an effective anti-corruption policy, a key requirement for its potential EU membership candidacy.

3.3 DISTINCTIVE ASPECTS OF ANTI-CORRUPTION INITIATIVES IN UKRAINE AMID MARTIAL LAW

During the period from February 24 to June 2022, the Anti-Corruption Court in Ukraine adjudicated seven cases, three via consensual agreements. Despite these efforts, procedural delays have occurred due to the missile threat, leading to online or postponed proceedings (Bondarenko & Maletov, 2022). The court has processed 516 procedural documents and redirected over 447 million Ukrainian hryvnias from financial collaterals to the Armed Forces of Ukraine (AFU), including a notable contribution from a $6 million „super bribe.” The Agency for Asset Search and Management (ASMA) has been active in managing and retrieving assets linked to criminal activities, such as Medvechuk’s yacht and valuable items confiscated from the former chairman of „The Opposition Platform for Life.” However, ASMA faces challenges in managing assets in Russian-occupied areas and ensuring transparency in the selection of asset managers (Bondarenko & Maletov, 2022).

The National Agency for the Prevention of Corruption (NAPC) has streamlined its operations, focusing on specialized functions like legal clarifications and corruption prevention. It has also launched the „War and Sanctions” portal in partnership with the Ministry of Foreign Affairs, sanctioning 9,981 individuals and 7,048 legal entities (War & Sanctions, 2023). NAPC collaborates with European counterparts on asset freezing and confiscation. During wartime, anti-corruption agencies have adapted to the challenges. NAPK established the Humanitarian Aid Headquarters, and AIMA has allocated assets to support military efforts. Despite the focus on wartime duties, AIMA’s core responsibility of asset management remains (LEX, 2022).

Martial law has led to the redirection of NAPC’s efforts towards war-related tasks. Authorised units within governmental bodies continue their anti-corruption activities, focusing on advisory support, coordination, and compliance with the law (State Tax Service of Ukraine, 2022). NAPC has conducted 12 anti-corruption audits of draft laws and governmental acts since the war’s onset. An anti-corruption audit by NAPC of a draft law on compensation for property damage due to hostilities revealed potential corruption risks. The NAPC proposed amendments to ensure transparency in the compensation process and address corruption vulnerabilities (National Agency for the Prevention of Corruption, 2022a).

Adaptations to anti-corruption laws during martial law have been essential. Changes include allowances for officials in fundraising for the AFU, modifications to foreign currency account declarations, and revised declaration requirements for officials (Bilous, 2022). These changes aim to accommodate the conditions imposed by martial law while maintaining the core principles of anti-corruption laws (LB, 2022a). Despite potential for abuse, the law includes safeguards to ensure compliance with anti-corruption legislation, with oversight expected post-martial law (Public space, 2022). Ukraine’s Parliament passed
the „On the principles of the national anti-corruption policy for 2021-2025,” reflecting the country’s commitment to maintaining a robust anti-corruption framework during the war and martial law (Verkhovna Rada of Ukraine, 2022a).

3.4 THE ACHIEVEMENTS OF FOREIGN COUNTRIES IN ADDRESSING CORRUPTION AND THE POTENTIAL FOR APPLYING THOSE EXPERIENCES TO UKRAINIAN REALITIES

Anti-corruption strategies are prevalent globally, aiming to centralise authority and encourage active participation in order to attain desired results. Numerous countries, including the United Kingdom, Denmark, Switzerland, Norway, Singapore, Thailand, Poland, Georgia, among others, have developed and implemented such strategies. In partnership with Ukraine’s Verkhovna Rada Information and Research Centre, an assessment of the effectiveness of foreign anti-corruption strategies was conducted.

A compelling illustration of such a successful implementation can be found in the United Kingdom, which, according to Transparency International, ranks among the 20 least corrupt countries globally. The United Kingdom has implemented legislation targeting bribery and financial offences. Notably, it became the first G20 nation to establish a public registry of foreign beneficial owners of legal entities and the first G7 member to successfully pass the International Monetary Fund’s scrutiny for fiscal transparency. As a result, the country has a strong anti-corruption framework, as evidenced by the Anti-Corruption Strategy 2017-2022, an extension of the 2014 UK Anti-Corruption Plan (Gutmann et al., 2020).

The United Kingdom Anti-Corruption Strategy is the cornerstone of the United Kingdom Government’s anti-corruption policy and initiatives. It outlines a holistic, long-term vision for anti-corruption efforts encompassing three key objectives: reducing risks to the United Kingdom’s national security, improving economic opportunities (especially for British businesses), and increasing public trust and confidence among the public in government institutions. Additionally, the document specifies four sectors in which the UK government has recognized significant corruption risks: defence and border regions, the penal system, and law enforcement agencies. The strategy also emphasises a strong commitment to international trade, emphasising that all post-Brexit agreements must be founded in principles of fairness and adherence to the rule of law.

Notably, the strategy places attention not only on domestic corruption but also on international corruption, highlighting the interplay between these elements. In April 2021, the United Kingdom imposed unilateral sanctions on 22 individuals accused of participating in significant corruption schemes in Russia, South Africa, South Sudan, and Latin America. These sanctions align with one of the primary objectives outlined in the United Kingdom’s anti-corruption strategy for 2017-2022: to improve the effectiveness of British law enforcement and prosecution in addressing economic crime, demonstrating to the international community that the United Kingdom is taking decisive action against economic wrongdoing.

In the meantime, the Swiss government approved its first anti-corruption policy document, the Anti-Corruption Strategy for 2020-2024, in 2020. This strategy includes primary objectives such as the implementation of preventative measures, the prosecution of corruption cases, and the promotion of international cooperation. In the ongoing fight
against corruption, the Swiss government aims to strengthen partnerships with local authorities, the private sector, and public organisations. While the document received approval from Transparency International, an international anti-corruption organisation, it also faced some criticism. Transparency International criticised the lack of safeguards against lobbying and the extent of authority vested in the cross-ministerial anti-corruption panel. Switzerland’s anti-corruption strategic plan is slated for revision at the end of 2024, following an assessment of its implementation by international organisations such as the United Nations, the OECD, and the European Commission (Reichborn-Kjennerud et al., 2019).

Denmark currently does not have a distinct and explicitly defined strategy exclusively dedicated to addressing corruption. Instead, national anti-corruption efforts are directed by the two-year national action plan titled “Open Government.” These initiatives are closely linked to Denmark’s participation in the Open Government Partnership, an international initiative that promotes public administration and democracy by emphasising government transparency. Denmark is currently assessing the results of the “Open Government” action plan for the period 2019-2021, which includes ten distinct objectives.

Hence, Denmark’s principal aim is to improve transparency in the public sphere. The Danish Prosecutor’s Office, particularly responsible for addressing serious economic crimes and international offences, serves as the central governmental body tasked with fighting corruption. National prosecutors engage in various activities such as conducting searches, confiscating assets acquired through criminal activities, initiating criminal proceedings, and handling cases related to economic wrongdoing. This also includes investigating reports of intellectual property rights violations.

In March 2022, the Independent Reporting Mechanism, functioning within the framework of the Open Government Partnership, published a report recommending a new fifth action plan for Denmark. Within this proposed fifth action plan, the report suggested that Denmark consider committing to initiatives aimed at reinforcing public trust in the political system and strengthening its global leadership in key areas of public administration. These potential commitments include the promotion of algorithmic transparency and accountability, improving transparency in political fundraising, and increasing transparency in lobbying activities.

Following a monitoring procedure, the Council of Europe’s Anti-Corruption Group recommended in 2019 that Danish authorities formulate an anti-corruption strategy focused specifically on reducing the risk of corruption involving high-ranking officials. It was proposed that this recommendation be supplemented by the implementation of a mandatory code of conduct (Pozsgai-Alvarez et al., 2018).

Vietnam’s anti-corruption strategy history, akin to that of many communist countries, is complex and varied. The Vietnam Governance and Public Administration Performance Index (PAPI) project compiled quantitative indicators derived from citizen feedback across all 63 provinces and cities in the country from 2018 to 2021. PAPI consistently collected data and evidence on eight key aspects of government performance, including public sector corruption control. Research reveals that in 2021, 20 out of the 58 provinces made significant progress in fighting corruption. Nonetheless, bribery is still prevalent in the
public sector, and personal relationships continue to hold significance for local-level public officials (Gariba et al., 2022).

China’s anti-corruption strategy stands out as one of the most effective methods of addressing corruption. Directed by Nguyen Phu Chong, the General Secretary of the Central Anti-Corruption Commission within the Chinese Communist Party, this strategy is known as „Dianluo,” which translates to „igniting the melting pot.” The transformation of Hong Kong serves as a prime illustration of effective anti-corruption measures. This town was among the most corrupt cities in the world in 1974, with corruption deeply integrated into all spheres of society. During the same year, the Independent Commission Against Corruption (ICAC) was established, and within a short period, it had effectively dismantled criminal networks and addressed systemic corruption. Hong Kong’s remarkable achievements in fighting corruption have served as an inspiration for many countries trying to establish their own anti-corruption agencies. However, it is important to note that the effectiveness of such agencies depends not only on their existence but also on coordinated efforts across all government entities throughout the country and the presence of a comprehensive anti-corruption strategy. Thus, simply establishing an anti-corruption agency is insufficient; full commitment and collaboration from all relevant government bodies is required (Engler, 2020).

Georgia initiated its anti-corruption journey in 2010 with the adoption of its first anti-corruption strategy. Subsequently, a new strategy was implemented five years later. Georgia’s anti-corruption strategy for 2019-2020 has been integrated into the government’s overall plan. This comprehensive document includes sections such as Situation Analysis, Vision, Anti-Corruption Priorities by Industry, Implementation, Monitoring, and Evaluation. While Georgia has not completely eliminated corruption, it has made significant progress. In Transparency International’s Corruption Perceptions Index for 2021, Georgia was ranked 51st, surpassing several EU countries such as Malta, Slovakia, Greece, Croatia, Romania, Hungary, and Bulgaria, as well as neighbouring countries like Armenia, Azerbaijan, and Ukraine. This ranking highlights Georgia’s ongoing efforts to fight corruption and increase transparency (Carloni & Galdi, 2021).

Based on the information provided, it becomes evident that there is no universal solution for preventing corruption. Each country should carefully assess its unique national circumstances before formulating a comprehensive anti-corruption strategy. Such a strategy should include three principal components: corruption prevention, anti-corruption initiatives, and anti-corruption education. The coordination and implementation of this strategy, along with active public involvement, should ideally be delegated to an effective and independent anti-corruption agency. This agency plays a critical in driving anti-corruption efforts, promoting transparency, and ensuring accountability for corrupt individuals and institutions. It is an essential component of the larger effort to fight corruption effectively.

The successes in fighting corruption observed in developed countries demonstrate the effectiveness of a comprehensive and principled approach to addressing corruption-related challenges. Based on this anti-corruption reform practise, several essential prerequisites for the successful implementation of anti-corruption strategic planning in Ukraine can be identified:
• Political will. The country’s top leadership’s commitment and determination to fight corruption is critical. It is difficult to implement meaningful anti-corruption reforms in the absence of strong political will;
• Expertise. Having a pool of knowledgeable experts, both within and outside of government, is essential. These experts can provide the necessary guidance, research, and insights to inform anti-corruption policies and strategies;
• Effective coordination. Establishing a well-coordinated team capable of vertically implementing anti-corruption measures across different government agencies and sectors is crucial. Collaboration and communication among team members are essential to ensure that anti-corruption efforts are integrated and coherent;
• Public support. Gaining public support and engagement is critical for the success of anti-corruption initiatives. Transparency, accountability, and involving citizens in the process can all contribute to the development of trust and the strengthening of anti-corruption efforts.

To improve Ukraine’s anti-corruption potential, it is important to not only have these four elements in place but also to integrate them. To make significant progress in the fight against corruption, a harmonious and synchronised approach that aligns political will, expertise, coordination, and public support is required.

4. DISCUSSION

In accordance with existing legislation, a government official is permitted only to raise funds for the Armed Forces of Ukraine (AFU), other military units, or individuals affected by the war during the period of martial law and for up to one month after it ends. However, any misappropriation of these funds for personal benefit by an official would be considered a violation of anti-corruption regulations. In addition, there have been modifications to the regulations of official employment. Previously, public officials were prohibited from engaging in additional paid activities. Exceptions have been made during martial law, allowing officials to take on additional paid work while on unpaid leave or during periods of downtime. However, this change does not apply to individuals who previously held positions involving control or supervision. In such cases, individuals must terminate their additional paid employment within 15 days of the end of their downtime or leave.

Furthermore, adjustments have been introduced concerning the requirement for civil servants and their family members to declare the opening of foreign currency bank accounts. Previously, individuals falling into these categories were obligated to inform the National Agency for the Prevention of Corruption (NAPC) within 10 days of opening such an account. However, due to the difficult circumstances of the ongoing war, which has caused over 8 million Ukrainians, including officials and their families, to flee the country, changes were made to the law. These changes include a specific exemption for officials and their family members from the requirement to submit a declaration when opening foreign currency accounts abroad if the purpose is to receive material assistance. These adjustments recognise the unique circumstances and humanitarian needs of war-affected individuals and offer some flexibility in the declaration requirements for foreign currency accounts in such situations.
It’s important to note that individuals will still be required to complete and submit a declaration regarding their property status, despite the adjustments to the declaration process in the circumstances of the ongoing war. The key change is the timeframe for submitting these declarations. The modified regulations extend the deadline for filing property status declarations to within 90 days of the termination or cancellation of martial law. These changes were considered necessary in order to address the distinctive conditions and requirements of martial law. They aim to find a balance between providing flexibility in the application of the law while ensuring its core principles and objectives, demonstrating an effort to adapt the legal framework to changing circumstances during martial law without changing its fundamental essence (LB, 2022a).

It is worth noting that the recent changes made to anti-corruption legislation during the martial law period might present challenges in terms of ensuring compliance. While these changes allow activities that were previously prohibited, there is some uncertainty regarding the mechanisms for controlling and enforcing adherence to these anti-corruption measures. Indeed, while the law includes guarantees like the need to demonstrate that gifts are used as intended and that goods, services, and works received as gifts are fully utilised in accordance with the law, the specific mechanisms for enforcing these provisions may lack clarity. This leaves room for questions about how these measures will be effectively monitored and enforced in practice. In addition, the fact that employees are not currently required to declare such gifts during martial law raises concerns about how compliance and potential violations will be addressed. It is possible that the legislator expects control and oversight to occur after martial law is lifted, at which point employees may be required to declare any relevant gifts or activities. This approach could be used to address any potential violations after the situation has stabilised and normalcy has been restored (Public space, 2022).

5. CONCLUSIONS

Corruption can be seen as a substantial threat to national security. The only way to effectively respond to Russian aggression is to ensure the efficient functioning of Ukrainian government bodies, strengthen national institutions, and significantly reduce the prevalence of corruption.

Since 2014, Ukraine has been undergoing anti-corruption reforms, presenting an opportunity to establish a comprehensive anti-corruption framework before the outbreak of full-scale war. Nonetheless, several challenges remain, including a lack of effective leadership in certain anti-corruption agencies, ongoing initiatives in judicial reform, inadequate protection for whistleblowers, persistent attacks on the Prozorro e-procurement and online property sale and lease systems, and limited access to Prozorro’s datasets, all of which heighten the corruption risk.

In the Ukrainian anti-corruption agency context, we believe that it is critical to focus on the following key issues: promptly resolving personnel selection and appointment issues within the National Anti-Corruption Bureau of Ukraine, the Agency for Asset Tracing and Management, and the Supreme Anti-Corruption Court of Ukraine; strengthen the operational autonomy of the Specialised Anti-Corruption Prosecution Service, bolstering the leadership’s
authority, and integrating the Specialised Anti-Corruption Prosecution Service.

Expediting the protracted process of judicial reform is a crucial prerequisite for the resumption of activities, particularly given the numerous contractual disputes that will arise during the reconstruction phase. Our perspective emphasises several perspective priorities in judicial reform, including the need to legitimise the High Council of Justice, tasked with appointing judges and monitoring the integrity of the primary courts by filling a large number of existing judicial vacancies. Additionally, it is also critical to initiate the operations of the High Qualification Commission of Judges, responsible for the selection and qualification of judges. Furthermore, the comprehensive reform of the Kyiv District Administrative Court, which has been impeding progress, must be finalized once hostilities come to an end.

Implementing a comprehensive anti-corruption policy and eliminating legislative provisions that encourage corrupt practices are also pivotal components of the national anti-corruption agenda. Additionally, the establishment of effective anti-money laundering and asset tracking and recovery mechanisms is required. Furthermore, a culture of integrity in both the public and private sectors is equally essential, with specific attention to mitigating corruption risks that may arise during the post-war reconstruction period.

Our primary objective during the ongoing war is to cultivate a strong and unwavering societal stance against corruption. In the emerging Ukraine, integrity must evolve into an unshakeable core value. It is critical to acknowledge that the Russian Federation’s aggression was triggered by corruption, perceiving Ukraine as a corrupt nation. Corruption fundamentally stems from an unstable governance system. Therefore, we must ensure that no neighbouring country feels emboldened to launch an attack on Ukraine. This is fundamentally a national security issue. At the very least, we owe it to our citizens’ who have made heroic sacrifices not to allow corruption to hinder our post-war recovery efforts. As an added bonus, Ukraine has the potential to rise as a compelling example that could undermine the Kremlin’s kleptocratic regime.

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