

ON THE ISSUE OF FORMING THE ANTI-CORRUPTION FUNCTION OF THE STATE

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Currently, academic literature, both within Ukraine and internationally, has not extensively examined the formation of an anti-corruption function as a distinct state function.

Considering the global and transnational dimensions of anti-corruption efforts, a practical and theoretical necessity exists to articulate a unified definition of the state's anti-corruption function at both national and international levels and to establish a foundational framework for a categorical-conceptual apparatus.

Today, the proactive operation of social subsystems and rapid technological advancements underscore the need for an alternative approach to understanding the functions of the state. I argue that the formation of state functions should be based on the priority national interests present at specific stages of historical development. In this regard, it is appropriate to distinguish core functions, inherent to the state across all stages of development, and additional functions that evolve over time in response to socio-political formations or, more abstractly, the type and form of civilization.

Currently, a priority vector in safeguarding national interests in anti-corruption policy is laid out in Article 18 of the Law of Ukraine "On Preventing Corruption," No. 1700-VII, dated October 14, 2014. This article specifies that the principles of state anti-corruption policy are set forth in an Anti-Corruption Strategy, approved by the Verkhovna Rada of Ukraine for a defined period, and that annual parliamentary hearings on the implementation of the Anti-Corruption Strategy must be held by June 1 [1].

The Law of Ukraine "On the Fundamentals of State Anti-Corruption Policy for 2021-2025" (No. 2322-IX, dated June 20, 2022) sets forth an Anti-Corruption Strategy for 2021-2025 [2].

A pivotal aspect for this research is found in paragraph 1.2 of the strategy, where the legislator states that its aim is to make substantial progress in preventing and combating corruption, ensuring coherence and systematic anti-corruption activity across all government bodies and local authorities. Here, corruption is viewed as a primary impediment to stable economic growth and the development of effective and inclusive democratic institutions.

Thus, recognizing the detrimental societal impact of corruption, the legislator establishes anti-corruption not merely as a legal extension of judicial or law enforcement functions but as a standalone state function essential for stable economic growth and the development of effective state institutions.

The evolution of anti-corruption prevention mechanisms, through the adoption of new legislation, substantial reforms in the structure of global anti-corruption efforts, and shifts in security approaches to anti-corruption strategies, calls for further optimization of state-legal activity in the anti-corruption domain. This also encourages the advancement of academic inquiry through the lenses of anti-corruption law and state security law.

Based on the above, the prerequisites for distinguishing the anti-corruption function as a standalone state function can be outlined as follows:

1. Specification of the anti-corruption domain within the public sphere (with the mandatory presence of an entity vested with public authority).
2. Identification of corruption prevention actors and their unique functions and authorities at the legislative and sub-legislative levels.
3. Definition of the specific jurisdiction of the national anti-corruption system as a cohesive system, demonstrated by the Anti-Corruption Strategy for 2021-2025, the annual parliamentary hearings on the strategy's implementation, and the preparation and submission of national anti-corruption policy reports by the National Agency on Corruption Prevention (NACP) to the Cabinet of Ministers of Ukraine.
4. Establishment of core principles and boundaries for public anti-corruption relations.
5. Creation of a set of objectives and methodological tools for implementing anti-corruption policy.

We must acknowledge that within any state function, anti-corruption policy objectives cannot be effectively fulfilled, thereby underscoring that the anti-corruption function is not an incomprehensible novelty but rather a logical outcome of a structurally logical approach to modeling socio-security processes within society.

In conclusion, the factors outlined above provide a foundation for advancing the hypothesis that the anti-corruption function should be recognized as an independent state function.

Characteristics of the State Anti-Corruption Function

In my view, the essence of the anti-corruption function lies in organizing and ensuring a comprehensive suite of legal, economic, educational, and organizational measures designed to create a system for preventing and combating corruption, eliminating its root causes, and enabling the state, through its representative bodies, to actively participate in implementing anti-corruption policies. This is aimed at reducing corruption levels and protecting citizens' and society's rights and legitimate interests from its negative impacts.

I support the perspective of certain scholars who argue that state functions are not synonymous with those of individual entities within the national anti-corruption system. This distinction was also underscored by V.V. Kopeychikov, who noted that state functions represent the primary directions of state activity, shaping the work of the entire state apparatus and each of its entities. The functions of specific state bodies, on the other hand, are determined by their social roles within the state's mechanism and are expressed and specified in the competencies, rights, and obligations assigned to each entity [3, p. 130].

In light of the above, the state's anti-corruption function should be understood as the core, legislatively defined directions of both internal and external activities of state authorities. These directions are aimed at safeguarding national interests (of individuals, society, and the state) within anti-corruption relations in the public domain at both national and international levels.

Thus, the anti-corruption function of the state constitutes an autonomous and prioritized dimension of anti-corruption policy, realized through a range of legal, economic, educational, and organizational measures. These measures are aimed at establishing a system for preventing and combating corruption, addressing its causes, and safeguarding the rights and legitimate interests of citizens and society within anti-corruption relations.

References

1. Law of Ukraine "On Prevention of Corruption" dated October 14, 2014, No. 1700-VII. Ukrainian Legislation. URL: <https://zakon.rada.gov.ua/laws/show/1700-18#Text>
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3. General Theory of State and Law: Textbook; ed. V. V. Kopeychikov. Kyiv: Yurinkom, 2002. 320 p.