

K.M. Rudoy, Candidate of Juridical Sciences, Associate Professor
Odesa State University of Internal Affairs
the Department of Administrative Law and Administrative Process
Uspenska Street, 1, Odessa, 65014, Ukraine

ISSUES OF THE DAY OF COUNTERACTION OF ORGANS OF INTERNAL AFFAIRS OF UKRAINE ILLEGAL MIGRATION

Summary

The article is devoted to the topical issues of the organizational and legal provision of prevention and counteraction against corruption, as well as opening of separate directions of anticorruption activity improvement. The basic tasks of public policy are considered in the field of fight against corruption as one of the directions of providing international safety. In the article the examples of foreign experience are presented in the field of fight against corruption; the tasks of the legal providing of anticorruption legislation and practice are distinguished.

Key words: prevention of corruption, anticorruption strategy, forms of anticorruption activity, improvement of anticorruption legislation.

Formulation of the problem. According to the "Strategy - 2020" [9] The main purpose of the anti-corruption reform is a substantial reduction of corruption in Ukraine, reducing the losses of the state budget and businesses through corrupt activities, and improve Ukraine's position in international rankings that assess the level of corruption. This will be achieved through proper implementation of the new Anti-Corruption Strategy and successful introduction of new anti-corruption mechanisms.

To date, corruption has reached a level that threatens the national security of Ukraine, it is one of the main factors undermining confidence in the government internally and externally harm the international image of the Ukrainian state and the program of European integration. Given the systemic nature and prevalence of this phenomenon, measures taken for its prevention and suppression, not been effective, as evidenced by the dynamics of changes in the annual corruption perception index specified non-governmental organization Transparency International, according to which Ukraine for 2013-2014 pp. moved from 152 th 142 th place. [10] This trend

makes it possible to conclude that Ukraine is the formation of a new concept of fighting corruption, which makes it possible to use large-scale anti-corruption legislation updating and developing the theoretical foundation for the implementation of anti-corruption reforms.

Analysis of recent research and publications. The urgency of the problem is confirmed by the large number of foreign and domestic scientists who were involved in the development of anti-corruption. Among domestic researchers should be noted the work of local and foreign scientists such as L.V. Bagriy-Shaxmatov, A.I. Berlach, V.M. Garashchuk, M.Y. Bezdolnyy, L.R. Bila-Tiunova, B.V. Volzhenkin, D.G. Zabroda, D.I. Yosifovich, M.I. Milnik, A.I. Minuscule, O. Prokhorenko, A.I. Redka, A.V. Tereshchuk, M.I. Havronyuk and others.

The purpose of the article. The article is devoted to actual problems of organizational and legal provision preventing and combating corruption and improving the disclosure of certain areas of law enforcement in this area.

Presenting main material. As a result of the new Corruption Perceptions Index 2014 by Transparency International Ukraine has not overcome the limit of "corruption disgrace". Having only one additional point, compared to the year 2013, Ukraine remains the club totally corrupt states. 26 points out of 100 and 142 to 174 positions - such indicators Ukraine in this year's Corruption Perception Index (Corruption Perceptions Index) of Transparency International. Ukraine finds itself once again on the same stage with Uganda and Comoros as one of the most corrupt countries in the world [10].

These disappointing results, according to international anti-corruption community, caused hardly noticeable progress in the destruction of corrupt schemes received a legacy from all the ruling regimes since independence of Ukraine. Nowadays corruption is one of the main threats to national security and democracy in Ukraine, particularly corruption, hinders social progress, above all, the establishment of a democratic civil society; prevents the full realization of human rights and freedoms; denies the rule of law, and its rapid spread further due to imperfection as law, and moral qualities of domestic society; suppresses freedom of speech and the

press as corrupt business and corrupt government, from which most depend and national media interested in inadequate, incorrect media coverage of corruption processes in the country; applies because of the failings of public administration from the lowest to the highest level that still allows officials in its sole discretion to dispose of national resources; and perceived power among the population as a common phenomenon, and the possibility of overcoming doubt.

Threat to national security, corruption and the actions of the state in the performance of its international functions. This leads to a drop in international ratings of Ukraine and the reluctance of foreign investors to invest their capital in its development [9].

According to experts, Ukraine in all post-Soviet states has the best chance of a successful anti-corruption. However, this requires a comprehensive and concerted action both government and civil society, as corruption has the ability to quickly and easily adapt to changes in society and the state [11, p. 75]. The consequences of further exposure of corruption in Ukraine may well be: the growth of social and political tension (in the butt to a real revolutionary situation); further criminalization and shadow economy; undermining the economic and financial system of the country; devaluation of national moral values of society; international political and economic isolation of others.

That is why the vital necessity of further development of the state is preventing and combating corruption. This issue is important for social progress, normal life and prevent other threats and challenges. The powerful potential of Ukraine in economic, political, legal and social fields enables expect to improve anti-corruption situation in the country.

Accordingly, the main causes of corruption in Ukraine are: stratification of society into rich and poor, uneven development of the market economy; low salaries of civil servants salaries compared to the private sector; the contradiction between the rapidly changing conditions of the market economy and the current legislation; contradictions between legislative and moral and ethical standards of business; Laws of the existence of a wide spectrum and by public employees greater opportunities to

use them at their discretion; frequent changes bureaucracy and above all its management staff; continuous legal nihilism; ineffective control system [11, p. 76]. Above list can be concluded that one of the main factors of corruption are: economic, organizational, legal relations that occur in the state. But you should pay for one more of the main factors of corruption as "the mentality of society."

Mentality - a system of images, which are at the basis of individual perceptions of the world and their own place in it, defining the actions and behavior. The mentality is formed for centuries, as the traditions of culture, social structures and environments of all human life, and she, in turn, their forms, speaking as an important cultural and historical dynamics. In other words, the mentality, on the one hand, the result of culture and tradition, and, on the other - is itself a source of deep culture.

Corruption in Ukraine is a complex social phenomenon that affects all aspects of political and socio-economic development of society and the state threatens democracy and human rights, the rule of law, undermines social justice, the legitimacy of public institutions, welfare, harm to society, social progress and national security. Corruption has become a universal problem that affects all aspects of life, and most impressive scope of public relations with state and local authorities, which often face citizens in the implementation of their constitutional rights [1].

Corruption in Ukraine has features that distinguish it from corruption in developed countries. Here it is necessary to turn to international experience, including the technology combating corruption crisis type, Roosevelt used within the so-called "New Deal", which was used to display the US out of the Great Depression of 1929-1933. (According to the program to combat Organized Crime was established by the Federal Government Association - "strike force" that operated under the supervision of the Ministry of Justice and in close contact with the police states. Their main task was to identify organized crime groups, as well as search for evidence of criminal activities by illegal business and corrupt officials. In order to perform the tasks each shock group comprises public prosecutors and operational FBI, the Administration on the application of drug laws (APZN), Bureau of Internal Revenue, State immigration and naturalization, members of the Coast Guard and US Customs. Thus, each division had

opportunities of those services, whose employees are part of it. The effectiveness of these federal units based on bringing together the most experienced employees of law enforcement bodies. The legal regime of shock groups was determined by criminal procedural law and special instructions of the Ministry of Justice). A similar approach in Ukraine.

The current anti-corruption activities of the Ukrainian state is reduced to the manipulation of changes in the law (which looks to improve it) and chaotic action of "improvement" institutions of criminal justice (law enforcement) [2; 8]. For quite a long experience in countering such as Ukraine indicates its low performance. Analysis of Combating Corruption in Ukraine shows that it is not based on an adequate idea of the basic problems and causes of corruption.

Separately, we would like to focus on the fact that in terms of ease of doing business in the country Ukraine is losing ground rapidly, and it is an alarming signal. Thus, in general aggregate ranking of corruption CPI Ukraine "slipped" by 10 points for setting political and financial corruption (CPI index constituent data is taken from research Political Risk Services International Country Risk Guide). In this study, are taken into account over-sampling performance protection and suspiciously close ties between politics and business. Government agencies and officials often require businesses to pay bribes, as evidenced by the corresponding drop rating of Ukraine on 5 points (CPI index constituent data is taken from research World Economic Forum Executive Opinion Survey).

Thus, analyzing the state of corruption in Ukraine consider appropriate to pay attention on the improvement levers to combat this "social disease." In order to Ukraine took place in a real anticorruption change, Transparency International urges the Government, Parliament and President of Ukraine make five immediate steps:

1. Properly run the new work of anti-corruption (National Anti-Corruption Bureau of Ukraine) adopting amendments to the anti-corruption laws and providing the resources necessary to create institutions and recruitment of qualified personnel;

2. Urgently adopt legislation developed by experts of Finance complete transparency of political parties and election campaigns;

3. Based on the Anti-Corruption Strategy adopted by Ukraine to develop a detailed plan of action of the Government in combating corruption, the implementation of which involve the general public and the media [4; 9];

4. Ensure real disclosure state registers, primarily property registry and land cadastre;

5. Start regular checks on the integrity of public officials, including through the comparison of their lifestyle with the declared property and income.

Conclusions. The main directions of the state policy of preventing and combating corruption as the direction of international security are improving the mechanism of administrative and legal regulation in the sphere of combating corruption; continue work on the implementation of the recommendations of the Group of States against Corruption (GRECO) in the fight against corruption. Using the experience of foreign countries in combating corruption, such as Sweden and Singapore, will allow to Ukraine to create a public society with the function of public control over public authorities to provide public servants appropriate safeguards, such as social package state officials in Georgia, which includes medical insurance, pensions, and other benefits.

In addition, at the legislative level is necessary to define the term "conflict of interest" to provide a clear list of relationships that it contains. To ensure the implementation mechanism of anti-corruption legislation, the only interpretation of the law by law enforcement agencies and ensure prosecution for corruption in the anti-corruption legislation is necessary to determine the range of subjects that relate to the officers of public law.

List of references

1. Про запобігання корупції [Електронний ресурс] : Закон України від 14.10.2014 р. № 1700-VII. – Режим доступу: <http://zakon0.rada.gov.ua/laws/show/1700-18/page>
2. Про внесення змін та визнання такими, що втратили чинність, деяких законодавчих актів України [Електронний ресурс] : Закон України від

28.12.2014 р. № 76-VIII. – Режим доступу: 115
<http://zakon4.rada.gov.ua/laws/show/76-19>

3. Про державну службу [Електронний ресурс] : Закон України від 16.12.1993 р. № 3723-XII. – Режим доступу: <http://zakon4.rada.gov.ua/laws/show/3723-12>
4. Про засади державної антикорупційної політики в Україні (Антикорупційна стратегія) на 2014–2017 роки [Електронний ресурс] : Закон України від 14.10.2014 р. № 1699-VII. – Режим доступу: <http://zakon2.rada.gov.ua/laws/show/1699-18>; Про засади запобігання і протидії корупції : Закон України // Відомості Верховної Ради України. – 2011. – № 40. – Ст. 404.
5. Про організаційно-правові основи боротьби з організованою злочинністю [Електронний ресурс] : Закон України від 30.06.1993 р. № 3341-XII. – Режим доступу: <http://zakon4.rada.gov.ua/laws/show/3341-12>
6. Кримінальна конвенція про боротьбу з корупцією (ETS 173) [Електронний ресурс] : Конвенція, Міжнародний документ від 27.01.1999 р. № ETS173. – Режим доступу: http://zakon4.rada.gov.ua/laws/show/994_101
7. Додатковий протокол до Кримінальної конвенції про боротьбу з корупцією (ETS 191) (укр/рос) [Електронний ресурс] : Протокол, Міжнародний документ від 15.05.2003 р. № ETS 191. – Режим доступу: http://zakon4.rada.gov.ua/laws/show/994_172
8. [Про Національну раду з питань антикорупційної політики](#) : Указ Президента України від 14.10.2014 р. № 808/2014.
9. Про Стратегію сталого розвитку «Україна – 2020» [Електронний ресурс] : Указ Президента України від 12.01.2015 р. № 5/2015. – Режим доступу: <http://www.president.gov.ua/documents/18688.html>

10.Індекс сприйняття корупції (Transparency International) 116
[Електронний ресурс]. – Режим
доступу: www.bbc.co.uk/ukrainian/politics/2012/12/121205

11. Берлач А. І. Основні принципи запобігання та протидії корупції в Україні: характеристика та стан додержання / А. І. Берлач // Сучасний стан та перспективи розвитку адміністративного права та процесу : матеріали міжнар. наук.- практ. конф., 10–11 жовтня 2014 р., м. Одеса. – О. : ОДУВС, 2014. – 208 с.