



E-Government against Corruption Risks in Ukraine Community

UDC: 35.078:681.518

DOI: 10.15421/152217

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Abstract

Nowadays, ICT development has become commonplace compared to previous decades and has brought several changes in all spheres of life of local and global formats. Moreover, Citizen-State relations changed with an increase in the number of information flows, which governance structures cannot fully monitor. And, once proclaimed the beacons of democratic processes, ICT has become a universal tool that works for the boon or bane of public order.

Adverse could be seen as the development of corruption phenomena since the same tools and technological capabilities are used to counter this phenomenon and to commit crimes more covertly and subtle.

The regulatory issue and the problem of effective anti-corruption mechanism creation are acute for Ukraine in the context of international agreements and the implementation of tasks set by global programs. The given research paper focuses on the governance structures related to the role of positioning Ukraine as a service state with high standards for civil rights and liberties.

In an attempt to regulate and establish an adequate image of the link between e-gov and anti-corruption policies, the author reviewed already known studies in the field of e-gov and ICT, focusing on the constantly changing actualization of research.

The article consists of four main clusters, annotation, and conclusion. The author analyzed modern and basic research in e-government and ICT in the first cluster.

The second cluster is devoted to innovations in governance since countries exist in a constant process of development and improvement, including concepts and theories of reorganization and development of the sphere of control and optimization of state processes.

A part of the study is devoted to the definition of corruption as a phenomenon and its normative definition as a phenomenon in the international format and concerning Ukraine, the legislative definition of corruption at the national level, and the highlighting of the risks that corruption entails infestations.

And finally, the fourth cluster is devoted to international and national standards in anti-corruption issues, the peculiarities of national manifestations of corruption in Ukraine, and the availability of counteraction mechanisms.

Keywords: open government data, electronic government, mass-media, ICT, corruption

Citation: Smirnova, N. (2022). E-Government against Corruption Risks in Ukraine Community. *Public Administration Aspects*, 10(3), 31-41. <https://doi.org/10.15421/152217>

Електронне урядування в протидії корупційним ризикам в українській спільноті

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Анотація

Розвиток ІКТ сьогодні абсолютно повсякденне явище в порівнянні з попередніми десятиліттями. Воно спричинило низку змін у всіх сферах життя локального та глобального форматів. Більш того, змінилися взаємини громадян та держав, оскільки інформаційних потоків стало наскільки багато, що вони просто не піддаються всебічному контролю з боку управлінських структур. І, колись проголошені маяками демократичних процесів, ІКТ стали універсальним інструментом, який працює на користь та шкоду державним порядкам.

До таких негативних наслідків можна віднести розвиток корупційних явищ, оскільки ті ж інструменти, технологічні можливості, які допомагають боротися з цим явищем, також використовуються і для того, аби потайки та витонченіше вчиняти злочини.

Проблема нормативного врегулювання та створення дієвих механізмів протидії корупції гостро постає перед Україною в контексті міжнародних угод та реалізації завдань, поставлених міжнародними програмами розвитку. У роботі зроблено акцент на сферу управлінських структур через позиціонування ролі України як сервісної держави з високими стандартами щодо прав і свобод громадян.

У своєму прагненні впорядкувати та створити повноцінну картину взаємозв'язку e-gov та протидії корупції, автор розглянув уже відомі дослідження в галузі e-gov та ICT, акцентувавши увагу на постійно мінливій актуалізації досліджень.

Усього стаття складається з 4 основних блоків, анотації та висновків. У першому блоці автором було проаналізовано сучасні та базові дослідження у сфері електронного уряду та ІКТ.

Другий блок присвячений нововведенням у сфері управління, оскільки країни перебувають у постійному процесі розвитку та вдосконалення, сюди належать сучасні концепції та теорії реорганізації та розвитку сфери управління та оптимізації державних процесів.

Окрема частина дослідження присвячена визначенню корупції як явищу та її нормативне визначення як явища у міжнародному форматі та щодо України, законодавче визначення корупції на національному рівні, а також ризики, які спричиняє корупція у своїх проявах.

І, нарешті, четвертий блок присвячений міжнародним та національним стандартам у питаннях протидії корупції, особливості національних проявів корупції в Україні та наявність механізмів протидії.

Ключові слова: відкриті державні дані, електронний уряд, ЗМІ, ІКТ, корупція

Цитування: Смірнова Н. Електронне урядування в протидії корупційним ризикам в українській спільноті. *Аспекти публічного управління*. 2022. Том 10. №3. С. 31-41. <https://doi.org/10.15421/152217>

Стаття надійшла / Article arrived: 30.05.2022

Схвалено до друку / Accepted: 30.06.2022

Literature review

Modern research in the field of e-government is not static. This, in turn, is related to the development of ICT and economic fluctuations in different countries with different levels of development. Therefore, features reflected in the research definitions depend on the e-government compound part the author is focused on.

The general non-fading relevance of the e-government topic should be singled out since countries exist in constant dynamics of the development of democracy and other state ideals. Accordingly, the issue of improving the best practices of implementing e-gov processes remains open.

Kim, S., Kim, H. J., & Lee, H. (2009) delineate e-government as follows: **“E-gov means the use of technology to enhance access to and delivery of government services to benefit citizens, business partners, and employees. E-gov has the power to create new models of public service whereby all public organizations deliver modernized, integrated, and seamless services for citizens”**. (Kim, Kim, & Lee, 2009). This definition is aimed to highlight the role of ICT in the implementation of e-government, particularly governance.

In this research, the author adheres to the same idea of e-gov implementation by introducing new ICTs to qualitatively improve the administration system in Ukraine and reduce the level of corruption in governance structures.

A more straightforward definition of e-government is given by Afriana Wendra, Susetiyana Harmawan, Putri Oktarina & Aziz Harry (2020), delineating e-government as «an application that was built to facilitate and accelerate public services through internet technology». (Wendra, Harmawan, Oktarina, & Harry, 2020).

The definition is ostensive and suggests we perceive the electronic government as a single model, an application, which by its nature does not fully characterize the phenomenon that is implied about Ukraine, since the electronic government in the context of the chosen country is a set of models and techniques created on the usage of ICT for the most efficient implementation of the best practices of electronic government to improve the administration and interaction system.

Modern ICTs are designed not only to optimize government processes. Instead, the emergence and development of the technological sphere provoked the integration of technology into government activities. That is, technologies initially designed for the needs of citizens have found their application at a more global level. Citizens can use ICTs to enforce and expand their rights and directly participate in decision-making or demand accountability. This practice helps introduce civil control over implementing budgets and other government planning. It complicates the possibility of corruption in many areas since the Internet has dramatically simplified and accelerated the transfer of information and access to it. In addition, social networks give immense opportunities to unite groups of people for specific purposes, thereby forming an information community characterized by mobility and efficiency. In Ukraine, the media play an essential role in the formation of political thought and the integration of legal opportunities for the influence of civil society on state processes.

H. Karpenko, and N. Smirnova in the research "Mass Media Law at the post-modern stage" focus on the role of mass media and communication in the implementation of the right of Ukrainian citizens to access information masses, the formation of civil opinion, and direct participation in political and state processes of citizens, which is partially reflected in Article 34 of the Criminal Code.

The study also outlines the problems of the modern legislative framework in Informational Law. Thus, "the peculiarity of norms related to mass media is their conditional institutional structure: according to the technological feature of means, the way of their materialization: television and radio broadcasting; press and print; cinematography. In this regard, the legislative process is also institutional: TV and radio law, the law of the print media, the law of the news agencies, cinematographic law, and so on." (Karpenko, & Smirnova, 2019)

In the research, "Municipal websites as a tool of modern governance", N. Smirnova (2020a), a more detailed consideration of websites as a modern tool of e-governance was given, examines the role of ICT in the implementation of state-forming processes, integration of best international practices in the management activities of Ukraine.



The author suggests considering municipal websites "both as a tool in the implementation of governance and as a mass media" The paper also analyzes the state of development of municipal websites on the example of the site of the Kherson City Council based on the principle of the 5-question model proposed by G. Lasswell.

J. Ramon Gil-Garcia, in his research, defined mass media as a «group of technologies that allow public agencies to foster engagement with citizens and other organizations using the Internet». (Criado, Sandoval-Almazan, & Gil-Garcia, 2013).

"E-government and access to open data: basic legal models" Smirnova N. (2020b) describes the practical implementation of the recommendations provided by OGDCE, the practice of improving citizens' access to state information by the OGD initiative.

Government innovations

Modern society no longer accepts standard or average services; consumers (citizens) demand high-quality services offered by the state and an assortment corresponding to their needs. To create a balance between supply and demand, countries' governments should be able to resist risk factors that negatively affect the quality of services provided; among such factors, corruption occupies one of the critical positions.

When we talk about the service state (client-oriented model), the role of corruption (its harm) becomes evident in governance, namely, citizens' loss of trust.

It is not enough to introduce new technology. It is necessary to revise old approaches to provide services to re-innovate them conveniently and quickly.

The technical side of progress in this area is quite clear. Technologies make it possible to increase productivity and effectively increase the working resource of employees by automating processes. This also eliminates the human factor, such as illness, mood, and other circumstances in the interaction of the employee and the client. A distinct advantage is the co-working, co-creating - the exchange process when we receive a product created based on feedback or initiatives developed jointly with the state entity. This allows you to get a more viable product because, initially, it will have the consumer as the party in interest.

All these integration and interaction models are embodied in e-government. The latter is defined in the cited literature as one created to improve the quality of services provided by the state through ICT.

In monitoring, such forms of e-gov as e-budget, e-procurement (ProZorro), and e-payments reflect the functionality well. In Ukraine, since 2015, the ProZorro platform has been operating to implement public procurement.

In July 2021, the law of Ukraine "On amendments to Section X "Final and transitional provisions" of the law of Ukraine "On public procurement" was signed to exclude the possibility of procurement with avoidance of using an electronic procurement system.

Since the ProZorro electronic system became mandatory for all customers, public procurement has become open for business, and Ukraine has saved more than 190 billion grivnas of taxpayer funds.

Transparency and accountability as components of e-government aim to reduce corruption. Today, the citizens' awareness of their rights and the importance of such phenomena as transparency and accountability has increased significantly compared to previous decades. These political definitions were used by international subjects when creating basic recommendations for participants in the political arena at the global level. At the national level, these concepts are bound to the integration of effective international institutions into the legislative framework of countries to stimulate economic and social growth.

The active integration of the components proposed by the international community has become an incentive for developing accountability, administrative literacy, and actions against corruption.

Suppose we proceed from the general recommendations in the already existing studies of e-government; the easiest way to implement the concept in practice is to introduce a single platform that would unite and supervise public services. In creating such platforms/websites, this idea has shown itself more utopian. Still, this idea is precisely the basic guideline for integrating the concept of e-government into the public administration system of countries, naturally adapted to the capabilities and specifics of management.



It is also worth noting that the concept itself constantly changes, according to innovative achievements and the development of science in general, contributing to improving the quality of people's lives.

According to the concept, public administration is being reorganized at the local and national levels, expanding citizens' access to public services. With the advent of e-government, the idea of effective management from the business sector has become a part of the theory of public administration, which involves the systematic development of strategies to achieve goals; organization, direction, and control of actions, and rational allocation of resources.

In addition, citizens can access information related to the government. The international community has proposed the principles of good governance as a mechanism for implementation.

"Good governance is the transparent and accountable management of human, natural, financial and environmental resources for equitable and sustainable development in the context of a political and institutional environment that supports rights, democratic principles, and the rule of law." (Smirnova, 2021).

The priorities stated by the concept of good governance, such as transparency, accountability, and anti-corruption, for Ukraine can be identified both as a separate administrative goals and as progress indices within the implementation framework of integrated concepts.

As already mentioned, these priorities can be achieved by providing citizens with access to information. The problem is that the government initially controls information flows; thus, officials tend to be corrupt since the state has given them the legal power to dispose of data and other resources. Open data enables civil control and restricts illegal use of resources.

Creating a unified platform or website is a way to introduce e-government into the administration system. In Ukraine, such attempts were implemented by making a Unified portal of electronic services, a mobile version of CNAPs (administrative service centers), and a Unified Open Data Register (part of the Open Data Access Initiative).

Since the United Nations Development Program first arrived in Ukraine, the organization

has expanded both the scope of its activities and its support programs in response to the country's needs. Currently, UNDP works directly with senior government agencies, Verkhovna Rada, and ministries.

The organization has formed strong partnerships with non-governmental organizations, several member business associations, universities, and other development participants. This cooperation directly contributed to the success of decentralization reforms in Ukraine and accelerated the development of cities and communities, directly involving citizens in decision-making.

Since 2008, UNDP has supported more than 4,000 local initiatives and projects of ministries, which made it possible to improve citizens' access to public services and raise the civil society level in Ukraine. For example, the mobile version CNAP of Skadovsk city in the Kherson region can provide up to 70% of Administrative Services. In total, the community received three mobile CNAPs service delivery.

During 2021-22, the Kherson regional state administration continues to support its communities under the new project "Strengthening community sustainability in the Kherson region" in partnership with UNDP and with funding from the UK government. (Stan rozvytku systemy, 2021).

Open Data is another innovation in the political and managerial spheres, an initiative directly related to ICT and mass media in general.

Unfortunately, corruption is also developing along with ICT, but these same tools also provide opportunities to combat corruption. When government data is open and accessible, the possibilities for creating regulated fixed accountability - a developed mechanism for delivering information, increase.

Thus, classical mass media, such as newspapers, still provide transparency and publicity for a population in poor contact with new technologies.

The next part of technological innovations that become a component of government initiatives are technologies of the civil sector, in other words, non-state entities' projects (of civil and business sectors) - stakeholders, which are further introduced into administrative initiatives.



The state does not always have the resources (human and material) to implement all projects. The role of stakeholders is determined by their interest in issues that can be solved with the help of specific innovations implementation on their part.

In the aspect of using mass media in Open Data, the simplest example is the usage of websites and network technologies to exchange information flows (events, events, reporting).

However, this is only part of the potential of ICT in the implementation of government initiatives.

Another group of mass media should be noted separately, defined in the cited literature as social media, which directly impacts the lives of citizens in the country. These are the same tools that have found their most outstanding distribution without being initially programmed as administrative tools (Facebook, Twitter, and so on).

J. Gil-Garcia, in their research, suggests considering three schematic models that show "how government, citizen and data models interact through social media" (Criado, Sandoval-Almazan, & Gil-Garcia, 2013):

1. social media-based citizen engagement model;
2. social media-based data-sharing model;
3. social media-based real-time collaborative model. (Criado, Sandoval-Almazan, & Gil-Garcia, 2013).

The issue of loading digital platforms to establish contact between public authorities and citizens is being investigated more and more actively from year to year. Technologies that initially allowed people to communicate without barriers have changed into tools of public control. Helping, on the one hand, social media at the same time creates a massive gap in accountability. Social media is a full-fledged ecosystem of a non-governmental format that is only partially amenable to monitoring. In this regard, there is a need to develop the practice of interaction between the state and social media platforms for a more harmonious, regulated, and most importantly, positive exchange.

In general, integrating new approaches, tools and models entails similar problems. This is due to the human difficulty in adopting novelties and showing the natural reaction of distrust. In addition, the changes proposed by the new administration formats are associated

with the computerization and reorganization of those areas that have been static for a long time.

But it is essential to understand that despite all the difficulties that the state faces on the way to change, these processes are inevitable due to the rapid development of society. The old administrative methods will sooner or later cease to perform their functions, and radical steps will be needed. The listed concepts and initiatives also suggest gradual changes, which, due to many circumstances, will more easily become part of the modern management structure, gradually developing related areas.

What is corruption

Corruption is a complex negative phenomenon that entails consequences of a normative, economic and social nature and is defined as the abuse of trusted authority to obtain personal gain, occurs in the context of "poor governance" ("it implies the reasons for poor development in all spheres of social life and political governance of the state"). (Smirnova, 2021).

Abuse of trust usually refers to using one's official powers in state administration, often expressed in financial gain. Nevertheless, this is the most linear perception of corruption as a phenomenon; in practice, it has specific forms of expression associated with indirect benefits.

That is why definitions of corruption should include the issue of social significance since it is a social phenomenon with the role of the human factor in the formation of anti-corruption provisions.

According to the law of Ukraine, "On prevention of corruption" - the use by a person referred to in this Law of granted official powers or powers associated with opportunities to obtain unlawful benefit or receipt of such benefit or receipt of a promise/offer of such benefit for themselves or others, or respectively the promise/offer or granting of an unlawful benefit to the person referred to in this Law or upon their request to other persons or entities to persuade the person to unlawfully use the official authorities or associated opportunities granted to them. (Pro zapobihannia koruptsii, 2014).

M. Johnston aptly said, "I define corruption as the abuse of public roles or resources for private benefit, but emphasize that abuse, public or private, and even benefit are matters of contention in many societies and of varying

degrees of ambiguity in most.” (Johnston, 2005). The appropriateness of disputes in public and private benefits has a vague framework. It thus opens up opportunities for abuse of options for which there are no restrictions.

That is why anti-corruption methods are impossible without citizens' access to information. This simplifies the control over the activities of government agencies and enterprises and also forms stable G2C, C2G interactions, which makes it possible to implement policy in a given area more productively. In most cases, feedback is meant, which by its nature differs from civil control by forms of participation. Feedback involves regulation, proposed by the state, procedures for citizens' appeals, such as complaints, petitions, initiatives, and so on, and not just access to information and monitoring. The electronic state presupposes the existence of such interaction mechanisms to increase the index of citizens' participation in the processes of making important decisions and policy formation at its initial stages.

The cited literature suggests three important building governance principles that exclude corruption: simplification, standardization, and depersonalization. The author believes that automation can be distinguished as a separate principle. However, in theory, it is a component of depersonalization. As a complex phenomenon, corruption is difficult to identify at the formation stage since all actions aim to obtain benefits secretly, not always financially. Therefore, social, political, and economic expenses cannot effectively influence the situation. To eliminate these shortcomings, it is necessary to develop separate anti-corruption mechanisms to detect, prevent, and combat corruption.

Corruption risks

Recent decades have been characterized by a sharp spike in democratic processes and computerization in the administrative sphere. But, despite the deliberate attention of the international community to corruption, the fight against it is pretty feeble. One of the reasons may also be the lack of evidence of some forms of corruption and their number. For example, the most common are bribery, extortion, embezzlement of money (property), or abuse of power. Depending on the administrative structure, there may be a different gradation of offenses and methods of counteraction.

It is essential to understand that corruption is a severe problem on the path to democracy since the power of a few directly contradicts the ideals of equality and the rule of law.

The efficiency and effectiveness of the work of management structures at both national and regional levels is another issue to mention. A sign of corrupt governance, in this case, is that decisions are based on private interests, thereby ignoring the public interest. This abuse of authority manifests corruption and can entail several phenomena, such as embezzlement of public money (property), improper allocation of budgets, and favoritism.

All corrupt actions are aimed at illegal enrichment. The exceptions are favoritism, patronage, and so on. These types of corruption are not prominent, as they are pretty difficult to prove. The negative consequences of corruption are that decent specialists cannot access the administrative structure. Their potential remains untapped, while others, holding potential positions and having relations with management or are profitable, automatically create an environment for corruption to flourish.

Corruption, of course, harms the economy because the state budget is irrationally wasted. The study focused on some manifestations of corruption that have found their reflection in Ukraine, among them bribery, extortion, embezzlement, conflict of interests, nepotism, and patronage.

International standards

In the late 90s, The Council of Europe created an international organization for effective anti-corruption (GRECO). United by a single goal, the group of States resorts to a comprehensive analysis and monitoring of compliance with the standards of the Council of Europe in the field of anti-corruption measures. This makes it possible to improve anti-corruption methods in the countries-members of this organization. Thus, Ukraine is a member country of GRECO. Unfortunately, back in 2010, according to GRECO reports, the country's performance indicators in the fight against corruption were critically negative.

The UN Convention against Corruption entered into force in December 2005 and became the fundamental anti-corruption agreement applied globally. States have assumed obligations to "promote and strengthen measures to prevent and combat corruption more



effectively and efficiently. » These measures contribute to developing national legislation, information cooperation, and anti-corruption standards. (Konventsiiia OON, 2007).

The Council of Europe's Criminal Law Convention on corruption, specifically Article 25 – General principles and measures for international co-operation indicates that the parties that have adopted the Convention will cooperate wholeheartedly within the framework of agreements regarding criminal offenses.

The OECD Convention on Combating Bribery of Foreign Public Officials in international business Transactions - is a global tool to combat official venality. Thus, according to this document, it is recommended to apply criminal and administrative sanctions to combat bribery since the presence of only administrative measures may be ineffective.

Nevertheless, the punishment must be proportionate to the crime. As punishment for bribing foreign public officials, the proposed document proposes extradition as a supplemental measure of punishment for the misconduct of an official. In this case, the Convention itself will serve as the legal basis for the measure stated above.

The Convention also clarifies the difference between the concepts of "active bribery" and "passive bribe", where active bribery means a crime committed by a person who promises or gives a bribe, and passive is the commission of a crime by a person with official powers - the receiving party.

The international document has clearly defined no victim side to bribery; two subjects are always to blame. (OECD Convention, 2019).

In "The OECD Good Practice Guidance on Internal Controls, Ethics, and Compliance" combating bribery recommendations for identifying and preventing this phenomenon is stated. This guide indicates that for anti-bribery methods and programs to show their effectiveness, they must be interconnected with a standard system of regulatory requirements.

The manual is advisory (optional) for use in organizations and is primarily intended for international companies as an ethical guide, but can be adapted for any organization following individual characteristics.

The document lists the forms in which bribery can manifest itself, including:

- i) gifts;
- ii) hospitality, entertainment, and expenses;
- iii) customer travel;
- iv) political contributions;
- v) charitable donations and sponsorships;
- vi) facilitation payments;
- vii) solicitation. (OECD Good Practice, 2010).

A separate document that has been distributed internationally has become "The International Anti-Bribery Standards 37001", which allows companies to implement an effective anti-corruption management system. The standard is universal and applicable to any organization regardless of its integration into the management system. It contains requirements and guidelines for implementing and improving the management system in anti-corruption issues.

In studying the issue of regulatory regulation and recommendations for improving anti-corruption legislation and effective management, the document *The OECD Guidelines for Managing Conflict of Interest in the Public Service* also aroused interest since conflicts of interest are one of the most common corruption phenomena, which concerns society and the government as a whole. One of the reasons for the appearance of such a phenomenon is that Management defines new forms of interaction between the public and private sectors. As a result, there are risks of the predominance of personal interests of individual officials in its public functions. The Management also points out that the concept of conflict of interest cannot be identified with the idea of corruption; they relate instead as part and whole or as cause and effect. The existence of private interests may not entail a corrupt action. It can be resolved through administrative measures, while corruption entails quite specific consequences and has a normative consolidation in legislation (in this case, we are talking about Ukraine).

A significant resource on the way to overcome corruption in Ukraine was the EU anti-corruption initiative (EAACI), funded by the EU and the Danish Agency for International Development (DANIDA) 2017-2020. One of the components of the program was the interaction of the media and civil society to increase transparency and awareness of citizens in matters of the state and local management processes, which can directly change under the influence of public participation.

National context

Earlier, we identified the most common types of corruption in Ukraine. The state has a positive experience in the fight against corruption, despite the existing opinion to the contrary. This is confirmed by the Corruption Perceptions Index, which shows that corruption rates have significantly decreased in recent years. It is also worth noting the presence of specific forms of corruption in Ukraine related to mentality and national psychology.

The National Anti-Corruption Bureau of Ukraine was established to combat corruption phenomena, the National Agency of Ukraine for the Prevention of corruption, and a specialized anti-corruption prosecutor's office. These bodies monitor compliance with anti-corruption legislation, identify violations, and initiate bringing corrupt officials to justice.

According to the media, assessing the effectiveness of the bodies created to combat corruption in Ukraine, in 2008, the NABU received 234 appeals from public organizations with information about corruption manifestations. This testifies the effectiveness and public confidence in anti-corruption structures and the institute's development of "denunciators" an innovation of Ukrainian legislation. However, the new approach was perceived with distrust.

In developed countries, persons notifying about corruption are called informants (or whistleblowers).

The public attitude towards whistleblowers in Ukraine remains ambiguous today because the person is perceived as a "snitch." However, a whistleblower is a person who conscientiously reports on the facts of corruption offenses. According to Article 53 of the law of Ukraine, "On prevention of corruption," a person who assists in preventing and combating corruption (whistleblower) is a person who, if there is a reasonable belief that the information is reliable, reports a violation of the requirements of this law (on prevention of corruption). Article 33 of the UN Convention Against Corruption describes a whistleblower as a person who, in good faith and on reasonable grounds, notifies the competent authorities of any facts related to crimes under this convention. (Konventsiiia OON, 2007)

Bribery is an illegal remuneration of a material nature, that is the aim of a bribe is

exclusively material in nature. They can be property (money, secular values), the right to property (documents granting the right to receive the parcel), any actions of a property nature (transfer of property benefits, gratuitous provision of property services, etc.)

The law of Ukraine "On prevention of corruption" contains the concept of "illegal benefit" - money or other property, benefits, benefits, services, intangible assets, or any other benefits of a supernatural or supernaturally nature that are promised, offered, provided, or received without legal grounds. (Pro zapobihannia koruptsii, 2014)

The previous version of the criminal legislation contained the concept of "bribe"; however, taking into account the current version of 04.10.21, the idea of illegal benefit remains, which eliminates the discrepancy between the current legislation regarding the definition of a corrupt act. The Criminal Code notes that this crime can be committed in such forms as accepting an offer, promising to provide it, receiving it, or requesting it. In general, articles 368-370 of the Criminal Code are related to bribery. In general, the presence of two elements of a crime (receiving a bribe and giving it) in Ukrainian legislation fully meets the requirements.

The OECD Convention on Combatting Bribery of Foreign Public Official in international business transactions.

In the cited literature, Bribery is defined as a crime related to the commission or non-commission of appropriate official actions for remuneration in the form of money or services of a material nature, the acquisition of property benefits, which is similar to the definition of corruption is generally the law of Ukraine "on the Prevention of corruption."

Extortion is the persuasion, request, or pressure by a person with official authority to obtain benefits as a prerequisite for compliance with the legitimate rights and interests of the party. Extortion can be carried out both in the form of a direct demand and indirectly.

This type of corruption peculiarity is that the person who demands an illegal benefit is necessarily an official. There were obvious signs of creating circumstances that left the second party no choice but to give a bribe.

In Ukraine, until 2010, the issue of corruption in the judicial branch of government was very



acute, where the restoration and preservation of violated rights and freedoms were taken as an idea.

In 2018, the authors of the German publishing house *Suddeutsche Zeitung* also highlighted the problem of corruption in the Ukrainian customs, where insufficient customs control and habits of circumventing the law in the personal interests of an official (we are talking about extortion), thereby depriving the country's budget of the lion's share of the revenue.

Embezzlement in the embezzlement of public funds is quite a widespread problem among civil servants in Ukraine. Most often, this problem is encountered during public procurement. As already mentioned, the ProZorro platform was created as a counteraction tool. Based on open data (Indicators, 2022) analytics 20-21 years, since the introduction of simplified procurement in 2020, the state has managed to save 4.2 billion hryvnias. It is thought to be the platform. Mandatory electronic bidding eliminates the possibility of abuse of public funds during significant purchases in the addition, it allows bidders to choose the best supplier option with the best price.

The peculiarity of this type of corruption is that an official or organization is assigned fiduciary assets, which as a result, are appropriated or used for other purposes. So, embezzlement is the theft of assets by abusing an official position and trust.

However, embezzlement is possible not only in terms of Public Procurement. Thus, fraud with loans and credits provided by foreign organizations by falsifying financial statements, and covering expenses of third-party legal entities and individuals at the cost of bounds, are also considered methods of embezzlement of public funds.

The Criminal Court of Cassation, in its decision of 26.09.2020 in case No. 442/1862/19, explained that embezzlement implies deliberate illegal and gratuitous spending (consumption, sale, gratuitous transfer, exchange, transfer to repay a debt, etc.) of someone else's property entrusted to him or under his jurisdiction. A unique sign of embezzlement is a self-serving motive, the intention to enrich yourself or illegally enrich other persons in whose fate the perpetrator is interested.

The law of Ukraine "On prevention of corruption," highlights the potential and

actual conflicts of interest. To understand the essence of a conflict of interest, it is necessary to understand what a conflict of interest is in general. This is a situation in which an official while performing his professional duties, has a personal interest, which will not necessarily lead to an illegal act but can potentially lead to such consequences.

The legislation of Ukraine defines personal interest as any interest of a person caused by family, friendly or other off-duty relations with other persons, including private property and non-property interests, as well as those arising in connection with the activities of a person not related to the performance of state or local government functions in public, religious or other organizations. (Pro zapobihannia koruptsii, 2014)

Disciplinary, civil, administrative, and criminal liability are provided to prevent the negative consequences of a conflict of interest. Disciplinary responsibility consists of measures to ensure the resolution of a conflict situation before the onset of legally significant results, the crime prevention. Administrative, civil, and criminal liability is applied if there are lawfully substantial consequences. For example, administrative and legal liability includes a fine, deprivation of the right to hold certain positions or engage in certain activities for a certain period, depending on potential, an actual conflict of interest, and the presence of administrative penalties during the year on the same grounds.

In the aspect of criminal liability, a conflict of interest can manifest itself in the form of abuse of power or official position or acceptance of an offer, promise, or receipt of an illegal benefit by an official.

As a rule, official powers are defined in job descriptions and employment contracts. In Ukraine, advanced training, explanations, and training are also conducted, which explain to civil servants and authorized persons how to act in a conflict of interest and the procedure for resolving situations related to the presentations between private interests and official duties.

Nepotism is usually a manifestation of favoritism of an authorized person about the distribution of positions in favor of relatives or close friends. Although the attitude towards nepotism is different and can be found in almost all countries, in Ukraine, the mentality is such



that nepotism is not perceived as unfavorable. Nevertheless, hiring relatives with really high-quality qualifications is one thing, but giving preference when forming a team to relatives because of a blood connection while ignoring the availability of qualified personnel, is quite another.

Nepotism uses an official position to obtain undue benefits for a family member or friend. Nepotism in its manifestations leads to public authorities turning into a family business and creating an environment for corruption to flourish.

Patronage is similar by nature and also means the use of one's official position to give advantages to a specific person or group of persons. According to its characteristics, it is always found in theory next to cronyism and nepotism. In Ukraine, patronage is habitually viewed in personal relationships at work, the boss-subordinate model. Since personal relationships in working conditions tend to develop according to the standard scheme of development-decline-termination, patronage can have difficult consequences for the team. The moral side of the issue relates to the ethical sphere. Still, the presence of personal interest and the goal of obtaining benefits, which may result in corruption, entails global problems. In the context of patronage, the gender issue and the issue of harassment are very often considered. A problematic aspect is the difficulty of proving the presence of trade since this type can be defined as implicit corruption.

Conclusion

Having analyzed and studied modern research on the state of development of anti-corruption methods, we determined that E-gov, by its nature, includes an aspect of combating corruption manifestations. But by giving an impetus to the development of this direction, the government thereby opens the way to the risks associated with the use of developed technologies in government structures.

One of the conditions for successful integration of concepts is the level of trust of citizens in technologies and innovations offered by the government as services. Even with complete confidence in the security of, for example, government websites, the government should pay attention to the issue of cybersecurity, since the risk of spreading personal information deters many citizens from

interacting with new technologies, preferring to use the old format of interaction related to document management.

The second negative aspect manifests in the practicality of introducing new technologies that supposedly increase transparency and reduce corruption risks. Opponents of E-gov note that the clarity of the government with the help of mass media and social networks is very doubtful from the position that the government itself controls these areas. But, as noted in work, the volume of information flows dramatically complicates the possibility of total control for the government. Suppose social media can work to help government structures create a positive role. In that case, mass media aim to increase transparency and inform citizens about the actual state of things.

Public administration bodies in Ukraine are most susceptible to corruption deformation since authorized persons have the power to make decisions on issues related to their strengths. This becomes a cornerstone in the aspect of the formation of the country's corruption background. The very possibility of choosing between personal interests and state interests presupposes the presence of a human factor that seeks to gain benefits. As a result, corruption acquires forms of manifestation, even considering new combating and automating processes.

Nevertheless, within the framework of the E-gov concept, it is logical to gradually introduce electronic services and platforms for interaction between government and citizens to minimize the human factor in decision-making and accelerate the provision of services. The effectiveness of fighting these methods against corruption is confirmed not only by analytical studies but also by the change in the level of trust of citizens in government structures, which is manifested in the desire of citizens to develop civil society and take part in policy formation. Governments create a favorable environment for comfortable, new, and high-quality interaction by improving the ICT infrastructure.

Another method of fighting corruption offered by the international community is high-quality administration (management) in government structures. The principles of work reorganization and education of a civil servant with a new format of consciousness are



represented by the concept of good governance, which in Ukraine is gradually integrated.

The creation of a qualitatively new consciousness of a civil servant can help to combat implicit forms of corruption, such as conflicts of interest or patronage since their presence depends precisely on the awareness of the authorized person of his obligations to the state and the conscious disposal of the power that is within his authority.

No process can do without high-quality regulatory support. Ukraine is gradually improving its legislation following the requirements of international agreements for the most effective implementation of changes and ensuring the rights of citizens. The speed and effectiveness of these processes depend on many factors, not excluding financial, so it is impossible to assess the success of the implementation of concepts based on the rapidity of changes.

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