

Combating corruption in the public sector: international legal standards and their implementation in the legislation of Ukraine

Oksana Vaitsekhovska

Department of European Law and Comparative Law, YURIY FEDKOYCH
CHERNIVTSI NATIONAL UNIVERSITY

Nataliia Iakymchuk

Department of Financial Law, TARAS SHEVCHENKO NATIONAL UNIVERSITY OF
KYIV

Yuri Shchokin

Department of European Union Law, YAROSLAV MUDRYI NATIONAL LAW
UNIVERSITY

Nataliia V. Vorotina

Department of Problems of Public Administration and Administrative Law, V.M.
KORETSKY INSTITUTE OF STATE AND LAW OF THE NATIONAL ACADEMY OF
SCIENCES OF UKRAINE

Nataliia M. Korchak

Department of Public Administration, TARAS SHEVCHENKO NATIONAL
UNIVERSITY OF KYIV

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Abstract

Nowadays, one of the reasons for the ineffective fight against corruption in the budget system is certain discrepancies and inconsistencies between the legal components of the mechanism for countering this anti-social phenomenon. The lack of a clear definition of the limits of competence of participants in the budget process, discretionary powers in the distribution and expenditure of budget funds, conflicts in budget legislation, and the lack of real competition in the field of public procurement clearly form the main corruption risks for all participants in these legal relations. The purpose of the study was to analyse the international legal mechanisms for combating corruption and find ways to implement them in Ukrainian legislation. The development of the national anti-corruption policy of Ukraine in the public sector as a subject of international anti-corruption law is determined by a number of the following national and external factors: 1) Ukraine's accession to the universal and regional conventions on combating corruption, compliance with which constitutes the main prerequisite for Ukraine's entry into the global space; 2) Ukraine's implementation in national legislation of anti-corruption international standards developed by international intergovernmental and non-governmental organisations; 3) adaptation of national legislation to European standards within the framework of the signed association agreement between Ukraine and the EU of 2014; 4) cooperation of Ukraine with international organisations, within which the international anti-corruption policy is developed and formed; 5) activities in the field of combating corruption of international non-governmental organisations, among which Transparency International constitutes an important element of the legal mechanism of the international anti-corruption legal order; 6) Ukraine's international anti-corruption obligations to international financial institutions; 7) Ukraine's participation in international conferences and summits on anti-corruption issues; 8) Ukraine's cooperation with other states in providing relevant bodies of foreign states and receiving information on preventing and combating corruption; 9) national historical and political factors.