

UDC 316.33: 305

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**PORTFOLIO OF UKRAINE'S ABILITY TO PREVENT AND COMBAT
CORRUPTION UNDER INFLUENCE SYNERGIES OF HISTORICALLY
FORMED CONDITIONS AND COVID-19 PANDEMICS**

The article focuses on the most painful problem of Ukraine, which has been threatening for years, as its progressive socio-economic and legal development, and also its economic and territorial security of the country is corruption, because due to its high density, reaching a singular level, the "black hole" effect appears, due to its growth, prosperity and security of the country are distorted and become the opposite phenomena - decline, impoverishment and danger. It is emphasized that spreading in

Ukraine over a long historical period, corruption has simply "grown" into the socio-economic and political processes of the country. It has been proved that when the decision the further development of the country was made, people's deputies, first of all, should decide on the vectors and tools to prevent and combat corruption, what is possible given the condition and possession of a clear idea of Ukraine's portfolio of ability to prevent and combat corruption. It was stated that according to the results of the Corruption Perceptions Index-2020 rating from Transparency International, Ukraine has not overcome the limit of "corruption shame". The dynamics of Ukraine's position in the Corruption Perceptions Index rating is analyzed. Progress in preventing and combating corruption in Ukraine has been found to be too slow, threatening the country's security. It was emphasized that the Anti-Corruption Strategies of previous years and the State Programs for their implementation envisaged that Ukraine would reach the average European values for SRI within a decade, however, despite their high anti-corruption potential, they could not be fully implemented. A comparative analysis of the state of anti-corruption during 2017-2019 was performed. It was stressed that Ukraine's biggest problem is corrupt courts and the government's unwillingness to undertake real judicial reform. The level of inevitability of both criminal and administrative liability is rather low. It is proved that Anti-Corruption Strategies and State Programs for their Implementation without clearly defined long-term guidelines, as well as vectors for preventing and combating corruption lead to chaos. Small, uncoordinated steps only deplete the country and do not bring the expected results of society in terms of its economic growth, growth of welfare and enrichment of the nation.

Key words: *corruption, prevention of corruption, counteraction to corruption, corruption shame, patronage policy of the government*

Formulation of the problem in general. The article focuses on the most painful problem of Ukraine, which has been threatening for years, as its progressive socio-economic and legal development, and also its economic and territorial security of the country is corruption, because due to its high density, reaching a singular level, the "black hole" effect appears, due to its growth, prosperity and security of the

country are distorted and become the opposite phenomena - decline, impoverishment and danger. [1, p.37].

Spreading in Ukraine over a long historical period, corruption has become so ingrained in socio-economic and political processes that even billions of dollars invested by foreign donors have not helped to create the institutional basis for positive change and a strong law rule. Due to inaction at the top levels of government and impunity for corruption, corruption has still a phenomenon occupied a dominant position in the country, as evidenced by the manifestations of deep economic and political crisis, lack of significant progress of reforms, as well as stable inequality in the distribution of national income, which led to the disappearance of the middle class as such and the emergence of a class of impoverished population [1, p.41]. Such are the realities anti-corruption make progressive development of Ukraine impossible, because, as noted by N. Abrams and M. Fish [2], it makes no sense to invest capital in the economic and social development of a country where the problem of corruption is not solved. After all, under such conditions, investments will simply be stolen by a few, but influential clans of the political elite [1, p.42]. Therefore, when deciding on the further development of the country, it is necessary to first determine the vectors and tools prevention and counteraction of corruption, which we consider possible provided that we have a clear idea of the portfolio of Ukraine's ability to prevent and combat corruption with the synergy of historically formed conditions and conditions of emergencies, in particular, the COVID-19 pandemic.

Analysis of recent research and publications has shown that for a long time neither the government nor scientists and practitioners have been left indifferent to the issues of preventing and combating corruption. In particular, the works of Krushelnytska T., Matveeva O., Nonika V. and others. scientists focus on the substantive component of the concept of "corruption", its signs and types, its evaluation, on the change of positions of countries in the international ranking of the Corruption Perceptions Index and factors of influence, on the vectors of preventing and combating corruption, etc. On the other hand, researchers assess corruption only by the level of its perception by business and the public, while economic estimates of

the losses from corruption and, consequently, the gains from overcoming it are still ignored, which significantly complicates the formation of a clear idea of Ukraine's ability to prevent and combat corruption, and hence the definition of principles, vectors and tools of the country's Anti-Corruption Strategy, which, in our opinion, is what needs further research.

This article is a comprehensive study of the portfolio of Ukraine's ability to prevent and combat corruption in the synergy of historically established conditions and conditions of emergencies, in particular, the pandemic COVID-19.

Presentation of the main material of the study with a full justification of the obtained scientific results. Ukraine, having huge reserves of natural resources, still acquires the status of a raw material appendage, a technologically backward country, a country on the periphery of economic development. The Ukrainian economy has been growing by only 2 in recent years- 3% per year, while world economic growth is 3.7- 3.9%, in developing countries - an average of 4.8- 5.0%, in some countries - 8- 10% [3]. With such dynamics of economic growth, Ukraine risks falling behind the world forever [4, p.11], which is a significant threat to the country's security and welfare. **nation**. The reason for this is primarily that corruption deeply rooted in various spheres of life and became an organic element of social relations [4, p.7].

According to the results of this year's ranking according to the Corruption Perceptions Index-2020 from Transparency *International*, Ukraine has not overcome the limit of "corruption shame" and once again found itself on a par with such countries as African Esvatini, Nepal, Sierra Leone and Zambia (ie ranked 117th out of 180 countries studied) [4]. However, some progress has been made in preventing and combating corruption in Ukraine. According to the change in the country's position in the Corruption Perceptions Index, it is even significant, because in 2020 compared to Last year, Ukraine rose by 9 positions, ie from 126 in 2019 to 117 in 2020 (Table 1).

Table 1. Dynamics of Ukraine's position in the ranking of the Corruption Perceptions Index [5, 7-16]

Country	Years
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	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Ukraine	152	144	144	142	131	131	130	120	126	117

Instead, at the ball evaluation (as Ukraine lost 2 points in 2019) since 2018, the situation has actually changed by only 1 point - from 32 to 33. Therefore, we have reason to state that progress in prevention and counteraction of corruption in Ukraine is, but too slow.

According to the Anti-Corruption Strategies of previous years and the State Programs for their implementation, it was expected that Ukraine would reach the average European values according to the Corruption Perceptions Index within a decade. However, despite their high anti-corruption potential, they have not been fully implemented, primarily due to:

Ukraine's long stay (during 2014–2019) in the period of bifurcation - development of anti-corruption institutions, namely the creation of: NAPC, NABU, SAP, ARMA, DBR and YOU;

gradual loss of relevance of Anti-Corruption Strategies due to their untimely revision and updating;

untimely adoption at the end of the period of the Anti-Corruption Strategy for 2014–2017, a new anti-corruption strategy, which led to unbalanced and inefficient activities of anti-corruption institutions and institutes [4, p.7].

However, even with the now almost complete set of anti-corruption institutions and institutions modeled on successful countries, Ukraine still continues to live by informal (in terms of legislation, corruption) norms. For the decisive prevention and counteraction of corruption "Political will" is needed, but the interests and informal relations of "patronage policy" dominate in the politics of Ukraine, which prevent overcoming the outlined problem [4, p.82].

Attempts to fight corruption only through the creation of institutions and institutions in the future will remain ineffective because the underlying factors of these social behavioral destructions remain. So, according to law enforcement reports on the state of anti-corruption [17] during 2017-2019 launched an investigation of

almost 10 thousand criminal proceedings for corruption crimes, based on the results of which more than 8 thousand criminal proceedings were sent to court with an indictment or a petition for application coercive measures (Table 2). At the same time, the established amount of damages caused as a result of corruption crimes amounted to over UAH 29 million, of which only 15% (namely UAH 1943.4 million) was reimbursed to the state.

Table 2 - Information on the state of anti-corruption during 2017-2019 [18-20]

Indicator	Years		
	2017	2018	2019
Pre-trial investigation of criminal proceedings has been initiated (continued) in the reporting period	2836	3244	3756
Criminal proceedings were sent to the court with an indictment or a request for the application of coercive measures	2051	2796	2888
Number of accused persons in criminal proceedings	2411	2608	2437
The established amount of material losses, UAH million.	16329.5	5476.5	7254.7
Losses reimbursed, UAH million	312.5	601.5	1029.4

The state of consideration by courts of criminal proceedings opened on the grounds of committing corruption or corruption-related crimes is characterized by the data given in table. 3.

Table 3. Information on criminal proceedings considered by courts, opened on the grounds of committing corruption or corruption-related crimes [20, p.170]

Article CC	Total			Sentences were passed					Proceedings in the case are closed				
	2018	2019 p.	2019 / 2018,, (%)	2018 p.	% sentences 2019	%	2019 / 2018,, (%)	2018	% closed in 2018	2019	% closed in 2019	2019/2018 (%)	
159-1		2				1	50			1	50		
160	6	4	67	3	50	4	100	133	2	33		0	0
191	851	893	105	479	56	524	59	109	194	23	170	19	88
206-2	4	7	175	3	75	4	57	133		0	1	14	

209	47	62	132	21	45	25	40	119	2	4	4	6	200
209-1		2					0					0	
210	2	1	50	1	50	1	100	100	1	50		0	0
354	23	35	152	21	91	26	74	124	1	4	7	20	700
364	118	145	123	34	29	33	23	97	43	36	59	41	137
364-1	39	27	69	15	38	10	37	67	8	21	10	37	125
365-2	9	9	100		0		0		3	33	2	22	67
366-1	642	460	72	55	9	55	12	100	574	89	389	85	68
368	434	422	97	323	74	258	61	80	7	2	43	10	614
368-2	1	5	500		0	1	20			0	1	20	
368-3	20	32	160	16	80	29	91	181	1	5	1	3	100
368-4	20	12	60	thirte en	65	7	58	54	5	25	1	8	20
369	331	562	170	290	88	502	89	173	18	5	16	3	89
369-2	211	182	86	185	88	157	86	85	10	5	4	2	40
410	38	25	66	31	82	22	88	71	4	11		0	0
Togeth er	2796	2888	103	1490	53	1659	57	111	873	31	709	25	81

Table data 3 convincingly testifies that the number of criminal proceedings considered by the courts in 2018-2019 is in the range of 2800-2900 proceedings per year, ie accompanied by a small amplitude of fluctuations. At the same time, the share of criminal proceedings in which the courts passed sentences in 2018 and 2019 was 53% and 57%, respectively (of the total number of proceedings considered by the courts). In general, in 2019, the number of criminal proceedings in which the courts passed sentences increased compared to 2018 by 11% and amounted to 1659 proceedings [20, p.179]. Instead, the percentage of closed cases in 2019 in comparison with the previous year decreased by almost 20%. That is, almost 25% of the total number of criminal proceedings filed in court on the grounds of committing corruption or corruption-related crimes were closed.

Number of persons convicted of committing corruption or corruption-related crimes according to the National Report on the Implementation of the Principles of Anti-Corruption Policy in 2019 year increased by 129 people or 10% and amounted to 1479 people, against 1350 people in 2018 (Table 4).

Table 4. Information on persons in cases with completed courts of criminal

**proceedings opened on the grounds of corruption or corruption-related crimes
[20, p.173]**

Article of the Criminal Code of Ukraine	Convicts		2019 / 2018 (%)	Justified		2019 / 2018 (%)	The proceedings are closed		2019 / 2018 (%)
	2018	2019		2018	2019		2018	2019	
159-1		1						2	
160	5	1	20	1	3	300	2		0
191	451	479	106	40	73	183	217	166	76
206-2	3	4	133					1	
209	19	21	111	4	7	175	1	12	1200
210	2	1	50				1	1	100
354	24	29	121		1		1	7	700
364	9	9	100	18	22	122	50	55	110
364-1	thirteen	10	77	3	1	33	9	10	111
365-2	1		-				5	4	80
366-1	46	51	111	7	6	86	557	376	68
368	241	176	73	86	92	107	8	38	475
368-2								1	
368-3	9	22	244	3	7	233	1	1	100
368-4	9	4	44	4	3	75	5	1	20
369	282	495	176	thirteen	25	192	18	19	106
369-2	201	155	77	thirteen	15	115	10	8	80
410	35	21	60		1		2		-
Together	1350	1479	110	192	256	133	887	702	79

The actual number of acquitted persons in criminal proceedings opened on the grounds of committing corruption or corruption-related crimes in 2019 increased by 33% compared to 2018, and amounted to 256 people. At the same time, the actual number of persons against whom criminal proceedings are closed, in 2019 decreased by 21%, ie to the level of 702 people [20, p.173].

The state of consideration by courts of administrative offenses on the grounds of corruption is characterized by the data given in table. 5.

Table 5. Information on the administrative offenses considered by the

courts on the grounds of corruption [20, p.175]

Article КУпАП	Received cases		2019/2018 (%)	Cases returned		2019/2018 (%)
	2018	2019		2018	2019	
172-4	63	49	77	9	6	66
172-5	22	28	127	6	4	66
172-6	8731	9770	112	944	911	96
172-7	1004	666	66	332	127	38
172-8	10	2	20	1		-
172-9	3	4	133	1		-
188-46	63	101	160	19	16	84
212-15	231	1 030	446	63	216	343
212-21	253	320	126	83	58	69
Together	10380	11970	115	1458	1338	92

Table data 5 shows that in 2019 the courts received 15% more cases compared to 2018, which is primarily due to the election campaigns in 2019 (the number of cases under Article 212-15 of the Administrative Code of Ukraine increased by 27%). However, the vast majority of cases filed with the court are cases under Art. 172-6 of the Administrative Code of Ukraine (violation of financial control requirements). Their share in the total number of cases in 2018 was 84%, and in 2019 - 82%.

There were some changes in the general structure of cases before the court:

-part of cases under Art. 172-7 of the Administrative Code of Ukraine decreased from 9.7% to 5.6 %%;

-part of cases under Art. 212-15 Administrative Code of Ukraine increased from 2.2% to 8.6% [20, p.177].

The number of returned cases in 2019 decreased by 8% and amounted to 1338 cases. The reason for the return of sleep, first of all, it is necessary to recognize the satisfactory quality of preparation of administrative materials.

In cases of administrative offenses on the grounds of corruption in 2019, 10,765 people were prosecuted, which is 30% higher than in 2018 (Table 6).

Table 6. Information on court decisions regarding persons in respect of whom cases of administrative offenses were considered on the grounds of

committing corruption [20, p.178]

Article КУпАП	Total number of persons		2019 / 2018 (%)	Administrative penalty imposed (number of persons)		2019/2 018 (%)	The decision was made to close the case (number of persons)		2019/2 018 (%)
	2018	2019		2018	2019		2018	2019	
172-4	55	42	76	16	10	63	39	32	82
172-5	18	26	144	4	5	125	14	21	150
172-6	7 262	9 100	125	3 814	4 556	119	3 448	4 544	132
172-7	632	540	85	227	109	48	405	431	106
172-8	10	2	20	4	1	25	6	1	17
172-9	2	4	200	1	1	100	1	3	300
188-46	37	83	224	10	14	140	27	69	256
212-15	121	755	624	36	120	333	85	635	747
212-21	141	213	151	24	55	229	117	158	135
Together	8 278	10 765	130	4 136	4 871	118	4 142	5 894	142

Table data 6 shows that the level of inevitability of administrative liability and penalties for corruption-related offenses remains quite low. Thus, the share of persons to whom administrative penalties were applied, in relation to persons in respect of whom such cases were considered, in 2018 it was 50%, and in 2019 - 45%. The number of persons in respect of whom a decision was made to impose an administrative penalty in 2019 increased compared to 2018 by 18% [20, p.178]. At the same time, the number of persons in respect of whom the decision to close the case was made increased by 42% and reached the level of 5894 cases, of which more than half of such cases, namely 52%, were closed due to the expiration of the administrative penalty established by Art. 38 of the Administrative Code of Ukraine and almost 46% of cases are closed due to the absence of an event or composition of an administrative offense. And only 2% of rights are closed by courts in connection with insignificance of action, that is using the mechanism provided by Art. 22 of the Administrative Code of Ukraine [20, p.119].

These percentages of closing cases attract attention, and therefore, we will focus on their study, in particular, on the example of cases involving conflicts of interest.

Detailed information on the category of persons for whom NAPC protocols were drawn up in 2019 is given in Table 7.

Table 7. Categories of persons for whom the NAPC in 2019 was drawn up administrative protocols related to conflicts of interest [20, p.119]

Category of persons against whom a report was drawn up	Number protocols
Deputy Ministers	3
People's Deputies of Ukraine	29
Deputies of local councils, village, settlement, city mayors	232
Civil servants, local government officials	60
Judges, officials of the GRP Secretariat, officials of the SJA of Ukraine	7
Persons of the rank and file and senior staff of the state penitentiary service	1
Officials and officials of the prosecutor's office, the Security Service of Ukraine	6
Police	3
Officials and officials of other state bodies	4
Officials of legal entities under public law	201
Other people	1
Together	547

Speaking about the consideration of the relevant administrative materials by the courts, it should be noted that as of 31.12.2019:

-364 such cases, which is almost 67%, were closed by the court (of which 167 slept closed in the absence of events and the composition of the administrative violation, 152 - after the expiration of time (without guilt and the composition of the administrative offense), 36 - after the expiration of time) establishment of guilt and composition of an administrative offense) and 9 - for insignificant acts);

- in 122 cases, which is only 22%, persons were found guilty with the imposition of an administrative penalty;

-57 cases (10%) were pending in courts;

-in 4 cases (1%) other decisions were made [20, p.119].

As we can see, the share of cases closed by courts is catastrophically large (2/3

of the total number of cases) and such that indicates the overall low efficiency of state institutions in ensuring the inevitability of administrative liability for violations of rules and restrictions (Fig. 1). Law of Ukraine "On Prevention of Corruption" of 14.10.2014 under №1700-VII [21].



Fig. 1. Reasons for closing cases of administrative offenses related to corruption during 2018-2019

Source: [20, p.179-180]

Thus, we come to the conclusion that Ukraine's biggest problem is corrupt courts and the government's unwillingness to undertake real judicial reform. The prevalence of corruption in the country in 2019 alone led to significant losses and damage, amounting to more than 50 billion UAH. (Table 8).

Table 8. Information on the amount of damages and damages caused by corruption and corruption-related offenses, the status and amount of compensation in 2019 [20]

Indicator	Sum
National Police of Ukraine	
The established amount of material losses, UAH million.	1101
Damages reimbursed: UAH million	280.7
The value of property collected in favor of the state, UAH million	110.7
Cost of withdrawn cash, securities, foreign currency, etc., UAH million	19.8
National Anti-Corruption Bureau of Ukraine	

The established amount of material losses, UAH million.	3153.7
Damages reimbursed: UAH million	106.7
The value of property collected in favor of the state, UAH million	0.1
Cost of withdrawn cash, securities, foreign currency, etc., UAH million	601.5
Prosecution authorities	
The amount of material losses, UAH billion.	48.8
Damages reimbursed: UAH million	20.1
The value of property collected in favor of the state, UAH million	0.3
Cost of withdrawn cash, securities, foreign currency, etc., UAH million	-
National Agency for the Prevention of Corruption	
The amount of material losses, UAH billion.	*
Damages reimbursed: UAH million	*
The value of property collected in favor of the state, UAH million	0.3
Cost of withdrawn cash, securities, foreign currency, etc., UAH million	-

** the information has not been made public*

In this case, compensation for damages and damage caused by the commission corruption or corruption-related crimes, as well as administrative offenses related to corruption in 2019 barely approached 4%.

The Ukrainian government regularly reports on the state and achievements in the fight against corruption, but in most cases it is a question of formal quantitative indicators of monitoring the implementation of anti-corruption programs and the state of implementation of recommendations of international organizations.

In general launching The Supreme Anti-Corruption Court has completed the chain of creating anti-corruption infrastructure in Ukraine, but COVID-19 has prevented the completion of all positive anti-corruption changes. Instead, the worst thing for Ukraine was that the corona crisis brought back the old schemes that had already been overcome. Thus, it is for the sake of illusory growth of economic indicators that the government and people's deputies are trying to make changes in the legislation and introduce localization in public procurement, which, according to research experts, drives the domestic economy into a dead end and contradicts Ukraine's international obligations. This situation is even more complicated crisis constitutional justice, accompanied by the inability of the state

leadership to overcome it quickly. Thus, after the Constitutional Court of Ukraine adopted a "scandalous decision" and declared unconstitutional key achievements of anti-corruption reform (in particular, the CCU closed the public register of declarations, abolished criminal liability for lying in declarations, and disciplinary and administrative liability became impossible for practical application) society.

Unsystematic and uncoordinated steps only exhaust everyone and do not bring the expected results of society. Even the high overall activity of protests and strengthening the ability of the public to influence the social processes taking place around them is not able to quickly change the situation and strengthen the image of Ukraine as a democratically strong rule of law.

Conclusions. As follows, we have come to the conclusion that the lack of a clear idea of the portfolio of Ukraine's ability to prevent and combat corruption leads to point actions focused on a quick result, where this quick result is a priori impossible to achieve. Anti-corruption strategies and state programs for their implementation without clearly defined long-term guidelines, as well as vectors for preventing and combating corruption has led to chaos. Small, uncoordinated steps only deplete the country and do not bring the expected results of society in terms of its economic growth, growth of welfare and enrichment of the nation. And another sad fact, although Ukrainians are tired of corruption, it is extremely difficult for them to systematically counteract and adhere to anti-corruption rules of conduct in order to change the situation.

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