

Anti-Corruption Legislation of Certain Member States of the European Union: Theory and Practice

Oleksii Tavolzhanskyi¹, Anatolii Shevchenko²,
Andriy Cherneha³, Yevheniia Minakova⁴ &
Liusia Mozhechuk⁵

Abstract

The article analyzes the anti-corruption legislation in certain countries of the European Union, namely Denmark, Sweden, the Federal Republic of Germany and Poland. The authors describe the peculiarities of Denmark's anti-corruption policy. The key components of Denmark's anti-corruption system are outlined, and the value of civil officials adhering to codes of integrity and ethical guidelines is emphasised. The anti-corruption legislation of Sweden and its features are analyzed. It is determined that there is no specialized anti-corruption body in Sweden, but a number of public organizations have been created that actively promote zero tolerance of corruption. It is determined that there is no special anti-corruption body in Germany, but the functions of combating corruption are performed by federal and state prosecutors. The authors analyze the anti-corruption legislation of Poland. The experience of EU anti-corruption strategy is universal and can be applied to strengthen Ukrainian anti-corruption legislation.

Keywords: corruption, anti-corruption legislation, anti-corruption body, anti-corruption policy.

1. Introduction

¹The author is an Associate Professor at the Department of Criminology and Criminal and Executive Law at Yaroslav Mudryi National Law University. Kharkiv, Ukraine. He can be reached at tavolzhanskyi8020@sci-univ.com

²The author is a Professor, Head of the Department of History and Theory of Law and State, and Constitutional Law at University of the State Fiscal Service of Ukraine, Irpin, Ukraine. He can be reached at shevchenko@edu-knu.com

³The author is an Assistant Professor at the Department of Public and Private Law, Faculty of Law and International Relations at Borys Grinchenko Kyiv University, Kyiv, Ukraine. He can be reached at cherneha8207@acu-edu.cc

⁴The author is an Associate Professor of the Department of General Law Disciplines at Dnipropetrovsk State University of Internal Affairs, Educational and Scientific Institute of Law and Innovative Education, Dnipro, Ukraine. She can be reached at kasyanenkoyv@ukr.net

⁵The author is an Associate Professor of the Department of Civil and Legal Disciplines at Dnipropetrovsk State University of Internal Affairs, Dnipro, Ukraine. She can be reached at luca.moshetschuk@ukr.net

Nowadays, one of the key issues in the civilised world is the adoption of a unified anti-corruption strategy that will successfully combine all international mechanisms for combating corruption offences at the international, European and local levels. The scale of corruption in the European Union is staggering, as the European Union spends about \$120 billion annually to fight corruption. The existence of corruption in the European Union is explained by many factors, including the consequences of the Soviet regime and economic transition. At the same time, the experience of the EU countries shows that the effectiveness of anti-corruption policy primarily depends on the systematic and openness of the provisions of legislation in the field of public administration. In view of this, the key problem of corruption in the EU countries is the diversity and inconsistency of anti-corruption legislation (Buriak, 2020; Osiejewicz, 2018).

The characteristics of successful anti-corruption mechanisms have been utilised by the European Union for a long time and can be researched. These include, first and foremost, publicity of the authorities, openness and transparency of decision-making procedures by public authorities, effective mechanisms of public control over the activities of the authorities, freedom of expression and independence of the media. That is why there is an objective need to study the experience of individual EU countries in preventing and combating corruption, which makes our study relevant (Suprun-Kovalchuk & Didenko, 2020; Beschastnyi et al., 2019; Inshyn & Moskalenko, 2018). Among other things, the experience of the European Union in fighting corruption is of great interest to Ukraine. This experience can be used in the practice of Ukrainian public authorities in developing anti-corruption measures, as well as in improving anti-corruption legislation, which will help reduce the risks of corruption in Ukraine.

Among other things, new changes are taking place in the anti-corruption sphere due to the extension of the quarantine and the introduction of martial law in Ukraine in connection with the armed aggression of the Russian Federation, as Ukraine officially became a candidate for membership in the European Union in 2022, which also requires changes in anti-corruption activities. These transformations require modernisation of the functions of anti-corruption bodies and creation of effective anti-corruption legislations, according to the study by Transparency International (Global Coalition Against Corruption), Ukraine has 33 points out of a maximum of 100 points in the Corruption Index in 2022. In 2021, Ukraine had 32 points in the index. As a result, Ukraine ranks 116th out of 180 countries. At the same time, Denmark is the leader of the ranking with the lowest level of corruption (first place), and Somalia has the highest

level of corruption (180th place)(Corruption perception index,2022; Leheza et al., 2022; Nalyvaiko et al., 2018; Holovkin et al., 2019).

Thus, Denmark, Sweden, and Germany are among the most progressive and successful countries in the European Union in the field of combating corruption. Denmark, Sweden, and Germany are among the top ten countries with the lowest levels of corruption according to the Corruption Perceptions Index in 2022, which is why they were selected for the study. Among other things, Poland's experience in fighting corruption is also important for Ukraine, as Poland has the highest Corruption Perceptions Index among all of Ukraine's neighboring countries, so it was also selected for the study.

Studying the anti-corruption legislation of individual EU countries is an urgent task for scholars, as such an analysis will allow taking into account the experience of legal regulation of anti-corruption institutions in the European Union when improving Ukraine's anti-corruption strategy, which has long been needed. In light of this, the goal of this study is to investigate the unique characteristics of anti-corruption laws in some EU nations, specifically Denmark, Sweden, Germany, and Poland, with a view to furthering the effective and pertinent anti-corruption strategy in Ukraine.

2. Literature Review

The study of the issue of fighting corruption, particularly the effectiveness of European Union anti-corruption law, is covered in a significant number of works in the scientific literature. The anti-corruption legislation of individual EU countries and its peculiarities are revealed in the works of the following scientists: S. Bogachenko (2017), K. Buriak (2020), O. Busol (2013), R. Hrechaniuk (2015), M. Gryga (2020), A. Guliyeva (2018), V. Demianchuk (Demianchuk, 2017a), Y. V. Demianchuk (Demianchuk, 2017b), I. V. Dragan (2015), D. Zabroda (2013), O. Kachurovskiy (2022), M. Kikalishvili (2019), T. Korniakova (2021), I. Korul (2014), Y. Maslova (2022), V. Neganov (2018), A. Prykhodko (2020), A. Rybak (2011), T. Suprun-Kovalchuk (2020), T. Suprun (2017), V. Trepak (2016), S. Tulchynska (2021), T. Khabarova (2019), N. Shamruk (2020), Y. Shvydkyi (2020), M. Shcherbak (2020), A. Yaroshenko (2020) and others.

A. Prykhodko focused on the study of certain peculiarities of the functioning of the anti-corruption policy of Denmark. N. Shamruk draws attention to the experience of Denmark and Sweden and concludes that there is a certain feature that contributes to reducing the level of corruption. These are the publicity of the authorities and the absolute rejection of corruption by the public. K. Buryak found that the EU countries

differ in their methods of combating corruption and identifies the main problem that causes the risks of corruption. That is the inconsistency of anti-corruption legislation. A. Yaroshenko, V. Laktionova and A. Buriak focused on the positive experience of states in combating corruption. The authors conclude that one of the effective ways to improve anti-corruption legislation is to ensure public participation in the fight against corruption and public opinion polls. The researcher analyses the experience of combating corruption offences in certain countries of the European Union, namely Sweden and Germany. Among other things, T. Khabarova examines the anti-corruption actions of certain EU countries with a view to applying this experience to Ukraine.

T. Suprun examines anti-corruption mechanisms for preventing corruption in individual countries. Also, M. Kikalishvili examines various models of strategies for combating corruption crimes. Y. Maslova analyses the role and tasks of the Specialised Anti-Corruption Prosecutor's Office as an institution for combating corruption, in particular in Germany. Y. Demianchuk compares the anti-corruption legislation of Ukraine and Germany, in particular, the powers of anti-corruption bodies. V. Dragan focuses on the important role of the German prosecution authorities in preventing corruption offences. A. I. Rybak discusses the main acts of anti-corruption legislation in Poland and the peculiarities of institutions authorised to combat corruption. R. Hrechaniuk analyses the anti-corruption legislation regulating the powers and functions of the Central Anti-Corruption Bureau of the Republic of Poland.

However, despite a large number of scientific papers on anti-corruption legislation in individual EU countries, in the context of globalisation and the emergence of Ukraine as a legal and social state, the experience of the functioning of anti-corruption bodies and the study of anti-corruption strategies of other countries is of particular importance. Therefore, the study of this issue will contribute to further improvement of the fight against corruption both in the European Union and in Ukraine.

3. Materials and Methods

The methodological basis of the scientific article is a system of methods and means of scientific research, both general scientific (dialectical, logical, analysis, synthesis) and special (comparative legal, statistical), the use of which in conjunction made it possible to achieve the goals and objectives of the study, to provide a comprehensive overview of the specific features of anti-corruption legislation in the European Union countries, namely Denmark, Sweden, Germany and Poland. The primary important role in the research process was played by the systematic method,

which in some aspects was supplemented by the axiological method, which made it possible to consider the possibilities of improving Ukraine's anti-corruption strategy.

The article uses general philosophical, general scientific, and special research methods. The study uses the method of system analysis to determine the methodological basis for the functioning of anti-corruption institutions in the European Union. The functional method was used to identify and study the main functions of anti-corruption bodies in individual EU countries. In addition, the functional-instrumental method allowed to identify the main goals and functional purpose of these bodies.

The dialectical method was one of the key methods of scientific research into the essence of the activities of anti-corruption bodies, the content of the anti-corruption institutional mechanism in Denmark, Sweden, Germany and Poland, and the characteristics of the components of the anti-corruption institutional mechanism of these EU countries. The application of this method of scientific knowledge directed the search for research results based on the main principles of the dialectical method: historicism, objectivity, and specificity.

The formal legal method enabled a consistent analysis of the content of legal provisions and features, regulatory support for the formation and development of anti-corruption legislation in individual EU countries. The forecasting method helped to identify the main transformation processes in the anti-corruption strategy in Ukraine. To study the current state of understanding of the peculiarities of functioning of anti-corruption bodies in Denmark, Sweden, Germany and Poland, the article uses theoretical methods of scientific cognition.

The research is based on the developments of domestic and foreign scholars on the anti-corruption legislation of certain EU countries, materials of scientific publications, analytical articles, Internet resources, statistics on the official websites of NGOs, and legislation of certain EU countries.

4. Results and Discussion

4.1 Experience in Implementing Anti-corruption Policy in Denmark

Denmark showed the highest performance in preventing and combating corruption in 2022. According to the results published by Transparency International, Denmark has been a leader among other countries for several years in a row and has a low level of corruption. Thus, the Corruption Perceptions Index in Denmark in 2022 is 90 points out of 100, which is why Denmark ranks first among 180 countries (Corruption perception index, 2022).

It is worth noting that anti-corruption legislation in Denmark consists of several laws that establish liability for corruption offences, in particular, the main legislative acts in the field of corruption prevention are the Danish Criminal Code and the Corruption Act. The Danish Criminal Code defines corruption as the use of public authority for private gain. This definition applies to all areas of life in Denmark and is in line with international anti-corruption regulations, including cases involving bribery and active and passive illegal benefits. Accordingly, the Danish Corruption Act requires public officials to publicly disclose their income and property liabilities, and prohibits them from purchasing shares in foreign companies (Prykhodko,2020). Clause 20 of the Rules of Procedure of the Danish Parliament also stipulates that every member of the Parliament has the right to obtain information about any minister on matters within their competence. Denmark pays maximum attention to combating corruption (Yaroshenkoetal.,2020).

In addition, Chapter 16 of the Danish Criminal Code prohibits corruption offences by officials and their manifestations, including the prohibition of bribery of officials and undue advantage in business. (Straffeloven Almindeligdel, 2023). However, despite the proper legal regulation of anti-corruption in Denmark, the basis of the anti-corruption policy is the principle of good governance. Thus, the key anti-corruption mechanisms of this principle include the ability of civil society to participate in decision-making, transparency of income and actions of public officials, the timely response of the state to the needs of civil society, and subordination of state structures to civil society (Shamruk & Isaienko, 2020; Sardak et al., 2021).

Denmark is a country that implements an anti-corruption mechanism by introducing effective anti-corruption legislative provisions and initiatives. (Korniakova & Yuzikova, 2021). In accordance with the European Commission's Anti-Corruption Trends in the European Union, in 2022 Denmark promoted the integrity of civil servants by updating the Code of Conduct for Civil Servants. The revision of the Code of Conduct in Denmark after 10 years is an example of how to update not only the content but also the style of communication with officials. The Code has received positive international endorsement from the Group of States against Corruption (GRECO) and is a comprehensive document that clearly explains to civil servants the issues of confidentiality, impartiality, gifts, and secondary employment (Hussetal.,2023). As there is no single anti-corruption body in Denmark that oversees anti-corruption activities, preventive measures by NGOs play an important role. In particular, the Danish International Development Agency (DANIDA) provides interest-free loans to

finance anti-corruption projects and promotes the principle of zero tolerance for corruption within companies. (Buriak, 2020).

In Denmark, the media play an important role in the fight against corruption offenses, regularly publishing articles about the corruption of officials or suspicions of corruption, which leads to the start of an investigation by law enforcement agencies of such officials. Also, every citizen has the right to report cases of corruption or suspicions of corruption to law enforcement agencies, even anonymously. Thus, the system of bodies with the competence to combat corruption offences is quite extensive, namely: 1) the Serious Economic and International Crimes Prosecutor's Office (SØIK) is the main body responsible for investigating corruption, including bribery of public officials abroad. Its multidisciplinary team includes both prosecutors and investigators; 2) the Danish National Audit Office (Rigsrevisionen), which audits the expenditures of the Parliament and other public companies; 3) the Money Laundering Secretariat, which is a financial intelligence unit that checks for potential money laundering; 4) the Danish Ombudsman, which oversees the government and municipalities (Prykhodko,2020). Denmark has a vibrant civil society that is regularly consulted on issues of transparency, governance, and anti-corruption. (Ardigó, 2018).

Thus, having analysed the Danish experience, it is possible to identify a certain set of anti-corruption measures in Denmark that contribute to reducing the level of corruption in the country: 1) most companies do not violate the principle of zero tolerance of corruption, both within the company and with external partners; 2) there is a collective aversion to corruption among officials and society in Denmark. 3) Denmark has adopted ethical provisions concerning the integrity of officials; 4) all public associations operate openly and publicly; 5) Danish officials enjoy social benefits, such as free medical services, proper education, and social guarantees, which significantly reduce the possibility of corruption offences, etc. (Yaroshenkoetal, 2020).

4.2 Experience in Implementing Anti-corruption Policy in Sweden

Sweden has 83 points out of 100 on the Corruption Perception Index for 2022 and ranks 5th among 180 countries (Corruption perception index, 2022). At the same time, it is worth noting that back in the 19th century, Sweden was considered one of the most corrupt countries. The peculiarity of Sweden's anti-corruption policy is that the country has not created any specialised anti-corruption bodies, nor has it developed specialised government anti-corruption programs and strategies as separate documents. Thus, anti-corruption legislation in Sweden generally consists of the provisions of the Swedish Criminal Code, the Marketing Act, and the Income Tax Act (Shcherbak,2020).

Thus, Chapter 10 of the Swedish Criminal Code is devoted to combating corruption offenses. Interestingly, most bribery-related acts are punishable by immediate imprisonment (Brottsbalk, 1962).

Other generalised rules, principles of behaviour, and rules on conflicts of interest are defined in other regulations, such as the Constitution, the Administrative Procedure Act, and the Civil Service Act (Khabarova, 2019). However, in order for anti-corruption legislation to be effective in practice, an anti-corruption strategy is needed. The essence of the anti-corruption strategy in Sweden is to set high ethical standards for those who perform public service. As a result, officials in Sweden began to receive high salaries, which were 12-15 times higher than the average salary in the country (Shamruk & Isaenko, 2020).

There is no specialised anti-corruption body in Sweden, but there is a certain system of bodies performing anti-corruption functions, namely: 1) a unit of the Public Prosecutor's Office that performs the function of combating corruption offenses, the National AntiCorruption Unit; 2) the National Corruption Group, established by the police, which aims to combat corruption offenses in a more effective and coordinated manner; 3) the Swedish Anti-Bribery Institute (Institutet Mot Mutor). Other entities with functions to combat corruption offenses are the Swedish Association of Local Authorities (SKL) and Transparency International Sweden (HolsSalén & Korsell, 2013).

At the same time, it is the high level of public control over the activities of officials and businessmen that is a key factor that influences the success of Sweden's anti-corruption policy. For example, Sweden has an Anti-Bribery Institute (Institutet Mot Mutor)(Aboutus, 2023). It is important to remember that this organisation is affiliated with the Stockholm Chamber of Commerce, so it receives funding from business representatives and the Chamber of Commerce. The Swedish media also play an important role in exercising public control, covering corruption cases very quickly, and ignoring the status of the person who committed the corruption offense (Shcherbak, 2020).

In addition to the above-mentioned Institute, Sweden also has a successful NGO, Democratic Audit, established in 1994. In addition to checking compliance with the democratic values of Swedish society, this organisation investigates specific issues, including those related to the prevention of corruption (Suprun, 2017). For several years now, Sweden has been debating whether to apply a period of employment restrictions to politicians and civil servants after their dismissal. The debate is based on a number

of situations where civil servants were hired by corporations immediately after dismissal, which led to suspicions that the job was provided as a bribe or as a reward (Tulchynska, 2021; Vapniarchuk, 2019).

For example, in accordance with the European Commission's Anti-Corruption Trends in the European Union, a multilateral agreement on combating bribery and corruption in the healthcare sector was introduced in Sweden in 2022. The Agreement on Combating Bribery and Corruption between the Swedish Association of Local Authorities and Regions, the Association of Private Service Providers in Sweden and Employers, and the Fremia Association, with the support of the Anti-Bribery Institute, is an example of combining public and private interests in combating corruption (Huss et al., 2023). The principle of openness of official resources provides the media and society with an opportunity to be aware of the actions of the authorities and helps to identify violations in their work (Andersson, 2002).

We agree that the establishment of an independent and effective justice system and a focus on raising the ethical standards of public servants, and the subsequent reflection of this in legislation, namely in the severity of punishment for corruption offenses, helped to achieve success in preventing corruption in Sweden. It is the dynamic development of the country along with educational and preventive actions that form the basis of the Swedish anti-corruption policy model (Kikalishvili, 2019).

4.3 Experience of Implementing Anti-corruption policy in Germany

Among other countries, the achievements in combating corruption in Germany are noteworthy. According to the results published by Transparency International, the Corruption Perceptions Index in Germany in 2022 is 79 points out of 100, which ranks Germany ninth among 180 countries. (Corruption perception index, 2022).

As for the anti-corruption legislation of Germany, the main place in the fight against corruption offenses is occupied by the Criminal Code of Germany and the Law "On Combating Corruption", which led to amendments to the Criminal Code. Among other things, new anti-corruption measures were introduced in federal ministries and certain government departments, which were set out in a specialised package of regulations called the Federal Government Directive on Combating Corruption in Federal Government Bodies. This Directive was developed by the German Ministry of the Interior back in 2004. Among other things, the Directive also includes a Code of Conduct for Officials Against Corruption and Guidelines for Managers and Departmental Heads. The peculiarity of this Directive is that it can also be applied to private companies and that it allows for an analysis of areas where corruption may occur

quite frequently. One of the methods of identifying the risks of corruption offenses is the "multiple eyes" method when several employees carry out the inspection. There is also a possibility of regular replacement of employees in bodies that are at risk of corruption (Bohachenko, 2017).

As a result, the German Criminal Code contains penalties for corruption offenses: (Shestakov, 1998). The penalties for corruption offenses are quite severe and include imprisonment. The peculiarity of Germany's anti-corruption policy, as well as that of other leading countries in the fight against corruption, is the absence of a separate single specialised anti-corruption body. In general, Germany's anti-corruption policy has its own characteristics, in particular: 1) there is no single general anti-corruption strategy through the federal system; 2) no separate specialised anti-corruption body has been established; 3) anti-corruption legislation is approved by the leadership at both the federal and state levels; 4) it is controlled by ministries (Maslova, 2022). In particular, German state authorities should regularly monitor lawmaking, identify positions of civil servants who are vulnerable to corruption, and take appropriate measures, and recommendations to be implemented to prevent corruption offenses (Demianchuk, 2017b).

In Germany, the prosecutor's office is subordinated to the Ministry of Justice and includes the Federal Prosecutor's Office of the Supreme Court, the prosecutor's offices of the Higher Länder Courts, and the prosecutor's offices of the Land Courts. The Länder prosecutors' offices have specialised anti-corruption units (Drahan, 2015).

The fight against corruption in Germany is based on the goal of destroying the financial capabilities of criminal associations. The method of achieving this goal is the confiscation of property and the development of a regulatory framework that makes it impossible to launder "dirty" money. Another effective anti-corruption mechanism in Germany is the creation of a Register of Corrupt Companies, which means that a company listed in such a register is no longer entitled to receive public contracts and is under the control of law enforcement agencies (Shvydkiy, 2020). Internet resources play an important role in the fight against corruption, as many anti-corruption websites and forums have been created on the Internet, such as Transparency International (Corruption in Germany as a phenomenon, 2023).

Thus, in accordance with the European Commission's Anti-Corruption Trends in the European Union in 2022, the Federal Ministry for Economic Cooperation and Development and the Federation of German Industries launched the Alliance for Integrity, a multilateral initiative consisting of representatives of the private, public and

civil sectors who seek to promote integrity and transparency. There are four main areas of work of the Alliance for Integrity: 1) Compliance training and the train-the-trainer programme: compliance managers of large multinational companies provide training for companies, usually on a pro bono basis. 2) Peer-to-peer training within countries and across regions. 3) Public-private dialogue; 4) Awareness raising and knowledge sharing, including success stories, tailored campaigns, and publications (Hussetal., 2023).

Therefore, the anti-corruption legislation of Germany can be characterised by the following features: control over the movement of finances; social policy of zero tolerance to corruption; emphasis on work with the legal awareness of the population and attitudes towards corruption; clear regulation of public procurement; creation of a register of corrupt companies. Germany pays special attention to the selection, training and qualification of potential civil servants, as this process should be transparent, and the decision-making procedure for civil servants is also detailed, clearly defined, and regulated by special instructions (Trepak, 2016).

4.4 Experience in Implementing Anti-corruption Policy in Poland

Poland is one of the European Union countries that also successfully combat corruption offenses. According to the results published by Transparency International, Poland lost 1 point, but remained the leader in other indicators among Ukraine's neighbours, so with 55 points, Poland ranks 45th (Corruption perception index, 2022). As for the anti-corruption legislation in Poland, the basis is the Polish Criminal Code and the Constitution. In addition, Poland also has other documents containing anti-corruption provisions, such as the Civil Service Code of Ethics, which sets requirements for the conduct of civil servants, the Law on Counteracting the Introduction of Material Resources of Illegal or Uncertain Origin into Financial Circulation, the Law on Public Procurement, etc. (Rybak, 2011). Considering legislation in the field of anti-corruption in this country, it should be noted that every program and development strategy developed by ministers is approved by the Council of Ministers (Nehanov, 2018).

Unlike all the previous countries, Poland has a specialised anti-corruption body - the Central Anti-Corruption Bureau of Poland, established in 2006. In addition to the Central Anti-Corruption Bureau, corruption investigations in Poland are carried out by the police, prosecutors, border guards, intelligence services, and military counterintelligence services (Hrechaniuk, 2015).

A special feature of corruption prevention in Poland is a transparent procedure for selecting employees for the Anti-Corruption Bureau. Thus, the head of the bureau

is appointed and dismissed by the Prime Minister after approval by the President and the Sejm Commission. At the same time, one must have a perfect reputation and pass polygraph tests to become an employee of the bureau. However, the bureau's employees are highly remunerated, which helps to reduce the risk of corruption. In addition, other bodies authorised to fight corruption include: 1) the Supreme Audit Chamber, which monitors the implementation of the approved state budget; 2) the Civil Service Administration, which recruits and trains civil servants; 3) the Public Procurement Administration, which ensures the targeted use of public procurement funds; 4) the Internal Intelligence Agency, which detects and investigates corruption offenses among public officials; 5) the Anti-Corruption Team at the Ministry of Finance, which fights corruption in the financial sector; 6) the Department of International Treasury Relations at the Ministry of Finance; and 7) the Ministry of Economic Development and Trade, which is responsible for the control of the state budget (Hryha, 2020).

Moreover, in Poland, anti-corruption bodies function in a decentralised manner, namely, the functions of anti-corruption institutions are divided between law enforcement agencies and other institutions with competence in the field of combating corruption (Zabroda & Kashkarov, 2013). Among other things, in Poland, intelligence agencies are actively involved in the fight against corruption, namely financial corruption, as intelligence receives relevant information from the police and prosecutors (Korulia, 2014).

The main objectives of the Anti-Corruption Strategy of Poland are to expose cases of corruption, influence the public consciousness and its attitude to the phenomenon of corruption, encourage the integrity of officials, apply modern methods of combating corruption, strong cooperation between the bodies authorised to fight corruption and develop an effective system of anti-corruption regulations (Busol, 2013). In addition, an important attribute of Poland's anti-corruption policy is the active participation of the public (Demianchuk, 2017a).

In Poland, civil society also works in four areas in the field of anti-corruption, namely: 1) control, which includes the analysis of the integrity of the performance of duties by public officials; 2) educational - raising the level of intolerance of the population to corruption; 3) expert, which consists of the work of expert groups and expert research. 4) legal - providing legal advice (Kachurovskyi, 2022). For example, according to the European Commission's published trends in combating corruption in the European Union in 2022, Poland engaged citizens in the legislative process through public online consultations. The online portal of the governmental legislative process

in Poland is an example of a solution to increase transparency and engage citizens in the decision-making process (Hussetal.,2023; Levchenko et al., 2021).

In order to improve anti-corruption legislation and anti-corruption strategy in Ukraine, taking into account the successful experience of fighting corruption in some EU countries, Ukraine needs to implement a number of measures that will help to increase the corruption perception index in Ukraine and reduce the level of corruption crimes.

Conclusions

We can identify the following factors necessary to increase the effectiveness of the anti-corruption strategy: 1) the will of the top leadership of the state to effectively fight corruption; 2) the availability of highly qualified independent experts in the field of combating corruption (including from other EU countries); 3) creation of a team of professionals; 4) support of citizens and the media; 5) the need to perceive corruption as a threat to the internal and external security of the state. Thus, in order for Ukraine to fight corruption effectively, it is necessary for these factors to act in a comprehensive manner.

Taking into account the successful experience of the EU countries in combating corruption and the uniqueness of anti-corruption legislation in each country, Ukraine should develop its own mechanism for preventing corruption, taking into account the mentality, economy, and politics of Ukraine. At the same time, to develop such a mechanism, it is recommended to take into account the results of the study, namely the experience of individual EU countries in the field of combating corruption. Thus, it is advisable to take into account the experience of Denmark and oblige all public and private companies in Ukraine to introduce the principle of absolute rejection of corruption both in legal acts and in real life. Among other things, it is necessary to develop ethical regulations and codes of honour for civil servants, similar to Denmark, which would clearly explain what actions fall under the definition of corruption and what behaviour civil servants should have in various situations. Also noteworthy is the system of anti-corruption bodies in Denmark, where there is no specialised body, but there is an extensive system of bodies authorised to fight corruption, which successfully interact.

In addition, following the example of Sweden, it is advisable to give the media and the public a key role in the fight against corruption in Ukraine. It would be advisable to create a similar Anti-Bribery Institute in Ukraine, which would promote ethical decision-making in business, inform companies and the media about corrupt marketing,

conduct trainings and meetings for businesses and officials to explain the nature of corruption, resolve specific cases and determine whether business behaviour complies with the law.

It is also recommended to take into account the experience of Germany in creating a Register of Corrupt Companies. It would be appropriate to create a similar Register of Corrupt Companies in Ukraine, which would contain information on companies that have committed corruption offences. Accordingly, the credibility of such companies in the service market will be reduced, and further business activities of such companies will be restricted, including being under the supervision of specialised bodies. We also believe it is advisable to take into account the experience of Poland and promote the involvement of Ukrainian citizens in the legislative process through public online consultations, which will help to increase the transparency and openness of public authorities and the participation of the people in making important state decisions.

Based on the results of the study, we believe that the mechanism of effective anti-corruption policy and anti-corruption legislation should consist of the following steps: 1) having a leader with a team that has a clear goal to fight corruption crimes; 2) ensuring control over the income and expenses of officials through transparency and openness of their actions; 3) involving the public through trainings, projects, discussions, educational programmes that will contribute to the development of zero tolerance for corruption; 4) active participation of civil society organisations and the media in exposing corruption offences; 5) providing civil servants with adequate salaries and benefits; 6) regulating the powers of anti-corruption bodies to ensure their work is coordinated and systematic.

A positive factor is that in recent years, cooperation between the anti-corruption agencies of the European Union and the anti-corruption agencies of Ukraine has improved. This leads to the exchange of experience and amendments to the anti-corruption legislation of both Ukraine and the EU countries. If the above recommendations are taken into account, Ukraine's anti-corruption legislation and anti-corruption strategy will be effective and in line with the EU standards.

References

About us (2023). The Swedish Anti-corruption Institute. Retrieved from: <https://www.institutetmotmutor.se/en/about-us/>

- Andersson, S. (2002). Corruption in Sweden: Exploring Danger Zones and Change. Umeå: Umeå University. 277 p. Retrieved from: <http://urn.kb.se/resolve?urn=urn:nbn:se:umu:diva-18>
- Ardigó, I. A. (2018). Transparency International Anti-Corruption Helpdesk Answer. Denmark. Overview of corruption and anti-corruption. Retrieved from: <https://knowledgehub.transparency.org/assets/uploads/helpdesk/Country-profile-Denmark-2018-PR.pdf>
- Beschastnyi, V., Shkliar, S., Fomenko, A., Obushenko, N. & Nalyvaiko, L. (2019). Place of court precedent in the system of law of the European Union and in the system of law of Ukraine. *Journal of Legal, Ethical and Regulatory*, 22(6), 1-6. Retrieved from: <https://www.scopus.com/record/display.uri?eid=2-s2.0-85079165473&origin=resultslist&sort=plf-f>
- Bohachenko, S. I. (2017) Foreign experience of criminal-legal anti-corruption in central government bodies. *Carpathian Legal Bulletin*, 5(1), 1(16).
- Brottsbalk (1962). Retrieved from: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700
- Buriak, K. M. (2020). Features of anti-corruption legislation in the countries of the European Union. *Entrepreneurship, Economy and Law*, 2.
- Busol, O. I. (2013). National anti-corruption strategies and participation the public in combating corruption in the Central and Eastern countries of Europe. *Scientific Bulletin of the International Humanitarian University*, 1, 6(3).
- Corruption in Germany as a phenomenon (2023). Retrieved from: <https://migrant.biz.ua/nimechina/zhittya-de/koruptsiia-v-nimechchyni.html>
- Corruption perception index (2022). Retrieved from: <https://cpi.ti-ukraine.org/>
- Demianchuk, V. A. (2017a) Experience of implementing anti-corruption policy in Poland and Germany: lessons and warnings for Ukraine. *Bulletin of E. O. Didorenko Luhansk State University of Internal Affairs*, 4, 151–158.
- Demianchuk, Y. V. (2017b). Comparative analysis of anti-corruption in the countries of the European Union. *Scholarly Notes of V. I. Vernadsky Tavri National University*, 28(67), 2, 21–25.

- Drahan, I. V. (2015). The Role of the Prosecutor's office in anti-corruption: the experience of Germany. *Scientific Journal of the National Academy of the Prosecutor's Office of Ukraine*, 49–55.
- Guliyeva, A., Britchenko, I., & Rzayeva, U. (2018). Global security and economic asymmetry: A comparison of developed and developing countries. *Journal of Security and Sustainability Issues*, 7(4), 707-717. DOI:10.9770/jssi.2018.7.4(8).
- Holovkin, B. M., Tavolzhanskyi, O. V. & Lysodyed, O. V. (2019). Corruption as a Cybersecurity Threat in the New World Order. *Connections*, 20(2), 75-87.
- Hols Salén, L. & Korsell, L. (2013). Reported Corruption in Sweden. Structure, risk factors and countermeasures. Sweden: Swedish National Council for Crime Prevention. Retrieved from: https://www.bra.se/download/18.12caa4f91440b31239f1fed/1395400931424/2013_22_Reported_Corruption_in_Sweden.pdf
- Hrechaniuk, R. V. (2015). Functions and authorities special anti-corruption bodies of Ukraine, Poland and Moldova: a comparative analysis. *Scientific Journal of the National Academy of the Prosecutor's Office of Ukraine*, 2, 41–48.
- Hryha, M. A. (2020). The system of anti-corruption bodies in Poland. Implementation of the state anti-corruption policy in the international dimension. Part 2: Proceedings of the Conference. Retrieved from: <http://elar.naiu.kiev.ua/jspui/handle/123456789/19350>
- Huss, O., Beke, M., Wynarski, J. & Slot, J. (2023) Handbook of good practices in the fight against corruption. Publications Office of the European Union. Retrieved from: <https://data.europa.eu/doi/10.2837/575157>
- Inshyn, M., & Moskalenko, O. (2018). Ensuring freedom of labor in Ukraine in the context of labor emigration. *Baltic Journal of Law and Politics*, 11(2), 1-31. DOI:10.2478/bjlp-2018-0009.
- Kachurovskyi, O. (2022). Institutionalization of the fight against corruption in the Republic of Poland. *Bulletin of Lviv University*, 42, 220-225.
- Khabarova, T. V. (2019). Foreign experience of corruption prevention. *Bulletin of Kharkiv National University named after V. N. Karazin*, 27 p.
- Kikalishvili, M. V. (2019). Global models of counter-defense strategies corruption crime. *Scientific Bulletin of the International Humanitarian University*, 2, 41, 79-83.

- Korniakova, T. V. & Yuzikova, N. S. (2021). The mechanism of prevention of corruption in Ukraine and foreign countries of the world. Proceedings of the 11th International Scientific and Practical Conference. Kyiv,: Kyiv National Aviation University.
- Korulia, I. V. (2014). Foreign experience in combating corruption and possibilities of its implementation in Ukraine. *Comparative and Analytical Law*, 1(7).
- Leheza, Y., Nalyvaiko, L., Sachko, O., Shcherbyna, V.& Chepik-Trehubenko, O. (2022). Principles of law: Methodological approaches to understanding in the context of modern globalization transformations. *Ius Humani Law Journal*, 11(2), 55-79. <https://doi.org/https://doi.org/10.31207/ih.v11i2.312>
- Levchenko, I., Losonczy, P., Britchenko, I., Vazov, R., Zaiats, O., Volodavchyk, V., Humeniuk, I., & Shumilo, O. (2021). Development of a method for targeted financing of economy sectors through capital investment in the innovative development. *Eastern-European Journal of Enterprise Technologies*, 5(13-113), 6-13. DOI:10.15587/1729-4061.2021.243235.
- Maslova, Ya. I. (2022). Specialized anti-corruption prosecutor's office as a subject of corruption prevention. *Academic Notes of the Tavri National University named after V.I. Vernadskyi*, 33, 72, 111-116.
- Nalyvaiko, L., Marchenko, O. & Ilkov, V. (2018). Conceptualisation of the Phenomenon of Corruption: International Practices and Ukrainian Experience. *Economic Annals-XXI*, 172(7-8), 32-37.
- Nehanov, V. V. (2018). Comparative legal analysis of legislative regulation of anti-corruption policy in Ukraine and Poland. In: *Implementation of the State Anti-Corruption Policy in the International Dimension*.
- Osiejewicz, J. (2018). Audiatur et altera pars: On the issue of the execution of geological survey tasks - Response to polemics | Audiatur et altera pars: W kwestii realizacji zadań służby geologicznej - Odpowiedź na polemikê. *Przegląd Geologiczny*, 66(10), p. 628.
- Prykhodko, A. A. (2020). Specific features of Denmark's anti-corruption policy. *Scientific Bulletin of the Uzhgorod National University*, 2, 61 p.
- Rybak, A. I. (2011). State anti-corruption policy in Poland: regulatory and institutional aspect. In: *Gilea: Scientific Bulletin (717-725)*. Kyiv: VIR UAN.

48 Oleksii Tavolzhanskyi, Anatolii Shevchenko, Andriy Cherneha, Yevheniia Minakova & Liusia Mozhechuk

- Sardak, S., Britchenko, I., Vazov, R., & Krupskyi, O. P. (2021). Life cycle: Formation, structure, management. *Ikonomicheski Izsledvania*, 30(6), 126-142.
- Shamruk, N. B. & Isaienko K. S. (2020). International experience of creating and functioning of the system of anti-corruption bodies. *Comparative and Analytical Law*, 1, 401-404.
- Shcherbak, M. Y. (2020). The legal aspect of the formation and implementation of anti-corruption policy in Ukraine, taking into account the experience of foreign countries. *Legal Journal of Donbas*, 3(72), 155-161.
- Shestakov, D. A. (1998). Criminal Code of the Federal Republic Germany. Retrieved from: http://rawunsch.de/images/Ugolovnyi_Kodeks.pdf
- Shvydyki, Y. Y. (2020). Foreign experience in combating corruption and the possibility of its implementation in Ukraine. *Expert: Paradigms of Legal Sciences and Public Administration*, 1(7).
- Straffeloven Almindelig del (2023). In Danske Love Retrieved from: <https://danskelove.dk/straffeloven>
- Suprun, T. M. (2017). Foreign experience in preventing and countering corruption. *International Legal Bulletin: Actual Problems of our Time (Theory and Practice)*, 2-3, 199-204.
- Suprun-Kovalchuk T. M., Didenko E. V. (2020). International practice of preventing and fighting corruption. *Publishing House "Baltija Publishing"*.
- Trepak, V. M. (2016). System of measures of anti-corruption and activity in developed countries of the world. *Public Law*, 1(21).
- Tulchynska, S. O. (2021). Foreign experience of formation and implementation of anti-corruption policy in the context of ensuring economic security. *Investments: Practice and Experience: Scientific and Practical Journal*, 22.
- Vapniarchuk, V. V., Puchkovska, I. I., Tavolzhanskyi, O. V. & Tashian, R. I. (2019). Protection of ownership right in the court: The essence and particularities. *Asia Life Sciences*, (2), 863–879.
- Yaroshenko, A. S., Laktionova, V. V & Buriak A. S. (2020). Effectiveness of anti-corruption policy: positive experience of foreign countries. *Carpathian Legal Bulletin*, 2(31).
- Zabroda, D. H. & Kashkarov, O. O. (2013). The main models of state institutions responsible for the implementation of the state anti-corruption policy. *Law Forum*, 4, 121–126.