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## THE ROLE OF CIVIL SOCIETY INSTITUTIONS IN PREVENTING AND COMBATING CORRUPTION IN PUBLIC AUTHORITIES

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### **Наливайко І.О. Роль інститутів громадянського суспільства у запобіганні і протидії корупції в органах публічної влади.**

У статті розкрито роль інститутів громадянського суспільства у запобіганні і протидії корупції в органах публічної влади. Доведено, що дієвими є ті механізми протидії та запобігання корупції, що на пріоритетне місце ставлять залучення громадськості. Саме громадянське суспільство через відповідні інституції здатне всебічно впливати на реальний стан корупції у суспільстві, поступово зменшуючи його. Особливу увагу пропонується приділити роботі з інститутами громадянського суспільства, оскільки вони можуть забезпечити висвітлення результатів діяльності органів публічної влади та рівень корумпованості органів публічної влади.

До основних механізмів запобігання корупції за участі інститутів громадянського суспільства віднесено: моніторинг діяльності органів публічної влади щодо прозорості та відкритості їх діяльності; захист прав та свобод людини і громадянина; забезпечення інформаційної відкритості органів публічної влади щодо стану запобігання корупції та результативності проведених заходів; організація правопросвітницької роботи з населенням та окремими соціальними групами, які безпосередньо залучені до реалізації антикорупційної політики у державі.

Доведено, що участь інститутів громадянського суспільства у розробці та реалізації антикорупційної політики в Україні є недостатньо активною. Запропоновано посилювати інформування громадян і здійснення правоосвітньої роботи спільно з інститутами громадянського суспільства. Інформаційні кампанії, спрямовані на зменшення толерантного ставлення до корупції сприятимуть зменшенню рівня корупції в органах публічної влади.

**Ключові слова:** громадянське суспільство, інститути громадянського суспільства, корупція, антикорупційна політика, громадський контроль, верховенство права.

**Nalyvaiko I.O. The role of civil society institutions in preventing and combating corruption in public authorities.**

The article reveals the role of civil society institutions in preventing and combating corruption in public authorities. It has been proven that the mechanisms for counteracting and preventing crime that prioritises public involvement are effective. It is the civil society, through the relevant institutions, that can comprehensively influence the actual state of corruption in society, gradually reducing it. It is proposed to pay special attention to work with civil society institutions, as they can provide coverage of the results of public authorities and the level of corruption of public authorities.

The main mechanisms for preventing corruption with the participation of civil society institutions include: monitoring the activities of public authorities in terms of transparency and openness of their actions; protection of human and civil rights and freedoms; ensuring information openness of public authorities regarding the state of corruption prevention and the effectiveness of measures taken; organisation of legal education work with the population and certain social groups that are directly involved in the implementation of anti-corruption policy in the state.

It is proved that the participation of civil society institutions in the development and implementation of anti-corruption policy in Ukraine is not active enough. It is proposed to strengthen the information of citizens and the performance of legal education work in conjunction with civil society institutions. Information campaigns aimed at reducing tolerance of corruption will help reduce the level of corruption in public authorities.

**Keywords:** civil society, civil society institutions, corruption, anti-corruption policy, public control, the rule of law.

**Formulation of the problem.** Interaction of government bodies with civil society institutions in the formation and implementation of anti-corruption policy is necessary for their practical and transparent activities. Various measures can prevent corruption, but none of them will be successful without public support.

Today, the fight against corruption has become the subject of attention of public authorities, civil society institutions, the media, individual citizens

and others. A set of practical preventive actions and measures to combat corruption is one of the main tasks of civil society and the state. Based on the above, it is worth emphasising the urgency of the problem of corruption in public authorities. One of the decisive factors in these transformations is the formation, development and rational use of staff with a high level of moral culture, competence and responsibility at all levels of government. Therefore, the urgency of the problem of overcoming corruption is due to both its theoretical and practical nature.

**The state of elaboration of the problem.**

Through thorough research in anti-corruption, such scientists as O. Nadjafov, O. Prokhorenko, E. Strilchenko, O. Tkachenko, M. Khavronyuk, B. Chela, A. Cheshko and others. S. Alfiorov, I. Bogatyrev, I. investigated the issues of corruption offences. Klochko, E. Nesvit, O. Onyschuk and others. Also, special attention to the concept of anti-corruption mechanism is paid in the works of such scientists as D. Vashchuk, T. Vilchyk, Y. Groshevy, S. Ivanytsky, K. Zakomorna, T. Kurilo, G. Murashin, V. Popelyushko, O. Potopakhina, T. Pruzhanska, V. Sviatotska, O. Sviatotsky, Y. Shemchushenko S. Shiro, V. Shapoval and others. Given the contribution of scientists to the study of various aspects of preventing corruption, the urgent issue is to determine effective forms and methods of public participation in this process, which can be the foundation for solving a significant societal problem of minimising corruption.

**The purpose of the study** is a comprehensive study of the participation of civil society institutions in the prevention of corruption in public authorities as a condition for the development of a democratic, legal Ukrainian state.

**Presentation of the primary material.** Realising the natural state of man, in which he seeks to satisfy their rights through the exercise of their freedom in cooperation with like-minded people, civil society provides the people with the opportunity to participate in governing the state, thus giving everyone the right to determine the vector of community and state. Without strengthening the institution of civil society, it is impossible to create a supreme state power based on recognising the fundamental value of man and a sense of respect for his rights and civil liberties [1]. Effective mechanisms for combating and preventing corruption are those that prioritise public involvement. It is the civil society, through the relevant institutions, that can comprehensively influence the actual state of corruption in society, gradually reducing it.

UN experts identify several ways to involve civil society institutions in preventing corruption, including accountability and control of public authorities; operations for the supply of services and goods and public-private partnership; anti-corruption awareness and reports of corruption, etc. [2, p. 49-55].

By the recommendations of GRECO, the EU Visa Liberalization Action Plan, the recommendations of the EC "For Democracy through Law" (Venice Commission), and the proposals of the EU SIGMA program, based on crucial international anti-corruption acts, Ukraine has adopted several anti-corruption laws. They contain the basic principles of preventing and combating corruption, regulate the legal and organisational principles of the anti-corruption system in Ukraine, the content and procedure for preventive anti-corruption measures, and rules for eliminating the consequences of corruption offences [3]. The implementation of international standards into national legislation has resulted in the enshrinement of the right of public participation in measures to prevent corruption in the Law of Ukraine "On Prevention of Corruption".

The most critical problem to achieving positive results in combating corruption is the improper organisation of anti-corruption institutions, government agencies and NGOs [4, p. 311]. Developing the scientist's opinion, we note that it is essential not only the proper organisation of these institutions but also their proper coordination and interaction, especially in the exchange of the public and public authorities. Any form of public law counteraction to corruption and its best organisational models are doomed to failure if one of the main problems of public administration is not solved - ensuring a particular relationship (relationship, cooperation and clear self-power) between central and local authorities between local state administrations and local governments [5, p. 11]. We will add to this series the interaction of public authorities against corruption and the public.

Involving the public in active discussion and management decisions is a means of forming an educated and interested citizen. It has several advantages, including obtaining the necessary information from citizens, increasing the legitimacy of decisions, creating a positive image of the government, and defining values that share community members [6]. Information campaigns aimed at reducing tolerance of corruption by various social groups will also help reduce crime in public authorities.

The involvement of civil society institutions by scholars is seen as a necessary component of studying the nature of corruption and identifying ways to overcome it. The public can contribute to overcoming sin [7, p. 309]. The participation of civil society institutions in anti-corruption policy measures as a scientific problem should be a promising and productive area of research, especially in the context of the formation of post-industrial society [8, p. 122]. Establishing a constructive partnership of public authorities with the public in the anti-corruption sphere should ensure the appearance of a negative attitude to any manifestations of corruption in society [9, p. 37]. In Ukraine, among the difficulties

that hinder the practical activities of the public in the fight against corruption, we should note the following: lack of support from the authorities, imperfect legislative enshrinement of the rights and responsibilities of the public. The desire of activists to profit from their activities and the implementation of personal and political tasks by the public also plays a significant role.

It has been noted in the scientific literature that the hierarchical model of governance should be supplemented by self-organised structures of civil society and associations of social capital, which arise spontaneously. Free citizens decide what the state machine cannot decide on the ground, uniting and making "social decisions" [10]. To find appropriate solutions and implement them in the field of anti-corruption, it is necessary to make the most of civil society, namely: a well-developed network of relations between equal, autonomous entities (citizens and social groups), which are carried out without state mediation; the existence of extensive social networks (associations, public organisations, political parties, trade unions, local governments, independent media, etc.), formed to defend the interests of citizens and social groups in various spheres of public life; a standard system of social norms and values in society, based on interpersonal trust, tolerance, respect and perception of a community as self-worth [1].

It plays a vital role in forming and implementing state anti-corruption policies to the public. Through stable and effective formats of relations between the public and public authorities, complicity and responsibility for changes in the country's political, social and economic life are formed. Therefore, there has long been a practical need to create institutional and legal mechanisms for public participation in the formation and implementation of public policy and its anti-corruption component in particular [11, p. 473].

Researchers identify the following main mechanisms for the participation of NGOs in anti-corruption activities: monitoring the activities of public authorities, the primary purpose of which is to ensure accountability of government and business structures to citizens through measures to increase transparency and openness of government; protection of the rights and freedoms of citizens, which will strengthen the influence of citizens on decision-making procedures of public authorities, increase the level of public confidence in their ability to protect the rights and freedoms; ensuring information openness in society on the state of corruption and the effectiveness of anti-corruption measures; organisation of educational work with the population (for example, through the creation of specialised legal services) and individual social groups; promoting the improvement of living standards as the most effective mechanism for over-

coming corruption [12; 13, p. 83-85; 16; 18]. As one of the methods of promoting the use of the potential of the "human factor" in combating corruption in Ukraine, O. Kostenko calls the feasibility of so-called "civil justice", i.e. public participation in fighting crime by the principle of social subsidiarity [14, p. 121]. There are many anti-corruption NGOs in Ukraine, but their effectiveness and ability to influence the government are limited. This is due to both the general conditions of functioning of civil society institutions in Ukraine and specific factors.

It should be noted that in combating corruption, the Ukrainian government itself should be interested in cooperating with NGOs. This is due to several factors. Low public confidence in the full range of political and power institutions spreads public scepticism about government initiatives to tackle corruption. The corrupt justice system deprives citizens of effective state and legal mechanisms to protect their rights and freedoms, increasing the influence of non-governmental and human rights organisations [11]. Public participation can be ensured through systematic, integrated work of public authorities to raise public awareness of ethical rules in society, support the activities of public educational organisations and more.

Unfortunately, the participation of civil society institutions in the development and implementation of the anti-corruption policy in Ukraine is not active enough. Therefore, it is proposed to increase the awareness of citizens and the performance of legal education work in conjunction with civil society institutions.

Such interaction is focused on different social and age groups and aimed at a comprehensive solution to the problem of tolerant attitude of the population to corruption, which would include: regular information campaigns; raising the level of legal awareness of the population people; explanation of the essential anti-corruption measures carried out in the state; systematic introduction of educational activities on behavioural patterns in certain situations with possible corruption risks; introduction of a culture of informing specially authorised entities in the field of anti-corruption about the facts of committing corruption offences; overcoming the passivity of society in combating corruption; increasing the level of trust in anti-corruption [15; 17]. The rapid development of public anti-corruption initiatives can be achieved precisely by strengthening the capacity of civil society institutions through educational projects.

The active participation of civil society institutions in preventing corruption in public authorities is, of course, fundamental for Ukraine. However, practical implementation remains relatively low despite significant theoretical developments in the forms and mechanisms of public involvement in such cooperation.

Further research is needed on: developing a clear and coherent process of reforming the law enforcement and judicial systems with the participation of civil society institutions; overcoming undemocratic aspects of the functioning of the party system and political corruption; public control over compliance with anti-corruption legislation; increasing the level of efficiency of the institutions' activities to prevent and combat crime, as well as the formation of well-established interaction between public authorities and civil society institutions.

**Conclusions.** Particular attention should be paid to working with civil society institutions, as they can ensure coverage of the performance of public authorities and the level of corruption of public authorities.

The main mechanisms for preventing corruption that can be effectively applied include the following: monitoring the activities of public authorities in terms of transparency and openness of their actions; protection of human and civil rights and freedoms; ensuring information openness of public authorities regarding the state of corruption prevention and the effectiveness of measures taken; organisation of legal education work with the population and certain social groups that are directly involved in the implementation of anti-corruption policy in the state.

The institutional association of public organisations can be an effective mechanism for preventing corruption in public authorities. Such actions can result in positive steps in the educational component, formation of public opinion and trust in public sources, and a kind of mechanism to support anti-corruption initiatives.

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