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FORMS AND METHODS OF PUBLIC CONTROL OVER ACTIVITIES OF SPECIALISED ANTI-CORRUPTION BODIES

Abstract. Purpose. The purpose of the article is to reveal forms and methodological approaches in the field of public control over anti-corruption public actors based on the analysis of domestic legislation and relevant scientific works. **Results.** The article studies forms and methods of public control over the activities of specialised anti-corruption bodies. It is established that no democratic State can exist without effective control over the authorities by society. Control is a universal tool for improving understanding between the authorities and the public. The article establishes classification of forms of public control over the activities of specialised anti-corruption bodies in groups as follows: general, specialised, indirect and direct action, procedural. It is noted that citizens' appeals remain the most common form of control. The method of public control, such as a discussion or advisory one, is based on public participation in the discussion of issues, identification of ways of implementing anti-corruption policy and strategy by special anti-corruption bodies. This method is realised both through the active constant participation of public councils and the involvement of all actors of public control in: the organization and conduct of public hearings on anti-corruption issues, participation in advisory bodies, making proposals to improve anti-corruption activities, etc. The method of cooperation is expressed in the joint work of specialised anti-corruption bodies with representatives of the media, for example the posting of messages information, not subject to limited access, their participation in the conduct of journalistic investigations; organization of conferences, seminars, round tables with open access for participation of all actors of public control concerned. **Conclusions.** It is determined that methods of public control are a set of administrative and legal methods aimed at ensuring constant control over the activities of specialised anti-corruption public bodies for detecting and preventing corrupt practices, reducing corruption risks in the activities of officials of these bodies. The following methods of public control are described: method of public initiative, alternative activities, advisory, public dialogue, discussion, cooperation.

Key words: public control, method of public control, form of public control, citizens' appeal.

1. Introduction.

Nowadays, Ukraine is on the course to reforming and establishing European standards in the activities of State authorities, initiating democratic and transparent methods of governance.

This process of change and reform requires constant control by both specialised State bodies and public participation. Public control is the degree to which an effective dialogue is agreed between State bodies and representatives of the public.

According to A. Biletskyi, no democratic State can exist without effective control over the authorities by society. Control is a universal tool for improving understanding between the authorities and the public. Nowadays public anti-corruption organizations increasingly

create or improve existing methods of control. However, the author argues that they did not achieve significant changes in minimising the level of corruption in the State. Therefore, it is urgent to identify the most effective forms of control, summarising the existing measures (Biletskyi, 2017, p. 240).

In their works, most scholars have studied forms and methods of public control over activities of State bodies, namely: O. Bondarchuk, A. Bukhanevych, L. Haponenko, V. Harashchuk, S. Denysiuk, O. Kalinin, O. Korniiievskyi, S. Kosinov, V. Kuprii, E. Libanova, L. Palyvoda, H. Pryshliak, O. Savchenko, O. Sushynskyi; over activities of specialised anti-corruption actors, namely: A. Biletskyi, M. Burbyk, B. Holovkin, V. Doroshenko, V. Mykolenko, O. Nesterenko, V. Synchuk, O. Yurchenko,

A. Falkovskiy and others. Although the topic raised is of interest to modern scholars, it should be noted that the study of forms and methods of public control and ways of its influence on the activities of specialised anti-corruption bodies is a relatively new direction of scientific research.

The purpose of the article is to reveal forms and methodological approaches in the field of public control over anti-corruption public actors on the basis of the analysis of domestic legislation and scientific works on the topic under study.

2. Specificities of the activities of public authorities

Before proceeding to the disclosure of the set goals, the essence of forms of administrative activities of State authorities will be under the theoretical and legal analysis. Verbatim translation of the word “form” gives definition as a way of organization of something; appearance of any phenomenon connected with its essence, content (Busel, 2005, p. 639). Another dictionary defines it as the action of an executive body or its official, outwardly expressed, carried out within their competence and with certain effects (Dodonov, 2001). Y. Bitiak defines the form of management as an external manifestation of concrete actions taken by the executive authorities for the implementation of their tasks (Bytiak, Harashchuk, Zui 2010, p. 134). According to the scientist, forms of management are ways of carrying out targeted impact, that is, forms of management show how practically managerial activity is carried out (Bytiak, Harashchuk, Zui 2010, p. 134)

Therefore, forms of administrative management are external manifestations of legal effect, which in turn is expressed through the executive action of the management body.

Forms of State managerial activities are the totality of actions carried out in the process of functioning of executive bodies and their officials, including those that do not have a direct legal effect. If the actions of executive bodies and their officials have legal effects or have a certain legal significance, they are called administrative and legal forms (Dodonov, 2001).

Thus, the form of public control is an external expression of consistent actions of actors of public control over the activities of specialised anti-corruption bodies in order to minimise the emergence of anti-corruption risks.

Some scientists (V. Halunko, P. Dikhtievskiy, O. Kuzmenko, S. Stetsenko) group the forms of public administration into: the issuance of administrative regulations (the issuance of by-laws and the issuance of individual administrative regulations); the conclusion of administrative agreements; other legally significant

administrative actions; logistical operations (Halunko, Dikhtievskiy, Kuzmenko, Stetsenko, 2018, p. 144). According to A. Biletskyi, the most successful forms of public control are: 1) participation of actors of public control in the work of advisory bodies of public control objects; 2) public monitoring; 3) public hearings (Holovkin, 2013, p. 155), public consultations, public discussions; 4) public anti-corruption expertise (Biletskyi, 2017, p. 242).

3. Legal and regulatory mechanism for public control over the activities of State bodies

Art.3 of the Law of Ukraine *On Citizens' Appeals* provides the forms, according to which citizens of Ukraine can participate in the management of State and public affairs, to influence the improvement of work of State authorities: proposals (comments), statements (applications) and complaints (Law of Ukraine on Citizens' Appeals, 1996), which can be both oral and in writing.

The draft Law of Ukraine 9013 *On Public Control over the Activities of Authorities, Their Officials* of August 07, 2018 (initiated by S.M. Kaplin) does not define the forms of public control, but it has been pointed out that civilian control over the activities of the authorities, their officials and officers is a form of exercising of power by the people by direct control over the activities of the authorities, their officials and officers with the application of civil resistance measures by these actors in case of failure or improper performance of the requirements of the legislation by the authorities, their officials and officers (Draft Law on Public Control, 2018). In turn, article 4 of the draft refers to 17 main forms of public control, such as: organization and holding of public hearings on the activities of the authorities and their officials; participation in advisory bodies and other bodies attached to the authorities; submission of communications to the authorities; and their officials with the request to eliminate violations in the issued (adopted) legal regulations, especially in relation to the rights and legitimate interests of citizens, or to cancel such regulations; making of draft laws and other legal regulations and submitting of them to the actors of legislative initiative, authorities, and their officials for consideration; initiation and conduct of a public inquiry in the event of revealing violations of the requirements of legal regulations, informing the public, the authorities, and their officials of the results thereof; ensuring the protection of the rights and legitimate interests of actors of public control, including in domestic and foreign jurisdictional bodies, in case of receiving information on pressure from the relevant authorities, and their officials, or

inducement to commit certain acts or omissions, etc. (Draft Law on Public Control, 2018).

Other draft laws of Ukraine on public control indirectly reveal forms, without distinguishing them into specific groups. For example, the Draft Law 4697 developed by S.L. Tihipko of April 14, 2014 (Draft Law on Public Control, 2014), highlighting the rights and obligations of actors of public control refers to the forms of control, such as: visits to State authorities and local government bodies during special public control procedures, procedural forms of appeal against decisions, actions or omissions of anti-corruption officials, providing information on the results of this type of control.

4. Forms of public control over the activities of public authorities

The analysis of scientific doctrine and current legislation in the field of legal regulatory mechanism for the procedure for exercising control enables to classify forms of public control over the activities of specialised anti-corruption bodies in groups as follows: general, specialised, indirect and direct action, procedural.

In our opinion, the forms of control available to every person concerned, legal grounds thereof are provided for by the constitutional framework and the legislation in force, should be considered as general. As mentioned above, the Law of Ukraine *On Citizens' Appeals* provides for the opportunities for citizens in exercising control over the activities of State authorities through an appeal. Moreover, article 7 of the law prohibits refusing to accept and consider appeals of citizens, moreover, appeals made in due course and filed in due manner, are subject to mandatory acceptance and consideration (Law of Ukraine on Citizens' Appeals, 1996). In turn, article 212-3 of the Code of Administrative Offences of Ukraine provides for administrative liability for violation of the right to information and right to appeal (Code of Ukraine on Administrative Offenses, 1984).

It should be noted that citizens' appeals remain the most common form of control. According to the NABU report for the first half of 2021, the Bureau received 9,868 applications and appeals, 85% of them – from citizens. The most popular channel is a special telephone line, through which 45% of all appeals of citizens (2021) have been processed (Official site of the National Anti-Corruption Bureau of Ukraine, 2021). The NACP has introduced a separate structural unit for digital transformation and innovative development to protect the channels of citizens' communication. The unit has developed and approved requirements for the protection of anonymous communication channels through which citizens can report corruption or corruption-related offences, other

violations of the Law of Ukraine *On Corruption Prevention* (Official site of the National Agency for Corruption Prevention, 2020).

This type of public control should include public reporting by anti-corruption government bodies. According to article 1 of the Law of Ukraine *On Access to Public Information*, public information is the information reflected and documented by any means and on any media received or created in the course of performing duties by the authorised actors, under current legislation, or held by authorised actors, other managers of public information (Law of Ukraine on Access to Public Information, 2011).

According to the legislation in force, each body must, within a certain time frame, publish its results with the main indicators and achievements during the reporting period, determining the areas of development for the future. The exception is restricted information. Article 6 of the Law of Ukraine *On Access to Public Information* refers confidential, official and secret information to information with limited access (Law of Ukraine on Access to Public Information, 2011). The Law defines the means of promulgation such as: publication of reporting information on the official website of public authorities, official printed publications and other information resources.

Real public accountability and controllability of public officials in their activities to the interests of society are signs of effective public policy and universal principles of "good governance" (Kuprii, Palyvoda, 2011, p. 11-14; Nalyvaiko, Savchenko, 2017, p. 98).

Media control should also be included as a general form of control. Nowadays, in the public sector, mass media is an important part of civil society, conducting a dialogue between citizens, society and the State, as well as an instrument of publicity, openness, public sector and civil society (Orlov, 2012, p. 13; Nalyvaiko, Savchenko, 2017, p. 100). The most important tools of civil society are the social and legal or public structures of television, radio and the Internet, enabling citizens to engage in dialogue in the very public sector that is necessary for democratic society (Nalyvaiko, Savchenko, 2017, p. 100).

The dialogue from the exchange of information between representatives of the media and anti-corruption State bodies is a specific constructive public control, which has a unique influence on the conduct and application of anti-corruption actions, reducing corruption risks among employees of these bodies.

According to the NABU's report for the first half of 2021, the leadership of this anti-corruption body provided 150 responses to requests

from the media during the reporting period; 33 briefings and conferences were held with the participation of representatives of the body, including on-line; 13 interviews were given to Ukrainian media; 60 media comments on NABU activities were presented; 29 educational activities were conducted, including online (Official site of the National Anti-Corruption Bureau of Ukraine, 2021).

The next form of public control over the activities of specialised anti-corruption bodies should be considered a specialised form, characteristic of the exclusive range of actors of public control in accordance with the provisions of specialised legislation. Accordingly, actors of public control, having acquired the right to perform a specialised function, are given certain powers provided that the requirements of the legislator are met. This form is peculiar, first of all, to public councils formed under specialised anti-corruption State bodies. As noted above, public councils operate under the National Anti-Corruption Bureau of Ukraine (art. 31 of the Law of Ukraine on the National Anti-Corruption Bureau of Ukraine of October 14, 2014), State Bureau of Investigation (art. 28 of the Law of Ukraine on the State Bureau of Investigation of November 12, 2015), the National Agency for Prevention of Corruption (art. 14 of the Law of Ukraine on Prevention of Corruption of October 14, 2014), the Supreme Anti-Corruption Court (art. 9 of the Law of Ukraine on the Supreme Anti-Corruption Court of June 07, 2018).

As noted above, each public control council under specialised anti-corruption institutions has rather specific responsibilities: accountability of the NABU, SBI, NACP to public councils formed under the relevant anti-corruption body, these councils' hearing of information on the activities, plans and tasks of the anti-corruption bodies; possibility to participate in the work of the NABU, SBI and NACP disciplinary committees by electing their representatives.

The legislator provided a special procedure for the formation of public councils under specialised anti-corruption entities, putting forth restrictions on council members. The competition for membership in the councils is online voting, which is provided for in the special legal regulations governing the activities of the respective councils. It should be noted that both citizens of Ukraine and public associations may participate in the competition for the composition of the Council. This possibility is provided by special regulations on the procedure for composing councils under the NABU and NACP. Thus, in order to participate in the competition for the Public Control

Council under the NABU, the relevant public associations are represented by sending to the e-mail address specified in the announcement of the competition a list of outstanding documents with the proposal of the candidate for participation in the competition (Decree of the President of Ukraine Issues of the Public Control Council at the National Anti-Corruption Bureau of Ukraine, 2015). It should be noted that both the NACP Council and the NABU Council set a limit on the number of candidates for the competition (not more than three) from public associations, but the NACP defines restrictions on the very public associations.

For example, the Procedure for holding the competition for the formation of the Public Council under the National Agency for Corruption Prevention, approved by the Decree 952 of the Cabinet of Ministers of Ukraine of 20 November (Resolution of the Cabinet of Ministers of Ukraine Procedure for holding a competition for the formation of the Public Council at the National Agency for Corruption Prevention, approved, 2019), establishes limits on the number of candidates nominated for the competition from public associations: no more than three candidates, taking into account all candidates nominated by affiliated public associations. Affiliated public associations shall be those having common founders or whose founders are close persons. If the number of candidates nominated for participation in the competition is greater, the public association that sent the documents required for participation in the competition shall be allowed to participate in the competition in the order of priority of the candidacy of the public association that sent the documents provided for in this Procedure (Resolution of the Cabinet of Ministers of Ukraine Procedure for conducting a competition for the formation of the Public Council at the National Agency for Corruption Prevention, approved, 2019).

In turn, the Procedure for the formation of the Public Control Council under the State Bureau of Investigations, approved by the Presidential Decree 42/2020 of 5 February, does not provide for the participation of members of public associations, without imposing the above restrictions. This position, in our view, is restrictive for membership of the NABU, NACP. In order to eliminate differences in special legal regulations, we propose to supplement the Procedure for the formation of the Public Control Council under the State Bureau of Investigations, approved by the Presidential Decree 42/2020 of 5 February 2020, providing an opportunity for members of public associations to participate in the competition for the Council, adding a paragraph:

“A public association may nominate no more than three candidates for participation in the competition. Candidates nominated for participation in the competition shall comply with the requirements established by this Procedure.”

As already mentioned, a special form of public control, characteristic of public councils attached to specialised State bodies, is predetermined by the establishment of special requirements to the procedure for the formation of members and the holding of competitions.

For example, the procedure for the formation of the Public Control Council under the State Bureau of Investigations, approved by the Presidential Decree 42/2020 of 5 February 2020 provides for stages of competition for the formation of the Council. Accordingly, the competition consists of stages as followings: 1) promulgation of the announcement of the competition, acceptance and consideration of applications and other documents from persons wishing to participate in the competition, checking their compliance with the requirements established by this Procedure; 2) online rating voting on the official website of the State Bureau of Investigation; 3) writing essays on the given topic of the competition committee; 4) conducting an interview; 5) announcing the results in the form of a rating list; 6) submission by the competition commission for approval to the Director of the State Bureau of Investigation of the list of 15 persons selected to the Council. The positive regulatory aspect of the competition for the Council of the SBI is the envisaged procedure for each stage with a description of the procedure for the conduct of these stages with determination of the time and clearly regulated rules of applicants' conduct, which makes this process more open and transparent in comparison with other conditions of competition for the NACP, NABU, regulated by special regulations.

In order to eliminate in the future the possibility of corruption risks when conducting competition for the membership in the Council of the NACP and NABU, which will negatively affect the performance of public control, it is necessary to establish a procedure for the competition for council members in accordance with the procedure established for the members of the Council of the SBI, initiating the relevant paragraphs in the Procedure for holding the competition for the formation of the Public Council under the National Agency for Corruption Prevention, approved by the Decree 952 of the Cabinet of Ministers of Ukraine of 20 November 2019, and the Regulation on the procedure for the formation of the Council of Public Control under the National Anti-Corruption Bureau of Ukraine, approved by the Decree

272/2015 of the President of Ukraine of May 15, 2015.

The special forms of public control by the councils established at the anti-corruption bodies should be their ability to participate in the development of the anti-corruption strategy, draft legal regulations, developed by the relevant actors performing the anti-corruption activities, to draw conclusions on and evaluate these regulations.

The most successful example of functioning and interaction with the State anti-corruption body is demonstrated by the Public Control Council of the NABU, operating since 2015. On May 23, 2018, the NABU PCC members reported on the year of their work, in particular on participation in the competition and disciplinary commissions, advocacy changes in the work of the NABU and the system control of court proceedings by the NABU-SAP. Thus, over the past year, representatives of the PCC have participated in 100 meetings and 900 interviews with candidates for various positions and conducted more than 430 additional thorough checks of candidates. As a result, during this period 118 new employees were selected to the NABU (Official site of National Anti-Corruption Bureau of Ukraine, 2021). Moreover, over the past year, the PCC has been able to prosecute five employees and dismiss one for misconduct (Korniievskiy, Tyshchenko, Yablonskiy, 2018, p. 74).

Regarding the Specialised Anti-Corruption Prosecutor's Office of the General Prosecutor's Office, as we have already noted, until 2017, the General Prosecutor's Office had an Advisory Council that, on the basis of non-interference in the activities of the Public Prosecutor's Office, exercised a form of public control, such as control over the observance of the laws by the employees of the Office. To date, legislation does not provide for the activities of the Public Council under the Specialised Anti-Corruption Prosecutor's Office of the General Prosecutor's Office that calls into question the observance of a degree of openness and transparency in the activities of this body and the ability of citizens to exercise their constitutional rights to participate in the management of State and public affairs.

The indirect form of public control over the activities of special anti-corruption State bodies, in our opinion, should include forms of activity, which have emerged as a result of the initiative of public administrator. This should include initiating the involvement of the NABU, SBI, NACP representatives of public associations, mass media, citizens of Ukraine to discuss draft legislative and other legal regulations on the activities of the relevant

specialised body, conducting their anti-corruption and anti-discrimination expertise; organising meetings, conferences, round tables, etc. on the prevention and combating of corruption; publicising and discussing the openness and transparency of these bodies. These positions are provided for in Art. 7, para. 9 of part 1, of the Law of Ukraine *On the State Bureau of Investigation* (Law of Ukraine On the State Bureau of Investigation, 2015), Art. 12, para. 4 of part 1, of Law of Ukraine *On Prevention of Corruption* (Law of Ukraine on Prevention of Corruption, 2014), as well as Art. 5, para. 5, of the Law of Ukraine *On the National Anti-Corruption Bureau of Ukraine*, according to which the Director of the National Bureau may create commissions by his/her decision, to which representatives of public associations may engage to study issues of violation of the rights of individuals, cooperating with the National Bureau and making recommendations to remedy these violations (Law of Ukraine On the National Anti-Corruption Bureau of Ukraine, 2014).

As already mentioned, public control over the activities of the Specialised Anti-Corruption Prosecutor's Office of the General Prosecutor's Office is carried out in a different way than the above-mentioned specialised bodies. According to Section 6.1. "Powers of employees of the Specialised Anti-Corruption Prosecutor's Office" of the Order 125 of the General Prosecutor's Office "On approval of the Regulations on the Specialised Anti-Corruption Prosecutor's Office of the General Prosecutor's Office" of March 05, 2020, the Deputy Prosecutor General, the Head of the Specialised Anti-Corruption Prosecutor's Office is responsible for representing the SAP in relations with public associations, international organizations, etc. (Order of the General Prosecutor's Office On approval of the Regulations on the Specialised Anti-Corruption Prosecutor's Office of the General Prosecutor's Office, 2020).

Some forms include the involvement of anti-corruption organizations in co-management with State bodies. According to analytical studies, six anti-corruption organizations were invited to participate in a certain type of activity. One such example of cooperation is an organization from Cherkasy, which participated in a certification commission that hired new police officers (Bader, Hus, Meleshko, Nesterenko, 2019, p. 11)

The next form of public control is the form of direct action, which is expressed in a targeted action, used in exceptional cases as an extreme forced form of influence on the actor of the anti-corruption body. In most cases, this

form is used by anti-corruption activists or public organizations.

In their work, L.R. Nalyvaiko, O.V. Savchenko define this form of public control as "civil disobedience". The authors argue that civil disobedience is expressed in people's reaction to the shortcomings of the system and the struggle for their rights and freedoms. The measure of disobedience depends directly on how the political system considers social interests. The purpose of the civil disobedience study is that social movements and public initiatives should be legal (Nalyvaiko, Savchenko, 2017, p. 94).

According to researchers, civil society organizations can exert pressure on authorities or other actors by organising demonstrations or other types of public events in which they mobilize their supporters. Though most of the time such protests are peaceful, activists may also use confrontational and coercive methods, such as road blocking or physical resistance to corrupt actors (Bader, Hus, Meleshko, Nesterenko, 2019, p. 5).

In addition to public active initiatives and projects, the anti-corruption forms of public activities include the activities of individual active citizens to prevent and detect corrupt actions become essential. For example, according to a nationwide survey of the Ilko Kucheriv Democratic Initiatives Foundation, and the sociological service of the Razumkov's Centre, which lasted from 19 to 25 May 2018, most respondents (73%), answering the question about what citizens were ready to do to fight corruption, indicated a refusal to give bribes. Significantly fewer citizens who were interviewed chose other possible actions: 19% of respondents – to inform the law enforcement bodies; 17% – to report corruption cases in the media, blogs and social networks; 16% – to complain to the authorities about cases of corruption in their institutions; and 13% of respondents – to do nothing in principle (Korniievskiy, Tyshchenko, Yablonskiy, 2018, p. 76).

Furthermore, the form under study includes a volunteer movement in the fight against corruption among officials of State bodies, which has begun to manifest itself to date.

For example, according to the results of the study, the fight against corruption defines one of the areas of volunteer activities of young people and youth organizations. However, only 4% of the young citizens surveyed noted that they were engaged in voluntary activities to improve the system of administration (public service), fight corruption, promote reforms. 18% of young people surveyed expressed their desire to join anti-corruption activities (Korniievskiy, Tyshchenko, Yablonskiy, 2018, p. 81).

The last form of public control in the fight against corruption among the employees of specialised anti-corruption State bodies, in our opinion, is public judicial monitoring.

In accordance with constitutional provisions, every citizen of Ukraine is guaranteed the right to appeal to the courts against decisions, actions or omissions of State authorities, local self-government bodies, officials and officers (Constitution of Ukraine, 1996). In turn, in the interest of others, namely, in the public interest, according to article 21, para. 1, part 1, the Law of Ukraine *On Public Associations*, the latter may apply to the courts, participate in court sessions as observers and carry out appropriate monitoring.

Public organizations established within the anti-corruption special bodies are actively involved in monitoring of the judicial processes of the NABU and SAP proceedings. For example, for 6 months in 2018, the NABU Public Control Council, as part of the public judicial monitoring, visited 123 court sessions, most of them in Kyiv, where the most cases are considered (Official site of the Ukrainian Crisis Media Centre, 2018).

5. Methods of public control over the activities of specialised anti-corruption bodies

The purpose of our research requires to reveal methods of public control over the activities of specialised anti-corruption bodies. First, the etymological analysis of the term "method" (method of legal regulation) is the set of techniques, methods and means by which material and procedural law affect social relations (Dodonov, 2001).

According to Y. Bytiak's definition of the essence of the method of administrative law, the way of impact of the rules of this branch on public relations can be described by clarifying circumstances, such as: 1) the legal status of each of the participants of the relationship, regulated by administrative and legal provisions; 2) legal facts which determine the advent, change, termination of the administrative and legal relations; 3) the way to define and protect the rights and obligations of actors of the relations (Bytiak, Harashchuk, Zui, 2010, p. 30).

In the theory of law, scholars emphasize the encouragement, persuasion and coercion (Halunko, Dikhtiiivskyyi, Kuzmenko, Stetsenko, 2018, p. 144). V. Halunko notes that there are two primary (general) methods of legal regulatory mechanism in the jurisprudence: imperative and dispositive. According to the scientist, an imperative method (centralised, authoritative), based on the principles "power-submission", on the relationship of subordination of actors and objects of management

(in its implementation means of prohibition, disposition, coercion and legal liability are widely used), while the essence of dispositive one is based on the legal equality of the actors of the legal relationship, their freedom to express their will in the performance of legal actions (Halunko, 2015, p. 12). Therefore, in the context of our research, we will rely on the basics of the dispositive method since the actors of public control are legally equal in the expression of will in exercising this type of control over the activities of specialised anti-corruption State bodies.

According to V. Kuleshov studies on the specificities of public control methods, for the highest level of partnership, singles out methods as follows: regulatory, public order, procedural, informational, educational, contractual, consensual, conciliatory, participatory, involvement, joint activities, joint decision-making, project, social design, strategic partnership (introduction of appropriate techniques for the functioning of an effective system, understanding of each participant, joint activities in accordance with the interests of each, agreeing on the actions of each on the basis of the principles of equality, voluntariness, openness, transparency) (Kuleshov, 2020, p. 29).

In addition, the scientist at the level of establishing a dialogue between actors of public control identifies: methods of establishing contact, communication, conducting discussions, communication, planning, coordination, manipulation, propaganda (Kuleshov, 2020, p. 29).

It should be noted that scholars have not come to a consensus in their research on how to exercise public control. Moreover, some of them in essence approach to forms of public control.

In support of our opinion, V. Kuleshov argues that individual authors classify the stages of control process (observation, assessment, analysis, forecasting) as methods of public control. Furthermore, some scientists include ideological, religious, sociocultural, moral and psychological mood in society into the methods of public control (Kuleshov, 2020, p. 30).

The scientific doctrine enables to classify methods of public control, considering the provisions of anti-corruption legislation and the activities of State bodies with a special status, which is responsible for the cessation and disclosure of corruption violations. In our opinion, the means of public control should be grouped into: method of public initiative (examination, verification, investigation), alternative activities (joint management), advisory, public dialogue (communicative and informational-educational work among citizens, aimed at formation of anti-corruption competence), discussion (advisory), cooperation.

The essence of the method of public initiative, which, in our opinion, should include public examination, verification, investigation, is the manifestation of public activity and consciousness, aimed at preventing the manifestations of corrupt activities. With regard to the definition of the nature and purpose of the public examination, verification and investigation, they are based on the determination of the causes and circumstances of the violation of public interest, legitimate rights of individuals through deliberate actions by public control actors.

It should be noted that the draft laws on public control define in different ways the legal essence of the notions of public examination, verification, investigation. For example, Draft 4697 of April 14, 2014 (initiated by S.L. Tihipko) (Draft Law on Public Control, 2014) characterizes public examination, verification, investigation as special procedures of public control over the activities of authorised actors, their officials, other objects of public control. In our opinion, the classification of these categories as procedures is incorrect, because the “procedure” (Fr. *procedure*, from Lat. *procedere* “move on”) is the order, continuity, consistency in the performance of actions to achieve a certain result (Shemshuchenko, 2003, pp. 186-187). We will reveal in detail administrative procedures for public control further.

The authors of Draft 2737-1 of May 13, 2015 (initiators N.Y. Korolevska, Y.V. Solod) classify public examination and verification as measures of public control, including: analytical and monitoring research of the activities of objects of public control (Draft Law on Public Control, 2015).

The provisions of the current legislation provide for the powers of public councils, formed under specialised anti-corruption bodies, to carry out public assessments of the implementation of the tasks assigned to the latter, to draw conclusions on the reporting activities of anti-corruption bodies, and to take a position on violations of laws, human and civil rights and freedoms in the activities of relevant officials.

The analysis of the drafts and the provisions of current legislation enable to reveal the meaning of the concepts of public examination, verification and investigation as components of the method of public initiative of public control.

According to the *Great explanatory dictionary*, “expertise” is the consideration, study by a specialist in this field (expert) or a group of responsible specialists in order to give a correct assessment of the situation, phenomenon (Busel, 2005, p. 152). Accordingly, we suggest that public examination is the way of control exercised by the actor of public control, that

is, the analysis and study the of compliance degree of the activities of the objects of this type of control with the requirements of the current legislation and public interests.

In turn, verification is examination for control, establishment of correctness (Busel, 2005). Therefore, public verification should be understood as one of the means of public control, involving the conduct of examination and the performance of consistent actions by the actors of that control, aimed at establishing the facts and circumstances of the activities of objects of public control with a view to determining compliance with the provisions of the current legislation and public interests.

The term “investigation” is defined as: to conduct research, study someone, something; to find out, to clarify or to understand any issue (Busel, 2005, p. 519). Public investigation is defined as a way of studying and clarifying, within the limits of the legislation, facts and circumstances of violation of public interests, legal rights of individuals and legal entities by officials of objects of public control, informing the public about this, developing recommendations to eliminate the consequences of such violations and prevent them in the future, violation of the request to bring the perpetrators to justice.

The method of social initiative should also include the submission of appeals by actors of public control to eliminate violations by officials of specialised bodies of the requirements of the current legislation and public interests, analysis of information on the facts of violation of the requirements of law; organisation and conduct of rallies, pickets and other peaceful activities aimed at countering corruption violations and the provisions of existing legislation; making lists of officials who systematically violate anti-corruption legislation, etc.

The method of alternative activities of public control is realised through joint management activities such as the establishment of partnerships between actors of public control and its objects. This method allows to carry out public control in partnership by open access to reporting and current information on the activities of bodies, except information with limited access; to identify conflict situations with regard to violations of existing legislation and public interests. For example, public councils under specialised anti-corruption bodies participate in the development of the anti-corruption strategy and the State programme for its implementation, according to the regulation on the activities of the Public Council under the NACP (Resolution of the Cabinet of Ministers of Ukraine Some issues of the Public Council at the National Agency for Prevention of Corruption, 2019).

6. Monitoring of the activities of officials or public institutions

A significant percentage of public organizations monitor the activities of officials or State institutions. Common monitoring areas include public procurement where activists can identify conflicts of interest or disagreements between purchase prices and market prices; politicians and officials' declarations where they can identify differences between declared assets and actual assets; and public expenditures in which they can identify the "leakage" of public funds in the pocket of private individuals. Public organizations also monitor the performance of public service providers in terms of transparency and virtue, using tools such as reporting (Nesterenko, Biletskyi, Bader, 2019, pp. 4-5).

The advisory method of public control involves the participation of actors of public control in the invention of alternative ways in detecting and deterring corruption violations in the activities of officials, formation. For example, in accordance with current legislation, public councils under specialised anti-corruption bodies provide ongoing advisory services. The Public Council under the SBI collects, synthesises and submits information on the proposals of civil society institutions on the need to improve the forms and methods of interaction to the State Bureau of Investigation.

Next, the method of public dialogue consists in conducting communicative, information and educational work among citizens, aimed at formation of anti-corruption competence. According to the monitoring report, 117 public organisations participate in educational anti-corruption activities (Nesterenko, Biletskyi, Bader, 2019, p. 7), aimed at raising public awareness on identifying and assessing corruption risks. According to the authors of the monitoring, anti-corruption education can help

other activists acquire skills such as monitoring; officials to acquire the norms of virtue; the public to raise awareness of corruption in general (Nesterenko, Biletskyi, Bader, 2019, p. 5).

The method of public control, such as a discussion or advisory one, is based on public participation in the discussion of issues, identification of ways of implementing anti-corruption policy and strategy by special anti-corruption bodies. This method is realised both through the active constant participation of public councils and the involvement of all actors of public control in: the organization and conduct of public hearings on anti-corruption issues, participation in advisory bodies, making proposals to improve anti-corruption activities, etc.

The method of cooperation is expressed in the joint work of specialised anti-corruption bodies with representatives of the media, for example the posting of messages information, not subject to limited access, their participation in the conduct of journalistic investigations; organization of conferences, seminars, round tables with open access for participation of all actors of public control concerned.

In conclusion, it should be noted that methods of public control are a set of administrative and legal methods aimed at ensuring constant control over the activities of specialised anti-corruption public bodies for detecting and preventing corrupt practices, reducing corruption risks in the activities of officials of these bodies.

7. Conclusions

Methods of public control are a set of administrative and legal methods aimed at ensuring constant control over the activities of specialised anti-corruption public bodies for detecting and preventing corrupt practices, reducing corruption risks in the activities of officials of these bodies.

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ФОРМИ ТА МЕТОДИ ГРОМАДСЬКОГО КОНТРОЛЮ ЗА ДІЯЛЬНІСТЮ СПЕЦІАЛІЗОВАНИХ АНТИКОРУПЦІЙНИХ ОРГАНІВ

Анотація. Мета. Мета статті – на основі аналізу вітчизняного законодавства та наукових праць із проблематики дослідження розкрити форми та методологічні підходи у сфері здійснення громадського контролю за антикорупційними державними суб'єктами. **Результати.** Стаття присвячена дослідженню форм та методів громадського контролю за діяльністю спеціалізованих антикорупційних органів. Зафіксовано, що жодна демократична держава не може існувати без дієвого контролю за органами влади з боку суспільства. Контроль є універсальним засобом поліпшення взаєморозуміння між владою та громадськістю. Встановлено класифікацію форм громадського контролю за діяльністю спеціалізованих антикорупційних органів за такими групами: загальні, спеціалізовані, непрямої дії та прямої дії, процесуальні. Констатовано, що звернення громадян залишається найбільш розповсюдженою формою контролю. Такий метод громадського контролю як обговорення, або дорадчий, ґрунтується на участі громадськості в обговоренні питань, визначенні шляхів реалізації антикорупційної політики та стратегії спеціальними антикорупційними органами. Цей метод реалізується як шляхом активної постійної участі громадських рад, так і залученням до цього всіх суб'єктів громадського контролю в організації та проведенні громадських слухань з антикорупційних питань, участі в роботі консультативно-дорадчих органах, наданні пропозицій щодо покращання антикорупційної діяльності тощо. Метод співробітництва виражається у взаємній роботі спеціалізованих антикорупційних органів з представниками ЗМІ, що виражається у розміщенні повідомлень, інформації, що не підпадає під обмежений доступ, їхньої участі у проведенні журналістських розслідувань; організації конференцій, семінарів, круглих столів з відкритим доступом для участі всіх бажаючих суб'єктів громадського контролю тощо. **Висновки.** Визначено, що методами громадського контролю є сукупність адміністративно-правових методів, спрямованих на забезпечення неухильного постійного контролю за діяльністю спеціалізованих антикорупційних державних органів, спрямованого на виявлення та попередження корупційних проявів, зниження виникнення корупційних ризиків у діяльності посадових осіб цих органів. Окреслено такі методи громадського контролю: метод громадської ініціативи, альтернативної діяльності, консультативний, публічного діалогу, обговорення, співробітництва.

Ключові слова: громадський контроль, метод громадського контролю, форма громадського контролю, звернення громадян.

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