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## ON DESCRIPTION OF THE SYSTEM OF LEGAL FRAMEWORKS OF THE SECURITY SERVICE OF UKRAINE RELATED TO ENACTING THE STATE ANTI-CORRUPTION PROGRAMME TO IMPLEMENT THE ANTI-CORRUPTION STRATEGY

**Abstract. Purpose.** The purpose of the article is to describe the system of regulatory and legal frameworks of the Security Service of Ukraine's activities related to enacting the State anti-corruption programme to implement the Anti-Corruption Strategy. **Results.** The article identifies a range of legal regulations of different legal force which constitute the system of legal frameworks of the Security Service of Ukraine's activities related to enacting the State anti-corruption programme to implement the Anti-Corruption Strategy. The activities of the Security Service of Ukraine aimed at enacting the State anti-corruption programme to implement the Anti-Corruption Strategy go much deeper than the usual process of fulfilling the tasks assigned to this law enforcement agency. It is a multidimensional, complex legal activity, a type of internal activities aimed at combating, preventing and deterring corruption in the SSU system. In addition, it is virtually impossible to ensure the SSU's effective work in this field without creating a high-quality and effective legal framework. Moreover, it should be noted that in the context studied in this article, the regulatory framework, as one of the key elements of the administrative and legal mechanism for enacting the State anti-corruption programme, is distinguished by its individual specificity. **Conclusions.** It is concluded that the legal framework for the activities of the Security Service of Ukraine to implement the State anti-corruption programme to implement the Anti-Corruption Strategy is currently presented by: the Constitution of Ukraine and a number of laws and by-laws. For instance, the Basic Law defines the most important principles of the functioning of the State in general, as well as the activities of its key bodies in particular. The largest range of targeted provisions is enshrined in laws and by-laws. They regulate most of the administrative, organisational, logistical and other issues of both the general process of preventing corruption in public authorities and local self-government bodies and the implementation of anti-corruption policy directly as part of the activities of the Security Service of Ukraine.

**Key words:** legal framework, anti-corruption, corruption prevention, anti-corruption programme, Anti-Corruption Strategy, Security Service of Ukraine.

### 1. Introduction

The activities of the Security Service of Ukraine aimed at enacting the State anti-corruption programme to implement the Anti-Corruption Strategy go much deeper than the usual process of fulfilling the tasks assigned to this law enforcement agency. It is a multidimensional, complex legal activity, a type of internal activities aimed at combating, preventing and deterring corruption in the SSU system. In addition, it is virtually impossible to ensure the SSU's effective work in this field without creating a high-quality and effective legal framework. Moreover, it should be noted that in the context studied in this article, the regulatory framework, as one of the key elements of the administrative and legal mechanism for

enacting the State anti-corruption programme, is distinguished by its individual specificity.

Some problematic issues related to the regulatory and legal framework for the activities of the Security Service of Ukraine have been considered in the scientific works by: V.F. Demskyi, T.V. Ilienok, Ya.M. Kashuba, O.M. Melnyk, O.V. Lytvyn, A.V. Nikitin, R.M. Tuchak and many others. However, despite the significant theoretical and juridical basis, the issue of the legal framework of the Security Service of Ukraine in the context of enacting the State anti-corruption programme to implement the Anti-Corruption Strategy remains virtually unexplored in the scientific literature.

That is why the purpose of the article is to describe the system of regulatory and legal

frameworks of the Security Service of Ukraine's activities related to enacting the State anti-corruption programme to implement the Anti-Corruption Strategy.

## **2. Legal regulations on enacting the State anti-corruption programme to implement the Anti-Corruption Strategy of the Security Service of Ukraine**

To begin with, it is most appropriate to consider the legal regulations in the field under study depending on their legal force. First of all, it should be noted that the Constitution of Ukraine is the most important law of the State. According to this document, our State is a sovereign and independent, democratic, social and legal country. A human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State. In Ukraine, the principle of the rule of law is recognised and effective. The Constitution of Ukraine has the highest legal force. Laws and other legal regulations are adopted on the basis of the Constitution of Ukraine and shall conform to it. The norms of the Constitution of Ukraine are norms of direct effect. Appeals to the court in defence of the constitutional rights and freedoms of the individual and citizen directly on the grounds of the Constitution of Ukraine are guaranteed. State power in Ukraine is exercised on the principles of its division into legislative, executive and judicial power (Constitution of Ukraine, 1996).

According to Article 17 of the Constitution, to protect the sovereignty and territorial indivisibility of Ukraine, and to ensure its economic and informational security are the most important functions of the State and a matter of concern for all the Ukrainian people. The defence of Ukraine and the protection of its sovereignty, territorial indivisibility and inviolability, are entrusted to the Armed Forces of Ukraine. Ensuring state security and protecting the state border of Ukraine are entrusted to the respective military formations and law enforcement bodies of the State, whose organisation and operational procedure are determined by law. The Armed Forces of Ukraine and other military formations shall not be used by anyone to restrict the rights and freedoms of citizens or with the intent to overthrow the constitutional order, subvert the bodies of power or obstruct their activity (Constitution of Ukraine, 1996).

As the regulatory and legal framework

for the SSU's activities in enacting the State anti-corruption programme to implement the Anti-Corruption Strategy, the Constitution is a declarative document that establishes the main, basic principles of the SSU's functioning as a public authority and, in particular, a law enforcement body. The Basic Law sets out the basic provisions that should be considered, inter alia, when creating an anti-corruption environment in the system of the SSU's bodies and units.

The review of the next group of legal regulations and laws reveals that their provisions are directly related to the SSU's activities in enacting the State anti-corruption programme to implement the Anti-Corruption Strategy. For instance, the Law of Ukraine 'On the Security Service of Ukraine' defines the legal status, tasks, structure, powers and other features of this state law enforcement body. The provisions of the Law are the basis for organising and implementing the State anti-corruption programme, as well as all other measures aimed at counteracting and combating corruption within the SSU (On the Security Service of Ukraine: Law of Ukraine, 1992).

The Law of Ukraine 'On Prevention of Corruption' is currently the key legal regulation on combating and preventing corruption in the entire country. The document defines the legal and organisational framework for the functioning of the system of entities for corruption prevention in Ukraine, the content and procedure for applying preventive anti-corruption mechanisms, and the rules for eliminating the consequences of corruption offences. For example, its provisions define the concepts of corruption, unlawful benefit, which is the purpose of committing acts that constitute the content of this negative phenomenon, conflict of interest, close associates and other issues (Law of Ukraine On Prevention of Corruption: Law of Ukraine, 2014).

Section II of the Law is entirely devoted to defining the status of the main state body in the field of corruption prevention, which is directly involved in the development of the State anti-corruption strategy and programme. This is the National Agency for Prevention of Corruption, a central executive body with a special status that ensures the development and implementation of public anti-corruption policy. The NAPC is responsible to and controlled by the Verkhovna Rada of Ukraine within the limits provided by law and is accountable to the CMU, which establishes it. In its activities, the NAPC is completely independent of any interference with its targeted activities, which is guaranteed by: 1) the special status of the National Agency; 2) the special proce-

ture for selection, appointment and termination of powers of the Head of the National Agency; 3) special procedure for financing and logistical support for the National Agency established by law; 4) proper remuneration conditions for the Head, Deputy Heads of the National Agency and employees of the National Agency's staff, as defined by this and other laws; 5) transparency of its activities (Law of Ukraine On Prevention of Corruption: Law of Ukraine, 2014).

The list of regulatory frameworks for the SSU's activities includes the Law of Ukraine 'On the Principles of State Anti-Corruption Policy for 2021-2025', which approved the Anti-Corruption Strategy for 2021-2025, as it is the catalyst for the goals of the relevant state anti-corruption programme. The Law provides for that the purpose of the current Strategy is to achieve significant progress in preventing and combating corruption, as well as to ensure coherence and systematic anti-corruption activities of all state authorities and local self-government bodies. This Anti-Corruption Strategy views corruption as a key obstacle to sustainable economic growth and the development of effective and inclusive democratic institutions. According to the legislator's definition, the previous Anti-Corruption Strategy focused on priorities related to the creation of a system of modern anti-corruption instruments (legal institutions) and the development of a system of anti-corruption bodies to ensure the effective implementation of these instruments. Along with this, the Government limited opportunities for corruption in certain sectors through sectoral reforms, as it implemented other policy documents (On the Principles of State Anti-Corruption Policy for 2021-2025: Law of Ukraine, 2022).

An equally large number of important documents that guide the SSU in organising and executing the State anti-corruption programme to implement the Anti-Corruption Strategy of Ukraine are concentrated at the by-law level. The first of these is the CMU Resolution 'On Approval of the State Anti-Corruption Programme for 2023-2025' No. 220 of 04.03.2023. The purpose of the Programme is to achieve significant progress in preventing and combating corruption, ensuring coherence and systematic anti-corruption activities of all state and local authorities, as well as a proper process of post-war recovery of Ukraine. Implementation of the Programme will contribute to further work on Ukraine's membership in the EU, North Atlantic Alliance (NATO), and the Organisation for Economic Cooperation and Development (OECD). (On approval of the State Anti-Corruption Program for 2023-2025: Resolution of the Cabinet of Ministers of Ukraine, 2023).

### **3. By-laws and regulations on enacting the State anti-corruption programme to implement the SSU Anti-Corruption Strategy**

One of the bylaws of the state's top leadership is the Decree of the President of Ukraine 'On the Decision of the National Security and Defence Council of Ukraine of 14 September 2020 "On the National Security Strategy of Ukraine"' 392/2020 of 14.09.2020. The document does not directly address anti-corruption issues, but its provisions address this issue. The Decree stipulates that the Strategy is based on the following main principles: deterrence - development of defence and security capabilities to prevent armed aggression against Ukraine; resilience - the ability of society and the State to adapt promptly to changes in the security environment and maintain sustainable functioning, in particular by minimising external and internal vulnerabilities; interaction - the development of strategic relations with key foreign partners, primarily the European Union and NATO and their Member States, the United States of America, pragmatic cooperation with other states and international organisations based on Ukraine's national interests. Its implementation is aimed at: a) protecting individuals, society and the State from offences, including corruption, ensuring restoration of violated rights, and compensation for damages; b) completing reforms and overcoming corruption to bring the Ukrainian economy out of the depression, ensure its sustainable and dynamic growth, and reduce vulnerability to threats; c) affirming the principle of zero tolerance to corruption, ensuring effective operation of bodies that prevent corruption and combat corruption offences, etc. (On the decision of the National Security and Defense Council of Ukraine dated September 14, 2020 "On the National Security Strategy of Ukraine": Decree of the President of Ukraine, 2020).

A subgroup of bylaws regulating technical issues of enacting the State anti-corruption programme to implement the Anti-Corruption Strategy in the activities of the Security Service of Ukraine is formed by acts of the NAPC and the SSU directly. An example is the NAPC Order 'On improving the process of corruption risk management' No.830/21 of 28.12.2021, which approves the Corruption Risk Management Methodology; Procedure for submitting anti-corruption programmes and amendments thereto for approval to the National Agency for the Prevention of Corruption and for their approval (On improving the process of corruption risk management: Order of the NAPC, 2021).

The SSU documents include Orders of the SSU Central Directorate No. 126 of 19.04.2021 approving the SSU Anti-Corruption

tion Programme for 2021-2024; 'On Conducting Corruption Risk Assessment in the Activities of the Security Service of Ukraine' No. 131 of 13.04.2023; 'On approving the Rules of Professional Ethics and Integrity of a Serviceman of the Security Service of Ukraine' No. 474 of 27.11.2023, etc.

Thus, the SSU Anti-Corruption Programme stipulates that the general principles of the departmental anti-corruption policy are formed with due regard to the need to build a high level of trust in the SSU; conditions enabling the corruption potential in law enforcement related to the management of significant state resources, high level of secrecy and the principle of unity of command, which gives commanders (chiefs, managers) certain discretionary powers, contacts of employees with the criminal environment, impact of law enforcement on the rights and freedoms of citizens; constant public control over the activities of law enforcement bodies.

In addition, Order No. 126 of the SSU Central Directorate of 19.04.2021 establishes that the SSU departmental policy on preventing and combating corruption provides for the implementation of anti-corruption reforms, the development of effective mechanisms for preventing corruption, resolving conflicts of interest and ensuring control over the observance of moral and ethical standards, integrity and decency by persons authorised to perform state functions, and strengthening the efficiency of financial resources management (Anti-corruption program of the Security Service of Ukraine for 2021-2024: Order of the Security Service of Ukraine, 2021).

#### 4. Conclusion.

Therefore, the legal framework for the activities of the Security Service of Ukraine to implement the State anti-corruption programme to implement the Anti-Corruption Strategy is currently presented by: the Constitution of Ukraine and a number of laws and by-laws. For instance, the Basic Law defines the most important principles of the functioning of the State in general, as well as the activities of its key bodies in particular. The largest range of targeted provisions is enshrined in laws and by-laws. They regulate most of the administrative, organisational, logistical and other issues of both the general process of preventing corruption in public authorities and local self-government bodies and the implementation of anti-corruption policy directly as part of the activities of the Security Service of Ukraine.

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## ДО ХАРАКТЕРИСТИКИ СИСТЕМИ ПРАВОВИХ ЗАСАД ДІЯЛЬНОСТІ СЛУЖБИ БЕЗПЕКИ УКРАЇНИ ЩОДО РЕАЛІЗАЦІЇ ДЕРЖАВНОЇ АНТИКОРУПЦІЙНОЇ ПРОГРАМИ З ВИКОНАННЯ АНТИКОРУПЦІЙНОЇ СТРАТЕГІЇ

**Abstract. Purpose.** Метою статті є: надати характеристику системі нормативно-правових засад діяльності Служби безпеки України щодо реалізації державної антикорупційної програми з виконання Антикорупційної стратегії. **Results.** У статті виділено коло нормативно-правових актів різної юридичної сили, які складають систему правових засад діяльності Служби безпеки України щодо реалізації державної антикорупційної програми з виконання Антикорупційної стратегії. Діяльність Служби безпеки України щодо реалізації державної антикорупційної програми з виконання Антикорупційної стратегії значно глибша за звичайний процес виконання поставлених перед цим правоохоронним органом завдань. Вона є багатоаспектною, складною правовою активністю, видом внутрішньої діяльності із протидії, попередження та запобігання корупції в системі СБУ. Разом із тим, забезпечення ефективної діяльності Служби безпеки України за даним напрямом є фактично неможливим без створення якісного та ефективного нормативно-правового підґрунтя. При цьому слід зауважити, що у досліджуваному у статті контексті, нормативно-правові засади, як один з ключових елементів адміністративно-правового механізму реалізації державної антикорупційної програми, відрізняються своєю індивідуальною специфікою. **Conclusions.** Зроблено висновок, що нормативно-правові засади діяльності Служби безпеки України щодо реалізації державної антикорупційної програми з виконання Антикорупційної стратегії на сьогоднішній день представлено: Конституцією України та низкою законодавчих та підзаконних нормативно-правових актів. Так, Основний Закон визначає найбільш важливі засади функціонування держави взагалі, а також діяльності її ключових органів, зокрема. Найбільше коло цільових норм закріплено на законодавчому та підзаконному рівні. Саме за їх допомогою регламентовано більшість адміністративно-організаційних, матеріально-технічних та інших питань як загального процесу запобігання корупції в органах державної влади та місцевого самоврядування, так і реалізації антикорупційної політики безпосередньо в рамках діяльності Служби безпеки України.

**Ключові слова:** нормативно-правові засади, протидія корупції, антикорупційна програма, Антикорупційна стратегія, Служба безпеки України.