

establish the tribunal by agreement with the UN on the recommendation of the General Assembly that will legitimize this tribunal and give it the required level of international recognition.

References:

1. The Charter and Judgment of the Nürnberg Tribunal – History and Analysis: Memorandum submitted by the Secretary-General, Topic: Formulation of the Nürnberg Principles - UN - GA International Law Commission Lake Success, NY 1949. Retrieved from: https://legal.un.org/ilc/documentation/english/a_cn4_5.pdf
2. Definition of Aggression, United Nations General Assembly Resolution 3314, 14 December, 1974. Retrieved from: <http://hrlibrary.umn.edu/instreet/GAres3314.html>
3. Rome Statute of the International Criminal Court, 17 July, 1998, in force on 1 July, 2002, United Nations, Treaty Series, Vol. 2187, No. 38544. Depository. Retrieved from: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>
4. Conclusion of the Constitutional Court of Ukraine (11 July, 2001). Retrieved from: <https://zakon.rada.gov.ua/laws/show/v003v710-01#Text>
5. Corell H. A Special Tribunal for Ukraine on the Crime of Aggression – The Role of the U.N. General Assembly. Retrieved from: <https://www.justsecurity.org/85116/a-special-tribunal-for-ukraine-on-the-crime-of-aggression-the-role-of-the-u-n-general-assembly/>
6. Oona A. Hathaway The Case for Creating an International Tribunal to Prosecute the Crime of Aggression Against Ukraine (Part I). Retrieved from: <https://www.justsecurity.org/83117/the-case-for-creating-an-international-tribunal-to-prosecute-the-crime-of-aggression-against-ukraine/>
7. Amendments on the crime of aggression to the Rome Statute of the International Kampala, 11 June, 2010. Retrieved from: <https://treaties.un.org/doc/Publication/CN/2010/CN.651.2010-Eng.pdf>
8. Романюк П. Заснування трибуналу з питань агресії росії проти України: вищий рівень відповідальності як запобіжник нових конфліктів у Європі // Центр сприяння документуванню воєнних злочинів, -В., 2022. Retrieved from: <https://warcrimescenter.org/zasnuvannia-trybunalu-z-pytan-ahresii-rosii-proty-ukrainy-vyshchyy-riven-vidpovidalnosti-iak-zapobizhnyk-novykh-konfliktiv-u-yevropi/>

ANTI-CORRUPTION RESTRICTIONS IN PUBLIC SERVICE

MAKSYM POPELCHUK, student

ALLA I. RADU, Associate Professor, PhD in Philology, Legal English Supervisor
Ivan Franko National University of Lviv

The problem of corruption has been and still remains the most pressing and significant for the entire society throughout the entire period of independent Ukraine's existence. This is particularly confirmed by the research of the global anti-corruption organization *Transparency International*, according to which Ukraine is ranked 116-th out of 180 countries in 2022, which is not a good result. The same level was reached by such countries as: Algeria, Angola, El Salvador, Mongolia, the Philippines, and Zambia [7]. Therefore, the problem of corruption and its prevention needs to be studied in detail, as it is a threat to national security,

further development of a democratic society, constitutional order, and the rule of law in general. In my opinion, the most effective way to fight it is to introduce and implement truly effective restrictions, primarily for public officials, at the legislative level. The existing rules are far from perfect and need to be changed, which is the reason why this topic has been chosen.

Thus, the problem of reforming the executive branch of government in order to prevent corrupt influences on it and to ensure transparent solution of political, economic and other problems of the state is of great significance. It is worth noting that in 2014 there was already a rather determined attempt to start an active fight against corruption, in particular, a number of legislative acts aimed at preventing corruption were adopted. Those laws created completely new anti-corruption bodies in our country. Similar bodies are successfully operating in Europe, an effective anti-corruption strategy is being developed and changes to existing codes are made. But as we can see, it has not brought significant results, that is why, it is necessary to introduce such restrictions that will be actually observed by all the public officials.

One of the main anti-corruption restrictions imposed by our legislation on public officials is the restriction on receiving gifts. The term «gift» is defined by the law as money or other property, advantages, benefits, services that are provided/received free of charge or at a price below the minimum market price [1].

According to Article 718 of the Civil Code of Ukraine, gifts may include movable and immovable property, money, and other valuable items that the donor owns or may acquire in the future [5]. However, public officials are strictly prohibited from directly or indirectly soliciting, demanding, or accepting gifts for themselves or their relatives from individuals or legal entities. This prohibition applies specifically to gifts given in connection with the performance of state or local government functions or when the giver is a subordinate of the public official.

There are some exceptions to the gift-giving rules. For instance, public officials can receive gifts from certain sources, such as the state of Ukraine, international organizations, and territorial communities. Additionally, gifts given by non-subordinate individuals may be accepted as long as they are not related to the performance of government functions, meet the standards of hospitality, and do not exceed the value allowed by the law. Close relatives may also give gifts, but they must not be related to government functions either. A gift that meets the generally accepted notions of hospitality is usually a souvenir. The giver gives it out of his or her own free will to make the recipient feel good, often in connection with an event, custom, or holiday. However, any attempt to disguise an unlawful benefit as a gift carries even a criminal liability instead of administrative penalties.

Discounts, winnings, and prizes that are publicly available are also acceptable forms of gift-giving. The law about state lotteries in Ukraine defines prizes as funds, property, and non-property rights that are awarded to players who win according to the published terms and conditions [2].

The relevance of this law is also confirmed by the decision of the Court of Appeal, in which a public official was brought to administrative liability for accepting a gift of alcohol and sweets in exchange for a certain service, despite the fact that this gift costs only UAH 300. The reason for this decision was that prevention of corruption offenses is the main priority for the state [6].

Reacting to such cases is within the powers of the National Agency on Corruption Prevention (NACP). After detecting such a violation, the NACP draws up and sends a protocol to the court. The court decides whether an offense has been committed and whether it is necessary to bring the public official to administrative responsibility. If a person is found guilty, he/she is fined from 100 to 200 non-taxable minimum incomes (roughly from UAH 1700 to UAH 3400), and the gift is confiscated. If the person commits the offense again, the fine is from 200 to 400 non-taxable minimum incomes (roughly from UAH 3400 to UAH 6800), and the gift is also confiscated. Additionally, the person is deprived of the right to occupy certain positions or be engaged in certain activities for a year [4].

It should also be noted that this law has been changed under martial law. Now, public officials can accept gifts without limits on their value if they use the money for them or the gifts themselves for the needs of the Armed Forces of Ukraine or humanitarian aid to the victims of the Russian aggression against Ukraine [3].

Summing up, I consider it necessary to comply anti-corruption restrictions on public officials with the similar international standards and to establish stricter sanctions for their violation. Unfortunately, the restrictions provided by the Ukrainian legislation do not work properly and public officials continue committing corruption offences.

References:

1. Закон України «Про запобігання корупції» (15 березня 2023 р.) / Верховна Рада України. Київ : Парламентське видавництво, 2023. 110 с.
2. Закон України «Про державні лотереї в Україні» (21 листопада 2021 р.) / Верховна Рада України. Київ : Парламентське видавництво, 2021. 28 с.
3. Закон України «Про внесення змін до Закону України «Про запобігання корупції» щодо особливостей застосування законодавства у сфері запобігання корупції в умовах воєнного стану» від 08.07.2022 № 2381-IX // Відомості Верховної Ради України, 2014 р., № 49, С. 2056.
4. Кодекс України про адміністративні правопорушення (29 жовтня 2022 р.) / Верховна Рада України. – Київ : Парламентське видавництво, 2022. – 238 с.
5. Цивільний кодекс України (28 березня 2023 р.) / Верховна Рада України. Київ : Парламентське видавництво, 2022. 325 с.
6. Науково-практичний коментар до Закону України «Про запобігання корупції» / Ред. М. І. Хавронюк. К.: Ваіте, 2018. 472 с.
7. Transparency International: Corruption Perceptions Index 2022. Retrieved from: <https://cpi.ti-ukraine.org/>