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REASONS AND ATTITUDE TOWARDS THE EXISTENCE OF CORRUPTION IN UKRAINE

Introduction. Corruption is a negative social phenomenon and the source of economic, political and social risks born by Ukrainian society. Notably, the damaging effect of corruption manifests itself in the decline of the prestige and credibility of the authority on all levels, destruction of moral pillars of society, the merger of the corrupt public officials with criminal shadow circles, and the threat of the development of pseudo civilian relations. The effect of the social aspects of corruption is evident in the political, economic, cultural and other areas of activity of the Ukrainian society, and its scale has reached almost a critical extent. The currently observed impact of corruption on the administrative and social environment of civil

servants, the transformation of their moral norms and values, and the corporate culture of civil service is substantial.

As it will be discussed further, the definition of the notion of “corruption in the system of public agencies” can be formulated as the abuse of the governmental authority by an official, head or any other servant of a public agency aimed at the illegal gain of advantages, personal or for other individuals engaged in civil service.

Review of recent publications. ‘Soviet heritage’ is frequently referred to as the reason behind the spread of corruption in Ukraine. Such a statement is relatively fair since it does not contradict reality. The growth of the immense apparatus of control over production and distribution, the spread of shadow economy, which can be traced back to the era of the planned system, and refuse of the Ukrainian authorities from undertaking lustration – in particular, prohibiting the former members of the communist party from assuming crucial positions in the governmental structures of the new state – have established favourable conditions for property redistribution and the actual transformation of the government into a unique source of enrichment. The establishment of the new Ukrainian state has reserved the right to control the process of redistribution, which then included not only the products and preferential tour vouchers but also access to participation in privatization, expedient public contracts and credits [1].

Corruption is significantly stimulated by the remainder effect of the outdated command-administrative system, which constituted the excessive governmental apparatus having unjustifiably broad powers, in particular, in administrative and permissive affairs, in which crucial positions were held by the officials of the “old” generation, who upheld conservative views and failed to acknowledge the necessity of democratic transformations [2: 62].

Objectives of the paper. The objective of the article is to study and analyze the origins of the critical corruption phenomena in the system of public agencies and articulate individual definition of corruption in public agencies.

Results of research. Nevertheless, it would be unreasonable to reduce the problem to the effects of the past. The necessity of ensuring government transparency and accountability of officials and politicians and the fact that the lack of the latter is the reason behind the community’s distrust to the authority has recently become the actively discussed topics. However, ensuing governmental transparency requires both the political will “from above” and the community’s demands “from below”. While the former is at least declared at the highest level (even if neglected on other levels), the latter is still at the initial stage of development and is majorly “fed” by the funded foreign donors of the program.

Fixed opinions about the causes of corruption in public administration can be encountered since the government sets meagre salaries and "turns a blind eye" to the fact that in such case, a civil servant, in this situation, can only rely on the "hidden opportunities" of his position, which is the main cause of corruption and abuse of power for personal gain [3]. One can disagree with this categorism. Naturally, every civil servant should be protected socially and materially, and the demanding activity and tense working conditions of officials should be remunerated by the government

with a decent salary, which is the norm for the majority of developed democratic states. The substantial increase in the material support of high-ranking officials, which started in 2005, failed to reduce the level of corruption in the government.

In our opinion, the emergence and prosperity of corruption are facilitated by the limitations of laws and other regulations, which are attributed to the above-mentioned "hidden opportunities" of certain positions; the shortcomings of the current state of control over the implementation of such regulations, since the emphasis on control activities is shifted to the observance of terms of processing of tasks instead of quality; as well as the absence of a flexible and effective control system in civil service, which could encompass not only the timing of the transfer of reports on the processed documentation between executors and different government agencies but also the issues of labour discipline, analysis of corrupt "hidden opportunities" of certain positions and elaboration of effective methods to eradicate this phenomenon [4].

There are tens of officials responsible for the spread of corruption and the low effectiveness of countermeasures. But the manifestation of all factors can be traced to the major one, which is the absence of strict social and legal control over the actions of officials and their responsibility in the context of the democratization of social life and the shift to market relations.

Moreover, however surprising it might be, according to the press service of Transparency International Ukraine, 22% of the country's population justifies corruption [5]. According to the report, the high tolerance of Ukrainians to corruption is one of the reasons why the Corruption Perceptions Index and the Economic Freedom Index in our country is consistently low. For instance, 70% of Ukrainians took part in corrupt practices and only 2% attempted to confront them.

Corruption risks can be attributed to the absence of a legal mechanism of prevention and resolution of the conflict of interests arising in the course of the activities of officials holding elected positions, as well as an inadequate arrangement of the procedure and mechanism of lobbying citizens' interests in elected agencies, in particular, local self-government authorities. Another considerable issue is the implementation of the standards of ethical behaviour of officials in the elected positions, which is also interconnected with the problem of professional ethics among civil servants.

Therefore, one of the required directions of the reformation of the civil service system in Ukraine is the conduct of high-quality informal evaluation of the existing positions and the implementation of "vertical" personnel rotation within the system, which should be built on the prevalence of the principle of the selection of specialists based on their educational and professional levels (preference should be given to the graduates of the National Academy for Public Administration under the President of Ukraine and other higher education institutions preparing state administration and civil service specialists).

Conclusion. Summarizing the above mentioned, it should be noted that corruption witnessed in the system of public agencies can be defined as the abuse of the governmental authority by an official, head or any other civil servant, aimed at

the illegal gain of advantage, personal or for other individuals engaged in civil service. The origins of corruption in the system of public agencies include a merger of the state apparatus with business and commercial entities, the establishment of business relations outside the legal framework, perception of corruption and its further spread by the community, the complexity of the governmental structure of bureaucratic procedures, lobbying of the adoption and amendment of legislative acts, absence of an effective rotation mechanism, as well as low level of remuneration and the provision of social services.

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INFORMATION CULTURE OF THE LAWYER

Introduction. Today, information is the main object of the information society, and its role today is difficult to overestimate. With the advent of new information technologies, information becomes a constant and necessary attribute to ensure the activities of the state, legal entities, NGOs and citizens. Our society puts a great responsibility on lawyers because these are people who, due to the information, help to defend the rights and interests of those who need it. The reliability of information is of particular importance to a lawyer. There are cases in legal practice when under the guise of presenting reliable facts misinformation is planted for one reason or another. Then the lawyer must resort to reinformation, i.e. to restore the natural authenticity of the facts.

Review of recent publications. The issue of the information culture of a lawyer has been the subject of research of many scholars, such as I.G. Krichenko, B.O. Chuprynsky, R.R. Koval, L.M. Sobchik, Yu.M. Todyka, O.V. Kobets, and others.

Objectives of the paper are to study the information culture of the lawyer, provide solutions and recommendations on this issue.

Results of research. In Antiquity, it was obvious that a true lawyer must possess special qualities. Aristotle argued that lawyers can be citizens who are well-informed and not deprived of civic honour.

Lawyers, according to Plato, are the guardians of justice, and laws are their source of information by means of which they save lives. The professional activity of a lawyer belongs to the group of professions with increased social responsibility: protection of social ideals, constant penetration into the content of human social problems, personal insecurity and other moral and psychological factors [1: 384].

Analyzing the information culture of a lawyer, it is necessary to consider its functioning by the main types of information activities, namely: receive, use, distribution and storage. According to the above mentioned the following principles of obtaining information are specified: the right to information, reliability, accuracy, completeness, necessity, and usefulness.

It is also worth noting the favourable impact on the disclosure of legal practitioners of violations in the economic sphere and corruption, the creation of a