

IV. PEDAGOGICAL, TECHNICAL, LEGAL AND MEDICAL SCIENCES

Bohdana Dovhan

Vasyl' Stus Donetsk National University

Vinnitsia

Research Supervisor: M. V. Udod, PhD. in Law, Assoc. Prof.

Language Advisor: O. O. Odintsova, Senior Lecturer

THE HIGH ANTI-CORRUPTION COURT OF UKRAINE

Introduction. Corruption is one of the biggest problems in Ukraine today. It has a negative impact on the economic and political situation in the country.

Corruption is the process of degradation of the state as a result of adoption by authorized persons of certain decisions considerably deviating from the key criteria that such a decision must be based on, who do so for the sake of expected gain [3: 8].

A number of reforms connected with this question have been undertaken since the existence of Ukraine. Finally, The High Anti-Corruption Court has started to work on September 5 this year. Ukrainians consider it as a source of corruption overcoming.

Review of recent publications. The problem of corruption in Ukraine is devoted to a big number of scientific works. In particular such scientists as D. Aminov, K. Bocharov, Yu. Busol, M. Melnyk, O. Moskalenko, B. Prokopiv, V. Tymoshenko, M. Khavroniuk and many others. However, the question work a new Anti-Corruption Court remains under-researched at the scientific level. This is due to the fact that it was created just a few month ago.

Objectives of the paper. The main objectives of the paper are to explore the sources of corruption in Ukraine, to describe the prerequisites and process of the creation of The High Anti-Corruption Court, to analyze the main activities of the Court.

Results of research. The nature of corruption in Ukraine. In common with many countries with less advanced governance systems, Ukraine has a stubborn form of corruption deeply embedded in its state institutions. The most popular perception is that corruption is a type of 'rust' plaguing state institutions and requiring removal with an 'iron brush' in the form of harsh punitive measures.

Corruption deficiencies continue to bedevil Ukraine's state institutions and are the main reason for its poor performance across the board from the economy to diplomacy. Mid- and low-level officials typically require incentives for executing orders in the form of privileges or side payments that derive from illicit diversion of state resources. At the same time, low-level officials are often required to collect or even extort bribes and channel them to their superiors. Two of the most widespread forms of corruption in Ukraine are extortion under the threat of enforcement of impracticable rules, and collusion between officials and citizens to circumvent these norms for private benefit.

Cutting corruption in Ukraine means reducing the scope for monopoly decision-making and replacing officials with civil servants who are skilled in impersonal and strict implementation of the rules and genuinely committed to the public good [2: 4-6].

Since independence in 1991, and until 2014, corruption in Ukraine has been a widespread phenomenon. Top Ukrainian authorities and the economic elite were typically preoccupied with their personal interests and enrichment, rather than the interests of Ukraine's development.

In the 1990s, the rapid transition from a centrally planned nationalized economy of the Soviet Union to a rudimentary market economy in Ukraine created incredible inequality between different segments of society. In the 2000s, the corruption in the country became systemic. In 2004, the people of Ukraine rose up against the attempt to stymie their rights to free and fair democratic elections (the "Orange Revolution"). However, they failed both to secure the gains of this victorious revolution and to force the top authorities to introduce systemic changes in preventing corruption.

By the end of 2013, corruption undermined the Ukrainian state to the extent that the Ukrainian people rebelled against President Yanukovich under the slogan of keeping the course for European integration and overcoming widespread corruption. Ukrainians struggled on Maidan Square against attempts to ignore their desire to live prosperous lives in union with a democratic Europe. After the victory of the Revolution it was natural for the new Ukrainian government to direct attention to the adoption of systemic anticorruption measures, key amongst them improving the legislative foundations of these efforts [1: 6-7].

The first legal anticorruption act – the Law of Ukraine "On Combating Corruption" – was adopted in 1995. It was rather shallow in the practical application. In 2009, the anti-corruption legislation was endorsed the Law of Ukraine, "On Foundations of Prevention and Countering Corruption". However, it was canceled in 2010.

The Law "On Preventing Corruption" is a key document of the anti-corruption package of laws enacted in October 2014. In general, it reflected the radical shift in the system of fighting corruption in the country [1: 8-9]. The National Anti-Corruption Bureau (NABU), and the National Agency for the Prevention of Corruption (NAPC), as well as anti-corruption amendments to the number of existing laws were created [1: 7].

The United States were calling on the government of Ukraine to implement deep, comprehensive, and timely reforms that reflect the demands the people of Ukraine made during the Revolution of Dignity: an end to systemic corruption, faster economic growth, and a European future for all Ukrainians [5].

The Washington-based Friends of Ukraine Network (FOUN) released "An Appeal for Decisive Action in Ukraine's Fight Against Corruption" in 2018. [4].

Venice commission approved the statement of the Ukrainian president about the establishment of Court.

The High Anti-Corruption Court has started to work On September 5. It completes the state anti-corruption system: NABU has investigative powers, SAPO

brings charges and the High Anti-Corruption Court considers the cases and adopts decisions.

Establishment of the Court took quite a while. The initial draft law was registered in December 2017, the judges were sworn in April 2018. On June 7, 2018 the Verkhovna Rada passed the bill in the second reading.

The number of 343 candidates competed for the 39 seats at the Court. Among them 38 passed the tests, completed practical tasks, were interviewed by the High Qualification Commission and by international experts. And 27 of them will work as judges at the Court, 11 took their seats in the court's Chamber of Appeal. The court is chaired by Olena Tanasevych.

The National Agency on Corruption Prevention regularly checks their declarations and monitors their lifestyle and spending of their family members.

The High Anti-Corruption Court exerts jurisdiction over criminal cases that regard corruption crimes.

The Parliament needs to pass the bill that will resolve the legal uncertainty that holds back the work of the High Anti-Corruption Court.

The upcoming law will clearly stipulate whether the Court will have powers to just consider the cases investigated by NABU or all other corruption cases as well [6].

Conclusions. The creation of anti-corruption organs already helped to uncover and prevent some high-profile corruption crimes. Within September Anti-Corruption court received approximately 200 cases from NABU and SAPO. These cases were all top-profile, the approximate damage caused is 500 000.

By the way, we have full support from the International organizations, from the European Union, from the American Embassy, Canada and this contributes to further improvement of the Anti-Corruption court's activities.

So, it is highly hoped that the Independent Supreme Anti-Corruption Court will become the foundation for intensifying anti-corruption efforts in the country, guarantee of society and state protection against the corruption crimes.

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Daria Drach

Vasyl' Stus Donetsk National University

Vinnitsia

Research Supervisor: I.V. Stadnik, Senior Lecturer

Language Advisor: Yu. Ya. Khankishyeva, Lecturer

CONCEPT AND ESSENCE OF NATIONAL SECURITY

Introduction. A national security, which aims a defense of human and citizen, providing of vital activity's appropriate conditions and society's stable development, sovereignty and territorial integrity, comes out as an important factor of stable functioning of any state. Complication of determination of national security's concept is conditioned with its complex character because it presents the certain legal status of state which is focused on defense of national interests and providing of security in different spheres (economical, foreign policy, military etc.).

Review of recent publications. Questions of national security had repeatedly coveredaged in the legal literature, particularly in works of Ya.O. Lantinov, N.P. Matyukhina, O.O. Puchkov, H.V. Yuskiv, O.V. Glazov, G.P. Sitnik, V.O. Antonov, O.S. Vlasyuk and others. But carried out researches do not exhaust the all issue of determination of concept and essence of national security.

Objectives of the paper. To substantiate essential characteristics and determinate the concept of national security on basis of critical analysis of offered in the literature approaches.

Results of the research. The plurality of definitions of national security conditions an opportunity of highlighting of certain approaches, main of which, on the mind of O.V. Glazov, are its understanding as: 1) a defense of society's values; 2) a defense of national interests; 3) an interconnection and an interdependence of national values and interests [1: 43-44].

Within the bounds of the first approach exactly society is recognized as the main object of defense within the bounds of national security. Yu.L. Kalgushkin particularly determinates a national security as a level of defense of state population, its main interests, rights and freedoms, and also strategically important spheres of society's activity (system elements of national security), which is provided with public administration of such elements, which is accomplished with legislatively determined measures and means [2: 81]. Essentially, it is emphasized a tendency of national security on deciding of the following priority tasks: a defense of spiritual and material society's values, providing of stable development of national economic and