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Political corruption is investigated as a destructive informal political institution. The forms of political corruption, as well as methods of counteraction to them, both in foreign countries and in Ukraine were explored. The matrix of politically corrupt actions and the range of their manifestations were presented. The specific aspects of political corruption in Ukraine were analysed. The role of anti-corruption values in a political-legal mentality was substantiated, and examined within Ukraine. The political-legal concept of the phenomenon of political corruption was constructed.

For scientists, politicians, public personalities, professors and students of higher educational institutions, readers of the general public who are interested in the questions of political life and state creation.

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## Introduction

A political system is an example of a dynamic, multicomponent model. Various institutions, which are important both for a state and for an individual, appear and function within this model; they can carry out a stabilization function or a destructive function. The destructive force of political corruption undermines the political process and is part of every state to a greater or lesser extent. Considering the global nature of this problem, even in well-developed democracies, the scientific study of political corruption is a worthwhile endeavor. It is a powerful response to the challenge of counteracting this destructive force.

In recent years, political corruption has become the subject of studies in various branches of knowledge: law, public administration, and international relations. Initially it was only part of political science. It is now being studied from the perspective of national security due to the awareness of possible threats which it causes.

In starting its anti-corruption struggle, Ukraine is focusing on corruption minimization at the every day level and bureaucratic level initially. Ukrainian society has not had much success in counteracting political corruption, although the first steps have already been taken, starting from the legislative consolidation of state funding of parties and the mechanisms of accountability.

This study is based on institutional analysis, which allows not only a broad consideration of the phenomenon of political corruption as a social reality, but also on institutional mechanisms for minimizing its potential stake. Political corruption has been studied outside of political institutions as an external factor of negative influence on the political system for some time. In this book's opinion, it is efficient to analyse political corruption as part of the activities of political institutions, to consider it from the "inside" of these institutions, and to identify political corruption as a destructive (subversive) informal political institution. Corrupt practices appear and develop in a certain institutional environment under specific social and political conditions; it is precisely in this way that they will be investigated.

An effective counteraction to political corruption requires an adequate state strategy, backed by appropriate tactics, using actionable and specific technologies. In designing such a strategy to counteract corruption in politics, there is a need for a comprehensive scientific understanding, an analysis of the nature and peculiarities of the manifestation of political corruption.

Despite the large number of scientific works on this issue, the nature and essence of the phenomenon of political corruption in the world of science is interpreted ambiguously. This necessitates a certain unification of the views of the subject of this study. We consider foreign experience in the field of counteracting political corruption, which necessitates the comparative and political conceptualization of this kind of corruption. This will make it possible to uncover both effective and ineffective mechanisms and strategies which have been tested in different countries to take this experience into account in designing a Ukrainian national model for counteracting corruption practices in domestic politics.

An analysis of the relevant literature speaks for the interdisciplinary nature of these problems, as there are many studies in the field of not only political matters (Asafailo, Berezynskyi, Bova, Butenko, Valiushko, Davydenko, Derega, Kokhan, Mikhalchenko, Nevmerzhitskyi, Popazoglo, Stogova, Taran and others), but also legal aspects (Armash, Busol, Kisil, Kostenko, Malyar, Markyeyeva, Melnyk, Revak, Tupchienko, Shmal, and others), philosophical concerns (Bazaluk, etc.), economic questions (Grushko, Hurovska, Zaitseva, etc.), historical points (Radko, etc.), and issues of public administration (Beglytsa, Klymenko, Kravchenko, Kustova, Panteleychuk, Pidberezhnyk, Prokhorenko, Seryogin, Stelmashchuk, Tinkov, etc.). That is why we use an interdisciplinary approach to understand the issues of political corruption, which is based on consideration of various social and cultural dimensions and therefore requires different research methods.

The ideas which are important for understanding the manifestations of political corruption in the early stages of the development of states are found in the writings of the ancients (Plato, Aristotle, Polybius), the modern age (Hobbes), and the age of enlightenment (Hegel, etc.). Studies of the causation of corruption in different time periods and in different states were also referred to (Bardola, Giyu, Dil, Zimanov, Norwich, Tatubayev, Chifaldi, Yugay and others). Foreign authors, (Amundsen, Belitzer, de Waal, Vanuchy, Gauden, Gredaland, Dela Porta, Kinkarc, Kitsing, Kotkin, Levitski, Lee Kuan Yew, Miller, Parody, Rose-Ackerman, Helmke, Chayo and others) made significant contribution to the development of political corruption studies, and were included in this research.

The theory and practice of political corruption became not only the topic of numerous publications in Ukrainian professional journals, but also in dissertation research of Ukrainian scholars, first, in the field of political science (Valiushko, Kokhan, Nevmerzhytskyi, Sabanadze, Safonenko, Chemerys), of public administration (Seryogin, Tinkov, etc.), and of legal studies (Bousol, Klok, Tkachenko, etc.). The issue of political corruption in Ukraine was widely studied by Armash, Asafailo, Bazaluk, Beglitsa, Berezynskyi, Bova, Bondarenko, Davydenko, Yemelyanov, Zhdanov, Popazoglo, Stepanyuk and others.

It is important for Ukraine, which is currently constructing a national model for combating political corruption, to analyse similar processes abroad, which reveal both successful populist and declarative anticorruption projects. The experience of the states that have achieved some success in anti-corruption policy have been studied by Aleksandrova, Vorotnikov, Gladchenko, Gouden, Gromyk, Parodi, Dovzhanyn, Zolotykh, Zotov, Kinkarts, Lavrenyuk, Mikheyev, Polishchuk, Smirnova, Kharycheva, Shmal, and others.

As our research of political corruption also covers the post-Soviet era, so, in this context, the scientific investigations done by such scholars as Abdrasilov, Aitmatova, Alekperova, Ali-Zadeh, Andreichuk, Ashirov, Bodnarchuk, Botalova, Bulvinskyi, Vergunov, Giragosian, Gelman, Davlat, Zarandia, Idrisov, Iskandaryan, Kagarlytskyi, Kvon, Kornilov, Kuvatova, Libman, Makarov, Mamadazimov, Martyrosyan, Machuskyi, Melnyk, Menshenina, Musabekov, Naurazova, Nisnevich, Oktanyan, Omarov, Plyekhova, Reshota, Rymskyi, Saginbayev, Truyevtsev, Tugushy, Urushadze and others are valuable.

We have covered the Baltic states separately, as well as the post-Soviet satellite states of the former USSR, which are now integrated into the EU and have undergone a difficult passage, including attempts at overcoming corruption. Corruption in the countries of Central and Eastern Europe has been the subject of studies by Akhtyrska, Burakova, Hubriyenko, Kenigshtein, Kitsing, Lemak, Rumenova-Stoychovska, Fedorenko,s Filipova, Chavdarova, Shymon and others.

Despite the significant contribution of these highly-esteemed scholars, it must be stated that political corruption remains insufficiently described and researched. Among the works devoted to this problem, the construction of political corruption as a model of unlawful behavior dominate, along with the modeling of a counteraction system. But there are almost none which classify political corruption as a **political institution**, which is both destructive and informal. **This book holds this to be extremely relevant in understanding how to effectively combat political corruption.** Since a model of counteraction to political corruption in Ukraine has not been legally established, the problem requires not only theoretical but also practical thinking. These considerations have determined the purpose, tasks, objectives and subject of this research, as well as its logic and structure.

The desired outcome of this scientific research is the political and legal conceptualization of political corruption and the determination of optimal forms and means of counteraction to it. To achieve this, it is necessary to solve a number of research tasks, to give reasons for the expediency of analyzing political corruption from the point of view of the methodology of neo-institutionalism; to provide a definition of the term "political corruption" as a destructive informal political institution, to carry out a retrospective analysis of the evolution of corruption in the political process, to substantiate political corruption as a system of unlawful asocial actions (or inactions) and to determine the variability of its manifestations, to pinpoint the subjectivity of corruption practices in politics, to analyze foreign practices of political corruption and the experience of anti-corruption counteraction in countries with different political regimes, to identify the corruption component of the political process in post-Soviet states, to evaluate the effectiveness of the applicable national political and legal mechanisms of counteraction to political corruption, to reveal the main manifestations of political corruption in Ukraine and to explore ways of counteracting them in the context of anti-corruption reform, to substantiate the place of anti-corruption values in the mentality of those who participate in political and legal systems, to explain the role of anti-corruption political and legal culture and to analyse the peculiarities of its formation in Ukraine.

This study looks at political corruption as a destructive informal political institution. Scientific research methods and tools of comparative and political conceptualization of political corruption are used. The theoretical and methodological synthesis of political, comparative, philosophical, historical, sociological, legal approaches are used to analyse the institution of political corruption. The methodological basis of the study is neo-institutionalism, which enables the conceptualization of informal institutions of political and institutional conflicts. Through the prism of neo-institutionalism, the informal destructive institution of political corruption deforms formally established rules and procedures, and has a devastating effect on formal and informal constructive political institutions. Such an approach provides an opportunity to identify institutional mechanisms for minimizing political corruption. Axiological, comparative and political approaches have also been used. Utilising the axiological approach, the content of anti-corruption values, their role in the value hierarchy system of the individual and the state have been analyzed. The comparative method of political research was used to identify differences in the levels of representation of corruption practices in the political process of different states, to compare their strategies to counteract political corruption, and to evaluate the reasons for the establishment of certain corruption practices.

Systematic use of these and other methods and approaches allowed the formulation of this study's the hypothesis: political corruption is not only a phenomenon of modern political life at the global level, but also a formed political institution. It is an informal institution due to the criterion of legality, it is an unlawful institution due to the criterion of social legitimacy, it is a destructive institution due to the consequences of the formation and functioning of a democratic political system, and a destructive institution due to its effects on the public consciousness and the system of national security.

#### A Theoretical and Methodological Study

#### on Political Corruption

# 1.1. Political Corruption as a Subject Matter

#### of Political Science

The issue of corruption is a sufficiently developed topic in the field of various sciences: political, economic, legal, public administration, psychology, etc. Each of these fields focuses on certain aspects of corruption offenses from their research perspective. Political science, which focuses on the study of the process of struggle for power and its implementation, emphasizes the distinction between large numbers of possible corruption offenses that form the system of actual political corruption. A qualitative study must be based on various sources - legal acts, historical sources, reports and recommendations of international institutions, etc. Within the framework of a review of historiography, we will present the main developments of political corruption.

A scientific study of any subject of research is impossible without a methodological basis. When choosing the methodology of our study, we turned to a number of sources, by means of which we substantiated our choice as the optimal method of studying of political corruption - neo-institutionalism.

Initially, we turned to the works of scientists who investigated the peculiarities of neo-institutionalism (Sergei Patrushev, Vladislav Razumov, Alexander Libman, Douglas North, Wolfgang Merkel, etc).

Also, we have to highlight the works of Ukrainian political-methodologists Leonid Bunetskyi, Karmazina, Antonina Kolodii, Yevhen Peregudy, Olena Rybii, Olena Stoiko, Margharita Chabanna. At the same time, there was no comprehensive analysis of the use of neo-institutionalistic methodology for analyzing political corruption in Ukrainian academia. Some of the available studies concerning the use of neo-institutionalist tools for the study of political corruption are presented in the works of Russian researchers Darya Botalova and Anna Naronska.

The problem of the evolution of political corruption in domestic political thought is not sufficiently studied. This segment of anti-corruption issues is presented in the works of domestic researchers Ruslan Aksyeyev, Konstantin Bardoli, Galina Kockan, in the research of Russian authors Yulii Nysnevich and Oleksandr Checurov. The research of these scholars does not deal with a narrow retrospective of political corruption, but elements of such analysis are presented in their development of corruption issues. We draw the information first of all from the original sources, classic works of the history of political thought, starting from ancient Eastern and antiquarian thought.

Vira Derega explores the essence and features of political corruption as a phenomenon of the political process. The researcher is paying particular attention to the threats of the existence of political corruptio to democratic institutions. He presented an author's understanding of the causes of political corruption and the possibilities of overcoming them.

Klymenko considers political corruption from the standpoint of state-management science. He identifies the main features of political corruption and factors that contribute to the emergence and spread of political corruption in Ukraine. The researcher emphasizes that the political aspect of corruption is manifested in the fact that it largely determines the political and social nature of power; it affects the definition of state policy and its implementation; it directly affects the formation of power institutions, the organization of activities and functioning of public and local authorities.

Petro Radko presented a reflection on political corruption as a social and political phenomenon. The researcher analyzes the social basis of the emergence and spread of political corruption. The author retrospectively analyzes domestic political and legal sources, referring to legal acts of past epochs, in particular, 'Covenants and the Constitution of the Laws and Liberties of the Zaporozhian Army'. The content of political corruption Petro Radko sees in corrupt forms of political struggle (clans, political elites, parties, groups and individuals) for power. The researcher believes that in Ukraine there is a special type of political corruption – the crisis one.

In a number of studies made by the Ukrainian political scientist Yevhen Nevmerzhytskyi a comprehensive analysis of corruption as a social and political phenomenon is carried out. The researcher explores the main causes that have had a decisive impact on the spread of corruption in Ukraine. He proves that corruption is being produced in a social space that covers politics, economics and social spheres of the life of society. Nevmerizhitskyi considered the essence and content of political corruption, corruption as a social and economic phenomenon, as well as the forms and ways of its manifestation in modern Ukrainian society.

Zaitseva and Byvshev analyze political corruption as a threat to Ukraine's state security. They distinguish between political corruption and corruption among state bodies. They state that the danger of political corruption is that it provokes further corruption in the spheres of the economy and public administration, and that it especially provokes further corruption in the spheres of state security, justice, and law. The legal system of the state is thereby threatened.

A significant body of research on corruption, particularly political, has been done in the field of law. Mykola Melnyk, in a monographic study and a series of publications from the positions of legal science, analyzes corruption, singling out political corruption in the system of corruption. The author concentrates his attention on criminological and criminal and legal problems of counteraction to corruption, including political ones. In the studies by Ganna Malyar a comprehensive analysis of theoretical problems of political crime in foreign criminology is presented. The researcher identified the main causes of the emergence, spread and transformation of political crime. It has been established that the main cause of political crimes is the conflict of interests of the authorities and the population of the state. The

policy is presented by the researcher as 'a sphere of permanent conflict, which constantly generates dysfunction. A variety of such dysfunctions are political crimes and other socially dangerous acts in the field of politics.'

Ukrainian political scientist Ivan Valiushko (2015) conducted a series of studies aimed at analyzing the role of civic institutions in the system of anti-corruption policy of Ukraine. The researcher considers the peculiarities and specificities of the activities of civic institutions as one of the elements of the anti-corruption policy of Ukraine. From the standpoint of political science, Ivan Valiushko analyzes corruption as a social and political phenomenon, proposes an author's approach to the conditions of its occurrence and distribution. The scientist analyzes the directions and mechanisms of state policy in the prevention and counteraction of corruption in the ancient political and legal systems and in the modern developed countries.

In particular, Ivan Valiushko's research focused on the countries of Central and Eastern Europe, Latin America, Asia, concerned the impact of civic institutions on the spread of corruption, and the forms and mechanisms of their involvement in the implementation of anti-corruption policies. Such a comparative analysis made it possible to identify the main trends and patterns of interaction between civic institutions and state authorities in Ukraine at the present stage of development.

Vadim Asafailo (2017) focuses on the institutional and communicative dimensions of counteracting political corruption. The research approach envisaged that the creation of effective state and civil society institutions in the fight against political corruption should be combined with an active information campaign and the formation of anticorruption discourse in the area of political communication. The scientist rightly emphasizes that "political corruption precludes the formation of public good and social (collective) interest. Instead, it is aimed at illegitimate transformation of social (national) wealth into private".

In domestic political science, despite a sufficient number of scientific developments on the issues of political corruption, insufficient attention is paid to the culture of counteraction to it. The issue was indirectly paid attention to by representatives of legal science in the context of studying the legal culture; researchers in the field of public administration in search of an optimal transparent mechanism of state governance, formation of anticorruption culture of civil servants; sociologists studying the value systems of Ukrainians about corruption practices, and psychologists who explain the motivation of or wrongfully reject an illegal political behavior of a corrupt nature. In particular, the issues of anti-corruption culture are presented by Olena Busol, Oleksandr Kostenko, Yevhen Nevmerzhytskyi, Serhii Kravchenko and Panteleichuk, etc. At the same time, in Ukrainian academia there is no complex research in which the concept of 'anticorruption in political and legal culture' would be conceptualized from the standpoint of political science itself, rather, its content and the mechanism of formation would be examined. Ukraine still lacks a consistent understanding of the threats of political corruption and an awareness of the role anticorruption culture has in overcoming it. Anticorruption culture is now perceived as an objective necessity that the Ukrainian population must master and integrate. However, it is not well understood. The scientific conceptualization of this phenomenon does not exist in Ukrainian political science.

Detailed consideration of the causes of political corruption in Ukraine is presented in the scientific research of Ivan Chemerys. For political reasons in particular, the absence of a strategy for the formation and implementation of social transformations as well as the lack of the ability to replicate policy makes it difficult to bring anti-corruption culture into Ukrainian culture. Objectivity in the implementation of democratic structural foundations in various spheres of public life is necessary for the establishment of anticorruption policy.

As we study the broad foreign dimension of political corruption and the experience of different countries in minimizing its effects, we use a number of sources that examine these aspects. We will point to each of these aspects within the countries covered by the research.

Political corruption in Greece was not studied under domestic political science, except for fragmentary comparative studies of political corruption, which, along with other countries, mentioned the indicators characteristic of this country. Therefore, we turned to the research of Western researchers mostly (Donatella Dela Porta, Alberto Vanuchi, Karpafakis, etc.).

One of the countries where there was considerable political corruption (especially in the second half of the 20th century), and where political corruption is widespread now, is Italy. There are not adequate Italian political science studies of Italian specificities of political corruption, but unlike Greece, much more scientific research is devoted to Italian political corruption. Existing studies are not so much about the study of political corruption in Italy, but with the analysis of the general crisis of the political system, the metamorphosis in the party system, caused by the corruption of the party elites, electoral corruption offenses, and so on. In the studies, the situation with political corruption in Italy appears only as an element of comparative research in different countries of the world or in the context of a broad anticorruption campaign conducted in Ukraine.

The backbone of our study was a series of inquiries by Italian researchers (Davygo, Donatella Dela Porta, Alberto Vanuchi, Kanache, Catstsola, Vilfredo Pareto, Gianmarco Chifaldi, etc.). Particularly valuable is the work "Dirty Deals: Participants, Resources and Mechanisms of Political Corruption" by Donatella Dela Porta and Alberto Vanuchi. The aforementioned authors used the example of Italy to confirm that political corruption can spread, thrive in democratic regimes, and thus destroy democratic values. Researchers track the conditions of existence and spread of this phenomenon, as well as possible methods of combating it in a democratic political system.

In the framework of the dissertation of the national researcher-political scientist Galina Kokhan and the subsequent monographic presentation of the author, based on the study of political corruption, which developed a methodological scheme for systematization and comparison of the causes, forms and effects of political corruption, Italy is represented among the researched countries. In the scientific works of domestic political scientists Maria Svyetlakova and Natalia Khoma, in the context of partologic analysis, the issues of electoral and party corruption in Italy are covered. We have referred to the research of Volodimir Beglitsa, Tatiana Kachkina, Panunina (analysis of Italy's formation of a national anti-corruption strategy), Zolotykh (investigation of the corruption influence of Italian political power on the media), Startsev (study of anti-corruption operations carried out in Italy), Gouden and Parodi (study of how the corrupt practices of the Italian government contributed to the existence of mafia groups), Gianmarco Chifaldi and Tatiana Yugai (study of the evolution of various forms of corruption since the Roman Empire). The problem of political

corruption takes one of the central places in the research of modern Italian authors. Thus, according to Franco Cazzola (1988), to explain the phenomenon of corruption, we should be guided by three main criteria: legality, collective approval, and public opinion; corruption itself appears to be a violation of ethical norms that are protected by law. The theoretical and methodological approaches proposed by another Italian researcher - Vilfredo Pareto (1916), who uses a sociological approach to address the phenomenon of corruption, shouldn't be avoided. The researcher writes about 'demagogic plutocracy' - a new way of exercising power, which uses money and decoration (that is, external ostentatious behaviour and hypocrisy) as the main tools. From the standpoint of Vilfredo Pareto (1916), differences between countries find a real reflection in the mood and attitude of people: where people are more or less honest, we have a relatively honest government; under the same institutional conditions, the level of political corruption will vary, depending on the general moral attitude of citizens and public officials.

There were no comprehensive studies of political corruption in Spain in Ukrainian academic studies. The information is embedded in the thematically close comparative studies, where Spain appears among other states regarding: the essence of political corruption (Galina Kokhan); features of counteracting political corruption in EU countries (Dulskyi, Tinkov). Therefore, our research was mainly based on information published in the Spanish and European media, Transparency International research, and other foreign research.

The subject of political corruption in the United States is actively studied by foreign and domestic political scientists, since the subject of research is permanently fueled by other political scandals. Among the Ukrainian scholars, we will highlight the work of Galina Kohan and Andrei Tinkov; their research efforts are not devoted to purely political corruption in the US, but to examples from the American political process to illustrate the issues. Instead, the work of American scholars makes it possible to get acquainted with various aspects of the issues of political corruption. Haynes, George, Sarah Simons, Ford and others have analyzed corruptive issues from the standpoint of a moralistic approach at the very beginning of the 20th century: 'Corruption was initially condemned as a negative phenomenon of political life, and then considered already as an institutional, behavioral or systemic problem of society and political system.' In general, early studies were devoted to the complex aspects of corruption in politics. For example, Sarah Simons(1901) sought the causes of the formation of a system of political corruption (for example, China), Guiness Haynes(1990) studied the behavior of civil servants and their attitude to bribery (using the western US states as an example), George (1916) studied government functions and the responsibility of the authorities for the spread of corruption etc.

The object of our study is also the individual Asian states, which are well-defined in academic studies. We relied on existing studies of political corruption in Singapore (Leonid Hladchenko, Yulii Nysnevich, Arsen Polishchuk, Dmitro Tkachuk, Lyudmila Shmal) and Hong Kong (Kharycheva, Lavrenyuk and others). Separately, we should highlight the creative work of the former ex-Prime Minister of Singapore, Lee Kuan Yew, who was the main generator of the anti-corruption struggle. At the same time, let us pay attention to two points: 1) the research analysis of the above-mentioned authors were concerned primarily with corruption in its broadest sense, without a narrowed emphasis on the political component of this unlawful activity; 2) the Singaporean anti-corruption model has received far more political research, while Hong Kong's experience, which could also be valuable for Ukraine, has not been studied enough. With respect to political science sources regarding the People's Republic of China, we will first focus on the study of Makaroy, Mikhyeyeva and Smirnova.

We will disclose the problem of political corruption and counteraction to it in the countries of Central and Eastern Europe based on the example of two states in the region - Romania and Bulgaria. Note that the political sources of these countries in terms of the subject of our study are very limited; instead, legal data is more represented. So, Olena Hubriyenko looking at Bulgaria and Romania, analyzed a wide range of political and legal changes in the countries of Central and Eastern Europe; Ivan Shymon and Vasil Lemak used the perspective of law to study the mechanism of counteracting political corruption in Romania in the context of possible experience for Ukraine; Natalia Akhtyrska created an overview of the Romanian anti-corruption legislation. From the point of view of sociological science, Tani Chavdarov analyzed corruption (its various kinds, not only political) in Bulgaria; the researcher has studied a large body of data from a variety of sociological studies, but they all relate to the analysis of public opinion prior to the accession of Bulgaria to the EU (2007).

In 2017 Ukrainian political scientist Fedorenko analyzed Romanian anti-corruption activities and their causes. Oleksandr Kostryba investigated the activities of the Romanian anti-corruption authority (National Anti-Corruption Directorate of Romania), the reasons for its effectiveness, which is especially relevant in the context of the activities of the Ukrainian anti-corruption body (National Anti-Corruption Bureau of Ukraine). Much of the research deals with the problem of financing political parties.

A large number of sources discuss anti-corruption reforms in post-Soviet states. Thus, in recent years, many studies have been devoted to corruption issues and anticorruption policies in Georgia - from extensive retrospective analysis of changes in the country in the post-Soviet period to the deep examination of one particular corruption issue. When it comes to Georgian anti-corruption reform, various topics have been studied. In particular, achievements in the reform of the police have been analysed, followed by the taxation system, the modernization of the customs service, the deregulation of business, the operation of public and private registries, and the eradication of corruption in the entrance procedure of higher educational institutions.

Ukrainian scholar Machuskii analyzed the process of political modernization of Georgia in 2003-2011. An analytical review of the anti-corruption reforms in Georgia by Russian researcher Larisa Burakova is of a broadly representative nature, and political corruption is only superficially examined. Ruslan Melnyk studied the reform of anti-corruption institutions in this state. Reshota analyzed the experience of state policy on prevention and counteraction of corruption in Georgia since the presidency of Eduard Shevardnadze. Polishchuk studied the Georgian mechanism of combating corruption with a view on its probabilistic use in Ukraine. Oleg Bodnarchuk also analyzed the process of combating corruption in Georgia, demonstrating the expediency to follow certain anti-corruption regulations in Ukraine.

The book 'Fighting Corruption in Public Services' presents a chronological presentation of anti-corruption reforms in Georgia that have changed the system of public services since the end of 2003 after the Rose Revolution. In this study, conducted by the World Bank, the main attention is given to the mechanism of successful anti-corruption reforms.

Actually, the issue of political corruption in the book is not discussed. But the work clearly emphasizes the paramount importance of the political will of senior management, which has ensured the speed of implementation of anti-corruption projects in various areas of public services. At the same time, it is focused on further necessary institutional transformations in Georgia.

Comparative studies deserve particular attention. Ukrainian political scientists Matsievsky and Kovalko conducted a comparative analysis of Georgia and Ukraine, examining the impact of the level of renewal of national elites on the effectiveness of reforms in these states. In the context of a comparative analysis conducted by Ukrainian political scientist Galina Kokhan the experience of Georgia was used, though the Georgian experience was not the subject of the study.

The main focus of her work and of many other authors was the reasons for the success of the anticorruption policy in Georgia, the mechanism for the elimination of low-level domestic and administrative corruption in the period 2003-2012. At the same time, political corruption in Georgia was not the subject of independent research, which led to our research interest. The task was to find out how high the level of this kind of corruption is in Georgia; in what forms and volumes it occurs; what mechanisms it has minimized; which factors accelerate the anti-corruption process in Georgian politics today; in the end, has Georgia succeeded in minimizing political corruption itself, and so on. Reports from international institutions, various public opinion polls and other sources are supportive.

The subject of political corruption in the states of the South Caucasus is under-researched in Ukrainian political science. Georgia has perhaps been given enough attention by Ukrainian researchers in the context of its anti-corruption successes, especially in the context of Ukraine borrowing some of their successful policies. However, there is practically no research on Azerbaijan and Armenia, which are at relatively the same level in anti-corruption ratings. Therefore, the sources of research in these states were primarily reports by various international institutions, material from journalistic investigations in Western media and Internet media, Western experts on the issues of the Caucasus (in particular, Thomas de Waal), scientific investigations of Azerbaijani and Armenian researchers published in Western media, as well as news collections on anti-corruption issues, and the legislation of Azerbaijan and Armenia.

There are even fewer Ukrainian studies on political corruption in the Central Asian states. Therefore, given the limited scope of our study, three of the five states of the region - Kazakhstan, Kyrgyzstan and Tajikistan were chosen to research. While attempting to research them, it was difficult to accesss information, due to the closed nature of their political systems, which have significant political corruption. Political science, especially in Kyrgyzstan and Tajikistan, is underdeveloped; there was no thorough analysis of the peculiarities of political corruption. Therefore, the main information is contained in the work of Western authors, reports of various international institutions and numerous non-governmental structures of anti-corruption orientation.

Problems of the functioning of the political systems of Central Asian countries has been the subject of study of the following Ukrainian researchers: Lyashenko, Makarenko, Miklashchukand the Russian researchers Nysnevich and Truyevtsev. Western researchers focus on Central Asian politics as a conflict-oriented region, although most of their intelligence on the region is in geopolitics (interconnection of the interests of the United States, Russia and the People's Republic of China), international terrorism, religious extremism, water shortages, and so on. At the same time, there was no comprehensive analysis of political corruption in the region as a whole and in individual states. We relied on scanty scientific intelligence, which analyzed political corruption in Tajikistan, Kyrgyzstan and Kazakhstan in a fragmentary way. Also some documents were used, which had been prepared by anti-corruption organizations based on monitoring results in these countries, regulations of the countries of the region, and reports of public institutions.

Political corruption in the Russian Federation is represented first of all by the researches of Russian researchers, as well as reports from international institutions (GRECO, Transparency International, International Association for the Fight Against Corruption, Organization for Security and Cooperation in Europe, etc.) that monitor corruption processes. We want to highlight the analytical reports of Stanislav Andreychuk regarding the use of shadow schemes during the elections to the State Duma of the Russian Federation in 2016 and the use of budgetary funds of the Moscow authorities for projects which violate the principle of political neutrality and provoke an administrative resource.

Particular attention will be paid to numerous scientific research on the issues of political corruption in Russia, held by Yulii Nysnevich (2014, 2016). The accomplishments of this Russian political scientist, an expert from Transparency International in the field of combating political corruption, are an example of objective, unbiased analysis of Russian reality. Above, we have already mentioned a few editions by a scholar who related his understanding of the essence of political corruption and its historical perspective. We note that corruption is seen by the researcher as a dominant factor in world political processes; the author offers a new understanding of corruption in the public sphere and shows its institutional framework.

The special value of the above-mentioned study is seen in the analysis of Yulii Nisnevich's influence of the human factor on the spread of corruption in the public sphere, as well as the formulation of possible institutional measures to counteract this phenomenon. Much attention is paid by the author to the corruption component of Russian electoral campaigns. Also, the author's work covers the area of motivation for corruption in politics, the resources of political corruption, as well as the methodological aspects of the analysis of political corruption.

On the topic of political corruption in modern Russia several political science dissertations have been defended. In particular, we would like to highlight the work of Dina Zarandia. The unique scientific approach of the researcher is the characterization of political corruption as a shadow power. The author proves the plutocratic character of the Russian authorities, and also states that the corruption of the Russian political process is facilitated primarily by latent changes in the political development of society.

The investigations made by the Russian political scientist Vladimir Gelman (2015), which are related, in particular, to the study of so called 'subversive' institutions, are important for understanding the nature of Russian political corruption. The researcher proved that the domination of "subversive" institutions, which merely resembled the attributes of democracy, but which are not democratic in essence, is a visible trend in the political development of contemporary Russia. Vladimir Gelman also refers to such informal 'subversive' institutions as political corruption.

Boris Kagarlytskyi (2006) is not focused on a theoretical and methodological analysis of political corruption, but rather on concrete examples of its occurence, in particular, on corruption in Russian political parties. The researcher proves that political corruption in Russia is not only widespread but also invasive. Russian political corruption has turned into a form of peculiar integration within the political sphere. It was found to be virtually impossible to implement political policies and decisions without corruption components.

Evgenii Kornilov also regards political corruption as a factor in Russia's degradation. He highlights some main manifestations of Russian political corruption, such as the falsification of election results in order to retain power; the formation of special financial and political groups, which, thanks to their huge resources, together make strategic state decisions; unjustified prolongation of the presidency; lack of real political competition; nepotism and the creation of a non-constitutional institution to choose the presidential successor.

A number of publications by the Russian researcher Vladimir Rymskyi focused attention on a wide range of corruption issues. The researcher emphasised the challenges of studying corruption in the context of an environment of closed political corruption which naturally complicates any kind of systematic analysis. The author argues that Russian state policy is entirely dependent on the private and corporate interests of oligarchic groups; ignoring the law is unwritten accepted practice; dominated by informal social ties and the like. Rymskyi sees in clientism the main factor in the viability of Russian corruption. The researcher highlights the impossibility of overcoming political corruption in Russia without counteracting the client-oriented model of public administration and the corrupt pragmatism of citizens themselves

Particular attention is paid to the study of political corruption in Ukraine, so the importance of studying the legal framework, i.e. anti-corruption legislation, along with materials of sociological surveys is very important. Much attention is paid to the political science research already available in Ukraine on the issue of political corruption in Ukraine. Attention has been drawn to specific corruption practices in politics such as the problems of financing Ukrainian political parties and electoral corruption. The body of work connected with the analysis of systemic transformations of Ukraine's political system is important for the study of political corruption.

In our opinion, the issue of political corruption should be considere in particular from the point of view of political and rule-of-law mentality and culture. This is due to our understanding of the system of counteraction to political corruption, which includes preventive measures. In our opinion, the analysis of the value paradigm of anticorruption struggle in politics lies precisely in the realm of mentality and culture. An important question is the analysis of how deeply rooted anti-corruption values are in Ukrainians and which methods can be used to consolidate their presence in the political and legal culture of citizens. To find answers to these questions, we turned to a number of sources. First of all, we looked at political research on the issues of mentalityin general, and Ukrainian national mentality specifically. Since we give reasons for the need to consider corruption in the area of political and legal mentality, the works on legal, political and legal mentality are of great importance. Particular attention is drawn to the lack of development of the issues on corruption as a mentality and as an anticorruption culture.

# 1.2.Methodological Context for Modern

# **Political Analysis**

# of Political Corruption

'In the process of study of any subject of political research, the first problem is the choice of an optimal methodology. It enables competent structuring of the research problem, analysis of the content of categories and concepts, justification and explanation of the research technique, systematization of conclusions, and formalization of the analysis. As a sphere of political reflection, the methodology helps to select the tools of knowledge of political reality, part of which is political corruption.' The methodological bases of the research which were chosen are neo-institutionalism, axiological analysis and comparative analysis.

Neo-institutionalism as a framework for the analysis of political corruption is useful. Political corruption is a phenomenon not only purely political, but also social: it is determined by social relations and occurs in different types of social institutions (Kushnarov, 2017). Modern political existence and evolutionary socio-political processes are determined both by formal and informal practices. Political corruption is perceived as shadow politics; it falls within the scope of informal institutions of the political system. Political corruption arises in the midst of political institutions and has a devastating effect on their functioning, even threatening the national security of the state.

Kushnarov states neo-institutionalism is adaptive to the current political analysis of corruption practices in politics, because: 1) the conceptual basis of neo-institutional theory has conventions and is consistent with modern political processes; 2) it is flexible and analyzes both dynamic and variable processes; 3) the functional apparatus of the methodology of neo-institutionalism can be used to study informal institutions, corruption processes, institutional conflicts, etc. Even in the middle of the 1990's Robert E. Gudin and Hans-Dieter Klingemann in their work "Political Science: New Directions" wrote that "today the institutional approach dominates political science in general and in its individual subdisciplines."

In order to apply the methodology of neo-institutionalism to the analysis of political corruption, first of all it is necessary to justify the fact that political corruption can be precisely defined as an institution. It is necessary to characterize the nature of informal political institutions from the standpoint of neo-institutionalism. The institution, in particular a political one, is the central notion of neo-institutionalism. One of the classic definitions of institution is the definition by Douglas S. North (1990) as 'rules of the game, which consist of official written rules, as well as, usually, unwritten codes of conduct that go beyond the official rules and supplement them.' In the system of institutions Douglas S. North distinguishes informal constraints (traditions, customs, taboos), formal rules (constitutions, laws, court precedents, administrative acts), and coercive mechanisms that ensure compliance with the rules (courts, police, etc.).

Modern neo-institutionalism combines a number of theories: historical institutionalism (Tilly, Skokpol), neo-

institutionalism of rational choice (Kenneth Shepsle, Ostrom, Weingast, etc.), normative institutionalism (March, Olsen), sociological institutionalism (Scott, Meyer, Paul DiMaggio, Walter Powell), the theory of institutional matrices (S. Kirdina), and the concept of institutional dynamics (Douglas North, S. Huntington, R. Scaning, Wolfgang Merkel). This large number of theories lead of Vladislav Razumov to rightly call neo-institutionalism a 'bundle of theories.'

Neo-institutionalism is an approach to the study of politics, according to which social and political institutions play a decisive role in the political process (Kushnarov, 2017). The manifesto of this latest methodology was the article by J. March and J. Olsen "The New Institutionalism: Organizational Factors in Political Life" (1984). It defines the postulates of the new approach: 1) political institutions are full creators of politics and individuals, who hold positions inside of them, have their own interests. Here we will point out the persistence of corrupt pragmatism and the rent-orientation of individual policy makers, even in countries with established traditions of democratic governance; 2) Institutions have a decisive influence on political behavior by establishing a framework for individual choice through the formation and expression of benefits; 3) citizens' awareness of political goals is at least partly determined by the institutional context. As we see, according to March and Olsen, neo-institutionalism integrates the position of "old" institutional and behaviorism, weighting them equally in importance. This idea was developed by Guy B. Peters in the study "Political Institutions: Yesterday and Today". He drew attention to the fact that modern institutional analysis deals with behavior rather than formal, structural aspects of institutions. This is very important in the context of studying actions of political subjects due to the need for clarity and transparency.

An important aspect of studying political corruption is the direction of institutional theory, such as historical institutionalism. It is based on the fact that historicity is a key feature of institutions, and social development depends on the initial institutional choices. These choices may be normative or structural, but will certainly have a profound effect on future decisions. By the definition made by Antonina Kolodiy (2010), its essence is expressed in the slogan 'history matters' and in the key concept 'the path of dependence.' The latter term belongs to Douglas North (2005), who in his work "Understanding the Process of Economic Changes" considered the 'path of dependence' as a certain development trajectory. This direction of neo-institutionalism focuses on the tendency to reproduce certain patterns of development that were already characteristic of a particular institution. 'Each institution seems to be internally programmed for certain patterns of development, which in some cases leads to an endless chain of institutional self-reproduction, which is difficult to break,' comments Kolodiy.

With the help of historical institutionalism, one can explain the reasons for deep corruption in some socieies in various spheres of life, in particular political ones. Historical neo-institutionalism gets to the bottom of the understanding of why in some countries which initiated anti-corruption reforms, they were able to shift the global problem of corruption and translate policy into a transparent category, while in others the reforms remain only on a level of populist declarations. According to this methodological approach, it is possible to analyze the causes of the sharp fluctuations of certain states in various indexes, for example, why Hungary, Poland and other countries in the Corruption Perception Index fell in the last year (2017), according to the results studied by Transparency International. Also, we agree with political scientist Zelenko (2014) that 'only representatives of historical institutionalism traditionally take into account the influence of society and its values on subjects of institutional changes.' From such positions it is possible to analyze the processes of developing national civil societies. For example, Romania, where the public exerts pressure on the state to prevent the reversal of corruption practices in politics. Hungary is in the opposite situation where its civil society has been unable to stop its corrupt government.

Historical neo-institutionalism explains the problem of the correlation of change and continuity. For example, why anticorruption reforms in some cases give a positive result, while in others they will fail. Why in some countries institutional restrictions correct the behavior of political actors (in our case, the subjects of political corruption), while others make them adapt to restrictive innovations, seek new legal gaps that would allow the continuation of corruption practices in their updated formats. Historical neo-institutionalism explains the reverses of political processes: why, despite some success in the fight against political corruption, political processes are returning to the old, protracted illegal path.

Another aspect of neo-institutionalism, which can serve as a methodological basis for the study of political corruption, is sociological institutionalism, presented by the scientific contributions of Scott, Meyer, Paul DiMaggio, Walter Powell, and others. Its initial form is normative institutionalism, whose supporters (March, Olsen) argue that the behavior of actors in the framework of institutions determines the "logic of conformity." In other words, value-colored norms and formal rules of institutions form the actions of actors. Sociological institutionalism focuses on the meaning of the context and argues that political actors are not free in their actions, since in the process of activity they face a variety of regulatory constraints that must be taken into account. Citizens act as carriers of certain values and the institutions created by them are embedded in a certain cultural and organizational context. Since in the scope of our analysis there are such concepts as "anticorruption culture" and "transparency policy", with the help of the toolkit of sociological institutionalism, it is possible to find answers to questions about the causes of the spread of political corruption, to find out the factors contributing to implementation of anticorruption values into a common culture, or to locate an obstacle to filling the axiological system with anti-corruption standards of conduct.

Elements of culture in sociological institutionalism are constituent institutions, and the latter are intermediaries between the individual, on the one hand, other individuals and society, on the other. From this, it follows that the same institution in different cultural contexts will have different meanings. The benefit of considering sociological neo-institutionalism while examining political corruption is in the study of the influence of the institution of corruption on political behavior, and also on the political identity of individuals, mediating the societal environment of institutional influence on state policy.

The original basis of neo-institutionalism is the theory of institutional matrices of the Russian scholar Svitlana Kirdina. The starting point for Kirdina's research is the question: why are there inefficiencies in the reforms that are implemented in some countries using successful Western models? Her work is applicable to the former Soviet countries where despite pseudo efforts at fighting corruption, it still continues to exist.

Neo-institutionalism has made a step forward in interpreting the essence of a political institution. It departed from the conservatism of traditional institutionalism, which held that formal state institutions and political parties were decisive in the political process. As Olena Sushyi(2011) correctly notes, the views of neo-institutionalists differ in the broader

interpretation of the notion of 'institution', with the discovery of 'independent variables' which define political and administrative behavior; they pay considerable attention to the study of the informal structure of political institutions, as well as the results of their activities. This is important in the context of the consideration of political corruption.

Institutionalism in general does not raise the question of the reciprocal influence of political actors on political institutions. Neo-institutionalism, on the other hand, analyses dynamic political institutions. It is important to analyze the influence of a constructive informal institution (civil society) on a destructive informal institution (political corruption). Corruption practices are just such a latent dynamic process, and the neo-institutional theory of Douglas S. North has overcome the limitations of the classical institutional approach. Political science made a turn from the one-sided consideration of institutions as formal rules and legal organizations in the system of state power (Rybii, 2001). Neo-institutional analysis includes the study of informal institutions, such as political corruption, which affect the stability of the entire institutional system. Such influence can be both constructive and destructive. For example, civil society as a non-formal institution has a constructive character, wheras political corruption as an informal institution has a decidedly destructive character.

In the institutional approach, institutions act as cultural and psychological phenomena (norms, customs, habits, etc.). In the neo-institutional approach, a set of legal norms and informal rules that that have arisin as a result of the interaction of individuals (in the process of exchange) are studied. The specificity of neo-institutionalism lies in the fact that political institutions, in particular corruption, are understood through the prism of the interconnections between formal rules and informal norms of the game. This interweaving is a complex system of organizational relations and forms of interaction.

At present, modern political science is not able to keep up with the dynamic informal systems arising even within countries with strong democratic traditions. Clanism, clientism and neopatrimonialism are examples of informal political systems occurring today. Informal 'shadow', extra-legal, and illegal institutions which remained out of sight and were generally not recognized as objectively existing, have always influenced political behavior and the process of making decisions (Rybii, 2001). They existed long before neo-institutionalism arose to be able to describe them. Indeed, in some political systems, non-legal and illegal institutions even become the main actors, undermining the security of the state, and producing systemic corruption.

From the standpoint of neo-institutionalism, disclosure of ties between formal and informal institutions is important. The domination of formal institutions indicates the readiness of major groups of society to follow universal rules and norms, whereas the lack of rule of law leads to the domination of informal institutions such as clientism and political corruption. Gretchen Helmke and Steven Levitsky(2007) point out that the category 'informal institution' is broad in nature, because it applies to an incredibly wide range of phenomena, including personal ties, clients, corruption, clans and mafia, civil society, traditional culture and various legislative , judicial and bureaucratic norms. They further state that informal institutions are social common rules, usually unwritten, which are created and executed outside officially authorized channels.

Corruption, clientism, nepotism, favoritism, patronage, etc., are referred to as informal institutions by Ukrainian political scientist Yurii Matsiyevskyi. The researcher states that informal institutions prevail over formal institutions in hybrid regimes: Formal institutions are only a facade for informal institutions and practices prevailing in the political process, and in this process, informal institutions determine the behavior of political players. The researcher correctly considers corruption to be among the 'subversive institutions'. This book shares this view, because political corruption is taking place in the sphere of informal politics. It is an example of latent policy, as it is a hidden, non-public, opaque part of the political process. This position is supported by other scholars. In particular, Shevchenko describes corruption as the most widespread example of illegal aspects of informal politics, and Olexii Krysenko emphasizes the autonomy of informal institutions from the legal and regulatory sphere.

Margharita Chabanna states that the essential role of informal institutions in political processes is inherent to political regimes with a low level of democracy. He further regards corruption as an informal political institution peculiar to undemocratic states. Kushnarov (2017) concurs stating that while political corruption is an informal political institution, it is worth noting that it is characteristic not only of undemocratic states but that no country has yet been able to obtain full immunity from this social disaster. The level of 'infection' from corruption is truly striking and distinguishes the countries of the world. But in non-democratic countries, the attitude towards political and other forms of corruption is so painfully transformed that it even is interpreted as an ethical, socially legitimate institution, and therefore justified or, at the very least, does not cause social protest.

Thus, subversive informal institutions are more or less characteristic of each political system, and their interaction with formal institutions, depends on specific conditions (political regime, level of civil society, firmness of democratic traditions, etc.). In democracies, informal institutions support formal practices; in defective democracies informal institutions are often comprised of political corruption and as such further undermine the activities of already weak democratic institutions.

Kushnarov explains that there are several formats of correlation between formal and informal institutions: 1)formal institutions dominate the informal, but do not change them; 2)formal institutions conflict with informal ones; and 3) formal and informal institutions cooperate. This is what S. Pejovich notes in his study. The emergence of informal institutions' destructive varieties can be explained by the weakness of the formal. Due to informal institutions, in particular corruption, political elites receive attractive options for strengthening their dominant positions; as a consequence, they support (usually, not openly) such opaque mechanisms. According to Stoiko, informal institutions, either partially take over formal institutions, or seep through them (Powell and Dimaggio (1991) called them 'penetrating environments'), turning into parasites. An example of such an informal institution is corruption.

The informal institution of political corruption depends upon the type of political regime expounds Kushnarov: 1) in the case of democracy, a subversive informal institution of political corruption comes into conflict with formal institutions; 2) in the case of autocracy, formal institutions and subversive informal institutions of political corruption can be mutually supplemented; 3) in the case of totalitarianism, political corruption strongly opposes or merges with formal institutions. He further elaborates that a special role is played by the informal institution of political corruption in the process of democratic transit. After all, after the end of the period of transition to democracy, political

corruption hinders democratization. In general, he continues, the persistence of corruption practices suggests the extremely slow transformation of informal institutions, their 'survivability', which depends on the opposition of civil society, the availability of political will among the leaders of the state.

As Yurii Sabanadze (2008) proves, the key difference between defective and functioning democracies is not in the presence of formal and informal institutions, but in the way of 'ingrowth' of informal institutions into formal ones. In liberal democracies, both forms of institutions complement each other, which provides formal institutions with flexibility in adapting to social demands, while informal mechanisms support democratic institutions, reinforcing formalized political procedures and responding to social change. In defective democracies, informal institutions undermine and limit the functioning of formal, democratically legitimized institutions. They violate the functional codes of formal institutions, distort or suppress them as meaningful procedures and decision-making practices. Sabanadze (2008) states that such substitution of formal and democratically legitimized institutions by informal rules can be carried out from above (the executive having been democratically elected, can extend its own prerogatives through constitutional checks and balances, thereby overriding them), and from below (anomic civil society with weakly accumulated social capital, but with a high potential of violence, mutual distrust and the spread of corruption, the traditions of clientism, neglect of institutional rules, deprives institutions of influence, or colonizes them in private interests).

Neo-institutionalism makes it possible to study non-formalised rules that determine political behavior. Political corruption can be attributed to informal institutions. Note that these types of informal institutions may be referred to under various names, such as: informal (Steinmo, Gretchen Helmke, Steven Levitsky, Paneyah), shadow (Valerii Vorotnikov), unstructured (Kenneth Shepsle), unofficial (Vudyora), anti-institutes (Sukhariev) etc. Actually, Kenneth Shepsle rejects the classification of political institutions as formal and informal, proposing the allocation of structured and unstructured: Structured being defined as sustainable organizational formation; unstructured being defined as relatively amorphous, latent, dormant, and formed on the basis of informal behavioural rules. Kenneth Shepsle cites ancient customary rules based on the Babylonian talion such as 'an eye for an eye' and 'neither for you nor me', as examples of these informal behavioural rules. Political corruption in the definitions of Shepsle appears as an unstructured institution.

In political science, as Vlada Popazoglo, rightly points out, there is not only a terminological coherence with regard to informal institutions, but also a unanimity about their role. Thus, Olena Stoiko notes that informal institutions should not be considered as a threat to democratization, and their interaction with formal institutions can only partially determine the results of the political process. This position emerges from the author's classification of informal institutions due to their connection with civil traditions. Some informal institutions are associated with the civic virtues of trust, solidarity, tolerance, honesty, and so on. Instead, says Kushnarov, destructive influence performed by informal institutions based on mistrust, selfishness, intolerance is where corruption exists. This opinion is shared by Olena Rybii, who among informal institutions distinguishes: 1) constructive, which act in parallel or in cooperation with the laws in force in order to solve problems of political exchange and the coordination of which are not considered in the framework of official rules; 2) destructive, undemocratic, non-legal informal institutions of corruption, nepotism, bribery, etc. We will use the definition of 'informal' about political corruption, specifying its description as 'destructive'.

Jancsics (2013) notes that neo-institutionalists explain in different ways the reasons for the emergence of informal institutions both as a spontaneous process and as a deliberate, conscious process. Olena Stoiko notes that most informal institutions appear as a result of uncontrolled social processes; they are largely dependent on deeply rooted social practices. Stoiko continues that informal institutions change, weaken or ruin the rules that underlie formal institution. This publication agrees with these characteristics and upholds their scientific validity based on examples from the political process of foreign countries, primarily Central Asia, the South Caucasus, etc. Stoiko elaborates that most of the destablizing processes for the state and society have their origin in the informal institutional space. Olexii Krysenko, referring to the analysis of the Ukrainian political process, argues that the functioning of informal political institutions [...] leads to a narrowing of public space, the complication of the circulation of elites and the creation of a monopoly situation in the political market. Informal institutions, such as political corruption, have a devastating effect on the functioning of the institutional system. Rybii declares that they can act as the causes of institutional stagnation, and the drivers of the transformation of political institutions.

The informal institution of political corruption includes different subtypes of institutions says Stoiko: 1) social actors try to influence political decisions by offering material value (bribery); 2) state officials demand that citizens provide financial remuneration in exchange for performing administrative tasks (extortion). That is to say that these actions of bribery and extortion can be considered subtypes of institutions. It should be further noted that in some political studies conducted on the basis of neo-institutionalism, political corruption appears as only one of the institutions in a large number of informal destructive institutions such as nepotism, cronyism, clanism, favoritism, clientelism, etc. Other scientific research includes these institutions under the general heading of political corruption.

From a neo-institutional perspective, political corruption can be considered a kind of informal institution that is: 1) a persistent type of rent-oriented opportunistic behavior by political actors aimed at realizing their own interests, such as power attainment or personal wealth, thus gaining some benefit from their participation in the political process. On a micro level of political corruption it is evidenced as the realization of private interests contrary to the public interests; 2) a complex of informal norms that structure and determine the activities of various political actors and contradict collective ideals and goals that are expressed in formal institutions. By examining political corruption as an 'institution' one can study its stability and repeatability in political and party systems of different states, etc.

Political corruption implies that individuals, especially those who hold high state and party positions, use their entrusted power resources not in the interests of society, but in personal, corporate, or party interests. The level and forms of political corruption are always determined by the institutional design, the ratio of formal and informal institutions. Though the form may vary, the phenomenon of political corruption always appears as a negative effect of informal institutionalization.'

In states with stable democratic traditions, politics occur and are formed in public, with open communication, controlled by the public. Therefore, corruption practices in politics related to the privatization of public resources are

minimized. This book maintains that there are no states which are able to completely eradicate political corruption, but there are those existing which succeed in reasonably minimizing political corruption. In non-democratic countries, political elites tend to protect their own interest above all, both private and corporate, avoiding control of society and shadowing processes of resource management. This leads to the emergence of a dual control system, dominated by informal (shadow) management. In the theory of neo-institutionalism, this process is called deformation. It entails substituting formal institutions with informal institutions.'

The deformation of societies is aggravated by two factors, which are described by the representatives of modern neo-institutionalism, Wolfgang Merkel and Aurel Croissan: 1) an authoritarian legacy of informal practices; 2) the accumulation of economic and political problems as happens in a legacy of system transformation. Researchers believe that the penetration of informal practices into formal institutions moves the decisionmaking from bureaucratic formal processes to informal negotiations. Continued coexistence of informal practices within formal institutions is impossible, as the stability of the political system depends on the configurations of the actors, and within informal practices (institutions) they often change. This weakens the governmental system and creates a power vacuum which is often filled by an overly powerful executive. This is seen primarily in non-democratic countries, societies with such a 'hybrid' regime which merges a political corruption institution with a formal institution. As aforementioned, neo-institutionalism clearly accounts for these phenomena. Further, according to Oliver Williamson, neo-institutionalism explains opportunistic behavior in the political sphere, which contradicts the declared goals of the state for the benefit of political rent. He spoke of opportunism as a deviation from norms for lucrative purposes.

The Ukrainian political scientist, Tetyana Gurovska points out that within the framework of the neoinstitutional approach, there are several reasons for the existence of opportunities for obtaining political rent: 1) incompleteness of information, which leads to nontransparency in decisionmaking; 2) limited rationality characterised by the availability of alternative selection procedures under incomplete information; 3) the opportunistic behavior of the participants, which is aimed at achieving their own goals and not limited by ethical considerations. This author concurs with Grushko, while adding the weakness of civil society as a considerable contributing factor.

Political corruption is always in conflict with the fundamental democratic principle of the rule of law. Dominance of formal institutions, or at least the observance by the main actors of the political process of universal norms and rules is necessary for the rule of law. The absence of the rule of law, as Gelman (2001) rightly observes, means domination by informal institutions with their own rules such as clientelism and other corruption. Kushnarov (2017) describes the superficial and decorative nature of formal institutions when the rule of law is absent. In case of a nondemocratic regime with a lack of rule of law, regulation is carried out arbitrarily: the government is not controlled by the parliament, important government decisions are made by various informal institutions such as clans, powerful financial and industrial groups, and so on. There is no direct accountability of the powerful elite to the public. Neoinstitutionalism has been used by this author to study this complex system of relationships.

Using this framework to look at political corruption in Ukraine and most of the post-Soviet countries, the Soviet legacy has maintained stable domination over politics and public opinion in the guise of informal institutions. There are exceptions. The Baltic States, Georgia (to some extent) and, paradoxically, authoritarian Belarus, illustrate that the political will of state leaders can make it possible to move away from total corruption practices in favor of more or less transparent policies.

It must be noted that not all scientists agree that neoinstitutionalism is adequate for these studies. Georges thinks that by drawing on explanations of the dynamics of the institutions such variables as 'critical moments', 'the path of dependence', the role of ideas, neoinstitutionalism went beyond its limits, and the conditions under which the variables exercise influence remained unexplored. It is possible to disagree with this critique, because neoinstitutionalists also investigate social transformations, but do it differently than deterministic theories do. The most important thing for this book's research is that neoinstitutionalism recognizes informal institutions. We proceed from the fact that in the interpretation of the institution of political corruption it is not enough to fill its content with a set of codified norms, laws, rules of organisation of political life. Informal, cultural, mental and other factors need to be taken into account. This, in our opinion, is the essence of the neoinstitutional approach to the study of political corruption.

Douglas North (2000) rightly said that if we need to increase institutional efficiency in any country, we will have to understand its culture, history, traditions and institutions. The neoinstitutional analysis of political corruption is applicable at various levels (institutional, organizational, individual) and facilitates fact finding about an institution's evolution towards political corruption. The specificities of the behavior of political actors as actors of corruption are also unveiled.

Neoinstitutionalism best describes how nondemocratic patterns persist or are born, in particular, how political corruption evolves. This methodology shows how an informal institute of political corruption can deform or even completely ruin formally established rules and procedures. Neoinstitutionalism makes it possible to analyze the situation of stopping democratic transformations in countries that, due to systemic corruption and a number of other factors, have slowed down their development into a legal, well-institutionalised state. It explains their difficulty in the consolidation of already existing achievements of democratization.

Thus, it is precisely neoinstitutionalism which is an optimal methodology for studying political corruption. Institutional analysis enables not only broad consideration of political corruption as a reality, but also broad consideration of institutional mechanisms which are present. A modern analysis of political corruption needs to be brought closer to the activities within these institutions, since corruption practices emerge and operate in a particular institutional environment, which in turn affects the content of these institutions.

At the same time, we should note that qualitative analysis of the problems of political corruption is possible not only due to the methodological potential of neoinstitutionalism, but also due to the application of the theoretical and methodological synthesis of philosophical, historical, political, sociological, and legal analysis of the idea of political corruption. The axiological approach and the comparative method for analyzing political corruption are also considered relevant.

The axiological approach is a useful framework for analysing the content of anticorruption values, their role in the

system of value hierarchy of the citizens and the state. The research potential of political axiology enables the conceptualization of the concepts of anticorruption values, anticorruption culture, and anticorruption mentality, as well as the definition of the role of such values in the political process of countries with different types of political regimes. The importance of studying the essence and evolution of values as an inseparable part of the study of politics drew the attention of D. Easton ('The Political System', 1953), because political values are connected with the system of power relations and political institutions. These are political values that motivate the actions of policy makers, express the notion of political actors about the desirable formats of political institutions (in particular, political corruption), which promotes the realization of goals (minimizing corruption practices in case of democratic policy, or vice versa, deepening corruption's hold on the state in the case of undemocratic regimes).

The sociological concept of values is important in the analysis of political corruption from the point of view of the axiological approach(Max Weber, Znansky, Talcott Parsons, William Thomas, etc.). It assumes that values are fundamental to a person as a subject of politics; they determine behavior patterns as corrupt or noncorrupt. The sociological concept of values makes it possible to explain that any act of social action (for example, the organization of anticorruption protests, participation in them, lobbying anticorruption bills, etc.) is meaningful only in relation to the values (Max Weber,1922), according to which the behavior is adjusted. This pertains to individuals, their groups, and their collective goals. Values, defined as desireable ideals, (Talcott Parsons, 1986) are the most important regulator of human action. Values as rules of conduct (according to F. Znansky, William Thomas, 1940) determine the conservation, regulation and dissemination of appropriate types of actions among members of a particular community.

We believe that it is on the basis of values that society or its subgroups are prepared to act against corruption. Anticorruption acts and legislative initiatives are primarily the accumulation of certain values and the definition of ways to achieve them. Therefore, it is important to include an axiological approach to the methodological tools for studying political corruption.

The comparative method used in our analysis enables us to find out the specificities of corruption practices in the political processes of different countries, the comparison of their chosen strategies for counteracting political corruption, the assessment of the reasons for the occurence of certain corruption practices, and so on. The use of a comparative method allows examination of the same destructive practices in different countries, regions within a single time interval or even within different historical epochs. Politically corrupt institutions serve as the unit of analysis in political comparative studies.

Regarding geographical parameter studies, monographic (individual cases), binary (comparison of two countries) and regional (comparing more than two countries) studies of political corruption were made. Crosstemporal comparative analyses were used to examine the time parameter. It is important to monitor individual countries over time to monitor their success in anticorruption practices or regression back into corrupt practices. In this way, causality may be identified. The importance of a comparative political science approach to studying political corruption lies in its broad heuristic potential. It allows clarification of those processes that take place both in a particular country and in a regional or even in a global dimension.

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- 1. The study of corruption is well developed in various sciences, each of which focuses attention on certain aspects of corruption due to their particular perspective on corruption issues. The interdisciplinary nature of the research is obvious when looking at the available studies in the fields of law, economics, history, philosophy, and business. To understand the complex issues of political corruption, an interdisciplinary approach is important. It should consider different socio-cultural dimensions by utilising different research methods. Political science focuses on the process of struggle for power and its implementation. It distinguishes amongst a large number of possible corruption offenses to hone in on those which are directly related to political corruption.
- 2. The volume of modern scientific research on political corruption reflects society's demand for solving this socio-political problem. Corruption is always a concern for those participating in political processes: no party overcomes it by writing a good enough election platform. Domestic and foreign political process are rife with ever new forms of corruption abuses. Some are equally searching for mechanisms for counteracting political corruption. The exposure of corrupt individuals and cases of corruption forms the public mood. The more exposure there is, the more public awareness and understanding for the need of new anticorruption policies grows. The need for re-enforced limitations over the actions of politicians is part of these policies. Political scientists work to understand the best ways to go about these changes in order to maximise their effectiveness.
- 3. This analysis of Ukrainian political corruption historiography reveals the essence of corruption manifestations in Ukraine, the anticorruption strategies of various other states, and ways of counteracting corruption practices. There is no coherent definition of political corruption. There is no scientific unity as to what exactly constitutes a politically corrupt act. Likewise, there are no coherent approaches to this issue. The experience in combating political corruption of many states covered in our analyses was still beyond the complex study of domestic political science. Also, insufficient attention has been paid to the difficulties of anticorruption values and the formation of anticorruption political and legal culture. Foreign research has some useful insights.
- 4. Neo-institutionalism is the best methodological basis for the study of political corruption. Political corruption creates shadow policy and permeates formal institutions. It thereby qualifies as an informal institution. Neo-institutionalism provides the methodological framework used to study informal institutions, corruption processes, and institutional conflicts. Neo-institutionalism explains how political corruption appears and develops. This methodology reveals how informal institutions such as political corruption, deform and break formal rules and procedures. The level and forms of political corruption are determined by the institutional design, specifically, the ratio of formal and informal institutions. Political corruption usually occurs as a negative effect of informal institutionalization. Neoinstitutional analysis also enables analysis of institutional mechanisms for minimizing political corruption.
- 5. The axiological approach is another useful methodological framework for the determination of political corruption. The content of anticorruption values and their role in the system of values hierarchy, both of a citizen and the state, are examined. Axiology contributes to the conceptualization of the concepts of anticorruption values, anticorruption culture, and anticorruption mentality. It also aids in determining the role of such values in the political process of

countries with different types of political regimes. The comparative analysis approach is also a useful methodological framework for the identification and prevention of political corruption. Its strength amongst other methodologies is the way in which it supports strategic thinking regarding the prevention of corruption. It identifies the specificities and commonalities of corruption practices in the political processes of various countries. It looks for causalities. It also compares the chosen strategies for combating political corruption and examines the outcomes of these strategies. The use of the comparative method creates depth, and allows the analysis of the same destructive practices in various countries and regions, within one time frame as well as in historical sequence. It is important to monitor these changes in order to attempt to understand the causality of their success or failure. Development of undesirable outcomes such as tolerance to corruption can also be monitored. Broad heuristic opportunities exist in the comparative methodology as it allows analysis in dynamic environments, both within and amongst countries.

### Chapter 2

# **Political Corruption:**

Conceptualizing its Notion,

### **Exercise and Subjective Composition**

## 2.1. Evolution of Corruption in Political Process: Retrospective Review

If we understand political corruption as modern forms associated with the latest anti-technology of financing of parties, uncivilized lobbying, electoral abuse, then this phenomenon has no longstanding traditions due to the time factor for the appearance of these political processes.' But some historical facts are proof that political corruption has existed long before the time when unlawful policy abuses became the subject of political analysis. Historically factual documents describe political processes of different eras and peoples. A retrospective review will help to understand political corruption as a phenomenon whose roots have long traditions. After all, unlawful practices in politics arise 'simultaneously with the formation of social order and structures aimed at the organization and management of people's lives, and due to it is far from the best qualities of man.' Our research objective is to analyze the evolutionary process of political corruption, its transformation into new forms, adapted for current times.

First of all, let's turn to the political process of the ancient eastern states. The written sources of those times described the special relationship within elites. The starting point in the historical retrospective of corruption is the reign of Tsar Lagash Uruinimginy (Urukanigi). He put reforms in place to prevent the abuse of royal officials, judges, reduction of temple personnel's fees. In the 'Instruction of the Heracleopolsky tsar to his son, Merikaru' (3000 BC), the ruler recommended to his successor that corruption offenses could be prevented by the tsar giving some material exaltation to his nobles. The Babylonian governor Hammurabi wrote about corruption of judges in his code of laws (§ 5) and defined the punishment. It was rather small, however due to the socially unequal society which determined the size of the punishment according to the social status of the offender, and judges were privileged. The ancient Indian treatise "Arthashastra" refers to the anticorruption functions of the ruler, who must prevent the encroachment on the state treasury. The treatise lists as many as forty varieties of such corruption offenses.' The 'Old Testament' also mentions abuse of power - the harassment of the poor, who seek justice. Perhaps the most famous event of corruption which history provides is that Judas Iscariot betrayed Jesus for 30 silver coins.

The first attempts to understand corruption as an antisocial phenomenon of the Antiquity period were made in Ancient Greece. It must be noted that there are divergences in determining the extent of corruption in this state known as the 'cradle of democracy'. Thus, Oleksandr Chechurov (2010) notes that 'in the early stages of the history of antiquarian societies, when there were no professional state administrators yet, corruption was almost absent, we can find only some references of the manifestations of this phenomenon.' This perspective is repeated in a number of sources written by Greek thinkers on the topics of justice, subordination, the use of material resources, power, etc. However, it is not unanimous as some researchers point out that corruption was already quite widespread in the ancient Greek and especially in Romanian states.

The ancient Greeks were admirers of justice: 'Get into justice and you will forget about abuse' (Hesiod), 'Justice covers all other virtues' (Phocylides) etc. In the works of Plato, perhaps the first mention of corruption is made. Analysing the corrupt aspects of regimes (democracy, oligarchy, tyranny), Plato emphasized that instead of being guided by laws or by state interest, people served rulers. Aristotle referred everything to the happiness of those who were ruled and their welfare in accordance with the law, which is called state interest in the modern theory of corruption. In his work 'Politics' the philosopher highlighted corruption as a factor that could lead the state to a crisis or decline. An example of such a process, in his opinion, is the rebirth of a monarchy into a tyranny. Fighting corruption, Aristotle considered the basis of ensuring state stability: 'Only those state structures that work for the common good are correct according to fair justice.' The rejection of justice is the main cause of the catastrophe of states, because 'offenses come unnoticed to state life.' Aristotle proposed preventing corrupt practices by prohibiting any one person from occupying several government positions. In his work 'Politics,' the philosopher wrote that the most important thing in any state system is 'to arrange cases so that officials could not profit by means of laws and other regulations.'

In 1990, Georg V.F. Hegel wrote: 'There was a law in ancient Athens that obliged every citizen to report on what means he lived; now they believe that it does not concern anyone.'

One cannot avoid the fact that Carthage was one of the most corrupted states of the 1st millennium BC. As Ancient Greek historian Polybius wrote in his General History, 'nothing which leads to profit in Carthage is considered shameful, [...]; applicants for government jobs get them through the open payment of bribes ...' At the end of the third century BC corruption had reached such an extent that, according to the author of the History of Rome, German historian Theodor Mommsen, the government bodies of Carthage were dominated by a party that actually defended the interests of not its own state, but of Rome; and that was the worst thing - it was during the years of confrontation between the two states (Second Punic War).

'In the history of ancient Rome, and at all stages of the development of this state, there are manifestations of unlawful actions that can be classified as corrupt. Contemporary thinkers made attempts at theoretical and methodological comprehension of the essence of political corruption, its causes, methods of prevention, etc. In the Old Roman 'Laws of XII Tables' the word 'corrumpere' was used to denote a change in remuneration for appeals in court; Table IX defines punishment for such judges and intermediaries in the form of a death penalty. The term 'corrumpo' in the meaning of 'causing damage', 'rotting', is used in the Digest of the Emperor Justinian (V century BC), where it was noted that the fundamental notion of corruption follows from Greek law.'

In Rome, for elected positions, short terms were established without the right to re-election. The Roman practor, like most masters, was elected for one year and performed duties free of charge. But such a system, as the Ukrainian researcher Akseyev believes, 'was creating the possibility of bribing voters by wealthy citizens.' Cicero in his court speeches cited the facts of abuse during the elections for the post of Pretoria, as well as other magistrates and in the performance of their duties. This is confirmed by the existence of special rules in the legislation of the Roman Republic aimed at preventing abuse.

In general, in ancient Rome, there were more than forty types of corruption, so bribing voters and buying positions were something natural and widespread. At an early stage in the history of Rome, when there was not yet a system of political actors nor a network of state bureaucracy, corruption was not as widespread as during the period of the Republic. Particularly, corruption was developed during the late Republic. It was written then that authorities arrived being poor to a rich province, and departed being rich from the poor province(For example, the governor of one of the Roman provinces, Publius Quintilia Vara, was described in such a way.). The emergence of corruption practices actually occured when officials had the opportunity to dispose of resources.

Researchers of Roman history usually point to the growth of corruption practices in Rome after the great conquests of the 2nd century BC (Punic Wars of the 3-2 centuries BC). The large post-invading treasures of the elite led to an unprecedented surge of greed, and as a result, they generated new forms of corruption abuses. These actions were not precisely political corruption, but rather related to the redistribution of land ownership: the senators seized generously large state lands. The struggle of the tribune tribal Tiberius Gracchus with the Roman Senate was an attempt to stop corruption through a fair land distribution. The law of Sempronija (133 BC) prohibited one person from possessing land above the established norm and foresaw the creation of a commission that would distribute the state land among the Romans. The fate of Gracchus the elder and his supporters (their murder) had shown what might be with those who dared to rise up against corruption.'

Bribing voters (both obvious and disguised in a search for popularity) had become commonplace in ancient Rome, especially during the period of the Late Republic. Historian Cornelius Nepot describes why his friend Attica refuses to claim his post: 'Neither pursuing nor receiving senior positions according to the custom of ancestors, observing the laws, was not possible for the generous distribution of such a bribe.' Cicero also describes cases from his lawyer practice when he was acting on such matters (for example, 'For Murena', 'For Plantsii', 'For Flakk', etc.). In his work 'On Obligations', Cicero describes generous handouts and bribes, assessing these ways of gaining electoral support as shameful for both those who practice them and for those who accept such dubious gifts. Cicero laughed at similar cases and in his speech 'For Sestii'. In general, already in the II century BC, the bribing of voters was so commonplace that the state created special standing commissions (quaestiones perpetuae) to deal with such cases. And Cicero recognized that the very fact of the emergence of such commissions showed deep moral degradation.

During the Roman Empire, there was a case when the imperial throne (195 BC) was sold. A peculiar auction was conducted by the praetorians. Didy Julian offered each praetorian 6250 drachmas for their support while Sulpitsian offered 5000 drachmas each. Didy Julian became Emperor . This is clearly a case of political corruption as no real voting based on merit took place; it was simply a financial transaction.

Numidian tsar Jugurtha stated the following about Ancient Rome: 'A fortune-free city, that is doomed to a quick death! You can buy everything if a buyer is found!' It seems that votes in Ancient Rome were sold at all stages of the Roman statehood, since the institution of elections was introduced. The Romans even began to consider money received from candidates as their legal reward. Only one example of a different sort of election was recorded: the emperor Octavian August distributed his personal money to voters so that they did not demand any monetary reward from candidates for elected positions, but instead evaluated candidates according to professional criteria.

'In Rome, probably in the times of Emperor Septimius of the North (end of 2 to beginning 3 century BC), the lobbying corruption practices first appeared. Under the 'lobby' meant only the front room of the hall of the Roman Senate, but there were various informal agreements, which were later officially institutionalized. Senators from the Republican period of Roman statehood were forbidden to engage in commerce. That is why they gained through the marriage to the social stratum of riders (equivalents), who led their financial affairs.'

In general, from the time of the Late Republic until the decline of Rome, the state functioned in conditions of systemic corruption. This fact is even considered by some researchers to be among the main causes of the decline of the empire. However, a high level of corruption characterized the period from the middle of II century to the middle of I century BC. At that time, the domination of the oligarchy disappeared from the middle class of Roman society and increased the contrast between wealth and poverty. The reforms of Octavian August in the early first century BC were of positive anticorruption significance, primarily in terms of tightening control over senators.

Corruption of a civil servant was punishable by death penalty in Roman law, by a fine, or a by reduction of the professional status of an official (civil degradation). The sanction depended on the complexity of the crime. At the later stage of Roman history, the concept of "crimen pecuniarum repetundarum" was introduced, meaning the abuse of power by civil servants for their own enrichment. During the time of Cicero, there was even a permanent court to deal with such cases.

Later, Romans in the 3-5 centuries even corrupted their own barbarian enemies. Roman aristocratic generals paid Goths, Huns, and Vandals so they did not attack Rome. Thus, the leading Germanic tribes were corrupted.

European corruption practices increased in the beginning of the Middle Ages. Monetary relations began to develop rapidly, the state apparatus grew, and there was no separation of branches of power. In Christian theology, corruption

was understood as a sin, while Thomas Aquinas said that corruption was a manifestation of the very essence of society. In the Middle Ages, corruption began to be understood as an antisocial phenomenon that permeated society from top to bottom. In these "dark" times the bureaucratic corruption was harshly dealt with: corruptors were burned at the stake and had their limbs cut off. The inhabitants of medieval Prague, for example, threw the officials they hated out the windows.

Many studies of Byzantium have focused on corruption as a characteristic of this state. French historian Andre Guillou (2005) emphasizes that in Byzantium bureaucracy official positions were sold. Every higher echelon official officially bought his position, which naturally led to the desire to recoup the investment.

In Medieval England, an independent audit was one of the most important anticorruption mechanisms, the first mention of which dates back to 1130. London City was audited in the 1200s, and in the beginning of the 14 century there is a mention of auditors being elected. The audit was aimed at ensuring accountability of those officials who were spending money, thus counteracting bureaucratic corruption. At the end of the 17th century in Scotland, the first law prohibiting certain officials from serving concurrently as auditors was adopted. This lead to the gradual emergence of the Institute of Independent Audit.

Russian chronicle texts of the 13 century, reveal that officials were not paid for their work, rather they lived at the expense of the people. Therefore, officials were appointed for a short time – one or two years. The first legislative limitation of corruption belongs to Ivan III. His grandson, Ivan the Terrible, first imposed the death penalty as a punishment for excessive bribery, by abolishing his decree in 1555 the so-called 'feeding of officials.'

In the Middle Ages, the main corruptors were the monarchs, who doled out preferences and privileges, handing them down hierarchically. They skillfully distributed titles, privileges and positions while maintaining an atmosphere of fear (of losing these benefits), the monarch manipulated his environment. For example, in the Russian Empire, officials were appointed according to their origin, that is, the preference was given not to personal qualities of the individual, but to the hierarchy of surnames.

The modern understanding of corruption arose during the Renaissance, when centralized states began to emerge. The impetus for understanding political corruption was the work of Niccolo Machiavelli, who compared corruption with disease (in particular, tuberculosis). He described it as follows: when it is difficult to diagnose, it is easy to treat; when it is easy to diagnose (as it is an advanced stage of disease), it is difficult to treat. These figurative comparisons were addressed to wise rulers who had to identify the "ailment" in time. A little later Thomas Hobbes discussed the framework of society and government in his work "Leviathan": "People who value themselves by the greatness of their wealth, boldly commit crimes, hoping they will avoid punishment through corruption of state justice or obtain a pardon for money or other forms of remuneration". Corruption, according to Hobbes, is the root from which contempt towards the law grows. It was in the 17 century that the first British parliament spoke against the corruption of King James I, House of Stuart).

The Ukrainian researcher Mykola Melnyk noted that sometimes in certain countries at certain stages of development corruption took on the nature of a global epidemic. As an example, Prince Alexander Menshikov, a favorite of the Russian Tsar Peter I, began his relationship on merit, and later became head of the Russian state. However, he subsequently extorted bribes, stole state property and became utterly corrupt. Alexander Menshikov is an example of how, as a result of personal corruption a statesman can firmly take control of a society and the idea that political power can be used for personal illegal enrichment.

In general, European societies of the Renaissance period, were changing their views towards official abuse, thinking of it as bureaucratic corruption, rather than political corruption. The theory of social contract popular at that time was based on the notion that subjects paid taxes to the state in exchange for the fact that it originated and upheld laws. At the same time, favouritism was characteristic of the Renaissance, though it arose much earlier. Many types of nepotism originated during Roman times, when the Roman popes distributed high ranking posts and property to close relatives.

"Since the end of the nineteenth century, some countries have started to enact laws against corruption. For example, the British Charter on Bribe in Public Organizations (1889), which defined the unlawful nature of the sale of public positions, the violation of public officials of their duties, the abuse of power".

In the 19th century, large scale reforms of British electoral law were carried out which deprived its politics of the most striking manifestations of political corruption: constituencies that were literally bought and sold in parliamentary elections. In 1872 an act on secret ballot was adopted, in 1883 – an act on the fight against corruption in elections (supplemented by the law of 1906), which determined the maximum amounts that could be spent on an election campaign.

By the end of the nineteenth century, the special significance of anticorruption had already been clearly stated in English law. It was enshrined in three laws: Bribery in Public Law Organizations (1889), The Prevention of Corruption (1906), Amendments to the Law on Prevention of Corruption and Additions to It (1916). Let it be noted that the third normative act on corruption crimes against electoral rights draws attention to various forms of voter compulsion, such as buying votes, voters' treatment, pressure upon the voters, etc. Due to the conservatism of the British legal system, this complex of acts remained valid until 2010.

Yulii Nysnevich, a well-known researcher on the issues of political corruption, draws attention to the need to supplement the historical retrospective of corruption with several facts of modern history. During the 1990's a taboo existed on the use of the very word 'corruption' in international relations. For example, during the Cold War, when discussing the topic of assistance to the third world countries, instead of the word 'corruption', the euphemism the 'C-word' was used. The attitude to the term "corruption" began to change due to the creation of Transparency International in 1993, and after the World Bank meeting (October 1, 2006), when the head, D. Wolfensohn, in his speech openly called corruption a tumour and a barrier to the way of development. It was from that time that political and other forms of corruption began to be perceived as a global problem which requires comprehensive study in order to find ways to minimize it in a modern society.

The phenomenon of political corruption has become a subject of scientific research. Theories have been developed. Since the 1970's more scientific data has been gathered. With each passing decade, new approaches to the study of the nature and specificities of political corruption are developed. Political reality poses new questions to political scientists due to the emergence of new formats of political corruption. In this book's opinion, the study of modern processes is impossible without knowledge of the evolutionary history of corruption practices in politics. It is this knowledge that makes it possible to analyse the latest cases of political corruption. The historical context is necessary in order to assess the degree of political will of elites to implement anticorruption reforms, and the readiness of the public to confront to corrupt practices in politics.

### 2.2. Conceptualization of the 'Political Corruption' Notion

## and its Subjective Composition

The main problem which occurs while applying the notion 'political corruption' is the multifaceted nature of research approaches, techniques and, consequently, the uncertainty of its categorisation. If the notion 'political corruption' is interpreted through the prism of its etymology, the English term 'political corruption' is formed from the Greek πολιτική (art of state administration) and Latin corruptio (damage). If it is literally interpreted, then political corruption is a subversion (damage) of the state which is the main institution (administration) of the political system. Accordingly, the implication is that non-state institutions are out of the realm of political corruption. But this inference, derived from the etymology of the notion of political corruption, from the standpoint of modern political science seems incomplete, because the subject-object characteristics of corruption in modern politics is much wider.'

Moreover, the definition of the nature of political corruption is influenced by the school of thought through which the definition is constructed. Political science is relevant to many fields of research, not only political, but also legal, state administration, etc. Therefore, the methodology for determining the concept of 'political corruption' is largely connected to the point of view of the subject of the study. For example: neo-institutionalism considers political corruption as an institution, symbolic interactionism focuses on the analysis of political corruption as a series of social interactions of a corruptive nature, and the axiological approach focuses on political corruption as deeply rooted values (either corruptive or anti-corruptive) which are significant to society.

'There is currently no research that would comprehensively address the differences in approaches to the essence of political corruption in Ukrainian political science. In most scholarly works on political corruption, researchers offer their own interpretation of the concept. The lack of a normatively regulated definition of the term 'political corruption' and numerous interpretations of the term validates this effort to present the author's political, theoretical, and methodological conceptualization of the concept of 'political corruption.'

Let's firstly turn to the definitions of political corruption already presented in science. According to Tinkov (2010), the term 'political corruption' covers four main areas: 1) illegal actions in the field of politics; 2) state practice, which may be legal, but has an unethical character; 3) conflict of interests among high-ranking officials; 4) political actions that do not meet the interests of society. Corruption, in the opinion of Tinkov, is political because 'the very political structures make it possible or often even require corrupt acts.' Regarding the main features of political corruption, the researcher refers to: 1) clienteles; 2) a relatively narrow subject-object circle; 3) materialized embodiment which is not always expressed; 4) universality (the coverage of all spheres of public life) by political corruption; 5) a veiled character, making it almost indiscernible by ordinary citizens. This author disagrees with 'a relatively narrow subject-object circle' as a main feature of political corruption. In the opinion of this book, this is a very narrow range of individual and collective (group) actors. We refer here to not only individuals who are empowered to make political decisions or to be involved in such decisions, but also voters; members of political parties who endorse opaque party funding; large business groups that resort to the sponsorship (in Ukrainian slang 'feeding') of certain political forces to use them in opaque lobbying practices, etc. We will return to the subjective circle of political corruption later in this chapter.

An expert on transparency in the financing of political parties, Voloshyna defines political corruption as 'the unlawful use by participants of the political process and the medium of public authority, using the capabilities and powers of that public authority, in order to obtain personal and group benefits.' Voloshyna sees the root of political corruption primarily in the issue of transparency of political party finances. This expanded definition of political corruption is much more useful than a definition which restricts political corruption to the acts of high state officials. On the contrary, the more restrictive definition of Berezynskyi (2012) defines political corruption as 'the use by a person, who holds a public office entrusted to him/her, of the status of the state authority s/he represents as well as of the system of state power, for the purpose of wrongfully obtaining political benefits for a person and (or) group, including for the favour of third parties.' In this more restrictive definition, the emphasis is only on those subjects of political corruption, i.e. 'persons who hold public office'.

Kokhan (2015) defines political corruption as 'the behaviour of state officials who deviate from the powers and responsibilities provided by the position occupied, which is detrimental to the interests of the state and society, to achieve the personal benefit or benefits of the material and/or immaterial nature by a particular group of persons, for example, by a political party.' Note that this definition, with its emphasis on state officials and behaviour, does not include, in our opinion, other possible subjects of political corruption. At the same time, Kohan's definition is consistent with the definition of corruption as a broad phenomenon, enshrined in documents of the 34 session of the UN General Assembly (December 17, 1979): 'Corruption is the performance of an official by any act or omission during the performance of official duties - as a result of extortion, or the receipt of gifts, promises or incentives, and their illegal receipt every time this act or omission occurs. In our opinion, four decades after the UN designation of this definition, it needs to be revised in terms of expanding the circle of participants in corruption and expanding the possible forms of corruption that could evolve, particularly for political corruption.

Derega (2009) draws attention to the fact that: 1) 'political corruption involves actions related to the political sphere: the electoral process, legislative process, privatization process, budget [management] processes;' 2) political corruption is a 'perception, an integrated part of political management and political processes,' and under certain circumstances, political corruption can 'acquire a feature of legitimacy;' The most dangerous forms of corruption

crimes exist in countries in transition. Democratization may weaken the power and legitimacy of political institutions, thus creating conditions for more extensive forms of corruption. It can be assumed that in this author's understanding, political corruption is understood as a tactic or a stratagem of a political process that is used in a wide range of political processes.

Klymenko (2016) presents a definition of political corruption from the standpoint of public management research: 'Receipt or provision through a political system of material or intangible rewards (or promise of such remuneration) by the subject, manipulation of current legislation, use by the subject of state-owned (or state-granted) powers or other acts not stipulated by law in order to effect purposeful influence on the processes of formation and implementation of state policies for own mercenary purposes.' 'This definition, given its narrowed object-subject sphere, does not cover the entire complex of corruption actions in politics.'

From a judicial law standpoint, and especially through the prism of the category of 'offenses', Melnyk interprets political corruption as: 'The totality of different content and degree of social danger of corruption offenses committed for the purpose of political goals or to give the latter priority over others.' Melnyk emphasizes that corruption is the 'official abuse of the subjects (political and public figures, senior civil servants) endowed with political power aimed at achieving political goals (maintenance and strengthening of power, empowerment) and/or for the purpose of enrichment.' We agree with the emphasis on the unlawful nature of corruption actions or inaction, but again, in our view, the subject circle of such offenders is too small.

From the viewpoint of philosophy of law, another academic definition of political corruption belongs to Kisil (2016). Political corruption is presented as a subsystem of corruption offenses, a special form of corruption delinquency (offense), which is a complex of destructive transformations in the sphere of functioning of the highest bodies of state power, connected with the restructuring of the paradigm of social and legal values of the state.

Ukrainian political scientist Nevmerzhytskyi (2009) defines political corruption as something which exists in the corrupt forms of political struggle of clans, parties, elites and individuals for power. Radko (2010) supports this definition. Asafailo (2017) considers political corruption as an integral part of the 'process of de-legitimisation of power.' His assessment of political corruption as a 'quite illegitimate use by politicians and officials (participants in the political process and public administration) of power and capabilities in order to obtain unlawful benefits.'

The analysis of political corruption made by us has brought us to a number of conclusions:

- 1. 'Since we consider neo-institutionalism as the most appropriate methodology for studying political corruption, we consider it appropriate to determine political corruption through the prism of political institutions, in particular informal ones. Political corruption is an example of destructive informal institutions that are based on specific rules and regulations, and defend the priority of individual (local) interests and values over the general society as a whole's interests and values. In fact, political corruption appears as a rejection of universalism (as per Parsons dichotomy 'universalism particularism').'
- $2.\ Political\ corruption\ can\ be\ characterized\ as:$
- 'the manifestation of shadow, informal politics; that is, latent politics (hidden, non-public, non-transparent parts of the political process);
- a destructive mechanism that interferes with the stability of any institutional system;
- a threat to the national security of the state, as it causes informal institutionalisation, and further degradation of state institutions;
- practice aimed at narrowing the public space, complicating the circulation of elites and monopolising the political market;
- a stable type of rent-oriented opportunist behaviour of political actors, aimed at realizing power interests and gaining some benefit from participation in the political process;
- a complex of informal norms that structure and determine the actions of political actors; the informal norms contradict collective ideals and goals expressed in formal institutions;
- political practices executed in a closed form of non-public communication;
- an informal institution, which displaces formal institutions;
- a system of social rules, usually unwritten, created and executed outside officially authorized channels. The mechanism of political corruption works within legal rules which permit abuses and contain legal gaps as well as contain informal rules.'
- 3. From the characteristics of political corruption allocated above, follows the author's definition of political corruption, based on the methodological principles of neo-institutionalism. Political corruption is a 'destructive kind of informal institution of a particular subversive nature which predetermines the unlawful use by political actors, who have mercenary motives, of power resources for causes outside of the public interest, including the privatization of public resources under conditions of weak formal institutions and relatively strong informal institutions.'

Analysing the essence of political corruption as a form of unlawful corruption, it is important to identify who acts as subjects in such anti-democratic political practices. By studying the issue of the circle of subjects of political corruption, we note the lack of a single vision in the academic community and in civil society about who belongs to these circles. Obviously, the answer would be unequivocal if the term 'political corruption' were clearly and formally defined. Instead, the broad concept of 'corruption' is clearly defined in Ukraine (the Law of Ukraine 'On Prevention of Corruption' defines a wide range of subjects); in 2015, the Law of Ukraine 'On Amending Certain Legislative Acts of Ukraine on Prevention and Combating Political Corruption' (applies to political parties). In Art. 3. The Law of Ukraine 'On Prevention of Corruption' defines the circle of subjects of corruption; it is rather flimsy and covers the persons

authorized to perform state functions or local self-government; deputies of different levels; council heads of different levels; civil servants, officials of local self-government; certain categories of military and judges; members of the Central Electoral Commission etc. Some other normative acts allow us to outline the range of subjects of precisely political corruption.

Regarding classification of subjects of political corruption, we should first point out that the subjects of political corruption can be both individual and collective (group) actors. Individual actors include separate politicians, party leaders and government officials. Collective actors are deputy factions, political parties, and electoral blocs of parties. In the world of anti-corruption practices, political bureaucrats or entire national governments can be designated as subjects of political corruption. Note that in the case of collective entities, the problem arises immediately of applying penalties or other sanctions to them.

The subjects of political corruption are divided into: 1) those who are (or intend to be) parties to the political process, are already endowed with political authority and implement political decisions (or only intend to acquire such powers); 2) those who are not direct participants of the political process, but due to certain powers or resources, using legal and non-legal methods, may influence the political process. First and foremost, it is possible to include representatives of election commissions of all levels, law enforcement structures, representatives of the judicial branch of power, financial and industrial groups that influence the subjects of the first group (for example, trying to lobby their entrepreneurial interests), etc.

In the analytical report of the Razumkov Center (2009) 'Political corruption in Ukraine: subjects, manifestations, problems of counteraction' the classification of subjects of political corruption is presented from the standpoint of a functional approach: a) principals (persons empowered to make political decisions or take direct part in the adoption of such decisions). For decision-making, they receive financial rewards or other services and serve as a 'political roof' for client groups and other actors (potentially political parties, head of state, parliamentarians, heads of central executive bodies, judges of higher courts); b) state agents (officials of the judicial and executive power, law enforcement agencies, who are financially or otherwise motivated to make the necessary administrative decisions); c) clients (large business groups, oligarchs, who order the necessary solutions and services, invest money into politicians for profit or other preferences, including large criminal groups which use bribes and also generate shadow money, which ensure the implementation of corruption schemes, d) intermediaries (assistants deputies, employees of the apparatus of senior government officials, lawyers, etc.); e) malicious voters sometimes (even without understanding the illegal nature of their actions) can become participants in corruption schemes (selling their own vote in elections, participating in electoral offenses based on the model of 'electoral carousels', and mass voting by absentee ballots. In each election campaign in effect the peculiarities of its implementation and national legislation were variations of such unlawful corruptive acts.).

Thus, using the structure of subjects of political corruption, participants in the political process (political parties, participants in the electoral process, etc.) and in the public authority's media (state authorities, local self-government bodies, their officials) can be distinguished. They are united by the fact that, due to their status and opportunities, they can to some extent affect the legal field (to take acts, lobby interests, etc.), purposefully enabling further corruption actions, creating legal gaps, 'by-passes', etc. Also, in the structure of subjects of political corruption, one can distinguish those who act at the stage of formation of power (for example, a candidate for an elected office), and those who are active participants in its implementation (for example, an official).

It is advisable to pay attention to the possibility of classification of subjects of political corruption at national and foreign levels. The role of foreign entities should be mentioned in the context of illegal financing of election campaigns or current party activities by foreign entities (legal and / or natural persons), as this is prohibited by law.

Subjects of political corruption can also be classified according to the purposes for which they commit an unlawful corruptive act: a) receiving power; b) the maintenance, strengthening or increase of power (extension of powers); c) enriching or obtaining another form of benefit.

Melnykrefers to subjects of political corruption as those persons who are directly involved in the development and organization of the implementation of state policy in various spheres and at different levels. Melnyk classifies the representatives of this group at two levels:

- national level: a) state and political figures: the head of state, heads and members of the supreme bodies of state power, heads of central executive bodies, people's deputies of Ukraine, heads of political parties; b) heads and members of state bodies that do not belong to any of the branches of state power and, having constitutional status, act as independent bodies (the Central Election Commission, the High Council of Justice, the Accounting Chamber, etc.); c) civil servants of the 1 and, to a certain extent, of the 2 category (in particular, deputy ministers and heads of other central executive bodies, advisers and assistants of the highest officials);
- regional level (oblast, city): a) heads of local bodies of state power and bodies of local self-government, deputies of regional and city councils. The leaders of regional party sub-sections need to be included here. The attribution of these individuals to political corruption subjects is somewhat arbitrary, since they are not actually politicians, but they are representatives of state power and the main leaders of state policy on the ground.

In the analysis of subjects of political corruption, one may rely on the approaches proposed by legal (judicial and law) studies. Thus, Armash believes that 'only those persons whose competence is the elaboration and implementation of state policy in various spheres of the national economy" can be attributed to subjects of political corruption (in the legal sense).' This contradicts the position of those researchers who rank the subjects of political corruption as 'involved' in corruption actions in politics. And despite the fact that the etymology of the word 'involved' leads us to an understanding of someone (in our sense, the subject of corruption) as having a direct bearing on any case, lawyers (solicitors) point out that 'the use of the word in qualification acts of 'political corruption' fully provides the need for law enforcement agencies in the legal criterion when assessing the actions of public servants. That is, 'unjustified expansion of the circle of subjects of political corruption at the expense of persons who, although involved in the development of state policy, but not directly (through the adoption of power decisions, the commission of legally significant actions), but in passing (by submitting submissions, voting, etc.).

Armash attributes to subjects of political corruption persons who have the status of a state politician in accordance with the legislation or are the following persons in terms of their positions: the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, his first deputy and other deputy(ies), the prime minister of Ukraine, the first vice-prime minister of Ukraine, vice prime ministers of Ukraine, ministers, other heads of central executive bodies that are not members of the Cabinet of Ministers of Ukraine, and their deputies, the Head of the Security Service of Ukraine, General Attorney of Ukraine, Head of the National Bank of Ukraine, Chairman of the Accounting Chamber, Commissioner of the Verkhovna Rada of Ukraine for Human Rights, Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea, Chairman of the Council of Ministers of the Autonomous Republic of Crimea. That is, this list is proposed to be used as the basis for determining the essence of political corruption and its subject circle.

In spite of the legal validity of this approach, in our opinion, from the point of view of political science itself, the subjective composition of political corruption is much wider than the outline of high ranking officials, as exemplified by the Ukrainian ones.

We share the approach of political scientist Kwon in that political corruption subjects are 'individuals or groups of people who are participants in the political process who have, or are trying to obtain, the authority to accept and/or implement political decisions, as well as those who 'are not directly involved in the political process, but thanks to its functions, powers and resources, it has the opportunity to influence it (whether lawfully or not).'

In our opinion, all those who direct their unlawful initiative, encouraged by a mercenary motive, into the state system, could be referred to as the subjects of political corruption. At the same time, one cannot but notice that the resource potential for the implementation of corruption differs much according to who the different subjects are. Therefore, it is possible to speak of a pyramid structure of subjects of political corruption, based on the power of influence the subjects wield, as measured by the mercenary profit they receive, the size of the damage caused, etc. At its highest levels - high-ranking officials, and at the lowest, for example, organizers and participants of 'electoral carousels,' etc.

# 2.3. Political Corruption as Abusive Practice: A Variety of Cases

Political corruption in established democracies is more likely to be a manifestation of deviant behaviour than in countries with transitional, undemocratic, or hybrid regimes. In these less-than democratic nations, political corruption becomes a norm of relations, and the formation of hierarchical corrupting pyramids is possible. Closed corrupt cycles may be created, which are fuelled by powerful financial and industrial groups through shadow institution.

Political corruption forms a system of corruption abuses that can be grouped according to different criteria. Researchers from the Razumkov Center call such abuses 'political and corrupt actions.' All of the corruption abuses in the opinion of this author, are unlawful use by participants in the political process, as well as by those who hold public positions, of their capabilities and powers in order to obtain personal or group benefits (rents). A large number of political corruption manifestations are brought about by a significant range subjective participants. These include political parties, electoral blocs, election commissions, authorities of various branches of government, local self-government bodies, and judicial bodies. The corruption may appear in the spheres of party financing, electoral processes, opaque lobbying, and legal proceedings. Yevhen Nevmerzhytskyi (1999) refers to the illegal lobbying, protectionism, trade in influence, illegal use of monetary and commodity flows in election campaigns and other political goals for future dividends. The future dividends can include among other things: public office, financial privileges, obtaining state orders, quotas, loans and other privileges.

The objective of this research is to organise political and corruption offences into a system by offering a kind of 'corruption matrix of politics'. To do this, we will rely on both the Ukrainian political process and the examples of other countries. The complexity of defining the spectrum of corruption in politics is due to the lack of legal definition of 'political corruption' in Ukraine. If we turn to the official information from state institutions of Ukraine, particularly from the Department for Preventing Political Corruption, (created in the structure of the National Agency for the Prevention of Corruption (NAPC), we see the primary emphasis on such manifestations of political corruption as the financing of political parties and as the financing of election funds. Having said that, the range of corruption actions in politics is much wider.

The main manifestations of corruption in politics, in our opinion are the following: the unlawful financing of political parties; actions related to the distortion of the role of political parties as actors of the democratic political system; actions related to the deputies' ethics, ethics of high officials; sale of the seats on the party's potential election list; bribing of voters; application of an administrative resource; adoption of key party decisions without broad discussion with the parties (absence of internal party democracy); officials, representatives and other politically involved persons with conflicts of interest; patronage politics; political nepotism, cronyism and favouritism; opaque (shadow) lobbying; political corruption in the process of justice, etc. Let's focus on each of these manifestations in more detail.

Regarding the unlawful financing of political parties, the experience of different countries bears witness to the existence of different models of funding for this type of activity, and the perception of the permitted and forbidden likewise differs. The differences are due to the presence or absence of limits on contributions from individuals, the limits or the general ban on corporate contributions, contributions by foreign citizens, availability or absence of cost limits, etc.' One form of corruption is the creation of false donors to circumvent the limits imposed on donations to political parties. Such limits are usually intended to limit the potential impact on the party of any benefactor. However, the limits on donations are difficult to control, since there is the possibility of transferring funds through other people. In Ukraine, such situations were possible even when one or another party was held by one oligarch.

'Actions related to the distortion of the role of political parties as elements of a democratic political system (for example, the creation of so-called 'parties for sale') is also an example of political corruption.' In a non-democratic political process, political parties are designed with the intention of subsequently selling them on to someone who needs the organizational and legal mechanism to access the political power structure. In this case, the party is not an association of citizens, created to reflect and defend their interests. It becomes a fabrication, an organizational and legal mechanism for passing to power structures. The large number of political parties in Ukraine exist due to this

process of creating parties for sale. The Committee of Voters of Ukraine has repeatedly drawn attention to the fact that many of the newly formed parties are formed for the purpose of selling their statutory documents. In other words, the original intention of the party creation is to participate in this process of corruption.

Some deputies and other high officials also engage in unethical activities of political corruption. They switch parties to maximise their personal gain in certain elections. There are special derogatory Ukrainian slang terms to describe these processes. Switching parties, for example, is called 'party steaming' (meaning, evaporation in the sense of disappearance) and a politician who does this is called a 'carcass' due to the empty nature of his conscience. Further, when deputy officials (party-switchers) and party constituents leave the parties on whose membership lists they have been elected, they do so without formal withdrawal from their factions, thus allowing them to retain their parliamentary mandate. For example, in the Verkhovna Rada of Ukraine (parliament), during the seventh convocation of parliament, a type of market of deputies' services was held wherein deputies could monetise their switching of parties based on how they would vote on specific bills. This a kind of overt political corruption violates the founding principles on which parliaments are based. A place on a party's membership list should be determined by a candidate's compliance with the party ideology and the party's desired outcomes in parliament. Instead, shadow interests for personal gain are affecting outcomes. Further, most Ukrainian political parties have small circles of individuals whose task it is to handle closed financial issues of the party. Of course, political parties themselves officially deny selling places on the lists. Usually, the cause of such a corruption offense is the need for political parties to run an election campaign. After all, in Ukraine, other financing methods (for example, crowdfunding, which is practiced primarily by 'DemAlliance') is not normally used. Considering that the bulk of election funds are spent on TV commercials, the restriction or total prohibition of TV advertising could be a way of minimizing this kind of corruption. In this current environment, an appropriate anticorruption mechanism would be the transition to a proportional system with open membership lists. A pure proportional system with open lists, would be too difficult to implement, but certain variations could be made, allowing identification of corruption. The first step was made in the draft of the Election Code of Ukraine, which provides for the introduction of a proportional electoral system with regional lists of candidates for deputies (27 regional districts, each of which will nominate at least five candidates). If the code is adopted, voters will be able to cast a vote not only for the party but for a person in that party. The large size of the districts will likely make it difficult to bribe voters.

Manifestations of political corruption such as bribery of voters must be identified. The code makes it unlawful for any voter to benefit for any actions related to the direct exercise of his or her electoral right. In 2014, amendments to the Criminal Code of Ukraine were introduced which criminalized the bribing of voters. Despite this, the Committee of Voters of Ukraine recorded a lot of occurrences when the votes were purchased for 50 UAH (1.5€ in the poorest districts) to over 30 EUR. There were also records of money certificates, groceries, and services exchanged (for example, free public transport, medicines, etc.) These are extra-legal social agreements with voters. The bribing of voters is also happening on a corporate level. For example, the provision of goods, services and equipment are sometimes provided to social institutions, and other organizations. The manifestations of political corruption include the receipt of material rewards by members of election commissions for the work of political parties or fractions which nominated them to the commission.

Another type of political corruption is the use during an election campaign of an administrative resource such as those belonging to an institution, a regulatory body, or the media. In other words, the use of state and private resources by parties or politicians for their own electoral interests.

Political corruption also comes in the form of the adoption of key party decisions without discussion with ordinary party members. This demonstrates the weakness of intraparty democracy, and is can be classified as intraparty political corruption. This is manifested in the closed discussion of the party list for elections and the sequence of candidates for an elected office, as well as the closed decision making procedure. In a true democracy, intraparty activities are defined by a series of democratic procedures within the party which provide access for all members to discuss party politics and participate in decisions.

The existence of a conflict of interest as a manifestation of political corruption is the existence of a contradiction between the private interest of a person and his official or representative powers. This conflict affects the objectivity and impartiality of decision-making and/or the commission of actions, or abstention from them, during the execution of these powers. It should be noted that in the structure of the NAPC the Department of Monitoring complies with the Law on Conflict of Interest and Other Restrictions on the Prevention of Corruption Acts.

In this book political corruption is considered as patronage politics in the sense of a private person or organisation supporting, encouraging, giving privileges, and/or monetary incentives to affect a political outcome. Patronage politics is manifested in the misuse of public resources to promote the interests of certain individual or collective actors. The author shares the position of Olga Babkina, which relates patronage to a particular type of corruption. In his studies, Oleksandr Fisun focuses on the influence of oligarchic client-patronage networks on the division of power. A patron-client system is a certain network that controls various distribution mechanisms such as allocation of land lots, permits, sanctions, privileges, etc. Patron-client systems in politics has become a personal relationship between people who are not united by family relationships. These relationships are based on the exchange of goods between the patron and the client. Both have access to excellent but opposite types of resources and are therefore very interested in each other. The stability of patron-client relationship is based on their mutually beneficial relationship for patrons, these links are mechanisms of influence, and for clients the relationship is a form of protection. Consequently, a conclusion can be drawn on the corruptive nature of an organizational pattern where politics are based on client-patron ties, personal loyalty and affiliation to one or another clan (a circle of relatives, friends or business partners).

The following three points discuss an unlawful triad: political nepotism, political cronyism, and political favouritism. Their role in political corruption will be addressed.

1. Political nepotism is when a public official uses his/her political position in order to hire or otherwise increase elevate family members, not on the basis of merit, but due to the family relationship. The politician uses official, representative powers for promotion of intimate friends and family to positions in government bodies. This can be done by lobbying their interests during elections, enabling their participation in contests for official positions, or outright provision of seats for them in an electoral list. In short, giving any unjustified preferences in politics or public

administration. Nepotism is a manifestation of political corruption, because it determines results of political activity, not according to the professional abilities of a person, but solely because of belonging to a specific group.

- 2. Political cronyism expands the circle of close relations and includes those with whom a politician or a high-ranking official has developed social, business, or political friendships. Again, there are mutually beneficial interests. Persons from this cronyism group are appointed to relevant high positions, they are assisted in the provision of profitable government contracts, and they are included in the passage of electoral lists, etc. The basis of political cronyism is friendly and sociable relationships based on partnership. There may be a conflict of interest since involved parties obtain their privileges based on acquaintance and not based on public merit.
- 3. Political favouritism is the provision of unjustified preferences to a person or group of persons involved in the system of public administration or political processes based on the understanding of mutually beneficial reciprocal services (such as the mechanism quid pro quo service for a service).

One form of political corruption is opaque (shadow) lobbying. Influential financial and industrial groups attempt to control power and party structures through financial means. Efforts are made to monopolize the adoption of important management decisions at regional and national levels of government. Due to the lack of proper legal regulations, lobbying occurs mostly in extra-legal, closed group and other latent forms. This is true not only in Ukraine but also in many other countries. It would be expedient to adopt a law on lobbying, which regulates activities aimed at promoting specific interests. The legalization of lobbying would make the process more transparent, informing voters whose interests a politician advocates.

Among the manifestations of political corruption, corruption in the judicial process must be mentioned. This comes in various forms of selective justice; delayed consideration of cases involving politicians and high state officials suspected of corruption; politically motivated court decisions; pressure on the courts by policy makers to provide certain court decisions.

It is the opinion of this author that a politically corrupt system encompasses:

- party corruption: violation of financing rules; bypassing the mechanisms of intraparty democracy when making party decisions; the creation of 'parties for sale'; selling places on the party list for elected seats (in countries with a closed-ended electoral system); the use of "false donors" to bypass the limits on donations to parties (in the countries where such limits are established), etc.;
- electoral corruption: violation of the rules of receipt of election funds; various forms of bribing of voters and members of election commissions; allocation of an administrative resource in the interests of electors and others involved in the election process, etc.;
- lobbying corruption: actions aimed at opaque (shadow) advancement of personal/corporate/group interests in the parliament or other state authorities for remuneration, etc.;
- representative corruption: a parliamentary deputy or other publicly elected representative who acts not in the interests of the public or party which elected him/her, but acts instead for mercenary or self-interest;
- client-patronage corruption: the use of state resources to promote the interests of certain individual or collective actors. Examples of this are nepotism, cronyism, favouritism; these actions are a matter of conflict of interest, etc.;
- judicial corruption: any interference by state authorities or other powerful entities which distort the due process of law

An attempt to classify political corruption manifestations is not intended to be a definitive list, as it does not exhaust the whole range of political and corruption actions, but rather serves as a useful outline.

\* \* \*

- 1. The roots of political corruption date back to ancient times. Various misuse of politics arose when politics itself arose. The history of the eastern countries contains examples of illegal abuses of a political nature, and the first attempts to understand corruption as an anti-social phenomenon are evident in ancient Greek political and legal thought. The quantitative and qualitative growth of corruption practices is especially characteristic of Ancient Rome (from the blossoming of the Republic). The increase in the volume of corruption practices in Europe began in the Middle Ages, when, in the absence of separation of powers and in the presence of power usurpation, monetary relations began to develop rapidly and the state apparatus grew. At the same time, the punishment for corruption abuse was tightened (here it is more about bureaucratic, not actual political corruption), the first format of independent audit appears. The modern understanding of the notion of corruption is formed together with the transition to the New Times, when centralized countries began to emerge. The impetus for understanding political corruption, in which corruption is equated with an illness, is the work of N. Machiavelli. The work was taken further by Hobbes, who illustrated the resulting contempt towards the law. In the New Age, favouritism became evident as one of the results of absolutism.
- 2. The legal regulation of issues indirectly related to political corruption occurs even in the ancient period. Examples were used such as the 'Laws of Hammurabi', 'Arthashastra', and Athenian laws on the incomes of citizens of the city state, and the ancient 'Laws of XII Tablets'. In a more modern sense, the problems generated by political corruption began to be tempered from the late nineteenth century when a series of acts were written in the United Kingdom regarding the inadmissibility of selling public positions, electoral abuses, etc.

Currently, the processes of anti-corruption rulemaking are developing dynamically, as new types of political corruption continually arise. Some of the unlawful actions in politics have become unlawful. Attention is paid to the legal regulation of issues at the intersection of politics and ethics such as parliamentary ethics codes, etc. Codes of ethics are seen as a possible deterrent to political corruption.

 ${\tt 3.} \ {\tt The \ concept \ of \ political \ corruption \ has \ been \ interpreted \ through \ the \ prism \ of \ numerous \ research \ approaches \ and$ 

methodologies. In Ukraine, there is no normative definition of political corruption, rather numerous interpretations of this concept remain. This book has brought forward the author's political, theoretical, and methodological conceptualization of the concept of political corruption from the standpoint of neo-institutionalism. Political corruption is a destructive and secretive kind of informal institution. Politically involved people and entities unlawfully use public resources, as well as publicly held positions, for mercenary or private interests rather than public interests. Under conditions of weak formal institutions and strong informal institutions, or shadow institutions, privatization of public resources has occurred, thereby denying the public a fair outcome.

- 4. No consensus exists in the scientific discourse regarding whom to attribute political corruption. In our opinion, they are both individual and collective groups of actors. The lists of these actors are rather broad. They can include all actors in the state system, from the head of state to the average voter, who lead an illegal initiative with a mercenary motive, or rent-oriented behaviour. It is advisable to pass a law on political corruption in which the subjective range of such unlawful actions, as well as inactions, would be clearly defined.
- 5. Political corruption consists of a wide range of unlawful actions and inactions within the political process. Benefactors can be groups, individuals, or corporate entities. There are many times types of political corruption: party corruption, electoral corruption, lobbying corruption, representative corruption, client-patronage corruption, judicial corruption and so on. This classification list does not cover all possible variations of political and corruptive actions. Rather, it is an attempt to outline the main areas of corrupt practices in the field of politics.

### Chapter 3

### **Political Corruption and Anti-Corruption Practices in the World**

# 3.1. Political Corruption in Southern Europe: In Search of New Anti-Corruption Mechanisms Amid the Debt Crisis Fallout

The level of corruption (in all its forms, and particularly political corruption) in the Southern European states has become such that the ongoing corruption (illegal actions), as well as the mechanisms for political corruption prevention, deserves comparative-political analysis. The modern states are not ceasing their search for effective mechanisms to prevent political corruption. The experiences of different countries (especially those problematic ones like the states of Southern Europe) may be significant for the development of effective national programs to combat this phenomenon. In this section, the specificities of political corruption as well as methods of its minimization in the southern European states (Greece, Italy, Spain and Portugal) will be analysed in this next section.

Greece. In section 2.1, in analysing the issues of political corruption in historical retrospect, we turned to the manifestations of corruption practices in ancient Greece and examined the views of ancient Greek thinkers on political corruption. The problem of corruption in the Greek state has long traditions. In modern times, despite the declared condemnation of various forms of corruption, Greek society in practice seems to have developed tolerating this phenomenon which has long existed. For the last 23 years or more,\* Greece has experienced a long wave of corruption and bad governance in all areas. "The state spent huge sums non-transparently on the 2004 summer Olympic Games. And in 2015 the country was on the verge of default; the state became hostage to a huge external debt. Lenders demanded austerity measures, setting ever-increasing demands on the Greek population. Italian researchers Donatella Dela Porta and Alberto Vanuchi have placed Greece among the most highly corrupted countries of the world. At the same time, these researchers point to a steady tendency towards rising political corruption and the evolution of corruptive practices in the developed democracies in general.

The fact that Greece is one of the most corrupt countries in the EU is evidenced by its ranking in the Corruption Perceptions Index\*\*, which is calculated by Transparency International based on available statistics and the results of a global survey. In 2016, it was 69 amongst the 176 countries surveyed; Greece was in a worse position than Cuba, Suriname, and Romania. Over the last five years it scored: 2012 – 36 points, 2013 – 40 points, 2014 – 43 points, 2015 – 46 points , 2016 - 44 points. Encouragingly, according to the results of 2017, Greece improved its position by gaining four points to score 48 points, raising its position to the 59th place. It must be presumed that there are real efforts not only of the state, but also of the 'third sector', which is increasingly involved in the anti-corruption struggle.

In colloquial Greek conversation, a special term for bribe has entered the vocabulary -fakelaki (which in translation means 'a small envelope'). Of course, here we are talking about native corruption, which has become an inalienable part of daily Greek life. At the level of political corruption, 'small envelopes' turn into solid sums, which ensure victories in tenders for government orders, unimpeded documentation, etc.

Corruption at all levels of government - from local self-government to the national level - is devastatingly affecting the country. The Greek researcher Karpafikis gives an example that millions of euros which were allocated by the EU disappeared without a trace, which then led to the deaths of people in the fires during the summer of 2007; photos of a mother with four children who were burned in fire were displayed by media around the world, once again confirming world public opinion regarding the high corruption of the Greek authorities. Till now, no Greek government has upheld the deep sense of justice that was a characteristic feature of ancient Greek society from the time of Antiquity; at the same time, it is unacceptable to ordinary Greeks that money has become more important than human life and other humanitarian concerns.

Greek analyst Drugos points out that Greek political parties are very fragmented, politicians have close ties with illegal business and are known for their tax evasion. For decades, the country has failed to introduce at least a credible and constructive tax system, while some influential families have infiltrated all aspects of social and political life, poisoning every aspect of them. In addition, a rational political strategy, aimed at overcoming the structural weaknesses of Greek society, has not been created. The entire state and, of course, the entire state bureaucracy have been ill, weak, corrupt, undisciplined, unstable; they have not been able to establish their own production and development. Thus, says Mykola Siruk, we (Greeks) are still dependent on foreign loans (especially from Germany),

which, moreover, officials abuse for their personal and political interests.

"Public opinion thinks of Greek politicians as unreliable nonprofessionals. They are characterized by unproductive and populist political rhetoric accompanied by a low level of knowledge on a wide range of social issues.

Famous British publicist Edward Lucas said of Greece: "The Greeks pay for the greed, incompetence and irrationality of their politicians. But above all, this is a sign of Europe's failure - first in building a currency union, based on the perception of the desire for the real, and then in the failure to cope with the consequences." Political elites and their catastrophic policies have caused a sharp deterioration in the country's situation, since serious personal misconduct has occured to meet personal and family needs, especially in defense, medicine and in the media. Over the past 20-25 years, the country has been run by socialist and center-right parties without programs or policies that deserve credibility.

The left and right populist movements have a lot of popularity amongst desperate Greeks today. The emergence of the radical right-wing party 'Golden Dawn' is a consequence of an unhealthy socio-political climate in Greece, full of internal security issues such as corruption, illegal migration, etc. The crisis in the country is fueling the tendency to increase the support of this party in the broad segments of a frustrated society. The radical left-wing party of SYRIZA and its incredible success in the last parliamentary elections of 2015 (36.3%) are an expression of populism caused by the measures of austerity. SYRIZA, which is a fragmented coalition of communists, moderate leftists and representatives of other groups, exploited the rhetoric against the austerity imposed by the EU towards Greece, the International Monetary Fund and the European Central Bank.

The anti-corruption efforts of the Greek government had some legislative results: in 2006 a law on the strengthening of judicial control was adopted, a code of conduct for the police, and in 2009, the Council of Europe Convention on Criminal Liability for Corruption and the UN Convention against Corruption were ratified. Despite these legislative steps, Greece has become the most difficult member of the EU: in the country, under the influence of the global financial crisis, various forms of corrupt activity have been rapidly growing alongside with alarming economic trends. This could lead to sanctions and a protracted political crisis. In general, researchers estimate the effectiveness of combating all forms of corruption in the 2008-2009 crisis as close to zero.

Even before the beginning of the debt crisis, Greece was considered to be the most corrupt country, and was ranked more corrupt than Romania and Bulgaria. True, in 2012, important steps were taken: an inspection service of the authorities (General Inspectorate) was established, subordinated to the Parliament. Only in the first year of work 1,519 cases of corruption were heard, more than one hundred high officials were detained, and dozens of people were convicted. For example, former Defense Minister Akis Tsokhadzupulos was sentenced to 20 years in prison (he received rewards from businesses for profitable contracts on arms sales in 1997-2001, the amount of abuses was at least 55 million euros).

In various public opinion polls, Greeks almost unanimously named corruption as the main obstacle to their country's development. The source of the public mood was based not only on the personal experience of citizens, but also social advertising: 'Employees, if you are patriots, be modest in the name of salvation of the country!' True, such advertising is aimed at general low-level corruption rather than political. However, advertising of this type is not an effective mean of influencing the public. Rather, real exposure of corrupt officials is effective. For example, in 2014, for the first time in Greek history, family members of state employees had their bank accounts checked and were asked to explain the sources of their savings. The Deputy Minister of Tourism Greku, was indicted this way. She resigned after her husband failed to explain the origin of his funds and paid to the state treasury 5.5 million euros of taxes.

When analyzing the extent of political corruption in Greece, researchers usually ask: Why is this problem so acute in the region of Southern Europe? If compared with the countries of Northern Europe, where the lowest level of corruption exists, Protestant ethics, the so-called 'Scandinavian virtue', and the principle of publicity of power often operate. The combination of trust and control is inherent in low-corruption states. Southern Europe, especially Greece, where corruption of officials is almost a tradition, does not punish its officials who abuse the system. In fact, no more than 2% of the accused were officially punished.

At the end of 2016, the report on the implementation of Greece of the recommendations issued by the Council of Europe's Group of States Against Corruption (GRECO) from the previous 2015 report that there was no improvent in the transparency of financing of political parties and criminalization of bribery. The organization expressed recommendations that were not implemented. For example, the special limitation period for the criminal prosecution of members (former members) of the government was not abolished; there was only a partial implementation of the recommendation on the extension of criminal liability among members of national, foreign and international assemblies. There were only partially implemented recommendations on timely disclosure of information regarding donations of individuals to political parties.

Political corruption and the domination of client-patronage-based relations remain factors that are currently hampering reforms in this country (and in other Southern European countries). Among the reasons for the failure of the Greeks in the fight against political corruption, Greek analysts point to the lack of will to fight corruption by the head of state, lack of experienced special investigators, and limited material resources. A continued presence of various populist forces in power, from the extreme left to the extreme right, is likely now to stay.

The corruption in Greece is a systemic political problem. Citizens have a deep distrust towards the state and government. This distrust greatly hinders the implementation of anti-corruption measures. When political corruption prospers amongst the top of the establishment, average Greeks, observing this behaviour, then tolerate low-level corruption in their every day lives. The lack of positive role models in high official offices who stand up against corruption seriously limits any chance of effective anti-corruption measures in Greece at any level.

*Italy.* One of the countries where political corruption remains significant is the Italy. Italy illustrates that political corruption can spread and be rooted in democratic regimes, destroying democratic values. Bearing in mind the many years of Italian experience in the fight against political corruption as well as its successes and failures in this process, it is a valuable source of study in the context of the broad anticorruption campaigns that are being conducted in other countries.

To understand the nature of the causes of political corruption in modern Italy, we have already addressed (in section 2.1.) the origins of this asocial phenomenon, which has a long tradition, starting from the Roman Republic.

The level of political corruption in Italy and its success in eradicating this asocial outside-the-law phenomenon is ambiguously described in scientific research. Thus, when Daria Papunina compares Italy to the states that have successfully applied anti-corruption measures; the author puts Georgia and Singapore on the same level as Italy. Another researcher, Volodimir Beglitsya, also regards the Italian system of socio-political and legal elements of combating corruption as one of the most effective due to the way the public and state organizations interact while addressing these issues.

This book thinks some exaggeration exists regarding the claimed success of Italy's implemented anti-corruption mechanisms as having 'ensured in Italy a fruitful fight against corruption, overcoming it and eliminating the participation of politicians in corruption schemes'. This is evidenced by: 1) various anti-corruption ratings, in which the position of Italy is low (it is amongst the most corrupt EU member states); 2) surveys of public opinion that reflect the level of public confidence in the government and the assessment of the existence of political corruption in the state. Actually, Italian researchers are also fairly restrained in approving assessments of the achievements of anti-corruption policy. For example, Donatella Dela Porta and Alberto Vanuchy note that Italy (like other Southern European countries) belongs to the highly corrupt countries of the world. Galina Kokhan supports this idea by stating that Italy, as the parliamentary republic which is considered a state of 'old democracy, is the most corrupt country in Western Europe.

At the same time, we note that the Index of Corruption Perceptions in Italy over the last five years has slowed but is growing in a positive direction: 2012 - 42 points; 2013 - 43 points; 2014 - 43 points; 2015 - 44 points; 2016 - 47 points; 2017 - 50 points. According to the results of 2016, Italy ranked only 60th amongst the indexed countries; only two EU member states ranked lower: Greece (69th place, 44 points) and Bulgaria (75th place, 41 points). Italy unexpectedly rose in 2017, so it was ranked 56th. We assume that this juggling in the ranking of Southern Europe (Italy, Greece and, to a certain extent, Portugal) is due to a sharp decline in the performance of other European states (Hungary, Poland, etc.). Researchers at Transparency International, explained the rise in Italy's ranking by its development last year of anti-corruption institutional and legal structures. Italy has enacted four new laws aimed at increasing transparency, countering money laundering, and so on.

In our analysis of political corruption in Italy only the stage after the Second World War is covered. In post-war Italy, the rules of corruption were stronger than state laws. The latter could be violated impersonally, while anyone challenging the conventions of the illegal market, was subjected to various punishments. Since in Italy the parties had real power, entrepreneurs sponsored politicians. Strong corruption ties between businesses have become commonplace, and as these ties grow, entrepreneurs receive additional preferences such as government orders, important contracts, and internal secret information, that are not in line with fair business competition practices.

"During the First Republic (1947-1993), the country was led by three parties that determined the country's course (Christian Democratic Party, Italian Socialist Party and the Italian Communist Party) throughout the postwar period, and until the early 1990's they did not allow other small parties into parliament. This made it possible to determine the structure of the Italian party system as a multi-party system. According to Pakhlovskay, in the postwar period, Italy was torn between the Kremlin and Washington's influence. Trying to limit the strong position of the Communist Party in Italy (the so-called 'factor Ka', fattore Kappa), for decades America helped Italy to remain under the authority of the Christian Democratic Party (Democrazia Cristiana, 1942-1994, with the majority in the parliament from 1948 to 1992), which led to a so-called 'blocked democracy' due to the lack of change in political elites. The actual monopartism generated an unusually high level of corruption for a democratic country, which, in its turn, unleashed the hands of the mafia that permeated the state authorities.

The collapse of such a two-party system was due to another political coup in the country, which is associated with a significant corruption scandal. The Christian Democratic Party quickly lost its long-lasting strong position in the country's party-political system, due to corruption allegations; the Italian communists were forced to reconsider their political course. Thus, the party giants of the First Republic almost disappeared from Italian politics, and all parties which built the party foundation of the Second Republic had a significantly different format. The political landscape changed and a multi-party system with two leading blocs (left and right centered) was formed.

Galina Kokhan thinks that one of the main reasons for the strengthening of political corruption in Italy, is the reduction of the unanimity of the political regime and political institutions. The existence of a polarized political culture, the climate of the Cold War, the general focus on economic rather than political development in the 1950s led to the emergence of a tendency to create special support for those in power.

In the late 1980s and early 1990s, political corruption spread throughout the state system, triggering a political crisis states Igor Kushnarov. Numerous cases of corruption are recorded in the highest political circles in Italy. After a corruption scandal called 'Tangentopoli' (from the Italian words tangent – 'kickback', poly – 'city'), a qualitatively new party emerged which completely destroyed the previous powerful parties. Political corruption was visible in the forms of political protection of organized crime, clientelism, bribery, negligent slowness, unjustified delays, complexity and confusion of regulatory regulations, and aberrations of bureaucratic procedures due to political interests.

One of the biggest campaigns against corrupt Italian politicians was Operation Clean Hands, launched in 1992. This campaign against corruption in the upper echelons of power lasted almost 5 years, starting with the decisive initiatives of the Milan prosecutor's office. About 2,600 people were arrested, including two former premieres - socialist Kraxi and Christian Democrat Andreotti, as well as many MPs. During the investigation, contacts with the mafia were found in almost all parties, who for almost 50 years were part of the coalition. As a result, virtually all these parties collapsed. In total, there were about twenty thousand people under investigation. To avoid accusations of political and other forms of corruption, more than 80% of officials were dismissed. The resulting tightening of the judiciary led to some weakening of the corruption networks in Italy.

The political opposition, the press, and the justice system were the drivers of a certain weakening of political corruption in Italy in the 1990s. Due to the high level of party independence, judges played a significant role in destroying the corruption regime. In Italy, the ability of democracy to resist corruption has come about because of

resistance from a strong judicial system, public support for anti-corruption investigations and the mass media in the mid-1990s. It was the support of public opinion that prevented the Italian establishment from intervening in the course of anticorruption investigations.

In general, Operation Clean Hands became a textbook case in the fight against corruption. The coordinator of the operation, De Ambrosio, noted that it was not useless because 'today Italians began to treat corruption as a crime, and previously treated it as a norm of life'. According to researchers Damarys Canache and Michael Allison, the Italian political scandal, accompanied by the investigation of "Clean hands", undermined citizens' confidence and confidence in government actions, but did not ruin the democratic system of these countries.

At the same time, this author holds that in Italy there was an informal unification of political, economic and media power. This extremely negative connection, also due to actions of the ex-prime minister, the media magnate Silvio Berlusconi, took away media's role as a critic of power and obstructed the freedom of speech and independence of journalists. The politically controlled media ceased to perform its functions as the 'fourth power'. Berlusconi owned about 90% of national television and a series of print media. The state television and radio broadcasting company RAI (established in 1954) was tightly controlled by the ruling parties and individual business structures and in fact turned into an instrument of political power. Since the beginning of the 1975 commercial media era, individuals were legally granted the right to own terrestrial broadcast television and radio stations. This laid the foundation of the Silvio Berlusconi media empire. The entire basis of Berlusconi's role as prime minister (Chairman of the Council of Ministers) of Italy (1994-1995, 2001-2006, 2008-2011) was primarily to protect himself from prosecution related to corruption cases. Premier Silvio Berlusconi exerted pressure on the state-owned TV channels (RAI) to prevent the opposition from appearing on the state-run broadcasting channels during election campaigns (as was the case during the regional elections of 2010).

According to a government survey of the corruption situation, Italian respondents rated corruption in political parties at 4.4 points on a 5-point scale, 4 points in parliament, 3.7 in state administrations. Further, 64% of respondents considered 'government methods of combating corruption ineffective'.

In 2012, on the initiative of the Italian government, Mario Monti prepared a 400-page analysis of the impact of corruption on the economy. Corruption was found to cause losses for Italy at a rate of 60 billion euros per year. According to Mario Monti, corruption processes undermine confidence in the market, frighten investors and harm competitiveness. At the end of 2012, the government had given 150 million euros for the creation of a specialized Internet network (data digitization). The adoption of a law on further counteraction to corruption was initiated which provided for wage limitation for politicians and members of regional governments. The government's initiative was aimed at ensuring that Italian politicians could not receive wages and reimbursement in the future for combining several positions at the same time. The initiative is the result of a corruption scandal in Lazio, where the members of the regional council from Silvio Berlusconi's party illegally spent nearly 6 million euros, unreasonably increased salaries and increased costs for factional activities.

The widespread political corruption is activating the Italian right-wing populist movements that are actively increasing Italian protests against government. An example is the Movement of Five Stars (Italian: Movimento 5 Stelle, M5S). An important prerequisite for the success of populists in Italy is the skepticism of many citizens to traditional parties that are not identified with real problems and public interests. Modern Italian society is a community disillusioned with politicians and politics. State institutions have a lack of authority due to bureaucracy, corruption, and involvement of the mafia and other criminal elements. Italians are characterized by a lack of active interest in politics, sometimes holding overt contempt for the establishment. The party "M5S" gained a huge number of votes in the elections and entered the government as a movement against the political establishment. At the core of the political platform were calls to the electorate to cease tolerating the interweaving of corruption, crime and the establishment in Italian politics. The demand for greater policy transparency in Italy remains the main reason why M5S has received so many votes. The party expressed opinions of many people disappointed with the political system ...

Gouden and Parodi argue that the Italian government has contributed to the existence of a mafia as criminal organizations (Camorra (near Neapolitan), Ndrangeta (in Calabria)) usually operate directly through the Italian government. In the second half of the 20th century strong links between politics and business formed, on which organized crime developed. The deep rooting of corruption in the political, social and economic structures of Italy further complicates the country's fulfillment of its obligations towards the European Union. The interweaving of business and politics has turned Italy into a country with one of the largest external debts in the EU.

The anticorruption strategy in Italy envisages increased social control over the activities of state authorities, an extensive system of anti-corruption bodies with clear divisions of functions between them, and absolute autonomy of courts and prosecutors. This system has not yet provided a general societal result. In 2017, it has been 25 years since the launch of the anti-corruption campaign Clean Hands, but according to one of its investigators from the prosecutor's office, Milano A. Davigo, the level of corruption in Italy has practically not changed, despite an unprecedented anti-corruption operation in the 1990's... This quarterly anniversary is marked by the book by Davis 'The System of Corruption', The human rights defender draws attention to the fact that modern Italy is corrupt at different levels and in various forms. Davis says the country is dying. There is mistrust, people refuse to vote, and go abroad; there are decent people among modern politicians, but existing mechanisms sometimes contribute to criminal acts. It is paradoxical that today, Italian investigators and judges who investigate and hear corruption cases, face an absurd choice: either adhere to the law, giving up justice, or to break the law and try to achieve justice. According to another representative of Italian anti-corruption policy, prosecutor Glatieri, the ineffectiveness of a number of state institutions continues to generate corruption in the country. Many people state that corruption leads to inefficiency. In fact, this inefficiency creates voluminous dark zones, where it is much easier to hide conflicts of interest and corruption.

The case of Italy illustrates that in the political systems of the old democracies, democratic principles have been firmly established to counteract political corruption. In developed democracies, corruption is eradicated by a political system that is capable of self-renewal, self-reform, and rotation of elites. But this process requires high motivation of the public, which must demonstrate a strong will in eradicating political corruption, for today it remains among the most serious problems in Italy.

**Portugal** was one of the EU Member States most affected by the global economic crisis at the beginning of the 21st century. It was threatened by default and even loss of sovereignty. Political corruption is one of the reasons the country stayed in a protracted crisis. At the same time, today in all major ratings Portugal has a good position; it is not among the richest coutries, but is also far from the poorest ones.

In 2015, the Ernst & Young agency conducted a survey according to which 83% of Portuguese citizens believed that corruption in all its manifestations is quite widespread in their country. The 'Global Corruption Barometer' (an annual poll conducted by Transparency International) states Portuguese are the most likely of all EU citizens to report corruption: 78% of Portuguese are ready to report corruption issues. This is a very high percentage if compared with other European countries such as Montenegro, Hungary, Croatia, Bulgaria, Lithuania, Bosnia and Herzegovina where 10-17% of the population are ready to inform the competent authorities about corruption. 51% of Portuguese say corruption is the main problem of the country, and that the government's anti-corruption activities are not in earnest. However, this is not the highest figure among the EU states: in neighboring Spain - 66% (according to 2016 Global Corruption Barometer's data).

The Council of Europe's Group of States Against Corruption (GRECO), the most influential monitoring authority in Europe in the fight against corruption, found during its first evaluation round that Portugal still had no coordinated and satisfactory state strategy for combating corruption.

Here are some examples of political corruption that has become the object of investigation and public attention in recent years:

- In 2010, the German magazine 'Der Spiegel' published facts regarding the Portuguese government obtaining unlawful benefits of 1.6 million euros in a 2004 purchasing agreement for Trident U- 214 submarines valued at EUR 800 million:
- In 2014, high-level officials were forced to resign due to privileges received by foreign investors in obtaining visas. The resignation was filed by Minister of the Interior Masedu. In the same year, the former Minister of Education Maria de L. Rodriguez was also charged with violating the state employment regime, resulting in damage to the treasury in the amount of 220,000€;
- In 2014, the former Prime Minister Jose Socrates (2005-2011) was detained on suspicion of tax evasion and the legalization of criminal proceeds. The case has not been completed yet, currently in the third year under investigation. On the one hand, this indicates the weakness of Portuguese legal proceedings, on the other the complexities of such a case should not be forgotten as numerous international examples show. It should be noted that suspicions regarding his lack of integrity began in 2002 when Jose Socrates was an environmental minister and issued permits for development (for example, regarding the giant Freeport Alcochete complex).

Turning to the Portuguese anticorruption experience of past years, in 2004-2008, more than 800 corruption cases have been registered, but only 14 cases have been convicted, and the absolute majority of cases has been closed due to lack of evidence. It is noteworthy that abuse of power in Portugal is most widespread at the municipal level, in urban planning and public procurement.

Portuguese law provides for rules aimed at preventing political corruption, namely:

- 1) Public financial control exists over Portuguese party finances. They must report on the turnover of resources, there are certain limits on private and corporate contributions, limited donations from foreign donors, and limits on party expenses:
- 2) Private interests must be declared relating to contractual obligations for high officials three years preceding appointment to a political post. Restrictions on the employment of certain positions and occupation of certain types of activities after the termination of authority in the position of a civil servant is also established by law. Within three years after the termination of such authority, the person holding the political office has no right to work in a private company that is bound by contractual, regulatory relations or direct subordination with the authority with which the person occupies;
- 3) restrictions on the ownership of shares in the authorized capital of commercial enterprises have been set, for those commercial enterprises which act as suppliers of works, goods and services for the relevant authority, are under its control, or are under its direct subordination.

It is believed that for a society in the fight against corruption, the example of the head of state is extremely important. Comparing Portugal and neighboring Spain, in the second half of the 20th century, these countries were quite comparable in their incomes, population, and national traditions, etc. In both states, there was a non-democratic regime, half a century later, Portugal was controlled by Antonio de Oliveira Salazar, and Spain by Francisco Franco. But in Portugal there was (and is today) a relatively lower level of political corruption, and the reason for this, writes Igor Kushnarov, was Salazar, its authoritarian Prime Minister from 1932-1968 who laid the foundation for the emergence of an anti-corruption culture among the Portuguese. A Catholic and ascetic, he did not accept corruption, fought hard against it. While political corruption usually increases in a dictatorship, Portugal is an exception to this rule. An inscription, some say a well-deserved one, on the tombstone of the dictator says 'Here rests the man, in whose debt Portugal remains most. He gave the country everything he had, without taking anything from the country for himself.'

It seems that Salazar's ideas and life principles have not continued after the end of his dictatorship, the longest dictatorial regime in Europe. In the 21st century, unfortunately, the Portuguese have become more corrupt, and the state, as noted by Portuguese Deputy Prosecutor General Morgado, now has no political will to deal with this social problem. It is presumed this is why there has been no progress in eradicating corruption. Here are just two groups of facts: 1) The Corruption Perception Index for the last six years has practically not changed: 2012 - 63; 2013 - 62; 2014 - 63; 2015 - 63; 2016 - 62; 2017 - 63 points. Please note that in contrast to Italy and Greece, two other Southern European states, there was no fluctuation of the index for 2017; 2) according to Gallup's 'Global States of Mind 2014' ('State of the World Public Opinion', 2014) Portugal is among the countries with the highest rates of distrust between

the population and their governments: the government's activities are approved by 20% of citizens; 86% of the Portuguese consider their government to be corrupt.

'Portugal's level of political corruption surely can not be compared to countries of Africa or the Middle East. But against the backdrop of the EU, Portugal belongs to states that are characterized by serious corruption problems which prevent speedy exit from a prolonged crisis. The constant recurrence of corruption scandals with the participation of high-level politicians, the misuse of public and party funds attest to the ineffectiveness of measures to minimize political corruption.'

*Spain* belongs to those EU states that embody the whole complex of problems caused by the global economic crisis that began in 2008. This state has been severely affected by the crisis. Unemployment rates particularly in some parts of Spain (for example, Andalusia) are the highest in the EU (unemployment according to Eurostat, increased from 8.2% in 2007 to 22.1% in 2015).

Political issues were added to the socio-economic issues, especially after the 2015 parliamentary elections. The electoral campaign was held against the backdrop of the ongoing economic crisis, corruption scandals that affected the ruling People's Party at that time and showed an increase in distrust of traditional parties. A very fragmented Spanish parliament was formed where none of the parties could form a coalition. After this election, Spain was on the threshold of a political crisis as there was no government for 300 days.

Corruption of all types has become synonymous with Spain in the world, almost equal to flamenco or tapas. According to public opinion polls, about half of Spanish people name corruption as 'problem number 1'. Researchers Donatella Dela Porta and Alberto Vanuchi note that Spain belongs to the highly-corrupted countries of the world. According to data released by experts of the European Commission (February 2014) on corruption in EU countries, in Spain, 63% of the Spanish population say corruption has a significant impact on their lives; 87% doubt the transparency of funding of political parties. Such figures are not unexpected given the numerous examples of various corruption manifestations in Spain such as in Andalusia, officials have assigned the EU-funded finances to re-qualify the unemployed; The People's Party was exposed for double-counting over the last eighteen years; bribery accusations towards politicians, government officials and even members of the royal family.

The monarchy has always been full of great symbolism; it embodies statehood, and so corruption accusations are especially offensive. In the context of our study, the very first tax evasion crimes were committed by the sister of King Philip VI of Spain, Infanta Cristina. Her husband Urdangarin's forgery of documents, money laundering as head of the public fund "Instituto Noos" are also relevant. This organization was a cover for large sums of money from the budgets of the Balearic Islands and Valencia. These funds were further appropriated by a small group of people; in February 2017, he was sentenced to 6 years and 3 months' imprisonment. In the same case, the former head of the Balearic Islands Meitas was convicted to 3 years and 8 months of imprisonment. The public opinion polls showed that the reputation of the Spanish monarchs was spoiled by this loud affair, and the popularity of King Juan Carlos dropped several times in his last years beforehe abdicated to his son Felipe IV on June 19, 2014.

It is corruption that experts (of Transparency International) call one of the main causes of the crisis in Spain and, generally in the Southern European States. Transparency International notes that in Spain (as in Greece, Italy and Portugal), it is no longer possible to deny the link between the ongoing financial and fiscal crisis and deeply rooted problems of inadequate reporting on budget expenditures, inefficiencies, and misuse of funds in public administration, which is not controlled and not punished.

The polls conducted show that 88% of Spanish people are very worried about the sharp increase in corruption in their country since the 2008 economic crisis and consider this a very serious problem. 93% of Spanish people are convinced that state institutions, regional authorities and municipalities are the epicenter of corruption. 74% of Spaniards say that corruption is an inseparable part of the culture of Spain and that this is historically true. In the context of the latter, perhaps, it is appropriate to recall that as little as a half century ago, European public offices were given as part of a dowry, often inherited, and the colonial posts were often sold at official auctions.

The figures given are not unexpected, given the numerous examples of various corruption manifestations in this country: in Andalusia, as mentioned before, officials allocated the finances allocated by the EU to requalify the unemployed; at the same time, officials appropriated not only the finances for vocational retraining of the unemployed, but also used the European funds for assistance to fund those who were previously sent to retirement for the retraining of personnel. They were not used for their intended purpose. This money was spent on fictitious 'dead souls' and was misappropriated. The People's Party double-counted for 18 years and engaged in bribery of politicians, officials, and possibly even, as we have already pointed out, members of the royal family.

Cases of political corruption are difficult to investigate and have been extended over the years. For example, a lengthy investigation known as the "Gürtel's case", concerning the corruption of the People's Party, lasted for eleven years (from 2007) and was only passed to court at the end of 2016. As of January 2018, the time this research ended, the trial had not ended. In this case, there are 37 people, including party leaders, who formed a corruption network. They are accused of unlawful financial gain in exchange for contracts, and sending money donations in favor of the party to individual officials, etc. The criminal network, led by businessman Correa (he was called "Don Vito 2-3%", running parallels with Don Corleone from "The Godfather"), sponsored politicians from the People's Party.

It must be noted that when the public (thanks to the newspaper 'El País') became aware of the 'gray wages' of politicians, it caused a wave of protests by the Spanish public. They were made possible not least by the new media. For example, online petition at www.Change.org collected 100 thousand signatures in 2013 only during the first 10 hours requesting the government's resignation, and at the time of the completion of the campaign, it had signed over a million (1,260,786) signatories (the expected 2 million signatures were not collected). Massive assaults on Twitter and Facebook also held a distribution of hashtags (#lospapelesdebárcenas, #DondeestaRajoy), and internet memes, etc. They were based on the names and images of then Prime Minister, leader of the People's Party Mariano Rajoy and the treasure trove of Barsenas.

Financial abuses were tolerated not only by the pro-government, but also by opposition, parties. For example: the heads of the Spanish Socialist Workers' Party in Andalusia have misappropriated large sums allocated by the EU to

vocational retraining of workers (as prior mentioned); b) the leaders of the Catalan nationalist party 'Convergence and Union of Catalonia' in January 2012 were discovered to have multi-millions dollar bills in foreign banks.

It appears that the corruption scandal concerning the Spanish People's Party, as well as the accusations of members of the royal family, significantly affected the decline in the Transparency International Corruption Perceptions Index from 2013. In the 2016 index, Spain ranked 43rd (having received a score of 58 out of 100 possible); in 2017 its position further weakened to 57 points (45th in the world). Note that in 2012 the index was 8 points higher at 65 points. The 2017 data show Spain's worst performance since the Corruption Perceptions Index started.

It was very difficult to control the party's kickbacks for contracts and other services. The Spanish legislation would need to be amended. Neither sponsors nor parties were legally obliged to report about their relationships; party funds have never been audited by state control bodies.

In January 2013, the Spanish government launched an anti-corruption initiative - the "Anticorruption Pact", and the parliament approved it, receiving the support of most of the parties represented in the legislative body (February 26, 2013). The Covenant was intended to stop the misuse of state and party funds. The 'Anti-Corruption Pact' obliges all parties that have signed it to publish financial statements and periodically conduct an independent audit of their finances. The Covenant envisages that the provisions of the 2012 Transparency Law, which only applied to high-ranking officials, are to apply to all politicians (including the publication of income data of politicians, travel information, and property). Appointment to high party positions should also be monitored to prevent any aberrations. It is obvious that the appearance of such a pact was due to the great disappointment of the Spaniards in their own politicians due to their frequent corruption scandals. The Anti-Corruption Pact aims to strengthen public confidence in political activity in general.

At the same time with the adoption of the Anti-corruption Pact, the parliament approved a government project called 'The Status of High Official Civil Servants'. According to this document, this category of citizens is obliged annually to declare income and property. Upon completion of the post, a civil servant is presented with a separate declaration, which allows the public and the anticorruption authorities to determine whether the official's expenses corresponded to his income. This applies even to the monarch.

Consequently, the Spanish legislature is regulated by the publication of declarations of interests, revenues and property. Declarations of interests by parliamentarians and local elected officials can be obtained upon request by any interested person. Restrictions on the employment of certain positions and occupation of certain types of activities after a civil servant leaves public employment has been established: two years after the termination of such civil posts, the former civil servant has no right to work in a private company that is bound by contractual, or by direct subordination with the authority where the post was previously held. In Spain, the obligation to declare gifts for members of the government and persons holding political positions is addressed.

Spain has a system of public funding for political parties. The financial reporting of parties should be published. Donations from trade unions and corporations are allowed. Anonymous donations are allowed at a maximum size of 5% of the state funding. Foreign donations are prohibited. Terms of state support are as follows: 1) the party must be represented in parliament; 2) the party must obtain not less than 3% of votes in the previous elections. The form of state support is general, non-targeted financing. The amount of state support for political parties is determined by the parliament. One third of this amount is distributed among the parties represented in the parliament, depending on the number of seats belonging to them in the lower house. Two thirds of the total amount are distributed amongst all the parties that participated in the elections and meet the specific requirements, in proportion to the number of supportive votes they received. There is no funding for parliamentary activities of a political party.

On 01.01.2014 the Law On Transparency, Accessibility of Information and Integrity of the Board came into force, which obliges political parties to report their finances to state control bodies. Also, the controlling state bodies are entitled to regular checks of party funds. The parties are obliged to respond to requests from the public for received revenues within a one-month period. At the same time, party sponsors must declare their assistance to party organizations. Such reporting is necessary, since membership fees\* do not fund the bulk of the party budget for the financing of party structures, and therefore are offset from other sources. Such sources in Spain are:

- State funding for the parties represented in the parliament. The amount of funding is correlated with the number of seats in the legislature. For example, in 2012, the two leading parties (the People's Party and the Spanish Socialist Workers Party) were almost equal (They divided 50 million euros from the state budget almost evenly);
- Private donations to the party treasury. In 2007, the law (which was supplemented in 2012) was adopted. This law regulated the amount of sponsorship from one and the same physical or legal person in the amount of not more than 100 thousand euros per year. Sponsors in no way should be associated with state administrative structures. For example, sponsoring companies should not have state share participation, contracts for public works, or receive one-time subsidies from state administration of any level.

At the end of 2014, the government portal www.transparencia.gob.es was launched. It was created in accordance with the 'Law On Transparency, Accessibility of Information and Integrity of Government'. At the time of launch, the portal provided access to 530 thousand archival documents. The portal was supposed to make the activities of state structures, as well as public organizations receiving state subsidies, more transparent. The portal contains not only information about officials, but also all the bills on which work is carried out. A separate section of the portal discloses information on the financial and economic activities of the administration: contracts, public procurement, subsidies for private business and the public sector; data from audits of state structures (including the royal court and both chambers of parliament); publication of assessments of state properties subject to privatization; information on incomes of high officials, including government officials. Any citizen of Spain, having indicated his identity card number, may request information on the portal that interests him. If it has not been disclosed to date, the response must be submitted within 30 days, and refusal to provide it may be justified only by national security interests.

To accomplish the overwhelming task of combating political corruption, Spain supports and is integrating into a variety of the latest anti-corruption initiatives. For example, in April 2017, 16 EU Member States, including Spain, announced the creation of a prosecutor's office for combating corruption (for the investigation of corruption crimes

committed against the EU's financial interests).

In summation, the anti-corruption innovations in Spanish politics are as follows:

- the regulation of the disclosure of declarations of interests, revenues and property. Declarations of interests of members of parliament and local elected officials can be obtained at the request of any interested person;
- establishment of restrictions on the employment of certain positions and occupation of certain types of activity after the termination of the authority (employment) of a civil servant: within two years after the termination of such powers, the person holding the political office has no right to work in a private company that is bound by contract, regulatory relations or by direct subordination with the authority whose post was occupied by that person;
- mandatory declaration of gifts for members of the government and persons holding political office;
- public control over party finances, reporting is required, limits on private and corporate contributions, limited foreign contributions, established limits on expenses;
- allowed donations from trade unions and corporations. The maximum size of the anonymous donation is 5% of the state funding. Foreign donations are prohibited;
- conditions for the provision of state support to political parties are defined: a) the party's representation in parliament; b) obtaining by the party of not less than 3% of the votes in the previous elections. The form of state support is expressed in the general non-targeted financing. The total amount is determined by the parliament; one third of this amount is distributed among the parties represented in the parliament, depending on the number of seats belonging to them in the lower house; two thirds of the sum is distributed amongst all parties that took part in the elections, in proportion to the number of votes they have obtained in their support.

But, as we see from the Spanish practice of political corruption, it is not enough to adopt anti-corruption laws aimed at ensuring the transparency of politics. The first is the will and consistency of their performance by political actors. This was emphasized by the head of state, King Felipe VI, who in his speech at the end of 2016 in the Spanish parliament stressed the need for a final solution to the problem of political corruption in the country. The renewal of public life is a matter of principle, will and resolve. This is a question of the order of our law-governed state and a necessary condition for restoring the trust of citizens. In this sense, ethical values should inspire our state life. Corruption, which has disturbed public opinion in our country and with which we must fight firmly, must remain a sad mention of the consequences of the disease that we must overcome.

Political will cannot be declarative, it must be demonstrated lifestyle. Instead, individuals who are the 'clean hands' of the Spanish authorities, constantly are caught themselves in corruption cases. So, at the beginning of June 2017, the head of the anticorruption sub-section of the Spanish prosecutor Mois resigned in 2012 after the public became aware that he was co-owner (25% of the shares) of an offshore company in Panama.

The experience of Spain is valuable both in terms of exploring the search for a mechanism for combating political corruption and for assessing its effectiveness. This mechanism, despite some innovations, has not yet brought significant changes in ensuring a transparent policy. The arguments of political corruption as 'historical tradition', 'a part of the national political culture', 'genetic peculiarity of a national character' and so on continue to be heard on an every day level. But in this author's opinion, political corruption in Spain can be overcome by developing deep democratic traditions, independent media, enabling people's education and a high level of well-being, instilling anticorruption values through a set of measures aimed at strengthening anticorruption policy and legal culture.

Nowadays democratic traditions in Spain are relatively weak. The transition from a totalitarian regime to a multiparty system took place only in the late 1970's. The media is predominantly dependent (controlling and executing information orders of certain political forces). The level of welfare of the population according to European standards is low. In terms of education, Spain is inferior in the EU. In terms of civil liability, it is far behind other European countries, especially Northern Europe. For example, 70% of the mayors who were suspected of corruption were reelected. In such a situation, the state should promote as much as possible the free media and educate the public in the spirit of democratic values; otherwise the country may turn into the latest kleptocracy.

In conclusion, for all Southern European states there are several common problems related to political corruption, particularly: 1) the lack of transparency of relations between business and public figures, the lack of clear rules for donations to political parties. In democratic countries, it is undesirable that such donations be anonymous or unlimited, there should be an upper limit of such donations to avoid the problem of 'debt recovery' by sponsors; 2) lack of transparency of lobbying - full access of the public to information about who has been listened to while making decisions, by the heads of state structures, to whom the parliamentarians listened, by adopting a certain normative act.

The example of the analysed countries of Southern Europe demonstrates that in the political systems of the older established democracies democratic principles have been firm enough to resist and fight against political corruption. In developed democracies, political corruption is eradicated by political systems that are capable of self-renewal, self-reform, and true changes in government. These processes require a highly motivated public with a great deal of will power. The eradication of political corruption remains amongst the most serious problems today in all the researched countries of Southern Europe.

# 3.2. European Format of Political Corruption and Anti-Corruption Strategies:

# Traditions and Innovations in Great Britain and Germany

Two highly developed European countries - the United Kingdom and the Federal Republic of Germany demonstrate clearly that political corruption is a 'disease' that affects all countries, regardless of the level of socio-economic development and political regime. The level of this damage is correlated with a number of factors - political, economic,

legal, etc. Countries like Great Britain and Germany have quite a decisive anti-corruption policy with regards to the political sphere, while other countries only give lip service to populist declarations espousing anti-corruption values.

In spite of their advanced economic positions as Europe's economic engines, they are not leaders in the eradication of political corruption, as opposed to Denmark, Finland, Sweden and other states that lead the anti-corruption ratings. Political corruption scandals occured with high-ranking officials in both states. But the consistent application of anti-corruption values ensures them both high scores in anti-corruption assessments, in particular, the Corruption Perceptions Index (see Table 1). This index is an indicator that marks corruption in the public sector, the government and includes activities of other politicians.

#### Table 1

**Country** 

# **Corruption Perceptions Index**

# in Great Britain and Germany

2017
2016
2015
2014
2013
2012
Great Britain
82
81
81
78
76
74
FRG
81
81
81
82
80
80

The scientist Carl Friederich notes that in modern Germany, in Great Britain, and in a number of other countries, political corruption is perceived as a special form of political pathology, rather than as a global disintegration, in behavioral terms. Damarys Canache and Michael Allison rightly point out that the political scandals in these countries undermined the trust of citizens and confidence in the actions of the government, but they did not destroy the democratic system of these countries. The high level of legal and political culture in both these countries, and the development of civil society institutes contribute to the fact that politicians resign in the context of a corruption scandal surrounding them.

This book analyses the specificities of the forms of political corruption in both countries, determines the differences between their anti-corruption strategies, and assesses the experiences and effectiveness of their anti-corruption reforms.

*Great Britain.* For over one hundred years in Great Britain, they have been trying to solve the problems of ethics and the standards of integrity of government officials and politicians. These topics remain on the agenda of the United Kingdom today: the results of opinion polls show concern about corruption, and the government continues to discuss mechanisms for anti-corruption security in politics. Civil society, 'especially due to the powerful capabilities of the new media', keeps sight of its politicians and parties. Obviously this yields some positive results, judging by the continued

increase in Britain's position in the Corruption Perceptions Index for the past six years.

In May 2016, the World Anti-Corruption Summit in London was held, which is more evidence of the urgency of corruption issues for this state. Political corruption is the subject of active investigations and scientific analysis. Thus, one of the latest pieces of research on the problem of political corruption, conducted by Professor of Liverpool University David Whyte, in the title sharply raises the key question: 'How corrupt is Britain?

Nowadays Britain is not a 'zero-tolerance' country towards political corruption. Moreover, it was not so in the past, as was observed in section 2.1, studying the historical forms of this phenomenon. In 1994, in order to detect and counteract political corruption, a Committee on Standards in the Public Sector (Nolan Committee\*) was established in the United Kingdom. It is an independent advisory body under the British government. The creation of this committee was due to the public scandal uncovered by The Guardian in October 20, 1994. The magazine argued that parliamentarians Hamilton and Smith lobbied in the House of Commons in the interests of businessman Mohamed Al-Fayed with a reward of two thousand pounds for every question. This scandal was later called 'Cash for Questions'. T. Smith acknowledged these allegations and the fact that he received from a businessman twenty-five thousand pounds and immediately left the post of junior minister for Northern Ireland. Hamilton insisted the allegations were false, but under pressure from then Prime Minister John Major, he left the post of Minister of the Department of Trade and Industry. In response to public reaction to the case on the day of Hamilton's resignation, the prime minister announced in the House of Commons a new body - the Committee on Standards in the Public Sphere. 'The committee's activities are aimed at preventing the corruption of members of parliament, working as consultants of firms, and trying to influence state politics, and former ministers, and other officials who work in those industries that were previously governed by the government.' It was on the basis of the results of the work of this committee that the House of Commons decided to appoint a parliamentary director of standards, established prohibition of protection and enacted disclosure of additional wages of parliament members.

A particular problem in the area of British political corruption is the sale of deputy seats. Looking at history, we find out that before 1911, British parliamentarians did not receive an official salary. However, the seat of the deputy was considered extremely profitable. From the end of the 18th century to 1911 deputies publicly sold state positions, the facts were published in the press. It was a completely legal procedure; only after the increase of public indignation, this practice was suspended, and it was replaced by remuneration of labour. Thanks to this action it became possible to minimize corruption .

However, it seems that some of the British political parties of modern times rely more on the practice of 'privatizing' the positions inherent in the 18th-19th centuries, rather than on modern law: many of them openly sell privileged access to the government. 'Actually, the 2006 corruption scandal concerning the distribution of seats in the House of Lords (the case of 'donations in exchange for titles') has become perhaps the most juicy scandal. The leadership of the state (the government) has fallen suspicion that it gave seats in the House of Lords in exchange for the financial support of the Labor Party before the 2005 elections. The investigation was initiated after it became clear that at least four candidates to the House of Lords had made significant donations (which, moreover, were not declared) to the Labor Party fund. Politicians of the highest rank, including British Prime Minister Tony Blair, were questioned in this case. It must be noted that the practice of selling titles, posts, was legally banned in 1925. And in 2000, the Law on Political Parties, Elections and Referendums secured the requirement to disclose information about sponsorship.'

'One of the reasons that voters did not support the conservatives in the parliamentary elections in 1997 was the corruption scandals, accusations of members of the government in excess of official authority and financial misconduct.' Then, the ruling conservatives, led by Major, suffered a complete defeat from Labor Party with Tony Blair. 'However, the Labor Party also regularly became the object of criticism because of political corruption. A turbulent discussion arose because of the air travel of Blair with his family at the expense of 'friends'. Such public accusations devalued the most valuable thing that exists in power - the public's trust.'

In 2009, the British political system was shaken by a corruption scandal related to the misplaced spending of funds allocated to deputies of the House of Commons for lawmaking activities. The House of Representatives were reimbursed for housing costs in or near London, or housing in the constituency where they each spend most of their time (the country has a majoritarian electoral system). The accusation of unjustified spending on second homes concerned a number of high-ranking officials, such as Secretary of State John Smith, then Minister of Social Security, McNulty, Chairman of the Conservative Party Eric Pickles, etc.' The dissatisfaction of the public heated up by the information that in 2007-2008, the total expenses of deputies paid from the state budget increased by 6% (up to ninety-three million pounds). This happened against the backdrop of the global economic crisis and the government's calls towards people to economize.'

These events forced then Prime Minister Gordon Brown to give the Independent Committee on Standards in Public Life, in addition to independent auditors, the task of conducting an investigation into the financing of members of the House of Commons. The inspections revealed massive cases of abuse of more than one million pounds by hundreds of deputies\* of the House of Commons. The deputies were sent letters asking for the amounts used for other purposes (i.e. personal) to be returned to the state treasury. Among the addressees were Gordon Brown, David Cameron, Salmand, Klegg and other politicians from different political parties. The returns were both insignificant (218 £ had to be returned by David Cameron), and significant (£40,000 had to be returned by McNulty). As legislators-parliamentarians appeared to be perpetrators of the law, Prime Minister Gordon Brown initiated the creation of an independent body to control the expenses of parliamentarians of the lower house. It was also decided to adopt a code of deputy behavior, and financial statements to be published on the web. In public opinion, the story caused violent dissatisfaction. As a result, in 2009 more than 150 deputies did not even submit their candidacy for the next election, so that the charges against them did not affect the electoral preferences of voters regarding their political parties.

"The willingness of British justice to consider cases where the defendants were members of parliament, sharply raised the issue of parliamentary immunity. This principle has a long history, beginning with the Bill of Rights (1689), which protected lawmakers from prosecution. And the current legal acts are aimed at protecting parliamentarians: in 2008, the High Court ruled that parliamentary privilege serve to preserve the principle of separation of powers, which requires the judiciary not to interfere and not to criticize the activities of the legislature.

In recent years, the situation with political corruption in Great Britain has changed for the better. 'The impetus for change was the big corruption scandal mentioned above in the parliament in 2009. This led to the emergence of a new system aimed at ensuring greater transparency of funding allocated to deputies for the maintenance of their offices. In 2010, the law on bribery was passed; 'It demands that organizations should train their employees to see the ways in which bribery can penetrate their business practices and inform them of the steps they should take to prevent this phenomenon. British expert on political corruption, Duncan Hames, believes that in order to effectively fight corruption amongst politicians and civil servants, it is first and foremost necessary that their income information be openly accessible to every citizen.

In Great Britain two issues have been updated. First, corruption in the upper house of parliament (House of Lords) has been addressed. Previously, Lords were British noblemen who inherited their seat, and now it is possible to pay a certain amount to the political party accounts. Secondly, the financing of political parties by corporations. There are no restrictions on political contributions in the country, unlike, for example, in the United States or France. The dependence of political parties on small groups of donors makes corruption possible. By threatening to stop donations, sponsors from the business environment manipulate the parties to do what they want. Even a foreign business entity can easily make a financial donation as long as the company is registered for doing business in the UK. Among the latest examples is the example of 76 million pounds spent on the Brexit campaign - most of these funds were donations from ten private sponsors. It should be noted that most British people, according to public opinion polls, are in favor of total prohibition of policy-making by corporate entities and/or the private sector (59% according to the annual Transparency International Barometer of Global Corruption Barometer 2016). The British public began to express dissatisfaction with party financing in the 1970's, when the Houghton report was published and the procedure for allocation of budget funds to opposition parties was established. As George Monbiot (2015) observes, 'our system of financing political parties that has not been reformed allows very wealthy people to buy these parties.'

The problem of financing is acute in most countries. As is known, in Ukraine a law which provides state funding of political parties was also passed. In the UK, the state budget provides funds for political parties, but the amount is relatively insignificant. This is due to the need for more money for electoral contest and party work (for example, in 2001, about 130 million pounds were donated to political parties). But British lawmakers are now actively working to limit the amount of donations to political parties. There is no general prohibition of corporate sponsorship of political parties. Parties are legally obliged to report publicly on their finances. This was the result of the work of Lord Noland's commission after coming to Labor in 1996. Noland managed to introduce a new concept of financing political parties. Foreign funding of parties is prohibited, but there are legal and regulatory gaps: for example, the 'Better for the Country' movement created in 2015, which receives funding from abroad, can not be considered as a party.

Much of the political corruption in the UK is due to lobbying (Kushnarov, 2017). In 2010, undercover journalists created a fake American company which requested officials from the British cabinet office to lobby in their business interests for financial reimbursement. All the government officials which were approached with contracts agreed to use their official positions to promote the business interests of the fake customer.\* This journalistic investigation proved how widespread the practice of lobbying is among the British establishment. It must be noted that there are legal means in Britain by which lobbying can occur, but there are rules which must be followed. Therefore, there was no need to agree to the politically corrupt version of lobbying.

There are significant cases of British political corruption at the junction of big business and politics. An example is the contracts of the military-industrial company 'BAE' with Saudi Arabia, Tanzania, the Czech Republic and other governents for the supply of machinery, etc. There were suspicions of large bribery of foreign government officials by the 'BAE' for the successful promotion of their business. Separate large-scale anti-corruption investigations were stopped at a certain stage, which is not truly supportive of international efforts in the anti-corruption struggle. In this regard, the Organization for Economic Cooperation and Development (OECD) stated that it was 'disappointed and seriously concerned by the continuing failure of Britain to remove shortcomings from its legislation which make it possible to bribe foreign state representatives and the continuation of the corporate propensity to bribe foreigners.

In 2014, possible links of David Cameron and the Conservative Party of Great Britain with lobbying companies (New Century in particular) from which reimbursement was received were announced. Approximately 85 thousand pounds went to the Conservative Party account several months before the 2010 election. This sum is equal to a third of New Century's annual profit. It must be understood that 1) the fight against global corruption in a new global objective and 2) civilized lobbying is an effective alternative to political corruption regarding special interest groups' influence on the state. All lobbyists should be in an official register. According to Nick Maxwell, head of research at Transparency International in the UK, 'less than 4% of lobbyists are registered in the register, and this is only in regards to the lobbying of ministers and parliamentary secretaries it does not take into account the lobbyists involved with parliamentarians and officials.' Therefore, declares Kushnarov (2017) there is a need to at least: 1) create a register that covers both private lobbyists and lobbying enterprises, (and publish more information about them); 2) publish detailed information about lobbying meetings; 3) create an independent body which monitors lobbying practices and enables compliance with the rules of civilized lobbying.

In 2011, the UK Bribery Act of 2010 came into force, the basis of which is that the company which gains an advantage due to the bribery is at fault (this includes facilitation payments).

The innovation of this act is that its action extends beyond the borders of Great Britain, i.e. the principle of extraterritoriality applies to corruption crimes (as it forbids bribing foreign officials).

Igor Kushnarov notes that despite some problems and legal gaps, even royal family members have no immunity to this law. For example, in 2010, the British newspaper 'News of the World' accused Countess S. Ferguson of organizing meetings with her former husband, Prince Andrew, as a state representative, in return for remuneration (in one case, the amount was £500,000) regarding trade issues.

As we have already noted in Chapter 2, political corruption is a manifestation of political nepotism and political cronyism. They are manifested in the rapid unreasonable career growth of relatives (nepotism) or friends (cronyism) of a party or state high-ranking official. In the UK, the slang phrase "Bob's your uncle" came from an event in 1887 when an inexperienced official, Arthur Balfur, became the prestigious Chief Secretary for Ireland, due to the patronage of

his uncle, then Prime Minister of the United Kingdom, Lord Salisbury. Thus 'to have Bob as your uncle' guarantees success, and the phrase today is used to say 'you're all set'.

It should be noted that in 2017 the British Parliament first debated a question aimed at preventing nepotism - the prohibition of the involvement of relatives for official posts, which were paid from the budget. If this restriction is introduced, the prohibition will come into force after the scheduled elections for 2020. British legislative initiatives towards the counteraction of political neopotism are due to the fact that as of 2017, 151 out of 650 deputies of the House of Commons are working with members of their families, which contradicts the principle of transparency in the recruitment of civil servants.

Regarding political cronyism, it was in the UK that the figurative notions 'old school ties' (sometimes a close personal connection exists because politicians were in school together as youth) and 'old boys club' (it means ties are made when men hang out together, usually drinking alcohol) appeared. These types of connections can cause conflicts of interest and others manifestations of corruption. In British politics the idea of such friendships becoming the controling factor of an elected official, instead of the electorate, is worrying. 'Parliamentary privelege' (immunity for parliamentarians accused of crimes) is in public discussion. Of course, the level of corruption in the UK is not as high as much of the world, but at the moment, the country cannot be regarded as approaching a zero tolerance for political and other forms of corruption.

The specific positive attribute of Britain's anti-corruption policy is the high level of public interest in issues related to lobbying and purchasing political influence, financing of political parties, transparency of elections, abuse of local authorities, etc. Permanent public awareness is a major driver of Britain's anti-corruption policy.

*Germany.* Political corruption, in comparison with other types of corruption in the country, is the least widely spread. The reason for this is likely its powerful, proactive civil society, states Igor Kushnarov. However, criminal political corruption cases do occur periodically in the country, as is illustrated by the following list of high officials who have been involved in political corruption cases in recent decades: the President of Germany, Christian Wulf, Chancellor Helmut Kohl, Premier of Bavaria M. Straibl, Defense Minister in the government of Gerhard Schroeder, Scharping, the head of the government of Lower Saxony Glogowski, the head of the federal state Baden-Württemberg, Shpet, etc.

Political corruption in the Federal Republic of Germany is constantly changing its forms. For example, its latest forms include the transfer of funds through intermediaries (such as charitable foundations, etc.) and the covert engagement of civil servants for lobbying. But perhaps the most corrupt manifestations concern illegitimate financing of political parties, which we will focus on in more detail.

The greatest amount of money for German parties comes from the state budget, that is, from taxpayers, because public opinion is dominated by the conviction that political parties are a necessary component of a free democratic system. German law does not provide for full state funding of political parties. From the taxpayers' money, the parties receive annually up to 130 million euros. Despite the importance of this amount, it is not enough, so the parties take donations and collect membership fees. More than 80% of Germans believe that party donations and sponsorship funds do exert influence on politicians. The total prohibition of party donations and sponsorship is not mentioned, the task is only to make these financial flows transparent and understandable for citizens.

Other sources of political party revenues are membership fees and donations. Public funding is dependent on the results of the last (at the time of distribution of funds) elections to the European, federal and state (there are 16 German states (Lands)) parliaments. Unlike many countries, it is not necessary to reach the vote quantity barrier (which, in Germany is 5%) to obtain German public financing: "it is enough to get 0.5% of the actual votes in the Bundestag (federal lower house) elections or 1% in the federated state elections. Each vote from the first four million brings to the party 0.85€, and each further one, 0.70€ euros according to Olena Perepadya's research. In the structure of party revenues, the largest share is provided through German government support (30-40% of the parties represented in the Bundestag). For example, according to the results of the parliamentary elections of 2013, the Christian Democratic Union (CDU) received almost 43 million euros, and the Left Party of Germany - more than 10 million euros

For a long time, Germany was the only one of the democratic countries of the West where party donations were unlimited, so millions of donations were received in the name of private interest. The situation changed after the scandal with the ex-chancellor of Germany Helmut Kohl in the late 1990's. His politic party, the Christian Democratic Union, accepted private funds that weren't officially reported and as a result in 2000 Helmut Kohl lost the post of honorary leader of the party. Subsequently, legislative changes were made requiring all donations of over 10 thousand euros be published in the party financial records indicating the source of income, and donations of more than 50 thousand euros must immediately be reported to the Bundestag Head (head of lower parliament). There are plenty of examples of such significant donations and Igor Kushnarov states that the likely intent of these donations is to lobby for the interests of the donor. For example, "in 2009, Mövenpick, a hotel business, donated more than a million euros to the Free Democratic Party, and after the party came to power, the law on tax reductions for hotel owners was enacted.

In 2012, the Council of Europe drew attention to the donations aspect of the German political party finance system. The report of the working party of the Council of Europe's Group Against Corruption (GRECO) indicated that the current system was not transparent enough and was uncontrolled. Germany was asked to reduce the amount of money that must immediately be declared as it's current amount of €50,000 was thought to be too large). Additionally, it was thought that the time lag was too large as current practice was to publicly disclose these donations in annual party financing reports. Public anticorruption organizations criticize this reporting practice, and want the immediate publication of all donations. Transparency in this case is easily ensured, within the limits of party Internet resources.

In this context, we note that in a 2017 special report of the Council of Europe's Group Against Corruption(GRECO), it was emphasized that the German authorities did not demonstrate progress in implementing the recommendations of the Council of Europe experts to ensure more transparent financing of political parties. Despite the criticism of international institutions, "German parties still provide information to the head of the Bundestag only in the case of donations of over 50 thousand euros. In Germany, anonymous donations are also allowed in favor of political parties in a fairly large amount - up to 500 euros. There are obvious needs to: 1) to develop and implement a system that would

oblige the German political parties to report in a timely manner on the sources of financing of their election campaigns; 2) to oblige those deputies, as well as candidates who receive direct cash donations, to report such proceeds quickly; 3) to provide the Bundestag with more powers to verify the funding of the parties.

It should be noted that over the last five years, German parties have complained of a reduction in donations. This is due to a number of corruption cases in recent years, which makes society less likely to donate to parties. Among them, for example, was the already mentioned case of ex-president Christian Wulf, who resigned after the public became aware of Wulf's receiving privileges from businessmen in early 2012.

In 2017, the Bundestag introduced constitutional changes which deprived political parties whose intent it is to undermine the democratic structure of Germany the right to German state financing. This is the case with the National Democratic Party; the German state will not directly fund a political party on the radical right.

According to a non-governmental organization called LobbyControl, Germany has one of the most non-transparent lobbying systems in the developed world, as there is no register of lobbyists on the German federated states level or at the EU level. Such registries are intended to force businesses to disclose how and why they contact parliamentarians (and other officials), and what resources they give them. In the USA a lobbyist is quite a respectable profession, but in Germany the profession is viewed with suspicion. That is likely why German lobbyists usually call themselves consultants. Their task is to inform business representatives in a timely manner about legislative initiatives in the Bundestag that could affect their interests. If necessary, consultants will arrange a meeting with parliamentarians who have a decisive influence on the adoption of a law explains Igor Kushnarov.

German democracy is unfavourably reviewed when it comes to its politicians' tradition of 'revolving doors' policy. When politicians complete their careers, they often work in large corporations. For example, ex-chancellor Gerhard Schroeder, one month after his resignation (in 2005), was appointed as a chairman of the board of directors of the North European Gas Pipeline Company (NEGPC); Former Defense Minister F.J. Yung became a member of the Supervisory Board of the Rheinmetall Machinery and Armament Concern, etc.

In 2006, a new version of the 'Law On Access to Public Information' was implemented in Germany. It guarantees citizens access to any government information, except for those of national security (those marked 'Top Secret'). Citizens are not obliged to explain the cause of their interest. However, the law does not provide for penalties for those officials who do not comply with such requests. On the basis of this law, any citizen may apply to the court or to the relevant authorized person for information and in this way receive the requested information. In practice, citizens are dissatisfied with law, due to receiving the answer that they are not able to get the information they want as it is a matter of 'state affairs'. This happens for roughly one third of all requests. For example, the ex-minister of Public Health of Germany Schmidt in 2009 unjustifiably (in the opinion of the public) used an official car while being on vacation. Taxpayers wanted to know how much W. Schmidt had traveled, but received the answer that these were 'state affairs'. It must be noted for this book that this kind of corruption is often categorised as beaurocratic, not political corruption.

According to Transparency International, there are still a lot of ways in Germany to mask the corruption of politicians. It is therefore necessary to enact measures to counter the bribing of German politicians. An expedient solution would be to require the prompt announcement of donations starting from two thousand euros. Anti-corruption organizations rightly oppose donations to individual party deputies and conclude that data on such additional sources of their income should be known to the public.'

The possibility of hidden bribery of politicians still remains. For example, a parliamentarian who works part-time as an attorney is not required (for reasons of client-attorney privilege) to name his clients, even if the attorney work was provided for the purpose of lobbying someone else's interests. As regards lobbying, it is expedient to adopt a particular code of conduct that would allow control over the work of lobbyists. It is appropriate that, in the event of amendments to the laws in force or the adoption of a new bill, it would be possible to monitor all discussions, including a list of names of those present, states Igor Kushnarov.

Many problems arise from the lack of transparency in the financing of political parties. In this case, the government's approach to reporting donations could be used as a model for solving the problem. Every two years, the German government publishes a comprehensive report that outlines all organizations and companies which have received funds by certain state authorities. Similar reports are published annually by German political parties, however, it is difficult to understand who paid, how much was paid, and for what purpose. Regarding the funds, only the total sum received by the party is recorded with the doner's name. Meanwhile, there is even more hidden activity going on with energy, pharmaceutical, insurance and other companies who meet politicians in special scenarios, provide them with certain services or material goods, all of which happens veiled, and unrecorded.

International experts estimate laws to counter bribery among politicians as too soft. German politicians have long been unable to adopt a number of important anti-corruption laws that prevent politicians and officials from abusing their official position. This case also concerns the bribery of deputies. The law covers only punishment for bribery and sale of votes in parliament. In addition, Germany has not signed the UN Convention against Corruption (2003), ratified by 160 countries of the world, as it will need to change its existing federal in order to adopt it.

In conclusion, the analysis of the problems of political corruption in two European states, Germany and United Kingdom, has revealed its existence and threats, even in such highly developed countries. Both countries control and regulate a complex variety of corruption problems in politics, but cannot eliminate them - more political will and purposeful state efforts are needed. No country is currently protected from the problem of political corruption. However, the experience of the United Kingdom and Germany in minimizing its negative effects may considered by those countries that are still in search of an optimal strategy to minimize political corruption.

#### 3.3. Prevention of Political Corruption:

the Experience of the United States

One of the countries that has created a national system to counter political corruption is the United States. This system is imperfect, and it has gaps that are successfully used by self-interested actors. But there are enough effective counter-corruption measures which have enabled the United States to maintain relatively high levels in anti-corruption ratings. Thus, according to the Corruption Perceptions Index (CPI), the United States has the following scores from 100 possible points in the past years: 2012 - 73, 2013 - 73, 2014 - 74, 2015 - 76, 2016 - 74, 2017 - 75, According to the data of the last CPI research in 2017, it held 18th place among the surveyed countries of the world. Some of the countries which were ahead in the rankings are from Europe (Denmark, Norway, Finland, Great Britain, etc.), Asia (Singapore, Hong Kong), as well as New Zealand, Canada, Australia. The US position in this anticorruption ranking is stable and relatively high. As one of the established democracies, it will be interesting to understand the specific manifestations of political corruption in this country and the accumulated experience of countering it.

Under American law, corruption is a direct or indirect request, when a government (state) official accepts any advantage for himself or for others in exchange for any act or limitation of the exercise of public functions, offering or giving such advantages, actions or inaction in relation to public functions for obtaining such advantages, fraudulent use or concealment of property acquired as a result of corruption.

The term 'political corruption' was used in the United States in the early 1970's for the first time, but the first scientific research on corruption in politics in American political science dates back to the beginning of the 20 century. During the investigation of the Watergate scandal, the first concepts of political corruption were formed. This fact is pointed out by Kokhan(2008) in his research. Since then, researchers have documented numerous examples of political corruption amongst elected officials in the United States government. At the same time, the state and civil society strive to control political corruption; there is an increasing understanding of what to consider as political corruption, since the range of activities falling under this qualification is constantly expanding.

As early as the beginning of the 20th century, American political thought raised the question of the responsibility of the authorities for the spread of corruption, which affected the efficiency of civil servants, and hence the loss of voters' interest in improving the work of the government. Political corruption itself was perceived as a problem of public morality and an unwanted attribute of political life.

In the 1920s, the administration of U.S. President Warren G. Harding was shaken by a wave of corruption scandals. Harding was a paradoxical politician. Public opinion thought the president had contributed to the corruption, historians, however, consider his role to be minimal. Harding appointed friends to influential positions, without obtaining the necessary qualifications, and then 'did not notice' how they worked. Some of these appointees took bribes, entered illegal contracts, and conducted unfair business using state resources. Such friends created problems for Harding, causing a series of publicised scandals. Two ministers of his administration were sentenced for involvement in the Teapot Dome Scandal, which was associated with bribes for the development of oil and gas fields in Wyoming and California. The US Supreme Court acknowledged the fraudulent contracts signed within this case. In connection with this case, researcher K. King (1924) drew attention to the need to cleanse the government from corruption. In general, American researchers at the beginning of the 20th century perceived political corruption as a result of the imperfection of legislation or the ineffectiveness of the mechanism of checks and balances. That is, they reduced it to a legal problem that the government could solve by upgrading the regulatory framework.

In later studies, Rogow and Lasswell (1963) wrote "Power, Corruption and Rectitude" in which they explained that US institutions were created to curb public and private abuse of power. However, these abuses still exist, as already mentioned in the Watergate scandal. The word 'Watergate'\* has become a symbol of immorality, corruption and crime in government circles. One of the consequences of the Watergate scandal was to put the issue of political corruption into election campaigning, and the life of American statesmen began to be studied in detail.

In our analysis of political corruption in the United States, we will first focus on two key areas where corruption acts are most often recorded: funding of parties (and, accordingly, their election campaigns) and lobbying.

The United States is constantly looking for ways to reduce corruption during election campaigns, but none of the methods has yet been sufficiently effective. The American authorities are trying to disclose donors and impose restrictions on the total amount an individual can give to a candidate. However, organizations can legally make unlimited contributions.

'American parties are funded by membership fees, donations, and their own revenue. They can sell books, souvenirs and charge for services, such as organising meetings. Ironically, sometimes they are funded by books containing true stories of scandals within their own party.'

The financing of political parties by business representatives is not just legal, but in fact the main way for American parties to receive funding for development and activities. Part of the money is mobilized by political activists through means of political fundraising and political crowdfunding (especially during a presidential campaign). During the primaries (preliminary elections), candidates from one political party compete not only for the commitment of potential voters or one-party members, but also for the money that individuals and legal entities transfer to them. 'The American approach to financing political parties is part of a nationwide philosophy, where respect for private property, support for initiative and self-reliance is the founding basis.'

The financial aspects of the participation of parties in elections are governed by the Federal Election Campaign Act of 1971 which "required campaigns to file quarterly disclosure reports of contributions and expenditures"\* and its 1974 Amendments which "imposed spending limits on campaigns."\* Modernization changes are being made to this act, but researchers are suggesting that innovations ultimately only result in financing election campaigns more secretly than before.

American law has gaps that allow the implementation of 'grey schemes', especially during the electoral process. 'They formally do not violate the laws, but they change the election from an electoral process into a process of moving financial flows into the right pockets and the right candidates.' The presence of such 'grey zones' is because the US Constitution does not have clear rules governing the activities of political parties. In fact, they are equated with any other public organization; in the federal law there is not even a legal term 'party'. They, like other non-profit associations, are designated by the term 'corporation'.

An example is the Clinton Foundation, which received millions of dollars from foreign governments, companies, individuals, and non-governmental organizations from around the world. Funds of this type collect funds for health and environment programs, creating conditions for improving people's economic well-being, etc. 'But in 2015 it was speculated whether these funds would be used for a presidential campaign as well, as this would be a direct violation of American electoral law. Its rules prohibit contributions to public servants, foreigners and individuals who execute public orders, as well as anonymous donations of over \$ 100. However, it is still difficult to prove abuse of the law, since in 2009 the US Supreme Court made a decision that allows any public associations to receive and spend funds for conducting an election campaign in an unlimited number and without having to report on the source of financial revenues.' At the beginning of 2018, the US Department of Justice initiated a new investigation into the Clinton Foundation, primarily to determine whether the Fund was involved in any political or other illegal activities during Hillary Clintons term as Secretary of State.

The issue of political corruption often arises in connection with the actions of lobbyists. In 1946, the United States adopted a law on lobbying, which regulated activities aimed at promoting certain business interests in political circles. Legalization of lobbying has made this process transparent. Voters in the United States know when the interests of a business are being advocated by a politician.

'Non-civilized lobbying and political corruption are both similar in that they both aim at subordinating public state decision makers to private interests. Therefore, lobbying is often considered as a legitimate form of political corruption of state authorities. Outside influence will always affect lawmakers and state officials to some degree. Even in a democratic political system it is impossible to entirely prevent it.'

'This process cannot be prohibited, but it can be controlled. Also, the direct bribes can be minimized, as is done in the United States. For this purpose, a legal and regulatory mechanism is created, aimed at making the influence of various interest groups as transparent as possible. This is done through: elimination of the possibilities of legal corruption of the authorities; preventing direct business contacts between the authorities and interest groups (only through professional lobbyist intermediaries, which are strictly controlled by the state); forcing lobbyists and their customers to abandon banal bribery and bribes in favour of legal methods of influence, linking private interests with the public good.'

A gradual stiffening and detailing of legal regulation of lobbying is a characteristic feature for the United States. The Ethical Reform Act of 1989 prohibited high-ranking officials (including former US presidents) from influencing the government throughout the year after completing their term of office. There are also limited opportunities for former civil servants, staff members of Congress, and congressmen to lobby by using their connections from their former work (so-called revolving doors practice, which we have already mentioned, analysing corruption practices in Germany).

The Lobbying Disclosure Act of 1995 obliged lobbyists to indicate their customers, as well as to report all received and disbursed funds.

After the 2005-2006 juicy scandals with lobbyists J. Abramoff \* and A. Kidan, who have been charged with numerous violations of the law, lobbying legislation has been made more severe once again.

The regulatory framework in the United States is aimed at counteracting the manifestations of political corruption, primarily in the state, but the regulatory framework extends to citizens of the state and foreign actors. Thus, the Foreign Corrupt Practices Act of 1977 (FCPA)', in its amended form, is well-known, including the settlement of problems of bribery of foreign officials.\*\* The purpose of this act is to: 1) influence any act or decision of such foreign official, party, official or candidate for such a position during the performance of his official duties; 2) the inclination of such a foreign official, a party, an official or a candidate for such a post to certain actions; 3) evasion from actions in violation of the legal duties of such an official; 4) obtaining any unlawful advantages; 5) the inclination of such a foreign official, a party, to use his influence on a foreign government or its organs in order to exert influence or pressure on any act or decision of such government or its bodies, and to provide assistance in conducting economic activity.'

We can agree with Dovzhanin, who thinks it progressive to adopt the codes of conduct of senators and members of the House of Representatives of the Congress in the context of counteraction to corruption in the United States. Parliamentarians should annually submit a declaration with a detailed description of all incomes and expenditures, including the following items: full earnings, dividends, interest on deposits, income from movable and immovable property; financial and other income received from non-governmental organizations; payment of transport and other related expenses; gifts received from any persons and organizations, in particular in the form of payment for transport costs, meals, hotel accommodation, restaurant treatment, various entertainment; financial and other liabilities, debts owed to them; agreements and arrangements with different organizations about possible work, etc.

Of course, 'political scandals in the United States undermine the trust of citizens and confidence in government actions, but they have not ruined the democratic system of the country. The state demonstrates how anticorruption mechanism can be modernized, reacting to new forms of illegal actions of political actors.'

# 3.4. Political Corruption in Asian States: Distinctive Forms and Methods of Response (Singapore, Hong Kong and the People's Republic of China)

Asia is a problematic region in terms of the intensity of corruption practices in politics and other spheres of life. It distinguishes between state leaders and outsiders in the anti-corruption struggle: there are those who have already produced sufficiently stable immunity to various forms of political corruption and those who imitate anti-corruption reforms; those who try to rely on democratic foundations, and those who, for the sake of a socially useful outcome, turn to unpopular authoritarian mechanisms.'

The task of our research was to unravel the specific forms of political corruption and the mechanisms of anticorruption struggles in Asian countries. 'We have to note that counteraction to various types of corruption, including political, is traditionally an important topic of the national political struggle of many states of the region.' In most of them (Philippines, Malaysia, Thailand, etc.), this struggle was limited to periods of preparation and holding of elections, and then it was nullified or short-lived and narrow-minded populist propaganda campaigns aimed at compiling accounts with political rivals took over. Leonid Gladchenko gives examples of corruption of the presidential clan of H. M. Suharto (Indonesia), Ferdinand Marcos and Corazon Akino (Philippines), Ro De Wu (South Korea), Prime Minister T. Chinavata (Thailand).

A couple of particular topics contrasting Asian states will be examined in this section: first, the most successful parts of the anticorruption strategies of Singapore and Hong Kong (the so-called Asian tigers); and second, China, which chose repressive methods of combating corruption. In the next chapter we will turn to the experience of another group of Asian states - the post-Soviet Kazakhstan, Tajikistan, and Kyrgyzstan, which embody the conservative systems of government burdened with the totalitarian Soviet past. For some parallels in the analysis, we will turn to the experience of other countries in Asia such as Indonesia, Malaysia, Thailand, and the Philippines.

**Singapore.** In research, the problems of political corruption in Asia are the first of Singapore's middle 20 century and at the same time put this state (like Hong Kong) as an example of a successful anti-corruption project.

At the time when Singapore was a British colony, all-encompassing corruption was a socially acceptable, everyday occurrence. The risk of a corruptor being caught and punished was scanty. The anticorruption campaign in Singapore began in 1871 with the adoption of a criminal code, where corruption was declared against the law. Subsequently, corruption was recognized as one of the problems that the British colonial power failed to cope with. This has been attributed by researchers to three reasons: 1) the favorable conditions for corruption; 2) low wage level; 3) insignificant probability of investigation and punishment. Public opinion at that time tolerated corruption: the typical attitude of the majority of Asian countries prevailed; corruption actions were rather a norm, and for all strata of society. Singapore was in a very difficult economic situation, which further contributed to the large-scale corruption of various types.

The breakthrough occurred when the People's Party, having won in elections in 1959, formed a government and initiated the adoption of the Anti-Corruption Act (POCA, 1960). Today, Singapore is among the least corrupt states in the world. As early as 1996, the Political and Economic Risk Consultancy (PERC) identified Singapore as the third least-listed country (after Switzerland and Australia) in the list of the least corrupt countries in the world. From PERC's summary: "There is an anticorruption legal framework in all these countries, but none of them are followed as clearly and consistently as in Singapore. Corrupt officials, especially high-ranking officials, are treated with unprecedented severity.

According to Transparency International, in the Corruption Perception Index of 2016, Singapore, with a score of 84, placed 7, making it the country leader amongst the Asian states. During the years of measuring the index of Singapore, it hasn't significantly fluctuated. Singapore remained in the same position and with the same index in the CPI rating of 2017.

As the first prime minister of independent Singapore, Lee Kuan Yew, noted in his memoirs, 'the political corruption in Singapore was particularly evident in the preparation and holding of electoral campaigns of various levels. Then the competition of ideas and programs of candidates for elected positions was often supplanted by the competition of purses.' The Singaporean leaders realized that such commercial democracy, due to considerable spending on election campaigns, triggers the engine of corruption, since the electoral capitalization of sponsors must necessarily be converted into non-competitive government contracts and unlawful preferences, by assigning posts. The high cost of elections has been recognized as the curse of many Asian states.

After the first elections in Independent Singapore, state leaders published all information on income, real estate, commercial interests, and so on. While taking the oath of office, members of the first government dressed in white clothes, symbolizing honesty and purity of conduct in personal and public life.

Anticorruption legislation in Singapore (the 'Law On Prevention of Corruption' and other acts) provides for an extended definition of unlawful benefits. 'It became expensive and criminalized to abuse the authorities: the maximum fines for corruption were increased tenfold; knowingly false testimonies in anti-corruption cases began to qualify as a crime punishable by imprisonment and a high fine, etc. The government of Lee Kuan Yew managed to achieve a complete non-tolerance of corruption by the public. In practice, the authorities have shown: if a violation is detected, no job position will prevent punishment.

Nysnevich (2017), analyzing the mutual influence of authoritarianism and political corruption, emphasized their interdependence using the example of many modern states. Singapore, it was pointed out, is a unique phenomenon, and an exception to the general trend as its authoritarian regime, on the contrary, led to a minimization of corruption practices. Of course, Lee Kuan Yew created a model of a soft authoritarianism. There were significantly limited political and civil rights, but the economy was intensely stimulated by the development of a competitive market economy, strict compliance with the rule of law and the creation of an effective system of curbing corruption, from which no one received an exception.

The main body of Singapore, which was set up in 1952 to fight corruption, is called the Corrupt Practices Investigation Bureau (CPIB; Corrupt Practices Investigation Bureau), which primarily studied cases of corruption in the upper echelons of power. The CPIB, with extraordinary powers, has become the direct executor of the political will of the Government of Singapore to eradicate political and other forms of corruption. The Bureau carries both preventive and repressive functions at the same time.

The success of Singapore is primarily due to the will and consistency of senior government leadership, as well as the introduction of (contrary to world practice) the principle of 'presumption of guilt' for civil servants. The latter implies that any 'encouragement' of an official is considered a corrupt incentive (remuneration for services) until the opposite is proven; proof of innocence relies on the very suspect (him/herself). Such a strategy for combating corruption is more authoritarian but effective. Indeed, due to this, as well as the will of the state's leadership to change the social disease, which is corruption, is successfully being overcome in Singapore. The Ukrainian scholar Lyudmila Shmal also draws attention to the latter factor, emphazing that 'the presence of the hard political will of the leaders of the country

was attributed to the system of counteracting corruption in Singapore; adoption of effective anti-corruption legislation; application of effective administrative measures; and the creation of a specialized anti-corruption institution.'

Singapore has worked out a special approach towards the issue of combating political corruption. The priority task is to eradicate the conditions which promote it, and not just the criminal prosecution of corrupt officials. 'The anticorruption strategy of Singapore is based on the principle of 'logic in the control of corruption' says Schmal, that means that 'attempts to eradicate corruption should be based on the desire to minimize or exclude the conditions that create both the incentive and the possibility of inclining a person to commit corruption.'

'There are no immunities in this state regarding the investigation of cases of the highest officials and politicians; the control over the incomes of subjects of political corruption is permanent rather than temporary (in some states it is 'remembered' only during the election campaign, especially in the search for some compromising information on a political opponent). During the years of the anticorruption campaign, there were many high-profile charges against high officials, such as the Minister of National Development Tang Kia Ghana, Minister of Environment Vi Tung Boone, Minister of National Development Te Chin Wang, etc.'

'In order to fight corruption in Singapore, they have also resorted to providing funding for civil servants - raising the amount of their salary and the prestige of their work.' Here we quote Prime Minister Lee Kuan Yew: 'The small power given to people who can not live well on their salary creates incentives for its misuse.' The salary of the Prime Minister of Singapore (about 600 thousand US dollars) significantly exceeds the remuneration of the leaders of other leading countries of the world. However, it should be borne in mind that in many countries official salaries are not the basis for the income of the first persons of the state (there are various privileges that are minimized in Singapore). 'All kinds of fringe benefits are perceived as ruining people and turning them into people who compromise, which in turn is seen as one of the causes that creates political and bureaucratic corruption. Singapore's ministers are responsible to the prime minister; they annually declare both their incomes and their family members' income. If the prime minister doubts the integrity of his cabinet members, he initiates an official investigation. On the whole, the Singapore experience has shown that adequate remuneration is vital to maintaining the integrity and morality of politicians and high officials,' states Kushnarov.

To sum up, Singapore 'managed to create a climate of honesty and openness that moved political corruption into a category of socially inappropriate behaviour. However, the experience of this state, although it can be used as an example, is not fully transferable (given the different national cultures) to most of the world's countries for which the problem of political corruption remains an issue.

Hong Kong. The researcher Susan Rose-Ackerman sets not only Singapore, but also another Asian state - Hong Kong, as an example of states which have created successful independent anti-corruption authorities that are directly subordinate to the head of government or parliament. 'Corruption in Hong Kong of all levels and types was a long time characteristic of this special administrative district: in the late 1950s and early 1960s, corruption fully covered the state (as well as private) sectors. As in the case of Singapore, in Hong Kong at that time, corruption was a lifestyle necessary for survival. The volume of political corruption in Hong Kong was such that people spoke figuratively that you can 'jump into the bus' (i.e. actively engage in corrupt practices) or 'run behind' (be an outsider not included in the established system of rules of the political game), but you can not 'stand in front of the moving bus' (i.e., to oppose or complain).'

'The springboard for change was the economic and demographic crisis of the early 1970s, which led to an increase in attitudes of the population towards protest, as well as a wave of demonstrations in 1973, caused by the escape of high-ranking officials suspected of corruption. In 1974, the Independent Commission Against Corruption (ICAC) was formed. The method of combating corruption was not only a repressive form of punishment, but also measures to prevent corruption practices. The success of the anti-corruption struggle was made possible by the consistent support of the state: as in Singapore, Hong Kong showed the political will of the supreme leadership.'

'Nowadays Hong Kong belongs to the 'cleanest' territories of Asia (according to the Corruption Perceptions Index), falling behind only Singapore, having attained 77 points out of 100 possible in 2017 (13 in the world by rank). Over the past six years, these positions have remained virtually unchanged (fluctuations within the range of 74-77 points).' According to Hong Kong public opinion polls, about 99% of respondents approve the activity of the ICAC. More than 90% of all information about unlawful acts of corruption has its source from the public. 'And in the early 1970s, less than a third of citizens were ready to provide data that concerned themselves.'

'For Hong Kong senior officials, as for Singaporeans, the presumption of innocence has been abolished. In fact, laws are on the model of a military tribunal in the presence of a person who has a reasonable suspicion. In Hong Kong, they stopped pursuing those who give a bribe (that is, the official is always guilty).' It is believed that the foundation of anti-corruption success was not so much the creation and operation of the Independent Commission Against Corruption (ICAC) as it was the "real civilian control over the activities of this commission, which did not allow it to become a part of the criminal network.'

*China*. As far as China is concerned, the problem of political and other forms of corruption are more complicated. 'It is difficult to compare the anticorruption strategies of this country with other Asian states, at least in view of territorial, socio-demographic, political and other differences. China as a state has a millennial tradition of privileged bureaucracy, and it impedes the emergence of effective democratic anti-corruption mechanisms.

Chinese Politician and Communist Deng Xiaoping was famous for sayings: 'You will not get rid of criminality and social ruination using the soft hand.' 'The world's media regularly report on the executions of local corrupt officials, while Chinese media broadcast last moments before execution. This reflects an understanding that the repressive fight against corruption is defined as a guarantee of the prosperity of the state.' 'China was more likely to struggle with the symptoms of the problem (that is, corrupt citizens) rather than the sources of political corruption practices for a long time.' Only in the period of 2000-2010, about 10 thousand officials were executed in China for corruption, that is, on average, three persons a day; however, it should be noted that the exact number of those sentenced to death is not well known, since according to Chinese laws such information is not subject to public release. 'The practice of absentee sentencing was in force in the country. In general, over the past thirty years, about a million workers of the

party-state apparatus have been convicted of crimes for corruption actions.' However, despite public executions or sentencing to life imprisonment, it has not been possible to eliminate political and other forms of corruption in China.

The Chinese statesman Jiang Zemin, at the end of the 20 century and the beginning of the 21 century, formulated new principles in the fight against corruption, combining preventive and radical measures\*. Andrei Makarov, indicates that among the methods of combating corruption in present-day China, first of all, the following: 1) permanent rotation of personnel in all government bodies; 2) control of the provincial unit of the party and state apparatus, limiting its independence (instead of strict conditions for following the center line).

Larisa Smirnova observes the persistence in the legislation and law enforcement of the People's Republic of China of strict orientation towards the criminal anticorruption policy. It is expressed in the absence of immunity from criminal prosecution, even for the highest officials. But, according to the researcher, at the same time, the use of the death penalty for corruption has been decreasing in recent years. We cannot confirm the last thesis of Larisa Smirnova, as is not possible because the information is closed, as has been prior noted.

The main weakness of the Chinese anti-corruption system is that they have preserved the conditions for corruption, which is 'discretionary decision-making and opacity of public administration.' 'Obviously, this follows from the fact that in traditional Chinese political culture, unlike the western one, the emphasis was always made not on the law, but on the moral education of people who are called to take important state and political decisions. State and political figures, following a rigorous selection, became an example of original standards of social morality and were empowered to make discretionary decisions (that is, at their own discretion). At the same time, such concepts as the system of checks and balances, the fairness of procedures, have not received support from traditional China. And today, the People's Republic of China regularly emphasizes the inappropriateness of the Western model of separation of powers, and in the system of anti-corruption struggle, the concepts of law and party discipline are intertwined (as the plexus of law and morals in ancient China)'. 'Interested individuals and groups in the People's Republic of China realize their interests not through democratic mechanisms, but through corruption lobbying in the upper echelons of the party.'

We must consider that the specificities of political culture of the People's Republic of China are characterized by insufficient transparency of public administration. The country does not have free access to legislation. Laws are adopted without public discussion, and there is no open representation or access to law makers. There is no statutory formal way of making court decisions public, only a small number of full court rulings can be accessed. There is no public access to government revenue statements and property. An anti-corruption bureau as the main anti-corruption body in the People's Republic of China was created on the model of Honkong (the aforementioned ICAC), but this body is not independent (it is a unit of the People's Prosecutor's Office), which reduces its effectiveness.

The peculiarity of the corruption situation in the People's Republic of China is 'the lack of effective laws, business rules and permits for its management, the absence of legal and effective channels of dialogue between party power and private business, a mechanism for considering the interests of capital and of the new middle class.'

'In the 21 century, the traditional attributes of the former political system were retained in the People's Republic of China: a monopoly on power in the hands of one party, a tendency to concentrate powers in the hands of one leader, ideological control over the media, and the lack of mechanisms of public control over the actions of the party and lack of state bodies which are independent from the authorities. These and other factors significantly impede the effective eradication of political corruption in the People's Republic of China. Political corruption, which often has a clan or family background, is the main reason for deepening the crisis of confidence in the political institutions of the People's Republic of China. This leads to a deepening of the crisis of Chinese confidence in national political institutions.'

'In our opinion, the experience of the People's Republic of China shows: to reduce the extent of political corruption, it is not enough to restrain severe punishments only. The elimination of the conditions for the development of corruption practices, as well as attention towards their prevention (taking preventive measures) is necessary.'

We must note that the important characteristics of the political systems of most of the Asian powers are not only political corruption inself, but also non-conformism, cronyism, clanism and other informal practices that undermine formal institutions. The relatives of most Asian politicians are also involved in the political sphere. Obviously, it should be borne in mind that many Asian communities are Confucian, which have a great role for personalism. Therefore, many issues are solved by establishing informal ties.

Characteristically, the level of informal institutionalization correlates with the indicators of modernization, the progressive development of a state. Corruption is particularly pronounced in the poorest countries in Asia, in which dictatorial regimes, fearing overthrow, are forced to rely on support by family clans to strengthen their own power. A narrow circle of owners of large capital is forced to seek support from relatives to save capital, and hence power. We also have to note that strong cronyism is typical for Asian countries (primarily Hong Kong, Malaysia, Singapore and the Philippines) and that it is 'capitalism for relatives': entrepreneurial success depends on the personal informal ties of the entrepreneur with the authorities.

## 3.5. Tools to Cope with Political Corruption in the Central and Eastern European States

'A group of states, united under the general name of 'the countries of Central and Eastern Europe,' indicates post-communist states. Despite the similarity of development in the second half of the 20 century, these states now show somewhat differing paces of development. Most of them are members of the EU and NATO, and are rapidly democratising. One of the vectors of their democratization is the effective counteraction to all forms of corruption, including political ones.'

Since the group of Central and Eastern European countries is a rather ambitious subject of study, we will focus on the problem of political corruption and ways of resolving it based on two states - Romania and Bulgaria, and also turn to

some examples of the political process in Hungary and Poland. We will trace the specificities of manifestations of political corruption and mechanisms for its minimization (especially in the context of their membership in the EU for over a decade), as well as reveal the differences in the anti-corruption strategies of these two, at first glance, similar in the latest evolutionary development of states.

According to Olena Hubriyenko, referring to international experts, despite positive changes in a number of states of Central and Eastern Europe after accession to the EU, political development 'is complicated by relics of the communist regimes, the low level of legal culture in the population, high corruption, slow implementation of reforms.' Perhaps this is the reason for the mediocre positions of Romania and Bulgaria in the ranking of states according to the Corruption Perceptions Index, as well as the tangible decline of Hungary and, to a lesser extent, of Poland in this list (see Table 2).

## Table 2

55

## **Corruption Perceptions Index**

# for the Countries of Central and Eastern Europe

Country
2017
2016
2015
2014
2013
2012
Romania
48
48
46
43
43
44
Bulgaria
43
41
41
43
41
41
Hungary
45
45
51
54
54

First of all, in our analysis, we want to refer to the experience of Romania, because this country is often compared with Ukraine (especially in the context of the events of the beginning of 2017, which we will discuss later). 'In the 1990's, corruption in Romania was absolute, and at the time of joining the EU in 2007, this state was named as one of the most corrupted in Europe.' Before the entering the EU, the state of corruption in Romania raised concerns in the EU institutions, the problem of inadequate counteraction to this phenomenon was the main concern of the EU.' 'But today we can declare that thanks to an active civil society, Romania has made significant progress in minimizing corruption practices.'

The first major attempts made by Romania to counteract political corruption came from the period of preparation to become a member of the EU. The country was subjected to severe pressure from the European community, which resulted in a package of anti-corruption reforms. The most successful of these was the anti-corruption campaign 'Coalition for a Clean Parliament' (2004). According to its results, 98 people with dubious reputation were excluded from parliament, as society prevented their election. Public initiative forced the checking of future parliamentarians on a number of criteria (there was a kind of party purification): whether the candidate had a conflict of interests, especially during privatization; whether he had held high positions while conducting business; whether the candidate had been accused of corruption, fraud, misuse of resources; whether a candidate was involved in dubious privatizations of state property; whether a candidate had private assets which don't comply with the submitted declaration; whether a candidate had a business with debts to the state budget; and, finally, whether a candidate had been accused in a criminal or other case. The 'Coalition for a Clean Parliament' campaign was the first major success of the Romanian civil society to cleanse power. The inquiries were able to shift public opinion against the political class and its privileges.

Following the results of 2004 parliamentary elections, further anti-corruption initiatives, such as the 'Coalition for a Clean Government', were launched. A similar kind of coalition model had been exported and used in other countries, first of all - in Central and Eastern Europe. In 2007, when Romania became a member of the European Union for the first time in the European Parliamentary elections, candidates were screened using similar criteria, as during the election campaign to the national parliament in 2004. In particular: Did the candidate have a significant income due to the consequences of a conflict of interest during his stay in the public office? Is the candidate under investigation? Verification of the transparency of declared income and property by checking it against the livelihood of the candidate, etc.

In the ranking of states according to the Corruption Perceptions Index of 2017, Romania took 59th place in the world, which is not that bad; it has improved its position from year to year or has at least kept even. Based on the results of 2017, Romania's result is better than some other EU countries in the Corruption Perceptions Index: Greece (60), Bulgaria (72), Hungary (66). It also compares favourably against the countries of Central and Eastern Europe: Montenegro (65), Belarus (68), Serbia (78), Albania (91), Bosnia and Herzegovina (92), Macedonia (109), and Ukraine (134) place.

In 2012, mass protests against corruption in Romania began with a certain regularity . Not all of them concerned political corruption. For example, mass protests were caused by significant human casualties during a fire at the 'Colectiv' nightclub (2015). There was a protest against administrative corruption, according to which this nightclub operated. In that period, the protesters were united by the slogan 'Corruption kills!' We have highlighted this protest because it was the starting point for many representatives of the public sector who, in anti-corruption waves, came into politics, and led to further protests against political corruption in 2017-2018.

In the period of 2012-2016 (as can be seen from Table 2), there is evidence of some positive anti-corruption dynamics developing in Romania, but not significantly. Then, in 2017, the government tried to pass a decree on amnesty and decriminalization of crimes committed by officials, thus political corruption once again tried to become a decisive model of the behavior of political actors in Romania. However, the public fought back with the wave of anti-corruption speeches of 2017.

Note that 'the situation with political corruption in Romania, despite the 2017 protest, is still very different from Ukraine, because the real anti-corruption struggle has already been conducted by the Romanians for many years.' Just in 2014-2016 about two thousand people were convicted of abuse of power, including ex-Prime Minister Adrian Nastase, ministers, deputies, senators, etc. Based on the Italian model, the Anti-Corruption Directorate of Romania (Direcția Națională Anticorupție, DNA), was established in 2002 and operates effectively. The DNA has a very high level of support among Romanians - 60%. For comparison: the support of the parliament is 21%. The DNA result is 'not only a record for state bodies over the past two decades, but also the first time when trust in public service outpaced the trust of the church.' Ukrainian scholar Natalia Akhtyrska believes that 'Romania is characterized by the most aggressive anti-corruption policy in the European Union.'

The protests of 2017 were caused by the Romanian government adopting a decree (January 31, 2017) on amnesty and decriminalization of crimes committed by officials. Against corruptors who caused losses to the state of less than 200 thousand lei (47.8 thousand euros), criminal cases were not to be opened, and the term for the corruption offenses

was reduced from 7 to 3 years. Also, according to the plans of the government, they wanted: 1) to grant amnesty to those convicted of corruption crimes for less than 5 years (about 2.5 thousand people, including those convicted of political corruption); 2) to declare that a corrupt act could not go into force less than six months after its commission. In fact, it was about decriminalizing individual corruption offenses. On February 5, 2017, forced by public pressure, the decree was canceled. To summarise, 'this decree would have helped the head of the leading Social Democratic Party of Romania, Dragni, avoid his responsibility. This politician has a conviction (the suspended sentence of 2016) for pushing votes in the 2012 referendum concerning the impeachment of the President T. Basescu. This did not allow Dragni to claim public office. In fact, the adoption of such a resolution would have enabled the return of several dozen representatives of the party who were under investigation for abuse of power. The Social Democrats, having won the elections in December 2016, were the initiators of a change in the anti-corruption legislation, lobbying for the interests of their party members.'

After the first days of anti-corruption protests in Romania (commencing on January 18, 2017), Romanian President Klaus Johannis expressed (on January 24, 2017) the idea of holding a nationwide consultative plebiscite to amend the criminal Code of Corruption, and the parliament supported (13.02.2017) his initiative. There is no exact formulation of referendum questions and its date has not yet been determined (as of the end of 2017).'

In September 2017, for the second time in a year, large-scale anticorruption speeches took place in Romania, due to changes announced by the government on 23.08.2017 in connection with the intention to eliminate the political independence of a special anticorruption body in the judicial sphere - the Judicial Inspectorate (in other sources, the name of the organ is translated as the Legal Inspectorate). This body is formed by the Minister of Justice. The government also proposes to limit the powers of the president (the current Romanian President Klaus Johannis supports the separation and balance of powers), and agrees he should not appoint the leader of the prosecutor's office and the National Anti-Corruption Department. The powers have have been offered to the Minister of Justice. At the same time, it should be noted that the new protests had fewer participants than in early 2017, because the government, having examined its previous mistakes, engaged in a broad preliminary discussion of the bills. Clearly, the discussion was ineffective from the standpoint of civil society, as on 05.11.2017, protests erupted with renewed vigor against the subordination of the justice system to Romanian politicians. They continued in early 2018. The changes planned by the Romanian Ministry of Justice are considered by the public as leading to political control in the judiciary (which the public doesn't want).

In January-February 2018, the wave of protests was a continuation of civil society's expression of dissatisfaction with the Romanian government's policy and the controversial reform of justice. On the night of January 22 to January 23, 2018, up to 30,000 protesters appeared on the streets of Bucharest. They were supported in other major cities of Romania. The resumption of protests was caused by the adoption at the end of 2017 of acts that complicate the prosecution of corrupt officials by anti-corruption bodies. We see in Romanians a clear understanding of the risk of Romania's non-accession to the Schengen agreement, in the event of the introduction of a controversial government program in the field of justice.

Political scientists, analyzing the events of 2017-2018, state: 'What happened in Romania is a great lesson on how civil society should act when politicians try to use power as a source of gain. In the end, corruption in any of its manifestations is not only an economic loss for society, it is a blow to the personal freedom of honest citizens. And it is already possible to state: Romanians have responded to this blow with honor.'

We have to note: during the entire post-totalitarian period, there were virtually no electoral campaigns in Romania, during which bribes and other forms of political corruption were not recorded. The most common form of the latter was the use of donor funds, which later put forward demands for lobbying their interests. This is what led to the adoption in 2015 of a law on the financing of political parties and electoral campaigns, which is constantly being amended. Election campaigns are funded by the state budget (subsidies), with the possibility of cash loans by parties from individuals and legal entities, but only through documents certified by a notary. The contract shall stipulate the procedure and maturity of the borrowed amounts, and the term may not be longer than 3 years. At the same time, the loan and the return of money can be made only through bank transfer. Also, this act prohibits the distribution of goods with electoral symbolism. Cash donations of over 10 minimum wages can only be made through bank transfers. The maximum size of all donations is clearly legally regulated, which should contribute to the transparency of the election campaign.

**Bulgaria.** Bulgarian experts have long recognized that corruption has become part of the state machinery. Back in 1997, the Bulgarian Academy of Sciences conducted a nationwide survey, in which 41% of respondents noted the corruption of state power as a complex problem that had come to the fore, according to Tani Chavdarova. 'Corruption is so deeply ingrained in the functioning of the state as the Bulgarians say: there is no mafia in the country, because the Bulgarian state is a mafia itself.' The frequent corruption scandals that have taken place here since the 1990s and have not stopped in the 2000s have caused a chronic distrust of Bulgarian authority institutions. The level of trust of local officials is very low. However, we must note: the general dissatisfaction today, in general, with public authority is spreading in the world. Likely many would have complaints about the level of honesty of their politicians. In fact, the Bulgarian political scientist Daniel Smilov points out this trend, analyzing the problems of Bulgarian's confidence in power.

Bulgaria, according to the latest estimates in 2017, has a mediocre 72 place in the Corruption Perceptions Index, the lowest among EU Member States. Moreover, according to Transparency International data (see Table 2), only the last year was there evidence of a positive anti-corruption dynamic (a two point gain in the ranking and a rise from 75 to 72 place in countries of the world list). Instead, President Rumen Radev states: Yes, there is corruption in Bulgaria, but I would not call Bulgaria the most corrupt country in the EU. Instead, according to the report of the Democracy Research Center (within the framework of the Southeast European Development and Integration Initiative, 2014), among ten countries in the region of Central and Eastern Europe in terms of corruption, Bulgaria has reached its highest level in the last fifteen years. 'Only one state in south-east Europe according to the results of this report turned out to be more corrupt than Bulgaria – this is Albania.'

Paradoxically, R. Radiev, on the one hand, does not seem to regard Bulgaria as the most corrupt in the EU, but on the other - declares that he does not see 'the political will to fight corruption at the highest levels of power.' Meanwhile,

we believe that the political will must first be demonstrated by the leaders of the state (that is, Rumen Radev etc), as by the successful leaders of other states, such as Singapore's Prime Minister Lee Kuan Yew. We must note: in early 2018 Rumen Radev vetoed the anti-corruption law passed by the Bulgarian Parliament as insufficiently strict for overcoming corruption in the country (the parliament quickly overrode this veto).

Political corruption in Bulgaria is impressive in its size. One example is the situation in 2014 with one of the largest banks in the country - the Corporate Banking Trade Bank, which was brought to bankruptcy. The key owner and head Ts. Vasiliev was so influential that he was called the 'puppet master' of Bulgarian politics, as an informal participant in the adoption of key government decisions, he funded certain politicians. 'The activities of the bank were characterised as having created a financial pyramid, and Ts. Vasiliev was accused of grand-scale theft. Instead, the deft banker managed to 'prove' that the bankruptcy of the bank and its prosecution were carried out by the Bulgarian authorities for political reasons, thus shifting the guilt from himself onto public authorities.'

Among the reasons for the persistence of political corruption as well as the ineffectiveness of law in Bulgaria, is total chaos. Each newly elected government appoints 'their people' to key positions in government administration. Therefore, any prosecution of senior and former officials is qualified as a 'political persecution' and never ends in the assessment of guilt and corresponding punishment. Lawsuits last for years; those who have recently been arrested and found guilty, could be completely pardoned by Bulgarian judges, their cases could be stymied or completely closed, and those involved in such cases may again be nominated for elective office. One example is Boris Borisov, who has already been elected for the third time as prime minister as the leader of the center-right party 'Citizens for the European Development of Bulgaria, who won the extraordinary parliamentary elections of 2017.

'It appears that the current political situation in Bulgaria is due to the reluctance of political elites to consistently fight monopolists through a corrupt system of state administration. Corruption significantly reduces the effect of EU financial assistance. Unresolved issues of reforming judicial and law enforcement agencies remain. For these and other reasons, Bulgaria (like Romania) is still not in the Schengen zone of the EU.'

The Bulgarian researcher Semizhenko (2017) points out a number of characteristic sociopolitical tendencies, which explicitly clarify the reasons for the preservation of corruption practices in Bulgarian politics and the slight progress in their extermination: 'The country fell into the usual post-communist trap: we were in a gray zone between socialism and capitalism. Old rules are not valid, and new ones are still vague, several families form all of Bulgarian politics: decide who to stand for and what will be the voting process, our media is dependent. Officially, they are free, but if we analyze the content, one can understand that the information is presented in the interests of a certain political force. Qualitative journalistic investigations will rarely be seen here. If you, for example, make deep material about the current Bulgarian problems - you will hardly be able to post it in any influencial place. The owner is usually closely linked to the political elite, so he is interested in their loyalty.' The researcher Anton Semizhenko thinks 'the state to be corrupt. And if the government does not want to stop being corrupt, it will remain the same.'

The European Commission's monitoring report, released in early 2017, states that Romania and Bulgaria over the 10 years of EU membership have failed to comply with key recommendations on justice reform and the fight against corruption, despite some progress in these areas, states Eszter Zalan. The extent of progress of the two states is also evaluated differently: Romania is described as having 'significant progress' and Bulgaria's progress is 'not as fast as expected'. The main problems of Romania are as follows: despite the presence of convictions against high officials, the general level of corruption still needs reduced. The required code of conduct for parliamentarians has not yet been established and the rules for the removal of immunity from deputies should become more transparent, so as not to perpetuate the avoidance of justice. As for Bulgaria, the situation is assessed as being much worse: the country must complete the implementation of the national anti-corruption strategy, establish an anti-corruption body, and strengthen the independence of the judiciary.

On August 4, 2017, a law was passed that provided for the creation in Bulgaria of a new court, an anticorruption court. Its appearance intensified the struggle in the upper echelons of power. The creation of such a court immediately caused criticism, especially by non-governmental organizations, who feared politically motivated decisions of the newly formed structure. It is too early to draw conclusions about the appropriateness of such a hypothesis.

After analyzing two states with a common totalitarian past and synchronous accession to the EU, we can state the differences between their positions on political corruption and its eradication. 'Romanians, unlike the Bulgarians, demonstrate a clear opposition from civil society to corrupt practices in politics.' In Bulgaria, there were no strong anti-corruption demonstrations, the public was sympathetic to 'softening activism', and interested political actors liked the public's inertia. Information has been sought regarding Bulgarian anti-corruption protests; the latest protests found were recorded on March 2013, and they were characterized as 'sluggish' (several dozen participants). It seems sometimes there are more police than protesters. This dramatically distinguishes Bulgaria from Romania. Bulgarian researchers assess the civil society situation in Bulgaria as weak and generally they enquire, as did Rumenov-Stoychovska, 'Is there a civil society in Bulgaria?'

The above makes it possible to state: the effectiveness of anticorruption strategies is directly correlated with the level of interest of civil society, whose active participation makes it possible to minimize attempts by political actors to develop rules of the game for themselves. It is an initiative civil society that creates an atmosphere of intolerance for political corruption, continuously monitors the government's activities, provides information openness in society about the state of corruption and the effectiveness of anti-corruption measures. In Romania, compared to Bulgaria, the level of public condemnation of corrupt officials is much higher, and the level of tolerance of the population to corruption in politics is lower. The Romanian 2017 protests demonstrated the long-term awareness of the society regarding long-term threats from corrupt acts and the danger of further tolerance of corruption practices. Bulgarians have no progressive anti-corruption tendencies yet.

In addition to the analysis of political corruption in Romania and Bulgaria we will look at *Hungary* and *Poland* who are also in Central and Eastern Europe but joined the EU several years earlier. In our opinion, this is useful for demonstrating that not only Romania and Bulgaria within this region of Europe have difficulties with political corruption and minimize its devastating effects.

This section regarding political corruption in Hungary has been updated due to the intensification of neo-authoritarian

tendencies initiated by the government of Victor Orban and the governing party Fidesz that underpin the model of illiberal democracy as described by Fareed Zakaria in 1997\* in the last decade in this state. The policy of this state is rapidly radicalizing, the influence of populist parties is growing, and along with these tendencies political opacity is also growing, and various informal destructive institutions are intensifying, in particular political corruption.

The rise of the worrying tendencies of corruption 'capture' in Hungary is confirmed by the Corruption Perceptions Index, where the country's scores of the past six years are consistently declining: 2012 - 55, 2013 - 54, 2014 - 54, 2015 - 51, 2016 - 48, 2017 - 45 points. In 2017, Hungary fell sharply to the 66 place amongst the investigated states, leaving behind only Bulgaria, but Bulgaria is improving its scores, as we noticed above.

The analysis of Hungary's Prime Minister Victor Orban's national policy suggests that he is building a deeply corrupt system aimed at meeting the needs of a narrow circle of people. Both the prime minister and senior officials of the Fidesz party are involved in non-transparent tenders, withdrawal of capital in offshore ('Panama Papers'), and other similar self-interested activities. Independent journalists' investigations which were made public in recent years have provided the facts that the members of the Orban family are enriching themselves due to the opaque winning of tenders for large social projects funded primarily by the EU and the loss of subsidies granted by the EU. It seems that such corruption was made possible by the weakness of the Hungarian civil society, which is further oppressed by restrictive measures introduced by the state in 2017 (discriminatory legal and administrative measures).

Poland is among the countries that have achieved some success in reducing corruption practices in recent decades; its position in recent years on the Corruption Perceptions Index (CPI) is average among EU states. However, in 2007 before Romania and Bulgaria were accepted into the EU, Poland was the most corrupted country. In 2012-2016, the state slowly improved its Corruption Perceptions Index (2012 - 58, and in 2016 - already 62). 'But in 2017 there was a decline down to 60 points, which moved Poland from the 29 immediately to the 36 place in the world.' This is a very disturbing trend.

Recent history in Poland is full of numerous episodes of political corruption by high-ranking officials: bribes, undeclared gifts, conflict of interest, lobbying for remuneration, have all been issues. A huge source of corruption abuses was the football championship 'Euro 2012' (tenders for infrastructure construction). Having said that, Polish citizens in general understand all the threats of political, administrative and other types of corruption, in contrast to, for example, the Bulgarians, who do not protest against corruption. The 'biggest Polish protests in 2017 were against controversial judicial reform and tightening legislation on abortion, not corruption.' Also, the announcement at the end of February 2018 of the worsened Corruption Perceptions Index for 2017 did not lead to protests (as it did in Hungary).

\* \* \*

- 1. The states of Southern Europe, which have been selected for analysis by us have been under the influence of the financial crisis since 2009. There is a two-way relationship: the deep-seated consequences of this crisis are provoked mostly by political corruption, and political corruption is further aggravated by the economic downturn. Corruption at all levels constrains the development of these states. The interweaving of business and politics has transformed the Southern European states into the largest external debtors of the EU. Corruption and the dominance of the client-patron based relationship are factors which hamper reforms. This is despite the Southern European states joining the newest anti-corruption initiatives, regulating party financing, and establishing reasonable restrictions to prevent conflicts of interest to ensure policy transparency. Among the most common problems associated with political corruption are the opacity of business-to-government relations and the closed nature of lobbying.
- 2. Great Britain and Germany are examples showing that political corruption is a 'disease' which affects all states regardless of the level of socio-economic development and political regime. The only difference is the level of such 'infection'. Despite their advanced economic positions, neither country is an anti-corruption leader (like Denmark, Finland, and Sweden. Relying on anti-corruption values provides them with strong, high-ranking positions in anti-corruption ratings. Political corruption is generally perceived as a political pathology, but neither the United Kingdom nor the Federal Republic of Germany are states with zero tolerance to it. The high level of political and legal culture along with the development of civil society lead to the resignation of politicians in the face of corruption exposure. The mechanisms of anticorruption security of these states are improving dynamically.
- 3. The United States has implemented a national strategy to combat political corruption, but gaps still exist. The first concepts of political corruption were constructed while investigating the circumstances of the Watergate scandal. Permanent searches for methods of reducing electoral corruption, primarily through the disclosure of donors and the introduction of restrictions on donations from individuals, continue. However, the possibility of unlimited contributions from organizations remains. Permanent innovations in the financing of election campaigns further shadow this process, making hidden ('grey') schemes possible. This is due to the lack of clear norms in the US Constitution which govern the activities of political parties. Political parties are equated with any other public organization (all non-profit associations are designated as 'corporations'). Proof of abuse is complicated by the decision of the Supreme Court of the United States (2009), which allows public associations to receive and spend funds for election campaigning in an unlimited amount and without the need to report on the source of financial revenues. American lobbying was regulated by law in 1946. Legalization of lobbying makes transparency and control possible. The adoption of conduct codes for senators and members of the House of Representatives in Congress is progressive. In general, the US practice demonstrates how anticorruption mechanisms can be modernized, reacting to new forms of illegal actions by political actors.
- 4. Asian states are problematic since a high intensity of political corruption is tolerated in most states. State leaders are not subject to political corruption charges, despite their obvious abuses of political power. Declarative anti-corruption reforms are used during populist propaganda campaigns to give a semblance of proper governance. The states of Asia differ in the choice of methods of anti-corruption measures: some rely on democratic foundations, others turn to authoritarian mechanisms. An example is the corruption of the presidential clans of H. M. Suharto (Indonesia), Ferdinand Marcos and Corazon Akino (Philippines), Ro De Wu (South Korea), Prime Minister T. Chinavata (Thailand) and others. The most successful anti-corruption strategies have been implemented in Singapore and Hong Kong, both known for strict anti-corruption measures for all, even those in powerful positions. The People's Republic of China has

chosen repressive anti-corruption methods, which has not led to the formation of an anti-corruption culture. Paradoxically, the closed system relies on anti-corruption values within its citizens.

5. While assessing the effectiveness of countering political corruption in Central and Eastern Europe, the examples of Romania, Bulgaria, Hungary and Poland demonstrated the specificities of regional corruption manifestations and methods of countering corruption.

Romania and Bulgaria have not yet fully complied with the European recommendations on justice reform and the fight against corruption continues despite over ten years of EU membership. There is significant progress. Political corruption is one of the factors hindering the progressive development of both states. The public perception of political corruption in both countries and the active opposition to it are improving. Unlike the Bulgarians, the Romanian civil society demonstrates consistent opposition to corrupt practices in politics, as proven by the 2017 protests. In Bulgaria, there have been no powerful anti-corruption rallies; the public tends to express their position at the level of 'arm-chair activism'. Romanian society has a solid awareness of long-term corruption threats and the risk of further tolerance of corruption practices in Romania. There are insufficient grounds to make this same statement regarding Bulgarian society. This makes it possible to conclude that the effectiveness of anti-corruption strategies is directly correlated to the level of development of civil society, whose active participation makes it possible to minimize attempts by political actors to develop rules of government for themselves.

The analysis of political corruption in Hungary has shown alarming tendencies in the growth of corruption practices in the face of the government's overthrow of democratic transformations and the development of a model of illiberal (non-liberal) democracy. As far as Poland is concerned, the successes in counteracting corruption have been significant, however, in the past year, Poland's Corruption Perceptions Index indicators have deteriorated significantly. This raises concern regarding the effectiveness of anti-corruption measures and the level of Polish civil society's involvement.

#### Chapter 4

Corruption Element in Post-Soviet States' Political Processes and Assessment of Their Political and Legislative Response Mechanisms

### 4.1. Political Corruption in the Baltic States:

## Success in Mitigating its Effects

'In recent years, the Baltic states have made significant progress in decreasing political corruption and mitigating the influence of their Soviet past. Estonia, Latvia and Lithuania are often compared to Ukraine. Therefore, their experience interests researchers.' Research is lacking on political corruption in the Baltic States. Many resources available analyse anti-corruption mechanisms in the context of law. Mechanisms which have been developed by these states during the post-soviet period have been examined.

Their Corruption Perceptions Index (CPI) scores is evidence of their success. Based on results of their 2017 CPI scores (Table 3) Estonia holds the 21 rank in the world, Lithuania - 38 and Latvia - 40 rank. What is more, their continuous progress in this on-going battle is impressive, as their 2017 results were higher than their 2016 results, judging by their ranking. In 2016, their rankings were: Estonia - 22, Lithuania - 40, and Latvia - 45 respectively, which proves their positive dynamics. The only post- state that has similarly successful indicators is Georgia.

Table 3

State

#### Corruptions Perceptions Index in the Baltic states

2017
2016
2015
2014
2013
2012
Estonia
71
70

70 69

Latvia

58

57

55

55

53

49

Let's examine the Baltic anti-corruption models, developed in each country, which may perhaps be useful in the Ukraine.

*Estonia*. This state is deemed to be the least corrupted among the post-soviet states and belongs to the least corrupted states in the EU. On a global scale, the corruption level in Estonian is below average. However, large-scale organised crime and corruption were common in Estonia some quarter century ago.

'The Estonian anti-corruption model is based on reforms achieved in 1992-1995, when Mart Laar served as Prime Minister. Severe judicial and state service reforms were undertaken. The executive branch of the government was reformed: 'no to domination and yes to the Western European model, the German type, which envisages contractual relations, statutory compliance and independent and professional courts.' Estonia had an insistent demand for a massive clean-up of the government from the Soviet personnel: Mart Laar's reforms were performed under the slogan, 'Let's Make the Place!' (in Estonian – 'Plats puhtaks!'). The public interest was supported by non-declarative political will-power of the state leadership with no corruptive links with the old regime.'

It's worth noting, that cleansing did influence the level of political corruption in Estonia: it was not a 'pure and simple' process; however, it was a 'national cleansing'. De-sovietisation and the removal of the soviet bureaucratic (nomenclature) system of public administration was performed through a national cleansing.

Estonia is remarkable for its comprehensive anti-corruption regulations. We should emphasize the most recent regulation the Penal Code of Estonia (2002) that strengthens responsibility for corruption offences. In 2013, the Anti-Corruption Committee of Ministers developed an anti-corruption strategy called 'Honest State and Supervision.'

Estonia was the first state that allowed its citizens voting with internet: it is one of the steps to mitigate electoral corruption; for the first time ever, this tool was appraised during local elections in 2005.' Only 1.85 % of voters exercised this right; in 2007, this tool was applied during parliamentary elections when more people exercised their right again. In 2009 9.5 % of citizens exercised their right during local elections; in 2011 during parliamentary elections, this figure increased to 24.5 % of citizens. The number of internet voters has continued to increase.'

Abuses in financing political parties is traditional and might be one of the key instances of corruption. In Estonia, this issue was partially solved by introducing a model with mixed financing of political parties: it comprises public financing (provided to parties that participate in elections with at least 1% of votes) and private contributions with no restrictions. (which sparks discussions).' Contributions from legal entities are forbidden (since 2004 when Estonia accessed the EU). As O. Semynin says, 'is one of the most essential steps in preventing corruption in financing political parties.' 'Contributions by individuals are unrestricted. The total expenditure of parties for campaigns is also unrestricted. However, contributions to members of parliament are restricted by the Anti-Corruption Law of 1999. This is an attempt to prevent uncivilized lobbying as such contributions may directly or indirectly impact impartial or objective influence. At the same time, the Anti-Corruption Law does not establish restrictions on the amount of contributions from members of the parliament or any legal entities linked to them. Parties are allowed to take out loans from credit bureaus. All contributions from individuals must be published in a special register of contributions.'

Under the Estonian Law 'On Non-Commercial Organisations', parties funded from the budget are subject to audits prior to submitting annual reports. Nevertheless, this requirement is not applied to parties not funded from the budget. Researchers believe it is a gap that may be abused by politicians.

In 2007, Estonian legislation 'was amended (primarily, the Penal Code) to harmonize the legislation with European laws in terms of introducing criminal responsibility for officers of political parties. The Code criminalized abuses in financing political parties including contributions to parties from anonymous donors, legal entities, etc.'

Issues do arise from time to time, although Estonia is almost free from political corruption. In this regard, relevant authorities' response raising questions on corruptive elements in activities of politicians. Let's take two examples. In 2016 and 2017, State-owned Tallinna Sadam Company (the Tallinn Port) was scrutinized for corruption: a special parliamentary commission was established to perform the investigation. The commission members complained about pressure on them, in particular, they claimed that the ruling coalition hindered the efficient work of the commission and that not all records of the investigation were published.

"In 2017, a case of Tallinn mayor, E. Savisaara, and his minders was examined. E. Savisaara was blamed for utilizing city budget resources to his own and Estonian Centre Party advantage (which is positioned as pro-Russian), obtaining money unlawfully to fund the party, engaging in money laundering and bribing. The politician insisted that it was political repression for him being accused of being 'an agent of Russia influence' on the Estonian agenda. The case is still being examined despite Savisaara's illness, some popularity and regular reschedules of sittings because of his health conditions Estonian courts do not get involved in corruption schemes. Thus, appeals to any preferences (such as age, illness, or popularity among voters, etc.) are not accepted and are regarded as pointless. In stark contrast, this is a common practice in Ukraine.'

Estonia has set even more significant goals regarding the further weeding out of political corruption in the near future. In particular the establishment of transparency in financing of political parties and efficient supervision over the financing (this mechanism has already been introduced). This ensures competition among political forces.

'Riigikogu's (the Parliament's) deputies have a code of conduct. The code defines exact criteria which allow the assessment of behaviour of parties and politicians, thus determining their motivation in taking some decisions. The code establishes an understanding among politicians too, so they know how to assess a disputable behaviour choice of their colleagues. We believe, it is time to adopt such a document in Ukraine.'

We believe that development of an innovative e-government model allowed mitigating some types of corruption in Estonia (E-Government Program was launched in Estonia in 2000). It was aimed at minimising personal contact of officials with citizens, organisations and companies. 'Estonians made technology their major priority, accepted major European anti-corruption standards and published information on state officials' property. (Officials are now obliged to declare their assets and the information is in publicly available.) The key factor of their success in decreasing corruption to the lowest in Europe lies in the transparency of their decision-making process.'

'If we draw parallels between Estonia and Ukraine, as M. Kisting (2017) said, we find that the difference lies in 'ability to solve problems arising when taking collective decisions, and in the implementation of the decisions. The Estonian government ended their Soviet legacy and focused on integration with the West.' The rule of law when deployed in Estonia made it impossible for people with political clout to enrich themselves at the expense of the state and tax payers.

Latvia has also gained two decades of successful experience in fighting corruption. 'When the USSR collapsed, Latvia undertook a disruptive transition to a democracy with a market economy. Some business groups and individuals interfered with the process by trying to influence important state institutions for their own interests. Some did manage to squeeze their competitors, strengthen their economic advantages and utilise state assets unlawfully.' Kuris (2013), a researcher, underlines that in fact it was an oligarchic 'capture of the state'(oligarchs Lembergs, Shkele, Šlesers and others), which diminished citizens' confidence in the government. This issue was analysed in 2000 by the World Bank. The major issue was that political corruption was slowing down Latvia's potential EU and NATO membership. 'Since membership in the EU and Euro Atlantic structures was of the top priority for Latvia, following the World Bank recommendation, the Latvian government established the Anticorruption Bureau (Corruption Prevention and Combating Bureau (the KNAB). It was based on the model of the Independent Commission against Corruption (Hong Kong). As a result, several political oligarchs were convicted of corruption offences.'

The conclusion of the Group of States against Corruption (GRECO) summarises the following: Latvia has a well-developed legal and institutional basis to supervise financing of political parties and their campaigns, and also to monitor all the processes. The Law On Financing of Political Organisations (Parties) was adopted in 1995. The Latvian regulations established mandatory publication of data on income and expenses of political parties, and also requested report submission. In 2002, reforms focused on transparency in contributions to political parties; supervision over financing of political parties was transferred to the KNAB.' In 2004, paying due consideration to the previous years' campaigns and resources spent, the government of Latvia prohibited political parties from obtaining contributions from legal entities and set a ceiling for election campaign expenditures.'

An on-line platform for contributions to political parties has been established in Latvia. In 15 days upon receipt of contributions, the parties are obliged to report them. Transparency, and access of interested parties to the data base and other similar data bases (regarding membership dues, annual reports, etc.) are a preventative measure to mitigate political corruption.

'The good news about anti-corruption policies in Latvia is that all supervision is placed within the KNAB authority. KNAB controls financing of political parties fully.' This unit employs only 8 people. The unit has its web page where all data on political parties' income is published. During elections, they engage third parties for monitoring.

'Information on the contributions is available within 15 days upon payment and can be found on the web page (in operation since 2002 - https://www.knab.gov.lv) This tool allowed safe civil control designed as a barrier to political corruption in addition to the KNAB functions.'

'Latvian parties are not allowed to accept contributions from such entities as: legal parties (including state and municipal authorities); foreign legal entities and individuals; anonymous donors and individuals forbidden to run as a candidate for Saeima (parliament), European parliament and municipal positions as well as other categories of positions of state officials. As for individuals, there is a regulation that restricts their contribution: as of 2017, the

maximum allowed contribution from one person may not exceed 50 minimum official wages which equals EUR 19 thousand. Besides, in Latvia, they regulate even contributions in kind, such as: providing premises and other facilities free of charge, sponsoring events, providing discounts for goods and services to parties or independent candidate, etc.'

'State financing of parties in Latvia was applied in 2011 for the first time; it was provided to parties with over 2% of votes won during previous elections. The amount equals 0,71 EUR per year per each vote won in 4 years starting from the year after election to the Saeima.'

'In Latvia, political parties are not allowed to raise loans, gain financial guarantees or take any other types of loans. All the credits were forbidden in 2004 after the KNAB discovered inconsistencies in annual reports of some political parties.'

In Latvia, political parties may become subject to administrative and criminal sanctions. For example, the KNAB may impose administrative fines on political parties, such as: a) in an amount less than 7 thousand euros including possible forfeiture of an administrative object;

b) in an amount less than 14 thousand euros for repeated offences including forfeiture of an administrative object. In addition, administrative fines may be imposed for breaking the Law On Financing of Political Organisations (Parties), such as: accepting unlawful contributions, avoiding reports, exceeding the allowed limit of costs for campaigns, etc. Individuals may also be fined for break the mentioned Law (from 30 to 700 EUR). Another sanction that may be imposed on parties for committing corruptive offences is temporary suspending or even liquidation of a party through courts (upon KNAB request). In general, the Law On Financing of Political Organisations (Parties) lists criminal wrongdoing in details as well as relevant penalties.

'In general, Latvia has gained valuable experience in fighting political corruption to share with Ukraine.' In order to facilitate implementation of anti-corruption processes in Ukraine, in 2017, Ukraine (the National Agency on Corruption Prevention) and Latvia (Corruption Prevention and Combating Bureau) signed the Memorandum of Understanding and Cooperation in Fighting Corruption. We believe, it is viable for Ukraine to implement some Latvian mechanisms on supervision of compliance with conflict of interests and other restrictions determined by the anti-corruption law as well as control over financing of political parties, prevention and reveal of corruptive offences, etc.

*Lithuania.* 'In 1997, Special Investigation Service of the Republic of Lithuania (the SST) was established. Povilas Malakauskas, the Director of the SST, stated the only way to mitigate political corruption is to: 1) totally banning the financing of political parties by legal entities;

2) adopting a law on lobbying to make it civilized; 3) approve an ethics code for political officials (including penalties for offending the code); 4) minimise various types of immunities.'

Since private companies and other legal entities in Lithuania have no right to finance politicians, political parties and elections, state financing was established to finance political parties. This is done proportionally according to the success of a party during previous elections. 'Regarding the financing of political parties by individuals, Lithuanian citizens are allowed to: 1) make a contribution of 1% of their tax on income to a political party they specify (the contribution is mandatory; if a citizen does not specify a party he/she prefers, the contribution will go to the state budget); 2) contribute up to 7.5 thousand euros for an advertising campaign of a political party. This is a useful example of accurate electoral crowdfunding: A deputy is in fact employed by voters (not by oligarchs), thus he/she lobbies their interest.'

The Baltic States are doing very well as post-Soviet countries in fighting corruption. Certainly, there are challenges to address, such as the lack of honesty within political subjects, the necessity to enhance accountability of politicians and constrict ways of unlawful enrichment, and the enhancement of transparency of lobbying, etc. Ukraine may apply some Baltic practices to build its national strategy on preventing political corruption.

### 4.2. Political Corruption in Georgia

Georgia is one of the leaders among 'post-Soviet states in terms of efficiency in fighting corruption.' For example, Georgia was ranked number one by the Rule of Law Index among Eastern Europe and Central Asia states in 2016. Based on the Corruption Perceptions Index (CPI), it was ranked 44 out of all the countries in the world (from which data was obtainable), where the least corrupt country ranked number one. This shows great progress since in 2003 it was ranked 124 and was one of the most corrupt countries in the world. These CPI rankings are based on an assessment scale of 0-100, where zero is highly corrupt and 100 is very clean. Georgia's score improved gradually from 52 (2012) to 56 (2017). This vast improvement since 2003 is mostly due to a less corrupt tax system which in turn boosted the state budget multiple times over a very short period. 'Prosecution of corruption offences became tightened. Dozens of reforms were performed. However, there are still some unsolved issues left. We may affirm that: Corruption in Georgia is brought down to minimum within civil and private services and taxation, however we cannot say it was a complete success in fighting political corruption.' Georgia is ahead of its South Caucuses neighbours (Armenia and Azerbaijan ranked 108 and 125 respectively in 2017). The Baltic States are still leading among the post-Soviet states.

This book agrees with Georgian researchers that Georgian reform is a bright example of a post-Soviet patriarchal state being able to leapfrog through civilised changes. However, we doubt a sweeping victory against political corruption in Georgia is likely. We may assume that some aspects of corruption are preserved and hence there may be a mutation of corruption which remains.' Many researchers observe this phenomenon. The World Bank survey contains a remark that says: Georgia 'has not yet completed institutional reforms to ensure sustainability of results in

fighting corruption in Georgia and implement a system of checks and balances.'

American researcher C. Caryl in his research called The Georgian Paradox (2012)emphasized a few concerning events that should not be ignored despite the world euphoria about Georgian progress in fighting corruption. Central authority powers have been enhanced and freedom of the press has diminished (Reporters Without Borders concur with this assessment). Only one ruling party, the United National Movement of Mikheil Saakashvili, has held major senior public positions up until 2012.

When describing progress in fighting corruption in Georgia, American researcher Mitchell in his paper 'Uncertain Democracy: U.S. Foreign Policy and Georgia's Rose Revolution' turned attention to the fact that since 2003 M. Saakashvili and his steadfast officials amended the electoral system constitutionally for their own benefit. 'As a result, the new system possessed external attributes of liberal democracy, but undermined any real political competition as the opposition had no chances to win.'

Thomas De Waal, an analyst of the Carnegie Endowment for International Peace, commented: 'Political elite in Georgia is made of modernisors, but not democrats.'

'Anti-corruption reforms decreased corruption on middle and lower levels,' while 'elite corruption,' which causes concerns within Georgia's civil organisations, prospers.'Sukhanov (2013) emphasized that Georgia fought domestic level corruption, while political corruption has stayed safe from anti-corruption efforts.'

Matsiievskyi and Kovalko (2016) have found that analytical investigations on the anti-corruption efforts of Georgia usually 'state that these efforts are successful due to a strong executive branch of the government,' Kokhan (2013) concurs, 'It [executive branch] remains the ultimate engine of change. However, this fact raises questions about the high power concentration within the executive branch revealing a weak system of checks and balances which in turn facilitates abuses of power. It highlights the necessity to enhance the system of checks and balances in Georgia. There is a hypothesis presented by Popazgolo (2018) that lack of strong opposition in the state for a long period precluded qualitative parliamentary control over the executive power. Urushadze (2017) from Transparency International pointed out that after the Rose Revolution, power was concentrated in the hands of M. Saakashvili and a few others at the helm, thus weakening the parliamentary and judicial branches of government. Institutional control over the media became a risk. 'Most of the media are independent, but control has been established over key TV channels,' according to the World Bank report (2002). Since approximately 80% of Georgians get their information from television, this is extremely significant. Urushadze further stressed that censorship had not been implemented, but that influence on the judicial branch allowed the government to force the key TV channels' owners to cooperate with the government and as a result, programmes which criticised the government simply vanished from the air.

'In fact, it was the time of a new (government) system, which allowed minimum public control over the government; opposition was weak; the ruling party was able to solve any issue with just a few United National Movement representatives (There was no intraparty democracy),' explains Kushnarov. 'The real power was concentrated within a few people and there were no mechanisms to prevent any wrongdoing.' As a result, these privileged few consolidated their power: During the 2008 election, the United National Movement party, as Transparency International experts concede, won more financing than other parties. Many oppositional parties simply did not get any contributions from business, as businesses were afraid of being cracked down upon for supporting the opposition.

In other words, despite weeding out lower level corruption, political corruption still remained. For example, corruption could be found in the financing of political parties, through mechanisms of 'simplified public procurement' for companies that later contributed to the election fund of the ruling party. 'Transparency International recorded cases like these: companies linked to high-level officials gained infrastructure projects without any tender; ex-officials all of a sudden became successful businessmen with profits greatly increasing in just a few months after 'simplified public procurement' was implemented.'

'Undoubtedly, in 2004-2012, the Georgian government made great reforms and there was intent to modernise the state and root out corruption. However, the United National Movement (as well as other parties afterwards) had a goal to stay in power as long as possible. To provide the party with resources, actions were required that entailed political corruption.'

After the regime changed in 2012 (The oppositional coalition called Georgian Dream- Democratic Georgia won with a majority of votes (54.97 %), while the United National Movement won only 40.34%), Transparency International launched a programme of judicial branch monitoring that envisaged the presence of organisation experts during court processes.' 'Until that day, all court cases involving the government were decided in favour of the government in 100% of cases. After 2012, ... there was no longer 100% control over judges.'.Hence, the new government had a need to force some cases to be taken by certain judges who were under government control, such as cases regarding members of the previous government. Transparency International experts state the results were guilty even when the body of evidence was poor. 'Thus, a certain dependency of the judicial branch in Georgia was preserved after 2012, especially in political cases. Some judges gained over 10 years prolongation of their terms regardless of the law and some even gained lifetime appointment. It is a fair presumption that these judges decided only in favour of the government.'

In 2011-2015, as Transparency International concludes, positive anti-corruption shifts took place as well as some reforms continued. 'The good changes were: an increased level of media independence; an increased independence of the judicial branch; a more pluralistic parliament with less dependency on the government; more independent authorities responsible for election campaigns, etc.' 'Among concerning issues were: low independence of the parliament in terms of proper control over the government; politically motivated cases and selective justice in criminal cases against ex-officials; cases of nepotism and favouritism in public sector assignments, etc. Not enough has been done to establish equal conditions for political parties during elections. There are still gaps in electoral legislation. There is a need for a professional civil service which is independent of any political influence, a need for a transparent employment, promotion and dismissal system for public service employees, a need for rooting out favouritism and friendship, and a need for the unacceptability of mass dismissal of public officials after elections.'

After elections in 2016, the Georgian government tried to establish a control system similar to the one that had existed up until 2012: they were trying to take control over TV channels (in particular, Rustavi-2, the oppositional TV

channel). Following the European Court of Human Rights ruling, the Georgian government had to refrain from interference in the editorial line of the channel and the assignment of the channel management. That ruling was made after the Supreme Court of Georgia's ruling that resolved to return the channel to its ex-owner, K. Khalvashi.'

Another issue is the financing of political parties. Since October 1, 2007, a formula exists for budget financing of parties: parties which gain 4% (in parliamentary elections) and 3% (in local elections) of votes have a right for basic financing from the state budget.' At the time of introduction the financing was set at GEL 150,000 (approx. 50,000€). At the end of 2011, the financing formula in Georgia was changed, and parties were allowed to obtain state financing, contributions and membership payments.' Amendments to the Law on Political Parties banned contributions from legal entities. Contributions from individuals are allowed at an amount not exceeding GEL 60,000 per year. To ensure transparency of financing political parties, all contributions must be made by bank transfer. Credits and borrowing are also allowed: Only commercial banks can provide resources at an amount not exceeding GEL 100,000 per year. 'The amount of annual membership payments by party members is also limited (not more than GEL 1,200). Ex post facto defined the nature of the Law: Within three days upon publication of the Law, the parties were obliged to return the outstanding balance to legal entities; otherwise, this money was transferred to the state budget. Where indications existed that a party accepted restricted contributions, such monies were returned to the state budget and the party sanctioned twice the sum of the contribution. In cases of breaking the maximum allowed level of contributions, the fine exceeded GEL 5,000. After adoption, the Law drew criticism from opposition (Republican, Conservative and People's parties as well as Our Georgia-Free Democrats). These parties were supported by businesses owned by oligarch Bidzina Ivanishvili.

Since 2012, there is a State Audit Service in Georgia that scrutinises the finances of political parties especially before elections, according to the OECD. The Service consists of a state agency responsible for the monitoring of political parties' financing and supervision over transparency of political unions' income. This is prescribed by 'Item 2 Article 6 of the Law on the State Audit Service of Georgia' (2012). The Service analyses various violations during electoral campaigns, such as vote buying, politically motivated 'charity', etc.

The total number of violations in the financing of Georgian political parties decreased 'subsequent to a fine at an amount equivalent to UAH 1.5 billion (0.5 billion €) imposed on Georgian Dream - Democratic Georgia party (established by Bidzina Ivanishvili).' Georgian legislation prescribes that 50% of a party's financing should be allocated to development and 50% to other needs. In total, there are 240 parties in Georgia, where 70 submit reports; the other parties' current assets are under the required amount.

In 2015, The Law on Conflict of Interest and Corruption in Public Service was amended as follows: the monitoring system over declaration of property became effective (on January 1, 2017); state officers were obliged to submit system property declarations even upon one year after retiring from service.

Georgia achieved some results regarding legislative transparency. The Permanent Parliamentary Open Governance Council was introduced in February 2016. The Council developed an action plan for the Parliament that comprises a vast range of responsibilities in terms of e-mechanism aimed at ensuring participation of citizens in development of an ethic code to be followed by the Parliament members.

On 24 December 2016, the Constitutional Committee was launched in Georgia. Its purpose was to detect inaccuracies, gaps in the constitutional law including issues on distribution of powers. One of the key tasks of the Constitutional Committee was to develop an efficient system of controls. Primarily, the system is about enhancing the parliamentary role in the financial control of the executive branch. It seems that before adoption of the proposed amendments the Parliament was quite weak. The first presidential republic was established in 1995, and in 2004 a super-presidential republic was formed. Constitutional amendments in 2010 replaced the super-president with a super Prime Minister. On October 13, 2017, the Georgian President Giorgi Margvelashvili vetoed the new Constitution draft, citing his disagreement with provisions that would allow completing the transfer to a parliamentary republic, the main one being to stop direct election of the president by the public. However, he didn't succeed in defeating the constitution and it was later passed. The Venice Commission of the Council of Europe approved the draft amendments and assumed that constitutional reform was the next step to the democratic transition of Georgia. Parliamentary supervision over government activities was strengthened.

The major changes concerned the electoral institution: a) starting from 2023 presidential elections are indirect; b) starting from 2020 the parliamentary elections will be held under a mixed system with lower required vote threshold (from 5% to 3%) and parties will be allowed to establish electoral blocks (thus allowing smaller parties to participate more); c) in 2024, a transfer to a proportional system of parliamentary elections will be made, including an increase to 5% vote threshold and electoral blocks will be restricted. The 'bonus system', which allowed automatic transfer of votes from parties below the threshold to a winner, will be cancelled. Again, these changes should enable the participation of smaller parties.

To minimise political corruption in Georgia, a whole range of reforms should be performed, as Tugushi, a researcher, stated: Enhancing the function of financial monitoring over the Parliament; improving budgeting powers of Parliament; continuing the public government programme to ensure transparency of all branches, including the executive and engagement of the public; strengthening reforms in state services; mobilising more financial resources for judges; improving transparency for anti-corruption case distribution, implementing a system of e-distribution of cases to judges; enhancing political parties through implementation of an honest financing system to open new opportunities for oppositional parties; providing alternative sources for public organisation financing and ensuring freedom of adversing.

In general, Georgia has not yet established a pluralistic system. Lack of strong political parties as well as lack of understanding prevent true values of democracy and pluralism. For many years, civil society did not have the will to force changes in electoral legislation such as the 2017 amendments to constitutional law. Overly dominant political parties resulted in the concentration of power. Georgians must now enhance democracy, as they did in 2017 through the constitutional amendments, and prevent degradation into the restoration of power concentration. Over 60% of the population (according to recent polls) do not support any political party as of today. Clearly, major political parties have a role to play, and are not yet responding to the will of the people.

Another challenge is to create efficient mechanisms for the trying of top corruption cases. Currently, there is no independent investigation agency. There is a need to create one. Judges are not independent enough as is evidenced by the political interference in high-profile cases where rulings have gone in favour of the government. It is urgent to solve the issue of lack of independence within the judicial branch. Ensurance of impartiality in trials on political and other types of corruption must be in place. High expectations are laid on the constitutional changes made in 2017.

# 4.3. Political Corruption in the Context of the Central Asian Neo-Authoritarian Current (Tajikistan, Kyrgyzstan, Kazakhstan)

Current trends of a new type of non-democratic regimes are emerging: they are neo-authoritarian and have the 'dynamic link of coercion and corruption' where a kind of 'corruptive seizure of power' exists. 'These regimes emerge in states with totalitarian (authoritarian) hereditary where no democracy has ever evolved. In stark contrast, they developed a specific system of methods of the exercise of power: it is not strictly authoritarian, however it is not democratic.'

Researchers include the former USSR states of Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Turkmenistan; see Table 4) on the list of neo-authoritarian regimes. We will consider three states of the group as an example of how this type of political regime impacts the level of corruption. Their success in mitigating political corruption and whether anti-corruption strategies and declarations are just a populist tool will be analysed.

Table 4

Types of Political Regimes In the Central Asia States
State
Type of Regime
Kazakhstan
Personalist - president Nursultan Nazarbayev holds office since 1991
Kyrgyzstan
Corporate type (clans)
Tajikistan
Personalist - president Emomali Rahmon holds office since 1994
Uzbekistan
Personalist - president Islam Karimov held office 1990-2016

Turkmenistan

Personalist - president Saparmurat Niyazov held office 1990–2006; Gurbanguly Berdimuhamedow his political successor, in office since 2007

'Central Asia as a region may be characterised as being highly corrupt. All types of corruption (including domestic, bureaucratic, political, etc.) are not just high but almost immutable by the indicators. This can be clearly observed from the annual Corruption Perceptions Index observations provided by Transparency International (Table 5).

Table 5

## CPI in the States of Central Asia

State

2015
2014
2013
2012
Kazakhstan
31
29
28
29
26
28
Kyrgyzstan
29
28
28
27
24
24
Tajikistan
21
25
26
23
22
22
Turkmenistan
19
22
18
17
17
17

Uzbekistan

Based on the example of the three states of the group (Tajikistan, Kyrgyzstan, Kazakhstan) we will analyse reasons, types of political corruption, and we will also assess efficiency of the national anti-corruption strategies. 'The first and foremost we may say is that there are common features between the types of political corruption in developed European states and Central Asia states.' Political corruption of Central Asia is systemic, it penetrates a state machine as well as the legislative, institutional and cultural environment. 'Instead of adopting democratic ideals and the market mechanisms of the West to promote economic development and political stability, the Central Asia development has been slowed down by authoritarian regimes, oligarchs, and criminal networks who have taken power.'

Republic of Tajikistan. We may distinguish Tajikistan as 'one of the most corrupted states in the region and one of the poorest and geopolitically most dangerous.' Following the conclusions of Transparency International, corruption in Tajikistan is so common that it has transformed into a deep and systemic issue. 'Politicians of the country like traditional populists declare the political will to fight corruption, but these declarations are not supported with any real activons.' In 2015, Tajikistan scored 136 points on the Corruption Perceptions Index, while in 2016 and 2017 it was 151 points and 163 points respectively. This decline shows intensive anti-democratic processes are occurring. In Tajikistan, political and other types of corruption are clearly a present threat to national identity and a challenge to national security.

In 2015, in a special survey performed by the Strategic Research Centre under the President of Tajikistan for the first time the systemic nature of political and other types of corruption in Tajikistan was acknowledged. Davlat, a Tajik expert, stated that corruption had gained a considerable momentum and that there were several reasons for it: the weak civil society, the lack of civil control and the lack of accountability of politicians. International rights advocates even mentioned 'the state offensive on the civil society institutions' and that democracy and the rule of law are under threat. "Most of the activists from the new Tajik pro-democratic internet movements live abroad or hide under pseudonyms. In fact, elements of democracy are installed only declaratively while key decisions are made by the head of the state.'

In 2008, the Istanbul Plan on Fighting Corruption recommended that the Tajikistan government connect with civil society and ensure direct dialogue with the civil society. Even though the state ratified the United Nations Convention against Corruption 'citizens may not find out about politicians' incomes and property.' The number of new media users and the access to alternative information sources in Tajikistan is very low. According to the International Telecommunications Union, only 19% of citizens use internet to some extent; and only 9% have access to internet at home. 'In addition, the Tajikistan government and intelligence agencies have cart blanche for control over all modes of communications in the state.'

'In the Central Asian region strong traditions and cultural connections have been preserved; even financial issues are less important than traditions. In this environment, corruption exists in the form of nepotism and friendship. These are traditional common values in Tajik society. Traditions of pluralistic political culture do not exist.' Naurazova (2017), a researcher, pointed out the following key issues linked to political corruption in Tajikistan: 'lack of access to information for citizens, abuses of law, inefficiency of control and penalty mechanisms, lack of control over political parties, utilisation of administrative resources for private gain, establishment of administrative barriers, and control of political parties over mass media.'

'Corruption traditionally is strong in cases where a poor state allocates a wide mandate to itself.' Davlat (2017) has found that the reasons for political corruption in Tajikistan are 'lack of political competition, lack of free elections, lack of independent judges, lack of free media and lack of budget transparency. The state apparatus is also over-bloated.' Ukrainian researcher Vlada Popazoglo (2017) emphasizes these tendencies as well.

Firstly, 'political corruption in Tajikistan emerges through the financing of political parties.' The Law on Political Parties was adopted in 1998. No amendments have since been made. Researchers of the political parties' financing issues have difficulty getting the facts as party members evade real discussions and emphasise the importance of party membership payments. Meanwhile, Item 3 of Article 7 of the United Nations Convention Against Corruption (2004) obliges states that have ratified the convention to take relevant measures to enhance transparency of candidates' election finance and, if required, the parties' financing as well. 'International institutions have repeatedly recommended that the Tajikistan government modernise the system of parties' financing as it is necessary for party independence, since sponsors still have excessive impact.' However, as Mamadazymov and Kuvatova (2017) state, 'Tajikistan lacks a systemic and logical approach to legislation on the financing of political activity and electoral campaigns.'

Thus, 'direct state financing of parties in Tajikistan is absent.' There is only indirect state financing, which does allows parties and candidates to obtain certain services at discounts or free of charge. Indirect financing permits equal access to the state media and creation of equal opportunities for parties during electoral campaigns. Article 15 of the Law on Political Parties describes the state support to political parties: 1) equal access to state media should be ensured; 2) equal opportunities for electoral campaigns should be provided. 'Lack of direct state financing for parties forces them to search for alternative sources of financing which usually means private sponsors.' Article 13 of the Law on Political Parties gives parties the right 'to obtain material support in the form of property and financial means from individuals, enterprises and organisations, private association, funds and other legal non-state entities.'

It should be emphasised that 'modern world democratic tendencies confirm ever-growing implementation of state support to political parties. However, in Tajikistan, parties have access only to a state bank account to be used during electoral campaigns. This account is constantly monitored.' 'As a result, the existing system of contributions does not work, because citizens don't want to disclose their personal preferences to parties. Besides, these contributions may have adverse consequences for those making contributions (those who support oppositional parties).' 'Repression

against opposition sponsors is usually masked. For example, it may result in revocation of a trade licence, etc.'

At the end of April 2017, seventeen officials of the Agency for State Financial Control and Combating Corruption were arrested. 'It drew sharp criticism as no one knew whether it was a true fight against corruption or a fight between different spheres of influence within the official security department. The fact that there has only been this one case of anti-corruption in modern Tajikistan and that the materials of the case were immediately classified leads to suspicion.'

Coexistence of legal and institutional structures with family related, clannish, feudal and client-oriented networks are indicative for Central Asia states altogether and Tajikistan in particular. The way they are the linked determines civil and business relationships.' 'Due to the inadequacy of legislation, wrong personnel policy, lack of civil and parliamentary control, corruption has not yet decreased.' 'The anti-corruption fight depends on the next generation: political corruption will decrease only when new generations are raised in a pluralistic culture intolerant of corruption. Success against corruption also depends on the political will of leaders. In a state like Tajikistan, the political will of the head of the state is decisive as it is traditional for citizens to follow his example.'

**Republic of Kyrgyzstan** 'The modern Republic of Kyrgyzstan is the post-Soviet state of Central Asia where (with fits and starts) we observe the most intensified activity of civil society towards democracy. Sometimes these steps are only simulations of anti-corruption measures, but there is progress.

'Recently in Kyrgyzstan, there have been two colour revolutions, which is unusual for this region: the Tulip (February-March 2005) and the Post-Tulip (April 2010) revolutions.' The Tulip Revolution was driven not only by social and economic issues, but also by the authoritarian and clannish approach to running the nation (corruption, and the nepotism of the Akayev clan). 'The immediate reason for the Tulip Revolution was the political corruption during the parliamentary election in 2005: falsifications resulted in distribution of 90% of the deputies' seats to Askar Akayev supporters. (The election results were abolished through the courts.) As a result of constant public pressure, Askar Akayev resigned and a pre-term presidential election was held (July 2005) where Kurmanbek Bakiyev won. However, the Tulip Revolution did transform the state system, rather, one clan (Akayev) was replaced by another clan, the Bakiyevs.' At this juncture, nepotism, clannishness, corruption, restrictions to free speech, and the establishment of individual rule were illustrative features of Kyrgyzstan's national identification.' 'It ended up with massive protests in 2010 (the Post-Tulip Revolution) driven by the lack of progress in implementing the Tulip Revolution values. Shortly after the 2005 elections, Kurmanbek Bakiyev established an individual rule regime.' All types of corruption intensified during the regime of Kurmanbek Bakiiev, while civil rights and political freedoms were rolled back.

These revolutionary events are atypical for Central Asia.' 'The first (Askar Akiyev) and the second (Kurmanbek Bakiyev) Kyrgyz presidents were blamed by society for corruption and authoritarian trends. Despite the two post-communist revolutions (2005, 2010), business, organised crime and political interests moved closer together and corruption was ultra-high. Impartial justice and rule of law were in very short supply.'

The government unsuccessfully tried to eliminate clannishness and friendship through the limiting of presidential powers (2010) and the expanding of the prime minister's powers(2016). Aitmatov, a Kyrgyz Parliament member, said 'Kyrgyzstan was trying to leap from a friendship-based system to a parliamentary-based system - but failed.' It is worth mentioning that 'almost all spheres of Kyrgyzstan life are infected with corruption. It is a pervasive threat to national security.'

Ukrainian researcher Myklashchuk (2013) stated: 'Though some mechanisms of an authoritarian political system have disappeared, the links between leaders of the political elite and the population in some regions is so strong that it intensifies family and clan relationships. With weak state institutions, political and business elites aim at strengthening client-oriented relationships with specific regional populations. (Usually these are native villages and cities as well as electoral areas.) This, in turn, further weakens the influence of official state institutions.' Very few 'rules of the game' have changes after the two revolutions: before, relatives and close friends of the president gained positions in institutions of the executive body and local authorities; now, these positions are distributed amongst relatives and friends of deputies from the ruling coalition.'

'Political corruption blossomed in 1990, when the presidential institution grabbed powers of the head of the state and the executive branch.' The first Constitution (1993) of the independent Republic of Kyrgyzstan followed. 'The course was set for the strengthening of presidential powers,' while 'the institution of the presidency transformed into a centre of authoritarian power that subdued the entire government system.'

The regulatory balance of power between the branches of government never got started. The first glaring example of corruption occurred in 1993, when the Kyrgyz President Akayev took gold to Switzerland. The parliament held the president accountable, but then went into self-dissolution due to the expert machinations of President Akayev behind the scenes. Upon referendum in 1996, the presidential mandate was again significantly broadened while the parliament's powers were gradually narrowed. All constitutional changes (1994, 1996, 1998, 2003) under president Askar Akayev stipulated the establishment of an authoritarian regime, which was subverted in 2005 (Tulip Revolution).'

During the presidency of Kurmanbek Bakiyev, the Constitution was amended again (2007) to consolidate state power under the head of state. A super-presidential system was established with non-formal governance ("the family") mounting over state institutions. Political corruption, nepotism, clannishness and criminalisation became essential features of the Kurmanbek Bakiyev regime. This caused the Post-Tulip Revolution in 2010. In general, under the first two presidents, Kyrgyzstan held five referendums and eight revisions of the Constitution aimed at broadening presidential powers.

Regarding this book's research on political corruption, it is important to understand how the two post-totalitarian revolutions impacted the level of political corruption in Kyrgyzstan. Assessment of the results are not particularly encouraging. Civil society, despite the two revolutions, is still weak; political parties have not been able to mature into citizen-oriented groups, but instead have preserved their personal orientation. The party system remained under closed management without the involvement of average citizens; the patronage networks continued to control the parties.' In recent years, the corrupt environment in Kyrgyzstan has not improved. The number of groups who compete for political power has increased and anti-corruption cases are highly politicised. Juraiev, an analyst, asserts

that parties play the role of a 'fence' announcing short-term agendas and shadowing non-political players, i.e. oligarchs. Corruption impacts the rules of the game, and also sets these rules of relationships between citizens and officials.

'During President Almazbek Atambayev's reign (2011- Nov 2017), there were several arrests of high-profile politicians (In particular, Melis Myrzakmatov, ex-mayor of Osh city, who was known as 'Khan of Osh'; he was sentenced to 7 years in jail, but fleed the state.). Arrests are random; corruption deeply rooted Kyrgyz politics.' 'The political core of Kyrgyzstan still possesses features of the Bakiyev and Akayev eras. The president may have been replaced, but most the parliament and other officials have kept their positions. In this way, relationships between criminals and politicians continue unchanged.' 'Weak state institutions, corrupt officials, criminal structures, private interests within the state structure, and lack of political stability are the major challenges for Kyrgyzstan.' President Almazbek Atambayev has shown intolerance to critics; persecuted oppositional media; led criminal proceedings against opposition; and had intelligence agencies watch and officially warn Facebook users.

On 15 October 2017, Kyrgyzstan held presidential elections, the first ever within the constitutionally determined terms of office. However, many violations were recorded.

It is worth noticing that in 2017 the Corruption Perceptions Index (CPI) in Kyrgyzstan reached an all-time high score of 29 points, having improved by one point compared to last year. It is a positive trend especially considering the sharp decreases of Uzbekistan, Turkmenistan and Tajikistan. Improvement of the CPI is due to the expectations of the Kyrgyzstan government joining the Open Government Partnership initiative in November 2017, adoption of a number of legislative acts, and in particular, the Law On Conflict of Interests, and the launch of the national Taza Koom program of digital transformation.' Having said that, all the states, and Kyrgyzstan in particular, with less than 30 CPI points belong to a group of countries said to have a threatening corruption level. It is notable that criminal cases against high-profile corrupt officials are quite rare in Kyrgyzstan today; there is no accountability for not declaring income, property, and conflict of interest. State and local actions against corruption are informal and non-public. Huge national projects lack transparency and proper tenders.

Kazakhstan. This state holds a special place amongst former Soviet states in Asia. It is often called 'the state of unkept promises' that 'stuck between Western pluralism and Asian Autocracy.' 'As other states in this region, Kazakhstan inherited presidential powers which dominate other sectors of the government.' It has an authoritarian character in its personalist government system. Researchers underscore that the presidency of Nursultan Nazarbayev, the first and only Kazakhstan president since 1999, features personal totalitarianism with strong emphasis on dynastic preferences.' 'A rise of the presidential institution over traditional branches [of government] has taken place.' The leader of the nation, nor his family, may not be persecuted on the territory of Kazakhstan. It seems he will maintain his powers even after retiring from his presidential functions.

In contrast to other Central Asian states, Kazakhstan possesses a soft centrist authoritarianism. Nysnevich (2017) classifies the Kazakhstan regime as a personalist type of neo-authoritarian regime, having traits of both an autocracy, and a kleptocracy. It is characterised by links of coercion and corruption. 'The ruling political and economic factions have seized power and continue privatising the government and utilising their autocratic powers to mandate and take administrative resources for themselves. 'In a state with such a corrupt regime, political (as well as economic) corruption becomes systemic and transforms into a key mechanism pushing out transparent and honest competition between politicians. Business penetrates the government, political and business elite are linked, and legal opposition opportunities are decreased by law; opportunities for electoral participants are unequal; informative and communicative resources are supervised even more harshly.'

'Kazakhstan is a highly-corrupted state of neo-authoritarian type: corruption is the driving force of the entire state. The low position of the annual CPI survey proves the fact.'

Let's first of all take a look at historical causes of political corruption in Kazakhstan since this factor is quite essential. Corruption played a major role at all stages of Kazakh state evolution: khans, imperialistic Russians, soviet, and the modern sovereign state. At every stage, informal contacts and links took a remarkable place in interpersonal and intergroup relations. That defined the rules for society. This tradition is rooted in the Middle Ages and was primarily exercised in the common law of the Kazakhs (the adat). For many centuries (before and after accession to the Russian Empire), corruption was legal and presented in open formats; it was exercised as regular feudal homage to the elite. Historian Salik Zazimov (1958) described such a scene: 'In 1855, Kazakhs of the Bersh and Adai (the Inner Horde) sent a group letter to local authorities about abuses of power by Sultan Kuchangalia Shygaiev, Head of the First Coastal Unit. They said in their letter that 'Shygaiev considered cases of the Horde members without delays if they brought presents. But if they brought nothing, he could leave the case without consideration or even did not show himself, [and] he sold senior positions at 100 and 200 silver rubles.'

In fact, political corruption roots are caused by 'controlling of social [relationships] and property, thus splitting the society, causing a severe hierarchy between rich and poor, tribalism and patriarchy, which raised respect to officials.' Tinkov in his analysis of political corruption mentioned that 'In Kazakhstan, corruption is based on distributive and clannish relationships since the shadow economy is a result of financial and other resources distributed in favour of some groups and clans. Kazakhstan is characterised by the non-regulated actions of politicians and a system of non-official relations where the shadow economy complements shadow politics. Accordingly, political corruption in Kazakhstan appears as follows: a commission for concluding costly contracts, money laundering abroad, licensing of bank operations using the state budget, loans, privileged export quotas, assignment for high position within the government apparatus. The main criminal types of political corruption in Kazakhstan are bribing and buying electoral rights.'

'Political corruption in Kazakhstan is regularly monitored by the Organisation for Economic Co-operation and Development (OECD) under the Istanbul Plan on Fighting Corruption. Political corruption was discussed during the First (2004), Second (2011) and Third (2016) rounds of monitoring. Kazakhstan was recommended in the first instance to 1) ensure maximum public accountability of the authorities responsible for controlling financing of political parties, and candidates for elective positions; 2) allow for maximum independent control over financing processes including budget expenses. Independent financial control should record private contributions to prevent excessive influence of

interested parties on state and local authorities' policies; 3) ensure access of every citizen to information on sponsors of parties and candidates as well as information on the amount of their contributions. Kazakhstan has partially implemented these recommendations.'

However, there is only one dominating political power in Kazakhstan, the president's party Nur Otan (for example, in 2004, it won 67.5 % votes; 2007 - 88.41 %; 2012 - 80.99 %; 2016 - 82.15 % votes in election to Lower House of the Parliament (the Majilis)). Such single party domination narrows opportunities for political competition and, in fact, promotes political corruption: the mutual control of political players is almost non-existent. In addition, state and party functions may be unofficially bound together. Moreover, there are many provisions in legislation that restrain multiparty system development: onerous requirements to establish new parties, numerous grounds to refuse registration, long lists to justify liquidation, etc. It worth saying that legal equality of parties is only declarative in nature. In 2009, to comply with requirements for the Kazakhstan membership in the Organisation for Security and Cooperation in Europe (OSCE), some legislation on political parties and elections was amended, but the changes were only a minor part of the recommendations made by the OSCE.

Issues on financing political parties are a specific aspect of the state. The level of shadow financing of Kazakh political parties is about 70-80%. Meanwhile, the shadow economy is almost 30%.' The most widespread misconduct during political campaigns is 'financing electoral campaigns directly with 'black cash' (statutorily prohibited sources) not indirectly through electoral funds; financing over the limit of elective funds; financing elective campaigns from state authority budgets, paying deputies contingency reserves, etc.' The above mentioned Law on Political Parties does not determine the maximum allowed amount of contribution from one person. The same is true for 'contribution' as it is also not regulated. Thus, services, discounts, etc. provided to parties may be considered as a contribution – there are no limits. In 2009, the above mentioned Law was altered with provision on direct state budget financing of statutory activity of parties; it related to parties represented in the Lower House of the Parliament. Undoubtedly, these provisions do reflect modern democratic traditions as they promote a decrease in corruption risk impacting on the political system. However, in case of Kazakhstan, such financing is given to only a few parties passing the minimum (7%) vote threshold. Following the results of the 2016 elections, there are only three parties (pro-presidential Nur Otan, Democratic Ak Zhol and Communist People's Party of Kazakhstan) which met this criterion. This depreciates the positive effect of the implemented provisions for state financing of parties. Therefore, it would be good to revise the legislation as per the OECD recommendations to include other political parties in this state benefit (OECD recommends this level to be 2-3%).

In 2014, an Anti-Corruption Strategy was adopted by the Republic of Kazakhstan for 2015-2025. The strategy does not consider political corruption separately; it is more about bureaucratic corruption. In general, the strategy is of a descriptive and declarative nature, and in this respect, is not new. However, this strategy does understand the role of Nur Otan party status in fighting corruption in 2015-2025, and has underlined its distinctive role. The strategy (item 4.2) positively describes the necessity to involve civil society as a mechanism to clean up corruption as well as the need to provide free access for society to public information.

In public polls, Kazakhs assume that their specific mentality and expansion of family links are acceptable (it is more about bureaucratic rather than political corruption). Nepotism and favouritism in favour of their own friends and their own family means to them that there is no violation of the public sector rules. On the contrary, they believe there must be humanism, a 'human' face of an official, or politician, who appreciates personal loyalty and is always ready to support them with relationships and influence. [This, they think, is a good thing.] In other words, Kazakhs don't understand that these relationships contain a hidden corruptive element that leads to real corruption since the interests of participants in such facilitation relationships will eventually conflict with those of other society members.' Talgat Tatubaiev (2017) says that this behaviour was the way that clan culture appeared and strengthened, through mutual aid. It erected barriers against progressive changes, as well. This culture is blessed by tradition and legitimised in the mass awareness of Kazakhs. Therefore, it is not a social challenge or a violation; it is not even acceptable to sanction those who act like that. The corrupted groups of Kazakh society, as T. Tatubaiev states, "immanently inherited the ability to create conditions that could self-restore and launch mechanisms of slowing down any modernising process.'

Having stated this, we must mention that there has been definite and record progress in Kazakhstan against corruption in recent years. According to the results of 2017, the Corruption Perceptions Index of Kazakhstan has improved by two ranks; it has finally escaped the group designation of having a threatening level of corruption. This allows them to launch the cooperation of civil society, business, and government in their aim to achieve 'zero' tolerance to corruption. (It should be mentioned that the chance of achieving the desired 'zero' tolerance is quite remote.)

Although, our research covers only three states of Central Asia, we may still say that the region is highly corrupted with neo-authoritarian regimes. We believe that the magnitude of political corruption in the region threatens further development of the states.

### 4.4. Political Corruption as a Threat to

### Azerbaijan and Armenian National Security

'Unlike Georgia, other states of the South Caucuses, Azerbaijan and Armenia, show a worrying tendency to preserve corruptive practices in politics. In Georgia, political corruption is evidenced, but low-level domestic corruption is not; hence, the state compares favourably with its regional neighbours'.

Significant corruption-related issues are highlighted by the rather mediocre positions of Azerbaijan and Armenia in various ratings and particularly in the Corruption Perceptions Index scores (*Refer Table 6*) as seen below. The lower the point score, the more corrupt the country is. Countries are given points from 0 (worst) to 100 (best).

#### in Azerbaijan and Armenia

#### Country

#### Azerbaijan

#### Armenia

The two states selected for analysis, Azerbaijan and Armenia, share not only their geographical region and post-Soviet past, but also the fact that the two new political regimes don't meet democratic standards. Thus, Freedom House defines the political regime of Azerbaijan as a consolidated authoritarian type of government. Nysnevich classifies the two states' regimes as neo-authoritarian. The Azerbaijan government is classified as 'personalistic and dynastic' (Heydar Aliyev, İlham Aliyev) and the Armenian regime is called 'corporate' (as it is led by political and economic groups). Despite the contentious relationship between the two states (due to the dispute regarding Nagorno-Karabakh) it was decided to research them jointly due to their common political corruption attributes.

All the states with neo-authoritarian regimes are characterised by a high level of political corruption (Singapore is an exception); corruption is the main mechanism that drives the regimes; it is integrated as far as required to ensure full control. The ruling political and economic groups de facto privatise public assets, utilise public opportunities and administrative resources to reach their own corruptive ends. Honest and transparent political competition is displaced with a monopoly (controlled by parties or individuals). Declarations are made regarding legislative innovations on anticorruption goals as well as full democratisation, but these declarations are not made in earnest. They are merely a necessary part of the regime's maintenance, a backdrop which limits political competition, and diminishes opportunities for legal opposition, perhaps even eliminating it entirely. This thorough planned approach allows the neo- authoritarian power to flourish. Both Azerbaijan and Armenia have the features of abuse in all administrative resources and public power. Political corruption is deeply entwined with economic corruption. The following is a detailed account of both states.

Azerbaijan. The political system is still closed and lacks transparency declares Kushnarov. Musabekov, an Azerbaijan researcher, states that political corruption in Azerbaijan is absolute, infiltrating all sectors of public life. The state is not concerned with fighting the corruption, but rather how to organise it. In 2004, following the Transparency Azerbaijan initiative, a large-scale survey was conducted to measure corruption. Many issues were queried, but the focus was on low-level every day corruption as well as administrative corruption, not political corruption. It is worth noting that respondents said the key reasons for corruption in the state had to do with the ruling clique, the presence of defects within state control, and the lack of public control. In other words, corruption thrives because Azerbaijan

powers are inefficient and society lacks resistance to corruption.

Azerbaijan political expert, Yunus, says that since 1996, Azerbaijan has been facing succession issues and witnessing campaign efforts of the younger relatives of the autocrats. For example, the son of the current Azerbaijan President İlham Aliyev, Heydar Aliyev-Junior (deputy of the parliament), and the president's wife – Aliyeva (appointed February 2017 as First Vice-President of Azerbaijan). Active president has in fact taken over power from his father, Aliyev\*, who ruled the state for almost thirty years with a short break.

Zotin, a researcher, mentions that Aliyev controls only the political sphere, not the economic. Business interests are controlled by those with the Aliyev surname.. They are now the subject of media investigations which has led to further crackdowns on media. The Aliyev estates stand in stark contrast to the income of ordinary citizens, which are scarce despite the huge oil and gas profits of the state. As is well known, the Azerbaijan part of the shelf of the Caspian Sea is rich with oil, while the continental part is rich with oil and gas. Since late 90's, the extraction has continued, profitably filling the state coffers.

Finally, Azerbaijan society has started asking questions on how equally the national riches are distributed. Analysing the experience of other states with similar (excessive) dependency on oil exports, American researcher Sh. O'Leer concluded that unequal distribution of oil rent benefits allows the ruling clique to avoid improvement of the state management system aimed at establishing societal prosperity and if Azerbaijan continues moving in that direction, national expectations may fail. A good contrasting example to Azerbaijan is Norway, where the government has wisely distributed oil and gas profits for the good of the public.

'In 2012, the Organized Crime and Corruption Reporting Project (OCCRP) named Aliyev, the president of Azerbaijan, the 'Corruptor of the Year' based on the facts of how his family has siphoned off profits for many years from state enterprise. Revealingly, a series of published articles on the business interests of the Aliyev family triggered the parliament to approve regulations which allowed Azerbaijan companies not to disclose registration information, ownership structure and shareholders' names. Naturally this was approved by the 2012 president, Aliyev. Further, the parliament granted the president and his wife immunity against criminal proceedings for actions they committed while in public office. The Aliyev's empire continues. However, in 2015 multiple reports were published with descriptions of how the president's family expropriated and misused public funds for their own benefit.

'Since mid 2012, the government has prosecuted political activists who criticise the government. This includes party leaders, especially oppositional parties such as 'Müsavat', the Party for Equality, the Azerbaijani Popular Front Party, etc. It includes bloggers and activists from social networks like Facebook and Twitter, who became active after the Arab Spring. These arrested activists are famous for criticising the government for corruption and abuse of human rights. The regime is especially hostile to uncontrolled mass media. International institutions have often paid attention to the inflated charges against journalists. These unjust charges have led to prosecutions and imprisonment (of mass media representatives, bloggers, rights advocates and many others who criticised the government policy). A recent example is in spring 2017, Huseynov, an Azerbaijan anti-corruption blogger was convicted to two years imprisonment. Further, on 12 May 2017, the news sites critical of the government (Radio Liberty, the Meydan TV, the Azadliq, the Azeibarjian Time, the Turan TV Channel) were placed under court injunction due to their perceived threat to the safety of the state. Reporters Without Borders has rated Azerbaijan 162nd out of 180 possible in its annual freedom of the press rating. The score is a result of many crackdown cases on oppositional mass media.

The British researcher of Caucuses issues, Thomas De Vaal, focuses on lack of transparency in Azerbaijan policy. In 2013, Aliyev ran for president for the third time which required him to initiate a referendum since under the Azerbaijan Constitution, a person may be elected only twice. Representatives of the opposition (as well as the OSCE) insist that their candidates were victims of fraud. Election results were greatly affected by restrictions to free thinking and meetings. Unequal conditions existed for presidential candidates and the ruling party. The opposition were not allowed to meet in the centre of Baku, their TV air-time access was restricted, and many members of the opposition and hard-hitting journalists were arrested.

Human Rights Watch's 2013 report on the Azerbaijan crackdown on democracy said: 'The government uses all efforts to restrain active opposition, punishes those who dare to criticise or publicly confront corruption, and also enhances control over non-governmental organisations.' The European Council's report (April 2015) on corruption in Azerbaijan states: 'Despite all efforts used since 2011 to fight corruption in the public sector on the lower level, there is hardly anything to prove definite decision to fight it at the higher level of public services', expropriation of state resources by the ruling clique remains unchanged. In 2015-2017, the executive branch of Azerbaijan has further aggressively restricted any criticism and protests unfolding against the runaway economic crisis (rise in inflation, energy resources production and budget deficit, etc.).

'In January 2017, an Azerbaijan law was adopted easing registration of non-governmental organisations. It has not recovered any societal freedom which has been squelched these last years. Further, since 2012, the state has completely banned foreign grants. Restraining laws suppress any foreign sponsorship for civil institutions, which has led to the breakdown of numerous civil initiatives. It is extremely difficult to hold the government to account if there is no freedom in society to do so.' Even Transparency Azerbaijan, a unit of the well-known Transparency International institution, was forced to close two regional branches and reduce its activity in the capital of the state. This was because Transparency Azerbaijan's financing comes from abroad.

In June 2017, the Azerbaijan parliament again decided to review, with a view towards toughening, the financing procedure for parties and non-governmental organisations. It is claimed by the government that this is to enhance their accountability. Further legislative initiatives were brought to 'prevent financing of terrorism'. The Azerbaijan authorities stress that oppositional parties and several non-governmental organisations don't comply with financial transparency requirements; they are suspected of setting up foreign bank accounts and accepting illicit funds.

"Back in 2015, a decision was made to force officials to declare their income, however, the procedure is still pending. There is also a Law on Declaring Income for Officials, but it is two decades old and still lacks a system of implementation. It is claimed that this is due to lack of an agreed format for such declarations. However, everyone

understands the true cause of the delay is the officials who do not wish to declare and explain the sources of their income and property.

In 2017, the Azerbaijan authorities declared their intent to approve a new state program on fighting corruption and bribery (Azerbaijan law-makers split these two illegal activities). As of March 2018, there was no information published about the programme and the status of its adoption. In civil polls querying anti-corruption progress, stalemate prevails. Respondents predict that any new anti-corruption reforms brought forward will result in prompt simulation of actions by state authorities which are not sincerely supported. Meanwhile, the Azerbaijan civil society is not active against corruption. On 28 October 2017, an anti-corruption meeting was held in Baku where one thousand people attended. There were no other massive protests in Azerbaijan.

Researchers of Azerbaijan corruption issues presume that if there is truly any small decrease in corruption as has been declared by the Azerbaijan authorities, it may be at the domestic level. Top down corruption and political corruption remains unchanged. There are only solitary examples of dismissal or prosecution for corruption among representatives of the Azerbaijan political class. Such examples include, for instance, one single case of dismissal at the end of 2015 of officials for corruption: ex-minister of national security Makhmudov and ex-minister of communication A. Abbasov. Dismissals are very rare indeed.

According to the OSCE, Azerbaijan has never held free and honest elections that comply with international standards. The organisation usually acknowledges the lack of integrity in the pre-election atmosphere (evidenced by restricted access of candidates to media) and interference in the process of elections during voting. The Venice Commission has repeatedly recommended that Azerbaijan amend its electoral legislation; as of today, the such efforts are minor.

Formally, Azerbaijan has declared its readiness to fight any form of corruption as the state has ratified many conventions. For example, the United Nations Convention against Corruption has been ratified. It has also joined the Council of Europe's Group of States against Corruption (GRECO). As already mentioned Azerbaijan received a low point score in the CPI, see Table 6) by Transparency International; the number of individuals sentenced for corruption during recent years is insignificant; there were only a few corruption prosecutions of junior officials. Having said that, the Corruption Perceptions Index was one point higher in 2017 than in 2016. This was the result of eliminating some issues that impeded enterprise activity and exacerbated corruptive practices. These reforms led Azerbaijan out of the most corrupted states list. Our analysis shows the endemic character of corruption in this country, the deeply rooted patronage of networks, hard-wired culture of subterfuge to escape punishment, etc. The government stands against any source of independent information and leans hard on journalists for their critiques against the government. Courts usually take unreasoned decisions against rights advocates and journalists; the justice system has become a tool against dissidents. The research of Popazoglo has described these unfortunate tendencies.

Armenia. Although, this state has more points in the Corruption Perceptions Index than Azerbaijan, as well as a better country ranking by Transparency International, the political corruption status in both states does not differ much: corruption is systemic and threatens national security as well as development of the Armenian national identity in general, stresses Fukuyama. The biggest issue he identifies are corrupt state institutions and the quality of the state. He further states that corruption and patronage in Armenia are paramount threats. This state is characterised by a deficit of government transparency; corruption is present at every authority level; the independence of the judicial branch is restricted; opportunities of citizens to change the authority are narrowed.

Armenian political expert, Director of the Caucasus Institute, Iskandarian, emphasised a situation which is quite common for Armenia: with few natural resources, a coalition of trade and production representatives has been established, along with regional princedoms and state officials. In fact, not political parties, but elite business groups are active in politics. Legal meetings are more often scenarios to protect economic interests. R. Hyrahosian says that corruption is the key roadblock to reforms and development in Armenia. He also pointed to the lack of free and honest elections as systems of peaceful transformations in Armenia.

In Armenia a Corruption Council has been established (This is the sixth anti-corruption structure during the independence of the Republic) as well as a Coalition on the Fight against Corruption. The Council composition sparked a massive public outcry, as some members of the Council were not thought to have integrity. The anti-corruption effort was a mockery. Critics, particularly bloggers, named the newly established council the 'Committee on Corruption Expansion'.

Corruption in the army, and its mandatory 2 year service, has been superficially observed for years. Upon the 'Four Days War' in April 2016, a campaign was launched to discover how the state budget allocated for state security was wasted. Until that time, corruption was not perceived as a threat to the national security of Armenia, but came across as an element of common law. The Armenia ethnographer A. Tadevosian explains that the reason why corruption is so widespread is the mentality of locals. Many of those who are engaged in corruption networks don't perceive their activity as corruptive, and likewise citizens don't report corruption. If citizens get involved it is because the corruptive system is perceived as the easiest way to get something done.

Armenia, as did Azerbaijan, introduced a mandatory procedure for officials to declare their income. Every year, many declarations are submitted, but competent authorities don't pay attention to them as all the property is registered to relatives and other third parties, rendering them meaningless. This situation is joked about on the internet on blogs. As is apparent, Armenian politicians have managed to circumvent the law, and more serious efforts are necessary to truly achieve effective anti-corruption measures.

On 2 April 2017, Armenia held parliamentary elections. Many questions were asked due to corruption fears. The OSCE harshly criticised the lack of transparency and disclosed cases of buying votes and interfering in electoral process. Evidence of pressuring state officials and employees of private companies was found. During the election monitoring, the Transparency International Anti-Corruption Centre reported cases of uncommon distribution of voters' residences as many addresses were crowded premises, where 10-15 people lived. However, there were positive aspects of the election as many new procedures were introduced which were focused on ant-corruption issues. For example, for the first time scanners were used to identify fingerprints of voters. The innovation was motivated by the fight against the corruptive practice of repeat voting. Unfortunately, this experience was not very successful due to technical difficulties as the machines often failed and did not manage to identify voters. For example, ex-president of Armenia, Serzh

Sargsyan, Mr. Levon Ter-Petrosyan and many others were not identified. Voters rights activists suspected that these machines were a part of the administrative resources used during elections.

Among anti-corruption measures, there were amendments made to the Elections Code in 2016, just before the parliamentary elections of 2017. Up to date publication of lists of those who voted on the site of the Central Election Commission (http://www.elections.am/). In the voting precincts, there were on-line video recording and streaming. Additionally, the criminal penalty was enhanced from 2 to 5 years of imprisonment for voting fraud, for example voting instead of another voter, etc. Despite all this effort, the Transparency International Anti-Corruption Centre still found evidence of abuses of administrative resources, buying votes and other violations during the elections. There is evidence that the weak party system (lack of proper organisation and finance), and atrophied opposition parties are the reason for the corrupt political culture.

Difficulties relating to financing political parties help facilitate political corruption. Armenia's legislation provides for state financing of political parties. But the financing is provided only to those parties that have passed the 3% threshold as the result of previous elections.

"In 2016, the Venice Commission passed a judgement on prohibiting financial contribution from foreign sources to local parties. The Armenian legislation is harmonised with international standards in prohibiting foreign sponsorship of parties. However, there is a significant Armenian diaspora which exceeds the number of Armenians in their homeland almost three times. At first glance, it may appear as if the diaspora is aloof regarding the political process. Amendments to the Constitution in 2005 allowed dual citizenship. Joint citizens have many political rights, they may become equal rights members of political parties and support them materially. This practice is not common in other countries

"To ensure transparency, it is important that political parties publish their financial statements including information on bank loans, contracts with funds, and their associations related to political parties. Currently, the Elections Code requires political parties to report to the Supervision and Auditing Service on the 10th and 20th day following election campaigns and 3 days before declaring election results. However, it seems this system is not thorough enough. Further recommendations include: sound and independent supervision by a competent authority over financing preelection campaigns, financing parties, and finances in general. Investigation and imposition of sanctions is also necessary. The last was stressed during the Istanbul Plan on Fighting Corruption (the third round of monitoring).

It does sometimes seem as though Armenia is fighting political and other types of corruption as legislative amendments, sometimes even headline arrests (usually these are lower officials) are made. However, senior state officials lack the political will required to succeed in the anti-corruption battle. It takes a strong will to engage in regular corruption prevention measures and the establishment of zero tolerance toward corruption culture. It is time to establish an anti-corruption body that is able to perform investigations, educate the public, and provide preventive corruption services. Discussions on establishing such an entity have been held in Armenia for many years. The population is not satisfied with the anti-corruption policy the authorities have created as is demonstrated by the results of the recent Transparency International poll (end of 2016), in which 65% of respondents stated their dissatisfaction.

The corrupt practices in Armenia are not reasoned by the lack of legislative ground to fight corruption, just the contrary: the adopted laws based on international recommendations are not performed. This shows lack of political will among elite and even presence of their interest in saving the existing corruptive mechanisms.

Some positive anti-corruption changes, may occur with the transfer of the state to a parliamentary republic in 2017 (This means strengthened powers of the government and election of the head of state by the parliament). However, an analysis of the political situation seems to indicate that the constitutional reform was planned by the ruling elite to further sustain their powers by transferring reins of power to a prime minister, the former president, Serzh Sargsyan (thus allowing him a third term in office, circumventing the intention of the constitution). This scenario was averted by mass protest actions in April 2018 initiated by the opposition fractions of the parliament 'Way Out Alliance (ELK)', 'Civil Contract', 'Tsarukyan', 'Armenian National Congress' parties and others. Since the very start, these protests lost their peaceful nature: noisy explosives, tear-gas, water cannons, were all used and arrests of protesters, especially opposition deputies of the parliament, were made. Attempts made to control protests with force showed that the current regime were trying maintain their power and break their obligations which were taken just a few days before the protests and right after ratifying the EU-Armenia Comprehensive and Enhanced Partnership Agreement. Despite the protests, the ruling Republican Party of Armenia decided to nominate Serzh Sargsyan for prime minister position and on 17 April he was elected as prime minister.

The Armenian revolution of April 2018 may be considered as 'coloured' and as an attempt to awake the civil society of Armenia. It was the first serious political demonstration since 2008, when massive protests against alleged electoral fraud during the president elections resulted in deaths of protesters. After that, the opposition retracted its initiatives. Youth, military, and representatives of big businesses supported the protests. After just 10 days of protests, Serzh Sargsyan was forced to submit his resignation. However, this was not the end of the protests: They requested to hold snap parliamentary elections, eliminate the "ruling party", and not to admit any new Republican party representative to be nominated for prime minister. Such massive protests showed the undoubted pushback to corruptive capture of the state by the 'ruling party'.

Back to the present political situation, at the time when this book was prepared for publication, protests were still going on and more participants had joined and new demands were made. These protests may be regarded as significant progress despite the Russian military forces still based in Armenia and the Russian monopoly on energy resources and many sectors of the economy. Civil society is still weak and political parties are more formal than functional.

Our research shows that political corruption is still an issue in Azerbaijan and Armenia. It is used to monopolise power in these states through elimination of political opponents, imitation of real separation of powers, adoption of laws to legalise inappropriate non-legal actions by official authorities, misuse of administrative resources, favouritism,

selective justice, pressure on civil society, etc.

Political corruption in Azerbaijan and Armenia is mostly perceived as an endemic and deeply institutionalised notion that has deep roots in all sectors of civic and political life through the network of political patronage tightly connected with political elite. Most of the population of both states is characterised by maintaining a patriarchal type of political culture to a greater (for Azerbaijan) and lesser (for Armenia) degree. They have not modernise enough to be able to ignore clan values in the name of democracy. The incriminating materials of anti-corruption organisations and the media usually succeed in getting a resignation of an official, but never a prosecution. The author concludes that the research confirms a culture of preserving and tolerating corruption and that the state authorities lack the political will to respond to corruptive practices. Civil society of both states is not yet established and is weak (particularly in Azerbaijan). This is the reason of poor progress in fighting corruption in general and political corruption in particular. At the same time, the Armenian civic protest movement in spring 2018 may potentially facilitate democratic developments and thus further anti-corruption movements.

# 4.5. Institutionalisation of Political Corruptionas a Key Factor to Describe the Political Landscape of the Russian Federation

We may see from the analysis of the previous subsections that most of the post-Soviet states suffer from political corruption and that it is an inhibiting factor towards democratic progress which restricts the transition to rule-of-law values. The Russian Federation is one of the states which is infected with systemic corruption. 'Achievements in fighting political corruption are minor; anti-corruption mechanisms in politics are in most cases only declarative; therefore, using it as an anti-corruption model for Ukraine is not feasible. However, in terms of comparative political studies it may be important to analyse what has not worked well with the types of Russian political corruption as well as the mechanisms used to fight it to gain insights.'

Political corruption in the Russian Federation is not studied enough in Ukrainian political science. Our task is to study specificities of Russian political corruption as a non-formal political institute, to uncover the main obstacles to progress in fighting corruptive practices within electoral process, party financing, lobbying practices, etc.

'Corruption is the main apparatus that enables the functioning of Russian authorities; this automatically means there is no other instrument such as competition.' Transparency International estimated that Russia is within the maximum corruption risk zone. Fluctuation of Russia's position within the Corruption Perceptions Index for the previous six years was insignificant and lacked any progression: 2012 – 28 points, 2013 – 28 points, 2014 – 27 points, 2015 – 29 points, 2016 – 29 points, 2017 – 29 points. However, while in 2016 the scores put Russia in the 134 position, in 2017 it was in the 141 position in the world. Such a high level of corruption, we believe, is the first sign of the lack of development of Russian civil society as a sector able to control state abuses. The main areas of political corruption in Russia are the elections to legislative and representative authorities at all levels, the activities of political parties and lobbying.

Russian researchers strongly criticise political corruption in their own country. Zarandia (2017) names political corruption 'a shadow power in Russia'. Meanwhile, Kornilov (2011) states that 'corruption in Russia has grown to an unprecedented scale'; the state is 'at the brink of losing control over state institutions where they start ruining the economy and the social sector starts degrading drastically, while the state steadily transforms into a failed state, a quasi-state with no firm outlook for future development.'

These earnest assessments characterise the Russian Federation as a typical non-democratic state with only declared democratic values. We agree with Nysnevich (2017) who, when defining the Russian Federation's regime, named it 'neo-authoritarian', in the variety of 'corporate personified' type (Vladimir Putin and his political attendant in 2008-2012 Dmitrii Medvediev). In fact, almost all neo-authoritarian regimes (except Singapore as mentioned) are characterised by a high level of political corruption.

Under modern circumstances in Russia, corruption is not just very widespread, it is a form of integration into politics which connects it to business, and connects the opposition with officials, etc. Political corruption has become institutionalised; it has assumed a systemic character. In fact, political corruption in Russia takes on the 'negative effect of non-formal institutionalisation.' Zarandia (2017) underlines that 'today, in Russia, there is inconsistency between official and shadow institutions as well as various interinstitutional dichotomies. State authorities are established not only officially or formally, but also informally. In this respect, client relationships are penetrated by both forms. Shadow structures often take leading positions, and determine political impact on all structures of politics, economics, etc.' 'Shadow relationships penetrate every aspect of politics and impact non-transparent processes of state management.'

Idrisov (2013) sets forth that political corruption in the Russian Federation includes nepotism and various means of misappropriating public and state goods for personal and private collective usage. Political corruption abuses resources of power by politicians, which leads to harmed societal and state interests (it is a kind of 'privatisation of power'). Interests of politicians in a non-democratic state conflict with voters' interests to a greater or lesser degree. Accordingly, the first are tempted to use management resources for their own or corporate (political party) benefits. Take as an example the appointment of someone for an official position who obtains this position not because of merit, but due to 'non-transparent non-competitive mechanisms based on nepotism. The main factor of successful appointment as a Russian official is the existence of personal connections based on attachment and patronage.' Additionally, this process is perceived as normal by the Russian establishment.

An entirely reasonable conclusion made by Vladimir Rymskyi (2011), a Russian political expert, asserts that the merger of power and property (we would alter the statement to 'venerable capital' instead of property, implying the God-like stature of money for some) are the basis for political corruption. The researcher underlines that patrimony in the Russian system of state management is a significant obstacle to establishing a law-based political regime. The patrimony of the modern Russian state promotes inheritance of power and property.

'Political corruption in the Russian Federation possesses many features: 1) a distorted election process with

falsification of election results, the only aim being to maintain power and disallow systemic political change; 2) establishment and development of specific financial and political groups which concentrate huge resources for a narrow circle of people who in turn take strategic state decisions without any public consultations; 3) lack of real political competition; 4) establishment of executive power not based on expertise, but by personal attachment; 5) state support (financial, informative, etc.) of only one political power (the ruling party). One of the biggest threats is that political corruption infects the justice and law enforcement systems.'

Inadequacy of the party and political system in Russia as well as the lack of true political parties which would reflect the interests of specific social groups has had an adverse effect: the parties either represent the interests of the executive branch, or, the parties turn into business entities which raise financing due to government support and in return for votes on various draft acts.

Another serious problem within the Russian political corruption field is the unregulated lobbying. Of course, open blackmailing and threatening are not an everyday practice. However, there are many forms of mutual exchanges in return for lobbying services (material and non-material benefits). For example, financial rewards, promises to deliver votes during next elections, organisation of meetings with voters, support of a politician's initiatives, etc. Corruptive lobbying occurs in Russia advancing one legislative act and stymying others in the interest of certain financial and industrial groups. It is done in various ways; some interest groups sponsor political parties, and some give economic incentivise to deputies who are able to impact decisions of legislative authorities.

Numerous anti-corruption provisions in Russian legislation are populist and declarative by their nature; they don't provide efficient mechanisms for political accountability.' The Russian income declaration system is an illustrative example as it is absolutely declarative, and does not function as a bona fide anti-corruption tool, says Naronskaya (2017). 'There is no review of corruption indicators, for example, on appropriateness of expenditure against income of an official. Not all the public (such as civilians, mass media, non-profit organisations) are permitted to request income declarations belonging to public officials for scrutiny. Obviously, there is a real need to facilitate this as the Russian establishment continues to possess substantial property. This property attracts the attention of the Anti-Corruption Foundation established by Alexey Navalny. The difficulty of such investigations is that there is no chance to detect the true owner of such assets. One of the most talked about investigations in 2017 was the one of former Russian President Dmitrii Medvedev, who, at the time of writing, is the Russian Prime Minister (https://dimon.navalny.com/#intro). The government brushed off the allegations and accused Navalny of an aggressive start to the 2018 presidency campaign (on 8 February 2017, the opposition leader Navalny was deprived of the right to run for election due to judicial convictions).'

Electoral corruption is another acute form of political corruption in Russia. It seems that elections are made not made to get officials in and out of office, but to 'amass power within the ruling elite and consolidate the current political course.' Russian political expert Nysnevich (2012) points out typical outcomes of this specific type of corruption: '[...] advantages are made for representatives of the ruling political forces and groups, political competitors are repressed, free expression of citizens' will is distorted through unlawful application of state structures, officials and resources during electoral processes.' Following the results of Russian parliamentary and presidential elections in 2003-2004, power was privatised by the managerial political class. That paved a path for the next stage of the top-down governance establishment: political and oligarchical class moved to the seizure of power. During the following 2007-2008 elections, the 'United Russia' party and the candidate for the presidency from the ruling political class totally repressed competition through corruptive actions and 'turned parliamentary and presidential elections into an administratively manageable process of plebiscite legitimization for the ruling political regime.'

Russian electoral process is characterised by violation of the electoral procedural order by purchasing votes; illegally financing election campaigns, providing information for election purposes by organisations and media with private motivations; buying officials responsible for transparency and publicity of election process, etc. Places in the political party election list are essentially for sale.

Typical types of election corruption in Russia are restricting or refusing to register candidates based on an 'invalid' list of collected signatures (necessary to stand for election) or incorrectly signed signature sheets, etc. Such measures may also comprise restriction of a party in the interest of the ruling regime. For example, in 2007, registration of the Republic Party of Russia was revoked. In 2011, the European Court of Human Rights found the decision illegal and Russia had to restore the state registration of the party (2012). Another type of election corruption is the removal of oppositional candidates by election committees- for example, by accusing them of being in violation of election campaign rules. Blocking media which criticises the government thus resulting in unfair conditions for candidates in using election campaign communication tools occurs. Further impeding the independence of media is achieved by changing owners, changing chief editors, imposing various penalties, etc. Buying votes, including with public funds, blackmailing certain groups of voters, arranging bonuses for transporting voters, providing services or selling goods at lower prices are all corrupt methods of affecting electoral results. Further types of electoral corruption include intimidation, obstruction or prosecution of voters or candidates, and arresting or initiating criminal cases against disagreeable candidates. Illegal financing of election campaigns is also common.

Political corruption is also demonstrated by the state financing and otherwise supporting its ruling party, 'United Russia', and not other political parties. This is not prescribed by the Law on Political Parties and disrupts confidence in the party and electoral systems. 'Only strong alliances of the oppositional parties and civil society may change the situation; with their anti-corruption activity, they are able to stop or at least to decrease the level of abuses by state officials who create preferences only for one party,'

Experts from Transparency International in Russia report on hidden state financing for the United Russia party with huge public contracts obtained by the sponsors who support the party and the candidates. Monarkh Concern, Tomsk Real Estate Developer and Ekolain Company are among sponsors of the United Russia party and each of them donated over RUB 10 million. They are the companies who gained public contracts at the regional and federal levels. Public contracts gained by huge donors of the United Russia party may directly link their readiness to financially support the ruling party and its candidates. These huge government-favoured donors usually gain additional preferences of a corruptive nature: in fact, they become monopolist in the market of public services in all sectors. In addition, management of the sponsoring companies hold deputy status at all levels; they are engaged in committees and

commissions that directly decide the rules in their area of business interests. They use their status to adopt regulations that promote their companies' profits. Meanwhile, the conflict of interests' regulation is so vague that no conflict may be found with any business interests of deputies.

During previous elections (2016) to the State Duma of the Russian Federation, many abuses of a corruptive nature were reported (by the non-commercial organisation Golos (election monitor), Transparency International in Russia and others). 'The information published routinely was insufficient to trace who supported which candidate and which party (this type of election is based on a mixed electoral system); timely information was not communicated to regional and district commissions, or, it was communicated partially or not at all. The lower threshold for contribution declarations is RUB 200 thousand (it was increased from RUB 25 thousand). This policy change decreased transparency further.'

'The main problem in ensuring transparency of contributions is that non-commercial entities (NGOs), which don't have to disclose their donors, are used to finance candidates, thus, the origin of financial resources is unobtainable. Only foreign NGOs are prohibited from financing elections. For example, one of the huge donors of United Russia is an NGO named 'Fund of Future Generations' and many various regional funds (the Bashkortostan Fund for Regional Cooperation and Development, the Krasnodar Fund for Regional Cooperation, the Saint Petersburg Fund for Development, etc.). Hence, NGOs support not only the United Russia, but also other parties ('A Just Russian', "Yabloko" (Apple), 'Party of Growth' and others). However, the majority party candidates still get the most financing.'

That is why, if the Russian Federation wants to be seen as transparent, it must go back to the mandatory requirement for electoral candidates to disclose all contributions over RUB 25 thousand. Financial documents of all candidates should be published according to a unified statement that would allow information gaps to be filled. Non-commercial organisations (NGOs) that sponsor parties should report on their donors and publish the information.

We must emphasize that foreigners are not allowed to finance election campaigns in Russia. However, despite the prohibition, there were many such cases. In the 2016 elections, the number of such cases decreased, but Transparency International in Russia has reported on caseswhen the United Russia party was sponsored by structures owned by off-shore companies (mostly from Cyprus). Often, there is no chance to identify the sponsor.

It looks like electoral corruption in Russia is currently at the stage where political technologies cannot be applied without access to corruptive schemes (creating disinformation to be disseminated through various media channels, for example, to arrange pre-election campaign, etc.). Political technologies and corruptive schemes are inseparable. 'In Russia, systemic distortion of competition within politics has led to the violation of standards of honest and democratic elections.'

Using administrative resources including the public budget for the benefit of individual political parties is another example of political corruption issues within the election system of Russian. Officials sometimes violate legislation to support political parties and their candidates. As Transparency International in Russia commented 'state authorities and local authorities procure services from political scientists who further perform closed sociological surveys, develop strategies and tactics of information campaigns, content for the campaigns, organise public hearings, work with leaders of public opinion, protest groups, etc. It is all paid from the pocket of tax payers.' 'In fact, public and local authorities regularly provide financial support to political parties and their candidates, which is not the prescribed by the law.'

According to Article 34 of the Federal Law of the Russian Federation On Political Parties (2001), control over financing political parties is performed by the electoral commission system. However, the electoral commission does not perform duly its function as it doesn't possess the relevant competencies and mandate. To uncover illegal shadow financing, one needs to know the electoral legislation, but also to be able to ensure regular auditing of public expenditures, activity of officials, and the monitoring of financial flows including the shadow flows.

'To efficiently fight corruption associated with administrative resources and shadow financing (including from the public budget) there must be a political will and strong public interest to force the authorities to comply with legislation. Currently, we observe none of the elements to facilitate the anti-corruption process. In 2012 and in 2016, the Group of States against Corruption (GRECO) published reports on Russia where the Group recommended criminalising corruption and ensuring transparency of financing political parties.' In 2016, the GRECO report stated that Russian takes insufficient measures to ensure transparency of financing political parties and does not enhance the independence of the electoral commission.

Russian authorities need to pay real attention and not declarative attention to prevent losing administrative resources and disallow shadow public financing. Indeed, at least functions and mandates of electoral commissions should be reviewed so that the functions of organising and performing financial control can be separated. It seems reasonable to transfer financial control to separate financial audit authorities thereby following the successful international model of financial control which may be quite applicable.

'One of the few large-scale civil project that targets many types of corruption in Russia is a crowdfunding project founded by opposition leader Alexey Navalny named RosPil (http://rospil.info/). It started by monitoring abuses in public procurement and now it captures many companies.' Anti-corruption 'Campaign #20' (https://20.navalny.com/) targets requirements to ratify Article 20 of the 'United Nations Convention Against Corruption' (2003), which envisages punishment for illicit enrichment: an official is to be prosecuted if s/he has significant increases in personal assets beyond his or her lawful income. The fund insists that only public pressure can force authorities to adopt the inconvenient norms; the pressure is performed through: collection of signatures, picketing, publishing investigation results, and asking questions in public.

A source which may add insight to who is active in Russian corruption is the content of the Black Book website (http://blackbook.wiki/). As of April 2018, the Book comprises 558 individuals who make illegal decisions out of political motivation (judges, members of electoral commissions, etc.). It includes descriptions of such events.

There is an interesting analysis of municipal clans based on a Saint Petersburg example (https://petrograd.fbk.info/). It shows that municipal authorities are tightly connected with family, friendship and commercial corruption-based links.

In addition to these anti-corruption initiatives there is Declarator, a project (http://declarator.org/) supported by Transparency International in Russia. As of March 2018, they have processed forty-three declarations of public officials. The project has been established so that declarations can be published in one place where they are kept and processed. This has allowed the creation of a simple tool to control profits and expenditures ratios of public officials by media and civil activists.

'It is worth mentioning that in Russia anti-corruption investigations are perceived as aggressions towards the state by the state, while in democratic states anti-corruption institutions are partners with the authorities in developing the rule-of-law. The state took a special stance against Transparency International in Russia: the prosecutor's office forced the organisation to get the registration of 'a foreign agent'. In 2015, the organisation was listed in the register. It appealed this status but none of the judicial appeals to change the status succeeded. Transparency International considers itself as under suspicion of espionage by the Russian state, whereas it sees itself as having a mission in fighting corruption with non-political, non-party tools.'

In general, Russia is an example of a defected state where corruption has successfully displaced competition. Corruption drives all political, economical and other processes. Power is 'captured' and there is no proper 'changing of the guard' in place through free elections, 'the ruling political and economic groups privatise the public authority, utilise its authoritative powers to mandate as well as use its administrative resources in order to achieve their monetary reward.' The drive to maintain power at all costs will naturally lead to the repression of political competition and replace it with political corruption. The goal to obtain power is driven not by the highest honourable civic values, but instead by a selfish desire to utilise the power and public resources for personal benefit for themselves and their immediate circle.

'Under circumstances when traditional cultural values and preferences are being preserved it is not possible to mitigate political corruption: legal nihilism prevails. Corruption is the backbone of the Russian political system. It has infected and deformed all branches of Russian power, fundamentally changing the content and the nature of politicians.' The scale, features and dynamics of political corruption in Russia have resulted from many issues of state development (political, economic, social and cultural, etc.). In recent years, corrupt relations in politics have not decreased, instead they have redoubled, and have taken new formats that restrain the development of the state as well as challenge national safety and reputation.

Probably one of the most important reasons for political corruption in the Russian Federation is the poor involvement of citizens in control over the state. The true opportunities for citizens to influence weak institutions (such as political parties, interest groups and pressure groups) and a desire to use these opportunities are not in the interests of Russians' political culture. That is why it can be said that Russian citizens have underdeveloped impact on their state and it may also be declared that there is systemic political corruption with no serious opposition to it. Despite regular anti-corruption initiatives, the abuses in politics are unprecedentedly high. Numerous legal provisions aimed at fighting corruption are declarative in nature; they don't provide for efficient mechanisms of political accountability.

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To resume our political and legal analysis of anti-corruption mechanisms in post-Soviet states, it is worth mentioning: each state chooses its model of anti-corruption. They each have their own anti-corruption strategies. At the same time, their perception of corruption and readiness to fight it differs too.

1. For many years, the Baltic States prepared for European integration and membership in the EU. They achieved a lot of success in mitigating political corruption. Today, Estonia is the least corrupted among the former Soviet states. Its anti-corruption model is based on drastic reforms of courts and state services which were undertaken in 1992-1995. Additionally, electoral corruption is mitigated by using the Internet (since 2005). Bureaucratic corruption is almost conquered by an e-government model (The E-Government Program was launched in Estonia in 2000). Violations in the financing of political parties are criminalised. The Code of Conduct of Riigikogu's deputies (Parliament's deputies) is still an urgent matter.

As for Latvia, upon declaring independence there was the oligarchic 'capture of the state' which slowed down opportunities for the potential EU and NATO membership. Today, Latvia has a well-developed legal and institutional basis to supervise financing of political parties and their campaigns.

Lithuania mitigated political corruption through 1) a total ban on financing political parties by legal entities; 2) adopting a law on lobbying to regulate it; 3) approving a code of ethics for political officials, including penalties for code violations; 4) minimising various types of immunities from the law.

2. The Georgian reform experience is a bright example of a post-Soviet patriarchal state which has been able to leapfrog to civilised changes. However, the fight against political corruption is still under question. Corruption has been minimised mainly at the level of state services and taxation, but these results have not been transferrable to political corruption. At the end of 2017, the Georgian Constitution was significantly amended mostly in terms of checks and balances and modernisation of the election system (starting from 2020). Thus, it is not yet possible to assess the constitutional changes until they are implemented, though their aim is to ensure consistent anti-corruption processes in Georgia. For many years, the centralised power concentration in the state together with a weak system of checks and balances facilitated abuses of power.

As it was for the Baltic States, the European integration motivated Georgia to fight the anti-corruption battles. In 2007, Georgia achieved a visa free regime with the EU which provided improvement in the anti-corruption legislation, in particular: the monitoring of property declarations of state officials, improvement of the transparency in legislation, and, what is more, changes to the constitution adopted in 2017.

3. While Azerbaijan and Armenia declare their anti-corruption values, they preserve corrupt components in their policies and their political regimes don't comply with standards of democracy. These neo-authoritarian states are characterised by using administrative resources and strong political corruption with an economic component.

As in Armenia, political corruption in Azerbaijan is intended to monopolise power by: removing political opposition;

imitating true distribution of power; utilising administrative resources; practising favouritism; performing selective justice; pressuring civil society and independent media, etc. Corruption in these states is mostly perceived as an endemic and deeply institutionalised notion which has deep roots in all sectors of civil and political life through a network of political patronage tightly connected with the political elite. Most of the population cherish patriarchal political culture: they are not ready to leave clan connections and give way to democratic values. The incriminating materials against state officials rarely lead to guilty verdicts. A culture of tolerating corruption is maintained, as state officials lack the political will to respond to corruptive practices. Civil society of both countries is not yet established and is weak (Crackdowns have been observed in Azerbaijan).

Anti-corruption results in Armenia are more obvious, which is evidenced by higher anti-corruption rankings and innovative reforms in terms of transparency of election processes, etc. The Armenian civil protest movement in the spring 2018 may potentially facilitate further anti-corruption cleaning of the state as well as more general democratisation. This would be a step towards further deepening of differences between Azerbaijan and Armenia in the context of their political corruption significance in the South Caucuses.

4. The neo-authoritarian political regimes of the Central Asian states have the distinctive feature of the deeply rooted political corruption which led to corruptive power seizure. Political corruption in the Central Asian states is systemic and it penetrates the state apparatus as well as the legislative, institutional and cultural environment. Development of these countries is limited by the power accumulated by the authoritative regimes, oligarchs, and criminal networks.

In the Central Asian region strong traditions and cultural connections are preserved; even financial issues are less important than traditions. In this environment, corruption exists in the form of nepotism and friendship. The region successfully combines official, legal, and institutional structures with a network of family related, clannish, feudal, and client-oriented networks which determine civil and business relationships.

All Central Asian states differ with highly personalised corruption of neo-authoritarian governments in Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan and a corporate (clan) regime in Kyrgyzstan. Political corruption magnitude in the region threatens further development of the states. Factors that drive corruptive practices are: weakness of civil society and the state manipulative pressure on its institutions; lack of civil control and accountability of politicians; robustness of clannish traditions; declarative installation of democratic elements; reliance on key political decisions made by the state head, etc.

5. Political corruption in the Russian Federation is systemic. It is probably the main avenue for Russian authorities to function, and it does not allow transparent competition within the state. Political competition in Russia is embodied in nepotism as well as various formats of misappropriating civil and state resources for personal and collective usage. The neopatrimonialism in the Russian system of state management is an obstacle to establishing a legal political regime.

Political corruption in Russia is characterised by: a distorted mechanism of election processes (falsification of election results) with the only aim to amass power and not allow changes to the political system of the state; presence of specific financial and political groups that in a narrow circle of people take strategic decisions of the state without any public discussions; lack of real political competition; establishment of executive power based on personal attachment; enhanced state support of only one political power (the 'ruling' United Russia party), uncivilised lobby, etc.

The implemented income declaration system is a formal declarative procedure and not a tool for true anti-corruption fighting as there is no review of the corruption indicators. Anti-corruption civil initiatives are not approved by the authorities, instead they are subject to crackdowns. Some examples of those who have experienced crackdowns are the foundation established by Navalny, the organisation Golos, and Transparency International in Russia.

Russia is an example of a defeated state where corruption has successfully displaced competition. There is no true change of leadership nor true elections in place. The ruling political and economic groups have privatised the public authorities, have utilised its authoritative powers to mandate as well as have used the public resources for themselves. In no small way, this has happened due to the poor involvement of Russian citizens regarding control over the state, as well as their lack of democratic culture and lack of rule of law culture.

## Chapter 5

#### Ukraine in the measurement of political corruption

#### 5.1. Political Corruption in Ukraine: Exorcising and Responding

In Ukraine, the term 'Political Corruption' became a political lexicon in 2006-2009. During all the years of independence, political corruption in Ukraine was, to a greater or lesser extent, an attribute of political actors; it reached all branches and institutions of state power, as well as local self-government bodies. Such an unlawful phenomenon is, of course, an obstacle to the democratic evolution of Ukrainian statehood. 'From divergent behaviour, political corruption has gradually become the norm of relations in state and political circles. In the system of government, 'hierarchical corruption pyramids' and 'closed corruption cycles' were formed which involved representatives of various government institutions. The most powerful financial and industrial groups, as well as other structures of the shadow economy, which have plenty of resources for shadow financing of politics, are fertile ground for political corruption.'

At the highest state level, accusations of political corruption were first expressed in 2007 by the head of state Viktor Yushchenko in a speech to the Verkhovna Rada of Ukraine of the fifth convocation: 'What happened in March this year is the same manipulation, a manipulation of the mandates behind which voters are standing. Migration of people's deputies from one faction to another, in fact, partly cancels elections in one or another electoral territory. Therefore, if we talk about the origins of this process, the origins of the political crisis in Ukraine, it is based on a parliamentary crisis, it is based on those illegitimate processes that become a norm, a certain tradition in the Ukrainian parliament. There is not just a technical fault behind it, it is the result of political corruption. It is impossible to build democratic

principles in a nation [based] on political corruption. [...] Political corruption has become a problem for the nation. Corruption, which begins within the walls of parliament, is political, it reaches every rural council, every person, and it affects your interests.'

It is the third decade of independent Ukraine that politicians and statesmen have been fully protected from political responsibility. Prior to the Revolution of Dignity, the ways of citizens' influence on power were practically blocked. The system of election to parliament and the majority of local self-government bodies did not allow the voter to influence their composition. It was virtually impossible for citizens to realize their rights to organize and conduct referendums, as well as to carry out the procedure of presidential impeachment or to impose criminal liability on a people's deputy (parliamentarian). Courts and law enforcement agencies were vulnerable to political corruption, although they are the corruption. A considerable number of problems still exist and have morphed into even more types of political corruption.

The scale and destruction of political corruption in Ukraine inevitably leads to the search for preventative solutions. First of all, a holistic system of responses to political corruption in such areas as party financing, election campaigning, lobbying, etc. is required.

'The introduction of public funding of political parties and monitoring procedures to control their financial and other tangible assets through the passing of the Law of Ukraine 'On Amendments to Certain Legislative Acts of Ukraine on Prevention of and Responding to Political Corruption,' (2015) is undoubtedly Ukraine's greatest achievement in this area.' Such a regulatory device is intended to reduce the influence of oligarchic groups on the formation of party lists.

Up until this law came into effect, the dependence of political parties on private investors turned these parties, according to Kustova's appropriate definition, into 'old clienteles' serving the interests of the sponsor. Indeed, a party is entitled to public funding if, in the last parliamentary elections, it received at least 2%\* of votes based on the total number of votes cast for all the electoral lists of candidates for Ukrainian people's deputies in the national multimandate election constituency (Article 173 of the Law of Ukraine 'On Political Parties in Ukraine'). The amount of public funding of the parties in Ukraine is 0.02% of the minimum wage as established on January 1 of the year preceding the year of appropriation of state budget funds multiplied by the total number of voters who took part in the voting in the national multi-mandate election constituency during the latest scheduled or special parliamentary elections (Article 172 of the Law of Ukraine 'On Political Parties in Ukraine'). State support also lies in the right of political parties to get reimbursement for the cost of election campaigning in parliamentary elections, provided they overcome the electoral threshold (Article 174 of the Law of Ukraine 'On Political Parties in Ukraine'). The establishment of state control over the lawful and purposeful use of the state budget funds by the parties has been achieved through the creation of the Accounting Chamber and the National Agency for the Prevention of Corruption. They provide the follow-up mechanism.'

Along with strengthening state support, the implementation of parties' financial reporting has been standardized. 'This has enabled access to information about the financial status, tangible assets of all political parties (not only those in parliament), and about their main sponsors. The liability issues have been settled. This includes issues regarding the violations of the procedures of making or accepting contributions in support of political parties, matters of public funding of statutory activities of political parties, matters of financial (material) support of election campaigning or Ukrainian or local referendum campaigning. Standardization has been established regarding the submission of financial reports on the receipt and use of election funds, and submission of party reports on the property, income, expenses and financial obligations. The definition of the maximum contribution from a Ukrainian citizen to support a party within one year is a part of the established mechanism.

An integral part of the anti-corruption mechanism is the requirement for an audit, both internal (for all parties) and external (for the participants of the elections and parties that receive public funding). In order to prevent possible fraudulent behaviour, a party has the right to enter into an audit contract with the same audit firm for no more than three consecutive years. The quarterly publication of reports by the party on its website is provided for, as well as the reporting to the National Agency for the Prevention of Corruption. The report is also published on the Agency's website.

Thus, with the adoption of the Law of Ukraine 'On Amendments to Certain Legislative Acts of Ukraine on Prevention of and Responding to Political Corruption,' the reform of transparency and accountability of the finances of political parties has begun. But such amendments have covered only a few corrupt practices in politics. Even amongst the parties that have been given the most attention, there are still many corruption pitfalls.'

Thus, since 2016, the leading Ukrainian parties, which are mostly projects of the wealthy few, are forced to consider new requirements of anti-corruption legislation. Internal resistance to this was already noticeable during the discussions of possible legislative changes. There was an antagonism to the emergence of this anti-corruption mechanism, as is evidenced by the proposal of alternative bills by representatives of four parliamentary fractions.

Unfortunately, most Ukrainians are not aware of the introduction of public funding of political parties. Obviously, the problem centres around the lack of information campaigns regarding these changes. The part of the public that is aware of it proves that the main reason for the lack of support for the idea of public funding is distrust in political parties. The bulk of Ukrainians are convinced that the activities of domestic political parties do not meet democratic standards, because they advocate not the interests of people, but the interests of their leaders and financial and industrial groups. As a result, the idea that these political parties, these associations of citizens, should be funded at the expense of their own members and sponsors is prevalent.

The first reporting year for the parties (2016) revealed an alarming tendency: 'Over 100 parties out of 352 registered parties did not report, and more than 75% of the parties who did, had submitted so-called 'zero' reports. It can be assumed that the reason this happened is inadequate penalties for offenders who didn't submit proper reports, therefore, the question of reviewing these penalties is being raised to encourage political parties to observe the requirements of the financial reporting legislation.' Inactivity of political parties makes it impossible to record violations of legislative requirements for financial reporting – the presence of a representative of a political party is required. In this situation, it would be useful to introduce a gradation of penalties for non-submission of financial

reports. The maximum penalty could the cancellation of a political party's registration certificate. It should be noted that in 2017, according to information provided on the website of the National Agency for the Prevention of Corruption, 210 parties reported, and 142 did not.

In late 2016, the Eidos Center for Political Studies and Analysis, with the participation of partners for the Coalition 'Parties' Money under Control' and support from the Naumann Foundation, conducted a questionnaire on political parties who are entitled to public funding as well as controlling bodies such as 'National Agency for the Prevention of Corruption' and the 'Audit Chamber of Ukraine'. When reviewing the final materials of the survey, it was not even its result that was of our main interest, but the analysis of the difficulties and obstacles faced by interviewers while trying to question the central and regional branches of the six parliamentary political parties. The study showed that part of the responding parties that put anti-corruption slogans at the center of their election programs refused to fill out the questionnaire concerning party finances. This shows the closed nature and reluctance of a great part of Ukrainian parties to influence policy making.

We can state that with the adoption of the Law of Ukraine 'On Amendments to Certain Legislative Acts of Ukraine on Prevention of and Responding to Political Corruption', the reform of the transparency and accountability of the finances of political parties has begun. Also, in the short time since the changes were put in place, the parties have made the attempt to annul or fail to comply with the norms of anti-corruption legislation, since in Ukraine there has been an established non-transparent system of financing of political parties and election campaigns, when most of the parties' income and expenses were in 'black cash.' As a result, the majority of parties and their candidates have become dependent not on voters but on oligarchs.

The following reforms are urgent. Firstly, the introduction of a proportional system with open lists to replace a mixed system with a corrupt majority component. The majority component has been criticized not only by domestic political actors, public and research institutions, but also by the Venice Commission, OSCE/ODIHR and others. Elections with the use of the majority system have shown a wide range of corruption abuses (administrative resources, bribery of voters, etc.).

Secondly, cancellation of expensive political advertising on television, and instead, the introduction of debates between candidates. Back in 2012, Ukraine undertook to implement the OSCE recommendation to restrict paid political advertising in the media, which was obtained after the 2012 parliamentary elections. Foreign experience also speaks well for such a ban: the vast majority of Western European countries (Denmark, Great Britain, Belgium, Ireland, Norway, France, etc.) have banned paid campaigning on television. In Ukraine, the need to adopt a separate law on media transparency and ban on political advertising has become overdue (even the very concept of 'political advertising' in Ukraine is unregulated), since parties have the opportunity to access TV airtime with shadow funds. It is shadow funds that support the parties' competitiveness. The way out is to ban political advertising on television, despite the resistance of the advertising market. But it seems that what is needed here is a clear position on the part of the state and civil society: the interests of media business cannot be put ahead of national interests in establishing a proper transparency policy.

Thirdly, effective state and independent public monitoring over the transparency of financial activities of political parties and over other areas of exercising political corruption. A burst of civic consciousness on the brink of 2013-2014 proved that 'the society that had seemed to put up with a corrupt situation found strength and demonstrated the possibility to fight against corruption at all levels of public and state life', but today, 'amid actual impunity of corrupt officials a recession of civic consciousness is taking place.' 'Possible forms of involvement of civic institutions in responding to political corruption include: participation of the public in regulatory activities (development, public discussion of bills); public control over compliance with laws; public notice and education aimed at forming anticorruption culture; anti-corruption expertise of bills; analytical researches on prevention of and responding to corruption with further disclosure of proposals; control and analysis of financial reporting of political parties; counteraction of electoral corruption by organizing independent monitoring of election process; involvement of the public in the formation of the leadership of specialized anti-corruption bodies, etc.'

Fourthly, to guarantee the inevitability of punishment for corruption crimes in politics. Indeed, today few people involved in corruption cases are made accountable, and the leniency of punishment is dissonant with the social requirement. It is necessary to adopt the law and create a specialized anti-corruption court, which will complete cases against top officials. Currently, the majority of cases transferred to the Ukrainian courts of general jurisdiction are slowed down at this level. Beginning in May 2016, this issue is being constantly raised; international structures, including the IMF, also insist on the creation of such a court. The alternative is the creation of anti-corruption chambers in courts of general jurisdiction, but it does not seem to change the situation with regard to the fact that the judges of the newly formed chambers will be the same judges of courts of general jurisdiction. Of course, the issue is not only about the adoption of the law on the creation of an anti-corruption court, which will review cases under investigation of National Anti-Corruption Bureau of Ukraine (NACBU), but also about the selection of virtuous judges to work in it.

The feasibility of establishing a specialized anti-corruption court in Ukraine has evoked mixed opinions, since each court must be a priori anti-corruption, and the transparency and legitimacy of its decisions must be unquestioned. There were, in general, five bills registered in the Verkhovna Rada of Ukraine (one initiated by the President of Ukraine Petro Poroshenko and four alternative bills from the people's deputies). As of 01.03.2018, the Verkhovna Rada of Ukraine approved in the first reading the presidential Draft Law of Ukraine 'On the Highest Anti-Corruption Court', which has got a lot of disputable points.

Fifthly, 'formation of an anti-corruption culture of the population which would involve absolute non-tolerance of all forms of corruption. For example, one of the ways to establish such a culture is to form a firm belief in the need for public funding of parties as a guarantee of their financial independence, and, consequently, the development of a civilized political system.' So far, there is an absolute lack of support from Ukrainians for the idea of public funding of parties, even though it costs about 13 UAH per year to every Ukrainian voter. Only 10% of Ukrainians, according to a poll conducted in the summer of 2017 by Kucheriv Democratic Initiatives Foundation and the Razumkov Center, support public funding of political parties. Less than a third of the respondents were aware that the parliamentary parties of Ukraine began to receive public funding from 01.07.2016. 'We see the problem at the level of political

culture of citizens which generally does not provide an understanding that public funding of political parties is a necessity.'

It seems that the adopted Law of Ukraine 'On Amendments to Certain Legislative Acts of Ukraine on Prevention of and Responding to Political Corruption', which especially addresses political parties, is not enough. The time is ripe to adopt a separate omnibus act on preventing of and responding to political corruption which would regulate a wide range of possible illegal corruption actions in politics and ways to prevent them, and outline the possibilities for the public to control the implementation of this act.

We agree with the Ukrainian researcher Melnyk that responding to political corruption is possible provided that there is a system approach (preventive, law enforcement and repressive measures). Countermeasures against political corruption include: 1) democratic and clean elections; 2) real separation of politics and business; 3) establishment of an independent, competent and unbiased court; 4) introduction of effective public control over the activities of political entities and ensuring political and legal responsibility for their anti-social, immoral and illegal actions and decisions; 5) strengthening the moral and psychological immunity of society to corruption and increasing anti-corruption motivation of citizens. The political will of the state leadership is of extreme importance. It is proved by the example of Singapore. The effectiveness of other factors responding to corruption depends on such will.

Note that the concept of 'political corruption' in Ukraine is not defined at the legislative level, which leads to vague understanding of its subjects, types of illegal actions, etc. Understanding of political corruption involves a limited number of unlawful acts: the sale of positions in electoral rolls or the sale by people's representatives of their votes for some kind of legislative initiative, violation of the order of a political party funding, etc. At the same time, there are many other actions in politics that can be qualified as corruption. For example, the use by the prime minister of information known to him/her due to his/her position for the benefit of the party to which s/he belongs. Instead, the Law of Ukraine 'On Amendments to Certain Legislative Acts of Ukraine on the Prevention of and Responding to Political Corruption' centers around political parties. That is, a lot of possible manifestations of political corruption are not regulated by this act. Even with regard to political parties, only certain instances of corruption related to opaque financing are regulated.

'An example of such corruption areas in politics is abuse associated with the ineffectiveness of democratic mechanisms within the party: ordinary members of the party cannot influence decisions or positions of association of citizens to which they belong. There is such a phenomenon as 'party franchise' that is the 'selling' of local parties by party leaders to local oligarchs. Principal decisions are made by party leaders without discussions with the party members who can find out about the decision of their party from the news. In order to minimize corruption within the party, it is not sufficient to only publish financial statements.'

To enable the instruments of party democracy, not only financial, but also personal information about the party members should be open to the public, in order to avoid manipulations with party members in the appointment of the party cells leadership. It is necessary to hold open party events (meetings, sessions of governing bodies): usually all is limited to party conferences in the form of productions where the party members cannot influence the results of the events.

There are situations when the party members are not informed in advance about the place and time, the agenda, etc. It is important to publicly record and provide an open access to decisions of party bodies, for example, within the party web-site. At the same time, it should be noted that we have selectively checked, using the Single Register of Public Formations, if all registered political parties have their own web-sites (352 parties as at the beginning of 2018). We have applied the sampling method and have chosen twenty random parties from the registration list. Further analysis have shown that only four of them have an active web-site, five are represented on social networks (Facebook), and the pages of two of these parties are actually 'dead', because they were filled a long time ago, and only three of them are updated. This is the evidence of the real 'readiness' of domestic political parties for a transparent policy.

The widespread corruption practice is 'knocking out' of funds by people's deputies for their constituency from the state budget as a way of gaining loyalty on the part of voters during the next election campaign. It raises a question about the price for obtaining such budget funds, as well as the transparency of the procedure itself. After all, this 'price' can be manifested in the transition from one faction to another ('party-hopping'), selective voting for fundamental bills or decisions without 'party-hopping', over-pricing of investment objects for further drawing of these funds by 'their' contractors and receiving a kickback, registering numerous facts when those who received the funds were either sponsors of the election campaign, or business partners, or relatives, or others like that.

'Corruption risk is in the will of a people's deputy to misuse their powers in order to obtain state budget resources for bribing or manipulating the position of voters in their constituency for the purpose of further reelection.' Possible manifestations of political corruption in the activities of a people's representative are, in particular, the following:

- 1) overpricing for a project of some type to fund further lobbying of 'their' contractors, who later should 'thank' them through a kickback;
- 2) conflict of interests, when the lobbying project is connected with the entrepreneurial activity of a deputy or associated persons business partners, relatives or sponsors of their election campaign;
- 3) shadow or opaque lobbying when voters are faced with a fait accompli that money for a certain state government project has been sourced as a result of the activities of a people's deputy. In this situation, voters are faced with a fait accompli that the money has been found. But the question whether this object is a priority in the public agenda or whether there is really no alternative to solving the problem, remains. Thus, the situation when voters are offered to solve a problem by financing a particular project that has not previously been included on the public agenda, and when the proposed solution to the problem has not been discussed with voters in the framework of public consultations, it is considered a sign of political corruption;
- 4) lobbying related to 'party-hopping' is switching to another faction to receive funding for facilities (or something else) located in the constituency;

- 5) lobbying without 'party-hopping' is 'correct' voting, despite the decision of the faction and promises to voters in order to receive further funding for the operation of the facilities (or something else) located in the constituency;
- 6) ignoring and inactivity in relation to problems on the social agenda is failure to take measures within the deputy's powers to solve urgent problems. The reasons for ignoring the problem often have a corrupt nature (reaching an agreement on non-interference).

'To preserve the majority component in the modern electoral system, the practice of 'feeding' constituencies at the expense of the state budget is sometimes maintained. It became especially widespread during the reign of Viktor Yanukovych, when some people's deputies received from the state budget up to 100 mln. UAH to 'their' majority constituency for their 'correct' position (at the time, such preferences were received by separate deputies from those regions of Ukraine that coincided with the base of the Party of Regions).' Consequently, the risks of political corruption faced by a people's deputy were often, and sometimes remain to be, the payment for the receipt of funds from the state budget.

A rather extensive system of anti-corruption bodies and institutions demonstrates the serious intention to fight against political corruption in Ukraine, namely:

- 'anti-corruption authorities: National Agency for the Prevention of Corruption (NAPC), National Anti-Corruption Bureau of Ukraine (NACBU) and Specialized Anti-Corruption Prosecutor's Office (SACPO). The NAPC includes a Department for the Prevention of Political Corruption which monitors the compliance with legislation on funding of political parties, the established procedure for the receipt and use of election fund resources, taking of measures against persons whose actions have signs of law violation in this area;'
- in 2017, a Subcommittee on the Prevention of and Responding to Political Corruption was created in the Parliamentary Committee on the Prevention of and Responding to Corruption. Its task is to monitor the activities of state bodies in terms of their powers in the field of prevention of and responding to political corruption and to analyze the practice of law applications ('On Amendments to Certain Legislative Acts of Ukraine on Prevention of and Responding to Political Corruption', etc.).

There is also a number of public initiatives, institutions that direct their activities to respond to political corruption: Transparency International Ukraine, Under Control – the All-Ukrainian Movement Against Political Corruption, Eidos Center for Political Studies and Analysis – the Analytical and Resource Organization, Center to Counter Corruption – the anti-corruption NGO, Political and Legal Reforms Center, NGO Committee of Voters of Ukraine, Public Movement 'Honestly', etc.

## 5.2. Anti-Corruption Values as a Basis for Political and Legislative Mentality

Despite the declared priority of anti-corruption policy for our country, the total corruption of the political system remains a serious problem that impedes ensuring national security. Today, Ukraine seems to be experiencing a value confrontation between the 'corruption anti-culture' and 'anti-corruption culture'. One can talk of another dichotomy 'corrupt mentality - anti-corrupt mentality'.

'Political corruption can be investigated from different perspectives, and in particular as a phenomenon of counterculture of a particular society, which can be rooted in traditions, national traits, mentality (cultural aspects of the analysis of corruption practices in politics). In the light of such a vision, the following question arises: What is the reason for the stability of high level political corruption and other types of corruption in Ukraine? The response can be searched for through an analysis of political corruption in the context of mass, group and personal consciousness and behavior in the context of the situation when corruption has become commonplace.'

We proceed from the working hypothesis that a successful anti-corruption policy, despite a significant number of strategies, concepts, doctrines and so on approved by lawmakers, is impossible without fundamental changes in the social and individual consciousness, significant positive corrections of norms, rules and behavior of not only target groups (politicians, state officials, etc.), but also of ordinary citizens as important political actors.

This is an update to the research of the socio-cultural and mental aspects of political corruption. The phenomenon of a democratic political mentality and a legally based (rule-of-law) mentality as a mechanism for counteracting corruption practices in the Ukrainian political process needs conceptualization. This problem has not been addressed in Ukrainian political science, although there is already much scientific research on political and legal mentality.

'To move to the study of anti-corruption values as an element of democratic political mentality and legally-based (rule-of-law) mentality, we should first find out the fundamental theoretical and methodological issues, in particular regarding the understanding of mentality and political and legal mentality. This will enable further analysis of the specificities of the political and legal mentality of Ukrainians and the display of its characteristics in the area of corruption practices in politics.'

Mentality is 'a characteristic of the perception and interpretation of the world in the system of spiritual life of one or another nation, the people, social subjects.' It is a complex socio-psychological phenomenon, which includes attitudes ('mental matrix'), a type of outlook ('matrix of perception'), representations of people ('cultural codes') who are incorporated into a particular community. Ukrainian political scientists understand mentality as a component of folk psychology: 'mentality reflects the essence of collective consciousness' said Demyanenko (2002); as 'one of the formal characteristics of modern thinking which explains the specificities of the axiological perception of Ukrainians' stated Denysyuk (2011). According to Novikova (2015), 'mentality reflects the way, the character, and the method of social and group thinking, characterizes the steady state of minds of the social and group subject of politics by combining rational and subconscious, sensitive and logical, value-based and other beliefs.' According to Bondarenko (2007), the mentality appears in the background of socio-political realities of a society and is a factor of political consciousness of

a social subject. Mentality implies that the members of a particular community have some common outlook, and behavior, 'it is possible to identify patterns of their worldviews and behavioral principles associated with this community.' According to Savynov (2011), the mentality 'manifests itself in consciousness and behavior, language and other sign and symbolic systems, and in a broad sense – in the ideas and meanings of politics.' The concept of mentality reflects the 'psychological background of society' as one of the factors of influence of the environment on the institutional and procedural dimension.

'The structure of mentality includes, in particular, political mentality, legal mentality. In the analysis of political corruption, political mentality and legal mentality, in our opinion, should be synthesized as a political and legal mentality.' To construct this unifying concept, we should briefly refer to the content of the two sub-concepts:

- the legal mentality appears as a unity (system) of a stable 'worldview archetypes, principles, matrices, standards, stereotypes of the law of a certain social subject conditioned by historical, socio-economic, political, traditional, natural and other factors, and realized in the ways and forms of their legal life';
- 'political mentality is a way of reflection and adoption of political reality. It is based on a set of orientations of a particular community, which constitute the basic level for the formation of reactions of its members to the political sphere.' 'Political mentality forms a political mindset a system of representations, values, assessments, directions, stereotypes, prejudices, motives, symbols, myths, traditions, rituals, etc. This unity structures the political activity, defining its forms and intensity of manifestation.' 'Political mindset appears as a set of stable representations common for a certain social community that shows a special vision of the political and legal reality of people belonging to it.' From this point of view, one can speak of fundamental differences in attitudes toward political (bureaucratic, etc.) corruption, for example in Germany and Kyrqyzstan, Sweden and Russia they are in marked contrast to each other.

From the understanding of rule-of-law mentality and political mentality follows the essence of political and legal mentality. Polishchuk (2016) defined it as 'a way of thinking, general spiritual mood, a set of legal and psychological directions of the Ukrainian nation concerning the state and politics in general.' In our opinion, 'one of the important components of political and legal mentality is the attitude towards political and other forms of corruption – the denial, unacceptability of such unlawful and asocial practices or, vice versa, tolerance to them, the veiled acceptability of corruption anti-technologies in the political process, the willingness to take part in such unlawful actions.'

So, in our analysis, we proceed from the understanding that: 'a) mentality is a way of thinking, general spiritual mood, directions of subjects of politics; b) the main features of the mentality of a particular community influence the political process; c) in their turn, political life and legal innovations change or modify political and legal mentalities; d) democratic political and legal mentality is manifested in the stable rooting of anti-corruption values, while an anti-democratic one tolerates political corruption; e) by studying the mental dimension of social life it is possible to study the forms, content, direction of the activity of the subject of politics under specific conditions, in particular in situations that are a favorable ground for corruption practices in the political process.'

'Political science discourse contains opposing viewpoints as to whether the [public's] mentality causes the prevalence of corruption, especially in Ukraine.' But is it feasible to assume that Ukrainians 'have fallen victim to corruption, made it part of their mentality'? According to public opinion polls (that is, according to the assessment of the citizens themselves), corruption is rooted in their mentality. It appears that polls are dominated by emotional appraisals about Ukrainian socio-political reality. Here are some further insights.

Firstly, within the comprehensive study of corruption in Ukraine, the Kyiv International Institute of Sociology has analyzed the value orientations of citizens regarding corruption: two-thirds of the respondents agreed to the statement that 'bribery is an integral part of Ukrainian mentality.'

Secondly, as Davydenko(2016) correctly notes, 'corruption is not part of Ukrainian mentality or national tradition. Corruption is in the living conditions artificially created for several generations of Ukrainians, involving all spheres of human activity with the acceptance of corruption behavior as correct.'

Thirdly, according to Valyushko (2009), the tolerant attitude of Ukrainians towards corruption is explained by the adaptive reaction to the conditions of inefficient counter-corruption measures. Deterioration of norms of behavior among politicians and civil officials cannot be justified by the features specific to the national mentality. Such arguments are brought forward in totally corrupt states to somehow justify the existence of large-scale corruption with objective and irresistible factors such as culture or mentality.

'Of course, corruption is not a new phenomenon. It has long traditions, including on the territory of Ukraine. In particular, we find documentary evidence of the existence of corruption in the Rus chronicles of the 13 century.' And the Constitution by Pylyp Orlyk says: '... among such [people] there are many dishonest grabbers, especially among servants who have no legitimate basis for the large amount\*, which, when urban or rural government officials refuse to provide them with, they demand by dirty words and whips; and they also demand that the aforementioned officials should, for the sake of bettering their lot, appease them by presenting money.'

Looking back to the period when Ukrainian lands were within the Russian Empire, it is worth remembering that imperial governments, not being able to adequately pay their officials, allowed them to raise means of living at the expense of the locals they ruled over. So, after the royal officials had carefully paid taxes and other dues to the treasury from their estates, they were allowed to keep everything that they had managed to extract from the locals.

In his book 'The Mentality of the Horde', well-known Ukrainian writer Yevhen Gutsalo (2007) describes the horde mentality which still hinders the development of Ukraine. The book focuses on the antiquated traditions of a robbery-based civilization with an outsider mentality which does not work for society, but for self-preservation and self-regeneration works well. Corruption and bribery in government offices and judicial courts are part of the horde mentality. Gutsalo figuratively represents all of this as a 'bouquet' of chronic diseases prevalent in the empire.

Traits of the traditional political and legislative mentality of Ukrainians are further described by researchers Maynulov

and Dzyoban (2007), who point to the following traits as part of the Ukrainian historical personality: 'existential individualism, self-centeredness, introversion, escapism, conservatism, social egalitarianism, socio-centrism, provincialism, apolitical tendencies, and anarchism.' Amongst the latest perspectives on Ukrainian political identity, researchers are aware that legal nihilism, lack of competence in administration, and underdevelopment of civic responsibility all play a role in how Ukrainians view themselves. 'In overcoming the Soviet mentality, it is necessary to cope with some internalised beliefs such as paternalism and omnipotence of the state. The long-held expectation that the state must solve all their problems is a significant challenge to leave behind.' 'Such civic passivity allows the authorities take advantage of the paternalistic inclinations of the voter. For example, it is easier for politicians to bribe citizens with their promises.'

Political corruption is shown through nepotism and cronyism, which are firmly rooted in Ukraine. According to Svitlana Brekharya (2006), 'the practice of nepotism and promotion of compatriots in domestic politics corresponds to the political and mental traits of individualism and cordocentralism.' This opinion is shared by Igor Polishchuk: 'Ukrainians reproduce models of family relationships in the field of socio-political life through the creation of local communities functioning on identical family principles.'

Despite some attempts during the period of independence to resist political and bureaucratic corruption by means of various national and local protest actions, legislative initiatives, etc., anti-corruption protest was the most evident during the Revolution of Dignity. Then, the people's opposition was clearly expressed.

Nonetheless, it seems that 'such a wave-like rise of anti-corruption is not irreversible: despite the known impunity of corrupt officials, a peculiar recession of civic consciousness began to emerge soon after the Revolution of Dignity.

Two opposing assessments of the Ukrainian mentality after the Revolution of Dignity exist. Some experts cite an absolute change of thought processes, while others believe Soviet-like thinking remains. Some experts state that 'tectonic mental transformations' occurred. They exclaim, 'It was during the Maidan that a modern Ukrainian nation was born!' and 'Ukrainians will never be the same as before!' Others do not share this optimistic view regarding profound structural changes in the minds of Ukrainians. For example, according to Potapenko (2015), 'post-Maidan thinking is gradually replacing post-Soviet thinking with the same key features: indifference, paternalism, passivity, fear of initiative, and power worship.'

Notwithstanding, another tendency can be noticed: the bulk of the population recognizes the dominance of corruption in the state and experiences it on a regular basis. They believe that politicians and state officials are too corrupt for the situation to be corrected. As a result, citizens withdraw from trying to solve any problems at any levels. They have a defeatist attitude. This hopeless attitude of average citizens regarding their ability to bring about change against the tradition of corruption is a key problem and an obstacle to building the future. It hinders growth in the belief that change is possible.

According to a poll conducted by Transparency International Ukraine in 2017, almost 86% of Ukrainians are disappointed with the fight against corrupted officials and do not believe that the government can defeat corruption. This was 6% more than the same survey showed in 2013 – clearly, the number of sceptics has increased.

The negative perception of political power at the macro level by Ukrainians is dominant. Perhaps it is a result of their long-term colonial dependence. This has led to a high level of distrust towards anti-corruption reforms in recent years. The reforms are perceived as mere populist declarations.' Additionally, as aforementioned, Ukrainian society is reasonably convinced that the level of corruption in the state is not decreasing. Corrupt officials are not made accountable in a proper way, and selective justice is preserved, to mention just a few continuing corrupt behaviours. Despite some achievements in recent years, especially in terms of institutional reforms, Ukrainian civil society largely remains an outside observer, not a participant, to anti-corruption processes. 'The fundamental changes that have taken place in recent years, such as the creation of new state anti-corruption bodies and a number of public institutions, have not significantly changed the dynamics of the use of corruption anti-technologies in domestic politics (rather, they have modified them), and have intensified the social anti-corruption discourse.'

To an extent, public condemnation of corrupt officials is gradually increasing, while tolerance of the population to corruption is decreasing. Gradually, the society is becoming aware of the long-term threats of corruption and the risk of maintaining a tolerant attitude towards corruption. Be that as it may, the worldview of Ukrainians remains ambivalent in terms of the coexistence of two opposites: corruption is perceived as a negative phenomenon, but its existence is accepted as an alternative way of solving problems (especially in the private sphere when benefits are expected). Such a gap in the value and functional levels of perception of corruption leads to a deformed attitude, i.e. one's own corrupted behaviour is justified, someone else's is condemned.' There is a dominant idea among Ukrainian citizens that they are personally far from political corruption. Political corruption – in their perception – is only a feature of the upper echelons of society. Additionally, there is no understanding that political corruption can indirectly show itself through inaction, such as indifference, or the avoidance of attempts to stop corrupt actions; for example, trying to intervene and prevent the bribing of voters, etc.

The role of the media in society is large. It can either help or hinder society reach an anti-corruption system of values. The media can participate in cronyism, nepotism, profitable connections, and intolerance. Or, they can stand up to it, and expose the behaviour as unwanted and reprehensible. 'In countries which experienced the fight against corruption, intolerance, and other manifestations of non-transparent political behaviour, the media played a crucial role. In this case, media representatives are 'muckrakers'. Activity of the media can lead to changes in powerful circles and to changes in institutional practices through exposure of dishonest politicians. The media are also involved in the formation of democratic anticorruption policies and the legal culture of citizens.'

The country cannot be cleaned up of political corruption until political actors stop perceiving corruption as an inherent part of the political process. The political stereotype of the inevitable merger of politics and business based on corruption practices, needs to be let go of in Ukraine. Any tolerance to corrupt practices in politics should be perceived as anti-social. Large-scale work by the state and civil institutions is needed to develop and strengthen mental attitudes against corruption in politics. These strengthened attitudes then need to be turned into actions of non-acceptance towards political corruption. It is important to form an active atmosphere of non-acceptance of all types of corruption. This is made possible primarily by the strict adherence of the state to inevitable punishment for

corruption-related crimes. In Ukraine, this means the creation of an independent Anti-Corruption Court.'

We uphold the following position: for a long time, Ukrainians have been, and still remain to a great extent, tolerant of various forms of corruption. However, it is not part of the Ukrainian mentality. 'Ukrainians have been sold the idea that corrupted behaviour is acceptable and almost unpunishable (This attitude pertains primarily to domestic, not political, corruption). As a result, the phenomenon of 'corruption pragmatism' has been formed. 'A large part of the population are focused on unlawful solutions to vital issues, due to these solutions being more expedient. This results in turning corruption into a code of conduct instead of a social anomaly. Low psychological readiness of the population, and therefore weak resistance to corruption, exists.' But, according to our conviction, such dynamics can be quickly overcome by launching very effective anti-corruption mechanisms, creating real openness and transparency within the authorities, and making evident the unacceptability of impunity for corruption-related crimes. It is necessary to overcome legal nihilism and to form a developed democratic political and legislative culture based on anti-corruption values.

'Although corruption has become a topic of power versus opposition discourse, as well as a central topic of electoral campaigns, there is still no strong resistance to corruption at the mass population level. While it must be acknowledged that there are sporadic uprisings against corruption, there is no sustained effort of the population against corruption. Unfortunately, there is still a high level of loyalty to corruption, which makes anti-corruption measures ineffective. Ukrainian citizens need to have a strong positive perception of the importance of fighting against corruption. They need a true recognition of its absolute inadmissibility. Further, Ukrainians need the desire and drive to build a democratic statehood.'

## 5.3. Anti-Corruption Political and Legislative Culture: Development Challenges

An accepting attitude towards anti-corruption values and, accordingly, zero tolerance for political and other forms of corruption are shaped by the formation of anti-corruption political and legislative culture. This necessary development, given its novelty is only now starting to institutionalize. We believe that the acceptance of anti-corruption or corruption values should be considered through the prism of anti-corruption political and legislative culture

In recent years, a peculiar matrix of anti-corruption policy has been created in Ukraine, and the term 'fight against corruption' has become a real trend – so popular that it is the center of discourse among state leaders, the public sector, and especially populists of different ideological forms. The attention of the society and the state to the problem of corruption, including political, leads to the construction of a corruption management system. In our opinion, not only the institutional mechanism, but also the formation of anti-corruption culture should be the basis of such a system –it should be a kind of foundation on which the whole system of counteracting corruption practices in politics will be formed. Formation of such a system of values is a time-consuming process. It entails leaving behind generations of corrupt quick-fix non-transparent methods.

Currently, there is no holistic understanding of anti-corruption culture and its mechanism in Ukraine, although the need for it is not denied by either the authorities or the society. All acknowledge understanding is the first step to creating preventive measures against political corruption. A number of anti-corruption regulatory acts are required, but have failed to get legal approval. Constructing a matrix that would outline a response system to political corruption in national politics would be a meaningful exercise.

In our opinion, anti-corruption culture should be considered as a structural element of political and legislative culture together, and not of either one of them individually. As a starting point, we define anti-corruption culture as a set of value systems aimed at intolerance to corruption practices in politics, coupled with an active citizenry against political corruption. Political and legislative culture are both intertwined in understanding political corruption as an unlawful use of power resources by political actors for reasons outside of the public interest. Therefore, the analysis of political corruption practices as unlawful acts is impossible without the synthesis of political and legislative components.

Anti-corruption political and legislative culture is characteristic of both individual and collective social actors. They record the parameters of political consciousness and political activity relative to political corruption The prevalence of corruption practices in politics at all levels depends on the level and content of anti-corruption culture. The formation of a system of anti-corruption values in politics determines the size of corruption anti-culture, which is based on either veiled approval or direct involvement in the political process.

The level and nature of an individual's attitude towards corruption is revealed through their behaviour as a subject of politics. It can be evaluated by several criteria: disposition towards law-abidingness, general level of political activity, readiness to respond to political corruption, etc. The anti-corruption political and legislative culture of a person is not just a desire to build up one's behaviour in accordance with legal norms, but also a willingness to suspend violations in the course of the political process, if they are related to corruption.

Thus, amongst the evidence of a high level of anti-corruption political and legislative culture of an individual is: personal non-corrupt actions in politics; counteracting corruption practices as a result of understanding what the act of corruption is, and the willingness to come forward publicly with the evidence of abuse. Anti-corruption political and legislative culture is an indicator of activism of an individual, and enables them to better enjoy their citizen's rights. It can have a significant impact on the regulation of political and legislative processes (the anti-corruption protests of 2017-2018 in Romania are an example of this). High levels of individual anti-corruption political and legislative culture form social groups which in turn strengthen these cultures in society.

It is the anti-corruption political and legislative culture that indicate how deep democratic political values are rooted in a particular society. These cultures together perform a number of functions: regulatory (comparing of political actor behaviour with anti-corruption legislation); cognitive (interpretation of corruption phenomena in the political process; perception of key factors indicating the occurrence of corruption in politics); modelling anti-corruption behaviour in

line with legal norms; educational (increase of consciousness of ethical behaviour); protective (protection of anticorruption political values); prognostic (understanding situational pre-cursors which facilitate political corruption); communicative (providing the ideological and political connection of a citizen with other elements of the political system). etc.

According to Ibragimova and Hamdeyev, anti-corruption culture is a compilation of personal qualities which includes knowledge about the harmful effects of corruption on the welfare and security of a society. It is a state of an individual who does not want to put up with the manifestations of corruption, and is willing to act to lower its level. There are two stipulations to be made regarding this definition: 1) it refers to anti-corruption culture exclusively on an individual level. Corporate political actors, are not taken into account; 2) anti-corruption culture, in our opinion, cannot be solely achieved through individual change. Corporations also must be considered. Additionally, various personal differences lead to various forms of culture which must be considered. For example, a constitutionalist lawyer who advises a political party, an ordinary party member, a pensioner without higher education- they all will have unique understandings of anti-corruption culture. They all understand the threat of political corruption, but the forms of their reaction will differ. The level of anti-corruption political and legislative culture relates to citizens' understanding of politics, of rights as citizens, and of the use of these rights to fulfil their citizen's duties.

Manifestations of political corruption can be assessed in different ways: some are criminal acts- for example, large violations of political party funding), others are immoral acts – for example, nepotism for a lower political office). Either way, they must be understood as wrong in the anti-corruption consciousness of citizens. In our opinion, no moral codes, formal or informal agreements between political actors, or strict penalties will solve political corruption. Only when individuals have an internal need to stop political corruption will it stop. Therefore, policy makers need to address Ukraine's social consciousness to purge it of political corruption.

Responses to political corruption should be based on both a 'cultural and repressive approach.' The cultural approach addresses human factors and aims at radical changes in human behaviour. The repressive approach deals with the institutional mechanisms which dictate formal repercussions for political corruption. They are 'only the means whose effectiveness depends on the state of the mentioned human factor.'

'In moral and ethical terms, fighting against political corruption is equivalent to fighting against human sins -greed, hedonism, as well as a desire to usurp power, a desire to win at any price, and so on. All definitions of corruption emphasize the mercenary nature of corruption, so the fight against corruption practices in politics should be aimed at the most complex human faults associated with selfish motivations.'

Anti-corruption political and legislative culture implies certain competences: the ability to recognize the corrupt component of the political process; the ability to critically and objectively evaluate materials related to corruption; a stable motivation for anti-corruption behaviour, etc. A high level of anti-corruption political and legislative culture is based on the real interest of a person in the transparency of the political process, the desire to get new knowledge (first, of legal and regulatory, procedural nature) to increase their competence in corruption issues, the readiness to engage in specific anti-corruption techniques, and not only to declare high moral values.

The level of anti-corruption political and legislative culture depends on the following competences of a person: 1) support the introduction of transparency standards for political financing; 2) the ability to detect a conflict of interest in the activities of politicians, top officials; 3) the ability to assess the level of compliance by judges with standards of virtue and justice; 4) understand the importance of introducing the standards of open and proper governance that meets the requirements of an open democratic society; 5) the ability to analyse the financial statements of political subjects; 6) assess potential corruption risks of a legal act or a draft law, etc. As you can see, anti-corruption culture is formed based on knowledge of law, accounting, etc., which cannot be projected to the bulk of the population. Therefore, the basis of civil anti-corruption culture should be consciousness, perception, and willingness to take decisive action, and these must be properly directed by experts in certain fields important for understanding corruption in politics.

In our opinion, anti-corruption political and legislative culture means ensuring the vital activity of the whole political system, therefore one of its essential characteristics is a holistic, systematic understanding of political corruption – in all its moral, legal, economic, resource, social and psychological aspects. Anti-corruption culture aims at producing zero tolerance for corruption as a civic position. The level of anti-corruption consciousness, and accordingly, anti-corruption culture, depends on the level of awareness of the individual and the society of the destructive role of political corruption, especially for the national security of the state. It is the devastating effect of political corruption that motivates developed countries to keep anti-corruption strategies as a priority.

Amongst the mechanisms of prevention and response to corruption in Ukraine, the improvement of legal mechanisms is a priority for the state. Alone, legislative measures aimed at fighting against political corruption do not produce the desired results. An important tactic is not only the establishment of proper statutory regulation, but also the design of the most effective means for the formation of anti-corruption political and legislative culture in ociety and individuals of different socio-demographic groups. The reasons for the prevalence of corruption practices in politics should be related to culture, mentality, and traditions of society. Therefore, in our opinion, popularization of anti-corruption values is a preventive mechanism.

In the 'National Anti-Corruption Strategy for 2011-2015' among the reasons for the emergence and spread of corruption in Ukraine, tolerance and lack of a critical attitude towards corruption were named. Part of society still perceives corruption as a means of achieving desired results. Subsequent to the 'National Anti-Corruption Strategy', the 'Principles of State Anti-Corruption Policy in Ukraine for 2014-2017' were written. In addition to the emphasis on the institutional provision for anti-corruption reforms, and the creation of an institutional infrastructure for ensuring compliance with anti-corruption standards, the need for developing the intolerance of citizens towards corruption is strongly emphasised. The high tendency of Ukrainians towards corruption as well as their insufficient awareness of what constitutes corruption in their everyday lives are noted. Hence, the emphasis on the need for explanatory work amongst the population.

On August 23, 2017, the government of Ukraine approved the 'Communication Strategy for the Prevention of and Responding to Corruption.' The main goals are the formation of trust in the state anti-corruption policy, coordination

of communication to society about the implementation of anti-corruption reforms, and the formation of 'zero tolerance' towards corruption within society. The Strategy recognizes the existence of the 'corruption paradigm' and the need for citizens to be involved in overcoming it. Legislative and institutional infrastructure reforms on their own are not enough.

Despite the complexity of the task, there is a need to establish measures to motivate citizens to cooperate with anticorruption agencies and to report occasions of political corruption abuse, at least in the electoral realm, which is the most accessible to ordinary citizens. At present, the portion of the population who are actively cooperating is small for several reasons: there is a high degree of public loyalty to corruption; reporting corruption is condemned as if it is unethical behaviour; there is a low level of trust in law enforcement agencies; there is a disbelief in the effectiveness of anti-corruption measures; there is genuine fear of being punished for reporting someone suspected of corruption, etc. According to the data of the 'Barometer of World Corruption' study, released in late 2016, 42% of Ukrainians polled believed that there was no point in reporting corruption issues to the competent authorities as some thought nothing would change and others were afraid of the consequences of such a disclosure.

Nevmerzhytsky, studying how culture impacts the spread of corruption in the state, focuses on the specificities of the socio-psychological climate which promotes corruption in Ukraine: double moral standards, whereby corruption is officially considered to be socially inappropriate, versus the unofficial reality for average Ukrainian citizens, in which corruption has become an integral part of daily life. This includes the misunderstanding by most citizens of the acuteness of the problem of corruption as well as its threats, together with a lack of due respect for the law and the court on the part of politicians and representatives of state authorities. In this case, the issue is not about political corruption in particular, but rather about domestic corruption in general. These same arguments can also be projected on classical cases of electoral corruption in the voting process ('buckwheat' in Ukrainian slang), participation in electoral 'roundabouts' for rewards, reluctance to resist the abusing of administrative resources by those elected or appointed officials who have access to them, etc.

In general, Ukrainian society appears to have disengaged from any kind of opposition to political corruption. Ukrainian citizens' behaviour can be classified as ambivalent since there is public indignation regarding corruption in general, but it is tolerated on a personal level (if it seems to be the easiest way to solve a problem or to earn a personal profit). Therefore, there is a situation rife with contradictions. The absolute majority of Ukrainians are convinced that the level of corruption in the country is not diminishing, and is too high. However, the government does not want to expose corrupt officials, and the courts maintain corruption by not convicting those who are guilty. Ukrainians do not consider themselves as having responsibility towards stopping corruption by taking on anti-corruption roles as, for example, whistle-blowers, public experts or by proposing draft bills in parliament.

Average citizens standing up against corruption in a totally corrupt state always face the fear of dismissal or revenge of some type. In return, there are no real guarantees of protection, reward, or even public approval. Therefore, there is a question of motivation when there is no internal understanding of the need to respond to corrupt practices. Thus, in Ukraine, as early as in 2016, the bill 'On the Protection of Whistle-Blowers and Information Disclosure for the Public Benefit' was proposed. (As of March 15, 2018, it is still awaiting consideration by the Verkhovna Rada (parliament), since, according to the conclusion of the Committee of the Verkhovna Rada of Ukraine on Legal Policy and Justice, it contradicts the Constitution of Ukraine.) This bill proposes to establish a reward to whistle-blowers in the amount of up to 10% of total losses that have been avoided due to the information disclosure.

In our opinion, to form a democratic anti-corruption culture, the root causes of the public's unwilling attitude must be overcome. It is necessary to increase the level of trust in the anti-corruption agencies which can provide real sanctions for corrupt officials. In turn, the anti-corruption agencies must work hard to earn the good will of the public. Clearly, when the general public is aware that a significant proportion of corruption cases against top officials do not end up in convictions, one cannot hope for trust. Generally speaking, measures encouraging people to detect and report corruption do work, as is shown by the experience of other countries. This potential has not yet been realised in Ukraine.

Educational programs must be systematically introduced which illustrate successful coping behaviour against corruption risks. Large-scale information campaigns aimed at creating a psychological setting for non-acceptance of corruption on the day to day level as well as on the state level are needed. It is important to raise the level of political and legislative consciousness of the population, in particular, citizens' awareness of their rights and freedoms. They need to know what their rights are and how to use them. There needs to be public discussion about the most important anti-corruption measures that are being implemented in Ukraine, as well as abroad. Together political corruption will be confronted most effectively.

Ukrainians actively (especially at the level of domestic communication) condemn corruption, but rarely get involved against it. They do not take on their own role in enhancing the transparency, accountability and integrity of political actors. Certain tendencies in the evolution of anti-corruption values of Ukrainians can be identified based on data from the 2007, 2009, 2011 and 2015 monitoring studies conducted by the Kyiv International Institute of Sociology. Despite the fact that the study was not aimed at the analysis of political corruption, trends in this area were nonetheless identified. Firstly, the behaviour of citizens remains passive: the proportion of those who make complaints against the actions of corrupt officials does not exceed 2%. Many more citizens (about 33%) declare their readiness to stand up against corrupt officials. Secondly, the share of those who lay responsibility for resisting corruption on ordinary citizens is growing (in 2007 – 16% of respondents, in 2011 – 18%, in 2015 – 24%). The conclusion is the following: there are positive changes in the consciousness of citizens. A sense of personal responsibility is growing, but it has not yet developed into daily actions of anti-corruption behaviour. In the above survey, half (49.8%) of the adult population of Ukraine declared they would probably be involved in corrupt practices if such behaviour were personally advantageous.

Thus, the situation remains complex and requires a holistic and comprehensive plan to create an anti-corruption political and legislative culture. The situation in its entirety must be clearly understood to gain maximum benefit. It is time to modify the mentality of Ukrainian society to change its perception of political corruption. This could be

achieved by a set of measures, starting with social advertising which reveals political corruption as the devastating phenomenon that it is. The key element is to form a public mentality capable of putting pressure on the authorities, which demands real changes, as it is impossible to get more transparency in government without the public's insistence on it. More active control over the government is needed.

Ukraine needs the development of anti-corruption public initiatives. Thematic anti-corruption information and mobilization of anti-corruption campaigns which incorporate training of organized citizens' groups on political corruption response techniques are crucial. This task is especially critical upon the approach of election campaigns. Regional networks of activists against corruption need to be formed. There is a need to create zero tolerance for political corruption, and this requires both the will of government leadership and the will of its citizens. The whole community needs to become active against corruption, thereby demonstrating a high level of anti-corruption culture based on increased social responsibility together with knowledge of the law.

Anti-corruption culture as a phenomenon is associated with all the most important social processes. Anti-corruption political and legislative culture synchronises political traditions, legal knowledge, morals, behaviour, and an effective legal system. Therefore, in our opinion, it is the 'cultural mechanism' that is one of the most important components of a successful opposition to corruption in politics.

The notion that political corruption can be overcome solely by improving the regulatory basis, by stiffening it, is false. Further, this notion impedes real progress in minimizing corrupt practices in Ukrainian politics. Presently, Ukrainian policy makers lack the backing of an anti-corruption culture. Figuratively speaking, this anti-corruption culture is the 'medicine' which supports Ukraine's developing 'immunity' against the 'disease' of political corruption. It is the development of the 'human potential in anti-corruption policy,' supplemented by restrictive measures, that should become the basis for a strategy to prevent political corruption in Ukraine. The problem of political corruption cannot be solved by only improving legislation or creating new state anti-corruption agencies and public institutions.

The task of anti-corruption culture is to create a society where an individual chooses not to exercise corrupt conduct due to the recognition that such actions are reproachful and contradict his/her life principles. There must be an internal motivation for the person to behave well, and not a reliance on an external factor such as fear of punishment.

This book's conceptualization of 'anti-corruption political and legislative culture' is: 1) a set of value systems aimed at the inadmissibility of tolerance for corrupt practices in politics; 2) the characteristics of social actors (individual, collective) expressing a political consciousness and political activity in relation to political corruption.

We believe that it is time for Ukraine to build up a state program for shaping an anti-corruption culture of its citizens. Forming and strengthening Ukrainian society's anti-corruption values is a powerful response against political corruption. Changes in the political and legislative consciousness of the population should become fundamental building blocks of anti-corruption transformations within the state. As mentioned in this book, the study of political corruption in political science is relatively new, and further research work in the field of anti-corruption consciousness, anti-corruption activity, etc. are needed.

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1. During all the years of independence of the Ukrainian state, political corruption has been, to a greater or lesser extent, an attribute of its political actors. Many problems have persisted after the Revolution of Dignity, and new forms of political corruption have arisen. These require a holistic response mechanism to corruption in party funding, election campaigns, lobbying, etc. There is a need to adopt a separate law on political corruption and responses to it, which would regulate a wide range of possible illegal actions and provide ways to prevent them, in conjunction with defining the public control mechanisms over the implementation of this law.

The notion of 'political corruption' in Ukraine has not been defined at the legislative level, which leads to confusion regarding the types of actions which fit into this category along with a blurred understanding of the range of its participants. Political corruption involves a fairly narrow number of obviously unlawful actions related specifically to party funding, electoral abuses, specific 'sales' of seats in the electoral rolls or votes of deputies for a certain legislative initiative, etc. However, there are additional, more subtle, politically related corruption actions which can be qualified as political corruption. These also require a legal response.

2. The introduction of state funding of parties and the control over their financial and other tangible assets has started transparency and accountability reform in politics. A strong indicator of the political resistance to this increased transparency and accountability is that attempts have already been made to eliminate these new legislated guidelines by the political parties.

Some feasible next steps to minimize political corruption are: to replace the current mixed system which has a corrupt majority component to a proportional system with open lists for elections; prohibit (or substantially restrict) costly political advertising on television; create guarantees of the inevitability of punishment for corruption crimes in politics; continue to strengthen the state and independent public control over the transparency of financial activities of political parties and other spheres of exercising political corruption; form a strong anti-corruption culture within society which embodies absolute non-tolerance of all forms of corruption.

3. Modern Ukrainian society is characterized by a peculiar values conflict between 'corruption anti-culture' and 'anti-corruption culture.' Despite political corruption in Ukrainian territory having had historical traditions which allowed for different types of corruption, corruptive values are not truly part of the Ukrainian mentality. Having mentioned that, successful anti-corruption policy, despite having a large number of strategies, concepts and doctrines, requires fundamental changes in the public and individual consciousness, significant positive adjustments of norms, rules and behaviour not only amongst target groups (politicians, state officials), but also amongst ordinary citizens as they are also important political actors.

Over the years, Ukrainians have been forced to accept the suitability and almost impunity of corruption. As a result,

the phenomenon of 'corruptive pragmatism' has developed. This can be overcome by launching effective mechanisms of anti-corruption counteractions, real openness and transparency of the authorities, accompanied by the strict inadmissibility of impunity for corruption-related crimes. Building a democratic society with active anti-corruption values requires the formation of a clear understanding by citizens of the importance to respond to corruption together with their awareness of its inadmissibility. It is possible to minimize political corruption by overcoming legal nihilism and forming a developed democratic political and legislative culture in Ukrainian society based on anti-corruption values

4. True acceptance of anti-corruption values and, accordingly, zero tolerance for political and other forms of corruption are formed largely due to anti-corruption political and legislative culture. The matrix of anti-corruption policy that is being constructed today in Ukraine should be based not only on institutional mechanisms but also on the formation of an anti-corruption culture – a kind of foundation that will hold together the whole system of counteracting corrupt practices in politics. Its formation is a long process involving the abandonment of multi-generational loyalty to quick and opaque methods of getting things done. Currently, Ukraine does not have a holistic understanding of anti-corruption culture, nor its mechanisms. Nonetheless, the need for it is not denied by the authorities nor the society.

Anti-corruption culture is a structural element of political and legislative culture. It needs to be a characteristic feature of individual and collective policy makers, which captures the parameters of their political consciousness as well as their political activity. The prevalence of corrupt practices in politics, at all levels, depends on the level and message of anti-corruption culture. The formation of an anti-corruption values system in politics leads to the maximal narrowing of the sphere of influence of corruptive anti-culture (which is based on veiled approval or direct involvement in corrupt practices within political processes). The quality of anti-corruption political and legislative culture indicate the degree to which progressive democratic political values are rooted in a particular society. Ukraine needs a holistic state program for the formation of anti-corruption culture of its citizens. Opposition to political corruption by means of forming and developing anti-corruption values should be part of it. Changing the political and legislative consciousness of the population should become a fundamental building block in anti-corruption transformations of the state.

## Conclusions

1. Political corruption stretches back to ancient times. Various abuses in politics originated simultaneously with the emergence of politics. In ancient systems of government, illegal abuses of a political nature already existed, and the first attempts to understand corruption as an anti-social phenomenon are evident in ancient Greek political and legislative thought. Quantitative and qualitative growth of corrupt practices is especially characteristic of Ancient Rome (from the rise of the Republic). The increase of corrupt practices in European politics began in the Middle Ages, when, in the absence of separation of powers and with the consequent concentration of power, monetary relations rapidly developed, and the state apparatus grew. At the same time, punishment for corruption abuse is increased; the first format of an independent audit arises. Modern understanding of corruption is formed in the New Age, when centralized governments begin to emerge. The impetus for understanding political corruption is the writings in which corruption is equated with a disease (Machiavelli), which results in contempt for the law (Hobbes). Favoritism evolves as a result of absolutism in government.

The legal regulation of issues indirectly related to political corruption dates back to ancient periods. Some examples which were mentioned are: "The Laws of Hammurabi', 'Artkhashastra', the Athenian laws on citizens' income of the Greek city-state (polis), and the ancient Roman 'Laws of XII Tables'. In modern times, the problems generated by political corruption began to be standardized at the end of the nineteenth century by a series of acts in the United Kingdom regarding the inadmissibility of selling public positions, electoral abuses, etc. Political corruption became the subject of scientific research in the 1970's. Its study is dynamic due to the variability of the political process, constant changes in its configuration, and the constant appearance of new politically corrupt practices.

2. The study of political corruption has been made through the prism of many research approaches and methodologies. In Ukraine, there is no widely accepted definition of political corruption due to numerous interpretations of this concept. Political corruption is characterized as: the manifestation of shadow, informal politics, latent politics; a subversive mechanism that interferes with the stability of any institutional system; a threat to the national security of the state as it causes informal institutionalization, as well as further degradation of state institutions; a practice aimed at narrowing the public space, complicating the circulation of elites and monopolizing the political market; a stable type of rent-oriented opportunist behaviour of political actors, aimed at realizing power interests and gaining certain benefits from participation in the political process; a complex of informal norms that structure and thereby determine the actions of political actors and contradict public collective ideals and goals (which are expressed in formal institutions); the type of political practices closed for the public with secretive communication; and informal institutions which, due to their strength, replace formal institutions.

The author's political, theoretical and methodological conceptualization of political corruption is based on the methodological principles of neo-institutionalism. Political corruption is not only a phenomenon of modern political life at the global level but also a formed political institution. This political-corruption institution is informal with respect to legality, unlawful with respect to social legitimacy, disruptive with respect to the consequences for the formation and functioning of a democratic political system, and destructive for public consciousness and for the national security system. Political corruption is a destructive kind of informal institution of a particularly subversive nature, which leads to the unlawful use of power resources by policy makers for their personal gain outside the public interest. It also leads to the privatization of public resources due to conditions of weak of formal institutions and relatively strong informal institutions.

In addition to the methodology of neo-institutionalism, the analysis of political corruption was complemented by using an axiological approach and a comparative analysis. With the help of the axiological approach, the content of anti-corruption values, their role in the system of value hierarchy of the citizen and the state were examined. Political axiology contributed to the research by making possible the conceptualization of such concepts as 'anti-corruption values', 'anti-corruption culture', and 'anti-corruption mentality'. The axiological approach also enabled the definition

of the role of such values in the political process of countries with different types of political regimes. It is political values that motivate the actions of policy makers and show the political actors the desirable formats of political institutions which contribute to the achievement of the goals set. This can be good, as in minimizing corrupt practices in politics in a democracy or, conversely, this can be harmful, as in the deepening of corruptive "capture" of the state in the case of undemocratic regimes). With the help of the comparative method, the causes and specificities of corrupt practices within the political processes of different countries were clarified, and their chosen strategies of response to political corruption were likewise compared. This method enabled the political analysis of political corruption by comparing its manifestations in various countries or regions within one time period or over a historical period. Monitoring comparison of different countries is important to explain their success or failure in anti-corruption measures. The importance of a comparative approach to studying political corruption lies in its broad heuristic potential: it enables dynamic explanation of the processes occurring both in a specific country and in a regional or global dimension.

- 3. The question of the defining criteria for political corruption which are able to distinguish it from other forms of corruption, such as bureaucratic corruption, for any given action remains controversial. This is primarily due to the lack of proper statutory regulation. The subjects of political corruption are both individuals and collective actors who direct their illegal initiatives, led by self-interested motives, to the destruction of the state system and the erosion of national security, from the head of state to the average voter.
- 4. The political corruption system covers a wide range of illegal actions as well as inactions aimed at unlawful use, by the political process participants and the carriers of public authority, of their capabilities and powers to obtain personal or group benefits. This system is formed by the following types of political corruption: a) party corruption (violations of the order of funding, the adoption of party decisions bypassing the mechanisms of intraparty democracy, the creation of 'parties for sale', the actual sale of seats on the election list, the use of 'false donors' to bypass limits on donations to parties); b) electoral corruption (violations of the rules of election funds receipt, bribery of voters and members of election commissions, the use of administrative resources in favor of certain subjects of the election process); c) lobbying corruption (opaque, shadow promotion, especially in legislative and executive bodies of state power, of interests of persons concerned for personal reward or due to other motivation); d) representative corruption (change of the parliamentary party by a deputy for self-interested motives and other such actions which violate proper political ethics); e) client and patronage corruption (use of state resources for the promotion of the interests of certain individual or collective actors, nepotism, and actions related to a conflict of interest); e) judicial corruption (fulfillment of politically motivated actions by the courts, pressure on the courts from policy makers aimed at ensuring certain court decisions) These groups do not cover all possible variations of political and corrupt practices, but merely reflect an attempt to outline some of their main manifestations.
- 5. To analyze the practice of political corruption and the accumulated experience of anti-corruption counteraction, five groups of countries were considered: Southern Europe, developed Western European countries with high anti-corruption indicators, United States of America, Asian states with contrasting anti-corruption measures, and Central and Eastern European countries, which have been integrated into the EU but still maintain high rates of political corruption.

Since 2009, Southern European states have been under the influence of the financial crisis, resulting in a negative cycle: the far-reaching consequences of the crisis are mostly triggered by political corruption, and political corruption further escalates the economic downturn. The interweaving of business and politics has transformed the states of the region into the largest external debtors in the EU. Corruption and the dominance of politician-patron relationships are factors hampering reforms. This is despite the fact that Southern European states are joining in the latest international anti-corruption initiatives, are regulating party funding, are setting limitations to prevent conflicts of interest in order to enable transparent policy. Among the problems shared by the states of the region and related to political corruption, are the lack of transparency of relations between business and politicians and opaqueness of lobbying practices. The following are the main findings of the selected Southern European states which were analysed:

- a) In Greece, the abuse by political actors is informally equated with national traditions. In isolated cases, the persons responsible for political corruption were prosecuted. Political parties are fragmented, and a significant number of politicians are involved with illegal business. Public opinion shows people think of Greek politicians as unreliable nonprofessionals with unproductive populist rhetoric; their interest is narrowed to the success of their personal or party business. The consequence of an unhealthy socio-political climate is the growing popularity of the far-left party SYRIZA and far-right party Zolota Zorya.
- b) The Italian system seems more effective, at first glance, where there is a more pronounced interaction of the state and the public in responding to corruption. But this is not enough to stop it from being one of the corrupt states of the EU. The 'Clean Hands' campaign, carried out in the 1990's, only slightly weakened the web of corruption. In Italy, an informal binding of political, economic and media power took place. Political corruption contributes to the growth of far-right populist movements with anti-authority rhetoric, such as the Five Star Movement.
- c) In Portugal, which has suffered the most from the financial crisis, there is no coordinated state program against corruption. Despite a significant number of initiated proceedings against political corruption, only a few of them ended with conviction judgements. Misuse of finance of both public and party funds testifies to the ineffectiveness of anti-corruption measures.
- d) In Spain, a high level of tolerance to corruption was observed. The distrust in traditional parties and reputational threats to the monarchy institution are increasing due to corruption suspicions with regard to members of the royal family. Spaniards consider political corruption as a historical tradition, a part of the national political culture, and a feature of national character. Democratic traditions are weak, as they began to emerge only after 1975.

The United Kingdom and Germany are examples of the fact that political corruption is a 'disease' that affects all states regardless of the level of socio-economic development and political regime. The only difference is the level of such 'infection'. Despite their advanced economic positions, neither country is among the anti-corruption leaders, but their support for anti-corruption values provides them with consistently high positions in various ratings. Political

corruption is perceived as a political pathology, but neither the United Kingdom nor the Federal Republic of Germany are states with zero tolerance to it. The high level of political and legislative culture along with the developed civil society led to the removal of politicians in the face of corruption-related denouncements. The mechanisms of anti-corruption security of these states are dynamically improving.

The peculiarities of political corruption in the UK are: lobbying in the House of Commons for rewards ('money for issues'); actual sale of seats in the House of Lords in the form of financial support to certain parties (donations in exchange for titles as characteristic of the Labor Party); misuse of budget funds by deputies of the House of Commons; financing of political parties by corporations (political contributions are not restricted, which leads to the dependence of parties from donors); and the preservation of immunities of MPs.

Political corruption in Germany is notable for the constant mutation of its forms. The main unlawful actions of political corruption are the transfer of funds through intermediaries (charitable foundations, etc.), the secret encouragement of public officers for lobbying, and various ways of illegitimate funding of political parties. The lobbying system is opaque because of the lack of a lobbyist registry; lobbyists usually work as consulting companies. The tradition of revolving doors (after retiring from politics, politicians start working for large corporations) continues. Contrary to legislation, a large number of requests from citizens for government information is not satisfied (on grounds of 'public interest'). The system for ensuring the transparency of political party funding is imperfect.

6. In the United States, a national strategy to fight against political corruption has a number of gaps. There is a permanent search for methods of reducing electoral corruption, primarily through the disclosure of donors and the introduction of restrictions on donations from individuals, but the possibility for unlimited contributions from organizations remains. Continuous innovations in the financing of election campaigns further shadow this process, making 'gray schemes' possible. This is due to the lack of clear norms in the US Constitution governing the activities of political parties. They are defined as a non-governmental organization. Non-governmental associations are allowed to receive and spend an unlimited amount of money for campaigning without the requirement to report on the funding source.

Lobbying in America is regulated by legislature which enables its transparency and accountability to society. Codes of Conduct for senators and members of the House of Representatives have been adopted. US practice demonstrates how anti-corruption policies can be modernized by reacting to new forms of illegal actions by political actors.

7. Asian states show some differences regarding the intensity of corrupt practices in politics and the tolerance of corruption. There are also differences in the choice of methods of responding to corruption due to their form of government: some countries rely on democratic principles, others on authoritarian mechanisms. The corruption of presidential clans in Indonesia, Philippines, and South Korea as well as the prime minister of Thailand are all examples of countries lacking anti-corruption measures.

The most successful anti-corruption strategies have been implemented in Singapore and Hong Kong. The People's Republic of China has chosen strongly repressive anti-corruption methods, which has not led to the formation of anti-corruption culture. In Singapore, due to systemic progress in combating corruption, the entire public demonstrates intolerance of corruption. No position guarantees escaping punishment, there is no immunity. The principle of presumption of guilt for officials has been introduced. Soft authoritarianism has minimized corrupt practices.

Hong Kong has established independent anti-corruption bodies. Anti-corruption policy combines repressive and preventive measures. A very high level of non-tolerance of corruption (over 90%) by the population has been achieved. The assumption of innocence for officials has been nullified. There is powerful public control over the activities of anti-corruption bodies.

China has a millennial tradition of privileged bureaucracy, which impedes the emergence of democratic anti-corruption mechanisms. A repressive anti-corruption model has been introduced, which focuses on the symptoms of the problem (corrupt officials) rather than the source of corrupt practices in politics. The experience of the People's Republic of China testifies that public executions and life imprisonment sentences do not reduce political corruption. The weakness of the anti-corruption system is due to the continuation of favourable conditions for corruption such as discretionary methods of decision-making and opacity of state administration. The Western model of separation of powers is considered inappropriate. In its anti-corruption policy, the concepts of law and party discipline are intertwined. Both individuals and groups realize their interests through corrupt lobbying in the top party echelons. Anticorruption authorities are not independent. There is no public access to income and property declarations.

8. Political corruption often restrains the progressive development of Romania and Bulgaria. During the years of EU membership, Romania has been steadily rising in anti-corruption rankings due to civic society initiatives and a strong anti-corruption policy. The need to adopt a Code of Conduct for parliamentarians is considered urgent. Transparency of all matters, including matters of immunity, is required so as not to avoid justice.

Bulgaria shows how political corruption can become part of the state mechanism for a long time. Frequent corruption cases have caused chronic distrust of powerful institutions and local elites. Absolute favouritism is among the reasons why political corruption is so persistent and untouchable by the law. Neither the political elite nor civil society demonstrate the intention to respond to corruption in politics or in state administration and the media remains politically controlled.

The increase in the level of political corruption in Hungary is adversely affected by the strengthening of authoritarian tendencies, as the authorities turn increasingly to a model of illiberal democracy. The violation of the rights of civil society and the construction of a deeply corrupt system aimed at meeting the needs of a narrow circle of individuals, is shown in non-transparent tenders, placing public assets in offshore accounts, and wasting grants allocated by the EU.

Poland is among the countries that have achieved some success in reducing corrupt practices in recent decades. Over the last years, it has taken a middle position among EU states according to the Corruption Perceptions Index. In 2012-2016, the state was slowly improving its Corruption Perceptions Index (in 2012 – 58, and in 2016 – already 62), rising in the list. But in 2017 there was a decline – down to 60 points, which displaced Poland from 29th to 36th position in the world. This is an alarming trend. Most recent political history in Poland is full of numerous episodes of corruption

by high-ranking officials: bribes, undeclared expensive gifts, conflict of interests, and lobbying for special interests all occurred. Meanwhile, the Polish public, while generally understanding all the threats of political, administrative and other types of corruption, have not protested due to this corruption. If we look at the largest protest actions of the Polish in 2017, they concerned controversial judicial reform and tightening legislation on abortion, but not corruption. And the announcement at the end of February 2018 of the Corruption Perceptions Index for 2017 did not lead to protests.

9. Countries of the former Soviet Union demonstrate quite different models of development, perception of political corruption, and anti-corruption strategies.

During the years of preparation for European integration and membership in the EU, the Baltic States have made significant progress in reducing political corruption. It was European integration that was a catalyst for fighting against political corruption in the region.

Estonia is not only the least corrupt state in the post-Soviet group, but is also the least corrupt in the EU. The Estonian anti-corruption model is based on the tough court and public administration reforms of 1992-1995. Electoral corruption is minimized by voting through the Internet. Bureaucratic corruption was overcome by the e-state model. The problem of corruption in party funding was partially solved by introducing a mixed model of financing political parties: public funding (for parties that received at least 1% of votes) and private donations (no restrictions); donations from legal entities are prohibited. Donations to parliamentarians are restricted to prevent unlawful lobbying. An audit is only applied to the parties subsidized by the state. Offenses in the field of political party funding are criminalized. The adoption of a Code of Conduct for deputies of the Parliament is in force.

In Latvia, a national anti-corruption institution – The Bureau for the Prevention of and Fight Against Corruption – has been created. The state has a well-developed judicial and institutional base to regulate the financing of political parties and election campaigns. Donations to parties from legal entities are prohibited and donations from individuals are limited; loans for parties are prohibited; there is public funding of the parties which received at least 2% of the votes in the last election.

Lithuania minimized political corruption by: prohibiting party funding by legal entities; adopting a law on lobbying; adopting the 'Codes of Conduct' for politicians (with the imposition of sanctions); minimizing various types of immunities; creating a specialized anti-corruption body called the Special Investigations Service. Legal entities do not have the right to finance politicians, parties, or elections, and there is public funding. Individuals can fund a party by either 1) giving 1% of their income tax to a particular party, or 2) donating a maximum of up to 7.5 thousand euros to a campaign's budget of a particular party. Such a mechanism can be considered as an example of electoral crowd funding with a clear account.

10. The reformist experience of Georgia is a vivid example of how a post-Soviet patriarchal state is capable of a real leap forward towards civilization. However, we question the success of Georgia in counteracting specifically political corruption. Corruption has been minimized primarily at the level of government services, in the field of taxation, but this cannot be said to have affected political corruption. The constitutional changes of 2017 should have modernized the system of checks and balances as well as the electoral system.

In Georgia, after the change of power in 2012, coercion of the judicial branch of government has decreased, but some corruption of the judiciary remains, especially in political scenarios. Amongst the positive changes of recent years, there has been a growing independence of the media, the judiciary, electoral boards, a more pluralistic parliament which is more independent from the executive branch of government, a system for monitoring property declarations of public officers, and more legislative openness. The problems include insufficient independence of the parliament necessary to properly balance the government; selective justice in cases against former public officials; instances of nepotism and favouritism in appointments in the public sector, etc. Progress in establishing equal conditions for political parties in the election process has not been achieved, due to gaps in electoral law. There is a real need for an independent, professional civil service, free from political influence. A transparent system of hiring, promotion, and dismissal in public service is required. Elimination of favouritism and nepotism still needs to be worked upon and mass layoffs of public officials after elections needs to become inadmissible.

11. The neo-authoritarian nature of the Central Asian political regimes facilitates the entrenchment of political corruption and the usurpation of power. Political corruption is systemic, deeply penetrating not only the state apparatus, but also the legal, institutional and cultural environment. The development of states is restrained by the authorities, oligarchs and criminal networks. The region preserves strong traditions and cultural ties. Under such conditions, political corruption acquires the forms of nepotism and favoritism; official legal structures coexist with institutional structures and with the network of interconnections of the family-clan nature which determine social and business relationships.

All countries of the region are characterized by a high level of corruption. Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan have the personalist type of neo-authoritarianism and Kyrgyzstan has the personalist - corporate type of regime. Factors contributing to corrupt practices include: the weakness of civil society and the offenses of the state; the lack of public control and accountability of politicians; the strength of clan traditions; the declarative installation of elements of democracy, dependence of key political decisions on the head of state, etc.

The Republic of Tajikistan demonstrates how political and other forms of corruption can become a real threat to the functioning of statehood. All key decisions are dependent on the head of state. The information on politicians' income is closed; there is virtually no access to alternative media, the percentage of Internet users is extremely low; traditions of pluralistic political culture have not been formed. There is no political competition, free elections, independent courts and no independent media. Information on party funding is not available; there is no direct state funding of parties, on the contrary, their dependence on sponsors is obvious.

In political research, Kyrgyzstan is represented either as an 'island of democracy' in authoritarian Central Asia (in view of the Tulip and the Post-Tulip revolutions), or as an example of a 'failed state' affected by corruption, lawlessness and instability. Both the first and second presidents, who embodied the family-clan regimes, were accused of corruption by the public and were eliminated from power by means of revolutions. There were ineffective attempts

to get rid of the clan system and favouritism by reducing the powers of the president and expanding the powers of the prime minister. Civil society, despite two revolutions, remains weak. The parties have not become ideologically mature associations of citizens, but remain parties of individual personalities (sponsors). The electoral system involves closed party lists, there is no intra-party democracy. Corruption does not affect the rules of the game; it is corruption that is the rules of the game.

The Republic of Kazakhstan is a state that has found itself in a special situation, a peculiar trap between Western pluralism and Asian autocracy. In each stage of statehood evolution, from the Khan to the most recent stage, informal contacts and connections have played a prominent role in interpersonal and intergroup relations. Corruption is based on distributive-clan relationships. The activities of politicians are regulated not so much by regulatory acts as by the system of informal relations. For Kazakhstan, a rigid presidential, vertical control system is typical: the authorities have signs of personal authoritarianism (soft centrist authoritarianism) with a strong dynastic bias. The institution of the head of state ('the leader of the nation') has risen over the traditional branches of power. The country is dominated by one political actor – the pro-presidential party. There are multiple barriers hindering the development of a multiparty system such as excessive requirements for establishing a party, numerous grounds for denying registration, broad grounds for liquidation, etc. The problems of shadow party funding still exist; the maximum donation amount from one person is not limited; there is public funding of parties, but a high electoral threshold (7%) to receive it.

12. The South Caucasus states Azerbaijan and Armenia retain a pronounced corruption component of their politics, and their political regimes do not meet democratic standards. These non-authoritarian states are characterized by the abuse of administrative resource, the close intertwining of political and economic corruption. Political corruption in both countries aims at monopolizing power by: eliminating political opponents; simulating a real division of power in government; use of the administrative resource; favouritism; selective justice; pressure on civil society and independent media, etc. Corruption is generally perceived in these states as an endemic and deeply institutionalized phenomenon that has penetrated all spheres of social and political life with the help of a rooted network of political patronage closely linked to the political elite. The population is the bearer of patriarchal political culture: it is not ready to sacrifice clan ties for democratic values. Disclosing material evidence regarding the corruption of policy makers, or the corruption of law proceedings, has rarely ended with convictions. The culture of corruption tolerance is preserved; the heads of states do not show sufficient political will to counteract corruption. Civil society of both states is weak (primarily due to persecutions).

Azerbaijan has a closed, non-transparent political system. There is a steady tendency to concentrate power in the hands of one family. The causes of political corruption are the ineffectiveness of power against the background of insufficient resistance of society. Despite the adoption of a law on the simplification of the registration of NGOs, civil society is still weak; almost all independent civil organizations and the media in recent years have been pushed out of the state or suppressed; foreign grants are banned, which is also the reason for the destruction of public initiatives. Top political corruption remains unchanged despite the declared success of anti-corruption reform.

Armenia maintains a systematic nature of corruption, which constitutes a menace to national security. It is characterized by the lack of transparency of government activity; corruption exists at all levels of power; the independence of the judiciary is limited; the opportunities for citizens to change power are narrowed. In fact, in the political field there are not parties, but business groups. Fights against corruption seem artificial. There is no specialized independent anti-corruption body. Anti-corruption improvements are noticeable in the army. The procedure for declaring property and revenues by state officials has a formal character, without any subsequent anti-corruption investigations being carried out. During the election, numerous violations are recorded which cannot be avoided even with innovations (identification of voters by fingerprint scanning, immediate manifestation of the lists of voters who have already voted on the CEC website, online broadcasting from polling stations, criminalization of voting for another voter, etc.). Public funding of parties that cleared the 3% threshold has been introduced; party sponsorship by foreigners is prohibited, but the specificity of Armenia is that it does not concern members of its diaspora (since 2005, they have the right to dual citizenship).

Certain improvements in the prevention of and responding to political corruption were expected as a result of the transition of Armenia to a parliamentary republic in 2017. However, an analysis of the political situation in this country makes it possible to assume that the constitutional reform was planned by the ruling elite in order to preserve its power in the future (in the format of the prime minister). The Armenian civilian protest movement in the spring of 2018 might potentially contribute (in the case of a democratic scenario of the development of events) to further anti-corruption cleansing of the country, and its general democratization.

- 13. Political corruption in Russia has become systematic, and the counteraction to this destructive institution has a populist, declarative character. The authorities, opposed to transparent competition, chose political corruption as one of the main mechanisms of functioning. For the country's political landscape, neo-patrimonialism, nepotism, rent-oriented behaviour of the political elite at all levels, a wide range of ways of appropriating public and state benefits for personal or narrow-group use are inherent in the country. During the years of holding alternative elections, democratic principles have not been established, they have acquired distorted forms for usurpation of power and the invariability of the political system of the state; there is practically no rotation of power. Important political decisions are made by oligarchic (financial and political) groups without public discussion; uncivilized lobbying is widely manifested. The ruling political and economic groups have 'privatized' public power, use compulsory empowerment and administrative resources to achieve mercenary purposes. There is no real political competition. Bodies of executive power are formed based on personal loyalty to the leadership. The state openly supports only one party. Mechanisms for preventing corruption, such as income declarations, have become a formality, as there is no verification of corruption indicators in Russia. The authorities are hostile to anti-corruption initiatives of the public. This is an example of a deformed state in which corruption has displaced competition. It results from the lack of civil society, the general low level of the democratic political and legislative culture of Russia.
- 14. In Ukraine, during all the years of independence, political corruption has been, to a greater or lesser extent, an attribute of political actors' activity. The term 'political corruption' entered the national political vocabulary in 2006-2009, when the hierarchical corruption pyramids, closed corruption cycles began to evolve. Prior to the Revolution of Dignity, channels of citizens' influence on power were practically blocked. The system of elections at different levels did not allow the citizens to influence the personal composition of the elected bodies. Many problems were preserved

and complemented by new forms of political corruption. This requires the creation of a holistic mechanism for counteracting corruption in party funding, during election campaigns, lobbying, etc.

A positive outcome is the introduction of public funding of parties and control procedures for monitoring their financial and other tangible assets. This has started a reform on transparency and accountability in politics, but in the short time since the changes, attempts have been made by the parties to eliminate the rules of anti-corruption legislation. In order to minimize political corruption, it is expedient to: get rid of the mixed system which has a corrupt majority and replace it with a proportional system with open lists; cancel (or substantially restrict) costly political advertising on television; provide guarantees of inevitable punishment for corruption-related crimes in politics, in particular, create a specialized anti-corruption court; strengthen the state and independent public control over the transparency of financial activities of political parties and over other spheres where political corruption is perceived; form an anti-corruption culture within the population, which would have an absolute non-tolerance for all forms of corruption, etc.

There is a need to adopt a separate law on political corruption and responses to it, which would regulate a wide range of possible illegal corruption-related actions in politics and ways to prevent them, and to define mechanisms for public control over the implementation of this law. The notion of 'political corruption' in Ukraine is not defined at the legislative level, which leads to a blurred understanding of its subjects, and types of actions which fall under political corruption, etc. The understanding of political corruption involves a limited number of unlawful actions related to party funding, electoral abuses, peculiar 'sales' of seats in electoral rolls and votes of deputies for a certain legislative initiative, etc. At the same time, many other actions in politics may be qualified as corrupt, and this requires legislative regulation.

15. For modern Ukraine, a peculiar value conflict between 'corruptive anti-culture' and 'anti-corruption culture' is typical. Successful anti-corruption policy, despite a large number of strategies, concepts and doctrines, is impossible without fundamental changes in the public and individual consciousness, significant positive adjustments of norms, rules and behaviour of not only target groups (politicians, public officers), but also ordinary citizens as important political actors.

Despite the fact that political corruption in society has certain historical traditions, as well as the fact that for a long time there has been, and to a large extent still persists, a tolerant attitude of Ukrainians towards different types of corruption, corruption as a *value* is not part of the Ukrainian mentality. Over the years, citizens have been duped to accept admissibility and almost impunity for corruption. As a result, the phenomenon of pragmatic corruption has arisen, which can be overcome by launching extremely effective mechanisms of opposition to corruption, real openness and transparency of the authorities, evident unacceptability of impunity for corruption-related crimes, etc. It requires the formation of a clear understanding by citizens of the importance to fight against corruption, and awareness of its inadmissibility for the development of democratic statehood. It is possible to minimize political corruption by overcoming legal nihilism and forming a developed democratic political and legislative culture in the society based on anti-corruption values.

16. Acceptance towards anti-corruption values and, accordingly, zero tolerance for political and other forms of corruption are formed not least due to the anti-corruption political and legislative culture. The anti-corruption policy matrix currently being developed in Ukraine should be based not only on some institutional mechanisms, but also on the formation of an anti-corruption culture – a foundation on which to build the whole system of responses to corrupt political practices. Its formation requires a long process of abandonment of generations who have had a horde mentality. Currently, Ukrainian society does not have a holistic understanding of anti-corruption culture, nor the mechanism for its formation, although the need for it is not denied neither by the authorities nor the society.

Anti-corruption culture is a structural element of political and legislative culture, a characteristic feature of individual and collective policy makers, which captures the parameters of their political consciousness, and political activity in relation to political corruption. The prevalence of corrupt practices in politics at all levels depends on the level and type of anti-corruption culture. The formation of a system of anti-corruption values in politics determines the maximum narrowing of the sphere of corruptive anti-culture, based on veiled approval or direct involvement in corrupt practices in the political process. The level of anti-corruption culture shows how much progressive democratic political values are rooted in a society. Ukraine needs a holistic state program for the formation of anti-corruption culture of citizens, part of which should be responding to political corruption by methods of formation and entrenchment of anti-corruption values. Changing the political and legislative consciousness of the population should become a fundamental step in anti-corruption transformations in Ukraine.

## **Footnotes**

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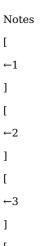
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