

INSTITUTIONAL AND SOCIOCULTURAL ELEMENTS OF ANTI-CORRUPTION ACTIVITIES IN THE MODERN UKRAINIAN SOCIETY

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В материалах исследования изложена попытка определить место и роль антикоррупционной деятельности в украинском обществе, и обосновать антикоррупционную деятельность как часть современной культуры украинцев. Приводятся примеры форм антикоррупционной деятельности: правовой, политической, общественной и других. Обосновывается антикоррупционная воспитательная функция таких социальных институтов как семья и религия, отдельных видов и форм социальной рекламы, изобразительного искусства, фольклора. Доказано, что религиозное неприятие коррупции верующими гражданами Украины базируется на священных книгах Библии, Танах, Коран. Сделан вывод об усвоении и глубоком укоренении антикоррупционной деятельности различными социальными слоями Украины и ее принадлежность к элементам современной культуры украинцев.

Ключевые слова. Культура, коррупция, антикоррупционная деятельность, социальное восприятие коррупции, социальные институты, социокультурные составные антикоррупционной деятельности.

În materialele de cercetare este expusă o încercare de a determina locul și rolul activităților anticorupționale în societatea ucraineană și de justificare a activităților anticorupționale ca parte a culturii moderne a ucrainenilor. Sunt date exemple de forme de activități anticorupționale: juridice, politice, publice și altele. Este justificată funcția educațională anticorupțională a unor astfel de instituții sociale precum familia și religia, anumite tipuri și forme de publicitate socială, arte plastice și folclor. Se dovedește că respingerea religioasă a corupției prin credința cetățenilor din Ucraina se bazează pe cărțile sfinte din Biblie, Tanakh, Coran. Sa ajuns la concluzia că asimilarea și înrădăcinarea profundă a activităților anticorupționale de către diferite straturi sociale ale Ucrainei și apartenența la elementele culturii moderne a ucrainenilor.

Cuvinte cheie. Cultura, corupția, activitățile anticorupționale, percepția socială a corupției, instituțiile sociale, componentele socio-culturale ale activităților anticorupționale.

Despite of the dramatic changes in politics, social relations and legislation corruption remains one of the main problems in Ukraine; it distorts the whole complex of social and political relations, hinders the development of an individual, a particular social group and a society as a whole. For this reason, countering this disgraceful social, political and legal phenomenon is an important task for the state, since overcoming or at least minimization of corruption is a positive factor ensuring political sustainability and economic development.

The current relevance of the problem results in numerous researches devoted to political, legal, socio-cultural and economic aspects of corruption countering. Thereby the phenomenon is researched by philosophers, historians, lawyers, sociologists, political scientists, psychologists, managers and specialists of other fields. Some aspects of corruption were analyzed in the works of leading domestic and foreign experts: V. Butek, V. Gvozdetzky, S. Golovaty, I. Danov, L. Denisenko, R. Kalyuzhny, O. Kalman, M. Kamlik, V. Kozak, I. Matyukhina, M. Melnik, V. Nastyuk, E. Nevermizhitsky, M. Poludionny, M. Rudenko, E. Skulisha, O. Sobov, A. Filimonova, O. Khmara and others.

Some aspects of corruption counteraction in the context of social transformation can be found in the researches of V. Andrushchenko, L. Bagura-Shakhmatova, O. Babkina, E. Golovakha, V. Gorbatenko, B. Zelenetsky, V. Polokhalo, M. Rozumny, D. Yakovlev and other researches.

Among the foreign sociologists, political scientists and lawyers who devoted their works corruption should be mentioned the following R. Anderson, L. Astafiev, S. Beckman, F. Williams, D. Kaufman, G. Kolbech, B. Komisarov, R. Leiken, D. Loyd, K. Michel, J. Naya, V. Parsons, J. Pikarelli, F. Fukuiam, L. Shelli and others.

The socio-cultural aspects of corrupt behaviour can be found in scientific works but the counteraction to corruption in the socio-cultural dimension lack the research.

The great quantity of the corruption researches is caused by the introduction into the modern vocabulary a number of new concepts, in particular: "anti-corruption policy", "integrity", "corruption risk", "corruption cause" and others. The evolution of legal terminology has led to the use of new concepts such as "unlawful profit", "acceptance of a

proposal or promise", "conflict of interests", "register of persons who have committed corruption offense", "anticorruption examination", "anticorruption program" and so on.

The development of administrative relations in the field of prevention and counteraction to corruption led to the creation of new state institutions - the National Anti-Corruption Bureau of Ukraine, the National Agency on Corruption Prevention, the Supreme Anti-Corruption Court, the Specialized Anti-Corruption Prosecutor's Office, the National Anti-Corruption Policy Council under the President of Ukraine, the Coordination Committee on Combating Corruption and Organized Crime under the President of Ukraine, Government Commissioner for Anti-Corruption Policy, Governmental Public Council for Anticorruption Policy, National Agency of Ukraine for finding, tracing and management of assets derived from corruption and other crimes.

Active lawmaking aimed at regulation of anti-corruption activities is represented by the numerous laws passed in the last quarter of the century: the Law of Ukraine "On Organizational Legal Principles of Struggle against the Organized Crime" on 30.06.1993 №3341-XII, the Law of Ukraine "On Fighting Corruption" on 05.10.1995 №356 / 95-BP (expired on 01.01.2011), the Law of Ukraine "On the Principles of Preventing and Combating Corruption" on 03/7/2011 №3206-VI (expired on 01.09.2016), the Law of Ukraine "On Amending Certain Acts Regulating Liability for Corruption Offences" on 03.03.2011 №3207-VI, the Law of Ukraine "On Preventing Corruption" on 14.10.2014 № 1700-VII, the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" on 14.10.2014 № 1698-VII, the Law of Ukraine "On the Principles of Anticorruption Policy in Ukraine (Anti-Corruption Strategy) for 2014-2017" on 14.10.2014, No. 1699-VII. There are separate legal norms aimed at preventing corruption in the Laws of Ukraine "On Service in Local Self-Government Bodies" on 07.06.2001 No. 2493-III, "On Civil Service" on 10.12.2015, No. 889-VIII, "On the Prosecutor's Office" on 14.10.2014 No. 1697-VII, "On the National Police" on 07.07.2015, No. 580-VIII, "On the Judicial System and Status of Judges" on 02.06.2016 No. 1402-VIII, "On the Status of Deputies of Local Councils" on 11.07.2002, No. 93-

IV. The obvious anti-corruption regulation is also traced in the Laws of Ukraine "On Access to Public Information" on 13.01.2011, No. 2939-VI, "On Public Procurement" on 25.12.2015, No. 922-VIII.

In this context the international legal acts recognized by Ukraine should also be mentioned: Civil Law Convention on Corruption on 04.10.1999 (ratified in accordance with the Law of Ukraine on 16 March 2005 No. 2476-IV), UN Convention against Corruption of 31.10.2003 (ratified in accordance with the Law of Ukraine on October 18, 2006, No. 251-V), the Criminal Law Convention on Corruption, No.ETS173 on January 27, 1999 (ratified in accordance with the Law of Ukraine on October 18, 2006, No. 252-V), the Additional Protocol to the Criminal Law Convention on Corruption of 15.05.2003 №ETS191 (ratified in accordance with the Law of Ukraine on 18.10.2006 № 253-V), Agreement establishing the Group of States Against Corruption (GRECO) on 05.05.1998 [1], Practical Measures to Fight Corruption Manual adopted by the United Nations Congressional Committee on the Prevention of Crime (Havana, 1990 p.) [2], Resolution An effective international legal instrument against corruption adopted at the Tenth United Nations Congress (Vienna, 2000) [3].

Countering corruption is an integral part of public and political activities. Anticorruption components are included in almost all programs of Ukrainian political parties. So, the program of the party "Solidarity. Petro Poroshenko Bloc" sets the priority tasks for anticorruption lustration of judicial, law enforcement, tax and customs authorities; making intolerance to corruption as a national idea; it also defines the fight against corruption as a guarantee of high standards of living and economic revival [4].

The political party "Self reliance" advocates "... creation of an independent body for investigation of high-level corruption and fight against corruption and monopolies" [5].

The priority of reforms in the state and legislation for the political party "People's Front" is a significant restrain of corruption. Among the anti-corruption measures it seeks to reveal the beneficiary structure of enterprises with the maximum narrowing of the field for corruption – reducing the number of permits, controlling bodies and inspections [6].

The political party "All-Ukrainian Union "Svoboda" declares in their program to establish mandatory check of civil servants, candidates for elected positions with the help of a polygraph for involvement in corruption; to provide effective and comprehensive state and public control over incomes and expenditures of civil servants, employees of local self-government bodies and members of their families; to ensure unconditional implementation of anti-corruption legislation, to move from selectivity and rhetoric to real prosecution for corruption offenses and other anti-corruption measures [7].

Among the program objectives Political party the "Public Movement "People's Control" defines purification of the authorities and corruption counteraction for statehood preservation"[8].

A large segment of anti-corruption activities is taken by public organizations.

For example, the Center of Policy and Legal Reforms is a non-governmental think tank established in 1996 for promoting political and legal reforms in order to strengthen democracy, rule of law and good governance in Ukraine. It conducts public anti-corruption expertise of socially significant bills and implements other anti-corruption initiatives.

Transparency International, a national branch of the international non-governmental organization for combating corruption has about 100 national centers and is known for its anti-corruption researches, including the Corruption Perceptions Index.

Anti Corruption Action Centre is one of the main lobbyists of anti-corruption legislation and the creation of anti-corruption bodies – the National Anti-Corruption Bureau, the Specialized Anti-Corruption Prosecutor's office, the Asset Recovery and Management Agency. In the past two years activists of this organization facilitated the cancellation of the state contracts with a corrupt component amounting to about 1.9 billion UAH.

The Reanimation Package of Reforms is the largest coalition of public sector experts engaged in the implementation of anti-corruption reforms [9].

Public organizations work on monitoring public procurement, tracking potential corruption in the real estate sphere, checking property declarations of officials, monitoring their lifestyles, pre-

venting conflicts of interest in the process of making managerial decisions, etc.

It should be noted that slogans aimed at anticorruption motivation of an individual such as "Everyone pays for corruption", "You can stop corruption", "Break the chain of corruption" and "I do not thank with the bribe" went through the public contests announced by the institutions of civil society [10; 11].

Anti-corruption issues draw attention of cinematography. In the autumn of 2017 the "Cinema Against Corruption" festival took place in six Ukrainian cities and the capital of Moldova Chisinau. The purpose of this project was to tell public about emergence of the corruption, how it is fought in the world, what corrupt schemes were inherited by Ukraine from the USSR and what every Ukrainian can do in order to overcome them. The program of the festival included six European films that explore the nature of corruption - from the abuse of power by the politicians and corporations to domestic conflicts. One of them was the social drama of Russian director Yuriy Bykov "the Fool" was awarded with three prizes at the international film festival in Locarno [12].

The virtual cinema ivi.ru has in its collection 22 feature films on corruption [13].

Anticorruption issues are also reflected in social advertisement. In accordance with Article 1 of the Law of Ukraine "On Advertising" social advertising is information of any kind, distributed in any form aimed at achieving socially useful goals, promotion of universal values and distribution of which is not aimed at profit [14].

A large segment of anti-corruption social advertising is formed by video production. A quick search on YouTube of the keywords in Ukrainian «антикорупційна соціальна реклама», Russian «антикоррупционная социальная реклама», Polish «antykorupcyjna reklama społeczna» and English «anti-corruption social advertising» will give the results of 9 videos in Ukrainian, 8 in Polish and 10 in English, 297 in Russian. 3 of Russian videos are focused on the viewer in the Republic of Kazakhstan, 2 on the viewer in the Republic of Armenia, 2 in the Republic of Uzbekistan and 1 in the Republic of Kyrgyzstan; all of them are comprehensible to the Ukrainian viewer. In this connection the Sixth Ukrainian Student Advertis-

ing Festival should be mentioned, where the first-place winner and the Grand Prix of the Festival became a professional video piece "Hello!" [15]. It was executed in the framework the main socially responsible topic of the festival "Overcoming corruption together". In total there were 568 student social advertisement in 14 nominations. There were participants from all regions of Ukraine, as well as representatives of Russia, Belarus and Serbia [16].

In addition, visual social anticorruption advertisements were placed on billboards, city-lights, stretches, brandmauers for outdoor advertising.

An anticorruption poster is a part of copied graphics. Competitions for anti-corruption posters were organized within the framework of public initiatives "Partnership for a Transparent Society" - 2003, "Youth Against Corruption" - 2011 [17], "Ukraine Without Corruption - A View of a Child" - 2013 [18], initiative of academic groups of Technological and Industrial College of Vinnitsa National Agrarian University - 2014 [19], "No to Corruption" - 2014 [20], "Art against the dominance of corruption" - 2016 and 2018 [21; 22] and "WEB Against Corruption" - 2016 [23].

Anti-corruption caricatures should also be mentioned in the context of fighting corruption in a creative and artistic manner. In March-April 2018 the Anti-Lokshina Caricature Exhibition was held by the Public Organization "Detector Media", where 26 cartoons were exhibited, selected of more than 168 works submitted for the competition announced in the fall of 2017 [24].

The formation of a negative attitude towards corruption and increase of legal consciousness is also carried out through numerous information campaigns targeting different audiences: the general public; public servants; students of schools and higher educational establishments; civil society and media institutions; private sector, including business associations; other social or professional groups.

Particular attention deserves a traditional folk genre - an anecdote about corruption reflecting the public condemnation of corrupt behavior [25; 26; 27]. Anecdotes as the achievement of folk culture not only entertain, but also criticize corruption as an antisocial phenomenon and facilitate cognition of social truth asserts by its rhetorical essence.

When researching the social and cultural factors of anticorruption activities we can not ignore the family as a social institution. It performs many functions, including educational and social as well as the function of adaptation to the new conditions of the social experience gained by the previous generations. Thus, the acceptance or rejection of the corrupt behavior in the family affects certain value orientations a person.

In our opinion, it is impossible to prove the fact that Ukrainian national culture motivates a person to corruption acts. After all, giving and receiving a bribe was recognized immoral and was always condemned and perceived as social evil which contradicts the moral and ethical norms and ideas of the Ukrainian people.

In family and school education an anti-corruption motivational element is encouraged through epic folk works: fairy tales, a tale, stories and others. The plots of these works condemn hedonism, social passivity and idleness, at the same time they endorse the sense of duty, honor, justice, conscience.

We can talk about the archaic nature of anti-corruption education in families, its lack of system, low targeting, its contradictory methods and means, but not about its complete absence.

Religious organizations do not ignore anti-corruption issues as well.

All of Abrahamic religions without exception have a negative attitude to corruption, the relevant regulations on this subject are contained in the Bible and other religious sources based on it.

According to the Christian teaching extortion its acceptance as well as offer or giving a bribe is a sin. This position is taken by all Christian denominations in Ukraine.

Thus, the Synod of the Ukrainian Orthodox Church of Kyiv Patriarchate issued an appeal to the Ukrainian congregation and society, which reminds that "... corruption is a criminal phenomenon in accordance to both human law and the law of God. Accepting criminal benefits is a sin for which the perpetrators are responsible before God. Taking into account the special danger of its consequences to society that the perpetrators of corruption, both those who demand and benefit from corruption, and those who make such an advantage on their own demand, are subject to excommunication from the Communion of the Body and

Blood of Christ, if they do not actively repent of this sin and will not change their ways "[28].

The Roman Catholic Church condemns corruption as well. It is stated in the book of the Pope of Rome Francis "Fighting Corruption and Sin" in which the author emphasizes that the corrupted person "knows neither brotherhood nor friendship there are only accomplices" [29]. There is the preaching of the Holy Father against corruption and unjust guards dedicated to this topic (the so-called preaching in the Chapel of the House of St. Marty on June 16, 2014) [30].

The Synod of Bishops of Supreme Archdiocese the Kyiv and Halych of the UGCC in the message "On the Elimination of the Moral Illness of Corruption," points out that "those who are conscious and honest citizens who disagree with the sin of corruption deserve all possible support and praise, stand up to the struggle against this moral and social evil" [31].

Islam also recognizes corruption as a prohibited anti-social phenomenon. According to Sheikh Seyran Arifov, "in Islam corruption is equal to crime. This is clearly Haram, there is a strict prohibition on any corruption manifestations. The primary sources – the Koran and Sunni – explain not only that corruption is a great sin, but also points to all of its kinds "[32]. Muslims believe that the Prophet Mohammed uses the story from the Old Testament on the destruction of the cities of Sodom and Gomorrah in order to warn his enemies of sin where bribery is next to demoralization (sodomitic sins) [33, p.167].

The Jewish rejection of corrupt behavior is based on the provisions of the Testament (Jewish Tanahs). The Talmud implies the torment of hell for the Jew who is in the service of the people makes his "neighbor" evil deliberately causing harm for useful reasons in violation of the prohibitions, [33, p.165].

Corruption is condemned not only by the traditional churches. Jehovah's Witnesses in their newsletter "Watchtower" distribute the sermon "Fighting corruption with the help of a spiritual sword" [34].

Thus the religious rejection of corruption by the religious Ukrainians is often formed by the sacred books for believers: the Bible, the Tanakh and the Koran.

Taking into account the level of religiousness of Ukrainian citizens (according to the Razumkov Center data, as of March 2018, 71.1% of Ukrainians consider themselves to be believers [35]) doubtlessly churches and religious organizations take the leading role in fostering anticorruption behavior of the individual and formation of intolerance of corruption and its manifestations.

Obviously, anti-corruption activities became a part in the organization of social, group and individual life of the Ukrainian society and performs regulatory and axiological functions.

Thus, corruption resistance has been manifested by different social strata through the institutions of family, religion, law, morality, orientation as well as through a number of means embodied in various forms of action and in various forms and this way it became an element of modern culture of Ukrainians.

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