

## 7

# LEGAL ASPECT OF THE IMPLEMENTATION OF INTERNATIONAL STANDARDS OF ETHICAL BEHAVIOR OF THE POLICE AS A PREREQUISITE FOR THE PREVENTION OF CORRUPTION OFFENSES

Sergiy Bratel, Viacheslav Krykun, Anatolii Nikitin

## ABSTRACT

Chapter 7 specifies the peculiarities of the theoretical legal organizational foundations of the implementation of the International Standards of Ethical Behavior in the training of police officers in Ukraine, as prerequisites for preventing the commission of corruption and corruption-related offenses. The legal aspect of the implementation of international standards of ethical behavior of police officers is determined on the basis of the system of methods and techniques of scientific knowledge, namely comparative-implementation and retrospective methods; taking into account the regularities of the humanistic approach in professional education, which is aimed at the priorities of individuality, originality, self-worth of a person, but such that does not renounce its social determination.

## KEYWORDS

Ethical behavior, police ethics, police deontology, ethical principles, legal basis of professional ethics, law enforcement system, corruption.

## INTRODUCTION

The development of certain requirements for certain types of professional activity is carried out taking into account the role of representatives of this profession in society, the peculiarities of their social and legal situation. The international community through its bodies (the UN, the Council of Europe, the International Association of Lawyers and others) has developed and adopted a number of documents regulating professional activity and setting requirements for the conduct of lawyers. Among the basic international documents, we should single out [1]: Code of Conduct for Law Enforcement Officials (1979); Basic principles of police ethics (1979); Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985); Standards for the Independence of the Legal Profession of the International Bar Association (1990). *The Standards of independence of the legal profession of the International Bar Association*, adopted in September 1990 by the International Bar Association, deserve special attention. This document emphasizes that a fair system of the organization of justice, which guarantees the independence of lawyers in the performance of their professional duty without any unreasonable restrictions, direct or indirect pressure or interference, is absolutely necessary for the construction and functioning of the legal state [2]. After all, one of the most important deontological requirements of legal activity, which has become an international

standard, is *the independence of the legal profession* as a guarantee for the protection of human rights and the provision of legal assistance. The European Code of Police Ethics was adopted by the Committee of Ministers of the Council of Europe on September 19, 2001. The purpose of the development and adoption of the Code was to define common European directions and principles in the field of general goals, functioning and responsibility of the police to ensure security and respect for human rights in democratic societies governed by the rule of law [3]. The Code stipulates that the main goals of the police in a democratic society are: ensuring public peace, compliance with law and order in society; protection and observance of basic human rights and freedoms as enshrined, in particular, in the European Convention on Human Rights; crime prevention and fight against it; detection of crime; providing assistance and services to the population. It was emphasized that the main indicator of the quality of police functioning is the trust of the population.

In turn, the public's trust in the police is closely related to the position and behavior of the police in relation to this population, and especially to the police's observance of human *dignity* and fundamental *freedoms* and *human rights*. Separately, the European Code of Police Ethics contains provisions on the selection and training of personnel for the police. It is noted that police officers, regardless of their level, should be recruited on the basis of their competence and professional experience, which should be oriented towards the goals of the police. In their activities, the police must respect the right to life of any person; must not under any circumstances carry out, encourage or allow any torture, any inhuman or degrading treatment or punishment. When performing their functions, the police must always remember basic human rights, such as freedom of thought, conscience, religion, peaceful assembly, movement, etc. It is noted that the police must be accountable to the state, citizens and their representatives. It should be subject to effective external control. At the same time, state control over the police should be distributed between the legislative, executive and judicial branches of government [4]. It should be noted that the European Code of Police Ethics is a basic document, the provisions of which have been implemented into the national legislation of all EU countries. In addition, they were reflected in the Law of Ukraine "On the National Police".

On the basis of these international acts, normative acts were developed regarding the moral and ethical side of the work of law enforcement officers. Some countries perceived them as laws of direct effect, the other – as having a recommendatory nature. National acts on ethics regulated both purely ethical and legal issues. It is also worth adding that these acts are developed in some cases within the walls of the police services by special units, in others – scientists, the public, etc. are involved in the development.

Let's analyze some of them.

The Charter of Values of the Grand-Ducal Police [5] was developed by the police department and adopted in Luxembourg in 2000. The purpose of this document is to inform employees of the rules of high moral behavior, motivation to perform their duties professionally, and norms of respectful treatment of citizens. The main moral values of the Charter are defined as: incorruptibility, objectivity, impartiality, faithfulness to duty, subordination of personal interests to official ones, creative initiative, desire to provide assistance, desire to defend law and order [6]. At the same

time, the police officer is guaranteed education and advanced training at the expense of the state, free expression of its opinion, provided professional secrecy is preserved.

The Royal Police of Northern Ireland Police Code of Conduct came into force in 2001. The purpose of the Code: to show the honorable status of a law enforcement officer, to explain to police officers their duties. Special attention is paid to the formation of the principles of social partnership with the population. Along with the traditional norms for such acts, this document contains provisions on the rights of police officers and their working conditions. The Code requires creating working conditions that are free from pressure, discrimination, tension, and anxiety. It is important to note that with the adoption of the code in Northern Ireland, quite serious outreach work was carried out. In 2008, a new version of this document came into force.

The Code of Ethics of the Police Services of the Kingdom of Belgium was developed by the police department with the involvement of the Council of Mayors of the Kingdom and the public and was approved in 2006. According to the provisions of the Code, police officers must treat their public and official duties responsibly, honestly, impartially in accordance with the law and the powers granted, to respect the right and basic freedoms of citizens, their human dignity. Not for the first time, the Code separately requires respectful treatment of the most vulnerable chapters of the population. The Code emphasizes the role of management in shaping the moral and ethical values of subordinates, the importance of constant communication with subordinates in order to create a creative and competitive environment in the unit. An original form of control over the quality of the law enforcement officer's work has been established: the manager and subordinate discuss this issue with the involvement of all representatives of the unit and listening to their opinions. If the worker is rated well for the work done, it can be encouraged and rewarded at the decision of the management.

The Code of Professional Ethics of the Netherlands Police [7] entered into force in 2013. It is somewhat different from other similar documents. Firstly, its content is aimed not only at police officers, but also at ordinary citizens, secondly, a specific speech construction is used: it is spoken in the first person (police officer). A law enforcement officer seems to communicate with citizens, is proud of its status and reveals the content of the main ethical values of a police officer: honesty, reliability, courage, obligation, independence in its actions, professionalism.

France and Germany have interesting experience in the field under study.

The formation of German police deontology began after the World War II during the division of the country into occupation zones. The first norms of professional ethics were formulated by the British government and were implemented in the area of influence of this country in Germany. They were called "Seven Commandments for the Police officers" (1945). Let's consider them [6]: the *first* commandment declares that public service is a manifestation of special trust of the Government. The official must justify this trust by fulfilling its duties. The *second* draws attention to the publicity of the position of a police officer, which automatically makes it a person who is highly criticized. Therefore, with its behavior and the behavior of its family, it should do everything to prevent criticism. The *third* commandment says that broad powers do not raise the status of a police officer, but make it an employee in the eyes of the citizens. The *fourth* explains professional and moral qualities. The *fifth*

commandment states that: "A police officer should be proud of the fact that it belongs to the police. This is manifested (in addition to the above qualities) in posture, personal hygiene, and harmony". The *sixth* commandment formulates the rules of behavior of workers in the collective and gives the concept of discipline. The *seventh* requires the police officer not to stop in professional and personal development: "A police officer must voluntarily increase its general educational training, professional knowledge and physical fitness. It should not be a careerist, but it must do everything to become a good police officer" [8]. Thus, it can be seen that these small norms cover virtually all aspects of a police officer's life and work. Subsequently, with the adoption of the UN Code of Conduct for Law Enforcement Officials, Germany recognized its direct effect on its territory. Also, some of its norms were included in various normative legal acts that regulated the activities of the police.

The code of ethics of the French police was the result of two reforms of the French police in 1966 and 1986. It regulates not only ethical, but also purely legal issues. The Code contains 3 parts and 20 articles. The Code stipulates that the performance of police functions is based on strict compliance with the Declaration of Human and Citizen Rights, the Constitution, international conventions and laws. Its purpose is to strengthen the ties between the internal security forces and the population by placing the police and gendarmes at the center of civil problems. The Code provides police officers and gendarmes with the necessary guidelines for their actions and operations, and also reveals the main values of official duties: loyalty to republican institutions, honesty, impartiality, assistance to citizens during duty and during off-duty hours, the duty of constant readiness to serve, compliance and preservation of professional secrecy, etc. Violation of these values is the responsibility of the violator. The Code emphasizes the duty of the state and management to protect the life and health of police officers and their families. Law enforcement officers and members of their families enjoy legal protection against actions committed against them in the course of or in connection with the performance of official duties, as well as in the event of a court hearing arising from the performance of official duties. The role of the Minister of Internal Affairs is especially emphasized (Article 12): "The Minister of Internal Affairs protects the employees of the National Police from threats, violence, self-righteousness, insults, slander and injustice, which they may become victims of while performing official duties" [9]. Thus, the French act is the most structured and formal.

The sign of formality is actually completely absent in the US Police Code of Ethics, which has the form of a first-person declaration and is the *shortest*. To quote it: "*As a police officer, I consider it my primary duty to serve **man**: to protect the life and property of my fellow citizens, to protect the trusting from deception, the weak from oppression and intimidation, peaceful citizens from violence and disorder, to respect the constitutional rights of all people to freedom, equality and justice. In my personal life, I promise to be an example to others: I will be courageous and calm in the face of danger, I will try to control my senses and constantly take care of the welfare of others. Being honest in thought and action, personal and official affairs, I will unquestioningly obey the laws of my country and the official instructions. All information of a confidential nature that I may come across or that will be communicated to me in the performance of official duties, I will keep secret for the rest of my days, unless disclosure of such information is necessary in the course of service.*

*I promise not to meddle in other people's affairs and will never allow personal sympathies, prejudices, malice or friendly feelings to influence my decisions. Being uncompromising towards criminals and unyielding in the pursuit of criminals, I will serve in good faith and politely without flattery and favors, malice or other intentions, never use unnecessary force and never take bribes. I accept the insignia of my department as a symbol of the public trust, which I will use as long as I uphold the ethics of the police service. I will constantly strive to achieve these goals and ideals, devoting myself to my chosen profession – police service" [10].*

Analysis of the text of this document confirms that: the first paragraph establishes the main duties of a police officer (to protect, protect, respect constitutional rights), the second paragraph shows that a police officer must always be an example in everything, the third paragraph establishes the duty to comply with legal norms, the fourth paragraph is devoted to a problem that exists in virtually all codes – confidential information. The last paragraph is devoted to the honorable status of the police officer as a person, who serves the people. Thus, this laconic text establishes the main thing on which the work of a police officer is based.

Summarizing the review of deontological (moral) codes and rules, Volodymyr Trofymenko [6] emphasizes the following main aspects:

- 1) all codes and rules require respect and observance of human and citizen rights and freedoms;
- 2) deontological acts establish the respectable status of a law enforcement officer and emphasize its official relationship with the population;
- 3) the question of handling confidential information obtained during the performance of official duties is raised;
- 4) acts require the police officer to be an example in everything, regardless of whether it is on duty or not;
- 5) the codes require constant improvement of the professional training and physical condition of the law enforcement officer;
- 6) the majority of the considered acts regulate the interaction of the police officer, the police unit and the management, emphasizing the duty of the management to protect the rights of workers and create decent working conditions for law enforcement officers.

International documents are a very important part of the legal basis of the professional ethics of police officers in Ukraine. Some of them were ratified during the times of Soviet Ukraine, and the obligations under which were transferred to Ukraine through legal succession, while others Ukraine already signed, being an independent state. All international legal acts that form the legal basis of the professional ethics of police officers in Ukraine can be conditionally divided into 2 groups: The *first* group contains international legal acts that declare human rights and freedoms, including those that may be violated by the unethical behavior of law enforcement officers. For example, the International Covenant on Civil and Political Rights (ratified by Ukraine in 1973), the Convention on Human Rights and Fundamental Freedoms (ratified by Ukraine in 1997), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Ukraine in full in 1984), etc. The *second* group includes international legal standards of professional ethics of

police officers, the norms of which indicate the proper behavior of law enforcement officers. These standards include: Code of Conduct for Law Enforcement Officials (1979), Basic Principles of Police Ethics (1979), Declaration on the Police (1979), Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), the European Code of Police Ethics (2001), etc. These international documents can be called deontological principles of police ethics, as they contain, among other things, directly ethical norms, that is, norms of moral behavior of law enforcement officers.

Let's note that the most important difference between these two groups is that the legal norms of the first group of international legal acts are mandatory for implementation, while the norms of the second group are of a recommendatory nature and are aimed primarily at the legislator, who must take these norms into account in the domestic legislation. By themselves, such international norms do not have legal force, and their main prescriptions suggest that states implement them into their own legislation. Thus, the Code of Conduct of Officials in Maintaining Law and Order [11] contains a direct indication that the effective maintenance of ethical norms among officials in maintaining law and order depends on the existence of a well-thought-out, generally accepted and humane system of laws. Violation of the legal norms contained in the first group of international legal acts entails legal responsibility. Thus, the Law of Ukraine "On the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the First Protocol and Protocols Nos. 2, 4, 7 and 11 to the Convention" of 1997 explicitly states that Ukraine fully recognizes the effect of the Article of the Convention on its territory on the protection of human rights and fundamental freedoms of 1950 regarding the recognition of the jurisdiction of the European Court of Human Rights as mandatory and without the conclusion of a special agreement in all matters related to the interpretation and application of the Convention [12]. Thus, the state guarantees to every person under its jurisdiction the rights established by the Convention. Violation of these rights leads to prosecution of the person who violated them, within the framework of national legislation, and in necessary cases, the state itself, if it has not provided all the guarantees of human rights established by the Convention.

*As one of the founding countries of the United Nations, Ukraine declared its desire to build and develop its relations with other countries on the basis of the UN Charter, the Final Act of the Helsinki Conference, the Paris Charter for a New Europe, and the documents of the OSCE [4]. Ukraine, due to a number of objective reasons, aware of its role in the world, strives to take its rightful place among other European states. It is the European choice of Ukraine that plays a decisive role in the new geostrategy. Ukraine's rapprochement with the world community has become an integral part of the country's political image.*

The legal regulation of the professional ethics of police officers in Ukraine is a system of legal acts that regulate the official activities of such persons. If we consolidate these normative legal acts according to their legal force, it can be determined that the legal basis of the professional ethics of police officers in Ukraine consists of:

1. Constitution of Ukraine.
2. International legal acts ratified by Ukraine.
3. Laws of Ukraine.

4. Regulatory and legal acts of central state bodies (resolutions of the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, resolutions of the Cabinet of Ministers of Ukraine).

5. Departmental regulatory acts (orders, instructions, orders of the Ministry of Internal Affairs of Ukraine).

Article 3 of the Constitution of Ukraine, which declares that a person, its life and health, honor and dignity, inviolability and safety are recognized as the highest social value in Ukraine [13]. When performing their functional duties, police officers must strictly adhere to this article, not forgetting that they have a duty to communicate with the population in a way that does not violate people's dignity. The second part of Article 3 of the Constitution of Ukraine, which contains the thesis on the responsibility of the state to a person for its activities, can be called a very important asset and manifestation of the rule of law in the state.

Article 28 of the Constitution of Ukraine establishes that everyone has the right to respect for its dignity; no one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment. That is, no police officer has the right to humiliate people in one way or another, to speak offensively or to insult people in any other way. This article is a reflection of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which states that no one may be subjected to torture or to inhuman or degrading treatment or punishment [14]. As noted by experts in international law [15], in comparison with the wording in other international treaties, in Article 3 of this Convention very laconically and succinctly, but in a clear passive form, the absolute prohibition of torture and ill-treatment is set out, but it has an extremely wide meaning and significance, because it is about the inalienable rights of a person's physical and moral integrity. All this allows to interpret the content of this article very broadly, because degrading treatment is a subjective category, in which the same actions, depending on the circumstances, can be viewed from different points of view and, as a result, have different legal consequences. Therefore, this norm has a clearly expressed ethical character.

In the list of constitutional principles of professional ethics of police officers, there is also a provision on exemption from liability of a person for refusing to testify about itself, its family members and close relatives, which was enshrined in Article 63 of the Constitution of Ukraine. By the way, the presence of such a thesis indicates the state's respect for human rights, since it is enough to recall the Soviet past, when a person had a difficult choice: either to be an honest citizen and testify against its relatives, or to put itself in danger by refusing to testify against its loved ones [16]. Above all, it was a difficult moral choice, and law enforcement officers often used such information to their advantage. Today, thanks to the considered constitutional norm, police officers are strictly prohibited from demanding a person to testify against itself or its relatives.

After the adoption of the new Law of Ukraine "On the National Police", the order of the Minister of Internal Affairs on November 9, 2016 approved the "Rules of Ethical Behavior of Police Officers" [17], which emphasize the observance of human rights, the creation of a number of barriers, in particular ethical, against arbitrariness and abuse of official powers by "law enforcement officials".

They consist of five chapters:

1. General provisions.
2. Basic requirements for the behavior of a police officer.
3. Behavior of the police with detained persons.
4. Interaction of the police with the public and other state bodies.
5. Control of police chiefs over the observance of ethics by police officers.

The general provisions contain the purpose of the Rules: *"...regulating the behavior of police officers in compliance with ethical standards, forming in police officers a sense of responsibility before society and the law for their actions and inactions, as well as promoting the strengthening of the authority and trust of citizens in the police"*. A separate paragraph establishes the fundamental principles of police work: the rule of law; observance of human rights and freedoms, legality, openness and transparency, political neutrality, interaction with the population on the basis of partnership, continuity, justice, impartiality and equality. The shortcomings include the lack of regulations on the working conditions of law enforcement officers, no attention paid to their rights, no measures of encouragement and responsibility [6]. But, despite the shortcomings, in general, it can be stated that the content of the "Rules of Ethical Behavior of Police Officers" is close to European models. Here, according to the authors, it would be appropriate to take into account the experience of Belgium and introduce as a form of evaluation of the work of the police officer, its communication with the leader in front of the whole team. In this perspective, the legal aspect of the implementation of international standards of ethical behavior of police officers is outlined by the aspects of thorough theoretical training of law enforcement officers and the education of certain *competencies* in them, the formation of which in turn determines the prophylactic measures and prevention of the commission of corruption and corruption-related offenses, which determined **the aim** of the work: to specify peculiarities of the theoretical legal organizational foundations of the implementation of the International Standards of Ethical Behavior in the training of police officers as a prerequisite for preventing the commission of corruption and corruption-related offenses.

**The methodological** basis is defined as a system of methods and techniques of scientific knowledge, namely: system analysis, comparative-implementation and retrospective methods; *a humanistic approach in professional education* aimed at the priorities of individuality, identity, self-worth of a person, but one that does not renounce its social determination.

## THE LEGAL ASPECT OF THE IMPLEMENTATION OF INTERNATIONAL STANDARDS OF ETHICAL BEHAVIOR OF POLICE OFFICERS

The moral potential of universal human values accumulated over millennia and served as a motivational basis that regulated interaction between people and human behavior. Moreover, for each people, this process had national characteristics, traditions that related to the ways of socialization of the individual and were reflected in culture [18]. Non-governmental organizations in EU and NATO



member countries control security and defense bodies through the dissemination of independent analytical studies and information, monitoring attitudes to the protection of human rights and respect for the rule of law, increasing parliamentary competence and efficiency by conducting courses and seminars, conducting alternative expert evaluations government security policy, defense budget, resource and supply issues, encouraging public debate and formulating possible policy options [19].

The need to ensure compliance by police officers with the rules of ethical behavior during the performance of operational-service and service-combat tasks, in general, does not raise doubts, which is emphasized in their research by Ukrainian scientists [16], suggesting that this should also be attributed to organizational and management measures to prevent the commission of *corruption* and corruption-related offenses [20]. After all, police activity is related to the need to resolve various conflict situations, concerns the most important interests of people, their welfare, and sometimes their fate. All this imposes a special burden of moral responsibility on the police officer for the results of its activities, and requires it to have special moral, psychological and willpower qualities. It should also be taken into account that high moral requirements are placed on police officers, who are empowered with authority, as well as on representatives of the state, bearers of authority, guardians of the law.

Therefore, the police must be organized in such a way that its employees enjoy the respect of the population as professionals entrusted with the enforcement of the law and as persons who provide services to the population.

Johannes Wachs, Taha Yasseri, Balázs Lengyel and János Kertész [21] rightly point out that corruption is a "social plague" when small groups receive profits and everyone bears its costs. The authors claim that significant differences in its level between and within countries indicate a relationship between the social structure and the prevalence of corruption. According to scholars, corruption is interrelated with such social aspects of society as segregation, interpersonal trust, civic consciousness and community involvement, since corruption is a collective result of a community formed by interaction between people.

Max Bader, Oksana Huss, Andriy Meleshevykh and Oksana Nesterenko [22] believe that the factors associated with success in anti-corruption activities "...are divided into three broad categories: environmental factors, advocacy strategies of civil society organizations and their organizational characteristics". According to the authors, "...all anti-corruption initiatives come into conflict with two key dilemmas: insufficient potential in terms of financial and human resources and the lack of a reliable base of support". Researchers recognize that the most effective organizations are those that are able to solve one of these dilemmas, and also believe that the political will of local authorities is an important factor in anti-corruption activities. The authors' position regarding the need to implement international experience in terms of "...*transferring knowledge and skills* from anti-corruption organizations with greater potential to organizations with less potential" is correct.

To date, manifestations of corruption have become a phenomenon that poses a real global threat not only to the national security and democratic development of each country, but also negatively affects public life as a whole. This suggests that the problem of corruption has a global scale. Undoubtedly, the state of corruption in European countries differs from one another, and the

methods of combating it are even more so. There is a change in international political and social life, views on the problem of corruption are constantly changing [23]. However, the international community has long since tested the studied factors of combating corruption. Ilienok, T. notes that these are, first of all, openness of government, transparency and clarity of state decision-making procedures, effective mechanisms of control over the activities of state bodies by civil society, freedom of speech, freedom and independence of mass media [24].

To fight corruption, European countries take measures of an organizational nature by creating specialized institutions and organizations. Development of appropriate strategy and tactics, as well as development of preventive measures of normative and functional content is the main vector of these states. Great Britain has the oldest anti-corruption tradition, which is known for its high standards of civil conduct, which is the result of political and legislative measures, moral changes and more effective social control over civil servants. During the study of problematic issues of the fight against corruption, Andrii Kovalenko [25] notes that Great Britain is among the ten least corrupt countries in the world. Investigating corruption in Great Britain is carried out by Public Sector Corruption – a special police unit in the field of combating corruption in the public sector. In the case of particularly large-scale corruption (£2 million) or if the crime is very complex, it will be investigated by the Serious Fraud Office. The second feature is the extremely high role of public opinion, it monitors the dynamics of negative phenomena in society. For the most part, public debate revolves around issues related to lobbying and buying political influence, problems created by changing the boundaries of private and state property, moral climate, bribery, abuses by local government officials, police, customs service, etc. [26].

To fight corruption in Belgium, there is a division of the federal police called the "Central Office for the Fight against Corruption" (Police Fédérale) [27]. Management is a central service with functional competence. Employees of the department can conduct investigations both independently and with the support or together with judicial police departments, which are distributed in districts [28].

One of the most corruption-free countries is Sweden. In Sweden, the mechanism for preventing and combating corruption is built on four main principles:

- 1) prohibition of personal contacts between an official and a citizen;
- 2) mandatory income declaration;
- 3) restrictions on cash payments (it is forbidden to accept cash payments for more than 5–6 thousand EUR;
- 4) full openness of government activity [29].

Romania is characterized by the most aggressive anti-corruption policy in the European Union. In 2002, the National Anti-corruption Directorate of Romania was established on the model of Italy, designed to expose and investigate corruption offences. The jurisdiction of this body includes financial fraud with EU funds, abuse of official duties, etc. In 2014, after the Anti-Corruption Directorate repeated its appeal to the Parliament of Romania, the immunity of one senator, six deputies, one minister and ten former ministers was lifted [30].

In our opinion, domestic legislators need to pay attention to the anti-corruption policy in Germany. Thus, the basis of Germany's struggle is the task of destroying the material, primarily financial base of

criminal groups. This is achieved in two ways: by confiscation (confiscation of property) and by creating an appropriate legal framework to prevent the "laundering" of "dirty" money. The general line of the German government in the field of corruption prevention is to make it impossible for a civil servant to abuse its official position as a result of legislative, organizational, personnel and other measures [31].

The effectiveness of the state anti-corruption policy in European countries is highly effective, first of all, because it is built on the basis of the strong political will of the state leadership to combat corruption. The effectiveness of the corruption prevention mechanism also depends on constant monitoring of potentially dangerous factors that create prerequisites for corruption offenses. Given the presence of large-scale corruption, priority is given to measures to eliminate its *causes*, and only then to combat specific manifestations. Moreover, for the legal systems of some developed countries, the use of the term "struggle" in the legislation is not characteristic; there are numerous enshrining in the normative legal act (often codified) principles of crime prevention [32].

Thus, the conducted analysis of individual European countries regarding the overcoming of corruption manifestations makes it possible to conclude that the implementation of effective measures to fight in Ukraine requires increased attention and refinement, and especially the development of its own national anti-corruption strategy, which is extremely necessary today.

The USA as a state has one of the most developed legal systems in the fight against corruption. In the Criminal Code of the United States, the concept of criminally punishable corruption has a broader interpretation than in European countries. For example, according to US law, civil servants in various departments cannot receive gifts that cost more than the established value. The peculiarities of the fight against corruption in the USA are the diversity and unevenness of regulatory acts, where decision-making is centralized. The first regulatory legal act of the USA aimed at combating and preventing corruption is the US Constitution adopted in 1787. It establishes the norm according to which receiving a bribe (illegal benefit) belongs to the category of serious crimes. According to the US Constitution, the president of the US can be impeached for this crime. In 1970, the United States adopted a law to control organized crime in the United States. Chapter IX of this law "Organizations related to racketeering and corruption" provided for measures to prevent and counter corruption. The key feature of the said law is that it is aimed at the criminal organization in general, and not at individual corrupt individuals. In 1977, the US adopted the Foreign Corrupt Practices Act, the provisions of which prohibited the bribery of foreign officials by American citizens and companies [33].

The main anti-corruption legislation is included in the US Code. However, they may not be valid in all states. For example, bribery of officials of private organizations is officially prohibited by criminal law in only 37 states. In other states, in the case of commercial bribery, it is possible to open criminal proceedings for fraud. That is, the same actions are subject to different laws, different formulations. At the same time, states can adopt their own laws. Among other legislative acts, the Code of Ethics of the Government Service, adopted as early as 1958, supplemented by the law "On Ethics of Government Officials" of 1978 with amendments and additions of 1998, should be singled out. In addition, the executive order of the President of the USA No. 12731 "Principles of ethical behavior of officials and employees of the state apparatus" is in force in the country. All these acts

are relevant to this day and are an important guide for civil servants to prevent corruption. Another feature of anti-corruption in the USA is the broad interpretation of the concepts of "corruption" and "bribery", as well as the severity of punishment for corruption crimes. The US Criminal Code provides for the following corruption crimes:

- 1) bribery;
- 2) giving a bribe (illegal benefit);
- 3) receiving a bribe (illegal benefit).

According to Article 201 of title 18 of the US Code, the amount of the fine for giving and receiving a bribe (illegal benefit) is three times the amount of the bribe (illegal benefit), or imprisonment for a term of up to 15 years (under aggravating circumstances – imprisonment for a term of up to 20 years). The US authorities have created such conditions in the country that corruption starting from the lowest level (for ordinary civil servants, police officer, judges) becomes unprofitable. In the USA, social services in the field of education and medicine are too expensive, and US civil servants are entitled to certain benefits both for themselves and for their family members in these areas. However, in the event that such a civil servant commits any act related to corruption, the state cancels all the benefits it granted when she held the relevant position. Achieving high results in the fight against corruption in certain areas does not mean that corruption in the United States has been completely eliminated as a phenomenon. According to the Rating of Corruption Perception compiled by Transparency International in 2019, the USA ranks 16<sup>th</sup> in the world, while, for comparison, Ukraine ranks 126<sup>th</sup> [34].

Despite the wide range of anti-corruption measures in the USA, it can be argued that the authorities in this country adhere to a single strategy in the methods of combating corruption, using generally accepted mechanisms, in particular:

- 1) simplification of bureaucratic mechanisms and other administrative procedures;
- 2) improvement of anti-corruption legislation;
- 3) strengthening punishment for corruption both at the legislative level and at the level of public condemnation (for example, publication of lists of corrupt persons);
- 4) increasing the level of independence of the judicial system during the administration of justice against corrupt persons;
- 5) change of personnel policy in the civil service;
- 6) separation of powers of civil servants;
- 7) strengthening audit and regulatory measures to combat corruption, etc.

Thus, it can be stated that, despite all measures to prevent and combat corruption, corruption has not been eliminated in the USA, it still exists. However, compared to the level of corruption in Ukraine, the USA has made significant progress in this direction. That is why the higher state authorities of Ukraine should take into account the positive aspects of combating corruption in the USA and adopt their experience to improve the mechanisms for preventing corruption in the country [35].

The international experience of corruption prevention shows that, in general, there are no universal algorithms for corruption prevention. The application and implementation in Ukraine of a number

of anti-corruption measures of European countries [36–38], which have positively positioned a high level of efficiency, is unthinkable to implement by simply tracing certain components of state or municipal administration. Thus, in Ukraine, norms regarding society's participation in public control over the activities of law enforcement agencies are also provided for in a number of specialized laws and by-laws. In particular, the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" [39], "On Prevention of Corruption" [40]. The Law of Ukraine "On the National Police" [41] provides for the formation of police commissions to ensure transparent selection (competition) and promotion, which include public representatives appointed by the Minister of Internal Affairs of Ukraine, recommended by the VRU Commissioner for Human Rights, elected by the relevant local body municipality. Also, public control over the activities of the National Police bodies is carried out through local self-government bodies, which have the right, based on the results of the evaluation of the activities of the police body in the relevant administrative territory, to adopt a resolution of no confidence in the head of the corresponding body (unit) of the police, which is the basis for its dismissal. As for the Law of Ukraine "On Prevention of Corruption", its role in the formation of professional ethics is difficult to overestimate.

A thorough analysis of corruption prevention models and strategies makes it possible to state that focusing only on a repressive approach during the implementation of anti-corruption activities by strengthening measures of criminal-legal or administrative-legal influence is an extremely unjustified and one-sided approach, and the implementation of preventive administrative-legal and organizational measures is more optimal and effective [42]. Taking into account international experience, Ukraine needs to choose its own way of preventing corruption on the basis of domestic legislation, traditions, mentality, etc. The organization of the police should be aimed at developing normal relations with the population, and if necessary, at real cooperation with other organizations, local self-government bodies, non-governmental organizations and other representatives of the population, including ethnic minorities. It is clearly stated that effective measures to prevent and fight corruption should be in place at all levels of police services.

Today, the operational situation in the state requires law enforcement officers to improve new forms and methods of management activities and take effective measures to ensure the proper functioning of operational units and strict compliance with the law [43, 44]. Units of the Department of Internal Security of the Ministry of Internal Affairs of Ukraine, taking an active part in the development of civil society, see the main tasks of their activities as: prevention, prevention and termination of offenses among police officers, exposure of the guilty, establishment of the objective truth [45]. It is characteristic of police officers to direct efforts to identify the causes and conditions that contribute to the commission of crimes, to emphasize efforts to prevent violations of the rights and freedoms of citizens and legal entities by the police, i.e., *preventive activities* regarding crimes committed by employees of the Ministry of Internal Affairs are a priority [46].

In order to strengthen discipline and legality among employees, unconditionally ensure the rights and freedoms of citizens, comply with standards of ethical behavior, *integrity* and prevent conflicts of interest in the activities of employees of the National Police of Ukraine at the legislative level, the order of the Ministry of Internal Affairs of Ukraine dated April 28, 2016

No. 326 1950 "Rules of Ethical behavior of employees of the Ministry of Internal Affairs of Ukraine, territorial bodies, institutions, institutions and enterprises belonging to the sphere of the Ministry of Internal Affairs" was taken [47]. These Rules consist of two chapters. The first chapter "General Provisions" contains a clear indication that compliance with the norms of behavior established by these Rules is a moral obligation of every employee of the Ministry of Internal Affairs, which also includes employees of the National Police of Ukraine. The second chapter defines the principles of ethics for employees of the Ministry of Internal Affairs of Ukraine. Thus, the principles of ethics of police officers are determined: *service to the state and society; decent behavior; integrity; loyalty; political neutrality; transparency and accountability; conscientiousness.*

Critically analyzing the existing legal basis of the professional ethics of police officers, which consists of an extensive system of normative legal acts of different legal force, Ukrainian researchers note that no law of Ukraine contains rules for the interaction of police officers with other law enforcement agencies. The Disciplinary Statute of the National Police of Ukraine also lacks norms regulating the basics of interaction between police officers and other law enforcement agencies. For example, the Ukrainian researcher Revak, I. [48] draws attention to the fact that the above-mentioned acts contain norms that have a *declarative* nature to some extent and suggests supplementing the Rules of ethical behavior of police officers with separate chapters: regarding the basics of interaction with other law enforcement agencies; norms that regulate the behavior of police officers in off-duty hours, considering the lack of proper regulation of issues of police officers' behavior in off-duty hours as a significant gap in the legislation that requires proper legal regulation. But the theoretical and legal comparative analysis of legal sources on issues of prevention of corruption and professional ethics of police officers, self-reflection of the authors' many years of professional experience in the system of departmental education of the Ministry of Internal Affairs, allow the authors of this monograph to assert with full conviction that the implementation of International Standards of Ethical Behavior as a prerequisite for preventing the commission of corrupt and corruption-related offenses in the training of police officers should take place not only as a process of formal study of legal norms, but should be evidenced by the principled life activity of all participants in the educational process.

Promoting fundamental moral values, integrity, requires a certain balance between high standards of integrity, professional mission, and commitment and interest.

## CONCLUSIONS TO THE CHAPTER 7

The rules of ethical behavior of police officers are enshrined in the documents of the leading countries of the world. Most of the principles of the European Code of Police Ethics are also reflected in national codes, including [20]:

- respect for the right to life;
- recognition of the fundamental rights and freedoms of the individual;
- principle of separation of powers in the system of punishments;

- principle of presumption of innocence;
- principles of impartiality, transparency, honesty, courtesy, justice, responsibility, prudence, obedience to the law;
- principles of equality before the law, objectivity, necessity, prudence, incorruptibility and respect for society.

Adherence to the standards of police ethics is one of the priorities of the professional education of police officers in Europe, the main trends of which are currently the following:

- in training police ethics, special attention is paid to human rights and cooperation of police officers with many human rights organizations;
- training in police ethics takes place together with management training, i.e. with the acquisition of managerial knowledge and skills;
- development of computer technologies and the Internet, the possibility of remote training of police officers, in particular, mastering police ethics, appeared.

Therefore, it can be stated that Ukraine has created a proper legal basis for the professional ethics of police officers, which consists of an extensive system of normative legal acts of different legal force, which are in a clear hierarchy. Compliance with the specified legal norms is the duty of every police officer and indicates the humane orientation of state policy. But, professional activity, professionalism is not only knowledge about the procedure/certain algorithm of actions, but also awareness and competence regarding the implementation of ethical norms and prescriptions regarding the implementation of professional activity **as a prerequisite for the prevention of corruption offenses**. These norms and prescriptions are derived from the basic principles of professional ethics. Any professional activity, without exception, is an activity within the principles and norms of professional ethics. Modern society is dynamic, in a process of constant change, and each new generation puts forward new demands and requirements for professional activity.

## REFERENCES

1. Krykun, V. V. (2010). Normatyvno-pravovi ta orhanizatsiino-taktychni zasady provedennia spetsialnykh operatsii OVS. Simferopol, 226.
2. Pidhotovka do yedynoho derzhavnogo kvalifikatsiinoho ispytu za spetsialnistiu 081 "Pravo" na druhomu (mahisterskomu) rivni vyshchoi osvity (2021). Odesa: ODUVS, 332.
3. Yevropeyskyi Kodeks politseiskoi etyky. Rekomendatsiia (2001) 10, ukhvalena Komitetom ministriv Rady Yevropy ta Poiasniuvanyi memorandum (2001). Heneralnyi dyrektorat I – Yurydychni pytannia, 56. Available at: [https://hrea.org/wp-content/uploads/2021/02/Recom-mendation-Rec200110\\_European-Code-of-Police-Ethics\\_Ukrainian.pdf](https://hrea.org/wp-content/uploads/2021/02/Recom-mendation-Rec200110_European-Code-of-Police-Ethics_Ukrainian.pdf)
4. Albul, S. (2021). Yevropeyskyi Kodeks politseiskoi etyky: pryntsypy diialnosti politsii v demokratiichnykh derzhavakh. ODUVS. Available at: <https://oduvs.edu.ua/news/yevropejskij-kodeks-politsejskoyi-etiki-printsipi-diyalnosti-politsiyi-v-demokratichnih-derzhavah/>

5. Charte des valeurs de la Police Grand-Ducale. Available at: <https://police.public.lu/content/dam/police/fr/police-se-presente/valeurs/Charte-des-valeurs-de-la-Police-Grand.pdf>
6. Trofymenko, V. A. (2017). Regulatory acts of ethical conduct of police servants as an essential part of legislative ensuring of their cooperation with society. *Visnyk Natsionalnoho universytetu "Iurydychna akademii Ukrainy imeni Yaroslava Mudroho"*, 4 (35), 175–185. Available at: [https://dspace.nlu.edu.ua/bitstream/123456789/14310/3/Trofimenko\\_175-185.pdf](https://dspace.nlu.edu.ua/bitstream/123456789/14310/3/Trofimenko_175-185.pdf)
7. Beroepscode politie (2017). Available at: <https://kombijde.politie.nl/binaries/content/assets/academie/algemeen/beroepscode-politie-8-jan-2017.pdf>
8. Ahlf, E.-H. (2000). *Ethik im Polizei Management. Polizeiethik mit Bezügen zu Total Quality Management. 2. ergänzte und überarbeitete Auflage*. Wiesbaden: DruckVerlag Kettler GmbH, 352.
9. Code de déontologie de la police nationale et de la gendarmerie nationale. Available at: <https://www.police-nationale.interieur.gouv.fr/Presentation-generale/Deontologie-et-controle>
10. Code Of Ethics. Mobile Police Department. Available at: <https://www.mobilepd.org/code-of-ethics/>
11. Kodeks povedenya dolznostnykh lyts po podderzhaniyu pravoporiadka (1979). Rezoliutsiia OON Heneralnoi Assambley OON No. 34/169. 17.12.1979. Available at: [http://zakon3.rada.gov.ua/laws/show/995\\_282](http://zakon3.rada.gov.ua/laws/show/995_282)
12. Pro ratyfikatsiiu Konventsii pro zakhyst prav liudyny i osnovopolozhnykh svobod 1950 roku, Pershoho protokolu ta protokoliv N 2, 4, 7 ta 11 do Konventsii (1997). Zakon Ukrainy No. 475/97-VR. 17.07.1997. Available at: <https://zakon.rada.gov.ua/laws/show/475/97-%D0%B2%D1%80#Text>
13. Konstytutsiia Ukrainy (1996). Zakon Ukrainy No. 254k/96-VR. 28.06.1996. Available at: <https://zakon.rada.gov.ua/laws/show/254k/96-vr#Text>
14. Konvetsiia pro zakhyst prav liudyny i osnovopolozhnykh svobod (1950). Konvetsiia Rady Yevropy 04.11.1950. Available at: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)
15. Maliarenko, V. T. (Ed.) (2011). *Zastosuvannia v Ukraini yevropeiskyykh standartiv protydyi zhorstokomu povodzhenniu i bezkarnosti*. Kyiv: "K.I.S", 320.
16. Berendieieva, A. I. (2016). *Pravova osnova profesiinoi etyky pratsivnykiv politsii. Pivdenoukraiinskyi pravnychiy chasopys: Pravova systema: teoriia i praktyka*, 2, 87–91.
17. Pro zatverdzhennia pravyl etychnoi povedinky politseiskyykh (2016). Nakaz Ministerstva vnutrishnykh sprav No. 1179. 09.11.2016. Available at: <http://zakon2.rada.gov.ua/laws/show/z1576-16>
18. Popova, D. A. (2001). *Formuvannia zahalnoliudskykh tsinnostei u starshoklasnykh zasobamy masovoi informatsii v suchasnykh umovakh*. Rivne, 214.
19. Yashchenko, V. A., Pylypchuk, V. H., Bohutskyi, P. P., Dovhan, O. D., Doronin, I. M., Petryshyn, O. V.; Pylypchuk, V. H. (Ed.) (2020). *Demokratychnyi tsyvilnyi kontrol nad sektorom bezpeky i oborony: teoriia i praktyka*. Kyiv; Odesa: Feniks, 224. Available at: <http://ippi.org.ua/demokratichnii-tsyvilnii-kontrol-nad-sektorom-bezpeki-i-oboroni-teoriya-i-praktika>



20. Bratel, S. H. (2021). Realizatsiia mizhnarodnykh standartiv etychnoi povedinky politsei-skykh yak peredumova zapobihannia vchynenniu koruptsiinykh i pov'iazanykh iz koruptsiieu pravoporushen. Realizatsiia derzhavnoi antykoruptsiinoi polityky v mizhnarodnomu vymiri. Kyiv, 65–68.
21. Wachs, J., Yasseri, T., Lengyel, B., Kertész, J. (2019). Social capital predicts corruption risk in towns. *Royal Society Open Science*, 6 (4), 182103. doi: <https://doi.org/10.1098/rsos.182103>
22. Bader, M., Huss, O., Meleshevych, A., Nesterenko, O. (2019). Civil Society Against Corruption in Ukraine: Pathways to Impact. *Kyiv-Mohyla Law and Politics Journal*, 5, 1–35. doi: <https://doi.org/10.18523/kmlpj189975.2019-5.1-35>
23. Nikitin, A. A. (2018). Yevropeyskyi dosvid borotby z koruptsiieu. Realizatsiia derzhavnoi antykoruptsiinoi polityky v mizhnarodnomu vymiri. Available at: <http://elar.naiu.kiev.ua/jspui/handle/123456789/12062>
24. Ilienok, T. V. (2013). Combating corruption: international experience. *Yurydychna nauka*, 2, 71–77.
25. Kovalenko, A. L. (2018). Borotba z koruptsiieu u Velykobrytanii. Rol politsii u borotbi z koruptsiieu (zarubizhnyi dosvid). Kharkiv, 93–94.
26. Dosvid zarubizhnykh krain u borotbi z koruptsiieu. VHO "Uspishna kraina". Available at: <http://uspishnaukraina.com.ua/strategy/69/244.html>
27. Police Fédérale. Available at: <https://www.police.be/5998/fr/>
28. Oleksiuk, O. O. (2018). Borotba z koruptsiieu u Belhii. Rol politsii u borotbi z koruptsiieu (zarubizhnyi dosvid). Kharkiv, 113–114.
29. Tarianyk, D. M. Mekhanizm zapobihannia ta protyidii koruptsii v zarubizhnykh krainakh. Available at: [http://elar.naiu.kiev.ua/bitstream/123456789/4155/1/–%203БІРНИК%20ТЕ3%20%20Оср.\\_p165-167.pdf](http://elar.naiu.kiev.ua/bitstream/123456789/4155/1/–%203БІРНИК%20ТЕ3%20%20Оср._p165-167.pdf)
30. Akhtyrskaya, N. (2015). Mizhnarodnyi dosvid borotby z koruptsiieu yak vektor formuvannia natsionalnoi antykoruptsiinoi polityky: ohliad zakonodavstva Rumunii. *Naukova Biblioteka*, 18. Available at: <http://veche.kiev.ua/journal/4910/>
31. Shvets, D. V. (2019). Forming a Police Officer's Personality in Terms of Professional Training and Professional Activity: Legal and Psychological Aspects. Kyiv, 454.
32. Zadyraka, N., Kabanets, R. (2014). Svitovi dosvid zapobihannia ta protyidii koruptsii: do pytannia pro inteiratsii zakonodavstva Ukrainy do prava Yevropeiskoho Soiuzu. *Viche*, 10, 27–29. Available at: [http://nbuv.gov.ua/UJRN/viche\\_2014\\_10\\_12](http://nbuv.gov.ua/UJRN/viche_2014_10_12)
33. Public and Private Laws: Browse. Available at: <https://web.archive.org/web/20060711222023/http://www.gpoaccess.gov/plaws/browse.html>
34. CPI 2019: Americas. Transparency International. Available at: <https://www.transparency.org/en/news/cpi-2019-Americas>
35. Nikitin, A. A. (2020). Dosvid Spoluchenykh Shtativ Ameryky v borotbi z koruptsiieu. Realizatsiia derzhavnoi antykoruptsiinoi polityky v mizhnarodnomu vymiri. P. 1. Available at: <http://elar.naiu.kiev.ua/jspui/handle/123456789/19296>

36. Program zwalczania korupcji. Strategia antykorupcyjna. II etap wdrażania 2005–2009 (2005). Warszawa, 26. Available at: <https://antykorupcja.gov.pl/download/4/4158/StrategiaAntykorupcyjnaIIetapwdrazania.pdf>
37. Melnyk, O. H. (2021). International experience in preventing and combating corruption as a vector of formation of national anti-corruption policy in Ukraine. *Juridical Scientific and Electronic Journal*, 2, 32–35. doi: <https://doi.org/10.32782/2524-0374/2021-2/5>
38. Demyanchuk, V. (2017). Experience on Implementation of Anticorruption Policy in Poland and Germany: Lessons and Precautions for Ukraine. *Bulletin of Luhansk State University of Internal Affairs Named After E. Didorenko*, 4 (80), 151–158
39. Pro Natsionalne antykoruptsiine biuro Ukrainy (2014). Zakon Ukrainy No. 1698-VII. 14.10.2014. Available at: <https://zakon.rada.gov.ua/laws/show/1698-18#Text>
40. Pro zapobihannya koruptsii (2014). Zakon Ukrainy No. 1700-VII. 14.10.2014. Available at: [https://zakon.rada.gov.ua/laws/show/1700-18?find=1&text=rpomad# w1\\_19](https://zakon.rada.gov.ua/laws/show/1700-18?find=1&text=rpomad# w1_19)
41. Pro Natsionalnu politsiiu (2015). Zakon Ukrainy No. 580-VIII. 02.07.2015. Available at: <https://zakon.rada.gov.ua/laws/show/580-19#Text>
42. Shvets, D. V., Kisil, Z. R. (2022). Key aspects of transnational practice of corruption prevention and prospects of their implementation in the domestic political and legal sphere. *South Ukrainian Law Journal*, 1-2, 187–193. doi: <https://doi.org/10.32850/sulj.2022.1-2.33>
43. Krykun, V. (20107). Do pytannia hromadskoho kontroliu za diialnistiu Natsionalnoi politsii Ukrainy. *Naukovi zapysky. Serii: Pravo*, 2, 152–158.
44. Nikitin, A. A. (2018). Criminal responsibility for violation of procedure for occupied zone entry/exit. *Kyiv*, 19.
45. Krykun, V. (2017). Rozvytok ta suchasnyi stan pravovoho rehuliuвання запобігання корупції в орнах Natsionalnoi politsii Ukrainy. *Naukovyi visnyk Khersonskoho derzhavnoho universytetu. Serii: Yurydychni nauky*, 2 (3), 74–78.
46. Nikitin, A. A. (2018). Sluzhbova osoba yak sub'iekt porushennia poriadku v'izdu na tymchasovo okupovanu terytoriiu Ukrainy ta vyizdu z nei. *Kharkivskiy natsionalnyi universytet vntrishnikh sprav. Yevropeiskiy perspektyvy*, 1, 143–150.
47. Pro zatverdzhennia Pravyl etychnoi povedinky pratsivnykiv aparatu Ministerstva vntrishnikh sprav Ukrainy, terytorialnykh orhaniv, zakladiv, ustanov i pidpriemstv, shcho nalezhat do sfery upravlinnia MVS (2016). Nakaz MVS Ukrainy No. 326 1950. 28.04.2016. Available at: <http://zakon2.rada.gov.ua/laws/show/z0778-16>
48. Revak, I. O. (2022). Keis zaniattia na temu "Profesiina etyka" dlia slukhachiv Pidvyshchennia kvalifikatsii politseiskyykh izoliatoriv tymchasovoho trymannia. *Lviv*, 18.