

Oleg M. Reznik, Alyona M. Klochko, Vladimir V. Pakhomov, Olga O. Kosytsia

Sumy State University, UKRAINE

Sumy State University, UKRAINE

Sumy State University, UKRAINE

Sumy State University, UKRAINE

**INTERNATIONAL ASPECT OF LEGAL REGULATION OF CORRUPTION  
OFFENCES COMMISSION ON THE EXAMPLPE OF LAW ENFORCEMENT AGENCIES  
AND BANKING SYSTEM OF UKRAINE**

**ABSTRACT**

The article analyzes the legislation such countries as Ukraine, the Russian Federation (hereafter – RF) and the Republic of Belarus, norms of which provide a system of measures to combat corruption as well as responsibility for such kind of offences.

Moreover the article considers such burning question as counteraction of such kinds of offences and also different legislative approaches on the definition of “corruption” in the countries mentioned above. We consider the criminal-legal norms as provided in the Criminal Code of Ukraine, establishing the responsibility for obtaining of unlawful benefit by the officials. We study the provisions of the current legislation of Ukraine aimed at prevention of corruption in the society. The special attention is given to the concepts of «illegal benefit» and «bribe», the key differences of these terms are defined. Also an attention is paid to the terms «officials» and «law enforcement officials». This article also discusses some features of committing crimes by the officials of the banking institutions. It is noted that the committing of such crimes is the problem promoting the destabilization of the banking system. The underlying mechanisms and the high latency of these crimes, being made mostly by organized criminal groups, entail negative consequences for the economy of each individual country and in general all over the world.

It should also be noted that the basic principles and methods of dealing with corruption offences were identified in the work as well as a vector of legal regulation of every particular state in the defined area which is the basis of their anti-corruption policy. Furthermore comparative analysis of the administrative and criminal offences, which relate to corruption in RF, Ukraine and Belarus, was carried out. As a result of carrying out the analysis it became obvious that availability of uniform system of corruption offences classification for RF, Ukraine and Belarus is not significant and the legislation of each of the investigated countries provides differentiated approaches in understanding this question. Also we shall note, that not each of the designated states

makes exhaustive list of offences that refer to corruption that undoubtedly complicates studying an actual condition of corruption in the country.

A great share of attention in the article was paid to the studying of types and volumes of penalties for corruption acts. It was conducted a comparative characteristics of species and rigidity of penalty for corruption offences. As a conclusion of the study common and distinctive features of the anti-corruption legislation in Ukraine, RF and Belarus were highlighted. The conclusions are made that researched issues not lose its relevance because of periodic committing of corruption offences by the officials of law enforcement agencies and banking institutions.

**Keywords:** corruption, corruption offences, corruption politics, punishments for corruption acts, methods of counteraction of corruption, official, law –enforcement agencies, banking institutions.

### **Introduction**

Before presenting the main material and conducting analysis of the anti-corruption legislation of the countries under investigation, it is necessary to pay attention to the general peculiarities of corruption offences within the context of this work: they can have transnational nature, which greatly expands the jurisdictional scope of national courts of each separate country under investigation; they may cause harm to different generic objects; they tend to harm the interests of an indefinite number of people; they have high latency; they are directly linked to organized criminality (Bantekas I., 2006).

It should be noted that the most common classification of corruption offences is the classification according to the sphere of prevalence: domestic corruption; corruption in judicial and law enforcement agencies; administrative and political corruption; corruption in the economic and private activities (Boyarintseva Yu.A., 2010), (S.M. Klimova, T.V. Kovaleva, N.A. Tuchak, 2012).

According to R. Dronov, the effective implementation of anti-corruption policy in RF, Ukraine and the Republic of Belarus depends on the efficiency of joint activity of the member states in this sphere, which is primarily due to the similarity of legal systems, territorial proximity, as well as economic and administrative interdependence. Therefore, there emerges a need to conduct a comprehensive study of anti-corruption legislation and policy of Ukraine, RF and Republic of Belarus (Dronov R.V., 2010).

Thus, the anti-corruption legislation of the countries includes laws on combating corruption, provisions of the Criminal Codes (hereafter – CC), Codes on Administrative Offences (hereafter – CAO) and other regulatory legal acts that provide for the punishment for such offences. At the same time, legal norms of each of three countries have their own peculiarities. Difference manifests themselves in the presence or absence of a complete list of corruption offences, differentiation of responsibility for these acts, as well as in the types of punishments. Thus, the comparative analysis

of the legislation of RF, Ukraine and the Republic of Belarus is of great interest in this context.

On November 15, 2003, Model Law “Fundamentals of Legislation on Anti-corruption Policy” was adopted at the 12th plenary session of the Inter-parliamentary Assembly of the CIS Member Nations. P. 2 of Art. 2 of the Model Law defines corruption offence as an act having signs of corruption, for which the regulatory act provides for civil, disciplinary, administrative or criminal liability. Therefore, the law defines the following four types of corruption offences: disciplinary offences, torts, administrative offences and crimes. Moreover, administrative or criminal liability for these offences occurs only when they are defined in COA and CC of the CIS member state. Each member state of the CIS provides the definition of “corruption” in the legislation to ensure the maximum effectiveness of legal regulation. For example, on July 1, 2011, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Preventing and Combating Corruption”, which marked the beginning of changes in the anti-corruption legislation of Ukraine. However, the Art. 1 of the Law provides that corruption is the use of official powers and related opportunities associated therewith by the person to obtain undue advantages, which manifest themselves as the following: promise (offer), as well as taking a promise/offer of such benefits for themselves or other individuals; provision of undue advantage to the person or at his/her request to other physical (legal) persons to persuade that person to the unlawful use of granted official powers and opportunities associated therewith (Rostovtseva Yu.V., 2012).

Pursuant to Federal Law of RF “On Combating Corruption”, corruption implies the following acts: abuse of official capacity; bribery; abuse of authority; commercial bribery; other abuse of official capacity by natural persons that is contrary to the legitimate interests of the society and the state to acquire benefits in the form of money, property, other assets or property-related services, other property rights for themselves or for third parties; illegal provision of benefits to natural persons and legal entities.

Pursuant to Art. 1 of the Law of the Republic of Belarus “On Combating Corruption”, corruption implies intentional abuse by public official, an equivalent person or a foreign official of official position and related capabilities associated with the following: illegal obtaining of property or other benefits in the form of services, patronage, promises of benefits for themselves or for third parties; bribery of a public official, an equivalent person or a foreign official by granting them property or other benefits in the form of services, patronage, promises of benefits.

Based on the foregoing we can conclude that the concepts of corruption in the legislation of the countries under investigation are almost identical. They have the same meaning, which is reduced to the use of official capacity to acquire illegal benefit contrary to the interests of the society and the state.

## **Research Methodology**

The methodological basis of the article is a set of methods and techniques of scientific cognition. As a general scientific method, a systematic approach is used, which allowed us to determine the problematic issues of development of anti-corruption legislation and policy of Ukraine, RF and Republic of Belarus. With the help of logical semantic method approved by the need to monitor compliance with current legal regulation of corruption offences in accordance with the activity of law enforcement agencies and the banking institutions. Documentary analysis made it possible to develop proposals and recommendations for further development of legislation in the sphere of fight with corruption. Historical-legal method is used in the process of identifying the ways to develop the legal norms of regulation of corruption offences. In the process of the analysis of the administrative and criminal offences, which relate to corruption in RF, Ukraine and the Republic of Belarus, a comparative legal method was used. Assessing the historiography of the problem, it is necessary to recognize the existence of certain theoretical studies, which developed the considered problematic to a certain extent. The normative basis of the work is the Constitution of Ukraine, RF and the Republic of Belarus and international legal acts. The authors also addressed the relevant legal journalism, on pages of which separate questions are being discussed concerning the cases of corruption offences in the sphere of law enforcement system and in the banking institutions. The statistic and archival materials relating to the questions of corruption in RF, Ukraine and the Republic of Belarus constitute the empirical base of an article research.

## **Results**

The scientific novelty of the obtained results is that a comprehensive analysis allowed formulating scientifically substantiated position of the theoretical and applied character, which is entirely directed and can be practically used to solve the problem, which is subject of research. We explored the historical aspect of the formation, development and current legal regulation of corruption offences commission in RF, Ukraine and the Republic of Belarus. Based on the study of different doctrinal approaches, we formulated the concept of “corruption” and “illegal benefit”, defined the existing forms of the illegal benefits. It is indicated that the newly formed National Police of Ukraine also suffers from corruption of individual officials, that negatively affects its reputation. The results of such illegal actions is the definitive loss of public confidence in the state and its law enforcement agencies. It is noted that law enforcement officials should theoretically ensure the rule of law and safeguard public relations from criminal attacks. However, obtaining illegitimate benefits by such persons demonstrates an ineffectiveness of the current legislation on these issues. Legal characteristic of the corruption offences committed by the officials of the banking institutions should also take into account the specific nature of banking activity.

Having conducted the comparative analysis of anti-corruption legislation of RF, Ukraine and the Republic of Belarus, we can offer the following ways to improve the anti-corruption policy in these countries: clearly define the list of corruption offences in the legislation; to make the measures of administrative and criminal liability for corruption offences more severe; to develop a unified mechanism of using international instruments of mutual legal assistance in the prosecution of corruption offences related to border crossings (extradition of criminals); by the example of RF, to create the mechanism of interaction between the law enforcement and other government agencies with public and parliamentary committees, as well as with citizens and civil society institutions to combat corruption.

### **Discussion**

The list of corruption offences differs slightly in Ukraine, RF and the Republic of Belarus. For example, this list is not clearly defined in the Ukrainian legislation, only the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Liability for Corruption Offences” provides a list of articles from CAO of Ukraine and CC of Ukraine (hereafter CCU): violation of restrictions on the part-time employment and the compatibility of offices (Art. 172-4 of CAO of Ukraine); violation of the restrictions established by law on the receipt of gifts (donations) (Art. 172-5 of CAO of Ukraine); violation of the financial control requirements (Art. 172-6 of CAO of Ukraine); violation of the requirements on notifications of conflicts of interest (Article 172-7 of CAO of Ukraine); illegal use of information, which became known to a person due to the performance of official duties (Art. 172-8 of CAO of Ukraine); failure to take anti-corruption measures ( Art. 172-9 of CAO of Ukraine); abuse of authority or official position ( Art. 364 of CCU); abuse of authority by an official of the legal entity of private law, regardless of organizational and legal form (Art. 364-1 of CCU); abuse of power or official authority by law enforcement officers (Art. 365 of CCU); abuse of authority by persons providing public services (Art. 365-2 of CCU); forgery by an official (Art. 366 of CCU); neglect of duty (Art. 367 of CCU); acceptance of an offer, promise or receipt of undue advantage by an official (Art. 368 of CCU); unlawful enrichment (Art. 368-2 of CCU); bribery of the officer of private law, regardless of organizational and legal form (Article 368-3 of CCU); bribery of the person providing public services (Art. 368-4 of CCU); offer, promise or provision of undue benefit to the official (Art. 369 of CCU); undue influence (Art. 369-2 of CCU); provocation of bribery (Art. 370 of CCU).

Peculiarity of anti-corruption legislation in Ukraine consists in the fact that the CAO of Ukraine contains a separate chapter on this issue, while CC provides for corruption offences within the framework of crimes in the sphere of official and economic activity. Thus, classification of certain offences to the category of corruption offences remains at the discretion of scientists and legal practitioners (Banchuk O., 2012).

Decree of the General Prosecutor's Office and the Ministry of Internal Affairs of RF dated April 30, 2010 defines the following criteria, which classify a particular offence as a corruption offence: availability of appropriate subjects of a criminal offense, which include officials performing management functions in a commercial or other organization acting on behalf of and in the interests of the legal entity, as well as a non-profit organization, which is not a government body, local government body, state or municipal institution; connection of acts with official position of the subject, deviation from direct rights and obligations; obligatory presence of lucrative impulse; crime with direct intent (I.I Rogov, K.A. Mami, S.F. Bychkova, 2004).

It is also necessary to note that there are some crimes indirectly related to corruption: legalization (laundering) of money or other property acquired by other persons by crime or acquired by a person by crime, as well as the purchase or sale of property obtained by crime (Art. 174, 174.1, 175 of CC of RF); organization of criminal group (criminal organization) or participation therein, committed by a person using official capacities (P. 3 of Art. 210 of CC of RF).

According to Yu.V. Rostovtseva, persons who committed acts of corruption in public service system are not always prosecuted. In this case, elements of the crime are essential. In addition, criminal liability is a strict liability, so it should be used as a last resort. It seems that the moral standards of conduct of public servants must be maintained through measures of criminal and disciplinary, and administrative influence.

At the same time, we note that in RF, less attention is paid to administrative legislation norms as an effective mechanism to combat corruption. CAO of RF contains more than 20 elements of administrative corruption offences: bribery of voters, referendum participants or conducting charitable activities during the election campaign, referendum campaign that violates the legislation on elections and referendums; failure or non-publication of the report, information on the receipt and expenditure of funds allocated for the preparation and conducting of elections or referendum; illegal financing of election campaign, referendum campaign, provision of illegal material support relating to elections, referendum, works and provision of services, sale of goods for free or at unreasonably low (too high) price; taking advantage of official position during the election campaign or referendum campaign; collecting signatures of voters, referendum participants in prohibited areas, as well as collecting signatures by persons who are prohibited to participate therein pursuant to Federal Law; violation of the rules of transfer of funds contributed to the election fund, referendum fund; petty theft (by embezzlement); violation of the procedure for procurement of goods, works and services for the needs of customers; restriction of competition by authorities, local authorities; use of insider information on the stock market; illegal fee on behalf of the legal person; illegal employment of public servant, etc. (Skriba A., 2011). A significant problem of the Russian anti-corruption legislation consists in the fact that the relevant Articles are found in

different chapters of the Code, and are not gathered in one chapter.

According to the Annex of the joint Decisions of the General Prosecutor's Office of the Republic of Belarus, the State Control Committee of the Republic of Belarus, Operations and Analysis Center under the President of the Republic of Belarus, the State Security Committee of the Republic of Belarus No. 5/8/1/34/6 as of January 31, 2011, corruption offences include: theft by abuse of authority (Art. 210 of CC (hereafter – CCB) of the Republic of Belarus); legalization (laundering) of material assets acquired by crime, committed by an official using official powers (P. 2 and P. 3 of Art. 235 of CCB); abuse of power or official authority out of mercenary or other personal interest (P. 2 and P. 3 of Art. 424 of CCB); inaction of the official out of mercenary or other personal interest (P. 2 and P. 3 of Art. 425 of CCB); abuse of power or official authority, committed out of mercenary or other personal interest (P. 2 and P. 3 of Art. 426 of CCB); illegal participation in entrepreneurial activities (Art. 429 of CCB); taking bribes (Art. 430 of CCB); giving a bribe (Art. 431 of CCB); mediation in bribery (Art. 432 of CCB); abuse of power, abuse of authority or inaction of the authorities, committed out of mercenary or other personal interest (Art. 455 of CCB).

When analyzing the anti-corruption legislation of RF, Ukraine and the Republic of Belarus, it is also necessary to consider the measures for preventing and combating corruption chosen by these countries. The Law of Ukraine “On Preventing and Combating Corruption” provides for the following measures aimed at preventing and combating corruption: restrictions on the use of official position; restriction concerning combining jobs and combining a job with other activities; restrictions on the receipt of gifts (donations); restrictions on the work of close relatives; special inspection of persons applying for positions related to the performance of public functions or functions of local government; financial control of declaration subjects; codes of conduct; procedure for settlement of the conflict of interest; anti-corruption expertise of legal acts; requirements to the transparency of information; prohibition on receiving free services and property by public authorities and local governments (Rostovtseva Yu.V., 2012).

According to the Federal Law of RF “On Combating Corruption”, the main activities of public authorities to improve the efficiency of anti-corruption include: unified state policy in the field of anti-corruption; creation of a mechanism of interaction of law enforcement and other government agencies with public and parliamentary committees, as well as with citizens and civil society institutions; introduction of anti-corruption standards; unification of rules and restrictions, prohibitions and obligations established for public servants, as well as for the persons holding public offices of RF; improving the organization of the activities of law enforcement and regulatory agencies to combat corruption; increase in wages and social security of the state and municipal employees; strengthening international cooperation in combating corruption and tracing,

confiscation and repatriation of property obtained through corruption and located abroad; other measures.

In the Republic of Belarus, the fight against corruption by government agencies and other organizations is carried out using a comprehensive use of the following measures: planning and coordination of the activities of state agencies and other organizations on combating corruption; placing limitations, as well as special requirements aimed at ensuring financial control in respect of government officials; conducting public information activities that contribute to non-tolerance of corruption; ensuring transparency in the activities of public officials and equal-status persons; restoration of violated rights, freedoms and legitimate interests of individuals and legal entities, elimination of other harmful consequences of offences that create conditions for corruption; establishment of legal prohibitions to delimit the service (labor) duties and personal, group, and other off-duty interests of public officials and equal-status persons; provision of guarantees and compensations associated with the restrictions set by legislative acts in the field of combating corruption; prevention of funding or providing other forms of material support to public authorities from the sources and in a manner not provided for by law; combination of combating corruption with the creation of economic prerequisites to address the causes of corruption.

Thus, having analyzed the measures aimed at preventing and combating corruption, we can conclude that they are quite similar to each other in all the countries studied, with the exception of some aspects, which are the peculiarities of anti-corruption policy and political system.

The peculiarity of Ukrainian anti-corruption system is the functioning of state register of persons committing corruption offences. According to the Law of Ukraine “On Preventing and Combating Corruption”, the Ministry of Justice of Ukraine maintains a register of persons who have committed corruption offences (Rostovtseva Yu.V., 2012).

The problem of receipt of illegal benefits by officials of law enforcement agencies is an urgent problem in Ukraine. The law enforcement officials act as representatives of public authorities or occupy permanent or temporary positions related to the execution of organizational and administrative duties in such agencies.

Pursuant to the Art. 364 of CC of Ukraine, officials shall mean persons who permanently or temporary represent public authorities, and also permanently or temporary occupy positions in businesses, institutions or organizations of any type of ownership, which are related to organizational, managerial, administrative and executive functions, or are specifically authorized to perform such functions.

Practical specialists and scholars formulated a lot of definitions of the phenomenon of “corruption”. By corruption crimes are understood those provided for exceptionally by the CCU, socially dangerous and punishable intentional acts having signs of corruption and committed by



special subjects. However, we take as a basis the definition of this concept, which is enshrined in the current legislation of Ukraine. Corruption – use by the person specified in part one of article 3 of Law of Ukraine “About Prevention of Corruption” , the office powers or the related opportunities conferred to it for the purpose of receipt of illegal benefit or acceptance of such benefit or adoption of the promise/offer of such benefit for itself or other persons or respectively the promise/offer or provision of illegal benefit to the person specified in part one of article 3 of Law of Ukraine “About Prevention of Corruption” or according to its requirement to other physical persons or legal entities with the purpose to incline this person to illegal use of the office powers or the related opportunities conferred to it.

In 2011, the list of “corruption offences” was expanded by the legislature. The concept of illegal benefit was included in the scientific terminology of criminal law. “Illegal benefit” as the term is a broader concept in comparison to the concept of a “bribe”. Illegal benefit – the money or other property, benefits, privileges, services, intangible assets, any other benefits of intangible or non-cash nature which promise offer, provide or receive without the bases, legal on that. The Verkhovna Rada of Ukraine adopted the Law “On Amendments to Certain Legislative Acts of Ukraine to Bring the National Legislation into Conformity with the Standards of the Criminal Law Convention on Corruption” on April 18, 2013. According to this law, the concept “bribe” was removed from the criminal legislation of Ukraine and replaced with the term “illegal benefit”. The disposition of the Art. 368 of CC of Ukraine and its title was amended based on the new terminology. Part 5 of the Art. 354 of CC of Ukraine provides an incentive norm for exemption from criminal liability.

Pursuant to the Article 354 of CCU “Receiving of Illegal Benefits by an Employee of a State Enterprise, Institution or Organization”: “Illegal receiving of any material consideration or benefits of a significant amount, by way of extortion, by an employee of a state enterprise, institution or organization, who is not an official, in return for any actions or omission through abuse of his/her position at the enterprise, institution or organization, shall be punishable by the fine up to 70 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up three years”.

Unfortunately, the cases of corruption abuses by officials of law enforcement agencies are common in the Ukraine. The court decisions on such cases are also doubtful. For example, in Ukraine the court obliged the corrupt official to pay a fine and released him from serving his sentence. Thus, in 2016 the court obliged the prosecutor of Kherson local prosecutor's office, who received twenty five thousand dollars from a third party to stop the criminal proceedings, to pay a fine in the amount of twenty-five and a half thousand UAH. This is confirmed by the relevant decision of Golopristanskiy District Court of Kherson region. We consider that in this particular and

the other similar cases it is advisable to use the punishment related to the deprivation of liberty. The problem of prevention of receipt of illegal benefits by law enforcement agencies officials is complicated by the fact that the activities of law enforcement officials are theoretically related to the observance of the rule of law and legality that is impossible by manifestations of corruption abuses in that area.

Particular danger of crimes in the sphere of banking is that these criminal offenses contribute to the spread of organized crime, cause the growth of the shadow economy and impose a significant barrier to the formation of Ukraine as a European state. The main reasons that contribute to the growth of crime exerted by the officials in banking, in our view, are: 1) improper verification by authorized persons of potential employees of the bank; 2) increase of the activities of organized criminal groups in conspiracy with the officials in the banking sector; 3) gaps of the current legislation regarding the regulation of the powers of officials regarding the performance of their functional duties in separately defined areas; 4) personal motives of employees of banks caused by the ability to obtain significant monetary funds with daily access to them; 5) availability of sufficient time for hiding and destroying the traces of the crime; 6) high latency of such crimes; 7) lack of professionalism of law enforcement officials in the identification and disclosure of such violations; 8) abuse of the bank officials that provide opportunities for illegal benefit, etc.

In general, corrupt actions of officials in the banking sector are manifested as follows: 1) providing clients with bank guarantees in the case of absence of sufficient obligations; 2) providing persons with loans for further appropriation; 3) promotion in the creation of fictitious business entities to further legalization of the money; 4) counteraction to the investigation of criminal offences consisting in the failure to provide or concealment of information requested; 5) various assistance to criminals in collusion; 6) concluding agreements that may cause damage to the state, etc.

For example, the department of constitutional rights and freedoms and interests of the State Prosecutor of Volyn region audited the compliance with the legislation on banking of PAC “Zakhidinkombank”. Officials of the bank at the request of creditors of the bank illegally decided to change the type of collateral to secure repayment of deposits to non-existent goods in circulation in the total amount of 103.5 million UAH. Officials of the bank, abusing official position, decided to postpone the borrowers’ percent and termination of contracts of deposit. As a result, employees of PAC “Zakhidinkombank” committed an embezzlement of bank funds by giving the entrepreneurs credit funds in the amount of 103.5 million UAH. Information about an embezzlement by officials of the bank through abuse by official position was entered in the Unified Register of Pretrial Investigation.

We consider, that the inclusion of new offences from the sphere of banking into the criminal sphere will improve the potential of criminal legislation as an instrument of fighting crime (Alyona N. Klochko, Anatoliy N. Kulish, Oleg N. Reznik (2016). To solve the above problem, it is necessary to direct the work of law enforcement agencies to prevent crimes in the banking and law enforcement sphere of individual and organized character.

For more evident comparison and analysis of punishment for corruption offences, we consider it necessary to present the following information in tabular form. These tables are taken from the Codes on Administrative Offences and the Criminal Codes of Ukraine, Russian Federation and the Republic of Belarus.

<b>TYPES OF PUNISHMENT</b>	<b>UKRAINE</b>	<b>RUSSIAN FEDERATION</b>	<b>REPUBLIC OF BELARUS</b>
<b>Fine</b>	Depends on non-taxable min income of a citizen. According to CAO of Ukraine– from 50 to 800 non-taxable min incomes of a citizen; According to CCU– from 150 to 1500 non-taxable min incomes of a citizen	There are several possible methods of setting fines: depending on the amount of the bribe (Art. 204 of CC of RF) – in the amount from 10 to 90 amounts of the bribe or commercial bribery; fixed amount in rubles –from two thousand to one million rubles, and it can also depend on the salary of the convicted person (Art. 184 of CC of RF) – in the amount of the salary or other income of the convicted person for a period of three months to five years. The CAO of RF provides differentiation on the amount of fine, depending on the subject of offence – different for citizens, officials, and legal entities	The amount of a fine is not specified in Articles. But Art. 50 of CCB provides that the amount of fine is determined taking into account the amount of the basic value on the day of sentencing, depending on the nature and degree of social danger of the crime and the material conditions of the convict, and it is set between thirty to one thousand base units
<b>Correctional labor</b>	Up to 2 years	Up to 4 years	Up to 2 years
<b>Community service</b>	For the period from 100 to 200 hours	-	-
<b>Compulsory community service</b>	-	Min term – up to 360 hours, max term – 480 hours	-
<b>Compulsory labor</b>		Min term – up to 1 year, max term – up to 2 years.	
<b>Arrest</b>	Up to 6 months	From 3 to 6 months	From 3 to 6 months

<b>Personal restraint</b>	Min possible term – up to 2 years, max possible term – 5 years	Up to 2 years	Min term – up to 2 years, max possible term – 5 years
<b>Imprisonment</b>	Mini term – 2 years, maxi – 12 years	Mini term – up to 2 years, max possible term – 20 years	Min term – up to 2 years, max possible term – 12 years
<b>Deprivation of the right to occupy certain positions or engage in certain activities</b>	Up to 3 years	Min term – up to two years, and a ma term – five years	CCB does not establish clearly period, for which this kind of punishment is set, thus, the duration of such punishment is at the discretion of the court sentence of the judge
<b>Seizure of property</b>	Can be used in case of certain corruption offences	Can be used in case of certain corruption offences	Can be used in case of certain corruption offences
<b>Special seizure of property</b>	It is usually set when an official receives undue material advantage	-	-
<b>Restriction on military service</b>	-	-	Up to two years

*Table 1. Types and extent of punishment for corruption offences*

The table shows that a list of punishments for corruption offences are almost identical in all countries, except for certain forms of punishment, such as restriction on military service, special seizure of property and variety of community services. As for the extent of punishment, they have quite different levels of strictness. These differences are most likely associated with the political structure of the state and severity of corruption crimes.

The legislation of Ukraine and RF allocates these types of liability for corruption offences as administrative and criminal, while the legislation of the Republic of Belarus has no differentiation of liability for acts of corruption and provides for criminal liability exclusively. In addition to corruption offences within the state, there is a transnational corruption crime, organized at different levels. Researchers from the European countries insist on the need for implementation of political measures at the operational level, in addition to the national legislation norms (Franklin E. Zimring and David T. Johnson, 2005).

### **Conclusions**

Thus, the study analyzed the legislation of Ukraine, RF and the Republic of Belarus, which distinctively provides for measures to combat corruption and sets liability for acts of corruption. The legislation of the countries under investigation has both similar elements and significant

differences.

The common elements of anti-corruption legislation of CIS countries include:

1) definitions of “corruption” in the legislation of Ukraine, RF and the Republic of Belarus are virtually identical; 2) laws of these countries define the same list of punishments for acts of corruption. It includes: fine, corrective labor, restriction of liberty, imprisonment, property seizure (general and special), deprivation of the right to occupy certain positions or engage in certain activities. The extent of punishment is the only distinctive aspect in this context.

The main differences in the anti-corruption legislation of CIS countries include: 1) the list of corruption offences is clearly defined in the anti-corruption legislation of the Republic of Belarus; it is not defined in Ukraine, and it is rather vaguely defined in the legislation of RF (classification of offence as a corruption offence depends on the compliance of the crime the criteria established by the Decree of the General Prosecutor’s Office and the Ministry of Internal Affairs of RF dated April 30, 2012); 2) the presence of differentiation of liability for corruption acts is another difference of the anti-corruption legislation of CIS countries. In Ukraine and RF, the liability for acts of corruption is divided into administrative and criminal (disciplinary sanctions for minor offences are also possible), and the Republic of Belarus sets only the criminal liability; 3) various methods to determine the extent of the punishment in the form of fine for corruption acts. In Ukraine, fines as a form of administrative and criminal liability depend on non-taxable minimum income of a citizen. In RF fines are set depending on the size of the salary or the amount of the bribe. The amount of the fine can be set in a fixed sum of money. In the Republic of Belarus, amount of the fine is set at the discretion of the court, taking into account the basic value set on the day of sentencing.

Therefore, the CIS countries differently shape their anti-corruption policy and have different approaches to liability for corruption acts, given that they have a common basis for the development of anti-corruption legislation. The legislation of each country under investigation has both positive and negative aspects, but the main criterion for the correctness of the anti-corruption policy is a level of corruption in the state. Unfortunately, there is no single mechanism of using international instruments of mutual legal assistance in the prosecution of corruption offences related to border crossing (extradition of criminals).

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No potential conflict of interest was reported by the authors.

#### **Notes on contributors**

*Oleg M. Reznik* is Candidate of Legal Sciences, Associate Professor of the Department of Administrative, Commercial Law and Financial and Economic Security, Deputy Director of in scientific work, Educational-scientific Institute of Law, Sumy State University, Ukraine.

*Alyona M. Klochko* is Candidate of Legal Sciences, Associate Professor, Educational-

scientific Institute of Law, Sumy State University, Ukraine.

*Volodymyr V. Pakhomov* is Doctor of Juridical Science, Associate Professor, Head of the Department of Criminal-Legal Disciplines and Justice, Educational-scientific Institute of Law, Sumy State University, Ukraine.

*Olga O. Kosytsia* is Candidate of Legal Sciences, Associate Professor of the Department of Administrative, Commercial Law and Financial and Economic Security, Educational-scientific Institute of Law, Sumy State University, Ukraine.

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### **References**

- Alyona N. Klochko, Anatoliy N. Kulish, Oleg N. Reznik (2016). The Social Basis of Criminal Law Protection of Banking in Ukraine. *Criminology Journal of Baikal National University of Economics and Law*. 2016. vol. 10, no. 4, p. 790.
- Banchuk O. (2012). *Zapobigannya i protidiya koruptsiyi v organah mistsevogo samovryaduvannya [Preventing and combating corruption in local government]: Practical Guide / [Banchuk Oleksandr]; Swiss-Ukrainian Decentralization Support Project in Ukraine – DESPRO. – K.: Sophia-A LLC, 88 p.*
- Bantekas I. (2006). Corruption as an international crime and crime against humanity: An outline of supplementary criminal justice policies: *Journal of International Criminal Justice*, 4 (3): 466-484.
- Boyarintseva Yu.A. (2010). *Korruptsiya v Rossiyskoy Federatsii: osnovne cherty i sposoby protivodeystviya [Corruption in the Russian Federation: basic features and ways of combating] / Yu.A. Boyarintseva, O.P. Volkova // Materialy nauchno-prakticheskoy konferentsii Saratovskogo gosudarstvennogo sotsialno-ekonomicheskogo universiteta [Proceedings of the scientific practical Conference of the Saratov State Socio-Economic University], pp. 58-64.*
- Dronov R.V. (2010). *Protivodeystvie organizovannoy prestupnosti i korruptsii v ramkah Sodruzhestva Nezavisimyh Gosudarstv (mezhdunarodno-pravovyye aspekty) [Combating organized crime and corruption within the Commonwealth of Independent States (international legal aspects)] / R.V. Dronov // Journal “Terra Humana”, issue No. 1, pp. 16-21.*
- Franklin E. Zimring and David T. Johnson (2005). On the Comparative Study of Corruption: *Br J Criminol*, 45 (6): 793-809.
- *Osnovy protivodeystviya korruptsii [Approach to combating corruption] (2004): text*

edition/Edited by I.I Rogov, K.A. Mami, S.F. Bychkova. – Almaty: Civil Foundation “Transparency Kazakhstan”, OFPPI “Interlegal” in Kazakhstan, 328 p.

- Rostovtseva Yu.V. (2012). Administrativnaya otvetstvennost za korrupcionnyie pravonarusheniya v sisteme gosudarstvennoy sluzhby [Administrative responsibility for corruption in the public service]/ Yu.V. Rostovtseva. Law of Russian Federation: experience, analysis, practice. 2012, N 3.

- Skriba A. (2011). Corruption and the Shadow Economy/A. Skriba // *IPM Research Center*. [Digital resource]. – Available at: <http://www.research.by/webroot/delivery/files/pdp2011r03.pdf>. -

S.M. Klimova, T.V. Kovaleva, N.A. Tuchak (2012). Yuridicheskaya otvetstvennost za korrupcionnyie pravonarusheniya [Legal liability for corruption offenses]: text edition. *M.: NAGU “Magistr” [National Academy of Public Administration “Magistr”]*, 200 p.

Reznik O. M. International Aspect of Legal Regulation of Corruption Offences Commission on the Example of Law Enforcement Agencies and Banking System of Ukraine [Текст] / Oleg M. Reznik, Alyona M. Klochko, Vladimir V. Pakhomov, Olga O. Kosytsia // *Journal of Advanced Research in Law and Economics*, [S.l.], v. 8, n. 1, (2017) p. 169-177