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Anti-corruption reform as a component of the sustainable development strategy and its impact on a safe environment

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Abstract

The purpose of the research is anti-corruption reform as a component of the Sustainable Development Strategy and its impact on a safe environment: administrative, legal and criminological reflection. Main content. It is known, that the national security strategy of Ukraine identifies corruption among the current and forecasted threats, which prevents the Ukrainian economy from being depressed, makes its sustainable and dynamic growth impossible, and, as a result, fuels the criminal environment. Methodology: The methodological basis of the research is presented as comparative-legal and systematic analysis, formal-legal method, interpretation method, hermeneutic method as well as methods of analysis and synthesis. Conclusions. Approbation of the developed plan for the post-war recovery of Ukraine (section «Environmental safety» should take place in such priority areas as: reforming state management in the field of environmental protection; climate policy: prevention and adaptation to climate change; environmental safety and effective waste management; balanced use of natural resources in conditions of increased demand and limited opportunities; preservation of natural ecosystems and biological

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diversity; restoration and development of nature conservation areas and objects.

Keywords: goals of sustainable development; anti-corruption policy; national environmental security; regional policy; administrative and legal regulation.

Reforma de la lucha contra la corrupción como componente de la estrategia de desarrollo sostenible y su impacto en un entorno seguro

Resumen

El objeto de la investigación es la reforma anticorrupción como componente de la Estrategia de Desarrollo Sostenible y su impacto en un entorno seguro: reflexión administrativa, legal y criminológica. Se sabe que la estrategia de seguridad nacional de Ucrania identifica la corrupción entre las amenazas actuales y previstas, lo que evita que la economía ucraniana se deprima, imposibilita su crecimiento sostenible y dinámico y, como resultado, alimenta el entorno criminal. La base metodológica de la investigación se presenta como análisis comparativo-legal y sistemático, método formal-legal, método de interpretación, método hermenéutico así como métodos de análisis y síntesis. Todo permite concluir que la aprobación del plan desarrollado para la recuperación de la posguerra de Ucrania (sección «Seguridad ambiental» debe tener lugar en áreas prioritarias como: reforma de la gestión estatal en el campo de la protección ambiental; política climática: prevención y adaptación al cambio climático; seguridad ambiental y gestión eficaz de residuos; uso equilibrado de los recursos naturales en condiciones de mayor demanda y oportunidades limitadas; preservación de los ecosistemas naturales y la diversidad biológica; restauración y desarrollo de áreas y objetos de conservación de la naturaleza.

Palabras clave: objetivos de desarrollo sostenible; política anticorrupción; seguridad ambiental nacional; política regional; regulación administrativa y legal.

Introduction

The history of the formation of the idea of sustainable development is directly related to the meeting of the UN General Assembly in New York,

held in September 2015, where the resolution document «Transforming our world: an agenda in the field of sustainable development until 2030» was adopted, where it was established such goals and objectives of the development of modern states.

The mentioned Resolution of the UN General Assembly substantiated that the development of the modern state should be the following directions of socio-economic, spiritual-cultural, humanitarian, ecological reformation. The goals of sustainable development of the modern world and individual states can be classified into:

1. Humanitarian, which include - the need to overcome the manifestations of poverty, fight against the spread of hunger, take measures to ensure food security, promote the quality and safety of food products, rationalize agricultural activities; social protection and provision of a person regardless of his age and state of health; access to justice; implementation of the principles of social partnership and dialogue as the basis of public administration and social development.
2. Socio-cultural, covered by the need to take measures to provide access to quality education and create opportunities for a person's professional development throughout his life; ensuring the principles of gender equality as a priority for the development of modern society, granting equal rights to men and women, boys and girls; overcoming manifestations of discrimination based on property.
3. Environmental - ensuring access to quality water resources and compliance with sanitary and hygienic requirements; creation of conditions for the availability of energy resources; greening of production and its development on the basis of a «closed circle»; ensuring the livelihood and «sustainability» of settlements; taking measures to overcome the manifestations of climate change and their negative consequences; use of sea and ocean resources based on rational approaches; combating desertification and taking other measures aimed at overcoming the manifestations of land degradation and restoring biodiversity.
4. Socio-economic - creation of an effective labor market at the global and national levels; rationalization of consumption.

1. Literature review

Establishing the essence of the category «national ecological security» requires taking into account the results of scientific works of representatives,

as general theoretical sciences, as well as representatives of special branch studies, and others (Pushkina *et al.*, 2021). However, the establishment of the essence of the category «national environmental security» is fragmentary in nature, and requires the generalization of existing practices in order to achieve their compliance with European standards (Leheza, 2016).

Within the framework of Ukrainian legal science, there is no single approach to establishing the essence of «environmental safety». Establishing an author's approach to defining the essence of the category «national ecological security» is possible by summarizing existing theoretical and legal studies (Surilova and Leheza, 2019).

Establishing the essence of the category of «national environmental security» has a certain history of formation and development of normative and legal regulation. The first attempts to introduce the category of «national ecological security» into the national legal space were made in 1995-1998, when the conceptual approaches to establishing the structure and content of the mechanism for ensuring national security requirements as a whole and its structural elements were normatively consolidated (Sabirov, 2010).

Understanding the constituent elements of the mechanism for ensuring the requirements of national environmental security requires the use of such a conceptual approach, which consists in combining in a complex interdependent system the implementation of measures to prevent environmental emergencies, prevent and eliminate the negative consequences of environmental offenses and crimes against the environment, which allows to guarantee the appropriate level of effectiveness of implementation state and regional policy on the implementation of the subjective environmental rights of a private person (Kolpakov *et al.*, 2020).

2. Materials and methods

The study is based on the works of foreign and Ukrainian scientists regarding methodological approaches to understanding anti-corruption reform as a component of the Sustainable Development Strategy and its impact on a safe environment: administrative-legal and criminological reflection

The ontological method of scientific knowledge made it possible to determine the essence of methodological approaches to understanding the category of national environmental security as a component of the Sustainable Development Strategy and the implementation of regional environmental policy. Thanks to the logical-semantic method, the conceptual principles of the implementation of the anti-corruption reform as a component of the Sustainable Development Strategy and its impact on a safe environment were developed.

The use of the system-structural research method made it possible to determine the normative principles of anti-corruption reform as a component of the Sustainable Development Strategy and its impact on a safe environment. With the help of the structural-logical method, the main directions of optimization of methodological approaches to understanding the effectiveness of anti-corruption reform as a component of the Sustainable Development Strategy and its impact on a safe environment are substantiated.

3. Results and discussion

The national security strategy of Ukraine identifies corruption among the current and forecasted threats, which prevents the Ukrainian economy from being depressed, makes its sustainable and dynamic growth impossible, and, as a result, fuels the criminal environment.

Decree of the President of Ukraine dated February 16, 2022 No. 56/2022 «On the decision of the National Security and Defense Council of Ukraine dated December 30, 2021 «On the Strategy for State Security» determined that the main tasks of state policy in the field of state security include the intensification of the struggle with terrorism and organized crime, countering the destruction of the state apparatus and local self-government in connection with the spread of systemic corruption in state bodies (Law of Ukraine, 2022).

The introduction at the national level of the need to observe and implement the goals and objectives of sustainable development determined the expediency of developing a certain system of monitoring the effectiveness of the exercise of powers for their implementation by administrative bodies. In accordance with the Decree of the Cabinet of Ministers of Ukraine of August 21, 2019 No. 686-r «Issues of data collection for monitoring the implementation of sustainable development goals» (Law of Ukraine, 2019) a list of indicators of the effectiveness of the implementation of state and regional policies is established. In fact, such indicators are criteria for the effectiveness of socio-economic development, which allows us to identify the directions of regulatory and organizational regulation of social relations.

Such indicators of ensuring the requirements of the national environmental security of Ukraine in particular and achieving the goals of sustainable development in general in accordance with the Decree of the Cabinet of Ministers of Ukraine dated August 21, 2019 No. 686-r include:

- ensuring the creation of sustainable food production systems that contribute to the preservation of ecosystems and gradually improve land and soil quality, primarily through the use of innovative technologies (food production index Food Production Index);

- ensuring the availability of quality services for the supply of safe drinking water, construction and reconstruction of centralized drinking water supply systems using the latest technologies and equipment (indicator of safety and quality of drinking water according to microbiological indicators);
- indicator of safety and quality of drinking water according to radiation indicators);
- reducing the volume of untreated wastewater discharges, primarily with the use of innovative water treatment technologies, at the state and individual levels (indicators of the volume of discharges of polluted (polluted without treatment and insufficiently treated) wastewater into water bodies);
- the share of discharges of polluted (polluted without treatment and insufficiently treated) wastewater into water bodies in the total volume of discharges, etc.);
- increasing the efficiency of water use (GDP water capacity indicators);
- expansion of infrastructure and modernization of networks to ensure reliable and stable energy supply based on the introduction of innovative technologies (indicator of technological costs of electrical energy in distribution networks);
- ensuring diversification of the supply of primary energy resources; increasing the share of energy from renewable sources in the national energy balance, in particular due to the introduction of additional capacities of facilities producing energy from renewable sources (setting the share of energy produced from renewable sources in the total final energy consumption);
- reduction of the negative impact of pollutants, including on the environment of cities, in particular through the use of innovative technologies (volume of pollutant emissions into the atmosphere by stationary sources of emissions);
- ensuring the development and implementation of local development strategies aimed at economic growth, job creation, development of tourism, recreation, local culture and production of local products;
- decrease in the resource intensity of the economy;
- reducing the volume of waste generation and increasing the volume of its processing and reuse based on innovative technologies and productions (the volume of generated waste of all types of economic activity per unit of GDP);

- the share of incinerated and recycled waste in the total volume of generated waste);
- limitation of greenhouse gas emissions in the economy;
- reduction of pollution of the marine environment; ensuring sustainable use and protection of marine and coastal ecosystems, increasing their sustainability and restoration based on innovative technologies;
- promotion of sustainable forest management (indicator of forested territory of the country);
- restoration of degraded lands and soils using innovative technologies.

In order to improve the relevant work at the national, regional and local levels based on the Budgeting Methodology of the Sustainable Development Goals in Ukraine (Budgeting the Sustainable Development Goals), a special procedure was developed for tracking state budget expenditures for their implementation.

From the beginning of 2018 until June 2022, there was no main strategic document in the field of combating corruption in Ukraine, which was one of the reasons for the extremely low effective activity of anti-corruption bodies and the application of prevention measures.

During the period of martial law, authorized units (authorized persons) that are not involved in the implementation of measures for state defense, civil protection, public safety and order, protection of the rights, freedoms and legitimate interests of citizens, continue to organize and carry out measures for the prevention and detection of corruption provided for by the Law taking into account the regime of work organization in the institution (in particular, remote work, idle time) and the features established by the Law of Ukraine «On the Legal Regime of Martial Law».

The order of the Cabinet of Ministers of Ukraine dated October 5, 2016 No. 803-r approved measures to prevent corruption in ministries and other central bodies of executive power. Thus, for the Ministry of the Environment (today the Ministry of Environmental Protection and Natural Resources of Ukraine) the following areas of activity have been defined with the aim of creating a single unified electronic system of access to environmental information about permits, licenses, statistical reports, inspection materials, monitoring in the field of environmental protection for state bodies, business entities (review of documents: obtaining permits, licenses, results of environmental control studies) and the public (Leheza *et al.*, 2022).

In addition, with the aim of reforming the system of state control and supervision in the field of environmental protection, the creation of

a single integrated body of environmental protection supervision and the elimination of duplication of functions of state supervision in the specified area are foreseen; competitive selection of all employees; creation of conditions to prevent corruption in the field of state environmental protection supervision.

To ensure the transparency and efficiency of the work of the Ministry of Environmental Protection and Natural Resources of Ukraine and other central executive bodies, which are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Environmental Protection and Natural Resources, unified management standards have been introduced, shortening the time period for obtaining information in all areas of activity, reducing permitting and reporting burden on business entities.

In accordance with the Basic principles (strategy) of the state environmental policy of Ukraine for the period until 2030, approved by the Law of Ukraine dated February 28, 2019 No. 2697-VIII, Section II defines the purpose, principles, principles and tools of the state environmental policy. This section also includes:

Complex monitoring of the state of the environment and supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources - will ensure the transition to a system of crime prevention and monitoring of the state of the environment, reducing pressure on the business environment, broad involvement of the public in environmental control through the construction of an effective system of supervision of compliance with environmental legislation, taking into account the best practices of organizing the functioning of similar institutions in the member countries of the European Union (Leheza *et al.*, 2020: 130).

The identified problems of ensuring the safety of the natural environment are in contradiction with the requirements of the current legislation, in particular, on issues of corruption prevention. Thus, according to the Law of Ukraine «On the principles of the state anti-corruption policy for 2021-2025» among the priority areas of corruption prevention in point 3.2.

The state regulation of the economy in the expected strategic results defines the implementation of the information and analytical system of natural resources management, which provides open access to current information about natural resources, includes the functionality of providing electronic services, electronic reporting, traceability, environmental monitoring and inspection, as well as an open software interface for creation of analytical and visual (geo-informational) software based on the data of the information and analytical system (without the right to change them).

However, it is not appropriate to conclude that the implementation of the state anti-corruption policy is completely ineffective. Thus, among the measures taken to ensure the effectiveness of overcoming corruption in the field of environmental protection as a component of Ukraine's national security, it is necessary to highlight a number of organizational and legal measures.

Thus, at the meeting of the International Working Group on Security Guarantees for Ukraine, in less than two months, a high-quality comprehensive project of recommendations containing a number of guarantees was created: military, economic, political, sanctions, which, as a result, subject to their agreement with the President of Ukraine, will have a positive effectiveness in overcoming manifestations of corruption in the field of environmental protection.

Conclusions

Considering the above, it can be noted that the presence of environmental problems in Ukraine requires an immediate response, and this, in turn, will create a security system for the whole of Europe. Thus, the Analytical Note outlines the problematic field of the existing system of state control and supervision in the field of environmental protection and the problems of implementing the Concept of reforming the system of state supervision (control) in the field of environmental protection, which will make it possible to determine external and internal factors that contribute to corruption in the implementation authorities of state control in the field of environmental protection.

In turn, the understanding of the issues is the basis for determining the fundamental anti-corruption safeguards that must be reflected in the activities of the environmental control and supervision body, the creation of which is provided for by this Concept, and the external (legislative, other normative legal acts) and internal (organizational and management processes) conditions, aimed at ensuring the exercise of powers by a powerful entity) environment under which corruption risks can be minimized.

Recommendations are provided regarding the mechanisms for minimizing corruption risks, which should be implemented during the reform of environmental control bodies. Purpose: to identify the current key problems that allow an official of the State Environmental Inspection to commit acts that may lead to the commission of a corruption offense or an offense related to corruption by an official of the State Environmental Inspection while performing the functions of state control and environmental supervision, to propose recommendations for their

consideration in the implementation reforms of the state control system in the field of environment.

In order to ensure national environmental security in Ukraine, especially in the presence of a nuclear threat from the Zaporizhzhya NPP, temporarily occupied by Russian invaders, it is expedient to take measures to approve the recovery plan of Ukraine during the period of martial law and overcoming the military aggression of the Russian Federation. Approbation of the developed plan for the post-war recovery of Ukraine (section «Environmental safety» should take place in such priority areas as: reforming state management in the field of environmental protection; climate policy: prevention and adaptation to climate change; environmental safety and effective waste management; balanced use of natural resources in conditions of increased demand and limited opportunities; preservation of natural ecosystems and biological diversity; restoration and development of nature conservation areas and objects.

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