PREREQUISITES FOR THE EMERGENCE OF DEPARTMENTAL ANTI-CORRUPTION MECHANISMS

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At the present stage of development of public administration, there is a demand for the establishment of internal control mechanisms aimed at identifying violations, including corruption factors. However, the integration of existing international models of departmental anti-corruption mechanisms in public organizations may lead to the adoption of chaotic and ineffective anti-corruption measures.

To date, well-known international models of departmental anti-corruption mechanisms are ISO 37001 "Anti-Corruption Management Systems" standards and the standard of integrity in the public service, recommended by the international organization OECD.

However, scientific researchers have not carried out comparative analyzes of these standards, which may adversely affect law enforcement practice. In this regard, the researcher conducted an epistemological and comparative study of these standards, which made it possible to establish their features.

As you know, until the mid-1940s, departmental anti-corruption mechanisms in the form of internal control were mainly considered as a minor detail in the form of audit practice: if it seemed that the accounting service was under adequate internal control, then an audit investigation could be effective.

In 1949, the Auditing Procedures Committee of the American Institute of Certified Public Accountants, in a special report, gave independent meaning to the concept of internal control. The report defines internal control as "the organizational plan and all coordinated practices and measures taken within a business to protect its assets, verify the accuracy and reliability of its records, improve operational efficiency, and encourage compliance with prescribed rules."[1].

However, many scientists believe [2], that the development of departmental anti-corruption mechanisms began at the beginning of the 20th century, namely the creation of the Food and Drug Administration (FDA) under the US Department of Health and Human Services.

The task of this Agency was to form the rules to be followed by entrepreneurs operating in the pharmaceutical and food industries.

However, the adoption of the US Foreign Corrupt Practices Act of 1977 (Foreign Corrupt Practices Act 1977) served as a prerequisite for the formation of modern forms of a departmental anti-corruption mechanism. officials.

Thus, departmental anti-corruption mechanisms have become a kind of catalyst in the implementation of activities by a state body, aimed at preventing violations of state regulations not only by employees of state bodies, but also by entrepreneurs.

As a result, the departmental system of internal self-control mechanisms began to be referred to as "compliance". The reason for calling them departmental is that they were internal requirements of the organization itself, aimed at preventing corruption. That is, compliance in the United States provided not only for the observance of imperative prescriptions, but also for ethical rules by officials of the highest executive power, the following regulatory legal acts apply:

- ✓ Law on Ethics in Government, 1978;
- ✓ Order of the President of the United States of October 17, 1990 "On the principles of ethical behavior for officials and employees of the Government";
- ✓ Standards of Ethical Conduct for U.S. Executive Branch Employees.

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[1] See: Cardozo L. Rev. 237 1997-1998. Vol. 19:237 – pp. 240-241.

[2] Перерва П.Г., Коциски Д., Верешне Шомоши М., Кобелева Т.А., Комплаенс программа промышленного предприятия. Учебник. – Харьков-Мишкольц : НТУ «ХПИ», 2019.- С.37-38

The above acts provided for the following requirements, which were to be implemented in the internal requirements of state bodies:

a) candidates must provide the following information upon enlistment:

on participation in commercial and non-commercial organizations of the candidate himself and members of his family;

about personal creditors and creditors of family members.

In this case, the US Supreme Court supported the legislators and clarified that the declaration by officials of their financial condition does not contradict their constitutional rights and is a method of building public confidence in the government and preventing dishonesty[3].

b) internal control mechanisms:

conducting an annual financial audit;

conducting internal audits of the activities of civil servants;

verification of counterparties involved in public procurement.

c) openness of the activities of the state body:

publication of budget expenditures;

openness of budget purchases;

transparent recruitment.

In view of the current situation in countries where similar problems began to arise, the international community began to form measures of first necessity. So, in 1996, a separate UN resolution adopted the International Code of Conduct for Public Officials, which was the reason for establishing strict requirements for civil servants[4]. At the same time, it should also be taken into account that this international act was based on the legislative acts of the United States and Great Britain.

Gradually, with the development of public relations and depending on the role of state participation in the private sector, corruption scandals arose, which subsequently became new prerequisites for the adoption of newer anti-corruption mechanisms. For example, in 2001, the bankruptcy of Enron Corporation due to falsified reporting, financial fraud and concealment of debts led to the signing of the Sarbanes-Oxley Act in 2002, which served to seriously tighten the requirements for financial reporting of organizations and established the obligation to adopt a code of corporate conduct, as well as reporting on internal audits to state control bodies[5].

In the subsequent clash of the US and other countries with international forms of corruption. There was the adoption of a single standard for combating corruption. Thus, in 2003, the UN international community adopted the Convention against Corruption, which was formed mainly on the basis of the legislation of the United States and Great Britain.

The development of the fight against corruption, after the bourgeois revolution and subsequent, in our opinion, shows that the main reason for the persistence of such an ailment is not the perfection of the state system, which, along with social changes, should be engaged in the constant improvement of its functions.

I. Alekshina also adheres to this point of view, explaining that the legitimization of the socially constructive function of corruption has taken place and will take place in the foreseeable future through the social mythology replicated by the media about the inevitability of corruption as a payment for the imperfection of the state system[6].

Departmental anti-corruption mechanisms during this period became relevant, due to the fact that in many countries where there are large companies, the cash flow, which exceeds the average gross income of a small state, can provoke corrupt actions for the purpose of illicit enrichment. In particular, the absence of such a mechanism in the public sector can similarly create conditions for corrupt practices.

In an equivalent format, O.I. Khamazina, who argues that anti-corruption policy is a consistent and systematic activity of state institutions and civil society, aimed at developing and constantly implementing versatile measures of a preventive, preventive, restrictive and liquidating nature, in order to eliminate and minimize the manifestations, causes and conditions that give rise to corruption.

At its core, anti-corruption policy, primarily a legal policy aimed at the formation and implementation of anti-corruption legislation in the field of combating crimes and offenses, solving the problem of systemic combating corruption[7].

Since the United Nations Convention against Corruption came into force in 2005, there has been

[3] Дробышевский В.С., Романова Н.П. Современные типы антикоррупционных систем: региональный срез // Вестник ЗабГУ. 2012. № 10. С.85

[4] https://www.un.org/ru/documents/decl_conv/conventions/int_code_of_conduct.shtml

[5] See.: Md. Rajibul Hasan. OECD Principles, Sarbanes-Oxley legislation and CSR. 2011.-P.15.

[6] Алакшина Ирина Сергеевна. Коррупция как элемент социальной действительности современного российского общества : диссертация ... кандидата философских наук : 09.00.11. - Краснодар, 2005–133 с.

[7] Хамазина О.И. Правовые средства противодействия коррупции: Проблемы теории и практики: Автореферат диссертации на соискание ученой степени кандидата юридических наук. - Саратов, 2008–30 с.

increased pressure on private firms, as well as governments, to prevent their agents and employees – high-ranking officials as well as ordinary people – from offering or receiving money or other gifts as illegal inducements. in business.

Thus, the above circumstances contributed to the formation of internal anti-corruption mechanisms providing for ethical requirements, mandatory risk analysis, internal financial and non-financial controls, antimonopoly requirements and others.

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