

THE ROLE OF UKRAINIAN NON-GOVERNMENTAL PUBLIC ORGANIZATIONS IN COMBATING CORRUPTION IN THE EDUCATION SYSTEM



Nataliia Brovko

Professor, Doctor of Law, Head of Department Constitutional Law and Teoretica and Legal Distiplines, Bila Tserkva National Agrarian University, Bila Tserkva, Ukraine
ORCID ID: <https://orcid.org/0000-0003-3525-2817>



Svitlana Poliarush-Safronenko

Ph.D in Law, Associate Professor of the Department Constitutional Law and Teoretica and Legal Distiplines, Bila Tserkva National Agrarian University, Bila Tserkva, Ukraine
ORCID ID: <https://orcid.org/0000-0002-4007-8844>

Abstract. Corruption in the field of education in Ukraine is an acute social problem. It violates the existing order of things, distorts social relations, increases social tension in society, leads to inhibition and distortion of educational reforms, creates barriers between participants in the educational process, complicates equal access of citizens to education and prevents the country from embarking on the path of sustainable development. Many efforts have been made by the state to combat this phenomenon, but corruption in the field of education still exists. This requires taking effective measures and, considering Ukraine's course towards the EU, requires new mechanisms for preventing and countering corruption in the educational sphere with the help of public institutions.

Keywords: *corruption, corruption in the education system, educational institution, anti-corruption policy, anti-corruption, prevention of corruption.*

Introduction

The creation of effective and real mechanisms for preventing and overcoming corruption in the education system is impossible without the involvement of various institutions of civil society. An important direction in the fight against corruption is its counteraction and prevention, namely control by civil society over state authorities, local self-government bodies, law enforcement agencies, etc. Institutions of civil society - public organizations - should play a leading role during such control.

Literature review. A significant contribution to the study of this problem was made by L. I. Arkusha, A. M. Boyko, N. I. Brovko, V. V. Vasylevych, O. O. Dudorov, O. M. Dzhuzha, A. P. Zakaliuk, O. M. Kostenko, D. G. Mykhaylenko, D. O. Oliynyk, V. Ya. Tatsii, M. I. Havronyuk, V. I. Shakun. Problems and possibilities of implementation of foreign experience in preventing and countering corruption are analyzed in the works of O. Busol, E. Vandin, Y. Demyanchuk, I. Chemeris, and L. Chubat. At the same time, there are not enough fundamental researches on the problem of countering corruption in the educational sphere. Many scientific works do not take into

account the latest changes in anti-corruption legislation, the tendency of the spread of corruption in the education system, the current perception and attitude of society towards corruption in the educational sphere.

Research methodology. To achieve the goal and solve the problems, a complex approach was used, which made it possible to comprehensively consider corruption in the education system and measures of combating it in Ukraine with the participation of public organizations. General and special scientific methods, in particular, phenomenological, system-structural, analysis and synthesis, modeling, comparative were used in the research.

Research results. The issue of overcoming corruption is the issue of every civilized society. All officials, countries, and governments are trying to solve it. It is obvious that it is impossible to completely destroy it, but we can hope to change the civilizational vector in a positive direction. This requires significant efforts not only from officials, but also from other institutions and citizens themselves.

Thus, according to the legislation of Ukraine, public associations, their members, and individual citizens are given the rights to: reporting on discovered facts of corruption offenses; requesting information from authorities and local self-government on activities related to the prevention of corruption; independently conducting or ordering a public anti-corruption examination of regulatory legal acts and their drafts, as well as providing proposals based on its results; participating in parliamentary hearings; providing proposals on legislative regulation of the field of corruption prevention; conducting or commissioning scientific and sociological research on the prevention of corruption; carrying out public control over the implementation of laws in the field of corruption prevention.

According to the data of the study conducted by the National Agency for the Prevention of Corruption in Ukraine in 2021, tolerance of corruption by the population is less related to the perception of corruption as a norm (17.7%) or indifference (20.2%). To the greatest extent, it is connected with mistrust (people do not believe that a complaint about corruption will be fairly considered by a government body (56.3%), that anonymity will be respected (35.1%), as well as with the fear of persecution (33.2%). In combination with a high perception of the

corruption of the courts (Corruption Perception Index is 4.43 on a 5-point scale) and law enforcement agencies (4.33 for the prosecutor's office, 4.08 for the police), this creates a closed circle that prevents the implementation of the model in society of zero tolerance for corruption [Korupciya v Ukrayini 2021: rozuminnya, sprijnyattya, poshirenist]. Thus, in recent years, the social factors that hinder society's ability to expose corruption have not changed for the most part. The reasons for this are the discrepancy between real and declarative behavior of the population; significant distrust of society to the institutions that are called to ensure response to the facts of corruption; mistrust of the institutions that should provide support to whistleblowers; lack of knowledge and understanding of algorithms of behavior of corruption whistleblowers.

Undoubtedly, corruption in the educational sphere is a negative phenomenon, since such actions lead to a decrease in the level of culture, morality and knowledge in a professional specialty; establishing in the mind the principle of the priority of obtaining preferences not due to conscientious and persistent acquisition of knowledge, but through illegal corruption devices (Brovko, 2019b).

In order to counter corruption manifestations in education, it is necessary to take measures to change the legal awareness of the individual and to cultivate an intolerant attitude towards them (Brovko, 2019a). Changes in the field of education should take place in the direction of strengthening academic and financial autonomy of educational institutions, which will contribute to the strengthening of their responsibility. In any case, the main direction of reforming the education system in Ukraine is the development of the national education system, taking into account radical changes in all spheres of social life. However, the measures planned, adopted and even implemented by the programs and concepts of the development of domestic education were essentially declarative and did not have adequate financial support. And although the national educational legislation currently contains European standards regarding changes in the educational sphere, taking into account the counteraction to illegal

manifestations in it, and it is possible to note a lot of its positive characteristics, however, in our opinion, the national education system needs further reform, in particular, in the issue of combating corruption and spreading the principle of integrity.

An important problem for overcoming corruption in the Ukrainian education system remains the high threshold of tolerance for it among parents and students. The same opinion is expressed by I. Grinyova, who believes that one of the main problems of the existence of corruption in educational institutions is the fact that in society, especially among young people, a cult of money and power, rather than mind and knowledge, has formed. Thus, most students need a diploma, not knowledge (Grinova, 2011).

Despite the effective, at first glance, organizational and legal measures to combat corruption that were recently adopted in Ukraine, its scale still remains significant. Obviously, it is impossible to defeat this phenomenon only by administratively legal and legal methods. To do this, the content and nature of social relations and human consciousness must be changed. It is worth rooting in the minds of citizens the idea of the inadmissibility of corrupt actions both on their part and on the part of others. As a result, a traditionally negative attitude towards corruption manifestations will be formed in the consciousness. Corruption in the Ukrainian model of economic and political relations is not referred to bribery only. It is a specific feature of the Ukrainian way of doing business that has entrenched in human consciousness to that extent that has almost become the norm.

It is necessary to realize that legal norms do not so much serve to punish illegal actions, as they are aimed at their warning and prevention. Therefore, it is worth striving for comprehensive transparency of all spheres of society, legal regulation of all aspects of life, legal and material protection of citizens. Such ideas are the basis of anti-corruption systems in various democratic countries of the world (Brovko, Simakova, 2017).

We should agree with the opinion of V. I. Vozny, that one of the strategic directions for preventing corruption in education is the protection of public consciousness from the influence of corruption, which includes the preservation of moral values and the growth of social

consciousness. Both for the large-scale spread of corruption and for effective countermeasures against corruption offenses, there must exist an appropriate psychological attitude of the society. In countries where corruption is widespread, corrupt relations are increasingly displacing legal and ethical relations between people, corruption is gradually turning from a social anomaly into a rule and acting as a common way of solving life's problems, becoming the norm for the functioning of the government and the way of life of a large part of society. The most dangerous consequence of this state of affairs in society is that as a result of the displacement of legal and ethical relations by corrupt relations, a significant breakdown in social psychology occurs - people in their behavior from the very beginning are psychologically tuned to illegal ways of solving issues (Voznij, Ivashuk, Olijnichuk ed., 2013).

For this purpose, in Ukraine in 2015 on the initiative of representatives of Transparency International Ukraine and the National University "Kyiv-Mohyla Academy" the scientific and educational center for anti-corruption ACREC was founded. This center launched a unique project of Mentoring support for public organizations working in the field of anti-corruption in the regions of Ukraine "Strengthening the capacities of regional/local anti-corruption NGOs in Ukraine" to strengthen and enhance the development of institutional, organizational, analytical and expert capacities of regional and local anti-corruption public organizations in Ukraine. This center, jointly with Leiden University (Netherlands), in 2018-2019 has launched the research project "Civil society against corruption in Ukraine", the main goal of which is to find out what factors explain the successes and challenges of anti-corruption activities of civil society in Ukraine. And in 2021, "Anti-corruption interdisciplinary studies" were launched and implemented - an educational program dedicated to the comprehensive study of corruption as a socio-legal phenomenon and ways to prevent it.

Ukraine takes such steps in accordance with the UN Convention against Corruption, ratified by the Verkhovna Rada of Ukraine in 2006, which, among other key principles of implementation of policy by participating states in the field of prevention and countering corruption, determines ensuring public access to anti-corruption processes. According to Art. 13 of this Convention, each

participating state must take appropriate measures to promote the active participation of civil society in preventing and fighting corruption, to deepen society's understanding of the fact of existence, causes and dangers of corruption. It is worth noting that an association of citizens, a legal person and a legal entity cannot be denied in accessing to information regarding the competence of entities that carry out measures to prevent and counter corruption, as well as regarding the main areas of their activity. Such information is provided in accordance with the procedure established by law.

In Ukraine, an effective system of influence on the situation in the field of prevention and detection of corruption by various institutions of civil society, in particular non-governmental organizations, has not been created so far. The normative legal acts on combating corruption in the educational sphere do not include real legal mechanisms that would allow public associations or individual citizens to influence corruption manifestations through legal measures. Even though about 200 anti-corruption organizations are founded and operate in Ukraine, they have no real leverage in the fight against this phenomenon. Their task is to prevent and counter corruption through various publications in the press, individual statements in social networks, anti-corruption campaigns, trainings, seminars and providing relevant information to higher authorities. However, such activities are not enough, and their measures are not always effective. Therefore, the main duty of preventing corruption in the educational sphere is entrusted to the authorized bodies, which must directly combat corruption - the Ministry of Education and Science, the National Anti-Corruption Bureau of Ukraine, the National Agency for the Prevention of Corruption.

In this context, it is worth mentioning the organization "Anti-corruption initiative", the main goal of which is the implementation of the national anti-corruption policy at the state level by involving the public in the law-making process, establishing public control over compliance with the Constitution and laws of Ukraine by officials of state bodies, including law enforcement bodies, military formations, local self-government bodies, and courts, as well as facilitating their activities (Gromadska organizaciya «Vseukrayinskij centr protidiyi

korupciyi ta spriyannya pravoohoronnim organam «Antikorupcijna iniciativa»). The activity of the public organization "Stop Corruption" deserves attention. It combines investigative journalism, legal support and legal protection of citizens against corrupt actions of public officials.

Taking into account the existence of effective public organizations in Ukraine, it is possible to determine their basic functions aimed at preventing and countering corruption in the field of education:

- Monitoring the state of development and adoption of regional programs for preventing and countering corruption; assessment of effective control for corruption risk management in educational institutions.
- Control related to monitoring. Non-governmental organizations are called not only to monitor compliance with the legislation in the educational sphere, but also to report discovered facts of corruption or corruption-related offenses, conflicts of interests of the public and specially authorized entities in the field of anti-corruption.
- Examination of projects of normative legal acts in the educational sphere.
- Research and analytical activities. The issue of conducting timely research and providing analytical reports on the state of education is extremely urgent, because according to the law, public organizations have the right to conduct and order research, including scientific, sociological, etc., on the prevention of corruption.
- Educational activity, which consists in preparing and conducting training programs, ensuring the exchange of experience between specialists from different educational institutions from different countries.
- Educational activities: conducting public campaigns, publications, television and radio broadcasts on anti-corruption topics.
- Ensuring democracy, transparency, openness and accountability of the educational sphere.

Conclusions

The study of the influence of public organizations on combating corruption in Ukraine allows us to draw the following conclusions.

1. The weak influence of public organizations on the processes of preventing and countering corruption in the educational sphere is characterized by subjective and objective factors related to both the insufficient organizational capacity of such institutions and the barriers created by state bodies.

2. At this stage of Ukraine's development, the authorities do not yet perceive the institutions of civil society as full-fledged partners, which is due to the lack of interest of the authorities to really fight corruption, as well as due to insufficient activity of public organizations and weak representation of citizens in them. This is due to the fact that representatives of non-governmental organizations mainly concentrate on expert and monitoring functions, and not on information and educational activities among citizens and increasing their anti-corruption culture, involvement in their campaigns and activities.

3. In order to strengthen their influence on combating corruption in Ukraine, public organizations should interact more actively with the general public and mass media.

Thus, an important aspect of the public organizations participation in the prevention and counteraction of corruption in the educational sphere is the activity of detecting the facts of corruption offenses and reporting them; conducting research, public anti-corruption examination of projects of normative legal acts in the field of education, providing proposals for improving the legislation on the prevention and countering of corruption, carrying out public control over compliance with the current legislation on the prevention and countering of corruption. In this regard, it is proposed to supplement the Law of Ukraine "On Education" with Article 69-1 with the following content: «Corruption in the field of education - the use by a person working in the field of education of the powers granted to him or the opportunities related to them with the aim of obtaining an illegal benefit or acceptance of such a benefit or acceptance of a promise/offer of such a benefit for oneself or other persons or, accordingly, a promise/offer or granting of an unlawful benefit by any participant in the educational process to a person working in the field of education, or at his request to other natural or legal persons with the aim of inducing this person to the illegal use of the powers granted to him or the opportunities related to them. For violation of this Law, a person is liable in accordance with the current legislation of Ukraine».

References

1. Brovko, N., Simakova, S (2017). Nacionalnaya identichnost v kontekste processa evropejskoj integracii Ukrainy (Personality, society, state, law: problems of correlation and interaction) VI international scientific conference. Praga. Republic Czechia 15-16 October 2017.
2. Brovko, N. (2019). Osoblivosti osvithnoyi politiki Yevropejskogo Soyuzu ta yiyi vpliv na formuvannya pravosvidomosti osobistosti (Aktualni pitannya rozvitku pravovoyi derzhavi v umovah suchasnogo stanovlennya gromadyanskogo suspilstva v Ukrayini) Міжнар. наук.-практ. конф. Harkiv.Ukraine 14-15 June 2019.
3. Brovko, N. (2019). Philosophical and legal bases of formation of personality legal consciousness in conditions of transformation of educational process in Ukraine: dissertation (Filosofsko-pravovi zasady formuvannya pravosvidomosti osobistosti v umovah transformaciyi osvithnogo procesu v Ukrayini: dis ... doc. nauk), Kyiv, 457 p.
4. Voznij, V., Ivashuk O., Olijnichuk R. ed. (2013). Antikorupcyjna politika v Ukrayini (Anti-corruption policy in Ukraine), Navch-metod posibnik, Ternopil, 214 p.
5. Grinova, I. (2011). Follow-up of corruption processes at the top mortgages of Ukraine (Doslidzhennya korupcyjnih procesiv u vishih navchalnih zakladah Ukrayini), Visnik Knizhkovoyi palati № 11. pp.31-38.
6. Korupciya v Ukrayini 2021: rozuminnya, sprijnyattya, poshirenist. Zvit za rezultatami opituvannya pidpriyemciv, ekspertiv ta naselennya. Kyiv, 2020. <https://nazk.gov.ua/wp-content/uploads/2021/12/N73.pdf>
7. Gromadska organizaciya «Vseukrayinskij centr protidiyi korupciyi ta spriyannya pravoohoronnim organam «Antikorupcyjna iniciativa» <http://anticorruption.com.ua/statut.html>