

## Novels of anticorruption law

**Abstract:** The article focuses on major changes (novels) of the anticorruption law in comparison with the previous one. The author outlines the restrictions set in the law concerning officials preventing them from committing corruption offences.

**Key words:** corruption, anticorruption law, restrictions, juridical responsibility.

For more than a year Ukraine had no anticorruption law. Competent authorities initiated criminal cases for crimes in the sphere of service activity but there were no legal grounds to classify them as corruption cases. The Supreme Council of Ukraine voted for a Bill of the President of Ukraine “On the basis of corruption prevention and counteraction”, which became effective on July 1, 2011. The adopted law has many advantages in comparison with the previous law “On corruption combating” adopted in 1995, as the new law not only sets juridical responsibility for corruption related offences but also specifies the measures aimed at corruption cases prevention.

Among progressive novels of the law are restrictions concerning subordination of relatives who work together, restrictions concerning extra part-time job or additional employment, restrictions preventing abuse of power. Creation of a unified register of corrupt officials has also been initiated. Individuals, occupying certain positions are significantly limited in receiving presents. Thus, any official is prohibited to receive a present from a subordinate. Meanwhile the article allows accepting the presents which meet the common ideas of hospitality provided that the value of one present does not exceed 50% of the minimum salary (current for the day when the present is given, currently - 60 USD) and the total value of such presents (gifts) received from one person during one year does not exceed 1 minimum salary (120 USD as of the 1<sup>st</sup> of January 2011). It is also stated that the presents which are granted to officials as “presents to state” shall be transferred to state or community property.

It is also worth to mention the restrictions related to the individuals who retired (resigned) from positions connected with execution of the powers of state or from local governments. Such persons are prohibited from working for companies or organizations which they had previously supervised or controlled or to represent their interests in the organizations from which they retired/resigned.

The law also sets a special obligatory verification procedure for the individuals who apply for the positions related to the execution of the powers of state or positions in local governments. Such verification shall be made after written consent of the person undergoing such procedure. Persons applying for high positions shall be required at the place of their future service/work to file the information about their property, income, expenditures and financial liabilities for the previous year, including those that have foreign origin.

The law requires obligatory declaration of both income and spending for a number of officials starting with the President of the country, people’s deputies (MPs), Constitutional Court judges, and finishing with heads of local governments and their deputies.

Noteworthy is the norm requiring a person to inform a taxation service office about opening of foreign currency account with a foreign bank abroad. Individuals who fail to meet this requirement shall face administrative responsibility.

Progressive is the introduction of anticorruption expert evaluation of normative and legislative acts. Presidential acts, bills, other normative and legislative acts initiated by the Government, ministries, or other central bodies of executive power are subject to such verification procedure.

Persons who committed corruption related offences face criminal, administrative, civil law or disciplinary responsibility. Officials who were held criminally liable or administratively responsible for corruption related offences set in the law of Ukraine “On the basis of corruption

prevention and counteraction” are subject to discharge from occupied positions within 3-day term from the date of receiving by a state power body, local government office, enterprise, company or organization, of a copy of effective court decision, unless otherwise is provided by the law.

**Kľúčové slová:** korupcia, zákon proti korupcie, reštrikcia, právnická zodpovednosť.

**Abstrakt:** V danom článku sú prezentované základné zmeny (novely) zákona proti korupcii v porovnaní s predchádzajúcim zákonom. Autor skúma obmedzenia, ktoré sú zakotvené v zákone a týkajú sa úradných osôb. Cieľom obmedzení je zabrániť úradným osobám páchať korupčné delikty.

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