

AUSLANDSBEITRAG

Contemporary Anti-Corruption Legal Policy: European and Ukrainian Perspectives

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Abstract

Der strategische Kurs der Ukraine auf eine Mitgliedschaft in der Europäischen Union erfordert nicht nur weitreichende politische und sozioökonomische Reformen, sondern auch eine wirksame Eindämmung gesellschaftlich destruktiver Phänomene, die geeignet sind, das Funktionieren des Staates zu beeinträchtigen. Korruption nimmt in diesem Zusammenhang eine besonders herausragende Stellung ein, da ihre negativen Auswirkungen einen systemischen Charakter aufweisen und nahezu alle Bereiche des gesellschaftlichen Lebens erfassen können. Der Beitrag geht von der Prämisse aus, dass Korruption heute nicht mehr lediglich als Gesamtheit einzelner rechtswidriger Praktiken verstanden werden sollte, sondern als ein systemisches Phänomen, das geeignet ist, die Staatlichkeit zu erodieren, die öffentliche Governance zu deformieren, den Gesellschaftsvertrag zu unterminieren und das Vertrauen der Bevölkerung in staatliche Institutionen zu beeinträchtigen. Ihre axiologische Dimension sowie ihre Auswirkungen auf die institutionelle Leistungsfähigkeit und Legitimität des Staates bedürfen daher einer weitergehenden dogmatischen Ausarbeitung. Ziel des Beitrags ist es, ein systematisches und konzeptionell kohärentes Verständnis der modernen Korruption zu entwickeln, ihre systemischen und destruktiven Auswirkungen auf die Staatlichkeit, den Gesellschaftsvertrag, die institutionelle Reputation sowie die Effektivität öffentlicher Governance und Verwaltung herauszuarbeiten und geeignete rechtliche und institutionelle Reaktionsmechanismen zu bestimmen. Besonderes Augenmerk gilt dabei der Notwendigkeit, herkömmliche Ansätze der Antikorruptionspolitik neu zu bewerten und wirksamere Mechanismen zur Eindämmung von Korruption und zur Gewährleistung der Verantwortlichkeit für korruptes Verhalten zu entwickeln. Die Untersuchung bewegt sich im europäischen und nationalen Bezugsrahmen der antikorruptionsrechtlichen Politik und berücksichtigt die sich aus der im April 2026 verabschiedeten Richtlinie (EU) 2026/1021 zur Bekämpfung der Korruption ergebenden Anforderungen sowie die maßgeblichen ukrainischen Rechts- und Regelungsinstrumente auf diesem Gebiet. Der Beitrag begründet die Notwendigkeit einer weiteren Fortentwicklung der ukrainischen antikorruptionsrechtlichen Politik unter Berücksichtigung

sichtigung europäischer Standards, nationaler Besonderheiten und der gegenwärtigen Herausforderungen des Staatsaufbaus.

Ukraine's strategic course towards membership in the European Union entails not only far-reaching political and socio-economic reforms, but also the effective containment of socially destructive phenomena capable of undermining the functioning of the State. Corruption occupies a particularly prominent position in this context, given the systemic nature of its adverse effects across virtually all spheres of public life. The article proceeds from the premise that contemporary corruption should no longer be conceptualised merely as an aggregate of discrete unlawful practices, but as a systemic phenomenon capable of eroding statehood, deforming public governance, undermining the social contract, and impairing public confidence in state institutions. Its axiological dimension and its implications for the institutional capacity and legitimacy of the State therefore require further doctrinal elaboration. The purpose of the article is to develop a systematic and conceptually coherent understanding of contemporary corruption, to elucidate its systemic and destructive effects on statehood, the social contract, institutional reputation, and the effectiveness of public governance and administration, and to identify appropriate legal and institutional responses. Particular attention is devoted to the need to reconsider conventional approaches to anti-corruption policy and to develop more effective mechanisms for containing corruption and ensuring accountability for corrupt conduct. The analysis is situated within the European and national dimensions of anti-corruption legal policy and takes into account the requirements arising from Directive (EU) 2026/1021 on combating corruption, adopted in April 2026, as well as the principal Ukrainian legislative and regulatory instruments in this field. The article substantiates the need for the further development of Ukraine's anti-corruption legal policy in accordance with European standards, while taking due account of national specificities and the contemporary challenges of state-building.

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I. Introduction and Research Aim

Ukraine is firmly committed to pursuing membership in the European Union (EU), a strategic course that enjoys broad support at the European level and entails the implementation of far-reaching political, institutional, and socio-economic reforms.¹ These reforms are directed, on the one hand, towards advancing the political and socio-economic transformations indispensable to Ukraine's European integration and, on the other, towards strengthening the state's institutional capacity to prevent, counteract, and mitigate socially harmful phenomena and their adverse consequences. The substantive requirements associated with this trajectory are reflected, *inter alia*, in decisions and policy frameworks adopted by leading international organisations in relation to Ukraine. A recent illustration is provided by the decision of the International Monetary Fund (IMF) in July 2026 to complete the first review under Ukraine's Extended Fund Facility (EFF) arrangement, thereby triggering an immediate disbursement of SDR 503 million, equivalent to approximately USD 690 million. In this context, the IMF further underscored the imperative of advancing the programme's fiscal, governance, and anti-corruption objectives. Particular emphasis was placed on strengthening domestic revenue mobilisation, notably by addressing tax evasion and avoidance and enhancing the effectiveness of tax administration; reinforcing governance and anti-corruption institutions; and pursuing reforms essential to Ukraine's post-war recovery and its continued integration into the European Union.²

Against this background, the renewed attention accorded to corruption at the highest institutional and international

levels, coupled with the evolving manifestations and increasingly complex forms of corrupt practices observed in recent years, warrants a focused examination of the current state and effectiveness of anti-corruption legal policy. Such an examination should encompass both an assessment of the policy's effectiveness at the present stage and an identification of the principal directions for its further development. It also necessitates the adoption of analytical approaches capable of capturing, in a comprehensive manner, contemporary trends in the evolution of corruption and assessing the adequacy of the legal and institutional mechanisms established to prevent and counteract it.

The relevance of the present study is further underscored by the increasing number of high-profile corruption cases and investigations involving the highest echelons of public authority in European states and the institutions of the EU. In recent years, such cases have implicated senior political leaders, high-ranking public officials,³ as well as members of their families and other politically influential public figures,⁴ demonstrating that corruption risks may acquire a systemic dimension even within states possessing well-established democratic and legal institutions. Comparable developments are evident in Ukraine, where criminal proceedings involving senior public officials, judges, representatives of the political establishment, and other persons vested with substantial governmental or administrative powers have recently attracted considerable public and political attention.⁵ The societal danger posed by such cases, however, cannot be assessed solely by reference to the amount of material damage caused or the official status of the persons involved. Of particular concern are corruption offences capable of directly undermining

¹ *European Parliament*, 2025 Commission Report on Ukraine, Legislative Observatory, Procedure 2025/2259(INI), 8 July 2026, available at: <https://bit.ly/3UOgssg> (last accessed on 1.8.2026).

² *International Monetary Fund*, IMF Executive Board Completes First Review of Ukraine's Extended Fund Facility Arrangement and Concludes 2026 Article IV Consultation, 20 July 2026, available at: <https://bit.ly/4xPuXeb> (last accessed on 20.8.2026).

³ For particularly illustrative cases involving the institutions of the European Union, see, *inter alia*, *Access Info Europe*, Pfizergate: EU Court Rules Commission in Violation of Transparency Law Over von der Leyen–Pfizer Texts, 14 May 2025, available at: <https://bit.ly/3UHF8CN> (last accessed on 30.8.2026); *Politico*, The Qatargate Files: How Europe's Crypto Queen Was Brought Down by Cash, available at: <https://bit.ly/4ylrxPS> (last accessed on 30.8.2026); *BBC*, Former EU Top Diplomat Mogherini Accused in Fraud Investigation, available at: <https://bit.ly/3TnELNh> (last accessed on 22.7.2026).

⁴ For high-profile corruption and corruption-related criminal proceedings involving senior public officials and influential political figures in European states, see, *inter alia*, *V. Sizaire*, Former French President Nicolas Sarkozy Handed Five-Year Prison Term for Criminal Conspiracy over Gaddafi Money, *The Conversation*, 26 September 2025, available at: <https://bit.ly/3TnuK2H> (last accessed on 30.8.2026); *The Guardian*, Spanish Prime Minister's Wife Charged with Corruption, 14 April 2026, available at: <https://bit.ly/4r0ZaEg> (last accessed on 30.8.2026); *J. Lemaigen, N. Moussa*, 15 Years of Legal Troubles for Marine Le Pen's RN, *Le Monde*, 7 July 2026, available at: <https://bit.ly/3UM3co3> (last accessed on 30.8.2026); *T. Nicholson*, How a Gorilla Devoured Democracy in Slovakia, *Politico*, 6 January 2025, available at: <https://bit.ly/4r0kdGY> (last accessed on 30.8.2026); *B. Knight*, Siemens on Trial, *DW*, 9 March 2015, available at: <https://bit.ly/4gXpB9s> (last accessed on 30.8.2026); *S. Bowers*, Former PwC Employees Face Trial Over Role in LuxLeaks Scandal, *The Guardian*, 24 April 2016, available at: <https://bit.ly/4gXpKtw> (last accessed on 22.7.2026).

⁵ For particularly illustrative examples in the Ukrainian context, see, *inter alia*, HACC Decided, The Case of Former Chairman of the Supreme Court Vsevolod Kniaziev, available at: <https://hacc-decided.ti-ukraine.org/en/cases/52023000000000202> (last accessed on 22.7.2026); *I. Balachuk*, Zelenskyy Imposes Sanctions on Mindich and Tsukerman Following Huge Corruption Scandal, *Ukrainska Pravda*, 13 November 2025, available at: <https://www.pravda.com.ua/eng/news/2025/11/13/8007101/> (last accessed on 22.7.2026); *National Anti-Corruption Bureau of Ukraine*, Pretrial Investigation, Reports, available at: <https://reports.nabu.gov.ua/en/investigations/> (last accessed on 22.7.2026); *Ukraine Anti-Corruption Probe Expands to Senior Ruling Party MPs*, *The New Voice of Ukraine*, 30 March 2026, available at: <https://english.nv.ua/nation/nabu-questions-ruling-party-mps-in-bribery-case-involving-kisiel-50596073.html> (last accessed on 22.7.2026).

the functioning of strategically important spheres of public administration, national defence, and public finances,⁶ thereby potentially eroding public confidence in state institutions and adversely affecting Ukraine's international standing. These risks are particularly acute where high-profile investigations concern senior officials or persons closely associated with the country's political leadership.⁷ Against this broader backdrop, particular importance attaches to corruption proceedings involving the alleged misappropriation or embezzlement of international assistance provided to Ukraine in support of the state during the full-scale war. Such cases are significant not merely because of the immediate financial losses involved, but also because of their potentially far-reaching institutional and international repercussions: they may undermine the confidence of international partners in the mechanisms governing the allocation and utilisation of financial assistance and, more broadly, jeopardise the continued provision of international support to Ukraine.⁸

The need for such research is further underscored by the fact that corruption remains a significant challenge confronting European states, although its prevalence, forms, and public perceptions vary considerably across countries and spheres of social life. This is evidenced both by international assessments of perceived levels of corruption and by the findings of sociological surveys conducted among citizens of the EU Member States.⁹ In this respect, Ukraine is no exception to the broader European pattern, as evidenced by domestic sociological and expert studies.¹⁰ More importantly, public perceptions of corruption in Ukraine indicate that citizens regard it not merely as an isolated problem affecting the functioning of the state apparatus, but as one of the most serious threats to the country's development and the effective functioning of public authorities. Particularly illustrative in this regard are the findings of the sociological study *Corruption in Ukraine: Threat or Opportunity?*, conducted by the Think Ukraine analytical centre in April 2026. According to the study,

90.5% of Ukrainian citizens consider corruption to be one of the country's principal problems, while 34.4% of respondents identified effective anti-corruption action as their primary expectation of public authorities.¹¹ These findings point to a sustained public demand not only for more robust anti-corruption measures, but also for greater effectiveness in their practical implementation. This, in turn, calls into question the adequacy of existing approaches and instruments for preventing and combating corruption.

Accordingly, the aim of this research is to develop a systematic and conceptually grounded understanding of contemporary corruption and its implications for the state and society. This aim is pursued through four interrelated objectives: (1) to develop a systematic analysis and doctrinal framework for understanding and defining contemporary corruption; (2) to examine its destructive effects on the reputation of the state, the social contract and prevailing societal attitudes towards public authority and law; (3) to assess the overall capacity of the state to respond to corruption through the transformation of the public governance and administration system as an integrated whole; (4) to outline possible measures aimed at containing corruption and limiting its systemic manifestations and adverse effects.

It should be noted that the phenomenon of corruption, its various manifestations, and the mechanisms for addressing it have long occupied a prominent place in international and Ukrainian legal scholarship.¹² Until relatively recently corruption offences were predominantly conceptualised as criminal acts committed in the context of official functions, public administration, or the provision of public services. Traditionally, such offences were treated as criminally punishable conduct that, in terms of their nature and degree of social harmfulness, was considered less serious than offences against life and health, national security, and other particularly grave forms of criminality.

⁶ See *Kyiv UNN*, From Procurement to the TCC: Prosecutor General Reports That There Are Already 488 Suspects in Defense-Sector Cases, 10 August 2026, available at: <https://bit.ly/46hVGP> (last accessed on 18.8.2026). The report states that 488 persons had been notified of suspicion in 384 criminal proceedings concerning corruption in the defence sector, while 530 indictments had been submitted to court; losses resulting from illegal procurement were estimated at UAH 3.9 billion.

⁷ See *Reuters*, Former Ukraine Ambassador to US Accused of Illegal Enrichment, 6 August 2026, available at: <https://bit.ly/4gT5Sri> (last accessed on 20.8.2026); *S. Vakulina*, Ukraine Anti-Corruption Probes Close in on Volodymyr Zelenskyy's Inner Circle, *Euronews*, 20 August 2026, available at: <https://bit.ly/4gT5Pf6> (last accessed on 22.8.2026).

⁸ See *Transparency International Ukraine*, *HACC Decided*, Embezzlement of International Aid During the War: What Ex-MFA State Secretary Olexandr Bankov Is Accused Of, 29 July 2026, available at: <https://bit.ly/46kYWOT> (last accessed on 20.8.2026).

⁹ See *Transparency International*, Corruption Perceptions Index 2023, 2024, available at: <https://bit.ly/4xMMuDL> (last accessed on 20.8.2026); *European Commission*, Citizens' Attitudes Towards Corruption in the EU in 2025, Special Eurobarometer, Public Opinion in the European Union, June 2026, available at: <https://bit.ly/3SGyo7E> (last accessed on 20.8.2026).

¹⁰ See *Rating Group*, Corruption in Ukraine 2025: Views and Assessments of Experts. Expert Opinion Poll Results from Rating Group, NACP, OSCE, 28 April 2026, available at: <https://bit.ly/4xTSt9W> (last accessed on 20.8.2026).

¹¹ See *Think Ukraine*, Think Ukraine Presented Research on Corruption in Ukraine and Ukrainians Abroad, 26 April 2026, available at: <https://bit.ly/4xLVpOG> (last accessed on 20.8.2026).

¹² See, in particular, *Streltsov Ye. L.*, "Korupsiia u filosofskomu ta publichno-pravovomu vymiri", in: *Nove stolittia kryminalistyky ta sudovykh nauk. Monohrafiia*, Kharkiv: Pravo, 2026, 583–596; *Kivalov S. V.*, *Streltsov Ye. L.* (eds.), *Zakon Ukrainy "Pro zasady zapobihannia i protyidii koruptsii"*. *Zakon Ukrainy "Pro vnesennia zmin do deiakykh zakonodavchykh aktiv shchodo vidpovidalnosti za koruptsiini pravoporushennia"*. Naukovo-praktychnyi komentar, Kharkiv: Odissei, 2011, 440 pp.; *Kivalov S. V.*, *Streltsov Ye. L.* (eds.), "Natsionalna antykoruptsiina stratehiia na 2011–2015 roky". *Zakon Ukrainy "Pro zasady zapobihannia i protyidii koruptsii"*. *Zakon Ukrainy "Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vidpovidalnosti za koruptsiini pravoporushennia"*. Naukovo-praktychnyi komentar, 2 vydannia, Kharkiv: Odissei, 2012, 530 pp.; *Mykolenko O. M.*, *Klymenko N. I.*, *Kovalskiy V. S.*, *Streltsov Ye. L.*, Naukovo-praktychnyi komentar *Zakonu Ukrainy "Pro koruptsiu"*, Kyiv: Yurinkom Inter, 2019, 380 pp.; *A. Dragomir*, Tackling Elite Impunity in the EU. The Case for a European Court for White-Collar Crime, *Journal of Law and Corruption Review* 7 (2025), e091, available at: <https://doi.org/10.37497/CorruptionReview.7.2025.91>; *P. Webb*, The United Nations Convention Against Corruption: Global Achievement or Missed Opportunity?, *Journal of International Economic Law* 8 (2005), 191–229, available at: <https://doi.org/10.1093/jielaw/jgi009>.

In recent years, however, scholarly and analytical research undertaken by experts of the World Bank, other international organisations, and leading research institutions has increasingly focused on the concept of “State Capture.” This concept marks a significant shift in perspective, enabling corruption to be understood not merely as a collection of discrete unlawful practices, but as a systemic process through which private interests penetrate and shape the formation and functioning of state institutions, legal frameworks, and public policy.¹³

A renewed impetus to the debate on corruption and to the development of a systemic approach to addressing it has been provided by Directive (EU) 2026/1021 of the European Parliament and of the Council of 29 April 2026 on combatting corruption (hereinafter, the Anti-Corruption Directive). The Directive represents an important step towards the further harmonisation of Member States’ approaches to the criminalisation of corrupt conduct, the establishment of effective and proportionate sanctions, and the prevention of corruption. It replaces Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, and amends Directive (EU) 2017/1371 of the European Parliament and of the Council.¹⁴

In Ukraine, the state’s anti-corruption policy is likewise undergoing sustained reform, with an increasing emphasis, under current conditions, on its practical implementation and institutional effectiveness. At the national level, three draft laws concerning the Anti-Corruption Strategy for 2026–2030 have been registered in the Verkhovna Rada of Ukraine, reflecting the ongoing parliamentary consideration of competing approaches to the future framework of state anti-corruption policy.¹⁵ It is particularly important to emphasise that, despite certain conceptual differences among the proposed draft strategies, all of them reflect a common and increasingly pronounced tendency: the prevention of corruption, measures to counter it and efforts to combat it are progressively being framed through the prism of Ukraine’s national security.

Despite the existence of a substantial body of diverse scholarly research addressing, inter alia, the criminal-law and criminological aspects of countering corruption, as

well as its contemporary characteristics and manifestations, a number of issues remain insufficiently developed at the theoretical level. These include the conceptual understanding of the qualitative transformation of corruption – from an individual criminally punishable act into an instrument of the systemic erosion of statehood – its axiological dimension and its relationship to the crisis of the social contract, as well as the search for fundamentally new modalities of legal response to corruption-related offending. Particularly illustrative in this context is the emergence in contemporary Ukrainian practice of non-traditional forms of property-related responses involving persons subject to corruption proceedings, notably the transfer of funds and other assets for the defence of the State. Such transfers, commonly characterised in public discourse as “donations”, may represent voluntary contributions intended to compensate for harm caused or to support the State’s defence capabilities and should therefore be distinguished, in legal terms, from criminal-law sanctions.¹⁶ This practice is gradually acquiring the features of a distinct phenomenon within anti-corruption policy and therefore warrants further criminal-law and criminological analysis.

The relevance of such a comprehensive analysis of anti-corruption policy is further reinforced by a significant political and legal development – the opening, on 15 June 2026, of the first negotiating cluster in Ukraine’s EU accession process, Cluster 1, “Fundamentals.” Of particular significance in this context is the fact that this cluster is the first to be opened and the last to be provisionally closed in the accession process, with progress under it determining the overall pace of the negotiations. It encompasses the core values and principles underpinning the EU, including the rule of law and fundamental rights, the functioning of democratic institutions, public administration reform, judicial reform, justice, freedom and security, public procurement, and financial control. Combating corruption is consequently situated within this broader framework of institutional and rule-of-law reforms and constitutes an important component of Ukraine’s commitments in the EU accession process.¹⁷ In light of the foregoing considerations, it is appropriate to proceed to the substantive analysis of the issues examined in this study. It should be emphasised, however, that the approach adopted in this article seeks to reconsider certain established assumptions

¹³ See J. S. Hellman, G. Jones, D. Kaufmann, Seize the State, Seize the Day: State Capture and Influence in Transition Economies, *Journal of Comparative Economics* 31 (2003), 751–773, available at: <https://doi.org/10.1016/j.jce.2003.09.006>.

¹⁴ Directive (EU) 2026/1021 of the European Parliament and of the Council of 29 April 2026 on combatting corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council, OJ L 2026/1021, 11 May 2026, ELI: <https://data.europa.eu/eli/dir/2026/1021/oj>.

¹⁵ See *National Agency on Corruption Prevention (NACP)*, Anti-Corruption Strategy 2026–2030 Moves to Parliamentary Stage, 15 May 2026, available at: <https://bit.ly/3VIAUAS> (last accessed on 20.8.2026); *Transparency International Ukraine*, Comparative Analysis of the Draft Laws on the Anti-Corruption Strategy for 2026–2030, 27 May 2026, available at: <https://bit.ly/4dtjwQS> (last accessed on 20.8.2026).

¹⁶ In contemporary Ukrainian practice, persons subject to corruption proceedings have increasingly transferred funds and other assets to support the Armed Forces of Ukraine. During the first half of 2026, such transfers reportedly amounted to UAH 139.1 million, with almost 91% attributable to the four largest anti-corruption cases. See: *UA News*, It Has Been Revealed How Much Money from Corruption Cases Was Transferred to the Armed Forces of Ukraine, 12 August 2026, quoting Olha Vasylevska-Smahliuk, available at: <https://bit.ly/4xOmBmM> (last accessed on 20.8.2026).

¹⁷ See A. Filippov, What the Opening of the First EU Accession Cluster Means for Ukraine, *European Pravda*, 16 June 2026, available at: <https://bit.ly/3UHGGwB> (last accessed on 19.8.2026).

concerning the nature of contemporary corruption. In this regard, some of the propositions advanced are deliberately conceptual and forward-looking. They are intended not merely to contribute to the theoretical understanding of the issues under consideration, but also to provide a foundation for further scholarly debate on the development of adequate and comprehensive socio-legal mechanisms for preventing corruption, countering its systemic manifestations, and mitigating their adverse effects on the state and society.

II. Substantive Analysis

The analysis should begin with a clarification of the conceptual and categorical framework underpinning the study, first and foremost, the meaning attributed to the term “corruption” as it is used throughout this article. Such clarification is essential because corruption, together with its principal features and characteristics, may assume diverse forms and manifestations. This diversity, in turn, gives rise to differentiated socio-legal approaches to its definition and to the means of addressing, countering, and ultimately combating it. This may result in a situation where the substantive nature and manifestations of a particular form of corruption do not fully correspond to the legal and institutional means employed to address or counter it.

In international academic and policy discourse, one of the most widely cited definitions of corruption is that used by Transparency International: “The abuse of entrusted power for private gain.”¹⁸ Yet no single, exclusively legal definition of corruption has been established at the international level. This may be attributed to a range of factors, including differences among national legal systems and the specificities of the political, institutional, and socio-economic development of individual states. It may also reflect a reluctance to impose a supranational definition that could fail to adequately accommodate the diverse ways in which corruption manifests itself within particular national contexts. Accordingly, the diversity of the essential characteristics and qualities inherent in corruption, coupled with a certain underlying unity in its manifestations and defining features, nevertheless makes it possible to conceptualise corruption as existing across three hierarchically interconnected yet analytically distinct dimensions: corruption as a socio-legal phenomenon, as a systemic unlawful practice, and as a form of unlawful conduct expressed in a specific offence or a group of related offences.

At the highest, macro level, corruption manifests itself as a destructive and self-reproducing socio-legal phenomenon of a systemic nature that distorts the fundamental structures of governance and public administration. At the

meso level, it constitutes a systemic unlawful practice that may assume the forms of political or institutional corruption within specific state and public-law institutions. Finally, at the micro level, corruption finds expression in specific forms of unlawful conduct, manifested in an individual offence or a group of related offences.

Each dimension of corruption is characterised by its own level and specific manifestation of societal danger. At the level of corruption as a socio-legal phenomenon, this danger is at its highest - constituting what may be termed “absolute threats” - because corruption in this form may amount to a pervasive “capture” of the fundamental structures of governance. At the meso level, corruption as a systemic unlawful practice constitutes an aggregate of interconnected corrupt practices, which may frequently display an organised character and a high degree of societal danger, thereby functioning as “systemic destroyers.” At the micro level, by contrast, corruption manifests itself through specific forms of unlawful conduct and entails a more immediate, individualised level of societal danger, which may provisionally be characterised as “everyday threats.” This differentiation is of particular importance because corrupt activity may be organised and manifested in diverse forms; consequently, its specific characteristics and the appropriate anti-corruption measures must be determined with due regard to the particular form, level, and mode of manifestation involved.

It is important to emphasise that manifestations of corruption may undergo a form of “materialisation”, acquiring concrete and tangible forms. Such materialisation cannot be reduced to, nor should it be assessed exclusively by reference to, the amount of illicit enrichment, which is traditionally regarded as one of the key indicators of the gravity and social harmfulness of the conduct concerned. The amount of the unlawfully obtained benefit is merely one of the factors that may additionally indicate the scale of the unlawful activity and characterise the person responsible for it. Far more consequential are the systemic socio-economic¹⁹ and politico-legal effects of corruption, which may manifest themselves, inter alia, in declining public confidence in state institutions, a deterioration of the investment climate, the withdrawal of potential investors from investment projects, and the possibility that international partners, including the relevant EU institutions, may impose additional financial conditions or reconsider existing mechanisms of financial support.²⁰ It is precisely such consequences that represent the most tangible manifestation of corruption, as they directly affect the economic resilience of the state, the effectiveness of its institutional development, and its international standing. The problem is particularly grave under conditions of martial law. For Ukraine, confronted with full-scale armed ag-

¹⁸ Transparency International, *What is corruption?*, available at: <https://www.transparency.org/en/what-is-corruption> (last accessed on 21.8.2026).

¹⁹ See, e.g., *Antikor*, A \$60 million case: NABU has concluded its investigation into the organiser of the grain scheme involving the SFGC, 8 May 2026, available at: <https://bit.ly/3SzkmoK> (last accessed on 15.8.2026).

²⁰ See *National Agency on Corruption Prevention (NACP)*, Rule of law and fight against corruption are decisive for Ukraine's accession to the EU and recovery of the state – outcomes of the discussion at URC 2026, 26 June 2026, available at: <https://bit.ly/4igB2v7> (last accessed on 22.7.2026); *Council of the European Union*, Council finalises €90 billion support loan to Ukraine, Press release, 23 April 2026, available at: <https://bit.ly/4xgUUSE> (last accessed on 22.7.2026).

gression, corruption offences constitute more than an infringement of the proper functioning of public authority: their consequences may also pose a tangible threat to national security, defence capabilities, and the country's international standing.²¹ Under such circumstances, the social harmfulness of corruption offences is considerably aggravated, since their consequences extend far beyond the infliction of pecuniary loss and may adversely affect the state's defence capacity, the level of international confidence, and the effectiveness of cooperation with international partners.

This, in turn, provides grounds for arguing that, alongside the traditional horizontal and vertical approaches to addressing corruption, a so-called networked approach should also be distinguished. It may be understood as a system of interconnected measures designed to address corruption as a complex socio-legal phenomenon whose manifestations vary considerably in their substantive characteristics, forms, degree of social harm, actors involved, mechanisms of perpetration, and consequences. Accordingly, contemporary anti-corruption legal policy should be grounded in a differentiated and networked approach that takes account of the specific forms and levels of corruption, the characteristics of the persons involved in corruption offences, and the particular social relations within which such practices arise. Particular attention should also be devoted to determining the scope of potential subjects of corruption offences, an issue that remains doctrinally contested and warrants further theoretical elaboration.²² These considerations, in turn, necessitate the development of an appropriate methodology for contemporary corruption research, based on a comprehensive and consistently structured analysis encompassing: (1) the nature of contemporary corruption as a complex socio-legal phenomenon, including its forms, levels, patterns of dissemination, range of subjects, and the fullest possible spectrum of its harmful consequences; (2) the identification of the complex determinants of corruption, particularly political, socio-economic, legal, institutional, socio-cultural, and other factors; (3) the development of a system of measures for addressing corruption, including legal measures constituting the foundation of contemporary anti-corruption legal policy; and (4) an examination of the specific features of implementing anti-corruption policy within particular branches of law, most notably criminal-law policy, the conceptual models of which differ substantially across jurisdictions.

III. Legal Policy: General Considerations

Legal policy, in its broadest sense, may be understood as a strategically oriented activity pursued by the state and,

more specifically, as one of the key instruments of public governance, grounded in the deployment of legal norms and mechanisms.²³ Legal policy requires sustained attention both to its substantive content and to the institutional and organisational forms through which it is implemented. This need is particularly acute during periods of profound social transformation, when the state must respond promptly to emerging societal challenges while safeguarding the stability of the legal order.²⁴ Against this background, the analysis should begin with a clarification and systematisation of the conceptual and categorical framework used to describe legal policy, its principal directions, means of implementation, and specific forms of manifestation. Such an approach is warranted by the terminological ambiguity that persists in both scholarly literature and legal discourse. In particular, the terms “addressing,” “countering,” and “combating” are frequently used interchangeably, although each denotes a distinct concept, reflects a different degree of intensity in the state's legal response, and performs a specific function within the mechanism of legal regulation. These categories therefore form a certain conceptual and functional hierarchy that requires clear theoretical differentiation.

Legal policy may therefore be defined as a doctrinally grounded activity of the state, its organs, civil-society institutions, and other non-state actors aimed at developing and implementing a system of socio-legal measures designed to safeguard human rights and freedoms, maintaining the rule of law and public order, foster the harmonious development of society, and provide an appropriate legal response to socially harmful processes and phenomena. This definition provides grounds for distinguishing between the concepts of “legal addressing,” “legal countering,” and “legal combating,” which should not be regarded as synonymous. Each denotes a distinct mode of legal response, serves a specific functional purpose, and carries a different substantive meaning.

In the field of anti-corruption policy, “addressing corruption” should be understood as the broadest of these categories, encompassing the full range of legal, social, economic, educational, and cultural measures aimed at fostering social intolerance of corruption, strengthening legal culture, and removing the social conditions conducive to corrupt behaviour. “Countering corruption”, by contrast, constitutes a systemic activity of the state combining preventive, law-enforcement, and restorative measures. It extends beyond the detection and suppression of corruption offences to addressing the causes and conditions conducive to their commission and mitigating the adverse consequences of corrupt practices. “Combating corruption”, in turn, constitutes a component of the broader system of

²¹ For empirical evidence of the particular gravity attributed to corruption in public perceptions, see *RBC-Ukraine*, 54 % of Ukrainians see corruption as bigger threat than war, poll shows, 6 May 2026, available at: <https://bit.ly/4cF9M5P> (last accessed on 24.7.2026); *LIGA.net*, Corruption or war? In the KIIS poll, Ukrainians answered what they consider to be a greater threat, 6 May 2026, available at: <https://bit.ly/3V1KEAb> (last accessed on 24.7.2026).

²² Y. L. Streltsov, Ukrainian criminal law at a crossroads: In pursuit of a new concept or on the path to its erosion? *JOR Jahrbuch für Ostrecht* 66 (2025), 13-44.

²³ Borodaiko P. K., Pravova polityka yak instrument derzhavnoho upravlinnia: sutnist ta funktsionalne pryznachennia, *Derzhava ta rehiony. Naukovyi zhurnal. Seriya: Pravo* 2024, Nr. 3 (85), 205–210, <https://doi.org/10.32782/1813-338X-2024.3.32>.

²⁴ Streltsov, Ye. L., Vid bifurkatsiinoi derzhavnosti cherez bifurkatsiine pravotvorennia do bifurkatsiinoho prava: pervynni teoretychni polozhennia, in: *Tsyfrovo naukove suspilstvo: sotsialno-ekonomichni, pravovi ta mizhnarodni aspekty. Zbirnyk naukovykh prats*, Kharkiv/Vinnitsia 2026, 100–107, <https://mcnd.openpubarchive.com/index.php/repository/article/view/81>.

countering corruption and refers predominantly to the activities of competent law-enforcement authorities aimed at detecting, suppressing, and investigating corruption offences and securing the imposition of legally prescribed forms of liability on those responsible.²⁵ The relationship between these categories may thus be conceptualised as a clear functional hierarchy: “addressing” constitutes the genus encompassing the various forms of legal response to socially harmful phenomena; “countering” represents a specific form of such response, combining preventive, suppressive, and restorative measures; while “combating” constitutes the narrowest, predominantly law-enforcement component of the broader system of countering corruption, associated with the exercise of state coercive powers and the imposition of legal liability.

Against the foregoing considerations, European legal policy, understood in its broad sense, may be defined as a scientifically grounded and systematic activity of the State and civil society institutions directed towards the formulation, development and practical implementation of legal measures aimed at preventing, detecting and suppressing socially harmful phenomena, processes and conduct, as well as at containing, terminating or eliminating their adverse consequences

IV. European Anti-Corruption Legal Policy: Principal Components

Against this broader conception of European legal policy, European anti-corruption legal policy may be defined as a scientifically grounded and systematically organised framework for the development and implementation of legal and institutional measures pursued by the EU, its Member States²⁶, with the participation of relevant civil society actors, and founded upon the principles of democracy, the rule of law and transparency. It is implemented through an institutional anti-corruption system in which, alongside traditional mechanisms of criminal prosecution, particular emphasis is placed on the systematic prevention of corruption, the mitigation of corruption risks, and the use of digital mechanisms of oversight and control. From a structural perspective, this institutional framework comprises three interrelated components: the normative component, which establishes the legal foundations for the prevention and countering of corruption; the institutional

component, represented by the competent public authorities and specialised bodies; and the societal component, encompassing civil-society institutions, including non-governmental organisations, investigative journalists, experts, and citizens. These actors contribute to the detection of corrupt practices through reporting and public disclosure, assist in developing an adequate evidentiary basis, and exercise public oversight over the effectiveness of the competent authorities responsible for preventing and countering corruption.

One of the key components of European anti-corruption legal policy is its legal framework, which establishes the foundations of the relevant institutional system, ensures legal certainty, and provides the necessary legal basis for the application of both regulatory and coercive measures aimed at preventing and countering corruption. This framework comprises a body of European Union legal instruments of different legal status and normative character, which together constitute a comprehensive system for the legal regulation of anti-corruption relations.²⁷ Within this framework, the Anti-Corruption Directive marks a particularly significant new stage in the development of European anti-corruption law, establishing common binding standards for the prevention, detection, and combating of corruption across the Member States.²⁸ Its provisions provide a common normative direction for the further development of national legislation and its implementation in practice, while also contributing substantially to the contemporary doctrinal understanding of the European model of corruption prevention and counteraction.

A comprehensive analysis of the Anti-Corruption Directive would require a separate and more extensive study, given the novelty and systemic character of its provisions. The present paper therefore seeks to identify and examine its most significant conceptual elements, an understanding of which is already essential for the proper interpretation and practical application of its provisions. The EU has progressively developed a comprehensive normative framework addressing corruption and related forms of socially harmful conduct.²⁹ The Anti-Corruption Directive nevertheless marks a qualitatively new stage in this development, insofar as it reflects a shift from predominantly non-binding or fragmented approaches towards the establishment of binding Union-wide minimum standards in

²⁵ Streltsov Ye. L., *Ratsionalnyi dyskurs pro kryminalne pravo*, Kyiv: Yurinkom Pres 2024, 357–369.

²⁶ The European dimension of anti-corruption policy is complemented by measures adopted at the national level by individual EU Member States. For example, in July 2026, the Hungarian Parliament approved the establishment of a specialised agency with broad powers to recover funds allegedly misappropriated or embezzled under the previous government. See Zoltan Simon, *Hungary Creates Agency to Recoup Misappropriated Orban-Era Funds*, *Bloomberg*, 28 July 2026, available at: <https://bit.ly/46RbrBU> (last accessed on 12.8.2026).

²⁷ European Commission, *EU legislation on anti-corruption*, available at: <https://bit.ly/3VmkpVb> (last accessed on 12.8.2026).

²⁸ Directive (EU) 2026/1021 of the European Parliament and of the Council of 29 April 2026 on combating corruption, available at: <https://bit.ly/4yvkqxa>, Directive (EU) 2026/1021 of the European Parliament and of the Council of 29 April 2026 on combating corruption, OJ L 2026/1021, 11 May 2026, available at: <https://bit.ly/4cWaBrh> (last accessed on 22.8.2026).

²⁹ See, inter alia, Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation, OJ L 2024/1260, 2 May 2024, available at: <https://eur-lex.europa.eu/eli/dir/2024/1260/oj>; Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, OJ L 141, 5 June 2015, pp. 73–117, available at: <https://eur-lex.europa.eu/eli/dir/2015/849/oj>; Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law, OJ L 198, 28 July 2017, pp. 29–41, available at: <https://eur-lex.europa.eu/eli/dir/2017/1371/oj>. (last accessed on 22.8.2026).

the criminal-law response to corruption. This approach is intended to promote greater consistency in the legal regulation of corruption offences across the EU, reduce disparities between national legal systems, and limit the possibility of so-called “safe havens” for persons involved in corrupt activities, whereby substantively comparable conduct may receive materially different criminal-law treatment in different Member States. The need for greater normative coherence became particularly apparent in the wake of the “Qatargate” scandal, which highlighted significant gaps in the supranational mechanisms for preventing, detecting, and responding to corruption.³⁰ Against this background, the Directive establishes minimum binding standards of criminal-law protection against corruption offences, including requirements concerning the types and minimum levels of applicable sanctions, below which Member States may not set their national standards.

A more focused analysis of the Anti-Corruption Directive’s provisions can be undertaken through the three levels of legal-policy response identified earlier in this article: addressing, countering, and combating. This methodological approach enables the anti-corruption measures provided for by the Anti-Corruption Directive to be differentiated according to their respective levels and facilitates a more precise delineation of the corresponding dimensions of anti-corruption policy. The first of these is the level of “addressing”, which is predominantly socio-ideological and preventive in character and may, in particular, draw upon instruments of soft law. Its principal objective is to foster an anti-corruption legal culture, strengthen the principles of integrity, reshape societal attitudes towards corruption, and promote zero tolerance of all forms of corrupt conduct. This level encompasses the awareness-raising and educational measures provided for in Article 20 of the Anti-Corruption Directive, which are aimed at increasing public awareness of the causes, forms and adverse consequences of corruption. Their implementation includes information campaigns, dedicated information resources, open seminars, educational and training programmes, and other forms of public communication undertaken in cooperation with the academic community, educational institutions, civil-society organisations, and the media. An important component of this level is the cultivation of a culture of integrity in the business sector through the implementation of corporate anti-corruption programmes and compliance mechanisms. These mechanisms enhance the transparency of legal persons’ activities, contribute to the mitigation of corruption risks, and create appropriate reputational and economic incentives for compliance with standards of integrity and lawful conduct. The institutionalisation of whistleblower protection, provided for in Article 25, may likewise be situated at this level. It encompasses the establishment of effective legal,

organisational, and digital mechanisms to protect persons who report corruption offences or otherwise assist in their detection, documentation, and investigation, as well as in bringing those responsible to legal accountability.

The next level is that of “counteracting”, encompassing organisational-legal and systemic dimensions. The measures at this level are aimed at the analytical identification of the areas, procedures and positions within public or private structures that are particularly vulnerable to corruption, the elimination, on the basis of such analysis, of the conditions conducive to the commission of corruption offences, and the establishment of appropriate organisational and legal safeguards against corruption. These measures include, in particular, strategic planning (Art. 21), which provides for the development, adoption and regular updating of comprehensive national anti-corruption strategies. An important component of this level is ensuring the institutional robustness of specialised anti-corruption bodies (Arts. 22–24), including guarantees of their institutional autonomy, adequate resourcing – particularly in financial and technological terms – and systematic professional training for detectives and investigators. The corresponding framework of measures also encompasses effective compliance mechanisms, designed to prevent anti-corruption measures from becoming merely formal or declaratory. This approach enables an assessment not only of whether anti-corruption procedures have been formally established, but also of whether effective anti-corruption controls are actually in place. Where such a compliance system is properly designed and effectively implemented, this may, in turn, provide grounds for exempting a legal or natural person from liability where an unlawful act has been committed by an employee in breach of established internal rules and procedures. Of particular significance in this regard are also measures relating to lifestyle and asset monitoring, especially in respect of public officials. These measures are intended to detect concealed assets, assess the consistency of an individual’s lifestyle with their declared income, and identify potential instances of illicit enrichment. This area is gradually acquiring greater normative and institutional consolidation in Ukraine as well.³¹

The third level is that of “combating”, encompassing a criminal-law dimension, insofar as it concerns the legal qualification of the relevant conduct, and a punitive dimension, insofar as it concerns the imposition of criminal sanctions, and may accordingly be characterised as “hard Law”. This level entails the direct application of predominantly mandatory criminal-law measures and includes, in particular, the precise definition of the range of corruption offences (Arts. 3–11), as well as the obligation to criminalise specific forms of corrupt conduct in both the public and private sectors (Arts. 12–14). Within this framework,

³⁰ See, e.g., *Politico*, Europe’s ‘crypto queen’ brought down by cash: Eva Kaili and Qatargate.

³¹ *Kopytko M. I.*, Problemy statystychnoho otsiniuvannia rivnia koruptsii v Ukraini, Aktualni pytannia ekonomichnykh nauk. Naukovyi elektronnyi zhurnal 2025, Nr. 7, 1–16, <https://doi.org/10.5281/zenodo.14758425>; *National Agency on Corruption Prevention (NACP)*, Lifestyle Monitoring: in the First Half of 2026, NACP Detected Signs of Unjustified Assets and Illicit Enrichment Worth over UAH 366 Million, 15 July 2026, available at: <https://bit.ly/4ilBXTT> (last accessed on 12.8.2026).

two dimensions may be distinguished: a traditional and a more recent one. The traditional dimension is reflected, to a certain extent, in the criminal-law measures envisaged by the Anti-Corruption Directive and echoes an idea already articulated in the French *Code pénal de 1810*: that criminal conduct should entail legal consequences capable of rendering its commission economically and socially disadvantageous.³²

The more recent developments, by contrast, are primarily associated with a transformation of the punitive paradigm applicable to corporate entities (Arts. 13–14). In particular, the Anti-Corruption Directive introduces liability for inadequate supervision and control, together with substantial turnover-based fines amounting to 3 or 5 per cent of a company's total annual turnover, as well as alternative fixed financial sanctions which, for certain offences, may reach EUR 24–40 million. In the case of so-called “instrumental companies”, whose activities are used to facilitate corruption schemes, the available measures include judicial dissolution and confiscation of assets. Corporate liability thus extends beyond the traditional imposition of financial sanctions and assumes a more comprehensive character, combining financial, organisational and property-related consequences. Particular attention should also be given to the strengthening of measures applicable to individuals involved in corruption offences, including restrictions on their ability to exercise certain professional, economic, and public functions. Such measures may include, inter alia, long-term or permanent disqualification from holding certain positions, participating in public procurement procedures, or obtaining public contracts, licences, subsidies, or grants financed from EU restrictions prescribed by law (Art. 12). An important component of this level is likewise the limitation of procedural avenues for evading liability (Arts. 17, 19). The Anti-Corruption Directive provides, inter alia, for limitation periods of sufficient length to ensure a genuine possibility of conducting criminal proceedings, as well as for the adaptation and simplification of procedures for lifting the immunities of senior public officials where necessary for the conduct of the relevant procedural and investigative measures.

The foregoing analysis demonstrates that the entry into force of the Anti-Corruption Directive in May 2026 establishes a normative foundation for strengthening and systematising the measures constituting European anti-corruption legal policy. Its provisions signal a marked shift towards integrating traditional criminal-law mechanisms with more recent instruments of corporate liability, financial sanctions, professional disqualification, and procedural safeguards designed to secure the effective enforcement of liability.

V. Ukrainian Anti-Corruption Legal Policy

The necessity, coupled with the complexity, of implementing anti-corruption legal policy in Ukraine, including the requirements arising from the Anti-Corruption Directive (EU) 2026/1021, stem from a combination of objective and subjective factors.³³ This complexity, in turn, leaves considerable scope for divergent assessments of the effectiveness of the measures adopted.³⁴ These challenges are further intensified by the exceptionally difficult circumstances in which contemporary Ukrainian statehood is evolving, particularly under conditions of martial law.³⁵

Viewed within this broader context, this policy must encompass a coherent set of interrelated measures aimed at addressing, countering, and combating corruption. As Transparency International Ukraine emphasises, these measures should encompass six priority areas aligned with the commitments undertaken under the Ukraine Facility Plan, the European Commission's Enlargement Report, the IMF programme, and the “10 Reform Steps”. These priorities include: safeguarding the independence of anti-corruption institutions; improving outcomes in corruption cases, particularly with regard to the freezing and confiscation of illicit assets; enhancing the institutional capacity and strategic focus of the National Agency on Corruption Prevention (NACP); updating legislation to ensure swift and high-quality justice; expanding the involvement of international experts in the selection commission responsible for appointing members of the High Council of Justice (HCJ); and adopting an Anti-Corruption Strategy and a State Anti-Corruption Programme.³⁶ Particular emphasis should be placed on the proposition that one of the principal tasks of anti-corruption policy lies not merely, and perhaps not even primarily, in proclaiming policy programmes and defining a set of measures, but in their effective and consistent implementation in practice.

Examining this policy through the prism of the differentiation of its levels proposed above – addressing, countering, and combating – enables corresponding dimensions to be identified within the Ukrainian context. At the level of socio-legal addressing, this policy encompasses a number of interrelated dimensions. Foremost among them is the doctrinal-strategic dimension, which articulates the underlying rationale and overall direction of the policy and should ensure its comprehensive, systemic, and consistent formulation and implementation, thereby preventing the fragmentation and situational character of individual measures. Under such conditions, the policy must rest upon conceptually coherent strategic planning, the results of which are embodied in the principal strategic and pro-

³² See *Code pénal de 1810*, Arts. 10, 11, 36 (concerning economic forfeiture) and Arts. 22, 28 (concerning civic and social degradation), available at: <https://bit.ly/4xaJW0R> (last accessed on 10.8.2026).

³³ See *4 mify pro koruptsiu, yaki zavazhaiut z neiu borotysia*, ACREC, available at: <https://bit.ly/3VIC2V8> last accessed on 20.8.2026); *Belkova O.*, 4 idei dlia borotby z koruptsiieiu, available at: <https://bit.ly/4gT7txi> (last accessed on 20.8.2026).

³⁴ See *Babikova O.*, *Protydiia koruptsii v Ukraini: mify ta realnist*, available at: <https://bit.ly/4yuLQe2> (last accessed on 20.8.2026).

³⁵ See *Prodan I.*, *Perspektyvy formuvannia ta realizatsii antykoruptsiinoi polityky v Ukraini v umovakh voiennoho stanu*, *Hrani. Naukovyi zhurnal. Politolohtia* 2026, Bd. 29, Nr. 1, 103–107, <https://doi.org/10.15421/172661>.

³⁶ See *Corruption Perceptions Index – 2025. Analysis*, Transparency International Ukraine, 10 February 2026, available at: <https://bit.ly/46l15tV> (last accessed on 22.8.2026).

grammatic legal instruments, including the Anti-Corruption Strategy,³⁷ the State Anti-Corruption Programme and relevant sectoral programmes,³⁸ as well as other national legal acts defining the priorities and mechanisms for implementing public policy in specific fields.³⁹ Of fundamental importance, however, is the requirement that the objectives, tasks, and means of their attainment set out in such instruments be grounded in an adequate empirical and theoretical-applied foundation. Their formulation should draw upon extensive applied research, take account of international standards and Ukraine's commitments, and fully utilise the regulatory and methodological potential of the relevant branches of public law.⁴⁰ Such a sound empirical and normative foundation is indispensable for transcending the formal articulation of strategic priorities and ensuring their consistent, effective and substantive implementation in state and legal practice.

At the level of counteraction, particular attention should likewise be paid to the organisational framework for implementing the policy. Despite certain difficulties and institutional constraints affecting anti-corruption efforts, Ukraine has established and operates a specialised system of bodies and institutions entrusted with implementing the principal directions of anti-corruption counteraction. This system includes, in particular, the National Agency on Corruption Prevention (NACP), which is responsible for formulating and coordinating anti-corruption policy, coordinating preventive measures, and exercising oversight and verification functions, including the verification of asset declarations; the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialized Anti-Corruption Prosecutor's Office (SAPO), which are responsible for detecting corruption offences, conducting pre-trial investigations and providing procedural supervision thereof; and the High Anti-Corruption Court (HACC), which adjudicates criminal proceedings concerning corruption and corruption-related offences.⁴¹

Of particular significance are the substantive priorities shaping the contemporary directions of this policy, as well as the instruments through which they are implemented. At the level of counteraction, digitalisation is as-

suming increasing importance as one of the principal preventive and anti-corruption mechanisms. Its potential lies, to a considerable extent, in reducing direct human interaction in administrative and managerial procedures and in expanding the use of automated information systems. These approaches are being progressively introduced, inter alia, in urban planning, customs administration, public asset management, and public procurement through the ProZorro electronic procurement system, as well as in other areas traditionally characterised by heightened corruption risks.⁴² Another significant direction is the gradual transition away from opaque oligarchic influence towards institutionally regulated forms of private-interest representation. In this context, the legislative regulation of lobbying is of particular significance. This process was initiated by the adoption in 2024 of the Law of Ukraine *on Lobbying*, which established the legal framework, forms and permissible boundaries of such activities.⁴³

The implementation of relevant European legal instruments likewise plays an important role, notably Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law, whose principles have informed the development of Ukraine's whistleblower protection framework.⁴⁴ The pursuit of such a policy must, however, also take account of what may be regarded as its exceptional dimension, arising from the specific circumstances of Ukraine's wartime and post-war recovery. Under these conditions, ensuring effective oversight of the targeted use of international financial and military assistance assumes particular significance, since the transparency and legal certainty of the relevant processes are directly linked to the protection of national security. This, in turn, further underscores the genuine societal danger posed by manifestations of corruption, reinforcing the foregoing argument concerning their broader consequences.

Under these conditions, combating corruption can no longer be regarded merely as a basic standard; rather, it constitutes an imperative to bring Ukraine's anti-corruption legislation, understood in its broad sense, into conformity with European standards. This entails, inter alia, establishing proportionate liability for public officials, combining appropriately stringent corporate liability with

³⁷ National Agency on Corruption Prevention (NACP), *Anti-Corruption Strategy for 2026–2030*, currently pending approval by the Cabinet of Ministers of Ukraine, available at: <https://bit.ly/4xdU2ht> (last accessed on 12.8.2026).

³⁸ See, in particular, *Antykoruptsiina prohrama Ministerstva oborony Ukrainy na 2025–2026 roky*, available at: <https://bit.ly/4xgYHIS>; *Antykoruptsiina prohrama Minrozvytku na 2026–2028 roky*, available at: <https://bit.ly/4h0jzok>; *Pro zatverdzhennia Antykoruptsiinoi prohramy Ministerstva osvity i nauky Ukrainy na 2024–2026 roky*, available at: <https://bit.ly/4yAgNgV> (last accessed on 12.8.2026).

³⁹ See *National Strategy for Countering Fraud and Other Offences to Protect the Financial Interests of Ukraine and the European Union*, approved by the Cabinet of Ministers of Ukraine in July 2026, together with an implementation plan extending to 2028, available at: <https://bit.ly/4iISU7W> (last accessed on 10.8.2026).

⁴⁰ On the role of public law in the protection of public interests and its branch-specific regulatory and methodological potential, see: *Streltsov, Ye. L.*, Public Law and the Protection of Public Interests: General Principles and Branch-Specific Aspects, *Shchorichnyk ukrainskoho prava: zb. nauk. pr.* / hol. red. O. M. Bandurka, Kharkiv: Pravo 2026, Nr. 18, 243–260.

⁴¹ National Agency on Corruption Prevention (NACP), available at: <https://nazk.gov.ua/en/>; National Anti-Corruption Bureau of Ukraine (NABU), available at: <https://nabu.gov.ua/en/>; Specialized Anti-Corruption Prosecutor's Office (SAPO), available at: <https://gp.gov.ua/en/posts/specializovana-antikorupciina-prokuratura>; High Anti-Corruption Court (HACC), available at: <https://hcac.court.gov.ua/hcac/> (last accessed on 15.8.2026).

⁴² ProZorro, official public procurement system of Ukraine, available at: <https://prozorro.gov.ua/en> (last accessed on 22.8.2026).

⁴³ Zakon Ukrainy „Pro lobiiuvannia“ (Vidomosti Verkhovnoi Rady Ukrainy, 2024, № 18, st. 77; iz zminamy, vnesenymy zghidno iz Zakonom № 4059-IX vid 19.11.2024), available at: <https://zakon.rada.gov.ua/laws/show/3606-20#Text> (last accessed on 22.8.2026).

⁴⁴ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26 November 2019, 17–56, available at: <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng> (last accessed on 22.8.2026).

preventive measures designed to forestall corrupt practices within legal entities, and ensuring the promptness and effectiveness of the relevant legal mechanisms. This assumes particular significance in view of the European Union's € 90 billion loan programme for Ukraine for 2026–2027, the provision of which is subject, *inter alia*, to conditions concerning adherence to the rule of law, including the fight against corruption.⁴⁵ In these circumstances, manifestations of corruption may be regarded not only as a threat to the proper use of Ukraine's resources, but also as a potential threat to the financial interests of the European Union. Accordingly, implementation of the provisions of the Anti-Corruption Directive constitutes an objective necessity for Ukraine. The European approach, however, entails not merely the establishment of relevant standards, but also the existence of mechanisms for monitoring their effective implementation in practice. Where national measures prove insufficiently effective, the European Public Prosecutor's Office (EPPO) and the European Anti-Fraud Office (OLAF) possess instruments for safeguarding the financial interests of the European Union, thereby reinforcing external oversight of anti-corruption efforts. This, in turn, necessitates a fundamental reorientation of Ukraine's approach to the interpretation and implementation of international and European legal instruments, particularly in the fields of substantive criminal law and criminal procedure. These areas of Ukrainian legislation are currently undergoing substantial transformation, while retaining certain features characteristic of a transitional legal order, a phenomenon historically evident in the development of Ukraine's anti-corruption legislation.⁴⁶ Ukraine has, moreover, increasingly adopted a more comprehensive approach to understanding corruption risks and preventing them systematically. A telling example in this regard is the request by the Ministry of Defence of Ukraine for the National Anti-Corruption Bureau of Ukraine (NABU) to conduct an analysis of potential risks in the defence sector.⁴⁷ This development reflects a gradual transition from a predominantly reactive model of combating corruption towards a preventive approach centred on the early identification and systematic assessment of corruption risks.

Overall, the significance of the Anti-Corruption Directive for Ukraine may be understood through three interrelated developments. First, the Directive marks a shift from declaratory commitments towards implementation-oriented pragmatism. It moves anti-corruption law, both at the international and domestic levels, beyond the predominantly declaratory articulation of policy objectives towards the effective operation of concrete legal mechanisms. In doing so, it rebalances the traditional emphasis

on punitive intervention by placing greater weight on economic deterrence, the prevention of corrupt practices, and the enhancement of institutional governance. Second, the Directive establishes an indispensable strategic benchmark for Ukraine. The effective implementation of its provisions constitutes an important precondition for responding to the public demand for justice, strengthening the rule of law, and advancing Ukraine's integration into the European legal and institutional space, ultimately supporting its progress towards full membership of the European Union. Third, the Directive contributes to the emergence of a new professional model of the lawyer. Its implementation requires the Ukrainian legal profession gradually to move beyond the traditional model of the predominantly implementation-oriented legal practitioner towards a European-style legal professional capable of navigating sanction and business-compliance mechanisms, understanding the dynamics of global financial processes, and applying the law through the prism of the rule of law and good governance.

VI. Concluding Remarks

In light of the foregoing analysis and the considerations developed in the course of this study, it is appropriate to set out the author's perspective on the future trajectory of anti-corruption policy, with particular regard to the implications of the Anti-Corruption Directive, from both European and Ukrainian perspectives. Although this perspective may appear, to some extent, aspirational, it serves to frame the more fundamental question of what conditions would be required to achieve a substantive transformation of systemic corruption rather than merely to contain its individual manifestations. It is therefore appropriate to begin by articulating a prospective vision of the future: the institutional, legal and societal conditions that would need to be established for a fundamental transformation of the existing system of corruption to become realistically attainable.

Corruption is often likened, in view of a number of its persistent characteristics, to a disease,⁴⁸ since its complete eradication - its reduction to a so-called "zero level" - is arguably unattainable. This is attributable, *inter alia*, to the enduring influence of human agency, the pursuit of illicit enrichment, and other behavioural factors that perpetuate corrupt practices. Yet, the experience of individual states, most notably Denmark and Singapore, demonstrates that corruption can be contained at persistently low levels and, metaphorically speaking, brought, into a state of sustained "remission", in which it ceases to constitute a systemic

⁴⁵ Regulation (EU) 2026/467 of the European Parliament and of the Council of 24 February 2026 implementing enhanced cooperation on the establishment of the Ukraine Support Loan for 2026 and 2027, OJ L, 2026/467, 26 February 2026, Art. 5(1), ELI: <http://data.europa.eu/eli/reg/2026/467/oj>; Council Implementing Decision (EU) 2026/919 of 23 April 2026 approving assistance to Ukraine in implementing the Ukrainian Financing Strategy, OJ L, 2026/919, 23 April 2026, recital 9, ELI: <https://bit.ly/4d54DEk>.

⁴⁶ Kladchenko, A. O., *Perekhidnyi etap stanovlennia antykorupciynoho zakonodavstva Ukrainy (1996–2004 roky)*, *Prykarpatskyi yurydychnyi visnyk* 2017, Nr. 4 (19), 3–9.

⁴⁷ Kravchenko, S., SAPO: For the First Time in Six Months, the Ministry of Defense has asked NABU to analyze corruption risks in the defense sector, *Babel*, 10 August 2026, available at: <https://bit.ly/4r4MRGX> (last accessed on 20.8.2026).

⁴⁸ Mackey, T. K., Kohler, J. C., Savedoff, W. D. et al., The disease of corruption: views on how to fight corruption to advance 21st century global health goals, *BMC Medicine* 14 (2016), 149, DOI: 10.1186/s12916-016-0696-1.

threat to the “life of the State” or the “health of society”.⁴⁹ This suggests that the realistic objective of contemporary anti-corruption policy, including the approach embodied in the Anti-Corruption Directive, is not necessarily the complete elimination of corruption, but rather the sustained reduction of its prevalence, systemic penetration, and capacity to undermine public institutions and social relations. Achieving this objective requires moving beyond the mere “treatment” of its symptoms towards transforming the underlying “genetic code” of approaches to corruption through the reshaping of the socio-political, economic and legal relations that create, facilitate or sustain corrupt practices.

If, in light of the foregoing, the analysis is taken beyond the confines of formal legal definitions, the practical impact of contemporary anti-corruption policy may, in my view, be understood as resting on three fundamental “pillars” that determine the principal substance and orientation of the relevant measures.

First: a shift towards “economic pragmatism”, operating alongside, and in certain respects as an alternative to, deterrence through the threat of imprisonment. The traditional assumption that corruption can be effectively suppressed primarily through the threat of criminal prosecution and deprivation of liberty, notwithstanding the indispensable role of such measures, has historically proved to have limited preventive effect when applied in isolation. The emerging paradigm of anti-corruption policy, and particularly the approach embodied in the Anti-Corruption Directive, therefore shifts the emphasis from predominantly punitive responses towards structuring the legal and economic environment in such a way as to render corrupt conduct economically irrational and to protect the integrity of capital itself. The underlying rationale is to create legal and economic conditions in which corruption becomes not only socially reprehensible and legally punishable, but also manifestly economically disadvantageous. As noted above, albeit from a different perspective, if businesses recognise that even a single corrupt transaction, or merely formalistic compliance undertaken “for the sake of appearances”, may expose them to a loss of up to 5% of annual turnover or, in certain circumstances, to judicial dissolution, the imperative of preserving capital may become a powerful incentive for behavioural change. This, in turn, may progressively transform the role of business from that of a potential participant in corrupt prac-

tices into an active agent of corruption prevention and internal anti-corruption control. Companies would thereby acquire a direct economic interest in identifying and eliminating integrity deficiencies within their governance structures, establishing effective compliance mechanisms, and strengthening internal controls, with a view to protecting their assets from substantial financial sanctions and other legal consequences. At the initial stage, the deterrent effect of sanctions will undoubtedly remain significant. What is crucial, however, is that deterrence should progressively evolve into conscious economic rationality: not fear of punishment as such, but the recognition that corrupt conduct is both likely to trigger legal consequences and fundamentally incompatible with the preservation of economic value should become one of the defining mechanisms of contemporary anti-corruption policy.

Second: a shift towards “digital and supranational inevitability” rather than exclusive reliance on domestic mechanisms of justice. Where national judicial and law-enforcement institutions are affected by institutional vulnerability, selective enforcement, or the discontinuation of proceedings following the expiry of procedural time limits, greater emphasis should be placed on the external, digital, and cross-border dimensions of effective anti-corruption enforcement. Against this background, traditional strategies for concealing or redistributing assets - such as their formal transfer to relatives - as well as the deliberate prolongation of judicial proceedings through procedural mechanisms, including those associated with the so-called “Lozovyi amendments”,⁵⁰ are likely to become progressively less effective as means of evading liability. The supranational dimension of contemporary anti-corruption policy, reinforced by the Anti-Corruption Directive, together with intensified cross-border cooperation among competent authorities, including through the involvement of the European Public Prosecutor’s Office (EPPO), and the increasing digital traceability of financial and property transactions, substantially narrows the scope for concealing illicitly acquired assets or shielding them from enforcement. This development entails a fundamental transformation in the very logic of evading liability. Corrupt conduct can no longer be regarded as a problem that may be definitively addressed at the domestic level by exploiting institutional weaknesses, procedural loopholes, or deficiencies in individual national enforcement mechanisms. Rather, the effectiveness of anti-corruption enforcement increasingly depends on the interaction of national, supranational, and digitally enabled mechanisms. Thus, even

⁴⁹ Transparency International, *Corruption Perceptions Index 2025*, 10 February 2026. Denmark ranked first (89 points) and Singapore third (84 points) among 182 countries and territories, confirming their consistently high standing among countries with comparatively low levels of perceived public-sector corruption, available at: <https://www.transparency.org/en/cpi/2025> (last accessed on 18.8.2026).

⁵⁰ The “Lozovyi amendments” refer to amendments to the Criminal Procedure Code of Ukraine adopted in 2017 on the initiative of Member of Parliament Andrii Lozovyi, which, inter alia, introduced stricter time limits for pre-trial investigations and provided for the closure of criminal proceedings upon their expiry. Although several of these provisions have subsequently been repealed, the amendments have continued to affect the investigation and adjudication of criminal cases. See OECD, *Combating High-level Corruption in Eastern Europe*, 2024, section “Ukraine Case Study – The ‘Lozovyi amendments’”, available at: <https://bit.ly/4xS5Wik> (last accessed on 18.8.2026); see also *HACC Decided*, The Grand Chamber of the Supreme Court Resolved One Issue in Applying the “Lozovyi Amendments”, 9 March 2026, available at: <https://hacc-decided.ti-ukraine.org/en/news/velika-palata-verxovnogo-sudu-virisila-odne-z-pitan-zastosuvannya-popravok-lozovogo> (last accessed on 18.8.2026).

where deficiencies arise at the domestic level of investigation or adjudication, complementary measures undertaken by European and other competent authorities may preserve the capacity to trace, freeze, recover, or otherwise restrict access to illicitly acquired assets held abroad, while professional and financial restrictions may impose significant additional consequences on persons involved in corruption. Accordingly, the concept of “digital and supranational inevitability” should not be understood merely as the extension of anti-corruption enforcement beyond the boundaries of national jurisdiction. Rather, it denotes a broader transformation of the enforcement architecture: the creation of a legal environment in which institutional incapacity, selective enforcement, or deficiencies at one level of law enforcement do not automatically translate into the possibility of evading liability altogether. The essential point is therefore not the absolute elimination of enforcement failures, which would be unrealistic, but the establishment of multiple, mutually reinforcing layers of accountability capable of compensating, at least in part, for deficiencies arising at any individual level of enforcement.

Third, and finally: the emergence of a “new elite” guided by an “internal ethical compass”, which, without exaggeration, would constitute a generational breakthrough in the development of society. Even the most sophisticated normative framework will remain ineffective unless the very actors responsible for applying the law undergo a corresponding transformation—above all, Ukrainian legal professionals. The most consequential prospect for sustainable change therefore lies in transforming the underlying worldview and professional ethos of those entrusted with the interpretation and application of law. The process of European integration and the approximation of Ukrainian law to EU law should serve as a powerful catalyst for the definitive transformation of an inherited legal mentality in which the lawyer, as noted above, was conceived primar-

ily as a technical executor of the will of the State. Ukraine should therefore aspire to the emergence of a new generation of judges, detectives, prosecutors, and advocates characterised by a distinctively European professional ethos: legal professionals capable of engaging with global processes and guided not by fear or situational expediency, but by an internal ethical compass that precludes compromise with corrupt practices. For such professionals, the rule of law and human dignity must constitute not declaratory slogans, but foundational principles of professional reasoning and legal practice. Much, however, depends upon those who shape this new generation of legal professionals: institutions of legal education, the academic community, professional mentors, and the current bearers of professional values. To a considerable extent, they will determine whether this generational transformation becomes a substantive reality and whether the “internal ethical compass” becomes an integral element of the professional culture of future legal professionals.

A further consideration deserves attention. If these and related propositions are to acquire genuine practical significance, Ukraine cannot simply wait for “Brussels” to transform its legal order on its behalf. The more realistic premise is that the foundations of an effective anti-corruption framework must be laid within Ukraine itself. The combination of robust economic incentives and sanctions directed at business, supranational oversight of investigations, the continued development of European and national legislation, the strengthening of legal education, and the transformation of legal mentality and professional legal consciousness may, as the logical culmination of these processes, constitute a coherent and rational framework capable of translating what may initially appear to be “utopian” anti-corruption aspirations into a tangible reality of effective accountability and justice - for Ukraine and, ultimately, for Europe as a whole.