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## Committing corruption-related crimes in commercial and other organizations and ways to counter them

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### Abstract

**Relevance.** The relevance of the research is due to the need to improve the measures of criminal law in connection with the multiplicity of complex issues and consequences of corruption and its criminal manifestations.

**Purpose.** The purpose of the paper is to analyze the state of corruption in commercial and other organizations and identify ways to counter this phenomenon.

**Methodology.** The theoretical approach, the dogmatic approach, the formal legal approach, the method of legal hermeneutics, the method of deduction should be noted among the methodological approaches used. The concept of a corruption crime was analyzed through the prism of various approaches, namely, doctrinal, legislative and departmental.

**Results.** Clear criteria were established, which made it possible to minimize disagreements in the legal assessment of acts as corrupt. The issue of the negative impact of corruption on the public life of the state as a whole was also considered, necessitating analysis of the existing preventive anti-corruption measures. It was noted that at the moment there are positive results in filling positions in the state executive bodies in a manner that is based on meritocracy principles. A special role in counteracting corruption-related crimes is occupied by preventive educational measures among the population in relation to these crimes. An equally important aspect is the identification of the need for further implementation of the provisions of international conventions, which are effective preventive tools for abuse of power for mercenary purposes, into the current domestic legal framework.

**Conclusions.** The practical value of the results obtained lies in providing ways to improve the effectiveness of the current anti-corruption policy and reduce the incidence of corruption-related crimes.

**Keywords:** corruption crimes; subjects of the crime; executive; legal assessment of the act; corrupt deal.

### Introduction

Corruption is one of the most important domestic problems in Kazakhstan. It serves as a negative social phenomenon

that has emerged due to historical reasons and is rapidly developing. As noted by L. Campbell & N. Lord [1], corruption has a social development, as it is a certain

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component of the functioning of state bodies and the market mechanism, as well as the way of life of people. According to G. Hawamdeh [2], factors such as commodity-money relations, social inequality, uneven distribution of power and material wealth inevitably influence people personally or through intermediaries to use the opportunities provided for selfish interests and purposes. Thus, corruption is a social phenomenon generated by social relations. According to the position of R.K. Goel & J.W. Saunoris [3], the emergence and existence of this illegal act becomes possible from the moment of separation of management functions in economic and social activities, which is due to the ability of an official to manage available resources and make decisions based on their own personal selfish motives. Based on this, it is noted that corruption is a very complex socio-political phenomenon that originated quite a long time ago and exists at the present time; it is worth noting that its reduction is not expected regardless of the form of its manifestation.

In modern society, corruption phenomenon is a social institution, the elements of the management system of which are closely related with other social institutions, namely economic, political and cultural [4; 5]. N.A. Aziz [6] notes that the distinctive features that testify to the institutionalization of corruption include the performance of a number of social functions; rate of services established and known to interested persons; the presence of slang and symbols of corrupt practices; the presence of certain subjects of this illegal act and the distribution of social roles; the presence of certain rules of communication and performance of the act; simplification of administrative ties, accelerated and simplified version of managerial decision-making, restructuring and consolidation of relations between social groups and classes; rendering assistance to economic development by optimizing the economy in the face of a shortage of resources, reducing bureaucratic barriers. As A. Nour [7] writes, according to the etymological approach to the definition of the concept of "corruption", this term can be considered as "bribery" based on the Latin word "corruptio".

The Law of the Republic of Kazakhstan No. 410-V "On Combating Corruption" [8] defines the concept of "corruption" as the acceptance personally or through intermediaries of property benefits and advantages by persons who perform state functions, as well as persons who are equivalent to them, using their own officials and opportunities related with them or their other use for obtaining property benefits, which is equated to bribery of these persons by providing them with the specified advantages and benefits by individuals or legal entities. At the moment, the topic of corruption is quite relevant for Kazakhstan. This is due to the very high level of impact of this illegal act on the formation of public opinion. According to statistics, over the past 5 years, the number of corruption-related crimes has increased by 13% [9]. As evidenced by the Republican Public Council for Combating Corruption, the largest number of corruption crimes occurs in local authorities, which accounts to 45% of the total number of corruption-related crimes [10].

In modern conditions, the anti-corruption policy of Kazakhstan shows very positive results; but along with this, integration of developed countries into the

international community and the liberalization of social life have posed a number of acute problems that require immediate resolution. One of these is countering corruption-related crimes, which pose a strong public threat and have a significant impact on the political and economic spheres.

## Materials and Methods

Conducting scientific research, the purpose of which is to analyze the commission of corruption-related crimes in commercial and other organizations, was carried out through the use of various methodological approaches that reveal the theoretical and practical aspects of the paper. The theoretical approach provided an opportunity for a more detailed study of the essence of corruption-related crimes, highlighting the characteristic features and principles of implementation, which helped to carry out a legal assessment of these illegal acts. The functional approach made it possible to consider corruption-related crimes through the prism of various approaches, namely doctrinal, legislative and departmental ones, as well as to identify clear criteria enabled minimizing disagreements in the legal assessment of acts as corruption. The method of legal hermeneutics provided an opportunity to highlight the features of the implementation of corruption-related crimes in commercial and other organizations, in connection with which the negative impact of corruption on the public life of the state as a whole was revealed, which necessitated an analysis of existing preventive anti-corruption measures. The dogmatic approach made it possible to consider the current legislative framework in matters of anti-corruption policy; it was revealed that at the moment there are positive results in filling positions in the executive bodies of state power in a manner that is based on the principles of meritocracy.

Through the introduction of the method of logical analysis into the paper, it was noted that a special role in counteracting corruption-related crimes is occupied by preventive educational measures among the population in relation to these crimes; there was also identified the need for further implementation in the current domestic legal framework of the provisions of international conventions, which are effective tools for the prevention of abuse of power for personal gain. The deduction method made it possible to characterize the mechanism for the commitment of corruption-related crimes in commercial and other organizations based on their characteristic features and principles of committing them. In turn, the induction method provided an opportunity, based on the identified signs, to consider the holistic implementation of corruption-related crimes in commercial and other organizations. By using the synthesis method, the obtained results of a theoretical and practical nature were analyzed, on the basis of which the ways were provided to improve the effectiveness of the current anti-corruption policy and recommendations were developed that would help reduce the level of corruption-related crimes.

Thus, the research was carried out in several stages. The first stage consisted in studying the theoretical component; based on the analysis of this aspect, the concept of corruption-related crimes was revealed, its legal essence was considered, characteristic features and signs were highlighted, and a legal assessment of corruption-related

crimes was provided. The study of the current anti-corruption policy of Kazakhstan became the basis for the second stage; a special role is occupied by the analysis of the legislative framework, the study of the practical implementation of the stated norms. In this regard, it was noted that a special role in countering corruption-related crimes is played by preventive educational measures among the population in relation to these crimes. The third stage provided an opportunity to consider various ways and recommendations that will help improve the effectiveness of anti-corruption policies and reduce the incidence of corruption-related crimes.

## **Results**

Modern realities are characterized by the processes of actively developing globalization, the key directions of which are the formation of an interdependent world market that will stimulate multi-level social processes of an integration nature. In the context of increasing economic, political and cultural interaction between states, corruption-related crimes are beginning to acquire an international format. Any type of corruption, including domestic corruption, has an international character. In this context, the active formation of external socio-economic, socio-political and cultural ties serve as the basis for the emergence of new forms and varieties of corruption crimes. According to this, it is worth noting that corruption as a social phenomenon is in the stage of evolutionary development, as it begins to acquire transnational and international characteristics, where globalization processes open access to new opportunities for the implementation of crimes [11-14]. As a result, the destructive externalities of the socio-economic nature of corruption for Kazakhstan necessitate its legal regulation at the external and internal state levels in a more effective manifestation. To prevent the occurrence of corruption-related crimes and to avoid a threat to the state's national security system, an important component is the adoption of a set of legal measures, including the effective practices of other states. Corruption is no longer a local problem, but a transnational phenomenon that affects the spheres of public life and the economy of all states, which is why international cooperation in the field of preventing and combating corruption is important [15-17].

Relevant and important in the context of studying the fight against corruption-related crimes is the legislative experience in building the anti-corruption policy of those states that, in terms of their qualitative and quantitative characteristics of the apparatus of civil servants and managerial traditions, can be close to Kazakhstan; United Kingdom (UK) is one such country. Analyzing the experience of the United Kingdom, it is worth noting that within the framework of traditional legal systems with effective experience in combating corruption-related crimes at the legislative level, it is characterized by a systematic approach, which includes international and state regulatory levels. Particular attention in the UK policy within the framework of countering this illegal phenomenon is given to the fight against bribery, since it is the most dangerous crime in this sphere. This category of corruption-related crimes consists in the procedure for giving a bribe in order to induce an official to act contrary to their official obligations or to express favor, or to refrain

from showing favor in the implementation of the assigned duties, and the official accepts a bribe for this purpose [18].

The Bribery Act [19] includes an extraterritorial range of actions and applies to organizations that implement business or have part of the business in the UK, but it does not matter where exactly the corruption offense was committed. Section 7 of this Law provides an opportunity to implement innovative and preventive measures, as it criminalizes the failure of organizations to take measures to combat corruption. This applies to any type of commercial organization that operates in the UK. An organization can be found guilty if its branch, employee, agent or other person associated with the organization, regardless of its location, is considered convicted of a corruption-related crime. At the same time, according to the norms of this Law, an organization can be exempted from liability if it can present facts that can prove that, despite the case of bribery, the organization implements a range of necessary measures to prevent this kind of criminal acts.

As part of the fight against corruption-related crimes, in particular in commercial and other organizations, there is the Program "On the approval of the principles of honesty and integrity in all spheres of society, including civil service" [20]. Through the functioning of this program in the UK, a Committee on Standards in Public Life was established, the key responsibilities of which include analyzing issues associated with the norms of behavior of officials and agreements between commercial and financial organizations; development of recommendations, the purpose of which is to ensure high decency standards in public life; analysis of the financing of political parties and amendments to existing agreements.

An equally important aspect in the activities of this committee is the development of seven fundamental principles, which are enshrined in the The Civil Service Code [21]. The category of these principles includes the principle of honesty, which means the obligation of officials to show honesty in the performance of their duties; the principle of objectivity, which ensures the fact that officials will act and make decisions impartially, fairly, without prejudice and discrimination, and apply essentially the necessary evidence; the principle of loyalty, which provides an opportunity to guarantee the implementation of the actions of officials in the public interest; the principle of integrity, which is based on ensuring that officials should not be obliged to organizations or third parties that may influence the performance of their official duties, a prohibition on making decisions in order to obtain financial or material benefits for themselves; the principle of accountability enabled consolidating the obligation of public officials to be accountable to the public for their decisions or actions and the obligation to undergo the necessary verification of being suitable for their position; the principle of openness establishes for the officials the obligation to carry out actions and make decisions openly and publicly; the principle of leadership, according to which they must adhere to all principles in exercising the granted powers and actively promote support for these principles, as well as be ready to resist any behavior of an undisciplined nature. It is worth mentioning that the The Civil Service Code [22] has played a huge role in the practical

implementation as a deterrent in the prevention of corruption-related crimes in the UK.

Based on the foregoing, it should be noted that the current legislation and UK policy in general are aimed at actively combating corruption-related crimes. This mechanism combines the cooperation of socio-psychological and legal levels to prevent the corruption phenomenon, since companies should implement an active corporate policy in accordance with international legal standards to demonstrate their commitment regarding illegal activities. According to UK law, commercial and state organizations are brought to the personal level with public officials. Thus, in commercial and other organizations, an effective mechanism has been formed for internal control, audit and liability of organizations for failure to take measures to prevent corruption-related crimes.

After the adoption of the Law of the Republic of Kazakhstan No. 410-V "On Combating Corruption" [8], a system of measures to counter corruption-related crimes was established with a reasonable balance of criminal law and preventive instruments. According to statistics, 1576 corruption-related crimes were registered in 2021; 1280 subjects of this crime were exposed, of which 159 are leaders of various levels; more than 20 billion tenge was reimbursed to the state budget [10]. The Law of the Republic of Kazakhstan No. 410-V "On Combating Corruption" [8] provides for a complete ban on receiving and giving gifts in connection with the performance of official obligations by persons authorized to hold a responsible public position and perform public functions who are equivalent to them and their family members. Also, the norms were strengthened that regulate the inadmissibility of the joint service of these persons with relatives, in-laws and spouses; candidates for these public positions are required to notify public authorities about working relatives. Also, this Law regulates a lifetime ban on employment in public positions and in the subjects of the quasi-public sector for persons who have previously been convicted of corruption-related crimes. The sanctions were toughened for corruption-related crime for law enforcement officers, bribers, judges and intermediaries in bribery.

An equally important aspect in the anti-corruption policy of Kazakhstan is the introduction of the institution of personal responsibility of heads of state authorities, commercial and other organizations, subjects of the quasi-public sector for corruption of subordinates. Thanks to the introduction of this institution, 7 political employees resigned, 12 political employees, 78 senior administrative public officials, 66 heads of the security department and 15 top managers of the quasi-public sector were brought to disciplinary responsibility. According to statistics, more than 3 thousand people were convicted for corruption-related crimes in the period from 2018 to 2020, including 1 minister, 3 vice ministers, 8 akims of regions and their deputies, 8 heads of national companies and 31 akims of cities, districts and their deputies [10]. It is worth noting that a three-tier model of criminal proceedings was introduced, which is aimed at strengthening guarantees of observance of the constitutional rights of citizens, as well as the inevitability of punishment for corruption-related crimes and their prevention. Mention should be made of

the introduction of a video surveillance system in all operational and investigative departments of law enforcement agencies, police offices, penitentiaries, commercial and other organizations for timely detection of corruption.

In practical application, there are electronic systems of pre-trial investigation, administrative proceedings, subject and object checks for the purpose of investigating corruption-related crimes; no less important is the functioning of the Qamqor information service [22]. One of the most successful digitalization implementations is the scaling up of the practice of using the "Sergek" video traffic control, which excludes the possibility of direct contact between the offender and officials; the introduction of this mechanism helped to significantly reduce the number of possible corruption-related crimes and serves as an effective mechanism to counter this illegal phenomenon [23]. In order to improve the effectiveness of the current anti-corruption policy of Kazakhstan, first of all, it is necessary to ratify the Convention on Criminal Liability for Corruption. The provisions and articles that it contains on active and passive bribery of officials and members of public assemblies, on laundering of proceeds from corruption-related crimes, on trading in influence, on criminal liability of legal entities for corruption-related offenses and on extradition to the interested parties can serve to increase the effectiveness of the fight against corruption-related crimes in Kazakhstan. Further, it is worth noting such an important introduction as the criminalization of illicit enrichment, continuous retention and concealment of property, which was knowingly obtained from the implementation of a corruption-related crime.

In order to increase the fight against corruption at a more global level of the current policy, it is important to formalize lobbying activities at the legislative level, as this will provide an opportunity to reduce the level of influence of corporate interests on the state structure and spheres of public life. In order to implement this, it is necessary to introduce a rule, according to which holdings and national companies will obey the general rules for conducting procurement, and not establish them on their own. It is also worth noting that information from the declarations of senior and other officials who are at high risk of the corruption phenomenon must be published in the public domain. The norms, on the basis of which the anti-corruption policy of Kazakhstan currently functions, contain quite sufficient legal grounds for putting up a reliable barrier to the asocial aspirations of corrupt officials. Further research in this segment will be aimed at a more detailed analysis of the anti-corruption policies of other countries, as well as the study of digitalized methods to combat corruption-related crimes.

## Discussion

Corruption is a topical and systemic threat to the national security of Kazakhstan. As J. David & J.D. Gould [24] note, the social danger of this act lies in the nature and degree of the alleged harm that can be caused to society and its possible qualitative and quantitative correlation with other types of crimes. First of all, when committing corruption-related crimes, harm is caused to state authorities, the interests of state and municipal services, the

activities of commercial and other organizations. This is due to the nature of the relationship between corruption and public activities of officials and other persons. According to the position of E. Dimant & G. Tosato [25], guilt in committing a corruption-related crime consists in obtaining an illegal advantage or proof of guilt in the form of direct intent and selfish purpose. Punishability, on the other hand, consists in applying to the subject of an unlawful act the articles of the criminal law of various types of punishment indicated in the sanctions. Analyzing the principles of corruption crimes, L. Policardo & E.J.S. Carrera [26] single out such principles as the mutually beneficial nature of an illegal transaction; the deliberate illegality of the acts committed; the conclusion of a transaction, the participants of which are, on the one hand, an official or an employee, on the other hand, a person interested in a certain behavior of the counterparty; performing duties, a person acts in accordance with their official duties and violates them.

It is worth noting that it is very appropriate to single out corruption-related crimes as an independent category according to a specific characteristic, namely, a corruption transaction. As E.K. Owusu *et al.* [27] write that this is an agreement between a corrupter who provides the public official, on their own initiative or in response to demands, with certain material benefits for one-time or such purposes, which imply a further prospect of using official powers in joint selfish interests. Considering a different approach to the definition of corruption-related crimes, according to the opinion of M. Ghaedi *et al.* [28], this is an illegal act that has a public danger, is committed with direct intent, has the goal of obtaining material benefits, is expressed in the illegal use of public status and is established by criminal law. The study of the above approaches to the definition of corruption-related crimes provides an opportunity to draw a conclusion about the distinctive features. The consequences of corruption have a negative impact on various spheres of public life. So, for example, analyzing the economic sphere, A. Mashayekhi *et al.* [29] note that damage is caused in the form of an expansion of the shadow economy, disruption of market competition and a low level of efficiency in the use of state budget funds; in the political sphere, the level of trust in state authorities and the level of prestige of the state in the international arena is declining, while the threat of decay of democratic institutions is increasing; in the social sphere, opportunities for resolving social problems are decreasing, the level of poverty and property inequality is increasing, and organized crime becomes stronger.

For Kazakhstan, the most characteristic reasons for the formation of the corruption phenomenon are socio-cultural, institutional and economic ones. Analyzing the reasons for the spread of corruption-related crimes, as mentioned by M.S.M. Lima & D. Delen [30], they include a tender conducted on a fictitious basis by public authorities; execution of various kinds of documents; obtaining land for construction; customs inspection at the border; provision of annual reports; permitting and conducting fire safety inspections; reduction in the amount of a fine; installation of fire-fighting devices and installations; payment of taxes; registration of foreign workers. Measures to counter this type of crime have acquired a complete and systematic form; they provide for

anti-corruption monitoring; corruption risk analysis; formation and observance of anti-corruption regulations; anti-corruption restrictions; financial control; formation of an anti-corruption culture; detection, disclosure and suppression of corruption-related crimes.

It should be noted that corruption in the private sector is a very relevant problem. According to the position of M.A. Sartor & P.W. Beamish [31], the difficulties in detecting corruption-related crimes lie in the fact that law enforcement agencies do not have access to the activities of organizations, and the organizations themselves do not engage themselves directly in proper effective prevention. Based on this, a necessary step in reducing the level of corruption-related crimes is to ensure the interaction of commercial and other organizations with law enforcement agencies. This communication can be in the form of assistance to persons who are authorized representatives of bodies with the function of control and supervision, as well as law enforcement agencies, as part of the implementation by these persons of inspections of the company's activities in connection with the resolution of tasks for the prevention and counteraction to corruption-related crimes. It should also be mentioned that commercial and other organizations can provide assistance to representatives of law enforcement agencies when these persons carry out activities aimed at suppressing corruption crimes and investigating such crimes.

The management of commercial and other organizations, as well as their employees, should assist representatives of law enforcement agencies in identifying and eradicating corruption-related crimes [32-35]. Among the necessary measures, it is worth noting those that will be aimed at preserving information and documents that can be further used as material evidence in cases of corruption-related crimes and transferred further to law enforcement agencies. This implementation of the functions, which is related to the preparation of applications to law enforcement agencies and responses to requests from these authorities, should be entrusted to an in-house lawyer of a commercial or other organization. Prosecution of legal entities for committing corruption-related crimes is the means that provide an opportunity to effectively counteract the corruption phenomenon [36-39]. In modern conditions, the system of measures to prevent the corruption phenomenon enables preventing the harmful consequences that are caused by the commission of a corruption-related crime. Also, modern approaches to the eradication of corruption make it possible to ensure management processes; to implement this aspect, it is worth organizing management processes with a focus on reducing the risks of manifestations of corruption.

The most common reasons for detecting corruption in the activities of organizations include the instability of the legal regulation of activities, miscalculations in the implementation of legal norms, the absence of regulatory sanctions for a number of corrupt practices, behavioral risks of employees of the organization and other factors. Thus, it is necessary to determine the opportunities and such risks in each of the commercial and other organizations, to ensure full compliance with the international requirements, to provide the necessary protection for the company from the spread of corruption. Analyzing the risk-based approach, E. Kolthoff [40]

reveals it as the one that is used in the framework of the implementation of control and supervision by state authorities and municipal control, as well as it provides a measure that reduces the administrative burden on commercial and other organizations. This measure provides an opportunity to motivate the effective functioning of the control bodies and employees of this body. It will also ensure an increase in the efficiency of the functioning of state control and supervision bodies that perform the function of and comply with the stipulated requirements; it will also provide an opportunity to minimize the number of audits, in particular for organizations with a negligible level of risk.

Thus, after analyzing the interaction of commercial and other organizations with law enforcement agencies in the field of prevention and counteraction to corruption-related crimes in modern conditions, a risk-based approach should be used at this stage as part of the implementation of the state control function. In this regard, the study of legal regulation and the practice of introducing an anti-corruption control complex into the policy of Kazakhstan in the activities of companies and public authorities, as well as transnational organizations, is of interest both to the state bodies of Kazakhstan and to commercial and other organizations. It is worth mentioning the importance of introducing the positive experience of the UK in the conduct of anti-corruption policy into Kazakh practice; this experience showed very positive results and allowed to reduce the level of occurrence of corruption-related crimes in public authorities and commercial and other organizations. Subsequent research in this segment will focus on the study of digitalized and innovative ways to prevent and detect corruption-related crimes.

## Conclusions

After conducting scientific research in the field of studying corruption-related crimes in commercial and other organizations, it was revealed that at this stage of formation, the anti-corruption policy of Kazakhstan is taking a large number of measures to prevent and detect this kind of illegal acts. The experience of the UK was considered and appropriate recommendations were proposed to improve the effectiveness of the current mechanism. Corruption is a negative social phenomenon that has emerged due to historical reasons and is rapidly developing. It has a social development, as it is a certain

component of the functioning of state bodies and the market mechanism, as well as the way of life of people. Factors such as commodity-money relations, social inequality, the uneven distribution of power and material wealth inevitably influence people personally or through intermediaries to take advantage of the opportunities provided for selfish interests and purposes. It was found that holding legal entities liable for committing corruption crimes is the form of a means that provides an opportunity to effectively counteract the phenomenon of corruption.

In modern conditions, the system of measures to prevent the corruption phenomenon enables preventing the harmful consequences that are caused by the commission of a corruption-related crime. It was analyzed that the most common reasons for detecting corruption in the activities of organizations are the instability of the legal regulation of activities, miscalculations in the implementation of legal norms, the absence of regulatory sanctions for a number of corrupt practices, behavioral risks of employees of the organization and other factors. For the practical application in Kazakhstan, electronic systems of pre-trial investigation, administrative proceedings, subject and object checks can be used for the purpose of investigating corruption-related crimes, there are. In order to improve the effectiveness of the current anti-corruption policy of Kazakhstan, it is necessary to ratify the Criminal Law Convention on Corruption. The provisions and articles that it contains on active and passive bribery of officials and members of public assemblies, on laundering of proceeds from corruption crimes, on trading in influence, on criminal liability of legal entities for corruption offenses and on extradition interested parties can serve to increase the effectiveness of the fight against corruption-related crimes in Kazakhstan. Further research in this segment will be aimed at a more detailed analysis of the anti-corruption policies of other countries, as well as the study of digitalized methods to combat corruption-related crimes.

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## Conflict of Interest

None.

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## **Вчинення корупційних злочинів у комерційних та інших організаціях та шляхи протидії їм**

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### **Анотація**

**Актуальність.** Актуальність дослідження зумовлена необхідністю вдосконалення заходів кримінально-правового характеру у зв'язку з множинністю складних проблем і наслідків корупції та її злочинних проявів.

**Мета.** Метою статті є аналіз стану корупції в комерційних та інших організаціях та визначення шляхів протидії цьому явищу.

**Методологія.** Серед використаних методологічних підходів слід відзначити теоретичний підхід, догматичний підхід, формально-юридичний підхід, метод правової герменевтики, метод дедукції. Поняття корупційного злочину проаналізовано крізь призму різних підходів, а саме: доктринального, законодавчого та відомчого.

**Результати.** Були встановлені чіткі критерії, які дозволили мінімізувати розбіжності у правовій оцінці діянь як корупційних. Також було розглянуто питання негативного впливу корупції на суспільне життя держави в цілому, що зумовило необхідність аналізу чинних превентивних антикорупційних заходів. Було відзначено, що нині є позитивні результати щодо заміщення посад в органах державної виконавчої влади за принципами меритократії. Особливу роль у протидії злочинам, пов'язаним з корупцією, відіграють превентивні просвітницькі заходи серед населення щодо цих злочинів. Не менш важливим аспектом є визначення необхідності подальшої імплементації положень міжнародних конвенцій, які є ефективними інструментами запобігання зловживанню владою в корисливих цілях, у чинну національну правову базу.

**Висновки.** Практичне значення одержаних результатів полягає у запропонованні шляхів підвищення ефективності чинної антикорупційної політики та зниження рівня корупційних злочинів.

**Ключові слова:** корупційні злочини; суб'єкти злочину; виконавча влада; правова оцінка діяння; корупційна угода.