

**SOME ASPECTS OF THE LAW ENFORCEMENT
ANTI-CORRUPTION INSTITUTIONS' WORK
DURING MARTIAL LAW IN UKRAINE AND IN LITHUANIA
UNDER THE STATE OF EMERGENCY**

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Fighting corruption is one of the most important areas of the sustainable development in global perspective. Ukraine is on the anti-corruption path since declaration of its independence and has intensified the fight against corruption since 2014. Transparency International Corruption Perceptions Index provides evidence of positive achievements, in particular, 8 points score increase over the last 10 years. However, because of russian full-scale invasion on 24 February 2022, Ukraine faced a new issue, i.e. corruption during the martial law. The mentioned would require any state to address double challenge at once: external aggressor and internal enemies. Therefore, while defending its future, Ukraine continues to implement anti-corruption measures. Lots of countries became Ukraine's partners and support it to accelerate the victory. Lithuania is among these countries. Due to the full-scale aggression of the russian federation, Lithuania had introduced full state of emergency regime on its territory, which was later replaced with border one.

In order to comply with the requirements of the United Nations Convention Against Corruption, Ukraine has established 5 specialised anti-corruption institutions since 2014 (The National Agency On Corruption Prevention; The National Anti-corruption Bureau Of Ukraine; The National Agency Of Ukraine For Finding, Tracing And Management Of Assets Derived From Corruption And Other Crimes (Abbr. – Asset Recovery And Management Agency Or ARMA); The Specialised Anti-corruption Prosecutor's Office; The High Anti-corruption Court). These institutions have one goal: to fight existing corruption and prevent it in the future. These institutions work independently and have no subordination to each other. Each institution performs its own functions.

Since the beginning of russia's full-scale invasion of Ukraine, all anti-corruption bodies have continued to work accordance with their tasks. In addition to their main tasks under martial law, these agencies have begun to take measures aimed at accelerating Ukraine's victory.

The National Anti-Corruption Bureau of Ukraine (NABU) and the Specialised Anti-Corruption Prosecutor's Office (SAPO) are some of the key bodies responsible for fighting corruption in Ukraine. The National Anti-Corruption Bureau of Ukraine is a central executive body with a special status, which is responsible for preventing, detecting, stopping, investigating and solving corruption and other criminal offences under its jurisdiction, as well as preventing the commission of new ones. The National Bureau's task is to counteract corruption and other criminal offences committed by senior officials authorised to perform the functions of the state or local self-government and constituting a threat to national security, as well as to take other measures to counteract corruption as provided by law [1]. The Specialised Anti-Corruption Prosecutor's Office, which is an independent structural unit of the Office of the Prosecutor General of Ukraine, is responsible for supervising compliance with the law during the operational and investigative activities and pre-trial investigation of criminal offences by the National Anti-Corruption Bureau of Ukraine.

The new realities of life caused by Russia's full-scale invasion of Ukraine made both investigation and criminal proceedings under the NABU's competence more complicated. Since 24 February 2022, these institutions have implemented many measures to combat corruption and help the Armed Forces of Ukraine defend the country from the aggressor: recording war crimes of the Russian Federation; demining of Ukrainian territories; investigation of corruption offences committed by senior officials; Digitalisation of the criminal justice proceedings – eCase system and etc. NABU officers joined the interagency Task Force project to identify assets of Russian politicians and businessmen who support Russian aggression. Totally in 2022, SAPO prosecutors sent to court indictments drawn up by NABU detectives against 296 individuals and Armed Forces of Ukraine received almost UAH 1.94 billion due to NABU and the SAPO work. In particular, the funds seized as illegal benefit were transferred to the Armed Forces through the legal proceedings [2]. In 2023, detectives and prosecutors continued to systematically expose corruption: NABU detectives and SAPO prosecutors brought 137 people to justice in the last six months. Indictments submitted to court against 147 people. Thus, almost a thousand people have been brought to trial [3].

Special Investigation Service of the Republic of Lithuania (Specialiųjų tyrimų tarnyba, STT) is a statutory law enforcement institution accountable to the President and Parliament of the Republic of Lithuania, which detects and investigates corruption offences, as well as develops and implements corruption prevention measures. Reduction of the spread of corruption is a common task of the Lithuanian state authorities and the public at large.

STT plays a facilitator's role in putting together anti-corruption activities into a consistent and streamlined system.

In 2022, Lithuania scored 62 out of 100 and ranked 33rd in the list of 180 countries. Lithuania has adopted the National Agenda on the Prevention of Corruption. The ongoing war in Ukraine poses challenges in the strategic sectors of national security. The sectors most exposed to the risk of corruption are: health system, political parties, national, regional or local authorities, various control and licensing bodies, as well as public auctions and building permit processes. Public procurement processes are more transparent but need improvement. Strong civil society makes a significant contribution to transparency in Lithuania. Lithuania ranks third in the EU in terms of trust in the anti-corruption institution.

Although the resilience of the national defense sector to corruption is assessed high, the ongoing war in the region calls for further assessment of the anti-corruption measures in place in order to manage the risks likely in the future, for example, in the acquisition or development of military equipment.

Risks associated with investments involving Belarusian and Russian citizens and companies (acting directly or indirectly through intermediaries) and their aspiration to establish a foothold in strategic sectors important to national security (in particular, in energy, transport and information technologies) are relevant, although controlled.

The anti-corruption initiatives implemented in 2022 enabled the strengthening of measures for the formation of evidence-based anti-corruption sentiments and anti-corruption awareness raising [4]. There is active cooperation between the anti-corruption institutions of Lithuania and Ukraine.

In summary, it is worth noting that the eradication of corruption is an integral part of the successful development of any country. In the context of martial law and a state of emergency, the process of fighting corruption is significantly more complicated. However, anti-corruption institutions continue to work hard to achieve a common goal – a secure future without corruption.

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ПЕРЕДУМОВИ КРИМІНАЛІЗАЦІЇ ДІЯННЯ, ПЕРЕДБАЧЕНОГО СТАТТЕЮ 201-2 КК УКРАЇНИ

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Введення в Україні воєнного стану з початку повномасштабної збройної агресії РФ стало поштовхом для адаптації законодавства до нових вимог. Не оминули такі зміни і кримінальне законодавство, зокрема, з уведенням нових правопорушень та посиленням санкцій у сфері гуманітарної допомоги. Так, 24 березня 2022 року Верховною Радою України прийнято Закон України «Про внесення змін до Кримінального та Кримінального процесуального кодексів України щодо відповідальності за використання гуманітарної допомоги під час дії воєнного стану», яким Кримінальний кодекс України (далі – КК України) був доповнений ст. 201-2 «Незаконне використання з метою отримання прибутку гуманітарної допомоги, благодійних пожертв або безоплатної допомоги».

Забезпечення ефективного використання гуманітарної допомоги та боротьба із її незаконним використанням є важливими завданнями для забезпечення прозорості та відповідальності у цій галузі.

Криміналізація діяння, передбаченого ст. 201-2 КК України, викликала серед наукової спільноти велику кількість дискусій. Вказане досліджувалося у працях таких вчених: А. Айдиняна, О. Дудорова, М. Киричко, О. Кришевич, О. Маріна, Р. Мовчана, Н. Муравської, М. Хавронюка та інших.