

управління майбутнім. *Право та державне управління*. 2019. № 2 (35), том 1. С. 181–190.

3. Країна-спонсор тероризму: що означає такий статус і хто у світі його вже отримав. *CHAS.NEWS*. URL: <https://chas.news/current/yak-kraini-sponsori-terorizmu-otrimali-svii-status-ta-chi-priednaetsya-do-nih-rosiya> (дата звернення: 08.02.24).

4. Європарламент визнав Росію державою-спонсором тероризму. Що це значить. *BBC.NEWS*. Україна. URL: <https://www.bbc.com/ukrainian/news-63730807> (дата звернення: 11.02.24).

5. Shkuta O. Peculiarities of the Investigator's Interaction with the Operational Subdivisions of law Enforcement Authorities in the Investigation of Illegal Reproduction and Restrictions *European Reforms Bulletin*. 2021. № 2. С. 106–110. <https://dspace.oduvs.edu.ua/bitstreams/bb8f5efe-2a29-4440-b3ad-d79b0862bfcc/download>

6. Oleh Shkuta, Maksym Korniienko, Mykola Yankovyi (2022) Foreign experience of preventing military and economic crimes. *Baltic Journal of Economic Studies*. Vol. 8 № 4. Riga, Latvia : «Baltija Publishing», (2022). P. 185–190. <http://baltijapublishing.lv/index.php/issue/article/view/1937/1946>

DOI <https://doi.org/10.36059/978-966-397-425-5-9>

## **MANAGEMENT OF CORRUPTION RISKS IN THE EVENT OF A CONFLICT OF INTEREST AMONG OFFICIALS OF HIGHER EDUCATIONAL INSTITUTIONS**

**Vypriytsky Andrii Oleksiyovych,**  
*Candidate of Legal Sciences, Associate Professor*

Corruption is a negative social phenomenon, a source of economic, political and social risks for the Ukrainian people. First of all, the destructive effect of corruption is manifested in the decline of the prestige and authority of the government at all levels, the destruction of the moral foundations of society, the merging of the corrupt part of public officials with shadowy criminal circles, the danger of the development of pseudo-civil social relations [1, p. 55].

The reasons that cause and provoke corruption can be revealed through the establishment of factors of corruption, namely phenomena, processes, factors that exert a determining influence on the specified anti-social phenomenon. Factors of corruption are distinguished by areas of distribution and content:

1. Political: miscalculations in reform policy; political instability, instability of political institutions; imbalance of powers and functions of branches

of government; lack of effective control over government activities; uncertainty and unreasonableness of anti-corruption policy.

2. Economic: crisis phenomena in the economy; criminalization and criminalization of the economy; excessive state intervention in the economy.

3. Organizational and managerial: an imperfect system of power organization; inefficient state management system; hypertrophied powers of the bureaucratic apparatus; imperfection in the formation of power structures.

4. Legal: failure to ensure the rule of law and the rule of law in state authorities; unsystematic, unjustified change in legislation.

5. Ideological: the absence of a clearly defined ideology of the civil service and the state's value system.

6. Moral and psychological: demoralization of society, devaluation of moral values; the spirit of uncertainty and uncertainty in the future; non-recognition of corruption by the population as a social evil [1, p. 96–97].

Ukraine's anti-corruption strategy does not aim to punish an official of a higher educational institution (hereinafter referred to as a higher education institution) who acted in the event of a potential or real conflict of interest, but to take measures to prevent the occurrence of a real or potential conflict of interest [5].

Timely notification by an official of a university, a whistleblower, a public organization, mass media about the presence of information is only the first stage in the system of preventing and resolving conflicts of interest. The quality of the second stage depends, first of all, on the legal and justified actions and decisions of the official's immediate supervisor, whose powers include dismissal from the position, who adopts an objective method of its settlement from the point of view of minimal restriction of the official's rights and ensuring the tasks performed by the university.

Examples of independent settlement of conflict of interests can be: according to Art. 38 and 39 of the Labor Code of Termination of the employment contract at the initiative of the employee.

From the moment when an official of a higher education institution learns or should have learned about the presence of a real or potential conflict of interest, she is obliged to inform her immediate supervisor no later than the next working day, and if the person is in a position that does not require her to have a direct supervisor (university rector) – to a collective body (university academic council). In our opinion, it is expedient to amend Clause 1 of Art. 28 of the Law of Ukraine "On Prevention of Corruption", that is, the rector notifies the collective body of the university (the academic council), but the National Agency for the Prevention of Corruption.

The Law of Ukraine "On the Prevention of Corruption" does not directly indicate the form of notification, but it is recommended to make a notification about a real or potential conflict of interest in writing, because, firstly,

it is a documentary confirmation that the person has really reported the existence of a conflict of interest, according to secondly, it gives the manager the opportunity to analyze the situation in detail in order to decide on the optimal way to resolve the conflict of interests, and thirdly, in the case of reporting a potential conflict of interest to the offender, it is possible to apply Art. 34 of the Code of Ukraine on Administrative Offenses, that is, as circumstances mitigating responsibility for a corruption offense.

The direct supervisor of an official of a higher education institution or the head of a higher education institution (rector), whose authority includes dismissal or initiation of dismissal from a position, in accordance with Part 3 of Art. 28 of the Law of Ukraine "On the Prevention of Corruption", within two working days after receiving such a notification, makes a decision on the settlement of the conflict of interests, about which the person is notified.

University officials are obliged not to take actions and not to make decisions in conditions of real conflict of interest, as well as to take measures to resolve real or potential conflict of interest. After receiving the rector's order or order, one should act in strict accordance with the method of conflict of interest settlement specified by the subjects or the explained procedure for conflict of interest settlement.

When resolving a conflict independently, an official of a higher education institution applies one or more of the following methods of conflict of interest resolution:

- self-recusal in accordance with the procedure provided for by the Law of Ukraine "On Higher Education";
- disclosure of information about a conflict of interest, i.e. to notify the immediate supervisor of an official of the university or the head of the university (rector) about the existence of a conflict of interest;
- removal from the performance of tasks, decision-making actions related to the performance of official powers;
- elimination of the relevant private interest;
- submission of an application for transfer of a person to another position;
- submission of an application for dismissal [4].

In accordance with Part 5 of Art. 28 of the Law of Ukraine "On the Prevention of Corruption", if an official has doubts about the existence of a conflict of interest, he is obliged to seek clarification from the territorial body of the National Agency for the Prevention of Corruption, which provides confirmation of the absence of a conflict of interest.

An appeal to the National Agency for the Prevention of Corruption does not exempt an official from:

- to inform the direct supervisor about the conflict of interests;
- not to take actions and not to make decisions in conditions of a real conflict of interests.

That is, the legislation creates conditions for the settlement of conflicts of interest by university officials. The existence of a conflict of interests implies taking certain actions, which in turn obligates the management of the university to carry out the measures provided for in Art. 29 of the Law of Ukraine "On Prevention of Corruption".

### **Literature:**

1. Ivanchyuk N. V. Corruption as a real threat to the state. The role of the whistleblower institute in preventing and countering corruption: materials of the round table (Kyiv, November 2, 2018). Kyiv : National. Acad. internal cases, 2018. 174 p.

2. On prevention of corruption: Law of Ukraine, October 14 2014 No. 1700-VII. *Official Gazette of Ukraine*. URL: <https://zakon.rada.gov.ua/laws/show/1700-18#Text> (date of application: 08/18/2024).

3. Rotan V.G. Scientific and practical commentary on the legislation of Ukraine on labor, 8th ed., additions and revisions. Kyiv, 2008. 944 p.

4. Vyprytskyi A.O., Reasons for conflicts of interest in the activities of officials of higher educational institutions. *Law and society*. No. 1 part 2 Dnipro, 2018 pp. 146-151.

5. Vyprytskyi A.O., Overcoming corruption in modern conditions. *Law and society*. No. 6, part 2, Dnipro, 2017. Pp. 9–13.

DOI <https://doi.org/10.36059/978-966-397-425-5-10>

## **КОРУПЦІЙНІ ВИКЛИКИ У МІСТОБУДУВАННІ ПІД ЧАС ДІЇ ВОЄННОГО СТАНУ**

**Грибов Дмитро Ігорович**

*адвокат, радник, керівник практики нерухомості і будівництва*

*ЮФ «Ілляшев та Партнери», аспірант,*

*Університет економіки та права «КРОК»*

*м. Київ, Україна*

Корупція завжди була і залишається актуальною проблемою в різних сферах українського суспільства. І хоча корупція в сфері містобудування завжди залишалась однією з нагальних проблем українського суспільства та розвитку національної економіки, в період воєнного стану та особливо в після воєнний період це питання може стати вирішальним у відновленні Української держави: збереженні історичних населених пунктів та об'єктів культурної спадщини, залученні іноземних інвестицій, створенні прозорих