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**РЕЦЕНЗІЯ НА МОНОГРАФІЧНЕ ДОСЛІДЖЕННЯ  
«ПРАВОПОРУШЕННЯ, ПОВ'ЯЗАНІ З КОРУПЦІЄЮ:  
АДМІНІСТРАТИВНО-ПРАВОВІ ЗАСАДИ ПРОТИДІЇ»  
ВАСИЛЯ ФРАНЧУКА, ДОМІНІКИ КОРЕЦЬКОЇ-ШУКЄВИЧ  
(ВАРШАВА: ВИДАВНИЦТВО «DIFIN»)**

**Анотація.** Монографічна робота є першим в Україні всебічним дослідженням адміністративної відповідальності за правопорушення, пов'язані з корупцією. У виданні розглянуто: поняття та ознаки корупції; розвиток законодавства щодо адміністративної відповідальності за правопорушення, пов'язані з корупцією; регулювання відповідальності за правопорушення, пов'язані з корупцією у законодавствах іноземних держав; об'єктивні ознаки складу правопорушення; суб'єктивні ознаки складу правопорушення; теоретичні та прикладні проблеми відповідальності за корупційні правопорушення; перспективи вдосконалення відповідальності за правопорушення, пов'язані з корупцією.

Під час дослідження проведено правовий аналіз положень чинного адміністративного законодавства України про відповідальність за вчинення правопорушень, пов'язаних із корупцією, та антикорупційного законодавства Республіки Польща.

**Ключові поняття:** визначення, корупційне правопорушення, науковий підхід, неправомірна вигода, уповноважена особа.

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**REVIEW OF THE MONOGRAPH  
"CORRUPTION-RELATED OFFENSES:  
ADMINISTRATIVE LEGAL GROUNDS OF COUNTERACTION"  
BY V. FRANCHUK AND D. D. KORECKA-SZUKIEWICZ  
(WARSAW: PUBLISHING HOUSE "DIFIN")**

**Abstract.** This monograph is the first comprehensive study in Ukraine on administrative liability for corruption-related offenses. Research considers: concept and signs of corruption; progress of legislation on administrative liability for corruption-related offenses; regulation of liability for corruption-related offenses in legislation of foreign countries; objective features of the corpus delicti; subjective features of the corpus delicti; theoretical and applied problems of liability for corruption-related offenses; prospects for improving of liability for corruption-related offenses.

Legal analysis of provisions of current administrative legislation of Ukraine on liability for committing corruption-related offenses and anti-corruption legislation of the Republic of Poland was made during the research.

**Key concepts:** definition, corruption offense, scientific approach, illicit gain, authorized person.

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The integral negative attribute of the modern civilized community is the manifestation of cor-

ruption practices, as well as corruption-related offenses. The outlined illegal behavior is inher-

ent in all areas of state management, which only confirms the importance of the appropriate legislative framework existence for the effectiveness and timely implementation of counteraction actions.

State policy, in terms of preventing and combating the corruption, applies not only legal means, but is harmoniously combined with other public means. This relates to social and economic, cultural and educational, power and political, moral, informational, etc. In addition, taking into account the all-consuming characteristic of the spread of the defined phenomenon, the legal counteraction is carried out by the norms of both criminal and other law branches, in particular: civil, industrial, financial, environmental and labor. As a result, criminal, disciplinary and/or civil law measures are applied to offenders. At the same time, the legislator also provides for administrative liability, but only for corruption-related offenses.

This is extremely relevant for solving the problems of counter-acting both corruption offenses and corruption-related offenses, because the consequences of their threats adversely affect not only the interests of the person and society, but are defined as existing and potentially possible phenomena and factors that pose a danger to the vital national interests of the state as a whole.

A correct administrative and legal assessment of corruption-related offenses requires a thorough analysis of the current administrative rules, as well as the requirements of anti-corruption legislation. Accordingly, the proposals proposed by the author on the systematic understanding of certain elements of offenses in this area provide reasonable prospects for practical bodies in the correct application of means to counteract the dangerous phenomenon under consideration. In addition, the relevance of the research topic is also indicated by the fact that despite the significant interest of domestic scientists, the results of scientific research on the problems of administrative liability for corruption-related offenses are characterized by ambiguity of solutions, and in some cases even the lack of proposals to overcome them.

Accordingly, a comprehensive study of the essence of the phenomenon of corruption, and therefore the derivative phenomenon (corruption-related offenses) – provides an opportunity to justify effective measures of administrative and legal counteraction. Not the least important thing in this regard was the study of the scientific and legislative experience of the Republic of Poland.

The above mentioned confirms that the investigation of issues provided for in the work, as well as the proposed solutions to the problems raised by the authors, are extremely relevant and contain both scientific importance and practical value.

The degree of reasonableness of the monographic study is confirmed by scientific evidence, consideration of the current not only administrative rules, but also the provisions of criminal, civil, and industrial legislation, which ultimately give grounds to consider them convincing. The monograph consists of the preface, three sections containing seven subsections, conclusions and a list of references. The structural content of the paper is characterized by a logical presentation of the material, which provides an opportunity to comprehend gradually all the issues raised by authors.

The validity of statements of the reviewed monograph is provided by the sufficient source base. The list of references, references to relevant sources indicate that the author has studied in detail the scientific works of his predecessors, which there are more than 200 titles. The paper also provides for the analysis of judicial practice, reporting information of international organizations whose activities are related to counter-acting the group of offenses under consideration, and the provisions of foreign legislation. The above said indicates the consistency and complexity of scientific research to generalize the solution of the tasks set.

The paper is characterized by the use of a number of methods of scientific knowledge, in particular: historical and legal, comparative and legal, dialectical, formal and logical, system and structural, and the method of documentary analysis. This indicates that the level of reasonableness of the provisions and conclusions of the monograph is sufficient.

Taking into account the results of scientific research of previous researchers on counter-acting corruption-related offenses, authors specifically and consistently prove their own position, offer their current arguments in favor of the main provisions made in the conclusions of the monographic study.

It should be noted that the scientific novelty of the paper is determined by the following provisions: it is justified that the system of the definition of the list of corruption and corruption-related acts is broken in the legislation of Ukraine, as well as the consistency of the provisions of the basic law on prevention of corruption with the relevant laws and regulations that directly provide for liability for the commission of such acts; it is proved that the legislation of the Republic of Poland in comparison with the anti-corruption legislation of Ukraine provides for more strict activities of the country response to the commission of corruption and corruption-related practices, since the liability for their commission is provided exclusively by the provisions of the criminal legislation. It is proposed in the Code of Ukraine on Administrative Offenses in Chapter 13-A to provide for the set of elements of

administrative corruption offenses and the list of such offenses is defined accordingly; and it is also proposed to provide for corruption-related offenses in Chapter 13-B of this normative legal act and the list of such acts is adjusted accordingly; the need to define in the provisions of the criminal legislation of Ukraine the list of criminal offenses related to corruption, as well as the definition of other criminal legal consequences of influencing the person who committed such an act (prohibition of the use of grounds for exemption from criminal liability or punishment, the possibility of expungement of conviction, etc.) is argued.

At the same time, scientific approaches to understanding corruption-related offenses, as well as the characteristics that characterize it, were improved. It is proved that the signs of corruption-related offenses are:

- no signs of corruption;
- acts violate the requirements, prohibitions and restrictions established by the Law of Ukraine "On Prevention of Corruption";
- committed by the person specified in Art. 3 of the Law of Ukraine "On Prevention of Corruption»;
- the following legal liability was provided: administrative, disciplinary and/or civil liability.

As a result, authors managed to determine the generic object of corruption-related offenses, by which the author suggests understanding public relations in the sphere of corruption:

- prevention of violation of the requirements established by the Law of Ukraine "On Prevention of Corruption",
- prohibitions and restrictions, the use of preventive mechanisms for such violations,
- elimination of the consequences of corruption-related offenses.

It also seems necessary to distinguish the author's proposal to classify the subjects of corruption-related offenses into three groups:

- Group I – offenses, which subjects are provided for by the Law of Ukraine "On Prevention of Corruption»;
- Group II – offenses, which subjects are provided for not only by the Law of Ukraine "On Prevention of Corruption»;
- Group III – offenses, which subjects are not provided for by the Law of Ukraine "On Prevention of Corruption".

The research carried out in the monograph helped the authors to group approaches to determining the improvement ways of the composition of corruption-related offenses, namely:

- 1) optimization of legal rules providing for liability for such acts;
- 2) if it is necessary to supplement the provisions of the Code of Ukraine on Administrative Offenses with new elements of corruption-related offenses or, vice versa, exclude certain elements from the provisions of the administrative legislation of Ukraine;
- 3) improvement of the wordings of the current administrative and legal rules providing for liability for such acts (both individual features of these offenses and penalties for their commission).

Having regard to the fact that this paper is a thorough, new administrative and legal study of preventing the corruption-related offenses, as a result of which new conceptual provisions are formulated, conclusions that are distinguished by scientific novelty and have important theoretical and practical significance are justified. I believe that the monograph "Corruption-related offenses: administrative and legal grounds of counteraction" can be recommended for publication.

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