
Chapter 4. PHILOSOPHY, JOURNALISM AND LAW

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ORGANIZATIONAL FUNDAMENTALS FOR PREVENTING CORRUPTION IN LOCAL SELF-GOVERNMENT BODIES

Abstract. *Corruption is one of the most global problems in the world today. It has its social predisposition, negatively affects all spheres of social life, able to constantly adapt to new realities. Local self-government bodies are a major area of corruption in the country, since these bodies are the closest to the territorial communities and provide the largest number of administrative services. This article identifies the political, economic, socio-psychological, legal, organisational and managerial causes and conditions of corruption in local governments. The state of corruption at the local level is considered. Considering that a significant factor favourable to corruption is public attitudes towards corruption. The main ways of improving the mechanisms of prevention of corruption in local self-government bodies are identified, among which the education of intolerance of the population to corruption manifestations is a priority.*

Introduction.

Corruption, as a negative social phenomenon, is one of the major threats to Ukraine's social development. The destructive effect of corruption is manifested in the decline of prestige and authority at all levels, the destruction of the moral foundations of society, the merging of corrupt public officials with shadow criminal circles, the dangers of the development of pseudo-civil social relations. Social aspects of corruption are manifested in political, economic, cultural and other spheres of life of Ukrainian society on a scale close to the critical indicator.

The impact of corruption on the administrative and social environment of public servants, the transformation of their moral norms and values, the corporate culture of the civil service is very significant today. The public danger of corruption is that it:

- undermines the authority of the state, state power, adversely affects the functioning of the state apparatus;
- limits the constitutional rights and freedoms of citizens who personally suffer from corruption, both economically and morally, while losing faith in the democratic and humanistic values of the state;
- violates national principles of the rule of law;
- leads to inhibition and distortion of political, legal and socio-economic reforms, impedes the formation of the rule of law, civil society;
- impedes the development of market relations, especially in the sphere of medium and small businesses, and limits the flow of investment into the economy of the country;
- interferes with the formation of partnerships between the authorities and the society, violates the procedure established by the regulatory and legal framework for the exercise of authority by public authorities and local self-government officials, representatives of business structures;
- grants illegal privileges to oligarchic groups, subordinates state power and society to their interests;
- promotes criminalization and shadowing of economic relations, legalization of proceeds illegally, which feeds organised crime, first and foremost economic, becomes an indispensable condition for its existence;
- violates the principles of social justice, the inevitability of punishment, destroys spiritual, moral and social values.

Therefore, the fight against corruption is the main focus of both national and regional and local public authorities.

1. Causes and conditions of corruption in local self-government bodies

The spread of corruption in various spheres of life distorts social relations, disrupts the normal order of things in it, starting with a breach of official duty, and entails a breach of other social relations. It is one of the main reasons for the division of society, relatively speaking, into formal and informal. The causes and conditions of corruption are understood above all by the specific circumstances on the basis of which corruption offenses arise and are committed [1]. The causes that lead to corruption in different countries of the world are typical in nature, namely: imperfect mechanism of protection of property rights and lack of a clear and clear economic policy in the state; ineffectiveness of the bureaucratic power and the lack of normatively detailed procedures for providing the country's population with administrative services, the irresponsibility of the controlling and law enforcement structures; considerable tax pressure, unnecessary complexity and confusion of legal principles of taxation; weak and inefficient judicial system; lack of adequate legal framework for combating corruption, etc. [2, p. 13].

Since 1995, Transparency International has been compiling an annual Corruption Perceptions Index (CPI), which assesses corruption in the public sector. The index is based on several independent surveys, which include international financial and human rights experts, including from the Asian and African Development Banks, the World Bank and the international organization Freedom House. Countries in the ranking are ranked according to the level of corruption on a scale of 100 points (indicating that corruption is almost absent in the life of society) to 0 points (which means that corruption is very strong and actually replaces the state).

Denmark is ranked first in the 2018 global ranking, with 88 points, second with New Zealand with 87 points, and third with Finland with 85 points. The worst score in Somalia is 10 points. Ukraine gained 32 points out of the 100 maximum, which is 2 points more than in 2017, and climbed from 130 to 126 in the global Corruption Perceptions Index. Among the neighboring countries, Poland, with 60 points, is the highest, with 36 points, and Russia with the lowest, with 138 points with 28 points. Belarus ranks 70th with 44 points.

According to the organization, the growth of Ukraine's indicators has occurred, in particular due to the positive assessment of the situation by the business. Transparency International Ukraine notes that the introduction of a procedure for automatic reimbursement of value added tax, the expansion of the ProZorro system and the activities of the Institute of Business Ombudsmen have had a positive impact [3].

The main causes of corruption in Ukraine are considered by citizens: lack of adequate punishment for corruption - 80.1%; dishonesty of politicians and civil servants - 58.1%; population's habit of solving everything through corruption - 39.6%; absence of clear procedures and rules of activity of state bodies - 31.7%; low level of awareness of the population about the existing procedures and rules of work of state institutions - 23.9% [4, p. 13].

It should be noted that almost every fifth citizen of Ukraine considers the main cause of corruption to be the moral decay of the society, which gives rise to apathy, pessimism, a fall in confidence in the government and other negative emotions. Sociological surveys show that a large part of Ukrainian citizens do not evaluate corruption negatively and consider it possible through corrupt relationships (giving bribes, using the capacities of relatives, friends, acquaintances, who are in public service, etc.) to resolve personal issues.

According to polls, approximately 75% of Ukrainian residents are convinced that bribes must be given in order to resolve issues in public authorities. All this testifies to the low moral and psychological readiness of the population to decisively counteract both corruption in general and corruption in particular. That is, in such a moral and psychological situation, society not only resigned itself to the existing situation, adapting to its rules of conduct, but also recognizes corruption relations as acceptable in terms of morality and effective - from the standpoint of achieving results.

Therefore, only if effective public awareness work can change the attitude to corruption practices and, thus, the anti-corruption potential of society will increase significantly [5, p. 171].

Researchers point out that the causes and conditions of corruption in the country are closely related to such phenomena as crisis and imbalance of economic relations, high taxes, falling labor productivity, rising unemployment, budget deficit, legal nihilism, worsening [6, p. 11-12].

Among the various causes of corruption in Ukraine deserve special attention: low economic standard of living of the population, imperfection of legislation, public attitude to it. Today, many simply do not imagine any activity without bribing someone and therefore do not resist extortion. Most entrepreneurs tend to pay extra money if they are required to do so [7, p. 325].

The basis of a corruption-friendly public mentality is the life of Ukrainians on the principle of finding an individual solution to their problems. Such a mentality pushes for the search for corrupt ways of overcoming their problems, and the opacity and complexity of permitting and control procedures in the relations between the authorities and citizens lead to the prosperity of such ways.

It should be emphasised that on the one hand, a state official is involved in corruption, on the other - an entrepreneur or just a citizen. Therefore, it is dangerous to merge the state apparatus and local self-government bodies with business and commercial structures, and to form their business relations outside the legal field. According to analysts, at present there is no entrepreneurial structure that would systematically pay large sums of money to officials and racketeers to alleviate such pressure [8, p. 111–114].

The peculiarity of local self-government bodies is that they are the closest to the territorial communities and solve a large part of local affairs, acting within the law, under their responsibility and in the interests of the population. UN experts say: "Decentralization of governance after the collapse of the old system has raised the problem of local government corruption throughout Eastern Europe. This is one of the reasons why the fight against corruption has to start at the local level, as is the case in Bulgaria, Poland, Serbia, etc., where the emergence of "clean" municipalities and local branches of non-governmental organizations directly combating corruption can be observed. Local administrations are more responsive to the will of the people than the state and regional levels, which further strengthens the case for local anti-corruption activities. Local residents can evaluate the work of local governments, judging by the quality of the services they receive. That is why it is so important for local self-government to strive for a functionally integrated system that maintains a high level of integration, honesty and pride at all levels of public authority, private institutions (business structures) and civil society institutions. These three types of institutions should work together in a coalition to fight corruption and to achieve greater integrity and transparency in local service delivery. Working together is easier at the local level, where the number and variety of players is less than at the national level" [9].

The main causes and conditions for the spread of corruption in local governments include the following:

1) political, related to the authority of local government officials, closed system of governance, imperfection of anti-corruption policy, lack of initiative and inefficiency of public formations;

2) economic, which are manifested in the misuse of public resources in the personal interest and in the absence of transparency of many economic processes. They are conditioned by the wage mismatch of vital needs when local government officials try to replenish their wealth from other sources;

3) socio-psychological, which consist in low activity of the public, self-interest of civil servants, professional and moral deformation of behaviour of some of the leaders, which is manifested in a condescending attitude to the facts of corruption;

4) legal ones, based on the imperfection of anti-corruption legislation and the existence of legislative loopholes, whereby local government officials have the opportunity to "bypass" the law;

5) organisational and managerial manifestations in the improper regulation of the activities of officials, the so-called "nepotism", and the absence of mechanisms to prevent leaders and members of criminal groups from penetrating the authorities.

For these reasons, counteraction to corruption in local self-government requires a systematic approach and application of a set of scientifically sound measures, in the process of implementation of which, in our view, one should be actively working to identify, promote and put into practice moral- ethical principles of the functioning of the public service as an institution providing management services to citizens and legal entities.

2. State of corruption in local self-government bodies

According to statistics, at the level of local public authorities there is the highest number of corruption abuses and offenses, since at this level the highest number of administrative services is provided and the greatest number of interactions of citizens with government institutions and officials occurs - potential entities of corruption. In addition to the traditional abuse of power, office forgery, obtaining undue benefits in local governments, gain patronage for friends, acquaintances and relatives, receive "kickbacks" for the budgetary orders for household work, receive illegal remuneration for the right of additional information during the tender procedure. Local corruption occurs with the direct interaction of a citizen and a local government official. Individuals and entrepreneurs encourage corruption by bribing an official in order to gain individual privileges and competitive advantage. This is usually a decision to grant ownership or lease of land; issues related to changes in ownership, construction permits, and temporary trade or service facilities. Given that corruption at the local level has the character of full satisfaction to the parties, virtually all parties benefit from illegal actions. Usually, there are no complaints because corruption is specific and unclear to the general public [10, p. 184].

According to a public opinion poll on corruption in Ukraine, conducted by the Kiev International Institute of Sociology, USAID / Get Involved! Program, public conviction has increased significantly over the past three years [11]. A survey conducted in July-August 2018 shows that 45.7% of the polled consider the oblast government to be very corrupt (8.2% more than in 2015), 38.5% called the city and village council very corrupt 6.1% more than in 2015).

The study noted that a significant percentage (46.8%) of adults believe that providing bribes, informal services or gifts in certain circumstances may be justified if necessary to manage the important business; 41.5% - that corruption cannot be justified under any circumstances. However, compared to 2015, the population's tendency to justify corruption decreased slightly (by 2.9%, from 49.7% to 46.8%). As before, people under 60 are more likely to justify corruption than older people, women, than men, and urban residents than people in rural areas.

Similar data were obtained by the sociological group "Rating" within the project "Portraits of the Regions", which, from November 16 to December 16, 2018, conducted a survey among Ukrainian citizens over the age of 18 years in all regions of Ukraine and Kiev (excluding the occupied territories Donetsk and Lugansk regions and Crimea). In total, 40,000 respondents were interviewed in the personal interview method (1,600 in each area). Among the most important problems for the country, 72% of the polled identified the conflict in the east of Ukraine, 41% of the citizens - corruption in the authorities [12].

According to the results of the poll, the activity of the central government is rated worse by the citizens of the oblasts than by the local ones. Thus, only 6% are satisfied with the work of the Verkhovna Rada (88% are not satisfied). The level of satisfaction with local heads is higher than that of the oblast authorities: 23% are satisfied with the work of the RSA and 43% with the work of local heads. Among the regional state administrations, relatively the best estimates were recorded for the activities of Kharkiv and Lviv regional state administration, the worst - for the Nikolaev, Kherson and Lugansk regional state administration. Mayors and village heads are most satisfied in Khmelnytskyi, Kharkiv, Lviv and Odesa regions, and least in Kherson region.

Respondents are more likely to see an increase in the level of corruption in Ukraine as a whole (42%) than in the oblast (32%) or by residence (28%). About 40-50% of those polled believe that the bribery situation has not changed at the central or local levels. Only 5-8% of respondents said that corruption was reduced. The worst level of corruption at the oblast level was assessed in Dnipropetrovsk, Luhansk, Odessa, Vinnytsia regions. At the level of their own settlements - in Dnipropetrovsk, Luhansk, Odessa, Vinnytsia regions, as well as in the city of Kiev.

Today, in all regions of Ukraine, regional anti-corruption programs have been adopted, authorised units for the prevention and detection of corruption have been established, but the question remains about the independent and effective functioning of a special interagency authorized body that would coordinate overall work in this direction,

deal with this situation consolidated database, conducted analytical activities, etc. Unfortunately, at present there is a confrontation over the distribution of the above powers between the National Agency for the Prevention of Corruption, the National Anti-Corruption Bureau of Ukraine, the Prosecutor's Office, the National Police and other specially authorized bodies, which are under political pressure and increased publicity.

At the same time, public confidence in anti-corruption bodies is increasing, although public expectations for punishment and imprisonment of corrupt officials remain. According to official information, in the second half of 2018 alone, more than 3600 people approached NABU. Another 234 applications came from from public organizations.

The analysis of the main corruption trends in Ukraine in general and at the level of local self-government bodies in particular suggests that anti-corruption policy of any state (both at central and local level) should include measures aimed at solving the following main tasks:

- realistically decentralise the power (transferring most of its powers to the regions) in order to strengthen public control and increase the effectiveness of executive bodies;

- reform the system of public administration and administrative procedures;

- reduce administrative pressure on enterprises and other economic entities, prevent shadow economy;

- ensure the integrity of employees in the public service and in the service of local self-government bodies;

- improve conditions for access to information on the activities of state and local self-government bodies;

- ensure transparency in the use of state property and budgetary resources; - eliminate the shortcomings of the current legislation governing anti-corruption issues;

- introduce systematic monitoring of corruption in the country on the basis of the National Corruption Assessment System;

- to conduct anti-corruption training of both civil servants and local self-government officials;

- strengthen the fight against corruption at all levels;

- implement measures aimed at reducing the range of conditions and circumstances conducive to corruption;

- implement measures aimed at reducing the benefits for all parties involved in the corruption agreement, from the registration to the conclusion of the latter;

- implement measures aimed at increasing the likelihood of detection of corruption and punishment for the damage caused;

- create a system of complex influence of the state on the motives of corrupt behaviour;

- implement measures aimed at creating an atmosphere of public acceptance of corruption in all its manifestations.

Considering that the main tasks of local authorities are to ensure the implementation of normative legal acts of Ukraine and ensure the rights and freedoms of citizens in the respective territory, counteraction to corruption at the local level should provide:

- overcoming corruption manifestations and the causes that cause them in the system of local authorities themselves;
- fight local authorities with the preconditions and consequences of corruption and create conditions for "anti-corruption culture" of the population in the respective region.

3. Improvement of mechanisms for prevention of corruption in local self-government bodies

In the scientific literature, the mechanism of preventing and combating corruption in public authorities means a system of actions aimed at detecting, stopping, limiting the spread and preventing corruption in public authorities [13, p. 7]. The following mechanisms of prevention of corruption in local self-government bodies can be distinguished: institutional-administrative, political-legal, socio-economic, socio-civic and ethical-psychological.

Corruption, as a systemic problem, requires appropriate systematic tools and a comprehensive mechanism for combating it, which envisages joint coordinated systematic actions of representatives of six public institutions - the state executive power; local self-government bodies; law enforcement agencies, including the courts; business; civil society and the media. The common anti-corruption policy of these entities should combine strategies of public awareness, strategy of prevention and strategy of irreversible retaliation [14, p. 74–75].

The Law of Ukraine "On local self-government in Ukraine" provides for a number of relevant powers of local self-government bodies within which they act independently and are responsible for their activities. Subjects of local self-government in the case of an offense may be held criminally, administratively, civil-law, constitutionally-legal and disciplinary liability [15].

According to art. 14 of the Code of Ukraine on administrative offenses, officials are subject to administrative responsibility for administrative offenses related to non-compliance with the established rules in the field of protection of public order, state and public order, environment, public health and other rules, ensuring enforcement of which is part of their job responsibilities. The normative legal provisions are supplemented by the norms of municipal legal acts, which are a special form of regulation of the implementation of the legal mechanism for preventing corruption within the local government [16].

Implementation of decrees and regulations on measures to prevent corruption, including at the level of local self-government bodies, is impossible without the organization and functioning of public-law institutions of general and special competence, as well as civil society institutions, designed to ensure the formation and implementation of specialized regulations and programmatic provisions, to carry out anti-corruption measures.

It should be noted that the lack of effectiveness in this area is due to the low level of interaction between public authorities and civil society institutions. After all, in a situation where the public authority does not perform the anti-corruption or other related function assigned to it, or violates the relevant legislation, civil society institutions must act as a proactive force to counteract illegal behavior. The problem of corruption at the local level is very acute, and it is the local authorities that take one of the most important positions in the implementation of measures to prevent corruption, because they are in close proximity to the population. Local authorities, due to their inherent characteristics, act as a permanent and organizationally determined element of the corruption prevention system, at a time when the population (initiative group) needs to carry out legally significant actions in each case in order for their anti-corruption initiative to have the necessary legal form. such as organizing meetings, sending a request to the competent authority, etc.).

It should be emphasized that some local self-government bodies, along with individual state authorities, act in exactly the opposite capacity - as elements of a corrupt public authority system, as well as the backbone of organized crime groups. In the modern period, the most dangerous symbiosis of organized criminal grouping at the level of territorial entities is recognized by the corruption network - the unity of criminal acts of criminal elements, corrupt representatives of law enforcement agencies and local authorities, beginning with the head of territorial formation.

Thus, the current situation requires not only unification of approaches to the implementation of measures to prevent corruption on a nationwide scale, but also paying close attention to the specifics of anti-corruption activities of local authorities. In view of certain achievements in this field (adoption of targeted programs, formalization of examination of drafts of municipal legal acts, etc.), it may be appropriate to carry out the following directions of organizational and legislative activity of competent local self-government bodies [17]:

- optimization and adoption of new legal acts on prevention of corruption in municipalities, in particular, in the service of local self-government bodies; organization and effective implementation of activities to ensure compliance with legislation on prevention of corruption at the local level by public and parliamentary control institutions;

- approval and implementation of regional anti-corruption programs at the local level;

- informatization of the process of placement and providing of direct access to the information on officials and their families specified in the law and specified in municipal legal acts;

- increase of efficiency of functioning of the system of control of the income of these persons;

- improving the organization of local self-government bodies and the implementation of public administration functions, as well as the regulatory and legal regulation of these processes (for example, in identifying structural units and officials who are exposed to corruption risks);

- optimization of personnel policy at the local level;
- raising the level of awareness of the population of the territorial entity about the activities of local authorities and measures of anti-corruption influence (for example, in the part of the implementation of anti-corruption propaganda and legal education);
- improvement of the mechanism of disposal of municipal property and budgetary funds, etc.

It should be noted that corruption not only affects the local authorities themselves, but also the enterprises and institutions run by them. It is here that citizens are most often confronted with numerous artificially created formal obstacles, so it is easier to pay the required amount for the service than to fight for justice [18, p. 140]. This phenomenon is called household corruption, which accompanies the placement of a child in kindergarten or school, registration of land ownership, registration of permanent residence in such area, obtaining various benefits, etc. It distorts the legal and social nature of local self-government, as a result of which citizens actually become dependent on municipal officials and functionaries of institutions and organizations under the authority of local self-government.

Therefore, the regulatory framework for the provision of public services and the interaction between the recipient and the recipient of their provision need to be improved. There is a need for consistent and systematic informatization of this area, as well as minimization of corruptive conditions in terms of direct contact of municipal officials and citizens.

It is effective to create joint state-municipal institutions that contribute to reducing corruption, including in the area of domestic corruption. It is particularly important to note the establishment of multifunctional centers for the provision of state and municipal services, the extension of contactless administrative services, which exclude direct contact between the applicant and the official who provides help or makes any decision.

The most promising areas of anti-corruption activities of civil society institutions can be considered:

- formation in society of intolerance to corrupt behavior, including campaigning;
- anti-corruption expertise of legal acts and their projects;
- implementation of public anti-corruption control of the activities of public authorities, including the initiation of proposals for regulatory regulation of this function;
- interaction with public authorities on the prevention of corruption;
- realization of certain powers of state bodies, which are delegated in accordance with the procedure established by law;
- conducting independent sociological studies aimed at identifying and assessing the level of corruption in Ukraine and the effectiveness of anti-corruption measures.

Based on the constitutionally enshrined independence of the local self-government system within its competence, it follows logically that the local self-government bodies exercise independent local anti-corruption policy. The most effective in this case is the

creation at the local level of Anti-corruption councils and the development of appropriate anti-corruption strategy for the area (cities, territorial communities) through them. The work of the Anti-corruption councils should involve public organizations, investigative journalists, and corruptors of corruption, as it is the institution of civic control that acts as an effective basis for combating corruption.

Conclusions.

Based on the research, it can be concluded that corruption is a complex and multi-dimensional phenomenon that results from the exercise of public authority, both at central and local level. At the level of local public authorities, corruption and abuse are highest, as these are the closest to the territorial communities and provide the largest number of administrative services. The main causes and conditions for the spread of corruption in local governments are: 1) political, related to the authority of local government officials; 2) economic, manifested in the misuse of public resources in the personal interests and in the absence of transparency of many economic processes; 3) socio-psychological, which consist in low activity of the public, self-interest of civil servants, which is manifested in condescending attitude to the facts of corruption; 4) legal ones, based on the imperfection of anti-corruption legislation and the existence of legislative loopholes; 5) organisational and managerial, which are manifested in the inadequate regulation of the activity of officials.

Most threatening is that most members of Ukrainian society view corruption as a social mechanism to "accelerate" the solution of their own problems and consider corruption relations to be morally acceptable and effective - from the point of view of achieving results. The main ways to improve the mechanisms for preventing corruption in local governments in Ukraine include: education of intolerance to corruption manifestations; formation of local Anti-corruption councils; guaranteeing the participation of public formations and individual citizens in the preparation and adoption of administrative decisions of local importance, participation in the work of deputies and other commissions, sessions of district and local councils; providing prompt information to citizens on the activities of local self-government bodies; involvement of citizens in the preliminary public examination of the planned key political and administrative decisions; simplification and greater transparency of administrative service procedures; ensuring compliance with local anti-corruption legislation, etc.

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**PROFESSIONAL COMPETENCIES AND EDUCATIONAL
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