

Проблеми національної економіки

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**STRUGGLE AGAINST CORRUPTION ABUSE AS A MEANS TO
ENSURE HUMAN CAPITAL INSTITUTIONALIZATION OF HUMAN
CAPITAL**

**БОРОТЬБА З КОРУПЦІЙНИМИ ЗЛОВЖИВАННЯМИ ЯК ЗАСІБ
ЗАБЕЗПЕЧЕННЯ ІНСТИТУЦІОНАЛІЗАЦІЇ ЛЮДСЬКОГО
КАПІТАЛУ**

**БОРЬБА С КОРРУПЦИОННЫМИ ЗЛОУПОТРЕБЛЕНИЯМИ КАК
СРЕДСТВО ОБЕСПЕЧЕНИЯ ИНСТИТУЦИОНАЛИЗАЦИИ
ЧЕЛОВЕЧЕСКОГО КАПИТАЛА**

Summary. *Fighting against corruption is one of the principles of building stable and strong state. Ukraine seeks the same. Such measures are designed to promote the institutionalization of national economy. First of all, they are aimed at the institutionalization of human capital, the development of which, in the presence of corruption abuses, bends and slows down.*

The complexity of the problem of combating corruption is related to the fact that it is the invaluable human capital that is directly involved on two sides of the problem: both as an object of struggle and as its subject. The originality of thinking and mentality of the Ukrainian nation also leaves its mark and contributes to corruption. In addition, the conditions for Ukraine's accession to the European Union require the elimination of corruption systems in the country. Therefore, the fight against corruption abuses for Ukraine is becoming not only an economic lever for stabilizing the national economy, but also a means of ensuring the institutionalization of human capital.

The goal of the research is to consider possible ways of fighting corruption, suggest directions of anti-corruption policy based on the analysis of corrupt practices, consider the legal framework for institutional changes in the development of human capital, propose means to ensure the institutionalization of human capital.

The main goals of the implementation of anti-corruption policy are the minimization of the risk of involving the entire system and its separate components, subjects and objects, management and employees in corrupt activities; formation of understanding of natural persons, regardless of position, contractors and other persons, of the unacceptability of corruption in all its forms and aspects; compilation and explanation of the basic requirements of the legislation in the sphere of fighting corruption.

Key words: *human capital, institutionalization, corruption abuse, corrupt practices, anti-corruption policy.*

Анотація. *Боротьба з корупцією є одним з принципів побудови стабільної і сильної держави, до чого прагне Україна. Такі заходи покликані сприяти інституціоналізації національної економіки. В першу чергу вони спрямовані на інституціоналізацію людського капіталу, розвиток якого при наявності корупційних зловживань викривляється і сповільнюється.*

Складність проблеми боротьби з корупційними зловживаннями пов'язана з тим, що саме безцінний людський капітал безпосередньо задіяний по обидві сторони проблеми: і як об'єкт боротьби і як її суб'єкт. Своєрідність мислення і менталітету української нації накладає також відбиток і сприяє корупції. Крім того, умови вступу України до Європейського союзу вимагають ліквідації корупційних систем в країні. Тому, боротьба з корупційними зловживаннями для України стає не тільки економічним важелем стабілізації національної економіки, а й засобом забезпечення інституціоналізації людського капіталу.

Мета дослідження: на підставі аналізу корупційних дій в національній економіці розробити ефективні шляхи протидії корупції, запропонувати напрямки антикорупційної політики, розглянути правове забезпечення інституційних змін розвитку людського капіталу, запропонувати засоби забезпечення інституціоналізації людського капіталу.

Основними цілями впровадження антикорупційної політики є мінімізація ризику залучення всієї системи і окремих її складових, суб'єктів і об'єктів, керівництва і працівників в корупційну діяльність; формування у фізичних осіб, незалежно від займаної посади, контрагентів та інших осіб розуміння про неприйнятність корупції в будь-яких формах і проявах; узагальнення та роз'яснення основних вимог законодавства у сфері протидії корупції.

Ключові слова: *людський капітал, інституціоналізація, корупційні*

зловживання, корупція, антикорупційна політика.

Аннотація. Борьба с коррупцией является одним из принципов построения стабильного и сильного государства, к чему стремится Украина. Такие меры призваны способствовать институционализации национальной экономики. В первую очередь они направлены на институционализацию человеческого капитала, развитие которого при наличии коррупционных злоупотреблений искривляется и замедляется.

Сложность проблемы борьбы с коррупционными злоупотреблениями связана с тем, что именно бесценный человеческий капитал непосредственно задействован по две стороны проблемы: и как объект борьбы и как ее субъект. Своеобразие мышления и менталитета украинской нации накладывает также отпечаток и способствует коррупции. Кроме того, условия вступления Украины в Евросоюз требуют ликвидации коррупционных систем в стране. Поэтому, борьба с коррупционными злоупотреблениями для Украины становится не только экономическим рычагом стабилизации национальной экономики, но и средством обеспечения институционализации человеческого капитала.

Цель исследования: на основании анализа коррупционных действий разработать эффективные пути противодействия коррупции, предложить направления антикоррупционной политики, рассмотреть правовое обеспечение институциональных изменений развития человеческого капитала, предложить средства обеспечения институционализации человеческого капитала.

Основными целями внедрения антикоррупционной политики являются минимизация риска вовлечения всей системы и отдельных ее составляющих, субъектов и объектов, руководства и работников в коррупционную деятельность; формирование у физических лиц, независимо от занимаемой должности, контрагентов и иных лиц

понимания о неприемлемости коррупции в любых формах и проявлениях; обобщение и разъяснение основных требований законодательства в области противодействия коррупции.

Ключевые слова: *человеческий капитал, институционализация, коррупционные злоупотребления, коррупция, антикоррупционная политика.*

Introduction. Recent year's transformations in social and economic sphere in Ukraine raised the question regarding the presence of corruption abuses in all areas of life, including. Over the years and centuries, the society has been involved in the mechanism of realization of corruption schemes.

Therefore, fighting against corruption is a rather complicated task within Ukraine. However, fighting against corruption is one of the principles of building stable and strong state. Ukraine seeks the same. Such measures are designed to promote the institutionalization of national economy. First of all, they are aimed at the institutionalization of human capital, the development of which, in the presence of corruption abuses, bends and slows down.

The complexity of the problem of combating corruption is related to the fact that it is the invaluable human capital that is directly involved on two sides of the problem: both as an object of struggle and as its subject. The originality of thinking and mentality of the Ukrainian nation also leaves its mark and contributes to corruption. In addition, the conditions for Ukraine's accession to the European Union require the elimination of corruption systems in the country. Therefore, the fight against corruption abuses for Ukraine is becoming not only an economic lever for stabilizing the national economy, but also a means of ensuring the institutionalization of human capital.

Literature review. The sufficient amount of scientists and experts in various fields of national economy are dealing with the problems of studying corrupt practices: I. Bocharnikov, M. Burlachenko, O. Busol, I. Gayka, K.

Golovchinskiy, M. Gilevskaya, G. Klemenchich, O. Kruk, D. Nikiforchuk, S. Parhomenko, B. Romanyuk, Y. Stusek, I. Chubenko, O. Shmara, other. In the key to ensuring institutionalization, scientific and practical developments in this area are important. A number of researchers emphasize the need to institutionalize human capital [3, p. 290; 8, p. 284; 9, p. 28; 11, p. 115]. Also, human capital, social potential are important and complementary components for ensuring and enhancing the economic growth of each country [4, pp. 31-32].

Many questions remain unsolved, many questions remain debatable and the sufficient number of questions have not been studied. Questions concerning the identification of new corruption schemes, development of effective ways of fighting corruption and anti-corruption policy become actual. All the above aspects are related to personality, and, therefore, to human capital.

The purpose of the article. The goal of the research is to consider possible ways of fighting corruption, suggest directions of anti-corruption policy based on the analysis of corrupt practices, consider the legal framework for institutional changes in the development of human capital, propose means to ensure the institutionalization of human capital.

Inertia, the psychology of behavior of all sectors of society, significantly lags behind the needs of market transformation. In addition, the institutions of control were not ready to fulfill their new functions or were corrupt. [10, p. 290].

Research results. In order for society to fight corruption phenomenon, the society should clearly understand all the negative consequences from it or the synergistic overweight of negative consequences for the society as a whole over the positive results for the individual citizen. The problem of awareness of corrupt practices by the society can be seen as a whole and as separate sections of the population in particular.

Thus, I. Pustovalova in her studies draws attention to the fact that formation of legal awareness, including anti-corruption consciousness, is one of the directions of youth policy [6, p. 63]. Young people's attitude towards

corruption and perception of corruption is the indicator of the level of legal awareness. Proper understanding of the law, strict compliance with the law is that basis, which directly affects the dynamics of the implementation of corrupt relations into society.

The main goals of the implementation of anti-corruption policy are the minimization of the risk of involving the entire system and its separate components, subjects and objects, management and employees in corrupt activities; formation of understanding of natural persons, regardless of position, contractors and other persons, of the unacceptability of corruption in all its forms and aspects; compilation and explanation of the basic requirements of the legislation in the sphere of fighting corruption.

The number of foreign countries in every organization of higher education institutions developed the provisions of the «Anti-corruption policy», for example, «Anti-corruption policy of State educational budget institution of higher education «Financial university by the government». This contributes to the institutionalization of the country's human capital. Human capital acts as one of the most important non-material factors [1, pp. 121-122].

In the study, we paid attention to the study of corruption abuses in education and higher education. Experts T. Chernenko name the following reasons for the corruption in the education [2]:

- Imperfection of the legislation and gaps in the legal regulation of the sphere of education.
- Disadvantages of organizational and control mechanisms.
- Presence of the number of social and economic problems, which have not been resolved during few years.
- Lack of the consequential and systematic approach while fighting corruption in the education.
- Underdevelopment of the civil society institutions.
- Civil irresponsibility.

- Low level of citizens' ideology.
- Lack of transparency of the educational system as whole, lack of effectiveness of budget spending (lack of public and independent examination of decisions made).
- Lack of effective mechanisms for society to participate in the implementation of the principle of state and public nature of management of education.
- Inability of higher education institutions to enrich the experience of real practice of public service to the community of children and young people.

I have determined the list of corrupt practices and areas of potential abuses in the sphere of high education. Forms of corruption and economic crimes in education are:

- Diversion and embezzlement of public funds.
- Abuse of office.
- White collar fraud.
- Bribery taking and giving bribe.
- Fabrication and use of false documents regarding education.
- Use of false higher education diplomas with knowledge.
- Overlapping positions of state and municipal service with positions in commercial organizations.
- Payment for services, the nature of which is not defined or is questionable.
- Giving of expensive gifts, payment for transportation, entertainment services.
- Questionable payments in cash.
- Drawing of unofficial books of accounts.
- Use of false documents.
- Entries of non-existent expenses.

- Lack of primary accounting documents.
- Corrections in the documents and statements.
- Destruction of documents and statements before previously fixed time limit.

Insufficiently developed legislative framework in the sphere of anti-corruption leads to certain difficulties in the implementation of anti-corruption policy and the fight against corruption in the higher education institutions. Research has shown that in the system of the higher education the only document that partly regulates the anti-corruption inspections is the Order of the Ministry of Education and Science, Youth and Sport of Ukraine «On the order of the special audit statements on education, the availability of a scientific degree, scientific rank of the person, authorized to perform the functions of the state or local self-government» [5]. In other cases, higher education institutions should use common non-core legislative acts while organizing and implementing the anti-corruption policy. Naturally, this situation makes it difficult to realize the full range of measures to fight corruption in the higher education system.

Similar circumstances exist in other areas of the economy of Ukraine. This is due to the short period of actualization of the problem of fighting corruption. During the short period of time it's physically difficult to develop specialized laws on the fight against corruption in each specific area. Therefore, at the moment it is appropriate to use the explanations of lawyers.

So, one of the professional explanations on the implementation of applicable anti-corruption laws for health research institutions have become L. Sanzharov-Gurlach and N. Modlenko [7]. The authors raised the question of «compliance of employment position instructions of employees for confirmation of the presence or absence of a person's organizational and regulatory or administrative and economic duties and, accordingly, assigning such person or not assigning such person to liability subjects» [7, p. 114].

Ways to counteract corrupt practices and a range of measures to fight corruption should include:

- development of anti-corruption policy in various areas of national economy separately at each level (the State - Ministry of Education - Provincial Department of higher education - higher education municipal authorities);
- development of anti-corruption policy in various fields for public institutions, which consists in the continuous implementation of actions of the social and legal control over the generally significant areas of state life, in order to minimize corruption;
- regulatory support of work on the fight against corruption in various fields;
- formation of the system of legislation on the fight against corruption in the fields (securing the powers of public institutions to ensure the functioning of the system of the anti-corruption impact);
- informing the institutions on the ways to fight corruption in various spheres of the national economy;
- informing the institutions on the steps and measures to fight corruption and prevent the corruption in various areas of national economy;
- defining the main principles of anti-corruption policy in different areas;
- informational assistance to all of the participants of the educational process on potential corruption acts in the sphere of higher education, the measures on prevention and fight against corruption in the sphere of higher education;
- involvement of employees of the institution into the implementation of anti-corruption standards and procedures;
- formulation of anti-corruption policy of the separate institution, which constitutes the complex of the interconnected principles, procedures and concrete actions, aimed at the prevention and fighting with the corruption

offenses in the activities of the educational organization;

- engaging workers and their active participation in forming and implementation of anti-corruption standards and procedures;
- review of the educational process in the institution of higher education as an essential part of the continuous system of formation of anti-corruption consciousness;
- development of the section «Anti-corruption policy of the higher educational institution» on the site of each higher educational institution, ensuring opportunity of the feedback;
- formulation of rules, that govern the issues of exchange of business gifts and signs of business hospitality;
- formulation of standards of behavior of the employees of the institution in various spheres of the national economy;
- the introduction of anti-corruption provisions in the employment contracts of employees of institutions;
- carrying out extensive inspections on the validity and legality of distribution and spending of budget funds allocated for implementation of government programs;
- carrying out extensive inspections on the validity and legality of state property usage, followed by a detailed analysis of the results.

Anti-corruption legislation of Ukraine not yet provides for responsibilities of organizations to develop and adopt measures to prevent corruption.

I consider it appropriate to set within the legislative measures the obligation for the institutions to formulate and use efforts on measures of prevention the corruption. The measures recommended for use in institutions, must be recommended for the departments or officials responsible for the prevention of corruption and other offenses; contain the procedure of cooperation of the organization with the law enforcement authorities; contain practical standards and procedures, aimed at honest work of the organization;

contain the standards of employees' work aimed at preventing and resolving conflicts of interest, preventing from drawing of unofficial books of accounts and usage of false documents.

At the legislative level, specifically for each member of scientific and teaching staff, i offer to determine the extent of liability for the corruption offenses. It will increase the individual liability of the worker. Liability of the worker for the corrupt offences does not exclude the liability of institution, in which such worker works.

Conclusions. Research made it possible to determine the list of corrupt practices and areas of possible abuse in various spheres of the national economy.

Considered legal support of institutional changes in the development of human capital, proposed means to ensure the institutionalization of human capital.

Levels of abuse in the sphere of higher education are researched. The analysis of corrupt acts has been made on the various levels, potential positive and negative consequences of corrupt acts in various sphere have been discovered.

Ways to resist the corrupt practices and set of measures to fight the corruption in sphere in national economy have been developed.

Directions of anti-corruption policy in the national economy have been offered. It is suggested to set at the legislative level the obligation for institutions to create and adopt measures to prevent corruption. It is suggested to set at the legislative the level of the liability of each member of staff for corruption offenses.

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