

DOBROCHESNIST (INTEGRITY) AS A PRINCIPLE OF PUBLIC SERVICE: THE ESSENCE OF THE CONCEPT, NORMATIVE ENFORCEMENT UNDER THE LEGISLATION OF UKRAINE AND FOREIGN COUNTRIES

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INTRODUCTION

Ukraine has been in the process of fundamental transformational state-building and law-making changes, which, including are also related to the sphere of public service, and such processes are due to the prioritization of the vector of European integration of Ukraine, and therefore the need to unify the provisions of domestic service legislation to the law of the European Union. The development and implementation of a number of special requirements for civil servants is the result of the implementation of international and European standards of public administration. A group of such requirements was formed by the domestic legislator in the form of the principles of civil service, which define the principles of professional activity, which civil servants are obliged to strictly adhere to. The functioning of the public service in Ukraine is based on the principles enshrined in the "profile" Law of Ukraine "On Public Service", one of which is the principle of integrity, which in the original normative legal acts of Ukraine in the Ukrainian language is used as a moral and ethical quality "dobrochesnist", which is proposed by the legislator to a public servant – a person who serves for the benefit of the state and its people. In view of the nuances of the linguistic translation from Ukrainian to English and for the sake of a better and unambiguous understanding in the text, the investigated principle of integrity will be used as "dobrochesnist (integrity)".

Overcoming "sustainable" corruption in Ukraine is aimed at building honest governance, which in every way conditions the requirement of public-authority institutions and state bodies to function in compliance with the moral and ethical value – integrity, which is standardized in the form of the principle of public service. The implementation of international and European legal standards in public service activity, the borrowing of the "positive" practical experience of implementing dobrochesnist (integrity) in the public service of foreign countries significantly influenced the modification of the domestic model of public service, distinguishing it as a type of public service, the implementation of dobrochesnist (integrity) precisely as "fundamental" principle of public service in Ukraine. The study of integrity as a legal category acquires special relevance and practical significance in legal science.

1. The concept of dobrochesnist (integrity) as a principle of public service

It is necessary to begin the research with the definition of the etymology of the concept of "dobrochesnist (integrity)". Thus, "virtue" (from the Church Slavonic language) comes from the concept of "dobrochesnist (integrity)", which is understood as "chesnist" ("honesty")¹; (from Latin) – "integritas" – flawlessness²; also from Latin "honesty" is translated as "probitas, honestum"²; (from English) as "integrity", "virtue" – "integrity, integrity, honesty, virtue"³.

In the Ukrainian language, "dobrochesnist (integrity)" is formed from two words "dobro" (in English – "good"), and "chesnist" (in English – "honesty"), which cover different aspects of a person's moral qualities. In the "Practical dictionary of synonyms of the Ukrainian language" "dobrochesnist (integrity)" is listed in the synonymy series, among which: "virtue, chastity, virginity; honesty, morality; decency, propriety"⁴. Instead, in the "Dictionary of the Ukrainian Language" the concept of "dobrochesnist (integrity)" is proposed as "high moral purity, honesty"⁵. In the "Modern Dictionary of Ethics" edition, the definition of "good" is proposed to be considered in detail according to the signs as "an absolute universal value, the involvement of which fills a person's life with meaning; the highest good, the goal of goals, the main goal of human life"⁶, and the moral value of "good" is formulated in view of it, as "humanity", which is "realized in the appropriate actions of people, is manifested in their virtues"⁶, also "good" is "the result of understanding the problems of the relationship between the interests of individual communities and an individual, justice, the possibilities of self-improvement of a person as an individual, the elimination of reasons that degrade the dignity of a person, limit the possibilities of his self-realization"⁶. It is quite obvious from the analysis of borrowed clauses that the concept of "good" itself has many similar definitions in view of the author's approach. But it is interesting that the above-mentioned ethical dictionary "dobrochesnist (integrity)" serves with the aim of understanding another

¹ Піддубна А.І. Проблемні питання застосування національними судами практики ЄСПЛ. *Актуальні проблеми кримінального процесу та криміналістики* : тези доп. Міжнар. наук.-практ. конф. (м. Харків, 29 жовт. 2021 р.) / МВС України, Харків. нац. ун-т внутр. справ. ; Ташкент. держ. юрид. ун-т. Харків : ХНУВС, 2021. С. 284-286.

² Український-давньогрецький-латинський словник / Н. Бойко, В. Миронова. – 2-ге вид., допов. – К.: Видавничо-поліграфічний центр «Київський університет». 2012. – 271 с.

³ Collins Online Dictionary. Official website. URL : <https://www.collinsdictionary.com>

⁴ Практичний словник синонімів української мови. Київ. «Українська книга», 2000. 480 с.

⁵ Словник української мови: в 11 томах. Веб-сайт. URL: <http://sum.in.ua>

⁶ Тофтул М.Г. Сучасний словник з етики. Житомир : Вид-во ЖДУ ім. І. Франка, 2014. 416 с.

"virtue", effectively equating them. The concept of "honesty (integrity)" in dictionary literature is defined as "a positive moral quality determined by a person's consciousness and will, which is a generalized stable characteristic of a person, his way of life, actions; a quality that characterizes the readiness and ability of an individual to consciously and steadfastly orient his activities and behavior to the principles of goodness and justice" ⁶, as "a form of objectification of morality, which, in turn, is expressed in principles, norms, prescriptions" ⁶. In fact, the close relationship between "goodness" and "virtue" is obvious. However, the concept of "dobrochesnist (integrity)" is comprehensive in relation to others, as it unites various human qualities into one whole. "Dobrochesnist (integrity)" is one of the "virtues, which, of course, have similar features to honesty, but are a completely independent norm of ethics" ⁶.

It is worth turning to the works of thinkers from the times of ancient philosophy, whose contribution to modern philosophical and legal sciences is difficult to overestimate, because their works play the role of fundamental foundations for state creation and the formation of the legal system. Virtue as a "moral phenomenon" was the subject of research by such famous thinkers as Socrates, Plato, Aristotle, Plutarch, I. Kant, N. Machiavelli, and others. They defined the essence of morality as an ethical theory of virtues.

At the present time, virtues continue to be fundamental qualities for a person. Socrates is considered to be the first to give a justification for the definition of "virtue" in moral philosophy, which he understood as "the state of moral perfection of a person, which he should grasp without going into detailed explanations of the nature of virtue" ⁷. According to Socrates, "only a person who knows what justice is can be just, and who knows the essence of virtue – virtuous" ⁸. The concept of "dobrochesnist (integrity)" in Plato's understanding is "a kind of health, beauty and a good state of mind, and vice is illness, ugliness and weakness", so he was convinced that "...there is only one type of virtue, and there are extremely many hypostases of vice ..." ⁹. Aristotle had his own unique approach to understanding "dobrochesnist (integrity)", which he correlated with happiness. He believed that "the purpose of a person is the activity of the soul, coordinated with or without the participation of reason, the purpose of a person is identical to the purpose of integrity person" ¹⁰. In its meaning, "happiness" is "a peculiar activity of the

⁷ Шепетяк Олег, Шепетяк Оксана. ФІЛОСОФІЯ: Підручник. Львів: Місіонер, 2020. 784 с.

⁸ Філософія права : підруч. для студ. юрид. вищ. навч. закл. / О. Г. Данильян, О. П. Дзьобань, С. І. Максимов та ін. / за ред. д-ра філос. наук, проф. О. Г. Данильяна. Харків: Право, 2009. 208 с.

⁹ Платон. Держава / Пер. з давньог. Д. Коваль. К.: Основи, 2000. 355 с.

¹⁰ Арістотель. Нікомахова етика / Переклав з давньогрецької Віктор Ставнюк. К.:

soul, coordinated with virtue" ¹⁰. And "dobrochesnist (integrity)", according to Aristotle, is "keeping the middle, and from the point of view of the highest good and perfection – keeping the top" ¹⁰. In the context of official legal relations in the state, Aristotle emphasized: "a true statesman also seems to be most concerned about integrity, because he wants to make citizens virtuous and law-abiding" ¹⁰. This position of the philosopher calls for the need for a close relationship between the presence of virtues in an official who, by his own example, should call the people to observe high moral qualities. The legal nature and signs of the formation of ethical requirements for public servants testify to the efforts of the authorities to form governmental activities at a high level of moral culture and consciousness, entrusting the performance of state functions to the most responsible persons who possess not only a high level of professional competence, but also live and work in accordance with noble virtues, perceiving the world through the prism of human values crystallized by the ethical and moral rules of social life.

After all, a person who intends to serve for the good of the state and its people should be guided by free choice and, as a future public servant, have a conscious consent to perform official duties in compliance with the principle of "dobrochesnist (integrity)" defined by legislation. The same applies to a person who already holds a public service position, in the case of a change in his life priorities and views on the norms of ethics and morality. No one has the right to force a public servant to perform official duties in accordance with those principles (including the principle of dobrochesnist (integrity) that have lost their meaning as personal moral convictions and contradict the further way of life of this person, who is free to choose a profession and work, which he freely chooses or freely agrees to. Philosophical understanding of the social role of a public servant as a representative of the state consists in his duty to demonstrate to the people and society a crystal clear model – an ideal (as a real example of imitation) of devotion to the highest moral, ethical and spiritual values.

Thanks to the analysis of the above philosophical approaches to the understanding of virtues, it is possible to observe how the phenomenon of "dobrochesnist (integrity)" acquired a legal meaning. After all, the moral and ethical value of "dobrochesnist (integrity)" has been a fundamental principle of state formation since ancient times, and later transformed into a fundamental principle of the legal system, including and all its elements. In modern state-building, "dobrochesnist (integrity)" appears as "the basis of rational moral behavior", to which the legislator puts forward the latest criteria for the selection of personnel for public service. About which M. Rudakevych quite rightly notes that "ethical requirements derived from integrity apply not

«Аквілон-Плюс», 2002. 480 с.

only to the civil servant, but also to the civil service as an institution, they include structural and special norms and rules that stimulate the freedom of creative expression of the individual, as well as prohibitive norms" ¹¹.

2. Normative consolidation of dobrochesnist (integrity) as a principle of public service in Ukraine

Dobrochesnist (integrity) is the subject of research in various sciences, including and legal. In legal science, it is considered as a moral and ethical quality, a sign, a principle that is applied in public service legal relations, as a requirement for the personality of a public servant. The topic of the study dictates the need to focus attention and focus on the understanding of "dobrochesnist (integrity)" as a normatively defined principle of public service in domestic legislation and official legislation of foreign countries.

Dobrochesnist (integrity) as a principle of public service with the determination of its norm-definition is regulated in the Law of Ukraine "On Public Service" No. 889-VIII dated 10.12.2015 (hereinafter Law No. 889-VIII), which is a "basic" profile normative legal act, which regulates relations arising in connection with entry into public service, its passage and termination, determines the legal status of a public servant (Part 1, Article 3) ¹². Article 4 of Law No. 889-VIII determines that public service is carried out in compliance with the following principles: "rule of law; legality; professionalism; patriotism; dobrochesnist (integrity); efficiency; ensuring equal access to public service; political impartiality; transparency; stability" ¹². As we can see, "dobrochesnist (integrity)" has acquired the meaning of a legal principle as a professional and ethical requirement for the behavior of public servants.

According to the official legal definition, "dobrochesnist (integrity)" is "the orientation of the public servant's actions to the protection of public interests and the refusal of the public servant to prevail over private interest during the exercise of the powers granted to him" (item 5, part 1, article 4) ¹². It is important to emphasize that Law No. 889-VIII is the first and currently the only normative legal act that contains the definition of "dobrochesnist (integrity)" as a principle of public service in Ukraine. The scientific and practical commentary to the Law of Ukraine "On Public Service" (2017) notes that "the principle of "dobrochesnist (integrity)" is closely related to the legislation on prevention and counteraction of corruption, as it is considered

¹¹ Рудакевич М.І. Професійна етика державних службовців: теорія і практика формування в умовах демократизації державного управління: Моногр. Т.: Вид-во АСТОН, 2007. 400 с.

¹² Про державну службу : Закон України № 889-VIII від 10.12.2015 року. URL : <https://zakon.rada.gov.ua/laws/show/889-19#Text>

one of the main factors in preventing conflicts of interest and ensures the fulfillment of the tasks of preventing manifestations of corruption in public service" ¹³, which emphasizes its connection with anti-corruption.

The legislator obliged the public servant to comply with certain duties in his activities, among which it is worth highlighting those that are moral and ethical norms in content: "observance of the principles of public service and rules of ethical behavior; respect for human dignity, not allowing violation of the rights and freedoms of a person and a citizen; respect for state symbols of Ukraine; conscientious and professional performance of one's official duties and the terms of the contract on public service (if concluded); compliance with the requirements of legislation in the field of prevention and counteraction of corruption; preventing the emergence of a real, potential conflict of interests during public service" (Part 1, Article 8) ¹² and others.

The legislative provisions on integrity are also detailed in subordinate legal acts – the General rules of ethical behavior of public servants and local self-government officials, approved by the Order of the National Agency of Ukraine on Civil Service dated August 5, 2016 No. 158 (hereinafter General rules of ethical behavior), according to which the principle of "dobrochesnist (integrity)" is fixed in a separate chapter III "Dobrochesnist (Integrity)", which again shows its importance, the first part regulates the obligation "to perform one's official duties as best as possible, honestly and impartially, despite personal ideological, religious or other views, not to give any advantages and not to show favoritism to individual individuals or legal entities, public, political, religious organizations, as well as not to allow evasion of decision-making and responsibility for one's actions (inaction) and decisions" ¹⁴. Although the provisions of the act are "oversaturated" with evaluative concepts, it is nevertheless worth appraising the state's efforts to "tie" the principle of "dobrochesnist (integrity)" to moral and ethical prescriptions.

The second part of the General rules of ethical behavior establishes the duty of a public servant and local self-government official to "to act integrity", which consists in "directing one's actions to protect public interests and to prevent conflicts between private and public interests, to avoid real and potential conflicts of interest in their activities; not using the official position in private interests or in the unlawful private interests of other persons, including not using one's status and information about the workplace for the

¹³ Науково-практичний коментар до Закону України «Про державну службу» / Ред. кол.: К.О. Ващенко, І.Б. Коліушко, В.П. Тимошук, В.А. Дерезь (відп. ред.). К.: ФОП Москаленко О.М., 2017. 796 с.

¹⁴ Про затвердження Загальних правил етичної поведінки державних службовців та посадових осіб місцевого самоврядування : Наказ Національного агентства України з питань державної служби від 05.08.2016 року № 158. URL: <https://zakon.rada.gov.ua/laws/show/z1203-16>

purpose of obtaining unlawful benefits for oneself or other persons; non-disclosure of information that became known to him/her in connection with the performance of official duties, in particular personal data of individuals, confidential and other information with limited access, the regime of which is established by the Laws of Ukraine "On State Secrets", "On Information", "On protection of personal data" and "On access to public information", except for cases established by law" ¹⁴. Analyzing these rules of conduct in the context of the study of the phenomenon of "dobrochesnist (integrity)" as a principle of public service, it is appropriate to distinguish "dobrochesnist (integrity)" as a "combination of mandatory" norms that define specific duties and prohibitions (restrictions) aimed at refraining from committing clearly defined actions. Therefore, it can be argued that this by-law normative legal act contains a detailed version of the formulation of the content of "dobrochesnist (integrity)" in comparison with the analogue established in Law No. 889-VIII.

3. Foreign experience of normative consolidation and practice of implementation of dobrochesnist (integrity) as a principle of public service and directions of its borrowing for Ukraine

To ensure an effective model of regulatory consolidation and implementation of "dobrochesnist (integrity)" as a principle of public service, it is important to take into account foreign experience tested by time and practice. The official legislation of foreign countries is distinguished by the peculiarities of the regulation of "dobrochesnist (integrity)" as a principle of public service. Given the specifics of establishing "dobrochesnist (integrity)" in legislation, law enforcement, historical traditions and the challenges of time, it is worth focusing attention on the analysis of the experience of some countries whose practice is quite "indicative", with a breakdown by their affiliation to legal families:

- continental (on the example of the French Republic, the Kingdom of the Netherlands, the Republic of Poland, Georgia);
- Asian (experience of the People's Republic of China);
- Anglo-Saxon (United States of America, New Zealand, Australia).

Thus, in the French Republic, the division of public service into three types is fixed: state, territorial and medical. The General public service code (Code general de la fonction publique) No. 2021-1574 dated November 24, 2021, the content of which is formed by: Law No. 83-634 dated July 13, 1983 "On the rights and duties of public servants, Law No. 84-16 dated January 11, 1984 "On provisions on public service", Law No. 84-53 dated 26.01.1984 "On statutory provisions on territorial public service", Law No. 86-33 dated 09.01.1986 "On statutory provisions on state hospital service" and others. The

moral and ethical requirements for public servants are defined by the French legislator in provisions that establish their duties to perform their functions with "integrity/ incorruptibility" (intégrité) and "honesty/decency" (probité)¹⁵, but there is no standardization of their content. Linguistic understanding of the French words "intégrité" and "probité" should be carried out, with reference to the dictionary literature, in which "intégrité" from the French to Ukrainian translated as "chesnist/nepidkupnist"¹⁶ (more accurate translation in English as "honesty, incorruptibility"); "probité" from the French to Ukrainian translated as "chesnist/poriadnist"] (in English – "honesty, decency"¹⁶. "Integrity/incorruptibility" and "honesty/decency" (probité) are enshrined in Law No. 2016-483 of April 20, 2016 "On Ethics and the Rights and Duties of public Servants" (Loi relative à la deontology et aux rights et obligations des fonctionnaires)¹⁷, as a legal act establishing the rules of official conduct.

A special feature of the French public service is the presence of a "specially authorized person", which is an ethics officer, with whom all public servants have the right to consult regarding the fulfillment of obligations and compliance with ethical principles. Such experience is interesting, and the presence of such an entity removes a whole series of questions regarding the interpretation of the provisions of the current legislation. In the French Republic, there is a High Authority for the Transparency of Public Life, the powers of which are "to carry out a check on the presence or absence of a threat to the activity carried out by a civil servant, to assess the functioning, independence, neutrality of the service and to establish the fact of the civil servant's disregard for any ethical principle, etc..." [15]. The provisions of the "basic" legal act – the General Public Service Code (Code general de la fonction publique) it is determined that the effect of this legal act "does not apply to certain positions, in particular, such as public servants of parliamentary assemblies; judicial master's students; military; some doctors, odontologists and pharmacists; persons who are included in the pension system of employees of state industrial enterprises and others"¹⁵, which defines the circle of those for whom integrity acts as a principle of their activity. An analysis of the provisions of the General Public Service Code gives grounds for concluding that there are no standardized provisions that would fix the principles of public service, including and integrity, with their

¹⁵ Code général de la fonction publique. URL : https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000044416551/2022-03-01/

¹⁶ Французько-український словник. Українсько-французький словник : 220000 + 210000 : два в одному томі : 430 000 од. пер. / під заг. ред. В. Бусела. К. ; Ірпін'я : ВТФ «Перун», 2012. 1104 с.

¹⁷ Loi n 83-634 du 13 juillet 1983 portant droits et obligations des fonctionnaires. URL: <https://www.legifrance.gouv.fr/loda/id/LEGISCTA000032441389/2016-04-22/>

definitions, and at the same time the presence of provisions on ethical requirements for public servants, with their regulation in the "basic" legislative act ¹⁵.

Despite the fact that "dobrochesnist (integrity)" is not singled out as a principle in the public service legislation, instead it is defined as the duty of a public servant to be "honest, incorruptible, decent" ^{15 17}, which collectively allows us to consider these qualities as key characteristics of "dobrochesnist (integrity)". Nevertheless, a gap in the official legislation of the French Republic is the lack of a definition and a clear definition of its content to unify the regulation, application and evaluation of the civil servant's performance of his official duties. Such personal qualities as "honesty", "incorruptibility", "decency" are evaluative concepts, everyone can perceive them at their own discretion, applying them differently depending on the goal of achieving the desired result.

The public service legislation of the Kingdom of the Netherlands provides a diametrically opposed attitude to "dobrochesnist (integrity)". Thus, the Law "On public service" (Ambtenarenwet) was first adopted on 12.12.1929 (subsequently it underwent reformation changes), only on 01.01.2020 on the basis of the Law "On standardization of public service", which renamed the Law of 1929 into the Law "About public servants of 2017". Public service positions in the Kingdom of the Netherlands are divided into two types in "attachment to a person...": "1) a person who works with a public employer under an employment contract in accordance with the laws of the Netherlands; 2) a person who "agreed" with a state employer to occupy a position specified by an order of the Council, without the right to a salary" ¹⁸. In the context of ensuring compliance with the requirements of the "dobrochesnist (integrity)" of the public service as a principle, the specificity of the legislative consolidation of the duties of the public employer of the Kingdom of the Netherlands is of interest: "1) the implementation of the policy of integrity (integriteitsbeleid), which is aimed at "promoting decent official behavior", which in any case is aimed at promoting a person's awareness of integrity and preventing abuse of authority, conflict of interest and discrimination; 2) ensuring that the integrity policy is a "permanent" part of HR policy in any case, enhancing the role of integrity in performance appraisals and consultations, and promoting integrity education and training (integriteit); 3) implementation of responsibility established by the Code of Conduct for proper official activity for violation of requirements" ¹⁸. As we can see, there is a complex understanding of the employer's obligatory behavior ("three vectors"), with their consolidation in the Code of conduct of proper official activity (Gedragscode voor goed ambtelijk handelen) dated 20.12.2008,

¹⁸ Ambtenarenwet 2017. URL: <https://wetten.overheid.nl/BWBR0001947/2020-01-01>

which applies to public servants appointed by the municipality. The Code of conduct for proper official activity of the Kingdom of the Netherlands regulates a number of official relationships, including: "those involving a conflict of interest; procedure for conducting official meetings; performance of additional functions by a public servant; provision of any services by a public servant to a person with whom he has a family or other personal relationship; information; gifts; municipal property; use of the Internet and e-mail; expenses and declarations; foreign trips" ¹⁹. Which confirms the "typical" for Ukraine normative model of implementation of "dobrochesnist (integrity)" as a principle of public service, with a close "connection" with its anti-corruption provisions, ways of normalizing mandatory, prohibitive actions for public servants and active regulatory, preventive actions of the state "employer".

A key feature of the legislation of the Kingdom of the Netherlands can be called the regulated activity regarding the implementation of the policy of integrity, which is carried out by the Ministry of the Interior in relations with the Kingdom of the Netherlands (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties) not only in relation to public servants, but also in relation to persons who "hold political positions". "Policy of integrity" has slightly different vectors of its implementation depending on the type of position (public servant, administrator, elected official), due to "differences in the nature of the position, methods of appointment, context of activity of subjects of official relations" ¹⁸. Therefore, the content of the principle of integrity policy of the Dutch public servant as an employee is considered quite interesting, which consists in his relationship with the employer, in which the primary responsibility for the integrity policy is assigned by law to the employer. The person responsible for the observance of integrity by public servants is the Minister of the Interior in relations with the Kingdom of the Netherlands, who is entrusted with "the duty to monitor the observance of professionalism, integrity and quality of service provision by public servants, administrators and other elected representatives of public administration" ²⁰. The presence of such a group of entities implementing integrity ensures the consistency of the entire activity, as well as its specialization. The public service legislation of the Kingdom of the Netherlands also lacks separate provisions that would enshrine the fundamental principles of public service precisely as principles. The concept of "dobrochesnist (integrity)" is used to a

¹⁹ Gedragscode voor goed ambtelijk handelen. URL: <https://lokaleregelgeving.overheid.nl/CVDR7908>

²⁰ Ministerie van Binnenlandse Zaken en Koninkrijksrelaties. Official website. URL: <https://www.rijksoverheid.nl/ministeries/ministerie-van-binnenlandse-zaken-en-koninkrijksrelaties>

greater extent in a "political sense", that is why the regulation on "policy of integrity" is established, which is primarily considered not as a duty of a public servant, but rather of an employer. With regard to the Code of conduct of proper official activity, it is worth noting that this act does not contain a definition of moral and ethical requirements, which must be strictly followed by a public servant during the performance of his official duties.

In the Republic of Poland, official activity is "carried out" in the civil (state) service, which is regulated by the Law "On civil service" dated 21.11.2008 (Ustawa z dnia 21 listopada 2008 r. o służbie cywilnej), the provisions of which provide "the obligation to observe the principles of civil service and the principles of ethics of the civil service corps by order of the Prime Minister" ²¹. Ethical standards of behavior of civil servants are determined by Order No. 70 of the Prime Minister of October 6, 2011 "On the guiding principles of compliance with the civil service principles and on the ethics principles of the civil service corps" (Zarządzenie Nr 70 Prezesa Rady Ministrów z dnia 6 października 2011 r. w sprawie wytycznych w zakresie przestrzegania zasad służby cywilnej oraz w sprawie zasad etyki korpusu służby cywilnej) ²². It is worth focusing on the linguistic translation of the Polish word "zasad", which contains the name of the above-mentioned document, hence "Zasada" from Polish – "principle, basis (rarely)" ²³, therefore, the concept of "principle" can be used without devaluing its real meaning. The text "Guidelines for observing the principles of the civil service and on the principles of ethics of the civil service corps" enshrines an exhaustive list of principles that a "member of the civil service" must adhere to during the performance of his duties, including "zasada bezinteresowności", "Bezinteresowność" (from Polish to Ukrainian "bezkorystyvizt, nekorystyvizt" (in English – "selflessness, disinterestedness") ²⁴. In the Ukrainian language, it will be called the "principle of selflessness". Normative anchoring "zasada bezinteresowności" by the Polish legislator as follows: "a member of the civil service corps: 1) does not accept any benefits from persons who participate in the ongoing affairs; 2) does not accept any form of

²¹ Ustawa z dnia 21 listopada 2008 r. o służbie cywilnej. URL: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20210001233/U/D20211233Lj.pdf>

²² Zarządzenie Nr 70 Prezesa Rady Ministrów z dnia 6 października 2011 r. w sprawie wytycznych w zakresie przestrzegania zasad służby cywilnej oraz w sprawie zasad etyki korpusu służby cywilnej). URL: <https://bip.rzeszow.uw.gov.pl/menu-glowne/zasady-sluzby-cywilnej-i-etyki-korpusu-sluzby-cywilnej/>

²³ Польсько-український словник. У 2 т. Т. 2. Ч. 2: S–Ž / Ред. кол.: А. І. Генсьорський, Л. Л. Гумецька (гол. ред.), І. М. Керницький, М. Й. Онишкевич, М. І. Рудницький. АН УРСР. Інститут суспільних наук. К.: Вид-во АН УРСР, 1960. 609 с.

²⁴ Польсько-український словник. У 2 т. Т. 1: А–N / Ред. кол.: А. І. Генсьорський, Л. Л. Гумецька (гол. ред.), І. М. Керницький, М. Й. Онишкевич, М. І. Рудницький. АН УРСР. Інститут суспільних наук. К.: Вид-во АН УРСР, 1958. 696 с.

payment for public speeches, if they are related to the position held; 3) is dismissed from additional or paid work, if further performance of additional or paid work may negatively affect matters performed as part of official duties; 4) does not conduct training, if this may negatively affect the impartiality of the cases under consideration" ²². In general, the "Polish version" of the standardized principle of selflessness, which is similar in meaning to the principle of integrity in Ukrainian public service legislation, can be understood as "the absence of the goal of obtaining one's own material benefit by an employee during the performance of official duties" ²², and therefore "selflessness" is actually synonymous with "virtue", "honesty", "incorruptibility".

The experience of consolidating and implementing integrity as a principle of public service in Georgia, which, unlike the French Republic, the Kingdom of the Netherlands and the Republic of Poland, is not part of the EU, but is currently a potential candidate country for joining the EU, is also considered interesting. Public service relations in Georgia are regulated by Law of Georgia "On public service" dated October 27, 2015, which is aimed to "establish a legal basis for the formation and functioning of a stable, unified public service in Georgia based on career promotion, merit, integrity, political neutrality, impartiality and accountability" ²⁵. Therefore, it can be argued that integrity is defined by the Georgian legislator as a "fundamental basis" of public service activity. A feature of the Law is the normalization of the division of types of official activity into public service and state service, with their definitions. A separate chapter of the Law defines the list of principles of public service, which are: "legality, loyalty, equality before the law, economy efficiency and effectiveness, merit-based public service, impartiality, equal access that public service for citizens of Georgia, accountability, politics neutrality, (career promotion, transparency and openness, social and legal security of an officer" ²⁵. As we can see, the principles of the Georgian public service in general reflect the virtuous functioning of public service activity, however, unfortunately, the legislator did not pay due attention to moral and ethical principles. Integrity as a principle of public service has not been established in Law of Georgia «On the fight against corruption» of October 17, 1997, which establishes that "basic principles of prevention, discovery and elimination of conflict of interest and corruption in public institutions and basic principles of responsibility of perpetrators of corruption, and the basis and mechanisms of legal regulation"

²⁵ Zarządzenie Nr 70 Prezesa Rady Ministrów z dnia 6 października 2011 r. w sprawie wytycznych w zakresie przestrzegania zasad służby cywilnej oraz w sprawie zasad etyki korpusu służby cywilnej). URL: <https://bip.rzeszow.uw.gov.pl/menu-glowne/zasady-sluzby-cywilnej-i-etyki-korpusu-sluzby-cywilnej/>

26. Besides this Law also regulates "the conditions and mechanism for the submission of asset declarations by officials and for the monitoring of submitted declarations, as well as the fundamentals of whistle-blower protection and the general rules of ethics and conduct" ²⁷. Instead, the analysis of the content of the provisions of this Law indicates an indirect "connection" of the anti-corruption toolkit, which, in particular, covers the settlement of conflicts of interest, declarations, restrictions, with integrity as a principle of public service, which, for example, exists in Ukraine. Absent in the legislation of Georgia is the duty of public and state servants to perform their official duties in compliance with the principle of integrity. In addition, there is no regulation of the rules of ethics and behavior of officials in a separate legislative act. However, in the text of these rules, there is still no indication of the requirement for an official to have such moral and ethical values as integrity and/or honesty, which can certainly be considered a gap of the Georgian legislator. Although, taking into account the mention of integrity as a fundamental principle in the relevant Law of Georgia "On Public Service", it can still be noted that integrity is considered as an element of anti-corruption policy. In the context of borrowing the experience of Georgia for Ukraine, it is possible to single out the desire of the Georgian legislator to normalize the provisions of public and state types of service in a single legislative act, which ensures the normalization of its legal foundations.

The Asian model of public service, which belongs to the legal system of the Eastern tradition of law, is also attracting interest. The civil service of the People's Republic of China functions in the system of legal traditions of East Asia. A well-known fact is the "uniqueness" of the ideology and state system of the PRC. Indeed, the People's Republic of China differs from other countries (especially European) by a kind of "hard" political influence on the authorities. The civil service of the People's Republic of China is considered "the toughest" in the world, the reason for this is not only the communist ideology, but also the peculiarities of the Chinese mentality, which play a significant role in public administration, especially since both factors serve as "basic" fundamental elements of government activity, public administration, in comparison with the European and Ukrainian systems. So, in the People's Republic of China, the civil service functions in accordance with The Civil servant law of the People's Republic of China dated April 27, 2005, which in Art. 1 of Chapter I "General Provisions" establishes that "the administration of civil servants, ensuring the legitimate rights and interests of civil servants,

²⁶ Law of Georgia «On public service». URL: <https://matsne.gov.ge/en/document/view/3031098?publication=35>

²⁷ Law of Georgia «On the fight against corruption». URL: <https://matsne.gov.ge/en/document/view/33550?publication=83>

strengthening the supervision of civil servants, form a high-quality troop of civil servants so as to promote a diligent and honest government and enhance the working efficiency" ²⁸. Thus, the Chinese legislator's "unique approach" to the formation of a system of civil service principles, which are enshrined in The Civil servant law of the People's Republic of China (in Chapter I "General Provisions"), is not at all surprising, the main ones of which is "The guidance of Marxism, Leninism, Mao Zedong Thought and Deng Xiaoping Theory and the important thought of "Three Represents" shall be persisted in the civil servant system" ²⁸. It is noted that these principles must be observed in the system of civil service, management of personnel resources, in the process of activity of civil servants. As we can see, although moral and ethical requirements are not part of the system of normatively defined principles, however, moral values are enshrined in the provisions of Chapter II "The Qualifications, Obligations and Rights of A Civil Servant" of The Civil servant law of the People's Republic of China, according to which the civil servant an employee is required to "have good ethics" ²⁸. Thus, Article 12 of The Civil servant law of the People's Republic of China enshrines the list of duties of a civil servant, among which attention should be paid to the following: "safeguarding the security, honor and interests of the state " (clause 4 of article 12); "complying with the disciplines, scrupulously abiding by the professional ethics, and playing an exemplary role in observing the social morals" (clause 7 of article 12); "being honest and clean, just and upright" (clause 8, article 12) ²⁸, etc. That is, without establishing it as a principle, integrity is fixed (although in some places) in several provisions of the "basic" legal act, with a gradual "expansion" of its content (from identification with "good ethics" to a broad understanding and combination of "honesty", "ethics", "transparency", "decency", "justice").

It would be reasonable to attribute the above requirements to the group of personal moral and ethical qualities of a civil servant, on the other hand, despite the specifics of the linguistic translation and the lack of normative and legal fixation of the definition, the duty of a Chinese civil servant to "be honest" can be considered synonymous with the Ukrainian counterpart of "dobrochesnist (integrity)" civil service. First of all, taking into account the one-party system of the People's Republic of China as a socialist republic, Chinese civil service activities are carried out in accordance with the principle of being guided by the ideologies of Marxism, Leninism, Mao Zedong Thought and Deng Xiaoping Theory and the important thought of "Three Represents", the principles of the Communist Party of China (Article 4) and the principle of "political integrity" (Article 7). Therefore, the implementation

²⁸ Civil Servant Law of the People's Republic of China.
URL:<http://www.lawinfochina.com/display.aspx?lib=law&id=4123>

of public service, first of all, based on the observance of moral and ethical values, is absent. The main problem is that a civil servant must necessarily have a party affiliation. This allows us to assert that the peculiarity of the implementation of integrity in the specified country is the specificity of rule-making, which is "ideologically oriented", with an emphasis on the "punitive resource" of ensuring its implementation and existence. Indeed, honesty in the civil service system of the PRC has a leading role precisely as an anti-corruption policy, and civil servants must comply with "strict" requirements and go through procedures to prove and fully maintain their "positive qualities", such as "honesty", "loyalty", "devotion" to serving the state, its ideology, the principles of the Chinese Communist Party, the law, and only after that the people of the state, which is generally the opposite in comparison with the Ukrainian, European and Anglo-Saxon legal systems and public service systems.

The Anglo-Saxon civil service system deserves special attention in the aspect of integrity research. The formation of the civil service in the United States of America (hereinafter – the USA) began in 1871. For the first time as a result of the adoption by the 47th US Congress of the Civil Service Reform Act (the so-called "Pendleton Civil Service Reform Act" of 16.01.1883 was created Civil Service Commission, which from 01.01.1978 was renamed The United States Office of Personnel Management on the basis of the Civil Service Reform Act of 1978, adopted by the 95th US Congress (hereinafter – the US Act of 1978) ²⁹.

For the first time, the basic, first of all, moral and ethical provisions of conduct in American official activity were defined in 1958, when Congress adopted the Code of Ethics for Government Service. The Code contains only 10 fairly meaningful rules of ethical behavior mandatory for any person who is in civil service ³⁰, but listing them all does not make sense due to the absence of a direct duty of an employee to be honest/integrity. Nevertheless, they fully reflect the content orientation of a person's integrity.

The normalization of the fundamental role of integrity was implemented later in the USA Act of 1978, from the content of which it is determined that the policy of the United States is to provide the people of the United States with "in order to provide the people of the United States with a competent, honest, and productive Federal work force reflective of the Nation's diversity, and to improve the quality of public service, Federal personnel management

²⁹ United States federal civil service. Wikipedia, The Free Encyclopedia. Official website. URL: https://en.wikipedia.org/wiki/United_States_federal_civil_service

³⁰ Code of ethics for government service, adopted by Congress on July 11, 1958. URL : https://www.ethics.senate.gov/public/_cache/files/76253398-0296-42b0-b208-7a5e75fb08b3/statute-72-pgb12.pdf

should be implemented consistent with merit system principles and free from prohibited personnel practices" ³¹. As we can see, in comparison with the previous analogue, the list of orientations of a person's activity includes the people, the country, and then everything else that prioritizes the principles of virtuous behavior. The principles of the "merit system" governing the agency should be clearly defined to provide "the merit system principles which shall govern in the competitive service and in the executive branch of the Federal Government should be expressly stated to furnish guidance to Federal agencies in carrying out their responsibilities in administering the public business, and prohibited personnel practices should be statutorily defined to enable Federal employees to avoid conduct which undermines the merit system principles and the integrity of the merit system" ³¹. So, we are talking about the interdependence of prescriptions for requirements for civil servants and "filters" for their possible unscrupulous behavior. The US law of 1978 regulates the duty of all civil servants to maintain "high standards of integrity, conduct, and concern for the public interest" ³¹. This duty also applies to any employee who performs investigative or audit functions related in "investigation or audit functions relating to the work of individuals employed by an agency whose duties directly affect the internal security of the agency, but only if the functions are undertaken to ensure that the duties are discharged honestly and with integrity" ³¹. Normative provisions are "oversaturated" with the use of the term "integrity".

In the US is functioning The United States Office of Government Ethics, which was founded on 10/26/1978 in accordance with Ethics in Government Act of 1978 as part of The United States Office of Personnel Management, the independent legal status of The United States Office of Government Ethics in 1989. It is necessary to emphasize the purpose of adopting Ethics in Government Act of 1978, which actually implemented the service of certain federal agencies, the implementation of the reorganization of the Federal Government, reforms in the work of the Federal Government, as well as for "the maximum implementation of the integrity of civil servants and institutions, as well as for other purposes" ³². The existence of such a subject should be considered a positive practice in the implementation of the principles of integrity, which allows to eliminate different interpretations of normative provisions and varieties of their practical application.

³¹ An Act to reform the civil service laws Enacted by the 95th United States Congress effective October 13, 1978. URL : <https://www.govinfo.gov/content/pkg/STATUTE-92/pdf/STATUTE-92-Pg1111.pdf>

³² Ethics in Government Act of 1978 Enacted by the 95th United States Congress effective October 26, 1978. URL : [https://www.oge.gov/web/OGE.nsf/0/72FBBFCB9F8F61FA852585B6005A1551/\\$FILE/Ethics_in_Government_Act_1978.pdf](https://www.oge.gov/web/OGE.nsf/0/72FBBFCB9F8F61FA852585B6005A1551/$FILE/Ethics_in_Government_Act_1978.pdf)

The official website of the Office of Government Ethics contains the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Ethical Conduct for Employees of the Executive Branch) (hereinafter – the Standards), adopted by the US Office of Government Ethics, in the content of which, in particular, it is noted that "Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain" ³³. Moreover, it is clarified that every citizen can have "complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations» ³³. In fact, in the form of a binding norm, the content of integrity is established as a basic provision for serving public interests. In the section "General principles" it is indicated that they apply to "every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper" ³³. This led to the fixation of The 14 Principles of Ethical Conduct for Employees of the Executive Branch as provisions, among which are defined: "1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain; 2) Employees shall not hold financial interests that conflict with the conscientious performance of duty; 3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest; 4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties; 5) Employees shall put forth honest effort in the performance of their duties; 6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government; 7) Employees shall not use public office for private gain; 8) Employees shall act impartially and not give preferential treatment to any private organization or individual; 9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities; 10) Employees shall not engage in outside employment or activities,

³³ Standards of Ethical Conduct for Employees of the Executive Branch Final Regulation Issued by the U.S. Office of Government Ethics. The United States Office of Government Ethics. Official website. URL : [https://www.oge.gov/web/OGE.nsf/0/A8ECD9020E3E384C8525873C0046575D/\\$FILE/SOC%20as%20of%2085%20FR%2036715%20FINAL.pdf](https://www.oge.gov/web/OGE.nsf/0/A8ECD9020E3E384C8525873C0046575D/$FILE/SOC%20as%20of%2085%20FR%2036715%20FINAL.pdf)

including seeking or negotiating for employment, that conflict with official Government duties and responsibilities; 11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities; 12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law; 13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap; 14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts" ³³. Despite such a comprehensive list of these provisions, which is undoubtedly to be welcomed in view of the simplified understanding of their content, ease of perception of the provisions, elimination of additional obstacles in law enforcement, they actually establish all components of the content of integrity, including certain procedural aspects, which could well be considered as a positive practice for possible borrowing in Ukraine in the context of the implementation of integration practices of rulemaking and law enforcement.

A characteristic feature of the US official legislation should be the enshrining in the Standards of the list of prohibitions regarding the receipt of gifts by employees. However, exceptions to the prohibition of accepting certain gifts – "gift exceptions" – have also been established. The difference is that the Standards provide specific examples of compliance with "gift prohibitions" and exceptions to them, which should be considered as an example of positive practice, the adoption of which should be welcomed for Ukraine as well (given the changes in integrity and the normalization of its anti-corruption aspect, in including from the standpoint of procedural normalization). In general, American legislation, although it does not reveal the meaning of the concept of "integrity", does not even define it as one of the basic principles of public service, however, in the US civil service system, integrity plays the role of a separate and fundamental basis of the governmental activity of the state, which "serves" as the foundation of the exemplary model state government free from corruption, and therefore the basis of the implementation of the entire state service.

The New Zealand legislator's approach to normalizing the fundamental principles and values of public service activities due to their specific distribution can be called unique. Thus, in New Zealand, public service relations are regulated by the Law "On Public Service 2020". This act defines the following principles of public service: "politically neutral, free and frank

advice, merit-based appointments, open government Stewardship" ³⁴, with fixing the content of these principles, which determines not only their "correct" understanding, but also, accordingly, simplifies their compliance by public officials. But, as we can see, there is no integrity among the list of the above principles. Instead, more detailed attention should be focused precisely on the values of the New Zealand public service. These values define five qualities of a public servant, which should be: "1) Impartial – to treat all people fairly, without personal favour or bias; 2) Accountable – to take responsibility and answer for its work, actions, and decisions; 3) Trustworthy – to act with integrity and be open and transparent; 4) Respectful – to treat all people with dignity and compassion and act with humility; 5) Responsive – to understand and meet people's needs and aspirations" [33]. As we can see, integrity is defined as a "constituent element" of the value of being "trustworthy" and is not recognized by the New Zealand legislator as a principle of public service. But still, the general characteristic of integrity also reflects the vector of anti-corruption policy. The role of integrity in public service is seen as significant, given the norm that enshrines the right of the Commissioner (Public Service Commissioner), which is a special entity authorized in matters of public service, "to establish minimum standards of integrity and conduct, including standards relating to values and principles of the public service" ³⁴, as well as "to issue instructions on integrity and conduct, in the form of written recommendations" ³⁴. So, the uniqueness of the regulatory approach to clarifying the role of integrity in the public service of New Zealand should be called the division of the so – called "basis" on principles and values, the content of which is significantly different, but with a standardized regulation of their provisions, which allows for an unambiguous interpretation of these legislative prescriptions.

The approach to normalizing principles in general and integrity in particular in the Australian public service and legislation is somewhat different. Since the "base" Public Service Act 1999 does not contain a list of fundamental principles of public service activity, fixed precisely in the form of principles, instead, the Australian legislator separated these "principles" into two components: "values" of public service and "employment" principles of public service. Yes, it is regulated that it is the public service, and not the public servant as a subject, that must be carried out with the following values, namely: "1) committed that service; 2) ethical; 3) respectful; 4) accountable; 5) impartial" ³⁵, and its definition is fixed for each value., is trustworthy and acts with integrity in everything he does" ³⁵. The value of being "impartial" is

³⁴ Public Service Act 2020. URL: <https://www.legislation.govt.nz/act/public/2020/0040/latest/LMS356868.html>

³⁵ Public Service Act 1999. URL: <https://www.legislation.gov.au/Details/C2019C00057>

recognized as "apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence" ³⁵. Unfortunately, the meaning of neither the concept of "good faith" nor the concept of "honest" is fully disclosed in the Australian Law, which allows us to understand them in the so-called "broad" meaning. It is appropriate to note that similar problems with the normative consolidation of "integrity" are characteristic of the public service legislation of other countries (for example, the French Republic, the Kingdom of the Netherlands, Georgia, New Zealand). Nevertheless, it is considered necessary to mention the "Employment Principles" of the public service in Australia, which are enshrined in the Act, and determine that "public service that: a) makes fair employment decisions with a fair system of review; b) recognises that the usual basis for engagement is as an ongoing APS employee; c) makes decisions relating to engagement and promotion that are based on merit; d) requires effective performance from each employee; e) provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued; f) provides workplaces that are free from discrimination, patronage and favouritism; g) recognises the diversity of the Australian community and fosters diversity in the workplace" ³⁵. This approach of the Australian legislator to normalizing the principles of public service is somewhat original, not characteristic of the experience of many countries. For example, in comparison with the list of principles of civil service in Ukraine, the latter can be called "more concise" in the style of their legislative regulation. However, the presence in the legislation on the public service of Australia of a list of the principles of "employment" in the service form the uniqueness of the legislator's approach to their regulation. Almost analogous to New Zealand's experience is Australia's experience in enshrining among the powers and functions of a special entity – the Commissioner must "to uphold high standards of integrity and conduct in the APS" ³⁵. Regarding moral and ethical norms and rules of conduct, in Australia they are fixed by the Code of Conduct of the Australian Public Service (The APS Code of Conduct), which are part of the Law "On Public Service 1999" and, accordingly, are not regulated in a separate act. Since the Code of Conduct contains substantive provisions, without resorting to the content of all of them, one should single out directly those that indicate the implementation of integrity. In particular, it is established that a public service employee must, in particular: "otherwise failed to behave honestly and with integrity" ³⁵. In addition, a number of "anti-corruption" duties are provided, namely: (preventing conflicts of interest, declarations, restrictions, prohibitions, etc.). As we can see, Australia's experience testifies to the introduction of integrity into the sphere of public

service, although not in the form of a principle, but as its value. Such consolidation of the provisions on integrity allows us to assert that the Australian legislator generally regulates public service activities, with respect for integrity as a moral and ethical value, although without directly establishing its definition and criteria for determining unscrupulous behavior.

Summarizing, it is possible to single out the characteristic features of the consolidation of the principle of integrity of public service, inherent in each of the specified foreign models of public service activity.

Thus, the experience of the French Republic, the Kingdom of the Netherlands, and the Republic of Poland as member states of the European Union in regulatory and legal regulation and practical implementation of integrity as a principle of public service testifies to the difference in the approaches of all four countries to the normative implementation of European principles of good governance in public service activities. Model prescriptions for the behavior of public servants, with an emphasis on the peculiarities of the national state-building system and the demands of time. In general, with regard to the practical implementation of "dobrochesnist (integrity)" in public service legal relations of the countries of the continental model of law, it can be said that it is manifested in: 1) the regulation of the duty of a civil servant to exercise his powers with honesty/ integrity and honesty/decency (probité) (experience of the French Republic); 2) the duty of the "employer" in the field of public service to implement the policy of integrity (integriteitsbeleid) with the aim of promoting "decent official behavior", aimed at promoting awareness of integrity and preventing abuse of authority, conflict of interests and discrimination (experience of the Kingdom of the Netherlands); 3) normalization of the principle of selflessness (zasada bezinteresowności), which consists in the absence of the goal of obtaining "own material benefit" by the employee during the performance of official duties (experience of the Republic of Poland); 4) basing public service activities on integrity as a fundamental principle of governance, without including it in the list of principles and duties (Georgia's experience).

The experience of the French Republic cannot be called exemplary, although the French civil service includes three types of official activity (state, territorial, medical), which is regulated by the General Code of Civil Service. Georgia is also an example of the regulation of two types of official activity – public and state – in one legislative act. While there is no normative legal act in the national legislation that would establish all the principles of the activity of the public service as a whole or each of its types separately. Taking into account this legislative gap, there is an urgent need to prepare a single codified normative legal act in Ukraine (for example, the Service Code or the Public Service Code (in the administrative legal doctrine there are various variants

of names) (for example, the works of Sh. Hadjieva, D. Pryputnia, L. Bila-Tiunova, A. Berlach, O. Drozd, S. Fedchyshyn), which would record all the "fundamentals" of public service as a whole, including all types of public service.

The legislation on the public service of foreign countries is characterized by excessive "universality" and "template" prescriptions for the behavior of servants, since they do not allow to fully reflect all the characteristics of the requirements that are put forward to the ethical behavior of the subject of public service legal relations. After all, Ukraine, which is not yet a member of the EU, but as a member of the Council of Europe, does not have a single (for all servants) sustainable approach to the formation and implementation of the Code of conduct of public servants or the Code of ethical service conduct (despite the variety of its names, the essence remains clear), which will reflect a systematic approach to the legal regulation of ethical public service behavior.

The experience of constitutionally enshrining the foundations (principles) of the civil (state) service of Poland should be highlighted separately. Such an example is quite interesting, however, its constitutional consolidation should still be treated with caution, given the peculiarities of the national constitutional norm-making procedure. However, a number of such proposals have been formed in domestic legal science. Thus, in particular, O. Makarenkov, in his dissertation work, came to a conclusion regarding "the need to fix at the constitutional level the principles of honesty and integrity of public service"³⁶. However, this process is quite long and hardly realistic in the near future.

The experience of the Kingdom of the Netherlands is specific in the aspect of understanding public service activities, and therefore integrity, precisely in view of the presence in the Kingdom of the Netherlands of a person responsible for compliance with integrity, which is the Minister of the Interior in relations with the Kingdom of the Netherlands, strengthening the foundations of the professional experience of the Kingdom of the Netherlands is interesting and useful for Ukraine. It is also considered appropriate to take into account the experience of New Zealand and Australia, in whose legislation such an authorized entity is defined as the Public Service Commissioner, whose powers include providing instructions and "maintaining high standards of integrity". This experience of foreign countries can be recognized as fully justified for borrowing for Ukraine, especially regarding the introduction of the position of the authorized entity for the

³⁶ Макаренко О.Л. Правова інституціоналізація антикорупційних трансформацій органів публічної адміністрації у відкритому суспільстві: дис.... докт. юрид. наук : спец. 12.00.07. Запоріжжя, 2021. 482 с.

implementation of the integrity of official activity and the normalization of its legal status.

The Asian model of public service is the most different from the European, American, and even more so Ukrainian, despite the fact that the duty of a Chinese civil servant to be "honest and transparent, fair and decent" covers a fairly wide range of standardized duties to observe discipline and prohibition to take certain actions, nevertheless, the issue of borrowing the experience of the PRC for Ukraine is debatable. Especially in view of the diversity in the subject direction of civil service prescriptions in the PRC and other legal rules, in particular due to the presence in the domestic regulatory model of civil service of the principle of political impartiality, which consists in "preventing the influence of political views on the actions and decisions of a public servant, as well as refraining from demonstrating one's attitude to political parties, demonstrating one's own political views while performing official duties" ¹². In Ukraine, which is a democratic state, measures of excessive "coercive and cruel influence" by the PRC are not approved. So, the principle of integrity as a principle of public service in Ukraine and the principle of political honesty of the People's Republic of China are combined by the requirement of the subject of official relations to be honest, which is primarily manifested in official behavior free from corruption. The Chinese principle of honesty, combined with the condition "to be honest", although it covers the general signs of moral and ethical qualities, however, it is an "oversaturated" political character, with the use of "hard" management methods, which are distinguished by the uniqueness of the national worldview in the PRC, a feature their mentality.

In the Anglo-Saxon legal family, the American civil service system seems to be a "surprisingly successful" example of the implementation of integrity, which, although not regulated as a separate principle of the US civil service, but instead plays the role of a "fundamental basis" of American virtuous government. The uniqueness of the American official lawmaker should be considered a detailed regulatory establishment of the principles of ethical behavior of an official regarding the issues of accepting a gift, the characteristics of relevant factors that can "call into question the honesty and/or impartiality of the servant". Separately deserves interest are the examples of normalization of violations of the rules of ethical behavior of US government employees, with the fixation of specific situational examples (cases) that demonstrate an objective "pattern" of unscrupulous official behavior that violates the ethical norms clearly defined by official legislation.

The normative experience of other countries belonging to the Anglo-Saxon legal family, New Zealand and Australia, is also interesting, in which integrity is implemented, but, on the one hand, indirectly due to the lack of

consolidation as an independent element in the form of a principle, value, and therefore, there is no norm-definition of integrity. On the other hand, taking into account the powers of the specially authorized entity – the Public Service Commissioner to maintain high standards of integrity, integrity is implemented precisely as a "fundamental prescription" of governance, which is manifested in various rules of conduct and duties of employees. The approach of the legislators of New Zealand and Australia to the normalization of the "fundamentals" of public service activities in general, which are set out in the form of principles and values, which, although they are meaningfully anchored, are "heavy" for law enforcement, given the lack of procedural norms that would establish criteria for the behavior of public servants.

CONCLUSIONS

The improvement of Ukrainian legislation to the European model of rule-making in the field of public administration is consistent with the task of "training public servants who ensure planning, coordination, monitoring and reporting on the fulfillment of Ukraine's obligations in the field of European integration, as well as the approximation of Ukrainian legislation to law EU (EU *acquis*)" ³⁷. The development of the domestic public service, with the development and implementation of tools, in particular, regarding the implementation of integrity as a principle of public service, is included in a number of tasks outlined in the Strategy for Reforming the State Administration of Ukraine for 2022-2025, approved by the Order of the CMU dated 07/21/2021 No. 831 –р ³⁸. So, as we can see, the vector of the Government of Ukraine is aimed at improving Ukrainian legislation in the field of public service activity, which should take place in the so-called on a "wide" scale. At the same time, such reformation processes should strengthen the importance of the implementation of "dobrochesnist (integrity)" not only as a principle of public service, but also as a "fundamental" legal element of the governance of the Ukrainian state, and the experience of foreign countries and its consideration are important in solving these tasks.

Thus, on the basis of the above, it is worth borrowing the experience of foreign countries regarding the improvement of the normative consolidation and implementation of integrity as a principle of public service in Ukraine and determine the following directions:

³⁷ Про затвердження Плану пріоритетних дій Уряду на 2023 рік : розпорядження Кабінету Міністрів України від 14.03.2023 № 221-р. URL: <https://www.kmu.gov.ua/npras/pro-zatverdzhennia-planu-priorytetnykh-dii-uradiu-na-2023-rik-221r-140323>

³⁸ Стратегія реформування державного управління України на 2022-2025 роки: Розпорядження Кабінету Міністрів України від 21.07.2021 р. № 831-р. URL: <https://zakon.rada.gov.ua/laws/show/831-2021-p#n9>

a) development and adoption of a single codified normative legal act (for example, the Service Code or the Public Service Code), which would regulate all the principles of public service as a whole, covering all types of official activities, in accordance with the provisions of generally defined legal standards of anti-corruption legislation and the experience of foreign countries (example of the experience of the French Republic, Georgia);

b) the development of a unified Code of conduct of public servants or the Code of ethical service conduct, in which all the constituent elements of the content of the principle of "dobrochesnist (integrity)" of public service must be fixed, the criteria for determining the integrity and dishonesty behavior of a public servant, the principles of the disciplinary-delict procedure (experience of the French Republic);

c) introduction of the position of a specially authorized entity for the implementation of "dobrochesnist (integrity)" of service activity in the state (example of the Kingdom of the Netherlands, New Zealand, Australia);

d) consolidation of the definition of "dobrochesnist (integrity)" precisely as a principle of public service and thereby normative separation from other related legal bases of public service (experience of the Republic of Poland, the Kingdom of the Netherlands);

e) standardizing the principles of liability of public officials for breach of "dobrochesnist (integrity)" as a principle of public service, with systematization of these provisions in codified acts and coordination of their content (US experience).

It is worth realizing that any borrowing of even "positive" practices of normalization and implementation of "dobrochesnist (integrity)" as a principle of public service in Ukraine should be carried out with an emphasis on real-time needs, peculiarities of state-making and law-making processes, on national peculiarities of the latter.

SUMMARY

The principles of public service are the main ideas and guiding principles of public service activity. The effectiveness of the functioning of the civil service institution depends on compliance by civil servants with mandatory principles, which are characterized by a set of "fundamental" norms that establish important regularities in the system of organization and functioning of the civil service. One of which is the principle of integrity. The essence and meaning of the moral and ethical quality of integrity as a principle of public service is multifaceted, given that its "basic" purpose is anti-corruption. On the other hand, integrity is a difficult to understand definition that is relatively new in domestic jurisprudence. After all, the main "close" concept to "dobrochesnist (integrity)" is "honesty", which was used by the legislator as a

principle of public service for many years. The implementation of integrity as a principle of public service as a result of a number of reform processes on the European integration path of Ukraine attracted attention and caused considerable interest in the scientific community of various fields. However, it can be argued that despite the considerable number of professional studies on integrity, the doctrine of administrative law lacks the works of domestic legal scholars dedicated to the study of integrity as a principle of public service in a comprehensive scientific approach. For a long time, Ukraine has been moving towards the goal of building an independent, powerful, abuse- and corruption-free state, in which state institutions will act legally, fairly, professionally, effectively and honestly, for the benefit of society and the state. Improvement of the national legal system through a large number of government reforms is inevitable. The public service in Ukraine needs transformation and improvement, which must begin with the renewal of fundamental fundamental principles, the observance of which will ensure proper regulation of civil service relations. In the article, the author carries out a comparative legal analysis of the expediency of the experience of foreign countries and the practice of borrowing it in the context of improving the normative consolidation and implementation of integrity as a principle of public service in Ukraine, with the definition of a list of such directions.

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