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ETHICS AND INTEGRITY OF CIVIL SERVANTS OF CUSTOMS BODIES AS A MEANS OF PREVENTING CORRUPTION RISKS DURING CUSTOMS PROCEDURES: ADMINISTRATIVE AND LEGAL ASPECT

ЕТИКА ТА ДОБРОЧЕСНІСТЬ ДЕРЖАВНИХ СЛУЖБОВЦІВ МИТНИХ ОРГАНІВ ЯК ЗАСІБ ЗАПОБІГАННЯ КОРУПЦІЙНИХ РИЗИКІВ ПРИ ЗДІЙСНЕННІ МИТНИХ ПРОЦЕДУР: АДМІНІСТРАТИВНО-ПРАВОВИЙ АСПЕКТ

Рай І. І.

*Postgraduate Student at the Department
of Administrative Law
and Administratively Activity,
Yaroslav Mudryi National Law
University
Kharkiv, Ukraine*

Пай І. І.

*аспірантка кафедри
адміністративного права та
адміністративної діяльності
Національний юридичний
університет імені Ярослава Мудрого
м. Харків, Україна*

Ethical-psychological aspects and socio-legal factors have a rather large influence on the conscientiousness of civil servants in the performance of their official duties. It is important in this that one of the main factors according to the criterion of "prevalence" of corruption risks is – the dishonesty of public officials [1] including in the implementation of customs procedures. Thus, in 2024, the State Customs Service of Ukraine officially became a partner of the World Customs Organization's Program for Combating Corruption and Promoting Integrity in the Customs Sphere (A-CIP). The A-CIP Program provides technical assistance and provides capacity-building support to administrations of World Customs Organization member countries implementing integrity-related initiatives [2] . The above points to the importance of implementing and researching integrity in the customs sphere. In addition, in modern conditions, there are a number of shortcomings and gaps in administrative and legal regulation in the

researched field and the science of customs law has been left out of the attention of scientists, or contains debatable issues, which indicates the relevance of the chosen topic and its scientific novelty. There is still no current list of corruption risks, there is a need to develop a single conceptual and categorical apparatus, which is not limited to clarifying the concept of corruption risk. Also, authorized units (individuals) in modern conditions do not fully realize their potential and use mainly a formal approach to assessing corruption risks, developing and implementing anti-corruption measures. As a result, the goal of ensuring integrity is not achieved, particularly in the activities of customs authorities [3, p. 161].

In scientific works, scientists actively pay attention to researching the problems of legal enforcement of ethics and integrity of the behavior of civil servants, in particular in the aspect of the problems of combating and preventing corruption in customs bodies [4], such problematic issues as immorality and non-compliance of the behavior of a person who commits or participates in the commission of a corrupt act with the requirements (criteria) of integrity as mandatory identifying features of such an act [5], study of issues related to the implementation of customs ethics and integrity standards as one of the main areas of development of the state's anti-corruption policy in the customs sphere [6] etc. However, certain problematic issues of legal enforcement of ethics and integrity by officials of customs authorities have not been fully investigated in modern conditions.

Legal enforcement of compliance with ethics and integrity by officials of customs authorities as a means of preventing corruption risks in the implementation of customs procedures is carried out both at the legislative and by-law levels. Yes, according to Art. 569 of the Customs Code of Ukraine officials of customs bodies are civil servants. Law of Ukraine "On Civil Service" dated December 10, 2015. No. 889-VIII indicates that the basic duties of a civil servant include the obligation to adhere to the principles of civil service and the rules of ethical behavior. It should be noted that the Law of Ukraine "On Prevention of Corruption" dated November 14, 2014 No. 1700-VII contains a number of norms relating to the need to comply with the legislation on the ethics of the behavior of civil servants in Chapter VI "Rules of Ethical Behavior", and the above prescriptions of the legislative act cover the activities of civil servants of customs bodies. This legislative act defines the rules of ethical behavior, which contains prescriptions, namely: compliance with the requirements of the law and ethical norms of behavior (Article 38), priority of interests (Article 39), political neutrality (Article 40), impartiality (Article 41),

competence and efficiency (Article 42), non-disclosure of information (Article 42), refraining from executing illegal decisions or orders (Article 42).

It should be noted that, by the provisions of the Anti-Corruption Program of the State Customs Service of Ukraine for 2023–2025, its anti-corruption policy is based on the principles of: (1) the rule of law; (2) the formation of intolerance to corruption and the establishment of a culture of integrity in the civil service; (3) legality; (4) transparency; (5) adaptability; (6) justice and ensuring the inevitability of liability for corruption and corruption-related offenses, etc.

The General Rules of Ethical Behavior of Civil Servants and Local Self-Government Officials, approved by Order of the National Agency of Ukraine on Civil Service Issues No. 158 of August 5, 2016, apply to civil servants, as well as the requirements for the ethical behavior of customs officials are regulated by the Order of the State Customs Service of Ukraine dated November 16, 2009 No. 1097 "On approval of the Rules of Ethics of the Conduct of Officials of the Customs Service of Ukraine". The latest normative legal act provides for the principles of ethical behavior of customs officials, among which are highlighted, namely: (1) the principle of legality, (2) the principle of priority of the rights, freedoms and legitimate interests of a person and a citizen, (3) the principle of responsibility, (4) the principle of fairness and impartiality, (5) the principle of loyalty, (6) the principle of publicity and openness, (7) the principle of political neutrality.

Based on the analysis of Article 37 of the Law of Ukraine "On Prevention of Corruption" dated 14.10.2014 No. 1700-VII, it should be established, in particular, that industry codes or standards of ethical behavior of persons authorized to perform the functions of the state or local self-government, persons equated to them, which carry out activities in the sphere of their management. However, the problem remains the lack of correlation between general requirements, general rules and regulations provided for in industry codes or standards and their lack of definition. It should be noted that the draft text of the "Code of Ethical Conduct of Employees of the State Customs Service" has been published on the website of the State Customs Service, which has not yet been approved.

The Law of Ukraine "On Civil Service" stipulates that for non-fulfillment or improper fulfillment of official duties defined by this Law and other normative legal acts in the field of civil service, the job description, as well as violation of the rules of ethical behavior and other violations of official discipline, a civil servant shall be subject to disciplinary liability in accordance with the procedure established by the Law. The ground for bringing a civil servant to disciplinary responsibility is his commission

of a disciplinary offense. The Law of Ukraine "On Civil Service" stipulates that a disciplinary offense is a violation of the rules of ethical behavior of civil servants. (Clause 2, Part 2 of Article 65). For non-compliance with the rules of ethical behavior, ch. 4 Art. 66 of the Law "On Civil Service" provides for a type of disciplinary action – a warning about incomplete official compliance.

Therefore, analyzing the above, it can be stated that the rules of ethical behavior of civil servants of customs bodies include requirements, namely: compliance with the requirements of the law and ethical standards of conduct, priority of interests, political neutrality, impartiality, competence and efficiency, non-disclosure of information, refraining from performing illegal decisions or assignments. It is necessary to agree with the opinion of scientists on the expediency of giving ethical norms a legislative form can ensure political neutrality and raise the professional level of civil servants [7, p. 197]. However, the rules of ethical behavior of civil servants of customs bodies should be stipulated in special customs legislation at the level of the Law and reflect the specifics of their activities. The text of the "Code of Ethical Behavior of the State Customs Service Employees" also needs to be adopted. In particular, the above corresponds to international standards indicating the need for the development and adoption by United Nations member countries of "Codes of Conduct for Public Officials", as well as the recommendation for the introduction of measures and systems of the rule of ethical behavior of public officials specified in Article 8 of the Convention of the United Nations Nations against corruption.

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METHODOLOGY OF SCIENTIFIC KNOWLEDGE OF THE ESSENCE OF THE PRINCIPLE OF REASONABLENESS IN ADMINISTRATIVE-PROCEDURAL LEGAL RELATIONS

МЕТОДОЛОГІЯ НАУКОВОГО ПІЗНАННЯ СУТНОСТІ ПРИНЦИПУ РОЗУМНОСТІ В АДМІНІСТРАТИВНО- ПРОЦЕСУАЛЬНИХ ПРАВОВІДНОСИНАХ

Platonov I. M.

*External Postgraduate Student
Scientific Institute of Public Law
Kyiv, Ukraine*

Платонов І. М.

*здобувач
Науково-дослідний інститут
публічного права
м. Київ, Україна*

Враховуючи важливе теоретичне значення, що являє собою дослідження проблематики принципу розумності в адміністративно-процесуальних правовідносинах є необхідним акцентуація уваги на визначенні змісту методології наукового пізнання відповідної сфери.