HISTORY OF FORMATION OF MECHANISMS FOR PUBLIC REGULATION OF ANTI-CORRUPTION

Abstract. The purpose of this study is to theoretically substantiate formation and development of mechanisms for public regulation of anti-corruption.

The article analyzes that the ability of the state to counteract the deployment of corruption schemes in government is a clear indicator of the effectiveness of public services and development of the country. This trend in Ukraine will encourage the improvement of public service system and open up new prospects for membership in the European Union.

It is confirmed that the first corrupt practices were found in primitive society and were most likely related to pagan beliefs. In those days, people were completely dependent on the forces of nature and tried to placate the gods by offering sacrifices and gifts.

It is determined that Babylon was the first place in the world to legislate the principles against corruption that was most often practiced in the judiciary. This document was called the Code of Hammurabi and dated back to the XVII century BC. It is proved that corruption-related offenses were most often practiced by
military commanders and representatives of the bureaucracy. Therefore, to avoid corrupt practices, public officials were elected on a competitive basis. The main condition for obtaining position was education of the individual, and given that only wealthy citizens could afford to get an education, the class of bureaucracy was formed only from wealthy members of society.

It is noted that the Middle Ages were characterized by an increased role of the church in the state, so representatives of religious elites owned the untold wealth and material goods, due to which the corruption also flourished here. Although in Catholicism it was considered a manifestation of depravity and contradicted the foundations of Christianity, the history, nevertheless, points to numerous facts of trade in indulgences and ecclesiastical titles.

**Keywords:** history, mechanisms for public regulation, anti-corruption, Laws of Manu, Ancient Babylon.
Ключові слова: історія, механізми державного регулювання, сфера боротьби з корупцією, Закони Ману, Стародавній Вавилон.

**ІСТОРИЯ ФОРМИРОВАНИЯ МЕХАНИЗМОВ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ В СФЕРЕ БОРЬБЫ С КОРРУПЦИЕЙ**

**Аннотация.** Теоретически обосновано становление и развитие механизмов государственного регулирования в сфере борьбы с коррупцией.

Проанализировано, что ярким показателем действенности функционирования государственной службы и эффективности развития страны есть способность государства противодействовать развертыванию коррупционных схем в правительственных структурах. Такая тенденция в Украине будет способствовать совершенствованию системы государственной службы и откроет новые перспективы для членства в Европейском Союзе.

Подтверждено, что первые проявления коррупции встречались еще в первобытном обществе и, скорее всего, связаны именно с языческими верованиями. В те времена люди были полностью зависимы от сил природы и, за счет принесения жертв и подарков, пытались задобрить богов.

Определено, что именно в Вавилоне впервые в мире законодательно установлены принципы борьбы с коррупцией, что чаще всего проявлялась в судебной власти. Такой документ назывался — законы Хаммурапи и датировался XVII в. до н. э. Доказано, что коррупционные правонарушения проявлялись чаще всего в деятельности военначальника и представителей чиновничего аппарата. Поэтому, во избежание коррупционных проявлений, состав должностных лиц органов публичной власти формировался на конкурсной основе. Главным условием для получения должности была образованность человека, а получение образования могли себе позволить только состоятельные граждане, поэтому класс чиновничества формировался только из состоятельных членов общества.

Отмечено, что времена эпохи Средневековья характеризуются повышением роли церкви в государстве, поэтому представители религиозных верхушек владели несметными богатствами и материальными благами, из-за чего, здесь, также, процветала коррупция. Хотя в католицизме она считалась проявлением греховности и противоречила основам христианского вероучения, история, все же, указывает на многочисленные факты торговли индульгенциями и церковными санами.

**Ключевые слова:** история, механизмы государственного регулирования, сфера борьбы с коррупцией, Законы Ману, Древний Вавилон.

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**Problem statement.** The large-scale corrupt practices in the activities of public authorities and non-governmental structures are considered to-
day one of the most urgent problems of modern society. The corruption element can flourish in the activities of public structures in any country of the world, regardless of their level of development and place in world society. Moreover, we can say that corruption-related crimes in the activities of public authorities lead to the undermining of its legitimacy, low level of development of moral values in society and formation of mistrust from other countries, which significantly slows down their active interaction.

In my opinion, the ability of the state to counteract the deployment of corruption schemes in government is a clear indicator of the effectiveness of public services and development of the country. This trend in Ukraine will encourage the improvement of public service system and open up new prospects for membership in the European Union.

Thus, I believe that formation and implementation of the effective anti-corruption policy is one of the key tasks of public authorities, including, first of all, development and implementation of measures to fight corruption-related crimes, as well as measures to prevent and fight corruption in the public service system [1, p. 137].

**Analysis of recent studies and publications** shows that historical aspects of formation and development of corruption in the system of public authorities is the subject of scientific interest of national and foreign scientists, including V. Behlytsia [2], V. Bezrutchenko [3], A. Voloshenko [4], V. Hurkovskyi [5], V. Nonik [6], N. Pidberezhnyk [7] and others.

The scientific works of the above-mentioned scientists reveal the study of prerequisites for emergence of corruption element in the activities of public authorities and formation of anti-corruption policy of the state as a whole. However, in my opinion, historical aspects and prerequisites for formation of the effective mechanisms for state regulation of anti-corruption issues require more detailed study.

**Purpose of the article.** The purpose of the study is to theoretically substantiate formation and development of mechanisms for public regulation of anti-corruption.

**Statement of basic material.** Analyzing the historical development of corruption, we can state that its emergence coincides with emergence of statehood and dependent relations between people. The essence of corruption mechanism is to achieve own enrichment through non-competitive redistribution of benefits.

The first corrupt practices were found in primitive society and were most likely related to pagan beliefs. In those days, people were completely dependent on the forces of nature and tried to placate the gods by offering sacrifices and gifts [8].

The scientific works of A. Kachkin and T. Kachkina on the history of corruption and fight against it determine that the first written mentions of corruption were in the transcript of cuneiform of Ancient Babylon (III millennium BC). During the Sumerian Civilization (XXI century BC), the facts of fighting corruption-related crimes were already confirmed – the then ruler Urukagina punished officials who demanded illegal remuneration and abused their official position [9, p. 34–35].
We can also state that Babylon was the first place in the world to legislate the principles against corruption that was most often practiced in the judiciary. This document was called the Code of Hammurabi and dated back to the XVII century BC.

The first written records of corruption in the ancient world have survived: in the 320s BC, Cleomenes, the Greek governor of Egypt, abused his official position for his own profit by speculating on the supply of grain to Greece. This led to the fact that inhabitants of the country were on the verge of starvation, while the governor himself received the untold wealth [10, p. 139].

For the people of Ancient Rome, it was a matter of honor to fight corruption, including in matters of restricting the implementation of secret services and operations. That was demonstrated by electing public officials by drawing lots for the purpose of fair and objective elections without the right to be re-elected for a second term.

Thus, the praetor as the supreme official conducting the court cases was elected only for one year, and he performed his duties free of charge. And even in this case, the facts of abuse during the elections were confirmed, namely, bribery of voters by wealthy citizens. Therefore, the legislation of the Roman Empire provided for regulations to prevent such abuses [11].

The Politics of Aristotle is of particular importance in terms of study of the discourse field of formation of mechanisms for state regulation of anti-corruption. In the author’s philosophical work, corruption acts not only as a set of offenses, but also as a negative phenomenon in the state, which, under certain conditions, can lead to its decline [12].

Aristotle considered the introduction of the effective anti-corruption mechanism to be the basis for the stability of the state. Thus, special regulations were established at the legislative level to prevent officials from profiting from abuse the position [13, p. 10].

Thus, corruption developed together with development of public relations. In the Roman Empire, the concept “corruptere” meaning “judicial bribery” was used. Analyzing a number of historical chronicles of that time, we can state that corruption mechanisms were not as widespread as they are today. Therefore, there were no clear definitions of the essence of corruption, concept of corruption crime and list of signs of corruption offenses in the legislation of the then world [12, p. 73–74].

The origins of formation of anti-corruption activities go back to the time of the Ancient China and are rather severe. The first mention of anti-corruption activities dates back to the Shang dynasty.

V. Sidikhmeinov, who studied the history of state-building in China, studied this issue in his scientific works. He determined that corruption-related offenses were most often practiced by military commanders and representatives of the bureaucracy. Therefore, to avoid corrupt practices, public officials were elected on a competitive basis. The main condition for obtaining position was education of the individual, and given that only wealthy citizens could afford to get an education, the class of bureaucracy was formed only from wealthy members of society [9, p. 34-35]. It is this principle of forming...
the power elite that became the basis for emergence of corruption in the state.

According to Yu. Pakhomov, this period was the starting point for the formation of public perception of the proper behavior of public officials. Therefore, the requirements of the legislation of that time on the activities of officials stated that mandatory knowledge of the laws, service to the people and compliance with the principle of integrity were the important features of the official.

The Laws of Manu, which date back to the second century BC, are also indicative in terms of the study. The provisions of this document reveal numerous requirements for the behavior of high officials. According to them, the officials managing public affairs should be punished for illegal profit and deprived of their own material values.

It is interesting that the Middle Ages were characterized by an increased role of the church in the state, so representatives of religious elites owned the untold wealth and material goods, due to which the corruption also flourished here. Although in Catholicism it was considered a manifestation of depravity and contradicted the foundations of Christianity, the history, nevertheless, points to numerous facts of trade in indulgences and ecclesiastical titles [4, p. 10; 13].

The peculiarity of the Medieval monarchy was that the supreme ruler committed corruption crimes by granting positions, titles, privileges and benefits at his own discretion or according to origin of the person. This was done to manipulate his surroundings.

Conclusions. According to the study, it can be concluded that formation and implementation of the effective anti-corruption policy is one of the key tasks of public authorities of Ukraine, including, first of all, development and implementation of measures to fight corruption-related crimes, as well as measures to prevent and fight corruption in the public service system. It is determined that corruption developed together with development of public relations. In the Roman Empire, the concept “corrumpere” meaning “judicial bribery” was used. Analyzing a number of historical chronicles of that time, we can state that corruption mechanisms were not as widespread as they are today. The origins of formation of anti-corruption activities go back to the time of the Ancient China and are rather severe. The first mention of anti-corruption activities dates back to the Shang dynasty.

REFERENCES


СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ


8. Калич О. А. Семінар до Всеукраїнського тижня права / Головне управління статистики в Закарпатській області / Запобігання проявам корупції С.7 стр.5 http://www.uz.ukrstat.gov.ua/activity/seminar.pdf


11. Мего-Гіфо — Юридичний портал № 1. Історичні прояви корупції та особливості боротьби з нею http://