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IMPROVEMENT OF EXECUTIVE POWER AS A MEANS TO OVERCOME CORRUPTION IN A HIGHER AUTHORITIES

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Abstract

Purpose: The purpose of the article is a study of corruption at the level of ministries and departments, its origin and operation for later overcome, building organizational and management structure of the economy to meet the requirements of design-oriented development management. **Methods:** In this article applied the general principles and systemic and structural methods of constructing organizational structures both at the enterprise level and socio-economic systems as a whole. **Results:** Based on the conducted research it may be stated that Ukraine has overcome the elitist corruption at the level of ministries and agencies is essential to solving the problem of increasing the administrative capacity of the executive power. Substitution of ministries and agencies non-governmental structures will allow to overcome the existing system theft of a budget. **Discussion:** In the course of research substantiated, that there is no need to sustain those who are not able to realize themselves in socially useful areas - business, education (teachers, tutors, trainers), health (medical personnel), etc. Workers of these fields may be contained within the local budget, not central. And the most important thing is that the liquidation of the ministries and departments will be undermined by the preserved from the socialist era system of financial and material distribution, transformed into a system plundering of a budget.

Keywords: corruption; elite corruption; emergence and operation of corruption; executive branch; ministries and department; political corruption.

1. Introduction

Ukraine is occupied one of the first places among its neighbors on the scale of construction of oligarchic capitalism and the level of corruption. It can be seen the relationship between the two phenomena – the oligarchy and corruption. Studies show that the interests of raw oligarchic capital, trying to maintain the status quo and save their assets, has induced corruptionists, "democrats", officials-businessmen. Moreover, our country has gained a reputation of one of the most corrupt countries in the world. Especially dangerous, as will be substantiated below, elite, political corruption.

2. Analysis of the latest research and publications

Research related to the improvement of the organization, is the subject of series of works [1]. In these studies, there are described the general principles and identified structural methods of constructing organizational structures both at the enterprise level and socio-economic systems as a

whole. Research a reasons, conditions, features of warnings and means countering various types of corruption activities devoted scientific papers of such Ukrainian authors as V.M. Garaschuk, O.M. Kostenko, V.V. Kovalenko, O.V. Shevchenko, ets [2].

However, restructuring is the most urgent task of improving the management of private organizations within the executive branch, at the level of ministries and departments. The actualization of this problem is caused by the subjective and the human factor – the existence of the so-called elite corruption. Dealing with this this corruption at the level of ministries and departments – is a necessary condition for solving the problem of increasing the management capacity of the executive branch.

3. Research tasks

The aim of the article is a study of corruption at the level of ministries and departments, its origin and operation for later overcome, building organizational and management structure of the economy to meet the requirements of design-oriented development management.

4. Research results

International organization Transparency International highlights the political corruption as "the manipulation of policy, power, procedures for the purpose of allocating resources and funding politicians, who are decision-makers and who are abuse a position of authority in order to keep their power, status and wealth"[3]. In its annual Corruption Perceptions Index (CPI), which is published by the international organization Transparency International, Ukraine takes of the last places in the world – 144th, which brings Ukraine to a group of such countries as Cameroon, Iran, Nigeria, Central African Republic, Papua New Guinea[4]. In addition to the sale of seats in party lists, there are the forms of political corruption such as "free" gaining of activists to the lists, uncomfortable journalists as an advance for future loyalty to the authorities in Ukraine. It is also a fee for support and vote for the "necessary laws", appointment of officials by the government. It is clear that the fee for the "voices" should be returned (and it returns) as the corresponding profits. It is also understandable the size of these profits. "Buying power of money – as Aristotle said – get used to extract profit out of it." Millions of dollars are paid only for the winning place in party lists. It is clear how much money should be "output" of the Parliament.

1. Corruption and its forms

Corruption - is the use of a person granted him official authorities and the related opportunities in order to obtain illegal benefits. Generally, the use of the word 'corruption' is connected to terms like 'bribe' or 'payoff'. In reality, corruption goes further than paying or taking a bribe, which forms just a part of the phenomenon of corruption[5].

The Law of Ukraine "On the prevention of corruption (on October 14, 2014) determines that such an offense of corruption is considered an intentional act that contains signs of corruption committed by a person referred to the Section 3 of this Act, for which the law establishes criminal, administrative, civil and disciplinary a responsibility.

Under this Act, to the subjects of responsibility includes persons for corruption offenses, authorized to perform state functions or local government: the President of Ukraine, Speaker of the Verkhovna Rada, his first deputy and deputy Prime-Minister of Ukraine, First Vice Prime Minister of Ukraine, Deputy – Premier Minister of Ukraine, ministers and

other heads of central executive bodies, which are not part of the Cabinet of Ministers of Ukraine and their deputies, the Chairman of the Security Service of Ukraine, the Prosecutor General of Ukraine, Chairman of the National Bank of Ukraine, Chairman of the Accounting Chamber, the Commissioner of the Verkhovna Rada of Ukraine human Rights, Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea, Chairman of the Council of Ministers of the Autonomous Republic of Crimea; people's deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of local councils, civil servants, local government officials and others.

The types of corruption include: bribery, embezzlement, fraud, extortion, abuse, etc.

The manifestations of corruption can be classified into criminal and civil with the criminal forms including: bribery or embezzlement and the civil form are of different kinds of patron-client relationship [6].

First, the core element of corruption is not "abuse" or "misuse" of public power vis-a-vis legal norms or social standards for private benefit but the very "use" of public power for private benefit. On the one hand, this represents a very strict standard for determining what forms of behavior can be defined as corrupt since it can includes any behaviour utilizing public power for private benefits. On the other hand, given that legal norms and moral standards may change with time, the definition may exaggerate the extent of corruption or arbitrarily label some practice as corrupt[7].

From the position of the subject of corruption and its social danger are distinguished:

petty corruption – corruption in medical services, health care facilities, schools, kindergartens (abuses on the part of directors of kindergartens, schools and nursery teacher, teachers, and others.);

judicial corruption, corruption in law enforcement agencies (police corruption, the prosecutor's office, the Security Service of Ukraine);

elite corruption (political corruption – deputy corruption, chairman of ministries corruption and departments, leaders and local members corruption). Elite corruption is the most dangerous to society, since the official embezzles the state property (not the private individual money); also, elite corruption is related to the oligarch system of the government (with its liquidation nouveaux would buy chairs for their proteges). What is more, elite corruption has gained tremendous scope

(figures run into tens of billions of dollars) and has a total character (it is impossible not to steal, because of the need to share with authorities). However, according to the law of criminal gangs oligarchs, oligarchic power cover up the personal responsibility for the theft of the state budget to hide behind calls to crack down on the judges and public prosecutors. The thief is shouting "Stop thief", in order to divert attention from himself, so as not to interfere with stealing and then.

What exactly is the greatest danger of elite corruption? Firstly, corrupt embezzles the state property, taxpayers' money, which are the most "protected" around the world. Secondly, the amount of theft of public funds are not comparable, with all other forms of corruption. Thirdly, to overcome the elite corruption allows to stop other forms of corruption such as judicial. Why? Because if we overcome the elitist corruption, we will save budget money, and, as a result, we will be able to substantially increase wages, introduce a very serious social packages for the judges. And this is one of the conditions to overcome judicial corruption. Fourth, on the one hand overcoming of elite corruption is the introduction of legislation to restore justice in relation to taking into account the assignment of Ukrainian oligarchs immoral nationwide assets, on the other - the overcoming of elite corruption makes money investing in the power (with the highest profitability of today) –which makes them detrimental and therefore meaningless. The state will lose its oligarchic nature. The fifth (and the most important), prevention of elite corruption gives an opportunity for Ukraine to survive and become advanced and prosperous country. And vice versa, if elite corruption remains - it is fraught with state collapse, its disintegration in the "republic", stripping the territory of Ukraine neighboring powers. And finally, a victory over corruption in Ukraine, carrying out real economic reforms - are at stake in a merciless struggle against the United States and Russia, the battle for democracy and freedom from the totalitarian Soviet of Deputies.

2. The origin and function of elite corruption in Ukraine

The origin of corruption (including the elite) in Ukraine is historically associated with the ancient Rus, its state apparatus[8]. At the beginning of IX century Kiev Prince Yaroslav the Wise in the first Russian constitution obliged the population have their own, rather than through government officials,

setting severe punishment for citizens for failure to comply with this requirement [9]. In ancient Russia, and later in imperial Russia, part of which was the Ukraine, corruption is divided into two types – "bribery", interpreted as official receipt of remuneration for the commission of legal action and "graft" – a reward for committing illegal acts. In 1726 in Russia Catherine I decided to pay the salaries from the state budget to the Minister (Chairman of the Board), and the rest of the officers were instructed to settle for recompense. At the same time the younger employees officially paid in Russia for the appointment to the post.

According to Saltykov-Shchedrin traditional methods of collecting unearned income (known in old Russia under the names "God-inspired bribe" "lafayette", "sucking" and others) have become insufficient to wide scope of people with the development of civilization and increase in price for food supplies and the appreciation of cocottes; a massive "theft" became known as "predation" and those who committed it, were called "predators."

When predation has become quite widespread (Emperor of Russia Nicholas I, during the Crimean War, affected the level of corruption in the country and in the army, once said to his son: "I think, do not steal, only two in Russia - you and me!" [10]), the officials try to make it as much legitimate as possible. As Saltykov-Shchedrin wrote: "predation had all the hallmarks of a class is not only reprehensible, but it is quite decent, and even useful in some cases." "Predators" go about this at first glance impossible task. However, stipulates Shchedrin, "predators" are called only newspaper, and even then not all (some even point to them as sons of the fatherland). But at home they called themselves in the home "dealers" and in comic tone – "tycoons" ("Colourful Letter").

It is meant that it was the outward manifestation of the deep social and economic processes in the post-reformed Russia. As the Russian satirist Mikhail Saltykov-Shchedrin has mentioned in his work "The Mon Repos shelter": "In recent years, the Russian society has turned out to be somewhat of bourgeoisie, i.e. the new cultural stratum of society consisting of tavern keepers, percenters, railroaders (by "railroaders" is meant those ones, who obtained government contracts for the construction of railways – S.Yu.), bank-dealers, embezzlers and the so-called extortions. In the short period of time, these idlers managed to ensnare all of our locality, in each corner; it gnaws, sharpens, ruins and, in

addition, is being impudent (...) By it is meant the bastards of serfdom, who beaten out of all forces to restore anything in their favor in less predatory manner, though in more thievish one". According to Mikhail Shchedrin, "predation" is divided into simple and complex one. The simple predation is almost the same as stealing, though to a greater extent, and can be disguised by "state interest: the settlement of a distant region, culture, Russification, etc." "Simple predator" tends to emphasize his patriotism (looking at Razuvaev, it seemed that he was about to sing: "Cheer up, brave Russ" and make others listen to him...!"). "The complex predation" is of different kind. It consists of any acting person, thus you may happen to wonder how a man who shortly before was without a stiver, owns millions on the following day." Thus, "complex predation" may not be called as "predation", since it has become "in the order of things - nothing more". Citizens, who lagged behind, may only wonder and be jealous: "He was known to be penniless! On the rocks! ... And now he puts on sable fur! Horses! Carriage! Owns a palace, organizes banquets; all rooms with pictures depicting naked women! He bought a wife, and then two Frenchwomen! Well, tell us, why on the earth does he need two women? And how did all this happen?" [8].

Corruption has been a part of the state policy and perceived by the public as granted. It was not only in Russia. In the Ottoman Empire, for example, bribes were legalized and their official tax was paid [11]. That is why there is a perception that corruption – is an ancient tradition, embedded in the genetic memory of some people which is in the flesh and blood, firmly rooted in the public mind [12].

Corruption in Czarist Russia was multiplexed socialist government, it has moved to the Soviet Union and it has taken root there deeply in mostly all Soviet republics. At the time, the leader of Communist China Mao Tse-Tung said: «The power in the Soviet Union ... has taken by... careerists and bribetakers, covered by the authorities of Kremlin. When the time comes, they will unveil and throw their party membership cards to govern their districts like lords ... " [13].

Mao's prophecy came true and after the collapse of the USSR, corrupt, dropping the mask and throwing the party cards, began to rule as lords in their "districts" - the newly formed states in the country – in provinces, regions. Development of corruption was contributed by the functioning post-Soviet ministries and departments, which were

created at the time, called the militarization of the country's needs.

In due time, these departments, were like a product of militarized system, which was completely monopolized the management of all processes in the country, including the economy. It was formed the hierarchically arranged structure of the administrative-territorial administration, consisting of a single state ownership of enterprises, which are strictly centrally directed all activities and rigidly regulated exclusively by the state apparatus.

Ukraine inherited an independent state administrative apparatus was aligning under the market conditions; however, there was a contradiction between this kind of subject and object management. Also, if the earlier part of this or that ministry were dozens, hundreds of state-owned enterprises, the vast majority of which accounted for the Ukrainian arms industry share, now it is the enterprise of private or collective ownership.

Almost all of them had been transferred to civilian production are in private or collective ownership, and therefore not subjected to the ministries. In respect of these enterprises are not carried out such functions as planning, accounting, purchasing and marketing of products. And since this is so, what are these ministries?

Instead the indicators of control ministries are turned to facilities of plundering the budget and have been successfully used as such. Links to allegedly "utility" of ministries and departments do not stand up to scrutiny in the markets for search terms (mostly abroad) or its innovations, the development of which the guidelines. Proverbially, it is a "baby talk."

5. Conclusion

Firstly, it is obvious that the requirements for performance of those or other objectively necessary measures should be made "from below" rather than "from above". Secondly, it is clear that there are professionals who can perform better results in these tasks on a private basis, on the basis of relevant agreements.

In the event of any problems – temporary structures can be created to deal with them – and decided to structure ceases to exist.

There is no need to hold it ready for thousands of bands scored according to the "staffing chart", has long been turned into "soft berth" with guaranteed salaries, donations and other benefits.

There is no need to sustain those who are not able to realize themselves in socially useful areas - business, education (teachers, tutors, trainers), health (medical personnel), etc. Workers of these fields may be contained within the local budget, not central. And the most important thing is that the liquidation of the ministries and departments will be undermined by the preserved from the socialist era system of financial and material distribution, transformed into a system plundering of a budget.

References

- [1] Investment management: T. 1. [Sheremet V.V., Pavluchenko V.M., Shapiro V.D. and other; under general supervision V. V. Sheremeta. M.: Higher school, 1998. 416 p. (In Russian); *Bushuyeva S. D.* Project management organizational development programs. S. D. Bushuyeva, N.S. Bushuyeva – M.: *Sonet*, 2007. N4. pp. 270-283 (In Russian); *Bushuyeva S. D.* System formalizing project management within proactive approach to development of organizations. N.S. Bushuyeva, L.D. Mysnik, M. N. Olekseenko. Project management and development of production: collection of scientific papers - Lugansk: The publishing house of ENU of the V. Dalya, 2009. N2(30). pp.5-11 (In Ukraine); *Rach V.A.* The method of invariant metrics describe development strategies as a tool for portfolio projects. V.A. Rach, O.P. Kolyada, O.A. Antonyan. Project management and development of production: collection of scientific papers - Lugansk: The publishing house of ENU of V. Dalya, 2009. N2(30). pp.91-101 (In Ukraine); *Burimenko Y.I.* Adaptive-programming method management of socio-economic systems. Y.I. Burimenko, A. O. Kotenko. Papers of the Fifth Ukrainian Conference on autonomous management, P.2. Kyiv, 1998. pp. 83-90 (In Ukraine); *Voronaya N.Y.* Structural-functional model of innovative development of socio-economic systems. N.Y. Voronaya. Bulletin of East Ukrainian National University of the V. Dalya. Lugansk: The publishing house of ENU of the V. Dalya, 2005. N5(87). pp.36-39. (In Ukrainian)
- [2] *Garashchuk V.M.* Actual problems of combating corruption in Ukraine: Monograph. V.M. Garashchuk, A.O. Muhataev. H.: Pravo, 2010. 144p. (In Ukraine); *Kovalenko V.V.* The combination of the interests of the Government and of society as a condition to overcome organized crime and corruption. V.V. Kovalenko. Scientific bulletin of KNUUA. 2010. N 2. pp 3-8; *Kostenko O.M.* The corruption crisis type: concepts and countermeasures. O.M. Kostenko. The fight against organized crime and corruption. 2008. N 18. Access mode : <http://www.nbu.gov.ua/> por (In Ukraine); *Shevchenko O.V.* Problematic aspects of combating corruption in law enforcement agencies of Ukraine// The Bulletin of the Supreme Council of Justice. 2011. N 2 (6). pp.126-134. (In Ukrainian)
- [3] TOP-12 ways to keep a power. Access mode: <http://www.transparency.org/whoweare/organisation/faqs> on corruption. (In Russian)
- [4] Corruption Perceptions Index 2013 at. Access mode: <http://transparency.org/cpi2013/results>.
- [5] Corruption and anti-corruption in the justice system. Cristi Danileț. Bucharest, Editura C.H. Beck, 2009, Bibliogr. 208p.
- [6] *Dakolias M., Thachuk K.* The Problem of Eradicating Corruption from the Judiciary: Attacking Corruption in the Judiciary: A Critical Process In Judicial Reform. 18 Wis. Int'l L.J. 2000. pp. 353–355.
- [7] *Zengke He.* Corruption and anti-corruption in reform China. Communist and Post-Communist Studies 33.2000. pp.243–270.
- [8] *Dzuba I.* Half-forgotten Russian genius Saltykov-Shchedrin: about us, about our elections and the modern world in General, October, 29, 2004. - Access mode: http://gazeta.zn.ua/SOCIETY/poluzabytyy_russkiy_geniy_saltykov_schedrin_o_nas_s_vami,_o_nashih_vyborah_i_o_sovremennom_mire_voob.html. (In Ukrainian)
- [9] *Sergey Tihonov.* Invincible evil? Expert Online. November, 12, 2013. Access mode: <http://expert.ru/2013/11/12/nepobedimoe-zlo>. (In Russian)
- [10] *Shilder N.K.* Emperor Nikolay The First. His life and reign. - St. Petersburg. 1903. (in 2 volumes). 820p. (In Russian)
- [11] *Yelena Solntceva.* Turkey: What bribe are "normal" and what is "simple"? Radio Liberty . 24.11.2010. Access mode: <http://www.svoboda.org/content/transcript/2228949.html>. (In Russian)
- [12] *A. Saharov (Editor).* Catherine The Great (volume2): ARMADA, Moscow. 1995. 191 p. (In Russian)
- [13] «New China», Pekin., 1964, vol.12: Access mode back-in-USSR.info.

С.О. Юлдашев

Удосконалення організації виконавчої влади як засіб подолання корупції в вищих гілках влади
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Мета: Метою статті є дослідження корупції на рівні міністерств і відомств, її зародження та функціонування для подальшого подолання, побудови організаційно-управлінської структури економіки, що відповідає вимогам проектно-орієнтованого управління розвитком. **Методи:** У цій статті використані загальні принципи, а також системні та структурні методи побудови організаційних структур як на рівні підприємства так і соціально-економічних систем у цілому. **Результати:** На основі проведеного дослідження можна констатувати, що в Україні подолання елітарної корупції на рівні міністерств і відомств є необхідною умовою вирішення задачі підвищення управлінського потенціалу виконавчої влади. Заміщення міністерств і відомств недержавними структурами дозволить подолати існуючу систему розкрадання бюджету. **Обговорення:** У процесі дослідження обґрунтовано, що не потрібно буде утримувати тих, хто не здатний реалізувати себе в суспільно корисних сферах – підприємництво, просвітницької (вчителі, репетитори, тренери), охорони здоров'я (медичні працівники) і т. д. і т. і. Працівники названих сфер можуть утримуватися за рахунок бюджету, але, звичайно, не з центрального, а місцевого. А найголовніше – з ліквідацією міністерств і відомств буде підірвана що збереглася з соціалістичних часів система фінансово-матеріального розподілу, яка перетворилася в систему розкрадання бюджету.

Ключові слова: виконавча влада; елітарна корупція; зародження і функціонування корупції; корупція; міністерства і відомства; політична корупція.

С.А. Юлдашев

Совершенствование организации исполнительной власти как средство преодоления коррупции в высших эшелонах власти
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Цель: Целью статьи является исследование коррупции на уровне министерств и ведомств, ее зарождения и функционирования для последующего преодоления, построения организационно-управленческой структуры экономики, отвечающей требованиям проектно-ориентированного управления развитием. **Методы:** В этой статье использованы общие принципы, а также системные та структурные методы построения организационных структур как на уровне предприятия так и социально-экономических систем в целом. **Результаты:** На основании проведенного исследования можно утверждать, что в Украине преодоление элитарной коррупции на уровне министерств и ведомств является необходимым условием решения задачи повышения управленческого потенциала исполнительной власти. Замещение министерств и ведомств негосударственными структурами позволит преодолеть существующую систему разворывания бюджета. **Обсуждение:** В процессе исследования обосновывается, что не нужно будет содержать тех, кто не способен себя реализовать в общественно полезных сферах – предпринимательстве, просветительской (учителя, репетиторы, тренеры), охране здоровья (медицинские работники) и т.д. и т.п. Работающие в названных сферах могут содержаться за счет бюджета, но, конечно, не центрального, а местного. А самое главное – с ликвидацией министерств и ведомств будет подорвана сохранившаяся с социалистических времен система финансово-материального распределения, превратившаяся в систему разворывания бюджета.

Ключевые слова: зарождение и функционирование коррупции; министерства и ведомства; исполнительная власть; коррупция; политическая коррупция; элитарная коррупция.

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