

STRATEGY FOR ELIMINATING CORRUPTION THREATS TO UKRAINE'S NATIONAL SECURITY

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Abstract. The article reveals the strategy for elimination of corruption threats to national security. It is a system of knowledge about legal and organisational measures aimed at ensuring the supremacy of human virtues in public-legal relations at a level that excludes both potential and real threats to human rights, territorial integrity, safe living conditions of citizens and other constitutional values. It is a molar set, the content capacity of which is divided into at least two atomic units – legal norms and the implementation of legal norms. Taken together, both components of the strategy are capable of ensuring the preservation of these values and the development of the nation on this basis on an ongoing basis. The first component is intended to cover the content of legal relations. The second component involves the practical implementation of legal norms. These two variables equally saturate the functional and structural content of the security of national interests. Accordingly, the security of the nation exists only under the condition of the implementation of law-making and law-enforcement operations, which is possible only at the level of the institutionalisation of these processes. Any replacement of an institution by a person, of public interest by private interest, of law by its visibility, of freedom by force, determines the operational and/or strategic dysfunction of law, which leads to the loss of meaningful national values.

It is determined that the hierarchy of initial relations of key concepts for understanding corruption distortions, the essential content of national interests and the relationship of corruption acts with the level of threats to Ukraine's national security form the ontological basis of the strategy for eliminating such threats. This basis should also include the principles of its creation, updating, implementation and monitoring of effectiveness. This is the introductory part of the strategy. In the substantive part of the strategy, it is necessary to specify the goal, tasks and areas of national interests, as well as the subjects of its implementation, effectiveness control and renewal. These subjects include all public authorities, civil organisations and each citizen. The main responsibility for the effectiveness of this approach lies not only with specialised anti-corruption bodies, but necessarily with all national public authorities. It is emphasised that there will be a system of control over such performers within the already existing infrastructure of public authorities and with detailed rules on the limits of control by citizens, the legal possibilities of which should be wide enough to ensure that this control remains an effective tool for ensuring the provisions of the specified strategy, including the possibility for citizens to use legal procedures of vigilantism. Separate sections of this strategy should be devoted to detailed rules for strengthening national security through transnational connections and digital technological resources. The secret part of the strategy should contain rules for using the nation's permanent and situational advantages, its individual features and other resources at a particular moment in time, as well as in the short, medium and long term. This part should also reflect the algorithms for determining the nature and qualities of these advantages, timely verification of their emergence and transformation. The author establishes that all these rules and algorithms should be combined with the rules for determining the changing nature of corruption acts and corruption subjects and their criminal accomplices.

Keywords: corruption, economy, illegal, integrity, governance, national interest, national security, strategy.

JEL Classification: D73, K42, G34, F52

1. Introduction

Liberalism imposes extraordinary ethical and legal difficulties: live with contradictions, intractable

conflicts and balancing between public and private imperatives that do not oppose or coincide with each other (Shklar 1984, p. 249). The destruction

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of nuclear and other weapons in Ukraine and the armed aggression of the Russian Federation with the support of the Republic of Belarus against Ukraine since 2014 have resulted from violations of national interests by a number of representatives of state authorities and business in Ukraine. Such violations are limited to corrupt distortions of legal reality and related crimes, namely crimes against the person, the constitutional order, economic development, quality management of legal relations, etc. Taken together, all these offences constituted a long-term, permanent and real threat to national interests in several areas, namely: 1) in the economic sphere, the theft of national wealth and its use for the private interests of public officials, as well as ineffective control over the fair distribution of entrepreneurs' profits; 2) in the military sphere, the theft of weapons, careless treatment of military property and army resources; 3) in the parliamentary, judicial, law enforcement and administrative spheres, personnel were often concerned only with their own illegal enrichment, showing incompetence and irresponsibility; 4) ideological relations were mostly filled with superficial, unsubstantiated statements, weakening of opportunities for education and cultural development, distortion of historical facts, speculation on the Russian language, overestimation of the historical role of some and underestimation of the importance of other historical figures; 5) foreign policy was accompanied by active participation in transnational corruption and other crimes, unjustified concessions to foreign states and transnational corporations. The main task of the National Anti-Corruption Bureau of Ukraine is to prevent and neutralise corruption crimes that pose a threat to national security. The provision of national security by the relevant specialised service of Ukraine implies the need for its involvement in the fight against corruption in cases where the specialised anti-corruption body needs appropriate assistance or where the specialised anti-corruption body has not been able to detect a threat of corruption at the national level on its own.

Corruption and other criminal practices are successfully passed on from parents to children and so on through family ties. Politically connected oligarchic groups use various channels to access economic rents. These include: public procurement; subsidised loans from state-owned banks; state debt guarantees; state aid in the form of direct transfers from the state budget; price differentials and discounts; trade rules restricting imports; privileged access to state assets through privatisation; tax privileges; preferential tax regimes; and access to concessional development finance (Smits 2019, p. 106). There is no succession of legal policies. Its individual elements manifest themselves sometimes,

briefly and only in the efforts of individual virtuous citizens and/or like-minded people in their work groups. These gaps represent what F. Hegel called the element of universal spiritual being, which in art is perception and image, in religion – feeling and imagination, in philosophy – pure, free thought, in world history – spiritual reality in its entire spectrum of internal and external (Hegel 1911, p. 271).

Circumstances of economic impoverishment of broad strata of the population in Ukraine, loss of territories and human lives as a result of external aggression, as well as other encroachments on anthropomorphic constitutional values, mean that vital interests of man and society are violated, the implementation of which ensures national sovereignty, progressive free development, safe living conditions and welfare of citizens. The protection of these interests is the essence of national security. A threat to national interests is corruption and other types of destructive influences in real time and space, both from within the country and from outside, as well as their combinations. According to the World Bank, Ukraine is a lower middle income country (GDP 2022). Ukraine's resident population declined from 51.7 million at the end of 1991 to 45 million at the beginning of 2017, a loss of about 13 %. With an average annual rate of population decline of 0.6 %, Ukraine ranks second in the world (with Bulgaria and Georgia) after Moldova in terms of the pace of depopulation (Smits 2019, p. 49).

2. Analysis of the Latest Topical Resources

Existing domestic and foreign scientific research does not fully address the issue raised in this paper at the intersection of interdisciplinary knowledge of jurisprudence and national security. The focus is on the inter-institutional links of the anti-corruption vectors of the national security system, namely, the intersection of national administrative and criminal law with public international law, management and economics, etc. The national legal doctrine was focused on specific thematic issues, namely: Ponomaryov S. P. revealed the administrative and legal support of the security and defence sector of Ukraine; Doronin I. M. covered the national security of Ukraine in the information age, etc. Foreign studies are characterised by a focus on applied tasks of combating corruption at higher civilisational levels of development and do not reflect the Ukrainian context in their works, for example, a mathematical model for analysing the sustainability of corruption in human communities based on fractal-fractional representations and the Mittag-Leffler kernel law; assessment of the equilibrium points of corruption and verification of its stability,

the dynamics of corruption outside the natural order; the concept of fixed point theory to check the existence and uniqueness of a solution, in the context of a fractional fractal operator and with the perturbed Ulam Hyers technique, the Lagrange polynomials and the corruption reproduction number using (Awadallaa M., Rahmanb M., Al-Duaisc F. S., Al-Bosslyc A., Abuasbeha K., Araba M.), the phenomenon of the fallibility of anti-corruption policies due to the recognition of this outside the broader systemic scheme of distortion (Canales O. D. M., Pérez-Chiqués E., Martínez-Hernández A. A.), political and legal dimensions of corruption, anti-corruption policies in the Republic of Peru and other Latin American countries (Chavez de Paz D.), a review of Korea's financial sector restructuring in 1997, market infrastructure reform, financial regulatory reform, macroeconomic policy coordination and macro risk management (in particular the cases of Korea First Bank, Korea Life Insurance, LG, Korea Investment Trust & Daehan Investment Trust Securities, etc.), as well as the future and strategies of investment banking, financial hubs (Kwon O-kyu), South Korea's approach to the crisis – analysis of the shortcomings of the Korean economy and the instability of the international financial system, steps taken to reduce the risk of sovereign default; Institutional frameworks needed to restructure the corporate, financial and labour sectors; restructuring of the financial sector; restructuring of the five largest chaebols – large family groups that dominate business in Korea; economic stimulus packages; focus on the collapse of the Daewoo business group; government initiatives to provide social protection; Diagnosis of the Korean economy (Lee Kyu-Sung), the process of government officials overcoming the South Korean crisis in 1997–2004 – the 2004 credit card crisis, etc.; the five principles of restructuring banks, large corporations and other enterprises, the Emergency Economic Response Committee and the activities of the Financial Supervisory Commission (Lee Hun-jai); the legal regimes implemented in Portugal to prevent and combat corruption in public procurement, according to the Public Procurement Code; related to the EU Law on Public Procurement, the "European Whistleblowing Directive" (2019/1937 of the European Parliament and of the Council of 23.10.2019), the National Strategy for the Prevention and Combating of Corrupt Phenomena (Pedro R.); the pyramidal ownership structure to tunneling and propping; tunneling as a transfer of resources from a lower-level firm to a higher-level firm in the pyramidal chain; propping as a transfer in the opposite direction intended to save the receiving firm from bankruptcy; implicit insurance against bankruptcy (Riyanto Y. E.,

Toolsema L. A.); cruelty, hypocrisy, snobbery, treacherous ambiguity, misanthropy and other common vices and their manifestations in good liberals (Shklar J. N.); the strength and resilience, pace and depth of structural economic and related legal reforms, and the long-term commitment of political leaders to sustained productivity growth, greater benefits from trade and integration into the global economy, and strengthening of domestic economic institutions capable of withstanding the pressures of private interests and ensuring Ukraine's development (Smits K., Favaro E., Golovach A., Khan F., Larson D.).

3. Legal Relations of the Concept's Axiological Framework

The impact of the social transformations of the information age has led to a change in threats to society, which significantly changes approaches to identifying and countering threats. This is especially true for threats in the military sphere (aggression, armed confrontation, new forms of warfare), the information sphere (emergence of social phenomena of global negative impact), public security and law enforcement (the phenomenon of cybercrime, transformation of organised crime, development of parallel hidden networks of information and capital transfer, development of terrorism and political extremism). In addition, new actors are emerging that are capable of generating threats that are not related to the activities of the state or traditional non-state actors. Organisational and legal models of the system of ensuring national security of Ukraine consist in the allocation of subjects, setting tasks and granting appropriate powers. In the existing model of building a national security system, the President of Ukraine plays a special role, which is based on the requirements of the Constitution of Ukraine and is generally defined as the guarantee of state sovereignty and territorial integrity of Ukraine. This role presupposes that the head of state has the function of supreme commander, as well as the function of ensuring coordination and control (Doronin 2020, p. 395, 397). Corruption as a threat to national security is mentioned in various provisions of the National Security Strategy of Ukraine, approved by the Decree of the President of Ukraine No. 392/2020 of 14 September 2020. It stipulates that the implementation of the priorities of Ukraine's national interests and national security is carried out, among other things, in the direction of protecting individuals, society and the state from corruption offences, ensuring the restoration of violated rights, and compensation for damages (paragraph 6); special services of foreign states, primarily the Russian Federation, continue intelligence

and subversive activities against Ukraine, try to fuel separatist sentiments, use organised criminal groups and corrupt officials, and seek to strengthen the infrastructure of influence (paragraph 19); inconsistent and incomplete reforms and corruption prevent the Ukrainian economy from recovering from the depression, make it impossible for it to grow sustainably and dynamically, increase its vulnerability to threats, and fuel the criminal environment (paragraph 24); citizens should feel safe; Ukraine is determined to uphold the constitutional principle of the rule of law, equality of all before the law; in order to implement the constitutional principles of individual legal responsibility and inevitability of punishment, the state (paragraph 5 of Article 46) will establish the principle of zero tolerance to corruption, ensure the effective operation of bodies responsible for preventing corruption and combating corruption offences (The National Security Strategy of Ukraine, 2020). These norms illustrate the anthropocentric nature of the corruption threat. The weakening of human capabilities is the main goal of corruption. It distorts in the human mind the essence and content of the generally binding rules that make human existence and development possible. Specifics of the corruption type of perversion of legal consciousness are presented on the examples of bribery of public authorities carried out by an external enemy of the legal order in Ukraine, in particular, law enforcement and other security officers from the Russian Federation. Such facts of criminal bribery are further unfolded as a threat to national legal values, namely, territorial integrity, state sovereignty, constitutional order, economic welfare and development, and the rule of law. This document actually moves the meaning of anti-corruption norms from the abstract direction of protecting individuals, the state and society to the specific integral values of constitutional, criminal and public international law. The final conceptual element of this National Security Strategy is the norms-targets on the intention to maximise intolerance to corruption and ensure the effectiveness of the anti-corruption organisational component.

The above-mentioned norms on human and other legal values, types of corruption, ideological and legal measures in the context of the general strategy of national security constitute an important but not sufficient basis for anti-corruption policy. A correct understanding of the measures to prevent and combat corruption should be based on the idea of a system that includes general measures and special measures (of a preventive or repressive nature) at the administrative (and criminal) level, which do not dispense with the private enforcement that the different economic operators can trigger, namely in the form of administrative and judicial guarantees

within the framework of public procurement (Pedro 2023, p. 18). The protection of public interests as a component of national security is specified in the form of norms on the principles of law, characteristics of human virtues and vices, the purpose and objectives of anti-corruption policy, and a complete list of corruption-prone preconditions and corruption threats. Eliminating the threat of corruption involves determining the signs of transformation of a corruption-forming factor into a corruption risk, a potential risk into a real risk. Different types of corruption subjects, whistleblowers and other anti-corruption subjects, as well as the mechanism of international cooperation and the use of digital technologies for the spread of integrity make up the content of the researched concept in the next section. It is also assumed that the protection of national interests from corruption requires the identification of interdisciplinary links between law and governance, coercion, protection against internal and external enemies of the constitutional order, economics, politics, international relations and other sciences. The logic of the relationship between corruption distortions and legal values can be seen in the sequential interactions depicted in the diagram below (Figure 1).

The studied concept is a system of clearly structured knowledge about corruption threats to national security of Ukraine and the mechanism of such threats neutralisation, the relevance and importance of its implementation on a permanent basis. Since 2014, the Ukrainian nation has not only discovered and theoretically predicted the destructive consequences of corrupt law violations, but also empirically established that corruption determines the loss of human lives, health and property of citizens, and other constitutional values. The price of this method is critically high and amounts to tens of thousands of lives of Ukrainian citizens and other heavy losses for the national humanitarian space. This strategy takes into account the social context, the advantages and disadvantages of its historical, economic, military, legal, political, technological, international and conjunctural dimensions. It should take into account not only the qualitative and quantitative characteristics of the objects, but also their temporal characteristics and combined interrelationships.

4. Legal Characteristics of the Phenomenon of National Security

National security encompasses everything that constitutes a nation. It is in itself a very difficult phenomenon to understand and is characterised by gradations, multiple levels, shifts, influences of new quality, etc. All these characteristics change with the passage of time. The standard set of national values

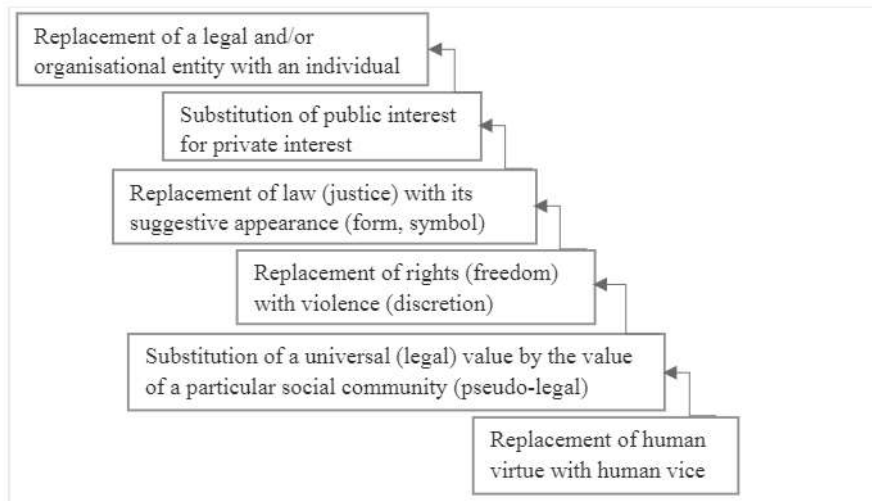


Figure 1. The scheme of corruption distortions leading to the collapse of national security

includes, first of all, a person, human communities, their spiritual and material culture, which they create together in a specific territory, in accordance with the principles of the rule of law. According to José Ortega y Gasset's extremely apt conclusion, such people form a nation when they have a common goal and tasks, which can be achieved only on the basis of legal values (Makarenkov, 2020, p. 20). This set of values is indispensable because it is by them that every nation is identified. It follows that national values are a legal phenomenon, which is also a consequence of the manifestation of the nation's psychology. Specific goals and methods of achieving them are recognised as valuable by the nation as a result of the action of the ways of feeling, perceiving and understanding needs that are characteristic of this social community. The presence of a state in a nation formally and legally transforms national values into constitutional values, since the interests of the nation are laid down in the form of legal structures in the constitution, which also becomes the basic law for the state, its public authority, whose structure and functions, together with human rights, are defined in the constitution. The constitution is rational insofar as the state distinguishes and determines its efficacy according to the nature of the concept, in such a way that each of these powers is itself the totality, in that it has and contains the other moments in itself, and that, because they express the difference of the concept, they remain absolutely ideal and only constitute an individual whole. The state is the reality of the moral idea of the moral spirit, as the revealed, self-clear, substantial will, which thinks and knows itself and carries out what it knows and to the extent that it knows it (Hegel, 1911, p. 219, 195).

Furthermore, world history is not simply a trial of spiritual power, i.e., an abstract and unreasonable

necessity of blind fate, but because it is mind in and for itself, and its being-for-itself-in-spirit is knowledge. It is the development of the moments of reason, and thus of its self-consciousness and its freedom, that is necessary from the concept of its freedom for the interpretation and realisation of the universal spirit. For those who reject this idea, however, spirit remains an empty word and history a superficial play of random, so-called purely human aspirations and passions (Hegel, 1911, p. 271). Accordingly, arranging and analysing the facts of human and social life in chronological order allows establishing the historical logic of the development of the needs, interests and values of the nation. For example, in the era of slavery, humanity was characterised by the assessment of a person as a commodity of civil circulation. The history of Ukraine, starting with Kyivan Rus, has passed through the stage of slave economic relations.

Corruption operates in all countries, regardless of their level of development, in a globalised manner and involves all countries in the world. In countries with a low level of the rule of law, corruption creates and strengthens an economically powerful social class. In addition, the population is involved in a culture of corruption. It is a way of life with its own language and vocabulary of corruption. Corruption in Latin America, for example, has reached the level of development of an international organisation, with professionals specialised in bribery and kickbacks, with its own culture and language, which changes the way of life of the population (Chavez de Paz, 2020, p. 87). Since the 20th century, various states have been uniting around the idea of defining a single humanitarian standard and enshrining it in international law. At the same time, such a standard has always lagged behind the interests of entrepreneurs and has not yet caught up with them,

and, secondly, there has been no unification of the content and scope of universal human rights in all countries of the world. There are still glaring differences in the interpretation of human rights in North Korea and South Korea, the EU and Iran, Afghanistan, China, etc. Such legal inconsistencies between countries demonstrate the uniqueness of their development paths, which unites their populations into a nation. The only thing that can be recognised as common between them is the desire to satisfy their economic interests and, at the expense of the income received, to secure the whole range of other national interests. In this context, nations are united in economic formations and different in the spiritual dimensions of civilisational progress. For example, it is possible to observe how Japan, after the Second World War, immediately superimposed on its original cultural structure the values of the market economy of the countries of Western civilisation. This demonstrates the interest of the Japanese nation in the proper satisfaction of its financial, technological and other needs through proactive, progressive solutions of the Western legal tradition. In fact, Japan has received a dual system of law: an authentic one that has been formed on its territory for thousands of years and one borrowed from the Western model of legal development. Similar borrowings were made by China, Singapore and a number of other Asian countries, including states with Islamic and Jewish legal traditions. In view of the social progress in these countries, it can be argued that their decision to borrow was correct. They have strengthened their own legal systems with the benefits of international law, which demonstrates to them another form of human freedom. The EU, for its part, borrowed the rules of unanimous decision-making on certain categories of issues, the search for compromise solutions and balanced concessions, etc. For Ukraine, the desire to integrate into the EU's legal and other civilisational standards of development has resulted in external military aggression by its less developed neighbours, the Russian Federation and the Republic of Belarus. The loss of relevant historical moments for the consistent, timely implementation of the Ukrainian nation's decisions on integration into the EU, the low quality and pace of such European integration work demonstrated that Ukrainians lacked internal motivation to properly carry out the entire scope of this work for the sake of successful economic and military unification with European nations. This delay contradicted the desire of Ukrainians to enjoy the results of the achievements of European civilisation and its way of life. This contradiction within the Ukrainian nation was a kind of manifestation of corruption, its distortions of legal reality, responsibility for the future, human virtues and, first of all, honesty with oneself. According to

S. Ponomarev, the strengthening of democratic civil control in the sphere of administrative-legal support of the security and defence sector should contribute to the fight against corruption (Ponomaryov, 2018, p. 12).

There is always more than one flaw in a person, even if it dominates their behaviour. Character flaws create people who can be turned away from for a variety of different personal or communal reasons. However, when thinking about these flaws, one has to relate the flawed person to a whole social and religious scheme. Liberal democracy is more than a set of political procedures. It is a culture of subcultures, a tradition of traditions, and an ethos of defined plurality. It places an enormous burden of choice on everyone, and it should be seen as very demanding. But it has never been easy to choose the character traits necessary to build good character (Shklar, 1984, p. 247–249). The uncertainty of the civilisational choice and the mental reflections on European integration were exacerbated by the indecision and infantilism of Ukrainians when electing their representatives to the state authorities. They often chose very ordinary people who were far from being able to lead the Ukrainian nation. These people, due to their unpretentious intellectual development, did not become a driver of social progress for the Ukrainian nation. Instead, government officials were preoccupied with their own private interests, bribery scandals and indulgence in their vices. In the political dimension, Ukrainians were unable to find a common language among themselves in order to safely, without losses in the war and using the talents of their best representatives, contribute to the reproduction of the things they value.

5. Methodological Approach to the Legal Definition of the Main Components of National Security

The people, as this word refers to a special part of the members of the state, expresses the part that does not know what it wants. Knowing what is wanted, and even more so, what the will, which exists in itself, reason, wants, is the fruit of deep knowledge and insight, which is not the concern of the people (Hegel, 1911, p. 246). Knowledge about the subject of national interest, as well as about any other issue, is acquired through scientific methodology. However, the gap between generations of knowledge, the counterproductive role of some elderly scientists, the simplification of the dissertation defence procedure, the unjustified granting of confidentiality to some scientific works, as well as the falsification of the authorship of scientific research, accompanied by the issuance of degree documents to persons who did not perform this research but put their name on them, have created a crisis in modern Ukrainian

science. These distorted social realities mean that documents of scientific degrees may not mean the level of intellectual development indicated in them. Consequently, in order to establish a correlation between the factors mentioned, it is only necessary to involve a real scientist whose level absolutely corresponds to and/or exceeds the document on scientific degrees issued to him in his name. This problem is particularly characteristic of the field of humanitarian sciences, where simple language is perceived by others as a scientific level of development, and only a real certified specialist in scientific research is able to verify a person who pretends to be a scientist when in fact he is not. Thus, it is crucial for the national security of the country to eliminate corruption from the area of academic staff certification. Otherwise, distortions in this area will continue to determine distortions in all other areas, because it is scientists who give the most important assessments. Their impact on society is hard to overestimate. Innovations in all spheres of social life depend on scientists, as well as the preservation, multiplication of profits from these innovations and their effective use. Nevertheless, if scientists are not real scientists, the entire social system is distorted, significantly weakened, destroyed and begins to defend itself against enemies from outside at the cost of the life of its own nation.

Public authorities should base their actions and decisions exclusively on scientific findings. This is especially true in the areas of protection and defence of national interests. Otherwise, the state authorities have no grounds to dispose of human lives, destinies and other valuable resources in times of crisis caused by their irresponsibility. If the public authorities do not base their policies on scientific knowledge, they will inevitably lead their nation to human casualties and other critical losses of human resources, historical time and opportunities for progress. The denial of the scientific approach in lawmaking, justice, public administration and other areas of public authority means that representatives of public authorities acted at their own discretion, recklessly, short-sightedly, senselessly. All these are signs of corruption, distortion of the law, its transformation into arbitrariness and decline in a certain time perspective. Any unscientific way of acting in the civil service is a betrayal of national interests and undermining national security. The way the state is governed should be exclusively technocratic. It is meritocratic (merit, from Latin *mereō*, and -cracy, from Ancient Greek *κράτος* *kratos* 'strength, power') political regimes that are characteristic of highly developed countries such as Europe, the United States, the Republic of Singapore, Japan and South Korea. For example, it was the scientific approach to the transformation of South Korea's legal system that made the efforts of

its government authorities to eliminate the vulnerability of the corporate and financial sectors after the Asian financial (currency) crisis of 1997–1998 successful. These vulnerabilities include outward-looking corporate governance, unhealthy financial structures, bankruptcies of large conglomerates such as Hanbo and Kia Motors, a non-transparent and inefficient corporate resolution system through backroom deals and favouritism instead of a legally based, transparent and efficient exit system, the myth of "too big to fail" based on implicit government protection, crony capitalism and corruption. These undesirable business practices, in turn, combined with the fragile financial structure of chaebols (Korean: *재벌*; "rich family" or "financial clique"), inadequate financial supervision, and the failure of financial institutions to manage risk, put increasing pressure on the Korean economy, which became unable to take timely action to avert a crisis. In addition, short-term investment finance companies and commercial banks faced a growing mismatch between their assets and liabilities, investing mainly in high-risk assets (Kwon, 2016, p. 287). The average debt of 30 leading companies in Korea reached 518% in 1997. The Daewoo Group manipulated its financial structure to appear healthy through accounting fraud, and its debt did not decrease even after the 1997 currency crisis. According to the Samil Accounting Corporation's report on the Daewoo Group's audit results, the company's chairman, Kim Woo-Choong, squandered tens of trillions of won overseas. Since September 1998, Daewoo's debt has risen from 47.7 trillion KRW to 19 trillion KRW in one year, with all the money it earned going to interest payments. Daewoo was ranked last among the five largest economic groups. In the special group restructuring plan presented in May 1998, Samsung and Hyundai achieved self-sufficiency results of over 100 % of their targets, SK and LG over 90 %, and Daewoo only 18.5 %. An audit conducted in December 1999 estimated Daewoo's total liabilities at 89 trillion KRW and assets at 59 trillion KRW. At the time, it was described as "the biggest bankruptcy in human history". Where did all this money go? Even now, no one believes that Chairman Kim Woo-Choong stole all that money. But that does not mean it has disappeared into thin air. Daewoo and many people around it are living off this debt. The currency crisis at the end of 1997 and the painful restructuring that followed over several years may have been the price of this tunnelling – the majority shareholder's use of the company's assets for personal gain through excessive self-reward, asset sales, personal loan guarantees, and so forth (Riyanto, 2008) and debt feasting (Lee Kyu-song, 2011, pp. 327–368; Lee Hun-jai, 2012, p. 224–254). Daewoo Industrial

was a co-owner of the largest automotive plant in Ukraine, with its main production facilities located in the city of Zaporizhzhia. This is the Zaporizhzhia Automobile Plant, which faced problems with its operations and those of thousands of other companies that supplied it with components for car production after Daewoo Industrial's bankruptcy. This example vividly illustrates the impact of transnational economic ties on enterprises from different countries that belong to the same owner. There is also an increased level of responsibility for the integrity of decisions made by the managers of such a multinational asset owner, as the consequences of their actions affect the interests of many countries. Corrupt practices in one entity of the Daewoo Industrial Financial Group and/or at the level of its top management have led to the loss of accumulated growth opportunities for all its other entities, employees and their local, regional and national communities. It should be noted that the Asian currency crisis began as early as 1997. Zaporizhzhia Automobile Building Plant and Daewoo Industrial established a joint venture (JV) on 15 April 1998, but in 1999, the South Korean government initiated bankruptcy proceedings against Daewoo Industrial. As can be seen, the fruitful cooperation between the companies did not last long enough for the development in the relevant market segment to become sustainable, for unique life-creating commercial strategies to be formed, etc. It is also noteworthy that prior to the start of this cooperation, Zaporizhzhia Automobile Building Plant was in a difficult crisis situation and inherited a number of financial and other problems that required the support of a reliable investor and time. In addition, this Zaporizhzhia Automobile Building Plant, like all other enterprises, found itself in the midst of the national economic and corruption crisis in Ukraine. Taken together, all these factors created extremely unfavourable conditions for the development of the national automotive industry, where the aforementioned loss of investment support from Daewoo Industrial was one of the most untimely and critical factors, in particular for economic relations of Ukraine's national interests.

Political corruption is the abuse of power by officials, including politicians, for personal gain. Unfortunately, such criminal behaviour is widespread and occurs in varying degrees and proportions in almost all countries of the world, becoming a significant sociological problem. Corruption is a failure of ethics, and countries invest significant resources in fighting it (Awadallaa 2023, p. 1). The above example of the collapse of the automotive sector's economy was the result of the long-term impact of corrupt distortions on legal relations both within the country and abroad, in other countries that had invested in

international wealth creation projects. This example was not an isolated one. The question arises as to the point at which the number of corruption violations in the economy, crimes against the state, white-collar crimes and similar illegal actions becomes a real threat to national security. The answer comes in the form of a strategy to eliminate threats to Ukraine's national security, including corruption. The correct determination of this moment is necessary for the effective management of the nation and the legal enforcement of progressive decisions of public authorities in an open society (fr. 'société ouverte'). Regular changes in legal relations require constant review of both the components and their interrelationships in the strategy itself, as well as programmes and a plan for its phased implementation. Consider that the state retains its nuclear weapons, strategic aviation aircraft, organises timely renewal of the fleet, aircraft, missiles, artillery shells, successfully develops its space programme, etc. These facts demonstrate the nation's high level of organisation, without which achieving a high level of defence industry would be impossible. Failure to meet production targets, lack of innovative solutions, outdated technologies in the industry and other similar indicators, on the contrary, illustrate the existence of a crisis in the nation's way of life, the formation of permanent potential threats, its existence and development, which consistently and continuously, sometimes abruptly, turn into real threats to the nation (Figure 2).

Consideration of the variability and hierarchy of the components of the strategy for eliminating corruption threats to national security is complemented by an understanding of the nation's advantages, its specific resources and the corruption enemy. The combination of these factors enables a nation to effectively confront an enemy of any size. When corruption is large-scale, long-term and systemic, as in Ukraine, for example, its natural destructive effects on the nation must be clearly understood in the dynamics and species specificity of its transformations. It is natural that bribery, incompetence and other forms of corruption among parliamentarians weaken legal guarantees of independent, honest operation of the judiciary; political corruption of the parliament promotes vested interests in the activities of law enforcement and judicial bodies, which results in their failure to fulfil their social mission of ensuring the rule of law in public relations; the inability to protect oneself and/or one's property with the available jurisdictional tools of the justice system minimises investment projects and household opportunities, causes demographic decline and a decline in the quality of human capital, etc. The level of public trust, the degree of international support for progressive national initiatives and other relevant factors become variables in these models.

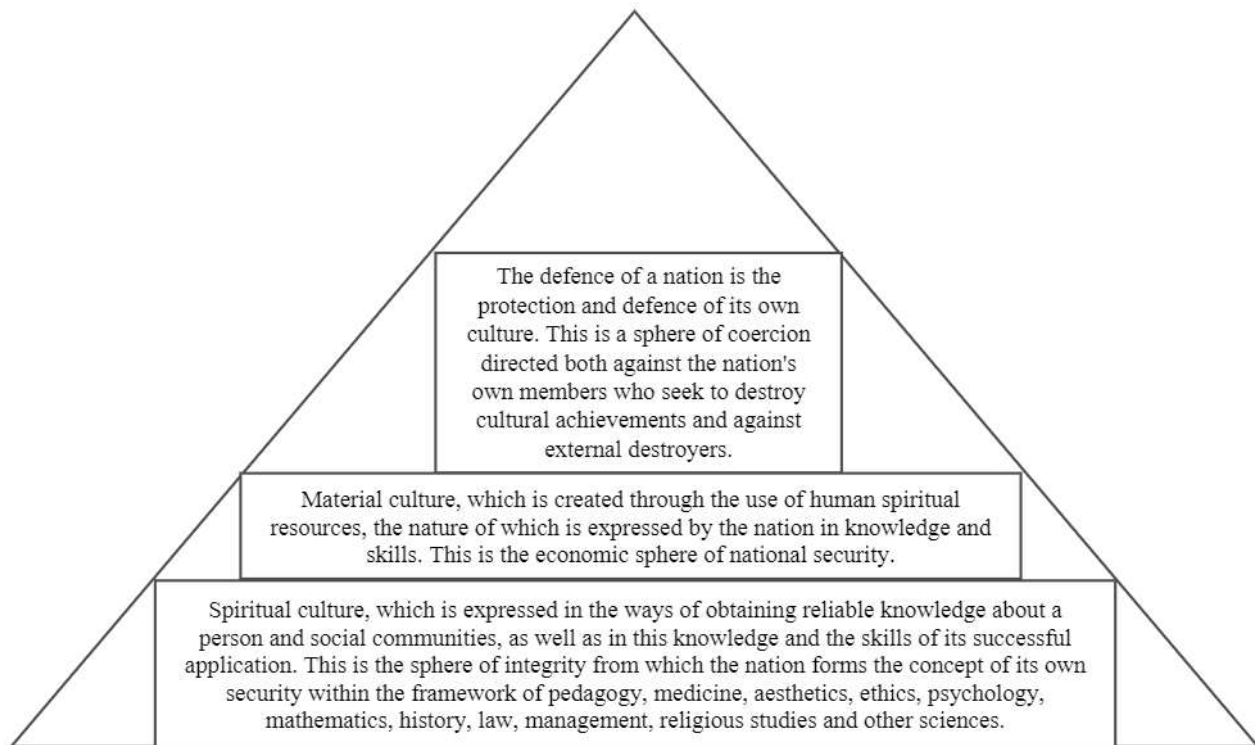


Figure. 2. Pyramidal representation of the essential content of the concept of eliminating corruption threats to national security

6. Scheme for Verification of Corruption Threats to National Security

Corruption always distorts the legal reality in an obvious way, although without a professional understanding of the phenomenon of corruption, its outlines, ways of influencing the law may seem blurred, uncertain, etc. Based on the content of the nature of the denial of law (unlawfulness), the following types of corruption are classified, namely: 1) bribes in the form of receiving material assets, services, works, as well as in the form of their exchange; 2) occupation of positions contrary to one's own abilities; 3) avoidance of involvement, untimely and/or incomplete involvement of those persons who have the greatest understanding (knowledge, skills, abilities) of the relevant subject matter of the decision in the discussion, development and/or decision-making; 4) low remuneration of skilled labour and/or artificial trends in remuneration; 5) numerous combinations of all the above types and/or their individual manifestations. The destruction of the system of protection of national interests caused by corruption distortions, which are characterised by the parameters of the sphere of public relations, corruption actors, duration of corruption offences and transnational context. This is illustrated in the form of a set of components, for the interaction of which its value is calculated (Table 3).

In the context of systemic corruption, there is very little that can be done solely from within an

organisation. Instead, it is necessary to rely on an external system of checks and balances, involving various actors, including civil society, and in particular other formal checks and balances inherent in the distribution of power in the political regime. In this sense, actors within the respective party system will have inevitable responsibilities. Improving institutional capacity through a technocratic approach may not help to solve the problem of corruption, but rather potentially exacerbate it. The public generally has little trust in a corrupt government. Particularistic trust, which links citizens to specific individuals with power and authority, may be seen as desirable. This situation may prevent the vicious circle from being broken, which is necessary to break free from the grip of systemic corruption. Certain segments of society may continue to support a corrupt system because they benefit not only from monetary gains but also from the guarantee of trust. Unless policies are adopted that address this issue in all its complexity, the state will not be able to reduce the problem (Canales, 2023, p. 10–11). In modern mathematical models of fractional calculus, the degree of the derivative and integral function can be chosen as any integer value or any value lying between integers. Fractional calculus provides a better understanding of fundamental concepts and can lead to new discoveries. It has proven to be particularly useful in the study of anomalous diffusion, power-law correlations, and self-similar patterns observed in

Table 3

Matrix for determining the impact of corruption on national security

№	Properties of corrupt acts	Corrupt acts that pose a potential threat to national security	Corrupt acts or their combination that pose a real threat to national security
Section I. In accordance with the areas of national security, corruption acts are divided into the following types			
1.	In the field of ideological work, this leads to a distortion of knowledge about human virtues and vices, universal and other legal values	+	1 and any type of corrupt act referred to in paragraphs 6, 7, 9, 10 or 11
2.	In the field of mass media, this leads to distortion of knowledge about the facts of the surrounding reality, the content of legal relations	+	2 and any type of corrupt act referred to in paragraphs 6, 7, 9, 10 or 11
3.	In the field of political relations, this leads to a distortion of knowledge about the true nature of candidates for public office	+	3 and any type of corrupt act referred to in paragraphs 6, 7, 9, 10 or 11
4.	In the field of legal policy, this leads to a distortion of knowledge about the nature of legal relations	+	4 and any type of corrupt act referred to in paragraphs 6, 7, 9, 10 or 11
5.	In the field of legislative policy, this leads to formal and legal inefficiency of legislation, its norms, institutions, etc.	+	5, 6 and/or any type of corrupt act referred to in paragraphs 6, 7, 9, 10 or 11
6.	In the field of law enforcement policy – the practical ineffectiveness of legislation, its norms, institutions, etc.	–	+
7.	In the field of personnel policy and resource management (time, material assets, people) – to the loss of resources and dysfunction of the relevant state structure	–	+
8.	In the sphere of economic relations – to the loss of material opportunities for obtaining and increasing profits, competitive advantages	+	8, 9 and/or any type of corrupt act specified in clauses 6, 7, 9, 10 or 11
9.	In public procurement and other forms of use of public funds (budgets, funds, etc.) – to the loss of human capital and opportunities for the development of the nation	–	+
10.	In the sphere of education – to an exponential increase in the inability to increase the existing level of civilisational development and to reproduce this level	+	+
11.	In the field of science – to the collapse of the nation and a critical weakening of its security	+	+
Section II. Corruption subjects			
2.1.	Representatives of local public authorities	+	2.1, 2.2 and/or any corrupt entity referred to in paragraphs 2.3 to 2.6
2.2.	Representatives of regional state authorities	+	2.2, 2.1 and/or any corrupt actor referred to in paragraphs 2.3 to 2.6
2.3.	Judges of cassation courts	-	+
2.4.	President of the State	-	+
2.5.	Members of the government, central government agencies	-	+
2.6.	Members of Parliament (MPs)	-	+
Section III. Time factor in the development of corruption			
3.1.	Lasts up to 3 years	+	
3.2.	Lasts from 3 to 10 years	+	+, if any type of corrupt act is committed and/or it is committed by any corrupt actor identified as a real threat in the relevant cell of sections I and/or II of this table
3.3.	Lasts for more than 10 years		+
Section IV. External transnational conjuncture of legal relations			
4.1.	The presence of a nation with a high tolerance for corruption and, at the same time, a large source of permanent income in neighbouring countries. The spiritual underdevelopment of the majority of members of such a nation, especially in the field of legal, economic and political relations, in practice is expressed in violence against representatives of the neighbouring nation who demonstrate a trend of social progress based on human virtues	+	4.1, 4.2 and especially if any type of corrupt act is committed and/or it is committed by any corrupt actor identified as a real threat in the relevant cell of sections I and/or II of this table
4.2.	Lack of and/or insufficient support for a virtuous nation (a nation whose development is based on the maximum use of the internal potential of human capital) from other virtuous nations	+	4.2, 4.1 and especially if any type of corrupt act is committed and/or it is committed by any corrupt actor identified as a real threat in the relevant cell of sections I and/or II of this table

a variety of natural and artificial systems, such as law and order, national security, corruption distortions, and so forth (Awadallaa, 2023, p. 3). National security should be interpreted as the protection (state and process of maintaining the state) of the interests of society, which is the population of the state. Such a society can be considered in terms of "people" or "nation" (Doronin, 2020, p. 390).

The above shows that the epistemological core of cognition of the phenomenon of corruption threats to the national security of Ukraine in the value-substantive, reflexive-evaluative and other dimensions of cognition is verified through human nature, which is measured by its virtues and marks natural law as anthropomorphic. These connections form the basis of the anti-corruption framework for resolving the social and legal opposition contradiction, namely: on the one hand, the elimination of human nature from the provisions of legislation / practice of its application, which denies law, since it distorts the nature of law and determines the corruption reality; on the other hand, the reflection of human nature in the provisions of legislation / practice of its application, which embodies law, since it identifies the nature of law and determines the legal reality.

7. Conclusions

Thus, the strategy of eliminating corruption threats to national security is a system of knowledge about legal and organisational measures aimed at ensuring the dominance of human virtues in public relations at a level that excludes both potential and real threats to human rights, territorial integrity, safe living conditions of citizens and other constitutional values. This is a molar set, the content capacity of which is divided into at least two atomic units – legal norms and implementation of legal norms. Collectively, both components of the strategy are capable of permanently ensuring the preservation of these values and the development of the nation on this basis. The first element is intended to cover the content of legal relations that express the existence and development of the nation. The second component involves the practical implementation of legal norms that are reflected in legislation and public consciousness. These two values equally saturate the functional and structural content of the security of national interests. Accordingly, the security of the nation exists only if lawmaking and law enforcement activities are carried out, which is possible only at the level of institutionalisation of these processes. Any substitution of an institution by a person, of a public interest by a private one,

of law by its appearance (symbol), of freedom by violence (discretion) leads to operational and/or strategic dysfunction of law, which leads to the loss of significant national values.

The above hierarchy of initial relations of key concepts for understanding corruption distortions, the essential content of national interests and the relationship between corruption and the level of threats to Ukraine's national security forms the ontological basis of the strategy for eliminating such threats. This basis should also include the principles of its creation, updating, implementation and monitoring of effectiveness. This will be the introductory part of the strategy. In the substantive part of the strategy for eliminating corruption threats to national security, it is necessary to define the goal, objectives and subject areas of national interests, as well as the subjects of its implementation, monitoring of effectiveness and updating. Such subjects are all state authorities, public organisations and every citizen. The main responsibility for the effectiveness of this concept lies not only with specialised anti-corruption bodies, but also with all public authorities. Consequently, a system of control over such executors will be created within the existing infrastructure of public authorities and with detailed regulation of the limits of control by citizens, whose legal opportunities should be sufficiently broad to ensure that this control remains an effective tool for ensuring the provisions of the Strategy, including the possibility for citizens to use legal procedures of self-organisation of the population. Separate sections of this strategy should be devoted to detailed rules for strengthening national security through transnational connections and digital technology resources. The secret part of the strategy for eliminating corruption threats to national security should contain rules for using the nation's permanent and situational advantages, its individual characteristics and other resources at a particular moment in time, as well as in the short, medium and long term. This part should also reflect algorithms for determining the nature and qualities of these advantages, timely verification of their emergence and transformations (strengthening, weakening, and so forth). Moreover, all these rules and algorithms should be combined with the rules for determining the changing nature of corruption acts and corrupt actors, their criminal accomplices (including those outside the country), for example, its weaknesses, strengths, peak loads, etc. An important source of support for the strategy under study is the subject matter and requirements of public international law, which requires further study.

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