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RESEARCH ARTICLE

The Effectiveness of Electronic Declaration Monitoring in the Detection and Investigation of Corruption Offences in the Judicial System

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The relevance of the research is determined by the understanding of electronic declaration monitoring as a means of preventing corruption in the judicial system. The aim of the study is to consider the electronic declaration monitoring as a means of detecting and investigating corruption offences in courts and the prospects for improving its use. The research employed doctrinal approach, statistical, comparative methods, and SWOT analysis. The research revealed a connection between declaration and electronic declaration monitoring as successive stages of anti-corruption activities. The role of electronic declaration monitoring in the judicial system is determined depending on the stages of law enforcement activity: a) detection of certain types of corruption offences; b) creating the primary evidence base and determining the grounds for international legal assistance; c) implementing confiscation measures. A set of organizational, technical, regulatory and legal measures is proposed based on the SWOT analysis. The urgency of international cooperation in relevant proceedings and the involvement of civil society institutions in monitoring procedures was emphasized. Research prospects are related to substantiating the place of ethical standards of behaviour in the mechanism of preventing corruption in the judicial system.

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INTRODUCTION

Corruption is a global problem; therefore, the introduction of an effective preventive system is extremely relevant for all countries of the world. Declaring and declaration monitoring occupy a special place among legal and organizational anti-corruption measures (Aripov, 2021). An important role in the development of electronic declaration and monitoring system was played by the UN Convention against Corruption, which established the rules of declaration for public officials and responsibility for their violation (United Nations Convention against Corruption, 2004). In general,

the transition from paper to electronic declarations increased the reliability of the presented data by 98% in the world (Karasiuk, 2022; Lytvyn et al., 2023). In addition, the introduction of electronic declaration led to the development of specialized independent institutions that monitor declarations, detect and investigate corruption offences (Nonik et al., 2024).

Electronic declarations and their monitoring are of particular importance to prevent corruption in the judicial system, which distorts the very idea of the rule of law and violates the principle of justice. According to international standards, electronic declaration covers professional and non-professional judges, regardless of the type of court in which they sit (Corruption Prevention Members of Parliament..., 2017). However, both the declaration and the declaration monitoring in the judicial system actualize a number of issues related to:

- observance of the right to inviolability of private life in the context of Article 8 of the European Convention on Human Rights (Wypych v. Poland, 2005);
- cyber security and protection of information systems due to vulnerability to malicious influence (Nurkey et al., 2021), which determines the growth of the role of special cyber units of law enforcement agencies (Kopotun et al., 2020);
- features of the use of databases and algorithms for their analysis in proceedings related to corruption offences in order to maintain a balance of the interests of the justice system and human rights (Babikov et al., 2024).

Accordingly, the issue of declaration and electronic declaration monitoring in the judicial system is controversial. On the one hand, it helps to prevent corruption, gives civil society an opportunity to monitor the integrity of judges (Karelin & Koropatnik, 2021). On the other hand, scepticism causes the danger of influence on judges by the executive power and law enforcement agencies.

So, the declaration system is a major step towards increasing transparency and a kind of springboard for culture change. The use of innovative technologies and analytical tools can significantly facilitate and speed up the investigation process due to the high latency and scale of corruption offences (Bozhyk et al., 2023). Therefore, it is the results of the declaration monitoring that make it possible to identify and effectively investigate manifestations of corruption in the judicial system, but this requires careful academic justification.

LITERATURE REVIEW

Corruption prevention attracts considerable attention of experts, but there is an obvious lack of intelligence on the judicial system. This also applies to the specifics of investigating corruption offences committed by judges and court employees (Svoboda & Tsipotan, 2023). As the authors mainly focus on certain aspects of the problem, it is advisable to group their research based on the object of professional analysis:

1. The first group consists of intelligence on national peculiarities of declaration and electronic declaration monitoring. For example, Krivins et al. (2024) study the effectiveness of anti-corruption in individual European countries and emphasize the regularities of determining the anti-corruption potential and the unevenness of the successes of EU member states. In particular, more than 92% of the persons prosecuted in Romania are declaration violators over 10 years. Currently, Romania does not meet the control criteria and there is a danger of non-recognition of decisions of Romanian courts by the EU (Martin-Russu, 2022). The problems of declaring financial interests in Poland became the subject of research by Jaworski (2024), who identified a number of shortcomings of this system and ways to prevent them.

A separate block of research consists of works on the analysis of the situation in European countries that are not members of the EU. For example, Hajdini and Skara (2022) presented the results of a long campaign to declare the assets of judges in Albania. In turn, Zyma et al. (2024) studied the

peculiarities of declarations in the Ukrainian judicial system and their verification. Svoboda and Tsipotan (2023) analysed the results of such monitoring in the context of holding judges of various levels liable in 2023. Since December 1, 2023, a new system of checking declarations has been introduced in Ukraine, which has been subjected to a critical analysis by Transparency International Ukraine in terms of inconsistencies between various types of automated registers (New Iteration of Full Checks of the National Agency on Corruption Prevention, 2024).

Along with European intelligence, research on the situation in some Asian countries is presented in the professional discourse. For example, Khan (2022) showed the extent of corruption in Pakistan's judicial system, resulting in many citizens losing confidence in the judicial system and belief in the possibility of change. In turn, Aripov (2021) critically characterizes the system of declaring property and income of judges in Uzbekistan, which showed inefficiency due to the lack of an independent system for verifying the reliability of information.

- 2. The second group of studies focus on various aspects of declaration and electronic declaration monitoring. In particular, the impact of the effectiveness of the declaration on the restoration of public trust in the state and the judicial system is studied (Karelin & Koropatnik, 2021). The definition of the scope of electronic declaration monitoring in the context of the performing criminal justice tasks also attracts the researchers' attention. It is concluded that it is necessary to track, identify and evaluate, seize assets in order to take precautionary measures from the very beginning of the investigation. Neglecting this duty leads to decreased effectiveness of law enforcement activities (Bucur, 2023). However, Babikov et al. (2024) emphasize that the declaration monitoring pursues the goal of mainly enforcing the confiscation of property in criminal and civil proceedings for corruption offences.
- 3. A separate block of research is aimed at determining the prospects for improving the effectiveness of electronic declaration monitoring. In this context, two directions can be distinguished:
 - Improvement of the declaration process for judges and court employees. In particular, GRECO emphasizes the responsibility of judges themselves for the proper functioning of their courts and compliance with high standards of ethical behaviour and decision-making quality. Judges must play an active role in ensuring that their colleagues act with integrity (Corruption Prevention Members of Parliament ..., 2017). First of all, this can be achieved by constantly improving the skills of declaration, taking into account the specifics of the situation. For example, this is a specific feature of martial law for Ukraine, which does not exempt judges and court employees from the obligation to comply with the requirements of anti-corruption legislation and the deadlines for filling out electronic declarations (Peculiarities of Electronic Declaration, 2024). However, ensuring continuous innovative education in this area remains the priority (Zhuravlova et al., 2022). Along with this, Bawono (2023) emphasizes a clearly defined period of mandatory electronic declaration to avoid conflicts of interest;
 - Improvement of the declaration monitoring process. Systemic analysis leads the authors to the opinion about the leading role of civil society institutions (public associations, mass media). This requires a high legal culture of citizens and their active position (Nonik et al., 2024). However, this can be achieved through a set of measures that will ensure professional training of subjects of public control (Zyma et al., 2024).

Along with this, attention is drawn to the limitation of the preventive anti-corruption potential of the declaration. Therefore, different types of legal liability should be introduced (Karasiuk, 2022), which becomes possible under proper electronic declaration monitoring.

The conducted literature review gives grounds for the conclusion that experts pay attention to both the analysis of the current state and the prospects for improving the electronic declaration monitoring. The results of studies have a different level of generalization, which emphasizes the

complexity of analysing the issues. It is also considered appropriate to systematize these results and propose an approach to increase the effectiveness of declaration monitoring, which takes into account the specifics of corruption manifestations in the judicial system.

The aim of the research is to analyse the value of electronic declaration monitoring in the context of detection and investigation of corruption offences in courts, as well as to determine promising directions for improving its use.

Research objectives:

- determine the features of electronic declaration monitoring and describe its role in the detection and investigation of offences in the judicial system;
- evaluate the European experience in the context of the expediency of borrowing it to prevent corruption in courts in countries with a transitive legal system (using the example of Ukraine);
- investigate the prospects of improving the system of electronic monitoring of declarations for the detection and investigation of corruption offences in the judicial system.

METHODOLOGY

Research design

The work contains three stages, which successively reveal the issue under research. At the first stage, the relationship of objects and subjects of declaration with electronic monitoring procedures is shown on the basis of the data of the World Bank and international standards of declaration. The special role of electronic declaration monitoring as an anti-corruption measure in the field of justice is emphasized. Along with this, attention is paid to the subjects of electronic declaration monitoring, where civil society institutions occupy a special place. Regarding the importance of such monitoring in the detection and investigation of offences in the judicial system, this part of the study defines the main stages of law enforcement activities at which this monitoring is implemented.

At the second stage, the appropriateness of applying to common European standards is shown on the basis of the grouping of EU countries according to the criterion of correlation of the standard of living and the corruption rate. This part of the work discusses the positions of the GRECO group and the legal positions of the ECHR regarding the declaration and electronic declaration monitoring in the judicial system. The need to observe a compromise between the public demand for openness of data on the property, income and assets of judges and the right to the declarant's private life is determined. A comparative analysis of common European approaches and Ukrainian anti-corruption practice in the judicial system is presented. The need to bring anti-corruption practices closer to European standards is emphasized based on the generalization of statistics on corruption criminal offences and the analysis of the legislation of Ukraine.

At the third stage, a complex of organizational, technical, regulatory and legal measures is proposed with the help of a SWOT analysis. Attention is focused on international cooperation, without which it is impossible to effectively prevent transnational corruption. Unification of the national approaches to declaration and taxation of income and assets is appropriate. The necessity of maximum involvement of civil society institutions in the electronic declaration monitoring as initiators of relevant checks is emphasized.

Sample

The sample for the study was made up of statistics of the World Bank, which characterize the objects of declaration defined in the legislation of most countries. This gave grounds to determine the appropriateness of electronic monitoring of objects located in different jurisdictions.

The provisions of the European anti-corruption standards on the prevention of corruption among members of parliaments, judges and prosecutors, represented by the group (Corruption Prevention Members of Parliament, Judges and Prosecutors Conclusions and Trends, Council of Europe, 2017) were also used. This made it possible to determine pan-European trends, compliance with which is expedient for countries with a transitive legal system. Statistics on corruption criminal offences for 2021 — the first half of 2024 were processed in order to compare European approaches and Ukrainian anti-corruption practice.

METHODS

This study employed a set of methods, including:

- a doctrinal approach to characterize the international standards, provisions of the national legislation of Ukraine, court practice regarding the features of declaration and electronic declaration monitoring;
- statistical method, which was used to process a) data of international agencies regarding objects of declaration, b) statistics of the Office of the Prosecutor General regarding criminal declaration-related offences, which were registered in Ukraine during 2021 the first half of 2024;
- comparative method to compare the anti-corruption standards of the EU and Ukraine as countries with a transitive legal system, identify gaps in the implementation of electronic declaration monitoring and its use in the detection and investigation of offences;
- SWOT analysis to identify promising directions for improving the electronic declaration monitoring that can be used in the judicial system.

RESULTS

Peculiarities of electronic declaration monitoring and its role in detection and investigation of offences in the judicial system

The system of prevention of corruption offences includes a number of legal and organizational measures. The features of such monitoring are primarily determined by the objects to be declared. The quality of declaration monitoring depends on the thoroughness and completeness of the definition of these objects. According to the World Bank, the vast majority of countries that have introduced electronic declaration have a similar list of declaration objects (Figure 1). At the same time, in some countries (for example, in Ukraine) information is provided about property, assets and income located/received in one's own country and abroad.

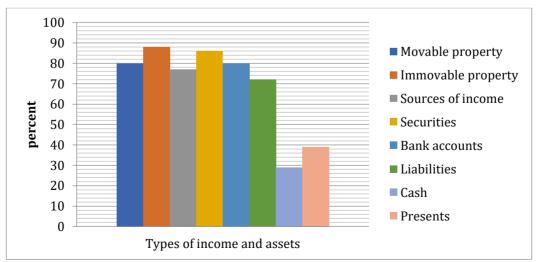


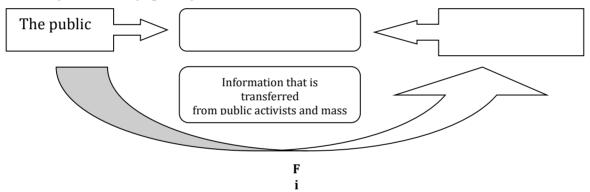
Figure 1: Categories of income and assets that are most often presented in electronic declarations

Source: Kotlyar and Pop (2016)

The comparatively lower prevalence of declaring cash (29%) and presents (39%) attracts attention. Unlike others, these declaration objects cannot be verified through state databases and registers. Therefore, their monitoring can be objective only in case of analysis of the lifestyle of the declarant and his or her family members. These provisions directly apply to employees of the judicial system.

The special status of judges is provided in all countries. However, international standards allow different models of declaration of property, assets and income of judges and court employees: a) only in case of crimes; b) only before appointment to the position; c) regular submission of declarations by the subjects of the declaration (in some cases, their close relatives) (Corruption Prevention Members of Parliament 2017).

The presented information is checked automatically or manually in the process of monitoring (a combination of both methods is also possible). It is about: a) analysis of the correctness and logical consistency of the data given in the declaration; b) comparison of the data given in the declaration with other state databases and registers. At the same time, the mechanism of electronic declaration monitoring is an activity where the subjects are specialized state agencies. In some jurisdictions (for example, EU countries, Ukraine), the participation of civil society institutions (public associations, mass media) is allowed (Figure 2).



In case of detection of an offence, the monitoring results are implemented in the procedural decisions of the relevant authorities. If a disciplinary violation is detected, the issue of the judge's/employee's responsibility is decided by the judicial disciplinary body. In case of detection of a more serious offence, the decision is taken by the body authorized to conduct relevant proceedings.

Accordingly, the role of electronic declaration mozitoring in the judicial system is the following:

General diagram of the interaction of civil society institutions and the state body in the monitoring

 it is a means of forming a legal awareness culture of judges and court employees;
 it contributes to the formation of zero tolerance for corruption in society;

- it allows the introduction of integrity control in the judicial system by civil society;
- it allows to improve state registers and databases;
- its results contribute to the clarification of legislation related to the status and activity of judges.
- The role of electronic monitoring of declarations in the detection and investigation of offences in the judicial system is determined by the relevant stage of law enforcement activity:
- detection of corruption offences. Such offences can be committed before declaration, as well as during the declaration process (failure to submit information, submission of false information, violation of declaration deadlines, etc.);

- formation of the primary evidentiary base for the investigation of offences, determination of grounds for international legal assistance (in case of finding unsubstantiated property, income, assets abroad);
- implementation of enforcement measures, such as confiscation.

European experience of preventing corruption in courts as a reference point for countries with a transitive legal system (using the example of ukraine)

Today, EU countries demonstrate different effectiveness in preventing corruption. From the perspective of the correlation between the corruption rate and the standard of living, three groups of EU countries were distinguished:

- countries with a high standard of living and a low corruption rate (for example, Germany, Finland, Sweden);
- countries that provide a high standard of living, but the corruption rate remains relatively high (for example, Spain, Italy, Cyprus, Portugal, Slovakia);
- countries with a relatively low standard of living and a high corruption rate (Bulgaria, Greece, Romania, Hungary).

Accordingly, not all EU countries have completed the harmonization of anti-corruption legislation with common European norms. Therefore, it is advisable to refer to general standards, in particular, the position of the GRECO group. In particular, it is about the introduction of the responsibility of the judges themselves for the proper functioning of their courts and compliance with high standards of ethical behaviour and decision-making quality. Declaration monitoring and control of the relevant bodies should be reliable and effective (Corruption Prevention Members of Parliament ..., 2017).

A component of European standards is a compromise between the public demand for meaningful information and the right to respect for private life. The position of the ECHR follows that interference with privacy in the form of the declaration requirement and declaration monitoring must be justified and comply with the law. The ECHR has approved publication and open access to declarations as there is a legitimate public interest in doing so (Wypych v. Poland, 2005). Such a position is ensured by the closure of confidential personal data and the availability of those that indicate the state of the objects of declaration.

The specified standards are a reference point for countries with a transitive legal system, which includes Ukraine. According to sociological surveys, 89% of Ukrainian citizens consider corruption to be the most serious problem after a full-scale war. According to the legislation of Ukraine, judges of general courts and the Constitutional Court of Ukraine, employees of disciplinary agencies in the judicial system, jurors (while performing their duties in court) must submit declarations. Regulatory acts distinguish various types of declarations, the obligation to submit them is related to the features of the declarant's status (Verkhovna Rada of Ukraine, 2014). The anti-corruption legislation also introduced electronic monitoring of judges' declarations and lifestyle, which is carried out by a special government body. It must check the reliability of the actual and digital data given in the declarations, as well as corruption-inducing factors (in particular, conflict of interests). Along with this, the way of life of judges is taken into account. At the same time, the Constitutional Court of Ukraine emphasized that the principle of independence of the judiciary is not an obstacle to declaring and monitoring the declarations of judges (Constitutional Court of Ukraine, 2020).

However, it is clear that declarations and electronic declaration monitoring have not yet become effective anti-corruption measures. In particular, this is evidenced by statistical indicators that illustrate criminal declaration-related offences (Table 1).

Table 1: Statistics on the commission of criminal offences that are directly related to the process and quality of declaration (2021 - 1st half of 2024, Ukraine)

Types of criminal offences	2021	2022	2023	1st half of 2024
The total number of criminal	18,330	11,617	14,820	10,159
offences related to the official duty	,	, ,	,	ŕ
Declaring false information	1	78	39	118
Failure to submit a declaration by	_	138	31	130
the subject of the declaration		150	31	130
Receiving improper benefit by a public servant	1,566	988	1,403	1,110

Source: Office of the Prosecutor General: statistics (2021-2024) (2024)

The given data make it clear that criminal declaration-related offences have a tendency to increase. This correlates with a certain decrease in the indicators of such a corrupt act as receiving an improper benefit by a public servant. Obviously, prosecution for violation of the rules of declaration is a warning for potential corruptors. The most common type of punishment for declaring false information about property and income is a fine. An additional punishment in the form of deprivation of the right to hold positions, which means dismissal from the position, is also necessarily imposed.

So, the example of Ukraine as a country with a transitive legal system emphasizes the importance of compliance of national mechanisms with pan-European standards for preventing corruption in the judicial system. Although declarations and electronic monitoring of declarations cannot completely protect justice from corruption, the implementation of these measures is mandatory.

Prospects for improving the system of electronic monitoring of declarations for the detection and investigation of corruption offences in the judicial system

The prospects for improving the system of electronic declaration monitoring are determined by the specifics of this anti-corruption measure. The corruption prevention in the judicial system is part of the anti-corruption policy of the state, so comprehensive directions are proposed. Their introduction has the potential to reduce corruption in all spheres, including justice. The SWOT analysis showed the correlation between the features of electronic declaration monitoring and directions for its improvement (Table 2).

Table 2: SWOT analysis of directions for improving the use of electronic declaration monitoring in the context of the prevention of corruption offences in the judicial system

Category	Interpretation regarding electronic declaration monitoring	Directions for improving electronic declaration monitoring
Strengths	 use of big data and their analysis using special software tools; disclosure of information about income and assets and its constant monitoring with data from past periods reduces the opportunities for illegal enrichment, reduce the level of latency of offences, and increase the effectiveness of proceedings against them. 	1. Synchronization of databases and unification of software products for their analysis.
Weaknesses	 the duration of the verification process due to the processing of large data, taking into account the number and variety of registers; lack of real control over acquisition and use of cash; the vulnerability of personal data in view of the publicity of the declaration. 	1. Insufficient effectiveness of declaration of income and assets determines the need to introduce lifestyle monitoring.

		2. The need to develop
		a personal information
		protection system.
Opportunities	- formation of ethical behavioural norms in the	1. Regulation of
	judicial system;	maximum
	- strengthening the rule of law.	involvement of civil
		society institutions in
		anti-corruption
		activities.
Threats	- the use of modern types of assets and income	1. Unification of
	(for example, cryptocurrencies), which	approaches to
	objectively reduce the effectiveness of	declaration and
	monitoring declarations;	taxation of modern
	- difficulties in exchanging information with	types of assets and
	foreign partners regarding income and assets of	income.
	corrupt origin.	

So, a set of measures systematically interconnected and provided with appropriate personnel and resources is proposed. These measures will be: organizational, technical, regulatory and legal. Special attention should be paid to international cooperation, which is achieved through the unification of national approaches to declaration and taxation of income and assets. Regarding the subject composition, it is considered appropriate to maximize the involvement of civil society institutions: public organizations, mass media, and representatives of the blogger community.

In general, electronic monitoring of declarations cannot prevent corruption. However, its implementation and improvement allows for the identification and recovery of illegal assets through systematic data collection and financial disclosure. This activity is part of the joint activity of the state and society, which requires constant improvement for its effectiveness.

DISCUSSION

The conducted research gives grounds to state the fragmented knowledge on the effectiveness of electronic declaration monitoring. Understanding of its role in investigating and detecting corruption in the judicial system remains incomplete. At the same time, scientific research is ongoing regarding the substantiation and implementation of modern approaches to increase the effectiveness of such monitoring.

The discussion about the connection between the standard of living and the corruption rate is of systemic importance. Blikhar et al. (2022), Melnyk et al. (2022) emphasize the nonlinearity of such a relationship for EU countries. Khan (2022) proves a direct correlation between these factors using the example of Pakistan. There are reasons to share the second position. Countries with a transitive legal system are characterized by tolerance of corruption by public officials (Khan, 2022; Bawono, 2023). However, it is important to form an understanding of the incompatibility of corruption with a high standard of living to ensure anti-corruption resistance of society.

It is important to implement complex strategies and system solutions for the effective electronic declaration monitoring. In this context, Bozhyk et al. (2023) emphasize the combination of law enforcement, legislation, and modern technologies. This can facilitate and speed up the process of investigating corruption offences. A somewhat narrower position does not take into account that the effectiveness of monitoring declarations in the judicial system depends on institutional, infrastructural and other organizational measures (Hajdini & Skara, 2022; Yunin et al., 2021)). But the implementation of technological solutions for monitoring declarations raises the issue of compliance with human rights. The opinion of Babikov et al. (2024) should be supported regarding the settlement of the use of databases, algorithms and artificial intelligence for their analysis in the

criminal trial. Without this, it is impossible to ensure a balance of the interests of criminal justice and human rights when detecting and investigating corruption offences in the judicial system.

The subject composition of electronic declaration monitoring is of special research interest. At the same time, some authors emphasize interaction with the public and the role of citizens in the anti-corruption process (for example, Nonik et al., 2024). Other researchers talk about the main role of specially trained journalists (Bidzilya et al., 2022; Serebrennikova et al., 2021). In this regard, Zyma et al. (2024) proposed a more balanced position regarding the circle of subjects. These authors emphasize the differentiation of monitoring subjects: the public initiates such monitoring, specialized state bodies directly carry it out.

A number of authors focus on the issues of legal responsibility for corruption offences. In particular, it refers to administrative and criminal law coercive measures (Kurylo et al., 2020; Karasiuk, 2022). However, disciplinary violations may also be detected in the process of electronic declaration monitoring. Therefore, the analysis of the importance of such monitoring for the detection and investigation of corruption offences in the judicial system should be considered in the context of all types of responsibility. This should become part of the theoretical justification for the improvement of anti-corruption legislation regarding judges and employees of the judicial system.

CONCLUSIONS

The conducted research gives grounds to assert that declaring and electronic declaration monitoring are important anti-corruption activities. However, their consideration in the context of the specifics of corruption prevention in the sphere of justice does not attract the proper attention of specialists. Therefore, consideration of the features of the use of electronic declaration monitoring for the detection and investigation of corruption offences in the judicial system determined the relevance and novelty of this study.

The conducted analysis emphasized the systemic connection of declaring and electronic declaration monitoring as successive stages of anti-corruption activities. On this basis, the need to study the objects and subjects of declaration as a prerequisite for studying the specifics of electronic declaration monitoring in the sphere of justice is substantiated. The ratio of the tasks of specialized state agencies and civil society institutions in the implementation of electronic monitoring is shown. The role of electronic declaration monitoring in the judicial system and separately in the detection and investigation of corruption offences is determined. The provisions of European standards and ECHR practices are considered for understanding the requirements for declaring and electronic declaration monitoring. A comparative analysis of such provisions with the practice of countries with a transitive legal system (using the example of Ukraine) is presented. The urgency of bringing the national anti-corruption practice into compliance with the specified standards is emphasized based on the statistics on corruption criminal offences for 2021 — the first half of 2024 in Ukraine. The SWOT analysis gave grounds to propose a set of organizational, technical, regulatory and legal measures. Special attention is proposed to be paid to international cooperation and maximum involvement of civil society institutions in monitoring procedures.

The practical significance of the study is the prospects for the unification of national approaches to the declaration and taxation of modern types of assets and income. This will reduce opportunities for evasion of liability in different jurisdictions. It is also necessary to expand the participation of public organizations, mass media, and the blogger community in monitoring declarations in the judicial system.

RECOMMENDATIONS

- 1. regarding the improvement of the organization of anti-corruption activities expanding the participation of civil society institutions in the electronic monitoring of declarations of judges and court employees;
- 2. regarding legal support unification of national approaches to declaration and taxation of modern types of assets and income to make it impossible to hide wealth in different jurisdictions;
- 3. Regarding the prospects of further research theoretical justification of strengthening the role of ethical standards of behaviour in the mechanism of preventing corruption in the judicial system.

LIMITATIONS

Research into the effectiveness of electronic declaration monitoring in the investigation and detection of corruption offences in the judicial system is limited by the natural latency of such acts. Furthermore, specific procedures for bringing judges to justice significantly complicate the investigation of corruption. Therefore, only the leading trends and the most general areas of improvement of anti-corruption activities can be formulated.

REFERENCES

- Aripov, D. (2021). Development of organizational and legal framework in combating corruption in the judicial system. *The American Journal of Political Science Law and Criminology, 3*(2), 65-71. https://doi.org/10.37547/tajpslc/Volume03Issue02-09
- Babikov, O., Smirnov, A., Chernysh, M., Syrovatka, S., & Pylypenko, I. (2024). Use of electronic search systems in the investigation of corruption crimes in Ukraine: Opportunities and challenges for human rights. *Amazonia Investiga*, 13(76), 236-246. https://doi.org/10.34069/AI/2024.76.04.19
- Bawono, B.T. (2023). Activity on glasses as a corruption monitoring system. *Journal of Law and Sustainable Development*, 11(11), e01107. https://doi.org/10.55908/sdgs.v11i11.1107
- Bidzilya, Y.M., Rusynko-Bombyk, L.M., Solomin., Y.O., Hetsko, H.I. & Barchan, O.V. (2022). Implementation of the of lifelong learning principles as a background for quality specialized education of journalists. *Journal of Curriculum and Teaching*, 11(1), Special Issue, 142-153. https://doi.org/10.5430/jct.v11n1p142
- Blikhar, V., Syrovackyi, V., Vinichuk, M., & Kashchuk, M. (2022). Institucional and legal basis of counteracting corruption: Experience of the European Union and Ukraine (2022) *Financial and Credit Activity: Problems of Theory and Practice, 2*(43), 365-372. https://doi.org/10.55643/fcaptp.2.43.2022.3757
- Bozhyk, V., Vlasova, G., Stryzhevska, A., & Tsymbal, P. (2023). Business criminal investigation: Foreign experience and legal regulation in Ukraine. *Social & Legal Studios*, 6(4), 48-57. https://doi.org/10.32518/sals4.2023.48
- Bucur, A.M. (2023). Precautionary measures. Conditions, seizure report. *Technium Social Sciences Journal*, 46, 213-227. https://doi.org/10.47577/tssj.v46i1.9382
- Constitutional Court of Ukraine. (2020). Decision of the Constitutional Court of Ukraine of 27 October 2020, №13-p/2020. Retrieved from https://ccu.gov.ua/storinka-knygy/316311-deklaruvannya-dohodiv
- Corruption Prevention Members of Parliament, Judges and Prosecutors Conclusions and Trends. (2017). GRECO Anti-corruption body of the Council of Europe. Retrieved from https://rm.coe.int/corruption-prevention-members-of-parliament-judges-and-prosecutors-con/16807638e7
- Hajdini, B., & Skara, G. (2022). The role of information and communication technology in fighting corruption in the judiciary system: The case of 2016 judicial reform in Albania. *Journal of Liberty and International Affairs*, 8(3), 115-134. https://doi.org/10.47305/JLIA2282021

- Jaworski, A. (2024). Illegibility of the declaration of financial interests as a premise for declaring its submission ineffective. *Studia Prawa Publicznego*, *2*(46), https://doi.org/10.14746/spp.2024.2.46.6
- Karasiuk, M.V. (2022). General characteristics of electronic declaration as a means of preventing corruption in the digital environment. *Scientific Notes of Lviv University of Business and Law. Economic Series. Legal Series*, *34*, 151-157. http://dx.doi.org/10.5281/zenodo.7256300
- Karelin, V. V., & Koropatnik, I.M. (2021). Electronic declaration as one of the main means of corruption criminal offenses in Ukraine prevention. *The Penal System: Yesterday. Today. Tomorrow, 2*, 110-119. https://doi.org/10.32755/sjcriminal.2021.02.110
- Khan, W.A. (2022). Impact of corruption on judicial system of Pakistan, creating lack of trust and dissatisfaction among the citizens. *International Journal of Advanced Legal Research, 3*(1). Retrieved from https://www.researchgate.net/publication/370023040_INTERNATIONAL_JOURNAL_OF_AD VANCED_LEGAL_RESEARCH_IMPACT_OF_CORRUPTION_ON_JUDICIAL_SYSTEM_OF_PAKISTA N_CREATING_LACK_OF_TRUST_AND_DISSATISFACTION_AMONG_THE_CITIZENS
- Kopotun, I., Nikitin, A., Dombrovan, N., Tulinov, V., & Kyslenko, D. (2020). Expanding the potential of the preventive and law enforcement function of the security police in combating cybercrime in Ukraine and the EU. *TEM Journal*, *9*(2), 460-468. https://doi.org/10.18421/TEM92-06
- Kotlyar, D., & Pop L. (2016). Asset declarations: A threat to privacy or a powerful anti-corruption tool? *World Bank,* Retrieved from https://www.worldbank.org/en/news/opinion/2016/09/26/asset-declarations-a-threat-to-privacy-or-a-powerful-anti-corruption-tool
- Krivins, A., Vilks, A., & Kipane, A. (2024). Corruption perception trends: European Union countries. *Access to Science, Business, Innovation in the Digital Economy, 5*(1), 58-67. https://doi.org/10.46656/access.2024.5.1(4)
- Kurylo, V.I., Mushenok, V.V., Kholostenko, A.V., Mashevska, O.P., & Sira, A.V. (2020). Inaccuracy of information about the property of the subject of the declaration as a qualifying feature of a corruption-related offence. *Academic Journal of Interdisciplinary Studies*, 9(5), 282-291. https://doi.org/10.36941/ajis-2020-0104
- Lytvyn, N.A., Artemenko, O.V., Kovalova, S.S., Kobets, M.P. & Kashtan, E.V. (2023). Administrative and legal mechanisms for combating corruption. *Journal of Financial Crime*, *30*(1), 154-166. https://doi.org/10.1108/JFC-11-2021-0241
- Martin-Russu, L. (2022). *Deforming the reform: The impact of elites on Romania's post-accession Europeanization*. Frankfurt (Oder): Springer. Retrieved from https://library.oapen.org/bitstream/handle/20.500.12657/58632/978-3-031-11081-8.pdf?sequence=1&isAllowed=y
- Melnyk, D.S., Parfylo, O.A., Butenko, O.V., Tykhonova, O.V., & Zarosylo, V.O. (2022). Practice of the member states of the European Union in the field of anti-corruption regulation. *Journal of Financial Crime*, *29*(3), 853-863. https://doi.org/10.1108/JFC-03-2021-0050
- New Iteration of Full Checks of the National Agency on Corruption Prevention. (2024). Transparency International Ukraine. Retrieved from https://ti-ukraine.org/news/nova-iteratsiya-povnyh-perevirok-nazk-yak-tse-vidbuvatymetsya-teper/
- Nonik, V., Tkachenko, A., Arifkhodzhaieva, T., Halunko, O., & Trehub, D. (2024). Enhancing governance through anti-corruption strategies: Exemplary approaches and obstacles. *Multidisciplinary Science Journal*, *6*, ss0704. https://doi.org/10.31893/multiscience.2024ss0704
- Nurkey, A.A., Kosherbayeva, A.B., & Kuandykov, N.K. (2021). Electronic declaration of assets as a way to prevent corruption. *Economics: The Strategy and Practice*, 16(4), 208-217. https://doi.org/10.51176/1997-9967-2021-4-208-217
- Office of the Prosecutor General: Statistics (2021 2024). (2024). On registered criminal offences and the results of their pre-trial investigation. Retrieved from https://gp.gov.ua/ua/posts/pro-

zareyestrovani-kriminalni-pravoporushennya-ta-rezultati-yih-dosudovogo-rozsliduvannya-2

- Peculiarities of Electronic Declaration. (2024). National School of Judges of Ukraine. Retrieved form https://nsj.gov.ua/ua/news/1111osoblivosti-elektronnogo-deklaruvannya-v-umovah-voennogo-stanu/
- Serebrennikova, A.V., Kyrychenko, T.M., Leonov, B.D., Shablystyi, V.V., & Chenshova, N.V. (2021). Cyberbullying as a way of causing suicide in the digital age. *Medicine and Law, 40*(4), 449–470. http://dx.doi.org/10.37635/jnalsu.28(3).2021.277-289
- Svoboda, E.Yu., & Tsipotan, Y.P. (2023). The state of scientific development of issues related to the investigation of corruption criminal offenses committed by judges. *Analytical and Comparative Jurisprudence*1, 1, 634-638. https://doi.org/10.24144/2788-6018.2024.01.111
- United Nations Convention against Corruption (UNCAC). (2004). Retrieved from https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf
- Verkhovna Rada of Ukraine. (2014). On prevention of corruption: Law of Ukraine, № 1700-VII. Retrieved from https://zakon.rada.gov.ua/laws/show/1700-18#Text
- $Wypych \ v. \ Poland. \ (2005). \ The \ European \ Court \ of \ Human \ Rights. \ Retrieved \ from \ https://hudoc.echr.coe.int/eng#\{\%22itemid\%22:[\%22001-71236\%22]\}$
- Yunin, O., Nikolaichuk, S., Brusakova, O., Kravchenko, I., & Kolesnikova, M. (2021). Administrative and legal status of district administrative courts in the administrative justice system. *Journal of Legal, Ethical and Regulatory Issues, 24*(6), 1-8. Retrieved from https://essuir.sumdu.edu.ua/bitstream/123456789/85410/1/Yunin_et.al_Administrative_a nd_legal_status_2021.pdf
- Zhuravlova, Y., Kichuk, Y., Yakovenko, O., Miziuk, V., Yashchuk, S., & Zhuravska, N. (2022). Innovations in education system: Management, financial regulation and influence on the pedagogical process. *Journal of Curriculum and Teaching*, 11(1), Special Issue, 163-173. https://doi.org/10.5430/jct.v11n1p163
- Zyma, O.T., Zavialov, Y. V., & Klymus, Kh. I. (2024). Problem aspects of verifying declarations and

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