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EXPEREINCE OF INVESTIGATION OF CORRUPTIONAL CRIMES IN THE UNITED KINGDOM

United Kingdom anti-corruption legislation is considered one of the most «advanced» in the world. At the very beginning of the 21st century in the United Kingdom of Great Britain and Northern Ireland, it was decided to replace the old anti-corruption laws with one new. In 2010, the law «The Bribery Act», which entered into force on July 1, 2011, was passed. Its formulations, on the one hand, are extremely specific, and on the other, they allow the law to be applied widely, and at the same time, if necessary, selectively. But the most interesting thing is that the national law adopted in the United Kingdom is in fact international and de facto binding. It can be an effective tool for promoting British interests around the world.

The United Kingdom Bribery act is the anti-corruption law, which has extraterritorial legal effect and the widest scope of application compared to the Foreign Corruption Act (USA), especially compared to the Ukrainian Law «On the Prevention of Corruption».

The law is an attempt to bring anti-corruption legislation in line with international legal instruments seeking to introduce an international approach to combating corruption, in particular in order to comply with the requirements of the OECD Convention on Combating Bribery of Foreign Officials in International Commercial Transactions (OECD Convention on combating bribery of foreign public officials in international business transactions).

The law consists of 20 articles (sections), including such elements of crime as offering, giving, extortion and accepting a bribe, including to a foreign official, as well as not taking measures to prevent bribery. The Law defines the concepts of bribes and responsibilities for the bribe giver and bribe taker. The Law applies to legal entities registered in the UK and operating in the country and abroad, as well as companies not registered in the UK, but operating in its territory.

The law provides for liability of the company for a crime in the form of a fine, and does not limit its size, but gives its determination to the discretion of the court, as well as imprisonment for up to 10 years. Responsibility is imposed not only on the briber, but also on the company whose interests the briber is representing, i.e. the law applies to any entity having any relation to the company, including associates.

As part of the anti-corruption strategy in the UK, a program is being implemented to establish the principles of honesty and integrity in all

spheres of society, including in the public service. In October 1994, an independent advisory committee on standards (behavior) in public (state) life was created under the chairmanship of Lord Nolan. The committee included 10 reputable public figures, including two members of parliament. The tasks of the Committee included: «the study and assessment of the norms of behavior of all heads of public institutions, including all actions related to their financial and commercial activities»; development of recommendations for improving the moral criteria of the participants of «public life». Among them were all ministers, civil servants, members of the national and European parliaments, senior officials of all non-governmental public institutions, representatives of local authorities. At the same time, the Committee was not recommended to consider particular cases of violation of standards of behavior, but to focus on the formation of general principles of decent participation in public life. As a result, already in 1995, the Committee formulated seven principles of state work of officials — a peculiar Code of Conduct (Иванов О. Закон Великобритании о борьбе со взяточничеством, распространение его действия на зарубежные (в том числе российские) компании // ЭТАП. 2012.№ 1. С. 104–105):

1. non-binding — serving only the public interest, the rejection of any action to achieve material and financial benefits for themselves, their families and friends;
2. integrity — the avoidance of any financial or other dependence on external persons or organizations that may affect the performance of official debt;
3. objectivity — an unbiased decision of all issues;
4. accountability — responsibility for the actions taken to the public and the provision of complete information in the case of a public audit;
5. openness — maximally informing the public about all decisions and actions, their validity (while reducing information is permissible if it is necessary to respect the highest public interests);
6. honesty — compulsory reporting on their private interests related to public duties, taking all measures to resolve possible conflicts in favor of public interests;
7. leadership — adherence to the principles of leadership and personal example in the performance of standards of public life.

Although violations of these standards themselves did not entail judicial consequences and were considered only as a violation of the «Code of Honor», they played the role of a deterrent in the fight against corruption.

In the anti-corruption law of England it is clearly spelled out what gifts officials and employees can receive, this applies only to Christmas presents.. At the same time, the employee is obliged to refuse all other presents. Moreover, if a present is offered by an employee of a foreign company, before he

is accepted by a public servant, he must ask permission from his direct superior, in that case exceptions are made to observe etiquette.

In conclusion, It should be noted that the anti-corruption policy Britain is more developed, judging by positive dynamics of its improvement since 2017 of the year. Ukraine's anti-corruption policy is also presented to us as elaborated and concretized, which has a certain direction in its activities, a plan and strategies to combat corruption in the country, but nevertheless, not without a number of shortcomings that still require their solution. It can be concluded that Ukraine has a lot to learn from the UK, and our special anti-corruption service (DBR) has space to grow (Нелезенко Н. П. Анализ международного опыта предотвращения и борьбы с коррупцией // Вестник государственного и муниципального управления. 2013.№ 4. С. 188).

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ДЕРЖАВНЕ БЮРО РОЗСЛІДУВАНЬ УКРАЇНИ ТА ФЕДЕРАЛЬНЕ БЮРО РОЗСЛІДУВАНЬ США: ПОРІВНЯЛЬНИЙ АНАЛІЗ

На даному етапі судово-правова реформа відзначається суттєвими змінами у структурі органів правопорядку, їх повноваженнях, функціях та, загалом, створенням нових органів. Одним з таких органів є Державне бюро розслідувань (далі — ДБР). На нашу думку, дослідження діяльності ДБР потрібно проводити із порівнянням функціонування подібних органів у зарубіжних країнах, наприклад, Федерального бюро розслідувань у США (далі — ФБР). У США ФБР було створено у 1908 році та виконувало роль спеціального розшукового підрозділу, що входило до складу федерального департаменту юстиції та на сьогодні вважається найстарішою державною спецслужбою у світі.

Науковці часто порівнюють Федеральне бюро розслідувань США та ДБР України. Для з'ясування особливостей кожного з цих органів потрібно детальніше розглянути ДБР та ФБР.