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CORRUPTION AS A WEAK LANK OF THE SHIP'S SYSTEM: CAUSES OF ACCUSATION AND RESISTANCE METHODS

All of us, Ukrainians, had to be witnesses or direct participants in the struggle for a "new" Ukraine. It is difficult to find a person who is not acquainted with the political situation today. This struggle is remained in the memory of each of us. We are witnessing lustration of the authorities, changes in the ruling elite of our state. However, we clearly understand that the changes made in Ukraine are just the beginning of a difficult, thorny path and they are our responsibility.

In this turning point in the history of Ukraine, every Ukrainian must make its contribution into a truly democratic state building. We, as lawyers, need to change the legal system, which has lost the citizens' trust. Firstly, the courts of Ukraine, which "became famous" by such notion as "corruption", are in need of changes. Determining a court as an independent authority often causes only sarcastic smiles so there is an urgency of the consideration of the issue of corruption.

According to Article 129 of the Constitution of Ukraine, judges in the administration of justice are independent and obey only the law. Obviously, Ukrainian judges misunderstand the word "independent". Thus, according to the results of the Transparency International rating conducted in 2012, Ukraine ranked 144th in the index of corruption perception, while its neighbours Russia and Belarus were on the better positions [1, p. 40].

What is corruption? As noted by the Transparency International organization, corruption is the behaviour of officials of the public sector, which or as a result of which they or their family are illegally enriched because of the abuse of state authority they have transferred [2, p. 7].

Furthermore, we need to understand the origins of the term corruption. After analyzing the attitude of ordinary Ukrainians towards "bribes", it can be noted that the main reason for the existence of corruption is the perception of it by Ukrainians as a proper and necessary phenomenon. Yes, we can rely responsibility of a corrupt system existence for the President, parliament, Cabinet of ministers and at the same time, at the first necessity, we take out another "bribe" from our pocket. Yes, citizens categorically relate to corruption, but they use it almost daily. Here's a paradox. It follows that bribery has been used both in our national culture and in each of us. As we go to court, we know in advance that we cannot do anything without a monetary reward for a judge even we cannot count on the legal decision. What about judges, they start from an educational institution, and then during their employment they are immersed in a corruptive system. What do we expect from such a judge and what kind of independence could be said? The causes of corruption are laid in our sense of justice.

As to the legislation in the field of combating corruption in courts, it consists of: the Law of Ukraine "On the Principles of Prevention and Counteraction of Corruption",

Article 375 of the Criminal Code of Ukraine, the decision by a judge of a knowingly false decision), Article (interference with the activity of judicial bodies), Article 185-6 (failure to take measures for a separate court order or a separate resolution of a judge or a prosecutor's statement), etc. The legislation of Ukraine in the field of corruption meets international requirements, but it is not implemented sufficiently. The main reason for this is the fact that the subjects involved in the prevention and counteraction of corruption.

Struggling with the manifestations of corruption, we must remember that we will not be able to eradicate it, because it is inherent even to the most advanced states, but we can reduce its level. Firstly, we must change our attitude towards corruption as means of resolving our problems and refusing to give bribes. Secondly, judges should be provided with proper working conditions. The next step should be to engage civic organizations in counteracting corruption. Citizens must trust the public organization and report on known corruption cases. In addition, responding to reports of corruption acts, including anonymous ones, should be instantaneous.

We could combat with corruption without the media. Yes, it is through information that court proceedings and decisions will become more transparent. However, journalists should cover the events objectively and be responsible for the false information provided. Media will help judges to look at cases only with "open eyes" and make legal decisions.

In Ukraine, plans to create the Lustration Committee and the Anti-Corruption Bureau. Of course, the feasibility of creating these bodies will show practice, but today the initiative is evaluated only positively. After all, the Lustration Committee will help get rid of "obvious corruptive person" and the Anti-Corruption Bureau will provide prevention and counteraction to such actions. Perhaps they are bodies that will force judges to abandon the usual practice of "bribery" and increase the number of decent judges.

Thus, there are no independent courts in Ukraine and there is no proper mechanism for the protection of rights and freedoms. The main factor that makes judges work is money. So our judges must finally understand what their purpose is and what the independence of the court corps means. The task of lawyers in such a case is to ensure the inevitability of the judge's responsibility. That is how we can protect our rights and freedoms in a truly independent court. So, let's hope that together with the current changes in the state, we will be able to change both ourselves and our legal system and will leave the manifestations of corruption in the past.

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