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Adapting European Anti-Corruption Strategies: Israel's Experience and Opportunities for Ukraine

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Abstract

The Article analyzes the possibilities of implementing international experience in forming anti-corruption policy in Ukraine. The relevance of the Article is explained by the fact that effective fight against corruption is one of the key problems of Ukraine on its way to membership in the European Union and integration with the countries of the global West, as evidenced by the reports of the European Commission, the US Department of State, other official and statistical data of international organizations and officials, in the context of which the experience of Israel as a country whose anti-corruption policy is largely based on European standards can become an effective example for implementation in the national governance. The purpose of the Article is to analyze the state anti-corruption strategies of the European Union and Israel, to assess the effectiveness of Israel's implementation of the European experience and to analyze the feasibility of Ukraine's adoption of the anti-corruption practices of the countries analyzed herein. To achieve this aim and fulfill the arising tasks, several scientific methods were used, namely: formal legal, formal logical, comparative, critical analysis, and comprehensive methods. The empirical basis of the study was formed by legislation, judicial and law enforcement practices, official statistical and analytical data of the European Union, the State of Israel, international organizations and institutions, and special economic and legal literature. The authors examine key aspects of European and Israeli legislation, review the main anti-corruption mechanisms and strategic courses of the states in the field of fighting corruption. A comparative analysis of the anti-corruption strategies of the European Union and the State of Israel is made with a focus on the prerequisites for their formation and the measures taken to implement them. The authors analyze the similarities between the anti-corruption policies of the European Union and Israel, as well as the results of Israel's implementation of European practices. On the basis of this analysis, in a comparative context with the State of Israel, the authors formulate conclusions about the usefulness of applying anti-corruption practices and strategies of the European Union and Israel by Ukraine and assess the prospects for such application.

Keywords: *European Commission; United Nations; reform; policy; constitutional crisis; publicity.*

Адаптація європейських антикорупційних стратегій: досвід Ізраїлю та можливості для України

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Анотація

У статті проаналізовано можливості імплементації міжнародного досвіду у формуванні антикорупційної політики в Україні. Актуальність теми полягає в тому, що ефективна боротьба з

корупцією є однією з ключових проблем України на шляху до членства в Європейському Союзі та інтеграції з країнами глобального Заходу, що підтверджується звітами Європейської комісії, Державного департаменту США, іншими офіційними та статистичними даними міжнародних організацій і посадових осіб, у контексті чого досвід Ізраїлю як країни, антикорупційна політика якої значною мірою ґрунтується на європейських стандартах, може стати ефективним прикладом для наслідування в національній управлінсько-правовій системі. Метою статті є аналіз державних антикорупційних стратегій Європейського Союзу та Ізраїлю, оцінка ефективності імплементації Ізраїлем європейського досвіду та аналіз доцільності перейняття Україною антикорупційних практик досліджуваних країн. Для досягнення поставленої мети та виконання завдань, що з неї випливають, використовувались такі наукові методи: формально-юридичний, формально-логічний, порівняльний, метод критичного аналізу та комплексний метод. Емпіричну основу дослідження склали законодавство, судова та правозастосовна практики, офіційна статистична та аналітична інформація Європейського Союзу, Держави Ізраїль, міжнародних організацій та інституцій, спеціальна економічна та юридична література. Автори розглядають ключові аспекти європейського та ізраїльського законодавства, основні антикорупційні механізми та стратегічні курси держав у сфері боротьби з корупцією. Зроблено порівняльний аналіз антикорупційних стратегій Європейського Союзу та Держави Ізраїль з акцентом на передумови їх формування та заходи, що вживаються для їх реалізації. Автори аналізують схожість антикорупційних політик Європейського Союзу та Ізраїлю, а також результати імплементації Ізраїлем європейських практик. На основі цього аналізу, в порівняльному контексті з Державою Ізраїль, формулюються висновки щодо корисності застосування Україною антикорупційних практик і стратегій Європейського Союзу та Ізраїлю, а також дається оцінка перспективам такого застосування.

Ключові слова: *Європейська комісія; Організація Об'єднаних Націй; реформа; політика; конституційна криза; публічність.*

Introduction

During the ongoing fight against corruption, which is one of the most major problems for modern states, including Ukraine, it is important to draw on international experience in formulating an effective anti-corruption policy. Evidence suggests that the global cost of corruption is about $2.6 trillion every year, which represents about 5% of the global gross domestic product (GDP) (United Nations, 2018). In the European Union (EU), the estimated annual cost of corruption is about €120 billion, which represents about 1% of the EU GDP. In the UK, the estimated annual cost of corruption is around £193 billion (Eaves, 2016), representing about 1% of the total GDP. This shows the potential negative impacts of corruption on the economy and the wider society [1]. According to a World Bank report (World Bank, 1997), more than one trillion dollars are paid in corruption around the world (Kaufmann, 2005) [2].

The relevance of this issue for Ukraine stems primarily from the following facts:

1. The European Commission, after granting Ukraine the status of EU Member State Candidate, formulated 7 recommendations in its Membership View that Ukraine should implement to move forward with the acquisition of EU Member State status. These recommendations included: reforming the procedure for selecting judges of the Constitutional Court of Ukraine in accordance with the recommendations of the Venice Commission, completing the formation of the High Council of Justice, continuing the fight against corruption through effective and proactive investigations at all levels and bringing offenders to liability, reforming anti-money laundering legislation, introducing anti-oligarchic legislation to reduce the influence of oligarchs on social and economic processes, adopting a law on media to ensure that the media are free and fair, and finalizing the reform of the legal framework for national minorities. Following the aforementioned, at least 5 of the 7 recommendations directly or indirectly relate to preventing or counteracting corruption or corruption-related phenomena [3].

2. While continuing to monitor Ukraine's implementation of these recommendations and tracking the current state of European integration, the European Commission in 2023, along with the positive aspects of the fulfilment of most recommendations, in particular in terms of appointing the heads of the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialized Anti-Corruption

Prosecutor's Office (SAPO), restoring mandatory asset declarations of public officials and making the register of declarations publicly available, emphasized the need for Ukraine to further strengthen its efforts to effectively investigate corruption offenses at all levels, convict and prosecute perpetrators, improve the selection procedures for SAPO management, increase the number of NABU and SAPO employees, and modernize criminal substantive and procedural legislation [4]

3. Ukraine's problematic issues related to the fight against corruption were also emphasized by the U.S. Department of State in its annual Ukraine 2023 Human Rights Report, which, inter alia, focuses on such issues as the limited ability of anti-corruption bodies to fully investigate corruption offenses, political pressure and corruption in the judiciary and prosecutors, weak separation of powers between the executive and judicial branches of government, and pressure on the media [5].

4. The Corruption Perceptions Index scores remain low, with Ukraine ranked 104th (out of 180) in 2023 with an index of 36 (out of 100, where 0 is the highest level of corruption and 100 is the lowest) [6].

5. Study examines that weakness of state institutions inflicted by political crises like war, which is currently affecting Ukraine, aggravates level of corruption comparing to the normal state of country's being [7].

These circumstances, despite the positive developments in the field of combating corruption, indicate the need for Ukraine to improve its current efforts in this area at the strategic level, including by drawing on the experience of foreign countries.

In this respect, the experience of Israel in anti-corruption activities deserves priority attention, as it has successfully implemented several strategies that were largely based on the best practices of the European Union. That is why the analysis of these strategies both in the context of the European Union and their implementation by the State of Israel, as well as successful and effective Israel's own steps in this area, is an appropriate and relevant issue of science and practice.

Materials and Methods

The research for this Article was based primarily on the analysis of the legislation of the European Union, the State of Israel, as well as international treaties and acts of international organizations. Therefore, the main research method was the formal legal method. This method was applied to clarify the content of the provisions of legal acts and to determine their relevance for the purpose of disclosing the topic of the article. Interpretating of legislation by using this method made it possible to highlight the key aspects of legal regulation of the principles and areas of preventing and combating corruption in the countries considered in this article.

Along with the formal legal method, the formal logical method was used to analyze the legislative strategies of the European Union and the State of Israel, and, based on their experience, to identify problematic issues in these areas in Ukraine and to find ways to resolve them.

The comparative legal method has been chosen as one of the most vital, since the topic and purpose of the Article is to compare the European and Israeli anti-corruption strategies between each other as well as to compare them with the strategies applied in Ukraine. In making such a comparison, the authors regard the relevant provisions of the legislation of each country, the public authorities authorized to prevent corruption, their structure, involvement of international organizations in these processes, an assessment of the development of the states in these areas, etc. The comparative legal method helps to identify common and distinctive aspects of the EU and Israel's activities in the field of preventing corruption, which, hence, will allow to track and evaluate the effectiveness of Israel's implementation of the experience of European anti-corruption strategies for further adaptation of ways to use such experience for the needs of Ukraine.

The application of the comparative legal method, along with the formal legal and formal logical methods, allowed us to distinguish the experience of the EU and Israel in order to improve Ukrainian instruments and institutions for preventing corruption.

Another applied was the method of crytical analysis, which made it possible to assess the compliance of the legislation of the countries considered in the article, particularly Ukraine, with international standards for preventing and combating corruption.

In addition, a comprehensive method was also used to summarize the research and formulate relevant conclusions and proposals.

The empirical basis of the research primarily grounds on legislation and judicial and law enforcement practice, as well as modern official analytics, including data from international organizations and institutions such as Transparency International, the Organization for Economic Cooperation and Development, the World Bank, and government agencies of countries around the world (in particular – the US Department of State, the European Commission, etc.), materials from special legal and economic publications, other legal literature, special media sources etc. on anti-corruption strategies and practices of the European Union.

The Article is aimed at analyzing European and Israeli anti-corruption practices, in particular, in the framework of Israel's implementation of the European Union's experience and assessing of that's effectiveness, in order to form conclusions on the usefulness and appropriacy of Ukraine's implementation of the EU and Israeli anti-corruption practices.

The first stage of the research was to define the subject and object of the study, formulate the problem and prove its relevance. The problem of the study, which arises from the relevance of the chosen research topic, is the need for Ukraine to find ways to improve anti-corruption strategies to solve acute problems in this area. Accordingly, the object of the study is social relations related to legal regulation based on the European standards of anti-corruption policy of the state and its practical application both within the EU and in third countries (in case of this research – the State of Israel and Ukraine). The subject of the study, as described above, is the legal acts, practice of their application, analytical and other scientific and practical materials related to legal relations on the regulation of state's anti-corruption activities.

The second stage is a separate analysis of relevant sources on anti-corruption strategies and anti-corruption infrastructure of the European Union and formation of the systematized information based on this analysis, which became the basis for the research in further stages.

The third stage is aimed to analyze relevant sources on anti-corruption strategies and anti-corruption infrastructure of the State of Israel in a systematic connection with the information about the European Union concluded in the prior stage, to compare anti-corruption practices of these countries and to draw conclusions about the effectiveness of Israel's implementation of the EU anti-corruption instruments.

The final stage of the research is aimed to compare certain anti-corruption strategies of the EU and Israel in the relation to the appropriacy of their implementation in the legal system of Ukraine and to assess the prospects for such implementation based on the experience of Israel's adoption of certain anti-corruption practices.

Results and Discussion

European Union's Anti-Corruption Policies

The European Union is considered one of the most progressive regions in combating corruption. Over the past decades, the European Union has developed several anti-corruption directives and recommendations aimed not only at combating corruption within the member states and at the union level, but also at ensuring effective practices at the international level.

It is important to be mentioned that corruption for the EU is not only a serious crime that may require a common coordinated intervention in cross-border cases. Rather, the EU considers it a constant threat to the rule of law that needs to be addressed no matter its dimension – petty or grand – location – national or cross-border –, and its criminal law relevance. This approach dates back more than 10

years. The first step in this direction has been the signature and ratification by the EU of the United Nations Convention against Corruption. The Convention requires the Contracting Parties to adopt measures of a criminal and administrative nature to deal with the issue of corruption and to tackle it with a holistic approach, coupling repressive measures with preventive tools and identifying corruption cases in a series of behaviors that go beyond the traditional conception of criminal law. All EU Member States are parties to this Convention and have therefore committed themselves to adopting anti-corruption laws following this approach. Moreover, all EU Member States are also parties – while the EU itself is not yet – to other similar international agreements in this field: the Organization for Economic Cooperation and Development's Anti-Bribery Convention and the Council of Europe's Civil and Criminal Conventions against Corruption [8].

Flowing from those international laws, current EU anti-corruption legislative framework includes:
– the 1997 Convention on fighting corruption involving officials of the EU or officials of EU Member States;
– the 2003 Council Framework Decision on combating corruption in the private sector, which criminalises both active and passive bribery;
– the 2008 Council Decision on a contact-point network against corruption;
– directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law (the "PIF Directive") [9, p. 282-283].

The PIF Directive replaced the 1995 Convention on the protection of the European Communities' financial interests and its Protocols (the "PIF Convention"). Based on Art. 83(2) TFEU, the PIF Directive sets common standards for Member States' criminal laws. These common standards seek to protect the EU's financial interests by harmonising the definitions, sanctions, jurisdiction rules, and limitation periods of certain criminal offences affecting those interests. These criminal offences (the "PIF offences") are: (i) fraud, including cross-border value added tax (VAT) fraud involving total damage of at least €10 million; (ii) corruption; (iii) money laundering; and (iv) misappropriation. This harmonisation of standards also affects the scope of investigations and prosecutions by the European Public Prosecutor's Office (EPPO) because the EPPO's powers are defined in reference to the PIF Directive as implemented by national law [9, p. 283].

Concerning other significant instruments, aimed at combating illicit financial flows (IFF) referred to the G20's framework. In 2013 the G20 launched the High-Level Principles on Mutual Legal Assistance. Furthermore, as of 2010 the G20 published eight Anti-Corruption Action Plans, with the most recent being the G20 Anti-Corruption Action Plan 2022–2024. In the latter, the G20 emphasis its commitment to promote enhanced law enforcement cooperation and information-sharing among competent authorities to trace, freeze and confiscate proceeds of crime, and to promote the denial of safe havens [10].

Regarding the existing EU anti-corruption framework, in the respect of analyzing how Ukraine can adapt international strategies, the attention should be drawn into to the current trends in the EU anti-corruption policy presented by the European Commission in May 2023, which are reflected in the Commission's anti-corruption proposals formulated to continue the implementation of the commitments made by President Ursula von der Leyen in 2022 [11].

Among the proposals, attention is focused on such things as:
1) raising public awareness of corruption, its consequences and the importance of combating it through information and education activities;
2) ensuring the prerequisites for holding the public sector accountable at the highest level, in particular, by providing the widest possible public access to information on public officials, interaction between the public and private sectors in various areas and conflicts of interest between them;
3) creation of specialized anti-corruption bodies;

4) harmonization of legislation on criminal liability for corruption at all levels in accordance with the UN Convention against Corruption (UNCAC), strengthening sanctions for corruption-related criminal offenses;
5) ensuring effective investigation and abolition of any privileges or immunities for officials who have committed corruption offenses;
6) expanding the toolkit of international and domestic CFSP sanctions [11].

Those proposals were reflected in the draft of a new EU Directive (COM(2023)234) on the fight against corruption, which reflects the current state of anti-corruption policy and is the government's response to current challenges in this area. The Directive is currently under consideration by the EU Council, which precedes the stage of consideration by the European Parliament [12].

Thus, the EU's strategic efforts to further fight corruption are primarily aimed at harmonizing legislation between the EU and its member states based on the UNCAC, increasing transparency and openness of information on corruption-risk areas, strengthening responsibility for corruption offenses and the effectiveness of their investigation and prosecution. The above shows the similarity of the EU's anti-corruption course and the recommendations that the European Commission provides to Ukraine for the purpose of becoming the EU member state.

The European Union, along with the general anti-corruption legislation, implements and applies several institutional anti-corruption regulators, including the following:
– rules for civil servants, which contains, in particular, important provisions of Art. 22a on the obligation to report known facts of illegal activity to a senior official, the Secretary General of the Council of the EU and/or the European Anti-Fraud Office (OLAF) [13];
– the European Anti-Fraud Office (OLAF) is a specially created EU body authorized to conduct independent investigations of fraud and corruption involving EU funds, investigate serious violations by EU staff and members of EU institutions, and develop a sound EU anti-fraud policy [14];
– independent ethics committee, which is a collegial body that advises the Commission on whether the planned activities of the Commissioners after the end of their term of office are compatible with the Treaties of the European Union and the Functioning of the European Union at the request of the President of the Commission, advises the Commission on any ethical issue related to compliance with the Code of Conduct for Commissioners, and provides general advice to the Commission on ethical issues related to the Code [15];
– the transparency register is a database containing a list of "interest representatives" (organizations, associations, groups, and self-employed individuals) that carry out activities aimed at influencing EU policy and decision-making processes in a particular way. The register is intended to show the public which interests are represented at the EU level, by whom and on whose behalf, as well as the resources allocated to these activities (including financial support, donations, sponsorship, etc.) [16].

In addition, sectoral legislation is a part of the EU's overall anti-corruption mechanism, which includes:
1) the Fifth Anti-Money Laundering Directive (AMLD), which obliges all EU member states to establish centralized bank account registers and data retrieval systems, as well as centralized beneficial ownership registers. The AMLD also establishes interconnections between beneficial ownership registers to increase transparency of corporate ownership;
2) Directive (EU) 2018/1673 on the fight against money laundering in the criminal law, which sets minimum criteria for the criminalization of money laundering and determines that corruption should be a predicate offense to money laundering;
3) Directive 2014/42/EU on the freezing and confiscation of instrumentalities and means of crime, Council Decision 2007/845/JHA on cooperation between Asset Recovery Offices, Council Decision 2005/212/JHA of February 24, 2005 on confiscation of proceeds, instrumentalities and property, and Regulation (EU) 2018/1805 on the mutual recognition of asset freezing and confiscation orders, which regulates asset recovery and confiscation for the purpose of recovering the proceeds of crime, including in cases of corruption;

4) EU Directive 2019/1937 on the protection of whistleblowers (the "Whistleblower Directive"), adopted in 2019 to increase the detection of corruption and better protect whistleblowers;
5) Directive (EU) 2010/24, which provides for mutual assistance in the recovery of claims relating to taxes, fees, and other measures. Directive (EU) 2011/16 on administrative cooperation in the field of direct taxation provides for mutual assistance in combating tax evasion and avoidance, as well as measures to increase the transparency of corporate taxation [17].

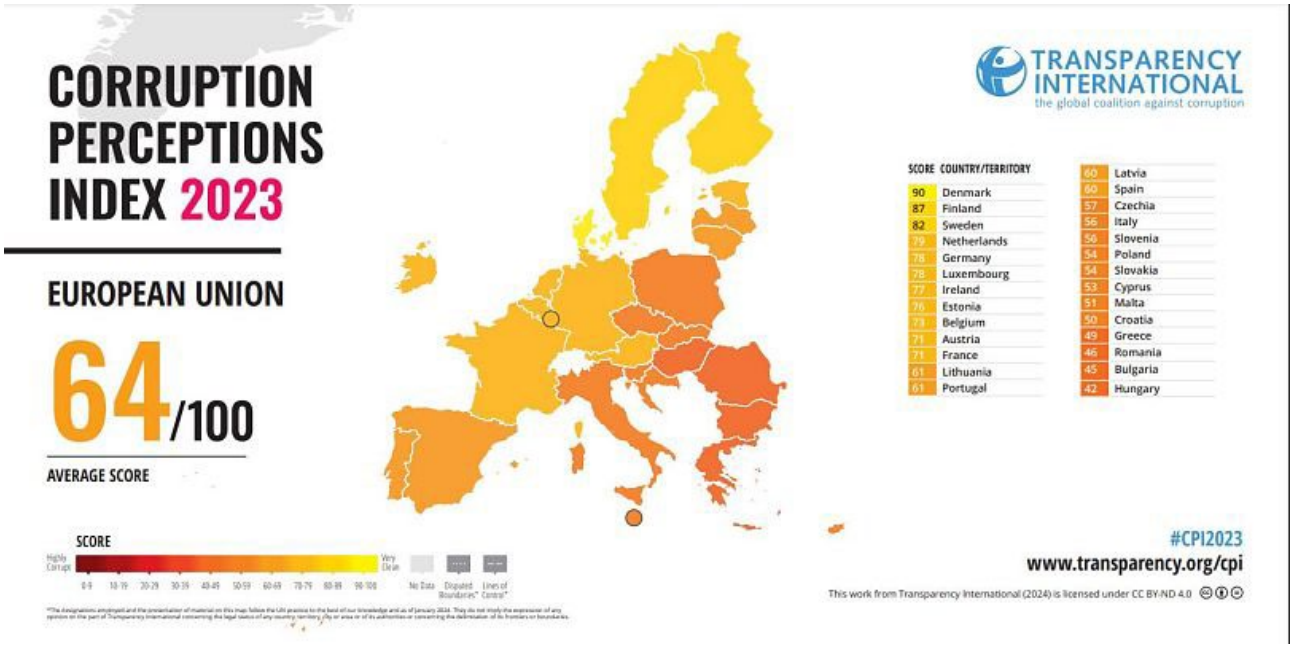
From the above-mentioned legislative acts that determine the focus of the European anti-corruption strategies is following that they are based on the principles of transparency, inevitability of responsibility for violations, good faith and comprehensive accountability. In particular, transparency refers to the openness of information about management processes, decisions and the use of public resources. Responsibility provides a mechanism for bringing offenders to justice, regardless of their status or position. Accountability is ensured through various forms of public control and audit, as well as the activities of specialized anti-corruption institutions that allow society to monitor the activities of the state and its institutions.

Due to the comprehensive application of these principles and strategies, the European Union has demonstrated significant success in reducing corruption, which should be actively implemented in Ukraine both in terms of efficiency and in terms of adapting Ukrainian practices to European ones for the purposes of future EU membership.

Israel's Practices on Combating Corruption

The State of Israel is a country that is not a member of the European Union, but whose geopolitical position and level of development are often compared to European standards. Those reasoning are made regarding such indicators of countries' development as: GDP per capita (according to the World Bank) of the European Union according to the latest data as of 2022: $57,285, and Israel – $52,133 [18], Corruption Perceptions Index (according to Transparency International) in 2023: EU – 64 (see Figure 1 for more details), Israel – 62 [6], public debt (according to the latest data from the Organisation for Economic Cooperation and Development (OECD): EU - average 89% of GDP, Israel – 83% of GDP [19].

Figure 1. Average corruption perception index in the EU in 2023 according to Transparency International



The aforementioned indicators of development of the two states indicate the usefulness of their comparison for the purposes of effective application of their experience to the needs of Ukraine.

First of all, in February 2009 and March 2009, respectively, Israel acceded to the UN Convention against Corruption (UNCAC) and the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery, in accordance with which Israel furtherly worked on harmonizing its own anti-corruption legislation [20].

The basis of all anti-corruption measures in Israel is thorough monitoring of possible corrupt practices. The monitoring is carried out by government agencies, special police units, the State Prosecutor, the State Comptroller's Office, all of them are independent of the ministries, and various non-governmental organizations. Israeli law provides significant social benefits for whistleblowers. At the same time, the penalties for officials involved in corrupt practices are severe, so that local corruption is kept under control and relatively in low level in the country [21]. Per below we will pay more attention to some of the points listed above.

The basic, principal and most important legal tools in Israel to fight corruption are the criminal laws. The anti-bribery and anti-corruption laws in Israel are the Criminal Law 1977 and the Money Laundering Law 2000, which criminalize a number of corrupt and corruption-related acts.

Bribery of national public officials is a criminal offense under Articles 290 and 291 of the Criminal Law, with Art. 290 regulating the receipt of a bribe by a public official and Art. 291 covering the offense of offering and giving a bribe. Thus, these two crimes are completely independent. Articles 292-295 of the Criminal Law define various types of offenses that will also be considered bribery, such as, for example, bribery during sports or other competitions; offering a bribe or demanding a bribe, which will be considered giving or receiving a bribe, respectively [22].

In addition, in July 2008, the Israeli Criminal Law introduced the offense of bribery of a foreign public official (Art. 291A), which prohibits offering or paying a bribe to a foreign public official for the purpose of obtaining business activity or obtaining a direct advantage in its conclusion, for instance through bribing a foreign public official who can influence the business activity. The bribe can also be given for a vicarious promotion of the business activity, for example by paying a foreign public official for unlawful disclosure of information that can give the briber an advantage in obtaining a deal. The maximum penalty for bribery of a foreign public official is up to seven years' imprisonment and/or a fine. Individuals may be fined up to ≈ €221,000 or four times the amount of the benefit intended to be obtained, whichever is greater. Legal entities may be fined up to ≈ €2,443,000 or four times the amount of the benefit intended to be obtained, whichever is greater [20].

A significant issue is that despite the rather severe sanctions for the crime under 291A of the Criminal Law, according to the OECD report for 2023, the perceived level of corruption in Israel is higher than the OECD member states average, and therefore the organization recommended that the Israeli government make criminal jurisdiction and sanctions for crimes related to bribery of foreign officials independent of the attitude of the foreign state to this crime [23].

At the same time, given the data of the OECD report and the fact that the Ministry of Justice of Israel defines the idea that corruption is transnational as the basic concept underlying international obligations to combat corruption, including foreign bribery [20], the vector of efficiency of investigation and detection of crimes involving foreign officials is a priority at the Israeli criminal anti-corruption policy and is additional evidence of the relatively low level of global corruption at state bodies within the country.

Considering the aspects of anti-corruption monitoring and prevention in Israel, the attention should also be drawn at such an institution as the State Comptroller, whose activity is to ensure that the executive branch acts in accordance with the principles of economy, efficiency, effectiveness, and moral integrity [24]. Particularly, in accordance with the State Comptroller Law of 1958, it also serves

as the Israeli Ombudsman. Thus, a person who has suffered from an action or inaction, for example, of the prosecutor's office, may file a complaint with the State Comptroller, who is authorized to investigate and publish its findings and decisions [25].

Alike the European regulation, the Israeli anti-corruption system has strict rules of conduct for judges and other public officials, which act as preventive tools against corruption.

The 2007 Judicial Ethics Rules, adopted pursuant to Art. 16a of the 1984 Law on the Courts, set out rules of ethics and integrity for the judiciary, including such provisions as:

– chapter Five stipulates that a judge may not receive material or other benefits from his or her position as a judge, directly or indirectly. In addition, Art. 20 of the same chapter prohibits the use of the judicial status to promote personal interests or to use the "title" of judge if it can be perceived as creating a favorable position for any person.
the receipt of gifts by judges is also regulated by the Law "On Civil Service" of 1979. In addition, according to Art. 21 of the Rules of Ethics, a judge may not receive a discount when purchasing goods or receiving services, unless such a discount is granted regardless of the judge's position or is approved by the general rules of court administration.
– a judge may not enjoy the benefits of free admission to events or places where admission is charged, unless the invitation comes from a family member or close friend, or when the judge accompanies one of the invitees, regardless of his or her position [25].

Alike the supervisory functions of the State Comptroller (Ombudsman), a separate Office of the Judicial Ombudsman, under the Law on the Ombudsman for Complaints against Judges, monitors judges' compliance with the Rules of Judicial Ethics. Its purpose is to improve the unique functions performed by the judiciary while preserving the independence of judges. The Law aims to combine the principles of independence and accountability of the judiciary. The Office of the Israeli Judicial Ombudsman provides an opportunity for anyone who believes that they have suffered from judicial misconduct to contact the Ombudsman. The Judicial Ombudsman investigates complaints about the behavior of judges, such as the use of offensive language in court decisions or during hearings, misconduct outside the court, as well as complaints about the way trials are conducted, such as unreasonable procedural delays [25].

In addition to the regular criminal system dealing with more severe offences, Israeli law establishes several provisions regulating the behavior of public servants in general, designed also to prevent corruption by public servants. The main ones are: The Civil Service Regulations (hereinafter referred to as the "Takshir") includes, inter alia, prohibitions on personal gain from public office and acting in a conflict of interest. The Civil Service Law of 1963 empowers the Civil Service Commissioner to prosecute civil servants for any violation of the Takshir, and the Law on the Promotion of Public Morality in the Civil Service of 1992 provides a framework for encouraging civil servants to report corruption in public administration [25].

Alike European practices, Israel has an obligation for civil servants to report information about suspected corruption, which is an integral part of the duty of loyalty of a civil servant. This notion is also enshrined in Art. 4.02 of the Code of Ethics (part of the Takshir) and Art. 17 of the Civil Service Law of 1963 [25].

While analyzing Israel's current anti-corruption course, it is important to consider the historical aspect and current challenges related to the constitutional crisis in the country.

The immediate cause of the current constitutional crisis was the November 2022 Knesset elections, which created a viable coalition after a long period of political gridlock that has been lasting since 2019. The new coalition included parties hostile to the Supreme Court. The longer historical view of the causes of the constitutional crisis favored by the Israeli government can be traced back to 1995, when the Israeli Supreme Court used the "Bank Mizrahi" case to introduce judicial review of primary legislation, although Israel does not have a constitution. Relying on the Basic Laws on Human Dignity and Freedom and Freedom of Occupation adopted in 1992, Israeli Supreme Court declared the Basic

Laws themselves to be the source of supreme law and brought about a "judiciary constitutional revolution". According to the government and its allies, this "undemocratic" step should be reversed [26, p. 2].

Thus, the role of the Supreme Court (sitting as the High Court of Justice) was to monitor the laws adopted by the Knesset and under certain circumstance to recognize them as "unconstitutional," which results in their becoming invalid. Another very important, yet controversial, Supreme Court's common practice was to scrutinize, and abolish if needed, government's decisions through the " reasonableness doctrine ". By the way, a similar practice is applied by the highest courts of Australia, Canada, the United Kingdom, and other countries [27], which seriously proves its democratic nature.

Attempting to find ways to overcome the power of the Supreme Court in Israel, the current government, initiated a so called "legal reform", led by the Minister of Justice, Yariv Levin. There were several initial proposals for the "legal reform", including: adjusting the composition of the judicial selection committee, so that it includes more parliamentary political representatives and less professional judges; allowing the Knesset to overturn judges' decisions, that abolish Knesset laws by a simple majority vote; abolishing the " reasonableness doctrine "; and allowing ministers to reject the opinions of their own legal advisors [26, p. 4].

As a result of the Knesset's ongoing attempts to limit the Supreme Court's "legislative oversight" based on Levin's proposals, a vast public protest arose in the State of Israel, including huge demonstrations. Most of the legislation has stopped (or was postponed) except of the abolishment of the " reasonableness doctrine ", a vital legal tool of the Supreme Court, in maintaining Israel's rule of law regime. However, even this attempt failed with the Supreme Court's consideration of the case "Movement for Quality Government in Israel v. the Knesset", in which on January 1, 2024 a decision was made on two important issues, namely: the first issue was whether the court has, in principle, the legal authority to strike down basic laws or amendments to basic laws; and the second was, if the court does possess this authority, whether the reasonableness constitutional amendment (to deprive the Supreme Court of the power to review and repeal government decisions - ed.) should be struck down. Given the dramatic importance of this case for Israeli constitutional law, it was the first time in the State's history that all 15 justices sat on the panel. The outcome of the decision is also dramatic: eight judges decided to grant the petition, and seven decided to reject it, as a result of which the Supreme Court's powers to review, declare "unreasonable" and, as a result, invalidate governmental acts and decisions were preserved, i.e., the "reasonableness doctrine" was saved [28]. The Supreme Court based its decision on the thesis that the challenged law caused "severe and unprecedented damage to the basic character of the State of Israel as a democratic country" [29].

In our point of view, it is impossible to disagree with the view that the doctrines (mainly reasonableness doctrine – ed.) used by the Court in this respect happen to overlap with substantive constraint on government actions and decisions, and so the rise of judicial power is associated in the public eye with the judicial role as guardian of probity. The strategy of bolstering the Court's judicial reputation in this way has been effective [26, p. 7].

It should be added that the activity of the Supreme Court in this way, provided the real independence of its judges is fulfilled, becomes a serious and influential tool in the system of checks and balances of the state of Israel, who as mentioned before does not have a constitution, designed to neutralize the consequences of dubious legislative decisions at the initial stages, leveling the negative consequences during their implementation, which is certainly a significant preventive anti-corruption factor.

Comparing the current state of anti-corruption legislation and prospects of anti-corruption policy in Israel with the European Union, there are significant similarities in the strategies chosen by these states (the EU referred to herein as a state or a country in a comparative manner). In particular, each state harmonizes its legislation in accordance with the UNCAC, takes measures to broadly involve the public in anti-corruption practices and to provide the widest possible access to information in this area. The discipline of public servants in both the EU and Israel is regulated in detail by ethics rules

with appropriate mechanisms for supervision and response to public servants. The similarities between the countries are also reflected in the special anti-corruption bodies. It should also be noted that each of the states is committed to more effective investigation of corruption offenses and bringing the perpetrators to justice. It should not be overlooked that in both the EU and Israel, one of the key anti-corruption strategies is directly related to a strict policy of combating corruption involving foreign officials.

Conclusions

Taking into account that the course of both countries is based on the UNCAC, which was adopted and ratified by the EU (2008) before Israel (2009) [30], the latter's introduction of similar anti-corruption practices following the EU shows its effectiveness in the examples of both countries, which indicates the reasonableness of adapting them to the needs of Ukraine.

Also, Israel's experience with judicial oversight of legislation, as well as other anti-corruption instruments, is appropriate for consideration and use by Ukraine, given the similarity of the geopolitical conditions of both countries - Russia's full-scale war against Ukraine and Hamas' and Hisbullha's aggressive attacks against Israel and the demonstrated effectiveness of Israeli policy in such conditions.

The strength and independence of the judicial system, as it is in Israel, and the vesting of courts with the necessary forms and scope of anti-corruption powers, following the example of Israel, could be an effective response to Ukraine's current challenges and, given, for instance, the problems with the judicial system identified in the US Department of State's Report [5], would help to radically affect the fight against corruption at the strategic level.

Israel, like the EU, demonstrates the importance of a comprehensive approach to legislative changes that include anti-corruption measures in all problematic and key areas of state and public life, which could be used as a model for Ukraine to consider implementing similar reforms.

Thus, based on the analysis of the EU and Israeli experience, Ukraine should develop and improve its existing anti-corruption strategies, focusing on the following steps: priority reform of the judiciary to guarantee its real independence; creation of mechanisms for more active participation of citizens in monitoring compliance with anti-corruption rules by public officials, as well as greater transparency of information related to the processes of preventing and combating corruption; improvement of procedures for investigating and prosecuting; wider cooperation and interaction with international partners and organizations. The implementation of these and other practices in the aggregate, provided that all branches of government, the public, and international partners work in a coordinated manner, will certainly help Ukraine make progress on existing problematic issues, which will strengthen the trust of the public, international partners, and business in national public institutions.

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