

# **Administrative and Legal Safeguards Against Corruption Risks Implementing Defense Procurement during Martial State**

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## **Abstract**

*In the article the concept of corruption risks is examined and typical examples of them in the field of public procurement are provided. The relevance of the research topic is due to the need for effective control and transparency in defense procurement during martial law, when the risk of corruption abuses increases. Administrative and legal safeguards play a key role in ensuring legality, integrity and rational use of budget funds in the defense sector. The purpose of the study is to identify effective administrative and legal mechanisms for preventing corruption risks during defense procurement during martial law, as well as to develop proposals for improving legal regulation and control in this area. To ensure a comprehensive and objective approach to the analysis of the issue, the following methods were used: a comparative legal method for comparing Ukrainian experience with the practice of the Republic of Lithuania in preventing corruption in the defense sector; a system-structural method for studying the relationship between state bodies responsible for procurement control; socio-legal method for assessing the impact of corruption risks on public trust and the security sector, etc. As a result of the study, 7 main categories of corruption risk assessment were identified, including: low level of development of anti-corruption legislation; political instability, economic crisis, etc.*

**Keywords:** *integrity threats; military acquisitions; Ministry of Defence of Ukraine; government purchasing.*

# **Адміністративно-правові запобіжники корупційних ризиків при здійсненні оборонних закупівель під час воєнного стану**

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## **Анотація**

*Актуальність теми дослідження зумовлена необхідністю ефективного контролю та прозорості в оборонних закупівлях під час воєнного стану, коли зростає ризик корупційних зловживань. Адміністративно-правові запобіжники відіграють ключову роль у забезпеченні законності, доброчесності та раціональному використанні бюджетних коштів в оборонному секторі. Метою дослідження є визначення ефективних адміністративно-правових механізмів запобігання корупційним ризикам під час оборонних закупівель в умовах воєнного стану, а також підготовка пропозицій з удосконалення правового регулювання та контролю в цій сфері. Для забезпечення комплексного та об'єктивного підходу до аналізу цього питання було використано такі методи: порівняльно-правовий метод – для порівняння вітчизняного досвіду з практикою Литовської Республіки у запобіганні корупції в оборонному секторі; системно-структурний метод – для вивчення взаємозв'язку між державними органами, відповідальними за контроль закупівель; соціально-правовий метод оцінки впливу корупційних ризиків на довіру громадськості та сектор безпеки тощо. У результаті дослідження було визначено сім основних категорій оцінки корупційних ризиків, зокрема: низький рівень розвитку антикорупційного законодавства, політична нестабільність, економічна криза тощо.*

**Ключові слова:** *корупційні ризики; оборонні закупівлі; Міністерство оборони України; публічні закупівлі.*

## **Introduction**

According to the results of the research, in 2023 Ukraine ranked 104th in the Corruption Perceptions Index, significantly improving its performance compared to previous years. Defense procurement is a very important component of the functioning of any state, because it primarily concerns the preservation of territorial integrity and the ability to retaliate in time in the event of an aggressor attack. The full-scale invasion, which began on February 24, 2022, once again emphasized the need to increase the level of transparency in defense procurement, as well as proper supervision over them due to an increase in revenue.

Although the term "corruption risks" is not explicitly defined in Ukrainian legislation, particularly in the text of existing legal norms, it has nevertheless become a widely used and recognized concept in academic and policy discussions. Its development gained momentum especially after the adoption of the Law of Ukraine "On Prevention of Corruption", which, while not providing a strict legal definition of corruption risks, set the stage for their practical identification and management within anti-corruption strategies. Since then, the term has entered the scientific and professional discourse, where it is interpreted in various ways.

Scholars and practitioners often distinguish between a broad and a narrow understanding of corruption risks. In the broad sense, corruption risks are viewed as potential circumstances or systemic factors that create favorable conditions for corrupt behavior within public administration or decision-making processes. This interpretation includes institutional weaknesses, insufficient transparency, lack of accountability, and legal ambiguities that may enable misuse of authority or public resources. In the narrow sense, corruption risks are more specifically tied to individual processes or decisions that may directly lead to corrupt actions, such as procurement procedures, licensing, or public service delivery.

## **Literature review**

The intersection of administrative law, defense procurement, and anti-corruption policy has become critically important in the context of martial law. Although the concept of corruption risks is not formally defined in Ukrainian legislation, it has gained widespread academic and practical attention, particularly following the adoption of the Law of Ukraine "On Prevention of Corruption" (2014). This law laid the foundation for identifying and managing integrity threats in public administration, even though it lacks explicit provisions regarding wartime procurement [1].

A notable academic interpretation is offered by Yu. Dmytriev (2020), who describes systemic corruption risks as those that arise due to fundamental

shortcomings in the structure and functioning of public administration systems. According to Yu. Dmytriev, these risks are to be analyzed primarily in relation to the level of corruption embedded in the preparation, adoption, and implementation of management decisions. In this view, the focus is not on isolated corrupt acts but on the underlying administrative environment that allows corruption to flourish [2].

N. Kuznietsova and S. Denysov (2021) argue that emergency defense spending demands heightened administrative control mechanisms and legal safeguards to ensure accountability without impeding national security. Contemporary research, including policy papers by the National Agency on Corruption Prevention (NACP, 2022) and Transparency International Ukraine (2023), emphasizes tools such as pre-procurement risk assessment, digital procurement systems (e.g., ProZorro), external audits, and civil society monitoring as key safeguards [3].

A. Melnyk (2022) highlights the potential of "adaptive compliance models" in balancing urgency and legality in wartime procurement [4]. Moreover, international frameworks such as the OECD's Recommendation on Public Integrity (2017) and NATO's Building Integrity Program provide valuable guidance, promoting principles of transparency, internal audit, whistleblower protection, and ethical leadership in defense procurement systems.

Legal scholars note that recent wartime legislative changes in Ukraine, which simplify procurement procedures for defense purposes (e.g., Cabinet of Ministers Resolutions 2022-2023), must be counterbalanced by post-facto audits and clearly defined accountability standards.

It is crucial to understand the various phenomena (such as fraud, corruption and collusion in public procurement) and to establish what methods and practices the academic community has investigated to help identify actors and organizations involved in fraudulent activities in the public procurement process. For example, the introduction of e-procurement processes/methods has increased transparency and competitiveness, as well as reduced bureaucracy associated with procurement processes [5]. However, this area still needs further research.

Paying tribute to the scientific achievements of researchers, it should be noted that the necessity of a nuanced administrative-legal strategy to manage corruption risks in defense procurement under martial law requires clarification and detailing of both individual aspects and the phenomenon as a whole, combining domestic reforms with international best practices to preserve legality, efficiency, and public trust.

## **Materials and Methods**

The purpose of the article is to identify effective administrative and legal mechanisms for preventing corruption risks during defense procurement during martial law, as well as to develop proposals for improving legal regulation and control in this area.

The methodology for studying the issue of the administrative and legal safeguards aimed at mitigating corruption risks in the context of defense procurement during martial law in Ukraine involves the application of general scientific, comparative, and special methods and approaches, which allows achieving the above goal.

The doctrinal (normative) method was used to examine the current legislative and regulatory acts regulating defense procurement and anti-corruption mechanisms in Ukraine. This includes analysis of the Laws of Ukraine "On Prevention of Corruption" (2014) and "On Public Procurement", relevant wartime resolutions of the Cabinet of Ministers, and procedural documents issued by the National Agency on Corruption Prevention (NACP).

The comparative legal method allowed for a contextual comparison of Ukrainian experience with the practice of other countries in preventing corruption in the defense sector. This comparative dimension helps identify gaps and opportunities for harmonization with global anti-corruption standards.

The system-structural method was applied to analyze the interaction between administrative bodies involved in defense procurement, including the Ministry of Defense, procurement agencies, and anti-corruption watchdogs. This helped to understand the operational dynamics and institutional fragmentation that affect the implementation of safeguards.

Additionally, socio-legal method was used for the assessment of the impact of corruption risks on public trust and the security sector, and inductive-deductive method – for formulating general conclusions based on specific facts and legal norms.

Overall, this methodological framework ensured a comprehensive examination of both the legal norms and their practical implementation, allowing the study to assess the effectiveness of existing administrative and legal safeguards and propose data-informed recommendations for policy and legislative improvement.

## **Results and Discussion**

### ***Administrative and legal safeguards against corruption risks in defense procurement under martial law: the case of Ukraine***

A multidimensional understanding of corruption risks is important for developing effective preventive measures, including administrative and legal safeguards, institutional reforms and strategic monitoring mechanisms, especially in high-risk sectors, such as defense procurement and extraordinary state expenditures.

One of the key administrative and legal safeguards against corruption risks in the defense sector under martial law is the effective functioning of the financial control system, in particular, electronic declaration. As R. Nehara and other researchers rightly point out, the suspension of declaration mechanisms during martial law "creates favorable conditions for potential abuses by unscrupulous civil servants" and at the same time "impedes the implementation of anti-corruption policy in the country and complicates further verification of information" [6]. This confirms the need for the earliest possible restoration of transparent administrative and legal procedures in the field of public finances, even under martial law.

It is worth paying attention to the experts of the Center for Political and Legal Reforms, who consider corruption risks as legal, organizational and other factors and causes that generate, encourage (stimulate) corruption in the sphere of administrative services and state control and supervision activities. As for other positions, the experts of the Cabinet of Ministers of Ukraine consider the following: corruption risks are a set of legal, organizational and other factors and causes that generate, encourage (stimulate) individuals to commit corruption offenses while performing their state or local functions. The National Agency for the Prevention of Corruption has provided recommendations that corruption risk is the probability that a corruption offense or an offense related to corruption will occur, which will negatively affect the achievement of the specified goals and objectives by a government body. This is a set of legal, organizational and other factors and reasons that generate, encourage (stimulate) individuals to commit corruption offenses while performing their official duties [7, p. 40].

The sphere of public procurement is characterized by a high level of corruption due to the low level of transparency of this process. Since the adoption of the Law of Ukraine "On Public Procurement", some issues have been generalized and systematized, and some factors that could influence the increase in corruption in this direction have been eliminated. For example, the concept of "electronic procurement system" was introduced,



which is interpreted as an information and telecommunications system that ensures the conduct of procurement procedures, the creation, placement, publication and exchange of information and documents in electronic form, which includes the web portal of the authorized body, authorized electronic platforms, between which automatic exchange of information and documents is ensured. Thus, the system of procurement through their electronic format – the Prozorro system [8] was improved.

To understand how to reduce the number of corruption risks, it is important to cover not only the sphere of defense procurement, but also to assess the overall picture that exists in the state. According to S.M. Ivasenko, corruption risks can be assessed in the following categories: 1) low level of development of anti-corruption legislation; 2) political instability in the state, its economic crisis and, as a result, property stratification of the population; 3) many state control bodies and lack of structure in the exercise of powers; 4) uncontrolled growth in the number of organizations of various forms of ownership and countries of origin; 5) inability of law enforcement and tax authorities to quickly and effectively counteract offenses in the field of corruption; 6) lack of a systematic approach to combating economic crime and corruption; 7) lack of norms aimed directly at reducing the level of economic crime and corruption [9, p. 38].

Taking into account the above, the following general corruption risks that may arise during public procurement can be identified: falsification of documents; disclosure by an official of an organization to one of the participants in the procurement procedure of confidential information about the offers of other participants; concealment of a conflict of interest by an employee of the organization who is directly involved in organizing the procurement procedure; collusion between participants in the procurement procedure; publication of incomplete information about the procurement procedure, its assessment and the decision to determine the winner on the official website; acceptance of an offer, promise or receipt of an undue advantage by the chairman and/or member of the tender committee or member of the technical committee from a potential counterparty; abuse during the evaluation of competitive bidding offers of participants in the procurement procedure in order to reject the winner's offer [10].

The introduction of the ProZorro electronic bidding system has become an opportunity to prevent corruption in procurement, increase the level of transparency and create a healthy competitive environment in this area to receive the best offers and attract foreign investment. The website provides all the information regarding the sequence of processes, as well as the importance of involving the public in monitoring the implementation of what the state buys with citizens' taxes. This already speaks of compliance

with the first criterion for preventing corruption - increasing transparency. In public access, on the first page you can find out how to search for information, what useful resources to turn to, why this system exists, etc.

The key principle of Prozorro is *Everyone sees everything*. First, procurement for state funds takes place online, and therefore anyone can virtually visit the auction. In addition, in the case of attempts to hold a tender with a hint of corrupt actions, such an episode immediately receives publicity (for which more attention from the public is needed), and there is also an opportunity to view deleted documents, because the history of edits is saved. However, it is worth noting that the system cannot independently assess either the appropriateness of procurements or their corruption, but only highlights abuses for further investigation.

However, this all concerns the general process of public procurement. What about the defense sector, which is currently the most pressing topic? Since the beginning of the full-scale invasion, the Ministry of Defense of Ukraine has been at the center of scandals several times regarding the purchase of uniforms for the military, food for the Armed Forces of Ukraine, the supply of weapons, etc., which causes considerable indignation among the public and international partners. And even if procurement can be carried out according to all the rules through the ProZorro electronic system, this does not mean that the quality of the goods will also be proper, because it is difficult to control. Of course, this affects the long-term prospects for cooperation with Ukraine in the defense sector in the future. That is why it is necessary to respond quickly enough to such episodes and develop effective safeguards against corruption risks.

The potential benefits of corruption in the defense sector are determined by a number of factors, including: the scale of defense funding under the control of military officials; the level of discretionary power held by these officials; and the degree of openness and accountability of defense procurement processes.

The Ministry of Defense of Ukraine carries out procurement both centrally and decentralized. Most procurement is carried out centrally, which accounts for about 80% of needs. According to the Budget Code of Ukraine, if the subject of procurement does not contain information constituting a state secret, the procurement process is regulated by the Laws of Ukraine "On Public Procurement" and "On Peculiarities of Procurement of Goods, Works and Services for Guaranteed Provision of Defense Needs". These laws regulate the timeliness and efficiency of procurement for the needs of the Armed Forces of Ukraine and other military formations in the conditions of a special period, a state of emergency and a Joint Forces operation.



However, what about the specifics of defense procurement during the martial law legal regime? During the first 7 months of martial law, more than 20 regulatory legal acts were adopted, the main one being the Resolution of the Cabinet of Ministers of Ukraine No. 169 of February 28, 2022 "On Some Issues of Defense and Public Procurement of Goods, Works and Services under Martial Law". This and other documents were regularly amended, which can be summarized as follows: the contract price is determined on the basis of the cost estimate prepared by the executor of the state contract; revision of the agreed contract price is not allowed, except in cases of concluding import contracts; it is prohibited to conclude offset contracts [8]. Later, since June 2022, the government resumed mandatory procurement in the ProZorro system, but with the possibility of conducting some procurement outside the system. This Resolution was very helpful in the first months of the war and was able to establish processes for the need for rapid procurement, but it was replaced by the following one [11].

The provisions of the Law of Ukraine "On Defense Procurement" [12] in the provisions of Art. 30 refer us to the document approved by the Resolution of the Cabinet of Ministers of Ukraine dated November 11, 2022 No. 1275. It is noted that state customers carry out defense procurement of goods and services for defense purposes, other goods and services for guaranteed provision of security and defense needs, the value of which is equal to or exceeds 200 thousand hryvnias, works for defense purposes and works for guaranteed provision of security and defense needs if their value is equal to or exceeds 1.5 million hryvnias (except for procurements determined by law), in the electronic procurement system in one of the following ways: 1) conducting open tenders; 2) conducting simplified procurements; 3) in the procedure for selecting a supplier by requesting suppliers' proposals; 4) by applying a framework agreement in accordance with these features [13].

Later, in 2023, the National Agency for the Prevention of Corruption conducted a comprehensive study "Corruption Risks during Public Procurement under Martial Law" and identified a number of corruption risks. This was due to the particular relevance of anti-corruption reform even under martial law. As a result of the study, the following corruption risks were identified: the possibility of submitting tender offers at a price higher than the expected cost; abuse of procurement through an electronic catalog; use of "artificial barriers" in procurement in favor of a specific participant; corruption through direct contracts; inability to appeal decisions, actions or inaction of customers during simplified procurement procedures, etc. [14].

While monitoring defense procurement in the same year, the NACP identified a list of risks that could contribute to corruption offenses. The most common was the lack of control over the intended use of budget funds received as advance payments by suppliers. To combat corruption in the defense sector, it is necessary to prioritize anti-corruption measures and implement comprehensive strategies. These include creating a reliable legal framework and regulatory mechanisms, ensuring transparency in defense budgeting and procurement processes, promoting accountability and oversight, and encouraging the participation of civil society organizations and independent media in monitoring defense-related activities.

Thus, in 2023, the Department for Prevention and Detection of Corruption was established in the Ministry of Defense of Ukraine, the purpose of which was to spread the principle of zero tolerance for corruption. As of now, it is too early to look at the results of the Department's work, as training is currently being conducted for newly appointed public servants, and experience is also being exchanged with relevant Departments and other bodies. In addition, another institutional change was the creation of the Defense Procurement Agency by order of the Ministry of Defense of Ukraine dated June 17, 2022 No. 159. According to the charter, this state-owned enterprise was to become the only national agency for centralized procurement of goods, works and services in the field of national security and defense at the expense of the state budget and other sources. However, only in 2023 was this issue regulated at the legislative level [15, p. 325].

In June 2024, the first results of the reform were published. The Ministry of Defense of Ukraine transferred the procurement function to specialized structures: the State Operator of the Rear (which is responsible for the acquisition of tangible property, food, body armor and other support) and the Defense Procurement Agency (which carries out the procurement of weapons and military equipment). As the Deputy Minister of Defense of Ukraine noted, over €10 billion were saved on rear procurement alone, which is almost 25% of the total amount of budget funds allocated to the State Operator of the Rear for concluded contracts [16].

The table below summarizes the corruption risks that existed before the introduction of martial law in the field of defense procurement in Ukraine, the risks that emerged afterwards, as well as those administrative and legal safeguards that have either already been implemented or may be implemented in the future (Table 1).

**Table 1. Corruption risks in the field of defense procurement during martial law and administrative and legal preventive measures**

<b>Corruption Risk</b>	<b>Administrative and Legal Safeguard</b>
Abuse of simplified procurement procedures allowed since the introduction of martial law	Introduction of stricter sanctions for abuse of simplified procedures and limits on their allowable number
Lack of proper control over the volume and appropriateness of procurements	Implementation of a market price monitoring system for defense products and services; Enhancement of the qualifications of procurement staff; Classification of goods and services for procurement by categories, with separate regulation for construction and repair of roads, housing stock, and other infrastructure objects
Operation of a large number of bodies aimed at controlling defense procurement	Optimization of all bodies related to anti-corruption activities by consolidating them into several independent control authorities; Clear delineation of the powers of control bodies in legislation
Lack of public access to procurement information	Elimination of legislative gaps by detailing necessary procurement procedures such as planning, justification, etc.
Possibility to conduct procurements outside the ProZorro system under martial law conditions	Introduction of strict control over procurements carried out outside the system
Inability of small companies to participate in procurements, creating unequal conditions for participants	Division of large lots into smaller ones; each participant enters the bidding with a catalogue, and upper and lower price limits are set for each item
Adoption of numerous normative legal acts related to defense procurement causing legislative conflicts	Refinement and optimization of existing legislation to eliminate inconsistencies; Analysis of international legislation and its adaptation to Ukrainian realities
Lack of competition in procurement areas considered state secrets	Introduction of restrictions on what information can be disclosed and what cannot (e.g., the fact of procurement or production of specific weapons is not secret, but details about characteristics and procurement locations are concealed)

In addition to all of the above, in June 2024, the Ministry of Defense of Ukraine expressed a desire to change the leadership and reorganize the Main Directorate for the Development and Support of Material Support of the Armed Forces. How? By creating a collegial body for the organization of the development of material support of the Armed Forces to review existing technical documentation and adopt new ones in accordance with NATO standards. This process is part of the procurement reform, which aims

to increase transparency and efficiency in the field of material support. Technical specifications must be adapted to the new realities in which the state finds itself so that local manufacturers can provide quality goods and healthy competition is maintained.

Given the large number of scandalous procurements that took place during 2022–2024, it is also important to understand the state of the legislation related to liability for corruption offenses. This can be distinguished as a separate corruption risk, which also requires due attention. According to Art. 65-1 of the Law of Ukraine "On Prevention of Corruption", in the event of a criminal offense being committed on behalf of and in the interests of a legal entity by its authorized person independently or with the complicity of a legal entity in cases specified by the Criminal Code of Ukraine, criminal law measures shall be applied [17].

If we refer to the note to Art. 45 of the Criminal Code of Ukraine, then corruption-related criminal offenses according to this Code are considered to be criminal offenses provided for in Articles 191, 262, 308, 312, 313, 320, 357, 410, in the case of their commission through abuse of official position, as well as criminal offenses provided for in Articles 210, 354, 364, 364-1, 365-2, 368-369-2 of this Code.

Criminal offenses related to corruption, according to this Code, are considered to be criminal offenses provided for in Articles 366-2, 366-3 of this Code [18].

The doctrine is ambiguous about the system of corruption criminal offenses set out in the current legislation, since Section 17 of the Special Part covers most, but not all, offenses. In addition, not all criminal offenses of this section can be considered corruption. One of the unclear questions remains whether criminal liability measures for corruption criminal offenses will be strengthened by making amendments and additions to the current legislation in wartime conditions [19, p. 77].

Deputies of the Verkhovna Rada of Ukraine have developed two draft laws: "On Amendments to the Criminal Code of Ukraine to Strengthen Criminal Liability for Corruption Offenses Committed in Conditions of Martial Law or a State of Emergency" and "On Amendments to the Criminal Code of Ukraine to Strengthen Liability for Corruption Offenses Committed in Conditions of Martial Law or a State of Emergency". Each of these draft laws has its own inaccuracies and advantages. The first aims to hold accountable for offenses committed in 2022, and the second includes such a type of sanction as life imprisonment for committing offenses. The authors of the draft law indicate that it is also proposed to increase the minimum limit of punishment in the form of restriction of liberty within the framework of

some articles. However, of course, the approach to strengthening liability should be comprehensive and take into account foreign experience, the realities of existing Ukrainian legislation and development prospects [19, p. 77].

In addition, the issue of the division of powers remains unclear. The interaction of law enforcement agencies and the defense sector is rather ambiguous. The National Anti-Corruption Bureau of Ukraine, the State Bureau of Investigation and the National Police of Ukraine can investigate various offenses on the basis of one fact, but who deals with the issue of abuses in the defense sector is unclear.

It can be assumed that in order to effectively combat corruption, it is necessary to make changes to the legislation that significantly complicate even the commission of certain corruption offenses, rather than increase criminal liability for such offenses. Perhaps it is useful to work and improve in a completely different direction. In particular, it is necessary to improve personnel selection, ensure integrity checks and continuous training of investigators, prosecutors and judges, eliminate contradictions and other imperfections in the current legislation [19, p. 78].

Within the framework of combating corruption in the territorial defense system, the introduction of administrative and legal control mechanisms, including electronic procurement, auditing, data transparency and anti-corruption expertise, is extremely important. Clear administrative and legal mechanisms, which provide for constant monitoring, auditing and transparent reporting, are the first steps in maintaining defence capability [20]. Thus, the effective implementation of anti-corruption measures in the field of defense procurement involves the synergy of legal regulation, digital solutions and public oversight.

Defense procurement has long been considered to have significant potential for corruption and state capture. As evidenced by research by many scholars, in most European countries the risks of corruption in defense procurement are higher than in public procurement in general. This is explained by the specifics of military contracts, in particular their complexity, high cost, limited range of suppliers and insufficient transparency of procedures. In the context of Ukraine, which is under martial law, adapting the experience of EU countries will contribute to increasing the efficiency and integrity of defense procurement [21].

### ***Corruption risks in defense procurement and administrative and legal preventive measures: the experience of Lithuania***

If we turn to the experience of the Republic of Lithuania in the field of defense procurement, as a member of the European Union and NATO,

the country pays considerable attention to the issue of preventing corruption in the defense sector. To minimize corruption risks in defense procurement, Lithuania has created an effective comprehensive regulatory framework, which includes 3 main documents, namely: The Law on the Prevention of Corruption [22], which defines the main principles, goals and objectives of preventing corruption, as well as measures to create an anti-corruption environment; The National Anti-Corruption Program [23], which is a strategic document that unites the efforts of all institutions in the development of anti-corruption activities and implementation of legislation; The Law on Public Procurement in the Field of Defense and Security [24], which regulates procurement procedures in the defense sector, ensuring transparency and accountability.

The Lithuanian example makes it clear that the implementation of EU regulation in the field of defense and security procurement at the readiness stage helps to balance management processes with legal regulation and allows creating the prerequisites for legal procurement in situations of possible direct threats to national security [25].

Based on the regulatory framework in Lithuania, a number of administrative and legal safeguards against corruption risks in defense procurement can be identified: 1) transparency of procurement procedures: the legislation provides for the mandatory publication of information on tenders and contracts, which contributes to increased accountability and reduced opportunities for corruption; 2) assessment of corruption risks: regular analysis and identification of potential corruption risks in the defense procurement process allows for timely preventive measures to be taken; 3) control over confidentiality: taking into account the specifics of defense procurement, Lithuania has developed mechanisms to ensure a balance between the necessary secrecy and transparency, in particular through a clear definition of criteria for classifying information; 4) implementation of electronic procurement systems: the use of electronic platforms for tendering reduces the human factor and increases the objectivity of the selection of suppliers.

The following table is based on an analysis of Lithuania's National Anti-Corruption Program for 2015-2025, as well as OECD and Transparency International reports. It reflects Lithuania's systematic approach to minimizing corruption risks in the defense sector through legislative and institutional reforms (Table 2).



**Table 2. Corruption risks in the field of defense procurement and administrative and legal preventive measures**

<b>Corruption Risk</b>	<b>Administrative and Legal Safeguard</b>
Abuse of simplified procurement procedures or intra-group transactions	<ul style="list-style-type: none"> <li>– Establish clear criteria for the use of intra-group transactions to avoid bypassing open tender procedures</li> <li>– Strengthen oversight of simplified procedures through the electronic procurement system</li> </ul>
Lack of control over the justification and volume of procurements	<ul style="list-style-type: none"> <li>– Implement mandatory internal audits and risk management systems within public institutions</li> <li>– Centralize harmonization of internal control and auditing through the Ministry of Finance</li> </ul>
Excessive number of agencies overseeing defense procurement	<ul style="list-style-type: none"> <li>– Consolidate anti-corruption oversight functions under the Special Investigation Service (STT)</li> <li>– Clearly define the division of powers among STT, the Central Electoral Commission, and other relevant bodies</li> </ul>
Lack of transparency in procurement information	<ul style="list-style-type: none"> <li>– Mandatory use of the electronic procurement system for publishing tender information</li> <li>– Set legal requirements for publishing procurement plans and tender results</li> </ul>
Possibility to conduct off-system procurements under emergency or wartime conditions	<ul style="list-style-type: none"> <li>– Define clear conditions and limits for conducting procurements outside the electronic system</li> <li>– Ensure transparency and accountability of such procurements to relevant oversight bodies</li> </ul>
Lack of competition in procurement sectors classified as state secrets	<ul style="list-style-type: none"> <li>– Establish clear criteria for classifying procurements as secret</li> <li>– Ensure maximum possible transparency of non-sensitive aspects of such procurements, while protecting confidential information</li> </ul>

## Conclusions

Taking into account the Lithuanian experience in preventing corruption risks in defense procurement and the analyzed existing corruption risks and administrative and legal safeguards in Ukraine, the following conclusions can be drawn:

1. Lithuania has implemented a National Anti-Corruption Program (currently valid for 2015-2025), which ensures stability and strategic coherence of anti-corruption policy. Accordingly, it is advisable for Ukraine to adapt a similar long-term program taking into account the state of war and the needs of the defense sector.
2. Lithuanian legislation guarantees the maximum possible openness of defense procurement, while protecting information that constitutes a

state secret. Ukraine should improve the balance between security and transparency, providing for a clear separation between public and classified information.

3. In Lithuania, anti-corruption functions are concentrated in one specialized body, the Special Investigation Service (STT), which ensures effective control and avoids duplication of powers. In Ukraine, it is worth optimizing the functions of relevant regulatory authorities and other structures, ensuring coordination and unification of powers.

4. Lithuania has adopted a special law on defense procurement, which takes into account the specifics of security and efficiency of such procedures. Ukraine should deepen the differentiation of regulatory regulation for defense procurement, in particular under martial law.

Combating corruption in the defense sector requires a comprehensive approach that addresses both systemic issues and individual responsibility. The institutional reforms in public procurement initiated in Ukraine after the Revolution of Dignity provided the basis for effective monitoring and public oversight, which has persisted even in the face of a full-scale invasion. This demonstrates that transparency, accountability, and engagement with civil society are essential components of ensuring integrity and efficiency in defense procurement, especially during martial law [26].

Thus, combating corruption in the defense sector requires a multifaceted approach that addresses both systemic problems and individual responsibility. By promoting integrity, transparency, and accountability in the defense sector, as well as encouraging international cooperation, our state can strengthen national security, restore public trust, and ensure the efficient and rational allocation of resources for the country's defense needs, which is a priority during martial law.

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