

# BEST PRACTICES AND POSSIBLE IMPROVEMENTS IN DETECTING CORRUPTION OFFENCES IN UKRAINE'S JUSTICE SYSTEM

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## I. GENERAL OVERVIEW OF CORRUPTION DETECTION IN UKRAINE

Corruption remains one of the key threats to the effective functioning of state institutions in Ukraine, particularly the justice system. Despite the creation of new bodies, the introduction of electronic services and open registries, mechanisms for detecting corruption offences often fail to deliver the expected results. At the same time, positive practices are emerging in Ukraine, such as electronic declarations, public procurement systems and financial monitoring, which create opportunities for earlier detection of corruption. This paper aims to describe the current state of corruption detection in Ukraine, analyse best practices and identify ways to improve this process. Particular attention is paid to a practical case study that shows how existing mechanisms work in practice and what difficulties the justice authorities face. According to Transparency International's Corruption Perceptions Index for 2024, Ukraine ranked 104th out of 180 countries, indicating significant challenges in combating corruption. The level of public trust in the judicial system directly depends on how effectively it is able to respond to such crimes. Early detection of corruption prevents the loss of evidence, minimizes damage to the state and ensures that those responsible are brought to justice more quickly. This process is crucial not only for internal security, but also for Ukraine's international image and increasing its investment attractiveness.

## II. CURRENT SITUATION IN THE FIELD OF DETECTING CORRUPTION OFFENCES IN UKRAINE

Ukraine has a number of bodies and instruments that are directly or indirectly aimed at detecting corruption offences. These include:

- NABU (National Anti-Corruption Bureau of Ukraine) – investigates top-level corruption crimes.
- NACP (National Agency for Corruption Prevention) – monitors e-declarations and conflicts of interest.
- DBR, National Police, SBU – detect and investigate corruption crimes among law enforcement officers and officials.
- Financial monitoring (State Financial Monitoring Service, NBU, banks) – detects suspicious financial transactions.
- Civil society organizations and journalistic investigations, which often serve as the initial source for official proceedings.

Despite the existence of these mechanisms, the rate of actual detection and prosecution of corruption crimes remains low. Problems arise at the stage of gathering primary information and converting it into admissible evidence. Ukraine lacks a single coordination centre or platform that would combine data from e-declarations, Prozorro analytics, banking monitoring and criminal proceedings. As a result, information about potential corruption is often duplicated, processed with delays or does not reach the court in the proper form. This creates gaps in the evidence-gathering stage and affects the court's ability to make a lawful and reasoned decision.

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### III. BEST PRACTICES IN UKRAINE

Despite the difficulties, several tools and practices can be identified that demonstrate effectiveness:

- Electronic declarations and automated monitoring of officials' lifestyles. These allow for comparison of the income and expenses of civil servants. There have been cases where discrepancies in declarations have led to investigations.
- The Prozorro and BI Prozorro systems in the field of public procurement. The public nature of tenders allows journalists and civil society organizations to identify violations. There are examples where open data helped to quickly identify suspicious contracts and pass the information on to investigators.
- Cooperation with financial institutions and international partners. Bank monitoring helps to track suspicious transfers related to bribery or money laundering. Ukraine has begun to make more active use of international channels for the exchange of financial information.

Public oversight and journalistic investigations. Investigations published in the media often become the first step towards official criminal proceedings.

One of the most notable success stories is the Prozorro system, which in 2023 helped identify dozens of questionable tenders, particularly in the areas of construction and equipment supply for state owned enterprises. Thanks to open access to data, journalists and analysts from civil society organizations were able to quickly pass on information to law enforcement agencies, leading to the opening of criminal proceedings.

The Prozorro system was launched in 2014–2015 after the Revolution of Dignity as a response to corruption and lack of transparency in public procurement. A team of anti-corruption volunteers, businesses and the Ministry of Economy developed a new system to transfer procurement to an electronic format and ensure maximum transparency. The public e-system was intended to replace the old paper-based procedures, which allowed for numerous abuses. In the first two years of its operation, the state saved approximately \$1.9 billion.

Prozorro is a hybrid electronic system: at its core it is a state database and auction module, while interfaces for buyers and suppliers are provided by authorized commercial platforms. All information about tenders—from planning to contract execution—is stored in a central database and synchronized with the platforms in real time. After the auction is completed, all data is disclosed: participants, their bids, the tender committee's decisions, documents, etc., according to the principle of "everyone sees everything". BI modules ([bi.prozorro.org](http://bi.prozorro.org) and [bipro.prozorro.org](http://bipro.prozorro.org)) have been created for analysis, allowing anyone to conduct in-depth procurement analytics.

The legal framework for the reform was developed by the Ministry of Economic Development and Trade (now the Ministry of Economy). The central electronic database and auction module are administered by the state-owned enterprise Prozorro. The ministry remains the sole coordinator of the system's development. Commercial platforms provide an interface for participants to work, while civil society organizations carry out anti-corruption monitoring.

The system's motto, "everyone sees everything", means that Prozorro is open to everyone. Journalists and civil society organizations actively use the data for investigations, but there are no restrictions for businesses or citizens. After the rights to the system were transferred to a state-owned enterprise, all tenders since 2016 have been conducted through Prozorro, so anyone can view the tender documentation, prices and decisions.

Prozorro itself does not punish corrupt officials; it ensures data transparency. Suspicious tenders are monitored by state auditors and public initiatives. In just three years, the DoZorro community (a network of public monitors) analysed and flagged 21,000 tenders as problematic; about 30 per cent of them were resolved, 1,200 tenders were reviewed, 59 criminal cases were opened and 198 sanctions were imposed. During testing, the DOZORRO AI tool developed by Transparency International Ukraine made it possible to detect tenders

with unjustified selection of winners 26 per cent more often, with unjustified disqualification 37 per cent more often and with collusion between participants 298 per cent more often. The State Audit Service uses 35 risk indicators to automatically check procedures.

Prozorro uses open-source code and publishes data in accordance with the Open Contracting Data Standard (OCDS) recommended by international organizations, which complies with the principles of the UN Convention against Corruption. The project is supported by the World Bank, the EBRD and other partners, and its “golden triad” model (government, business, civil society) is considered by the United Nations and the OECD as a leading example of transparency in public procurement. Prozorro has become a key reform that has radically changed the public procurement sector in Ukraine. The system provides open access to tender data, increases competition and allows the public to identify corruption risks. It is managed by the Ministry of Economy through the state-owned enterprise Prozorro. The data is available to everyone without exception, and the active participation of journalists and civil society organizations makes Prozorro an effective tool for anti-corruption control and early detection of suspicious purchases.

#### **IV. PROBLEMS AND CHALLENGES IN APPLYING BEST PRACTICES**

- Insufficient data integration between agencies. There is no single database that combines the results of audits by the NACP, financial monitoring and other agencies.
- Problems with the admissibility of evidence. Information from open sources or the media cannot always be used by the court without proper procedural formalities.
- Delays in transferring cases from the “detection” stage to the “investigation” stage. Due to bureaucracy and poor communication, evidence is lost or devalued.
- Lack of specialized analytical skills in some agencies. Financial or electronic data is often not analysed properly.

A separate problem is the lack of adequate protection for whistle-blowers, which reduces the number of reports of corruption offences. Legislative guarantees exist, but in practice whistle-blowers often face pressure from former employers or colleagues. In addition, courts do not have full access to some closed financial databases, which makes it difficult to verify the sources of funds and links between those involved in cases. Much of the communication between investigative bodies takes place in paper format, which causes delays in the transfer of materials and the loss of evidentiary value of certain documents.

#### **V. CASE STUDY**

##### **A. The Essence and Circumstances of the Incident**

The Department of Education of the Dniprovskiy district of Kyiv purchased over 300 drums for children for almost 900 thousand hryvnias. The musical instruments are intended for psychological relief of children in shelters during air raids. Journalists drew attention to this while monitoring the website of the electronic public procurement system Prozorro.

People were outraged that significant funds were spent on toys, while the condition of more than 80 per cent of the shelters is unsatisfactory. Publicity in the media did not allow the conclusion of the disputed contract.

At the same time, law enforcement officers drew attention to the director of the aforementioned Department of Education. Based on the results of monitoring her lifestyle, the application of the civil confiscation mechanism was initiated (in early September, the High Anti-Corruption Court imposed an arrest on the official's property).

Civil confiscation of unfounded assets is a mechanism that allows the State to return property that was acquired illegally, without the need to prove a crime. Civil confiscation, or the seizure of unclaimed assets, was introduced in Ukraine at the end of 2019, after the relevant law entered into force on 28 November 2019 and is used in countries such as the United Kingdom, Canada, Georgia, Italy, Greece and Ireland.

The application of civil confiscation in accordance with the norms of the Civil Procedure Code of Ukraine is possible if the value of the assets exceeds the subsistence minimum for able-bodied persons by seven hundred and fifty times or more, established by law on the date of entry into force of the said law, but does not exceed the limit established by Article 368-5 of the Criminal Code of Ukraine.

Civil confiscation is effective and almost ideal in its simplicity:

1. Presumption of unfoundedness of assets. The legislation establishes that the court recognizes assets as unfounded if there is no evidence of their legal origin. This presumption is rebuttable: the defendant must provide evidence of the legality of the acquisition of assets.
2. Burden of proof. According to Article 290 of the Civil Procedure Code of Ukraine (hereinafter referred to as the CPC of Ukraine), the burden of proof is shifted to the defendant if:
  - there is confirmation of the connection of the assets with an official;
  - there is a significant difference between the value of the assets and the legal income (the minimum threshold is UAH 1,003,500).
3. Standard of proof. The court makes a decision based on the preponderance of the evidence standard. This means that the decision is made in favour of the party that provided a more convincing set of evidence.

The main feature of civil confiscation is the absence of the need to establish the guilt of a person in committing an offence as a result of which he received certain assets.

In such cases, the use of criminal law mechanisms to combat corruption is not always justified and is complicated by the high latency (concealment) of corruption. After all, if an official nevertheless received an illegal benefit, and this remained unnoticed by law enforcement agencies or with their assistance, it is not easy to prove the facts underlying the criminal offence in court, since criminal proceedings have a high standard of proof.

In contrast, civil confiscation provides that the court recognizes assets as unfounded if there is no evidence of their legal origin. This presumption is rebuttable: the defendant must provide evidence of the legality of the acquisition of assets. That is, people who live an honest life have nothing to worry about because their income has a legal origin.

## **VI. POSSIBLE IMPROVEMENTS**

- Standardization of the collection and transfer of information on potential corruption offences.
- Strengthening analytical capabilities (financial analysis, electronic evidence) in investigative bodies and courts.
- Better interaction between courts and detection agencies. Development of joint protocols on evidence that can be used in proceedings.
- International cooperation. Use of other countries' experience in integrating open data, protecting whistleblowers and algorithms for automatic detection of suspicious transactions.

- Training for judges. Familiarization with best practices in order to avoid excessive formalism when assessing evidence in cases involving signs of corruption while adhering to the principle of legality.

The first step should be to create a single national portal for the automatic exchange of information on potential corrupt practices between all authorized bodies. This will allow real-time verification of data from e-declarations, financial transactions and tender purchases. The second real change could be the expansion of financial monitoring functions with the possibility of blocking suspicious assets even before the official investigation stage, similar to EU practices. In addition, mandatory training of investigators and judges in the field of working with electronic evidence and large data sets, which is already used in many OECD member countries, is necessary. This will improve the quality of investigations and allow courts to make more informed decisions.

## VII. CONCLUSION

Ukraine has already created a number of tools and mechanisms for detecting corruption offences, including an electronic declaration system, public procurement through Prozorro, financial monitoring tools and specialized anti-corruption bodies. At the same time, the effectiveness of these mechanisms remains limited due to the lack of a unified national strategy, fragmented communication between agencies, shortcomings in the procedural formalisation of evidence and delays in the transfer of information from the detection stage to the investigation stage. As a result, a significant proportion of corruption cases either do not reach court or collapse during court proceedings due to a lack of sufficient evidence or procedural errors. This undermines public confidence in the justice system and reduces the deterrent effect of anti-corruption measures. To achieve tangible progress, Ukraine needs a comprehensive and coordinated approach to detecting corruption. This involves creating a single national platform to integrate all available data sources, establishing rapid information exchange between agencies, strengthening whistle-blower protection, and developing the analytical capabilities of investigators and judges in the areas of financial analysis and working with electronic evidence. The use of international best practices proven in other jurisdictions will help reduce systemic gaps that currently allow corruption offences to go unpunished.