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Research Article

Experience of Foreign Countries in Fighting Corruption Prevention in the Sphere of Illegal Drug Trafficking: Administrative Legal and Criminal Legal Aspects

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Abstract

Background: The article examines foreign experience in combating corruption in the field of illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors.

Methods: The methodological basis of the study is a set of general scientific and special legal methods of scientific knowledge, the application of which provided a comprehensive analysis of foreign experience in combating corruption in the field of illicit drug trafficking.

The key to the study was the comparative legal method, which made it possible to compare administrative-legal and criminal-legal mechanisms for combating corruption in the field of drug crime in different countries, in particular the USA, Great Britain, Singapore, Germany, Poland, France and Italy. The application of this method made it possible to identify common and distinctive features in the functioning of anti-corruption institutions, the features of regulatory and legal regulation, internal control mechanisms of law enforcement agencies, as well as the specifics of criminal liability for corruption offenses related to illicit drug trafficking.

Results: The article analyzes administrative-legal and criminal-legal mechanisms for preventing corruption in the activities of law enforcement agencies, customs services, border units and criminal justice bodies. Particular attention is paid to the practice of the USA, Canada, Germany, Great Britain, Singapore and Poland in creating effective anti-corruption institutions, applying internal control mechanisms, electronic monitoring, financial control and special anti-corruption units.

Conclusion: It has been established that the effectiveness of combating corruption in the field of illicit drug trafficking largely depends on a comprehensive combination of administrative and criminal law instruments, the level of independence of anti-corruption bodies, the transparency of law enforcement agencies and international cooperation. It has been proven that in most foreign countries a special role is given to preventive measures, electronic declaration systems, control over the income of officials, whistleblower protection mechanisms and enhanced criminal liability for corruption crimes related to drug crime.

The feasibility of implementing certain elements of foreign experience into the national legislation of Ukraine is substantiated, in particular regarding strengthening interdepartmental coordination, digitalization of anti-corruption procedures, creation of specialized internal security units and improvement of mechanisms of international legal assistance.

Keywords: Corruption, Drug trafficking, Drug crime, Administrative and legal mechanisms, Criminal and legal mechanisms, Anti-corruption policy, International experience, Law enforcement agencies

Introduction

The current stage of development of international social relations is characterized by the intensification of transnational organized crime, one of the most dangerous forms of which is the illicit trafficking of narcotic drugs, psychotropic substances, their analogues and precursors. The global nature of drug crime leads to the formation of stable criminal networks that operate outside the borders of individual states and use complex mechanisms of financing, logistics, legalization of income and corrupt influence on state authorities. In such conditions, corruption is not only a concomitant phenomenon of the illegal drug trade, but one of the key tools for ensuring its functioning and avoiding legal liability.

Corruption in the activities of law enforcement agencies, customs services, border units, prosecutor's offices and the judicial system is of particular danger, since it is these institutions that are called upon to counter the illicit trafficking of drugs. The use of official position to facilitate the illegal transportation of narcotics, leak operational information, falsify evidence or cover up the activities of organized criminal groups significantly undermines the effectiveness of the state anti-drug policy and creates real

threats to national security.

In international practice, corruption in the field of illicit drug trafficking is considered a complex interdisciplinary phenomenon that combines elements of criminal, administrative, financial and transnational crime. That is why most developed countries form comprehensive mechanisms for counteraction, which include both administrative and legal instruments of a preventive nature and criminal and legal means of bringing guilty persons to justice. In modern conditions, international anti-corruption policy is increasingly focused on combining the institutional independence of anti-corruption bodies, digitalization of public administration, financial monitoring, interagency cooperation and international cooperation.

For Ukraine, the problem of corruption in the field of illicit drug trafficking is particularly relevant. The geographical location of the country, the presence of transit routes, military challenges, the intensification of organized crime and the reform of the law enforcement system create additional risks of the spread of corrupt practices in the field of combating drug crime. At the same time, the process of European integration of Ukraine requires the adaptation of national legislation to international and European standards in the field of combating corruption, ensuring transparency of the activities of public administration bodies and increasing the efficiency of criminal justice mechanisms [1].

An important factor in improving the national system of combating corruption is the study of positive foreign experience. Analysis of anti-corruption support models operating in the USA, Great Britain, Singapore, Germany, Poland, France and other countries allows us to determine the most effective administrative-legal and criminal-legal mechanisms for preventing corruption in the field of illicit drug trafficking. Of particular value are the practices of creating independent anti-corruption institutions, internal control systems, electronic monitoring of official activities, financial audit and specialized mechanisms for international cooperation [2].

The issue of combating corruption and illicit drug trafficking has repeatedly become the subject of scientific research in the field of administrative law, criminal law, criminology, international law and law enforcement. A significant contribution to the development of theoretical foundations for combating corruption has been made by domestic and foreign scientists who have studied the issues of anti-corruption policy, criminal liability for corruption offenses, the functioning of law enforcement agencies and mechanisms of international cooperation in the field of combating organized crime. At the same time, a comprehensive analysis of the foreign experience of preventing corruption in the field of illicit drug trafficking through the prism of administrative-legal and criminal-legal mechanisms remains insufficiently studied [3].

The research problem is the presence of systemic corruption risks in the field of combating illicit drug trafficking, which significantly reduce the effectiveness of law enforcement agencies and complicate the implementation of the state anti-drug policy [4]. Despite the existence of criminal and administrative legal mechanisms to combat corruption, many countries still face problems of insufficient transparency in the activities of law enforcement agencies, imperfect internal control systems, low levels of interdepartmental coordination, and difficulty in identifying corruption links between government officials and organized criminal groups [5].

Another significant problem is the transnational nature of drug crime, which requires effective international cooperation and harmonization of national legislation with international standards. In practice, many states have difficulties in the exchange of information, joint investigations, financial monitoring and the return of assets obtained as a result of the illegal drug trade [6].

For Ukraine, additional problematic aspects remain the insufficient level of digitalization of anti-corruption procedures, limited effectiveness of mechanisms for monitoring the activities of law enforcement officers, the need to improve the whistleblower protection system and the need to adapt the national legal system to European standards for combating corruption and organized crime.

In this regard, it is relevant to study foreign experience in the application of administrative-legal and criminal-legal mechanisms for preventing corruption in the field of illicit drug trafficking, to determine their effectiveness and possibilities for implementation in the national legislation of Ukraine.

Materials and Methods

The methodological basis of the study is a set of general scientific and special legal methods of scientific knowledge, the application of which provided a comprehensive analysis of foreign experience in the fight against corruption in the field of illicit drug trafficking.

The key to the study was the comparative legal method, which made it possible to compare administrative-legal and criminal-legal mechanisms for combating corruption in the field of drug crime in different countries, in particular the USA, Great Britain, Singapore, Germany, Poland, France and Italy. The application of this method made it possible to identify common and distinctive features in the functioning of anti-corruption institutions, the features of regulatory and legal regulation, internal control mechanisms of law enforcement agencies, as well as the specifics of criminal liability for corruption offenses related to illicit drug trafficking [7].

Comparative legal analysis also provided an opportunity to assess the effectiveness of foreign models of anti-corruption policy and identify promising areas for implementing individual elements of international experience into the legal system of Ukraine. Particular attention was paid to comparing the mechanisms of financial control, electronic monitoring, the activities of specialized anti-corruption bodies, whistleblower protection systems and procedures

for interdepartmental coordination [8].

In addition to the comparative legal method, the study used: formal-legal method to analyze the content of international legal acts, national legislation of foreign states and Ukraine in the field of combating corruption and illicit drug trafficking; system-structural method to determine the place of administrative-legal and criminal-legal mechanisms in the general system of anti-corruption support; logical-legal method - when formulating scientific conclusions, generalizing law enforcement practice and developing proposals for improving legislation; historical and legal method - for studying the evolution of anti-corruption mechanisms in the field of combating drug crime in foreign countries; generalization method - for systematizing international experience and forming recommendations for its adaptation to Ukrainian realities.

The comprehensive use of these methods allowed to ensure the comprehensiveness, objectivity and scientific validity of the research results.

Results and Discussion

Administrative and legal mechanisms for preventing corruption in the field of illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors constitute a set of preventive, organizational, control and disciplinary measures aimed at minimizing corruption risks in the activities of law enforcement agencies, customs services, border units and other public administration bodies [9]. Unlike criminal legal measures that are applied after the commission of an offense, administrative and legal mechanisms are mainly preventive in nature and are aimed at creating a system of control, transparency and integrity in the activities of officials [10].

In international practice, corruption in the field of illicit trafficking in narcotic drugs is considered one of the main factors contributing to the functioning of organized crime [11]. That is why most developed countries pay special attention to the creation of specialized administrative and legal instruments that allow preventing corruption at the stage of risk emergence. Such mechanisms include systems of internal control, financial monitoring, electronic administration, professional ethics, whistleblower protection and interdepartmental coordination [12].

One of the most important administrative and legal mechanisms is the activity of internal security and internal audit units of law enforcement agencies. In the USA, the relevant functions are performed by special units of the DEA, FBI and Customs Service, which verify the integrity of employees, monitor their financial condition and monitor possible contacts with representatives of the criminal environment. A feature of the American model is the use of so-called integrity tests, when employees are given controlled situations to identify a tendency to receive improper benefits or cooperate with drug cartels [13]. This approach allows identifying potential corruption risks even before a crime is committed.

In the UK, an important role in preventing corruption is played by the independent office for police conduct, an independent body that monitors police activities. Its functioning ensures the objectivity of investigations into possible corruption links between police officers and organized crime groups involved in drug trafficking [14]. The independent nature of such an authority minimizes the risks of concealing offenses within the law enforcement system and increases the level of public trust [15].

Financial control over the activities of officials is of significant importance in the system of administrative and legal prevention of corruption. In Singapore, The Corruption Investigation Bureau (CPIB) has broad powers to verify bank accounts, the origin of assets and financial transactions of public officials, in particular law enforcement officers involved in the fight against drug crime [16]. If an official cannot confirm the legality of the origin of his property, this is considered a basis for conducting an anti-corruption investigation. The effectiveness of the Singapore model is largely ensured by the combination of strict financial control and the inevitability of legal liability [17].

In Canada, law enforcement officers involved in the fight against organized drug crime undergo regular financial audits and are required to declare possible conflicts of interest [18]. Special attention is paid to monitoring suspicious financial transactions and checking contacts of officials with entities involved in the legalization of proceeds from crime [19].

An important area of administrative and legal support is the digitalization of public administration and electronic control over the activities of officials. In Germany, customs and law enforcement agencies use automated information systems for controlling the movement of goods and special electronic databases to analyze the risks of illegal drug transportation. Recording all actions of officials in electronic systems allows for transparency of official activities and simplifies internal audits [20].

In the USA, electronic systems are actively used to control the movement of physical evidence and seized drugs [21]. Each operation related to the seizure, transportation or storage of narcotic substances is recorded in an electronic system, which minimizes the risks of evidence substitution or its illegal use. Similar systems are used in the field of customs and border control, where automated monitoring allows to reduce the impact of the human factor and reduce the level of corruption risks [22].

A significant role in preventing corruption is played by the formation of professional ethics and anti-corruption standards of conduct for law enforcement officers [23]. In France, employees of anti-drug units undergo special anti-corruption training, during which they study issues of conflict of interest, interaction with informants, rules for handling physical evidence and preventing informal contacts with representatives of the criminal environment. Violation of ethical standards may be grounds for disciplinary action even in the absence of signs of a criminal offense [24].

In the Netherlands, one of the important elements of administrative prevention is psychological testing of employees working in the field of combating illicit drug trafficking. It is believed that timely detection of psychological predisposition to corrupt behavior minimizes the risks of involving employees in illegal activities [25].

An important place in the system of administrative and legal mechanisms is occupied by the protection of whistleblowers. In the USA and Canada, special programs are in place that guarantee the confidentiality of reports of corruption offenses, prohibit the prosecution of whistleblowers and provide them with legal protection [26]. The presence of such mechanisms contributes to the detection of corruption schemes in law enforcement agencies and increases the effectiveness of internal control [27].

Interdepartmental coordination and international cooperation are of particular importance. Within the European Union, Europol, Eurojust and the European Anti-Fraud Office (OLAF) play an important role in the fight against corruption and illicit drug trafficking. Their activities ensure the exchange of information between states, the coordination of joint operations and the monitoring of corruption risks during the international movement of narcotics [28].

For Ukraine, foreign experience is of important practical importance in the context of reforming the law enforcement system and adapting national legislation to European standards. Particularly relevant are the issues of digitalization of anti-corruption procedures, strengthening of financial control, creation of independent internal security units and improvement of mechanisms of international cooperation in the field of combating drug crime [28].

Thus, administrative and legal mechanisms for preventing corruption in the field of illicit drug trafficking in foreign countries are characterized by complexity and preventive orientation. Their effectiveness is ensured by a combination of internal control, financial monitoring, digital technologies, professional ethics and international cooperation, which allows to significantly reduce the level of corruption risks in the activities of law enforcement agencies and other subjects of state administration (Table 1).

Table 1: Administrative and legal mechanisms for preventing corruption in the field of illicit drug trafficking

Country	Main administrative and legal mechanisms	Features
USA	DEA internal control, financial monitoring	Electronic control of operations
UK	Independent oversight of the police	Digital accounting systems
Singapore	CPIB, strict financial control	High inevitability of responsibility
Germany	Anti-corruption standards of the service	Interdepartmental coordination
Canada	Whistleblower protection, internal audit	Ethical control

Criminal law mechanisms to combat corruption in the field of drug crime are one of the key elements of state policy in the field of ensuring national security, combating organized crime and protecting society from the illicit trafficking of narcotic drugs, psychotropic substances, their analogues and precursors. In modern conditions, the illegal drug business functions as a transnational system, which is largely based on corrupt ties with representatives of law enforcement agencies, customs services, border units, prosecutor's offices and the judiciary. That is why most countries in the world are forming special criminal law mechanisms aimed not only at combating illicit drug trafficking, but also at counteracting corruption manifestations that ensure the functioning of drug crime.

Unlike administrative law measures, criminal law mechanisms are punitive in nature and provide for the application of criminal liability measures to persons involved in corruption offenses in the field of illicit drug trafficking. In international practice, such mechanisms include the establishment of special categories of crimes, increased sanctions for corrupt actions of officials, confiscation of property, financial investigations, the use of the institution of specialized anti-corruption bodies and international cooperation in the field of criminal prosecution [29].

One of the most common criminal law mechanisms is the establishment of increased criminal liability for corruption crimes related to the illegal circulation of narcotics. In the United States, criminal law provides for severe punishment for law enforcement officers who facilitate the activities of drug cartels, illegally cover up the drug trade, transmit confidential information or receive illegal benefits for failing to take response measures. Crimes related to the use of official position to transport drugs across the state border or to ensure the unhindered activities of organized criminal groups are considered especially serious [30].

The American system of combating corruption in the field of drug crime actively uses mechanisms of confiscation of property and financial assets obtained as a result of corrupt activities. US federal law allows for the seizure of cash, real estate, vehicles and other assets if their connection with illegal drug trafficking or corruption offenses is proven. An important feature is the possibility of applying civil confiscation even in cases where criminal proceedings against a specific person have not yet been completed.

In Singapore, the criminal law system is based on the principle of inevitability of liability and strict financial control. The legislation provides for criminal liability not only for receiving illegal benefits, but also for the inability of an official to confirm the legality of the origin of his assets. In the practice of Singaporean law enforcement agencies, the principle of presumption of illegal origin of property is widely used if an official cannot substantiate the sources of income. This approach significantly increases the effectiveness of the fight against latent corruption in law enforcement agencies that combat drug trafficking [31].

In Poland, criminal law provides for special qualifying features for crimes related to corrupt facilitation of the activities of organized crime groups in the field of drug trafficking. Responsibility is increased in cases where corrupt actions are committed by law enforcement officers or officials who have access to operational information. Polish law enforcement agencies actively cooperate with Europol and Eurojust, which allows for more effective international investigations and documentation of transnational corruption ties.

In France and Italy, significant attention is paid to the activities of specialized anti-corruption and anti-mafia units. In Italy, the fight against corruption in the field of drug crime is closely linked to the fight against mafia groups that use corrupt mechanisms to control drug supply channels. Italian law provides for strict criminal liability for the participation of officials in the activities of criminal organizations, as well as the application of special procedures for financial monitoring and seizure of assets [32].

In France, specialized financial prosecutors' offices are operating, which are engaged in the investigation of complex corruption schemes related to the legalization of proceeds from drug trafficking. Of particular importance is the use of financial analytics and international exchange of information on banking transactions of persons suspected of involvement in drug trafficking and corruption crimes (Table 2) [33].

Table 2: Criminal legal mechanisms for combating corruption in the field of drug crime

Country	Criminal law mechanisms	Features
USA	Strict sanctions, asset confiscation	Responsibility for official assistance
Poland	Qualified offenses	Cooperation with the EU
Singapore	Presumption of illegal origin of assets	Enhanced financial control
France	Specialized prosecutors	Financial investigations
Italy	Anti-mafia mechanisms	Fighting organized groups

An important criminal law mechanism is the use of the institute of special investigative actions. In many countries, law enforcement agencies have the right to use covert investigative measures, controlled deliveries, audio and video surveillance, monitoring of banking transactions and special operational experiments to document the facts of corrupt facilitation of drug crime. In the USA, Canada and Great Britain, such tools are actively used to expose law enforcement officers who cooperate with drug cartels.

International criminal law cooperation is of particular importance. Since drug trafficking is transnational in nature, effective counteraction to corruption in this area is impossible without interaction between states. Within the framework of international cooperation, mechanisms of extradition, joint investigation teams, international legal assistance and exchange of operational information are actively used. Interpol, Europol, Eurojust and the United Nations Office on Drugs and Crime (UNODC) play a coordinating role in such processes [34].

The international legal basis for combating corruption in the field of illicit drug trafficking is the 2003 UN Convention against Corruption, the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, as well as a number of regional acts of the Council of Europe and the European Union. These documents provide for the criminalization of corruption related to drug crime, strengthening international cooperation and implementing effective financial control mechanisms [35].

For Ukraine, foreign experience in criminal law counteraction to corruption in the field of drug crime is of great importance in the context of reforming the law enforcement system and harmonizing legislation with European standards. Particularly relevant are the issues of strengthening criminal liability for corrupt facilitation of illicit drug trafficking, improving financial monitoring mechanisms, developing specialized anti-corruption units and increasing the effectiveness of international cooperation.

Thus, criminal legal mechanisms for combating corruption in the field of drug crime in foreign countries are characterized by complexity, severity of sanctions, extensive use of financial investigations, confiscation of assets and international coordination. Their effectiveness is largely ensured by the inevitability of punishment, specialization of anti-corruption bodies and active use of modern methods of criminal prosecution of persons involved in the corrupt provision of illegal drug business.

Conclusion

The experience of foreign countries shows that effective counteraction to corruption in the field of illicit drug trafficking is possible only under conditions of a comprehensive combination of administrative-legal and criminal-legal mechanisms. The main elements of a successful anti-corruption policy are the independence of regulatory bodies, transparency of law enforcement

agencies, digitalization of management processes, financial monitoring and the inevitability of legal liability.

It has been established that the most effective are models that provide not only criminal prosecution of corruption offenses, but also systematic prevention of corruption risks through internal control, electronic declaration, protection of whistleblowers and interdepartmental coordination.

For Ukraine, the implementation of the positive experience of the USA, Singapore, Great Britain, Poland and other states in terms of digitalization of anti-corruption procedures, strengthening of financial control, creation of specialized anti-corruption units and improvement of international cooperation in the field of combating drug crime is promising.

Further scientific research should be aimed at developing a comprehensive model of administrative-legal and criminal-legal support for combating corruption in the field of illicit drug trafficking, taking into account modern European standards and the challenges of transnational organized crime.

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Conflict of Interest

Authors have no conflict of interest to declare.

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