

Y. Hlushko

*Lecturer at the Department of Private Law Disciplines,
University of Modern Knowledge*

PROBLEMS IN UNDERSTANDING THE CATEGORY OF “PUBLIC” IN THE CONTEXT OF COMBATING CORRUPTION

The article deals with the problem of understanding the category of “public” in the context of preventing and combating corruption. According to the content of p. 4 Art 2 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of June 25, 1998, item 3 p. 6 Art. 5 and Art. 18 of the Law of Ukraine “On Grounds of Corruption Prevention and Counteraction”, p. 1.2 of Regulations on Public Participation in Decision-Making in the Field of Environmental Protection, the category of “public” in the context of combating corruption has the following inherent features:

- this concept covers all individuals, regardless of the presence of citizenship of Ukraine and legal persons, associations of citizens, their organizations etc.

- these subjects do not include bodies of public administration and their officials, i.e. legal persons endowed with the power, because their status and participation in prevention and combat-

ing corruption is separately provided by law;

- natural or legal person may act as public itself (one person) or jointly with others (several persons);

- these individuals are considered to be public if they are involved in a relationship on preventing and combating corruption;

- comprehensive list of powers and forms of public participation in the prevention and combating corruption is enshrined by legislation;

- the public acts exclusively based on and in the manner provided by legislation of Ukraine.

Based on the above features, we can formulate the following definition of “public” in the context of combating corruption. It is any personality (natural or legal person, public associations, their organization, etc.), which does not have the authority and is alone or jointly with others involved in relations of preventing and combating corruption on the basis and in the manner provided by legislation of Ukraine.