

# ANTI-CORRUPTION LEGISLATION IN THE ROMANO-GERMANIAN LEGAL FAMILY: A COMPARATIVE APPROACH

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**Annotation.** The article contains a detailed comparative analysis of anti-corruption legislation in countries belonging to the Romano-Germanic legal family. It highlights and discusses the main approaches to the formation of the regulatory framework for corruption, as well as the common features and peculiarities of legislative regulation in various jurisdictions of continental law. Considerable attention is paid to the structure of anti-corruption legislation, which demonstrates a codified approach and hierarchy in the construction of regulatory acts.

Institutional mechanisms ensure the implementation of anti-corruption legislation, including specialised anti-corruption bodies, their powers and interaction with other elements of the law enforcement system. The experience of Germany, France, Italy, Spain and other European countries in creating effective organisational structures to combat corruption is analysed.

The results of the study identify the main trends in the further strengthening of anti-corruption legislation in countries of the Romano-Germanic legal family. These trends are defined as strengthening the preventive component in further development, digitisation of control mechanisms and expansion of international cooperation.

**Key words:** anti-corruption legislation, fight against corruption, preventive mechanisms, specialized anti-corruption bodies, codification, international legal standards, conflict of interest, declaration of income, sanctions for corruption offenses, continental law (Romano-Germanic legal family), institutional mechanisms, legal regulation, comparative analysis.

## **1. Introduction.**

Corruption remains one of the most serious threats to a modern democratic state, as it undermines the foundations of the rule of law, reduces the efficiency of public administration and negatively affects the economic development of society. In countries of the Romano - Germanic legal family , which are characterized by a high level of legislative effectiveness and systematization of legal norms, the issue of forming effective anti-corruption legislation acquires particular importance.

The relevance of the study is due to the need for a comprehensive analysis of legal mechanisms for combating corruption in the context of the continental legal tradition , which will allow identifying both successful practices and systemic shortcomings in the legislative regulation of this area. Transformational processes taking place in the modern world, in particular, the globalization of the economy, the digitalization of public services and the strengthening of international integration, create new challenges for the anti-corruption policy of states.

Corruption schemes are becoming transnational, which requires the countries of the Romano - Germanic legal family to adapt their national legislation to international standards and ensure effective interstate cooperation. At the same time, the peculiarities of the continental legal system, where written law and a clear hierarchy of regulatory legal acts dominate, create specific conditions for the implementation of international anti-corruption conventions and recommendations, which requires separate scientific understanding.

The European Union, which consists mainly of states with a Romano - Germanic legal tradition, is actively developing common approaches to combating corruption, which is reflected in the regulations

and recommendations of the EU institutions. The processes of European integration require member states and candidate states to harmonize national legislation with European standards, implement unified mechanisms for preventing corruption and create effective institutional structures. The study of the specifics of the implementation of these requirements in the context of the Romano -Germanic legal system is relevant both for the theoretical understanding of the processes of legal convergence and for the practical improvement of national anti-corruption systems.

A significant number of countries of Romano - Germanic law are at different stages of democratic transformation and the fight against corruption, which creates unique opportunities for a comparative analysis of the effectiveness of different models of anti-corruption legislation. The experience of such states as Germany, France, Sweden, the Netherlands demonstrates high rates of success in combating corruption, while other countries of the continental legal tradition continue to face significant challenges in this area of studying the factors that determine the effectiveness of anti-corruption legislation . Analysis of institutional mechanisms and law enforcement practice will allow the formation of scientifically sound recommendations for countries seeking to improve their own anti-corruption systems.

Research material and methods. The methodological basis of the study is formed by a comprehensive approach, general scientific and special-legal methods of cognition. The country's anti-corruption legislation belongs to the Romano -Germanic legal family, therefore, using dialectical materialism, it was considered in the dynamics of its development and revealed the patterns of transformation of legal norms under the influence of socio-economic and political factors. Anti-corruption legislation was studied as a holistic system of related elements, within which it is possible to determine the hierarchical relationships between regulatory acts of different levels, as well as the role of each component in the general mechanism of combating corruption. The detailed analysis carried out taking into account the specifics of the institution allows for further generalizations of the results obtained when formulating holistic theoretical constructs.

The comparative method was crucial for achieving the goal of this study, which allowed for a comparative legal analysis of anti-corruption legislation in different countries belonging to the Romano - Germanic legal tradition. This method revealed similarities and differences in the legal regulation of anti-corruption measures, as well as specific national features of the implementation of international anti-corruption standards. Analysis of the content of regulatory legal acts, interpretation of legal norms, analysis of legal terminology and determination of technical and legal features of the construction of anti-corruption norms were carried out using the formal-legal method. The genesis of anti-corruption legislation was studied using the historical-legal method, which also contributed to understanding the different phases of its passage from primary criminal law prohibitions to modern comprehensive prevention systems.

The empirical basis of the study is made up of regulatory and legal acts of the countries of the Romano - Germanic legal family on the fight against corruption, international conventions and treaties on corruption, court materials, as well as reports of special bodies dealing with corruption issues.

The results were obtained using the statistical analysis method used to process quantitative indicators of the effectiveness of anti-corruption legislation in assessing the dynamics of both corruption-related offenses and the effectiveness of regulatory bodies. The sociological method was used to analyze public opinion regarding the level of trust in state institutions and confidence in effective measures taken against corruption. The application allowed us to draw conclusions regarding the prospects for developing relevant norms within this family, taking into account modern challenges and trends in globalization legal regulation.

## **2. Analysis of recent research and publications.**

The issue of anti-corruption legislation in the countries of the Romano - Germanic legal family attracts considerable attention from domestic and foreign scholars, which is reflected in numerous monographic studies, scientific articles and analytical reviews. Fundamental research into the conceptual foundations of combating corruption was carried out by (Bondarenko, Tymoshenko, 2024: 127-139) , who analyzed the criminal-legal aspects of the fight against corruption, (Onishchenko, Suniehin, 2018: 261) , who investigated the specifics of the qualification of corruption crimes of civil servants, and (Persson, Rothstein, Teorell, 2013: 449-471), who focused on preventive mechanisms of anti-corruption policy. Among foreign scholars, a significant contribution to the development

of theoretical foundations of anti-corruption legislation was made by (Matei, Matei, 2011: 23), who developed a mathematical model of corruption, (Mamo, Ayele, Teklu, 2024: 5), who studied the economic aspects of corruption relations, and (Deneha, Chornyi, Shevchuk, Mentukh, 2023: 1-19), who analyzed the political dimensions of corruption in European countries.

Comparative studies of anti-corruption legislation in continental European countries are presented in the works of (Коломоєць, 2002: 60 – 62), who carried out a comparative analysis of the administrative and legal principles of combating corruption, (Мазаракі, Мельник, 2023: 4 – 33), who studied the experience of European countries in the formation of anti-corruption institutions, and (Шевчук, 2021: 282-287), who studied the mechanisms of implementation of international anti-corruption standards. Considerable attention to the institutional aspects of the fight against corruption was paid by (Шатрава, 2023: 348-353), who analyzed the organizational and legal principles of the activities of anti-corruption bodies in EU countries, and (Хавронюк, 2025: 50) who developed conceptual approaches to the formation of specialized anti-corruption institutions in the context of the Romano-Germanic legal tradition.

Despite the significant number of scientific works devoted to individual aspects of anti-corruption legislation, there is no comprehensive study that would systematically cover the role and significance of anti-corruption legislation in the countries of the Romano-Germanic legal family, taking into account the specifics of the continental legal tradition. Most studies focus either on individual countries or on specific institutions of anti-corruption legislation, which does not allow forming a holistic picture of the system of legal regulation of combating corruption in the context of Romano-Germanic law. In addition, the dynamic development of anti-corruption legislation, the emergence of new challenges associated with digital transformation and transnationalization of corruption schemes, require constant scientific monitoring and rethinking of existing approaches, which necessitates the need for an up-to-date comprehensive study of this issue.

**3. The purpose of the article** is a comprehensive study of the anti-corruption legislation of the countries of the Romano-Germanic legal family, determining its role in the formation of an effective system of combating and preventing corruption, establishing its importance for ensuring the rule of law and democratic development of the state. The study is aimed at identifying specific features of the regulatory and legal regulation of anti-corruption activities in continental law countries, analyzing the mechanisms of codification and systematization of anti-corruption norms, as well as determining the effectiveness of legislative approaches to the criminalization of corrupt acts and establishing responsibility for them.

A separate task is to study the institutional architecture of anti-corruption bodies in states of the Romano-Germanic legal tradition, their powers, mechanisms for ensuring independence and interaction with other elements of the justice system.

An additional objective of the work is to conduct a corporate analysis of the anti-corruption legislation of the leading countries of the Romano-Germanic legal system in order to identify successful practices and identify problematic aspects of legal regulation that require improvement. The study involves assessing the degree of implementation of international legal standards for combating corruption in the national legislation of the states of the continental legal system, analyzing the influence of European law on the formation of unified approaches to combating corruption and identifying trends in the harmonization of anti-corruption norms. Based on the analysis, it is planned to formulate scientifically substantiated conclusions on promising areas for the development of anti-corruption legislation in the countries of the Romano-Germanic legal family and develop practical recommendations for increasing the effectiveness of legal mechanisms for preventing and combating corruption, taking into account the modern challenges of globalization and the civilization of social relations.

#### **4. Results and discussion.**

The anti-corruption legislation of the countries of the Romano-Germanic legal family is characterized by a high level of systematization and codification of legal norms, which reflects the general principles of the continental legal tradition. In accordance with the provisions of the United Nations Convention against Corruption of October 31, 2003 (United Nations Convention against Corruption) the participating

states undertake to develop and implement an effective coordinated policy to combat corruption, which is reflected in national anti-corruption strategies and legislative acts. In the countries of the Romano - Germanic legal family, anti-corruption regulation traditionally includes criminal law, administrative law and civil law mechanisms, which together form a comprehensive system of combating corruption.

## Review

The main anti-corruption norms are enshrined in criminal codes, laws on civil service, laws on the prevention of corruption, and specialized regulatory legal acts that regulate certain aspects of anti-corruption activities.(Table 1)

Table 1: General characteristics and international legal framework

NO.	ASPECT	CHARACTERISTIC	LEGAL ACTS
1	<b>Common signs</b>	High level of systematization and codification Continental legal tradition Comprehensive anti-corruption system	Criminal codes Civil Service Laws Laws on the prevention of corruption
2	<b>Basic international standard</b>	Commitment to develop an effective coordinated anti-corruption policy	UN Convention against Corruption of 31.10.2003
3	<b>Regulation mechanisms</b>	Criminal law Administrative and legal Civil law	National legislation of the participating States
4	<b>Convention on Criminal Responsibility</b>	Minimum standards for criminalization: Active and passive bribery Influence trading Laundering the proceeds of corruption	Council of Europe Convention of 27.01.1999
5	<b>Civil law convention</b>	Redress mechanisms Whistleblower protection	Council of Europe Convention of 04.11.1999
6	<b>EU Directive</b>	Uniform standards of criminal liability for corruption in the field of EU funds	Directive 2017/1371 of 05.07.2017
7	<b>Principle of criminal law</b>	Nullum crime sine leg Clear legislative definition of the elements of the crime	Provides legal certainty

*Source: compiled by the author based on scientific research materials*

The criminal law component of anti-corruption legislation in continental law countries is based on a clear definition of corruption crimes and the establishment of liability for their commission. The Criminal Code of the Federal Republic of Germany ( Grundgesetz for die Federal Republic Deutschland ) contains separate paragraphs dedicated to corruption in the public sector (§ 331-337), which regulate in detail the liability for receiving and providing undue benefits by officials.

French Criminal Code of 1992 (Code penal French de, 1992) in Chapter II, Section III, Book IV establishes liability for active and passive corruption, abuse of office, and illegal use of public property. A feature of the novel of the Germanic tradition is the application of the principle of *nullum crime sine lege* , which requires a clear legislative definition of all elements of a corruption crime, which ensures legal certainty and predictability of criminal liability.

The implementation of international legal standards plays a key role in shaping national anti-corruption legislation in civil law countries. The Council of Europe Convention on Criminal Liability of 27 January 1999 established minimum standards for the criminalisation of corrupt acts, including active and passive bribery, trading in influence and laundering of the proceeds of corruption.

The Council of Europe Civil Law Convention on Combating Corruption of 4 November 1999 supplemented the legal framework with mechanisms for compensation for damage caused by corrupt acts and for the protection of the rights of persons reporting corruption.

Directive 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the EU's financial interests established uniform standards of criminal liability for corruption offences in the area of EU funds, which required the adaptation of national legislation of the Member States.

Preventive mechanisms are an important component of the anti-corruption legislation of continental European countries and are aimed at eliminating the conditions conducive to corruption. French law No. 2016-1691 of December 9, 2016 on the fight against corruption and the modernization of economic life (Loi Sapin II) introduced an obligation for small companies to implement compliance programs, establish internal control mechanisms, and conduct anti-corruption audits. The German Anti-Corruption Act (Korruptionsbekämpfungsgesetz, 1997) of 13 August 1997 established restrictions on the acceptance of gifts by public officials, requirements for declaring conflicts of interest, and rotation mechanisms for positions with high corruption risks.

In accordance with the Recommendations of the Group of States against Corruption (GRECO), established by the Council of Europe, the countries of Romano -Germanic law have implemented norms on the financial control of political parties, the transparency of lobbying activities, and the integrity of parliamentarians and judges. (Table 2)

Table 2 : Preventive mechanisms

NO.	MECHANISM	COUNTRY	REGULATORY ACT	CONTENT
1	<b>Corporate compliance</b>	France	Loi Sapin II dated 09.12.2016 No. 2016-1691	Obligation for large companies: Compliance programs Internal control Anti-corruption audits
2	<b>Restrictions for civil servants</b>	Germany	Korruptionsbekämpfungsgesetz dated 13.08.1997	Restrictions on accepting gifts Declaration of conflict of interest Rotation in high-risk positions
3	<b>Financial control</b>	Member States of the Council of Europe	GRECO Recommendations	Control of political parties Lobbying transparency Integrity of parliamentarians and judges
4	<b>Income declaration</b>	Sweden	Lag oh public employment	High standards of integrity Electronic declaration Public access to data
5	<b>Disclosure of top management income</b>	Netherlands	Wet disclosure out public means financed topinkomens	Income information: Senior civil servants Heads of public sector organizations

Source: compiled by the author based on scientific research materials

The institutional architecture of anti-corruption bodies in the countries of the Romano -Germanic legal system is characterized by a variety of organizational models, reflecting the peculiarities of national legal systems and administrative traditions. The French model is represented by the High Authority for Transparency in Public Life (Haute Authority pour the transparency from the life publique) and the National Anti-Corruption Prosecutor's Office (Parquet national financier), is based on the specialization of functions between different institutions. Germany uses a decentralized model where anti-corruption functions are divided between the federal police (Bundeskriminalamt), the federal prosecutor's office and special units of the states, which corresponds to the federal structure of the state. The Italian Anti-Corruption Authority (Autorità National Anticorruzione) combines preventive and repressive functions, monitoring public procurement , verifying declarations and coordinating anti-corruption policies at the national level. (Table 3)

Table 3 : Institutional architecture of anti-corruption bodies

COUNTRY	MODEL	BODIES	FUNCTIONS
France	Specialized	High Authority pour the transparency from the life public Parquet national financier	Specialization of functions between institutions Transparency of public life Financial Prosecutor's Office
Germany	Decentralized (federal)	Bundeskriminalamt (Federal Police) Federal Prosecutor's Office Land divisions	Distribution of functions according to the federal structure
Italy	Integrated	Authority National Anti-corruption	Combination of preventive and repressive functions: Procurement monitoring Verification of declarations Policy coordination

*Source: compiled by the author based on scientific research materials*

The declaration of income and assets of public officials is one of the key preventive instruments in the anti-corruption legislation of civil law countries. In accordance with Article 8 of the UN Convention against Corruption, States Parties shall establish codes and standards of conduct for public officials, including requirements for the declaration of assets, liabilities and interests. The Swedish Civil Service Act (Lag oh public anställning) sets high standards of integrity for public officials, and the electronic declaration system provides public access to information on the income and assets of officials.

The Dutch model is enshrined in the Act on Notification and Publication of Additional Revenue and Civil Service Functions (Wet disclosure out public means financed topinkomens), provides for the publication of information on the income of top civil servants and heads of public sector organizations, which ensures public control over their wealth.

International cooperation in the field of combating corruption is of particular importance in the context of globalization and transnationalization of corruption schemes. The UN Convention against Corruption in Chapter IV establishes mechanisms for international cooperation, including extradition, mutual legal assistance, transfer of criminal proceedings and joint investigations. The European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and its additional protocols create a legal framework for cooperation between countries of the Romano - Germanic legal system in the investigation of corruption crimes. Regulation (EU) 2017/1939 of the European Parliament and of the Council of 12 October 2017 on enhanced cooperation on the establishment of the European Public Prosecutor's Office established a supranational body to investigate crimes against the financial interests of the EU, including corruption offences, which is an unprecedented step in the development of European criminal law.

Whistleblower protection is an important element of anti-corruption policy that ensures the detection of corruption schemes and the involvement of the public in the fight against corruption. Article 33 of the UN Convention against Corruption establishes the obligation of the State to protect against intimidation any person who, in good faith and on reasonable grounds, reports to the competent authority facts of corruption. Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting on breaches of the law established minimum standards for the protection of whistleblowers, including the establishment of safe channels of reporting, the prohibition of retaliation and the guarantee of confidentiality. The German Whistleblower Protection Act (Hinweisgeberschutzgesetz) of June 2, 2023 implemented the requirements of the EU directive, establishing an obligation for organizations with more than 50 employees to establish internal channels for reporting violations and to ensure the protection of whistleblowers from dismissal, discrimination and other forms of retaliation.

The effectiveness of anti-corruption legislation depends to a large extent on the independence of the judiciary and the objective handling of corruption cases. Recommendation Rec (2000)10 of the Committee of Ministers of the Council of Europe to member states on codes of conduct for public officials sets out standards of ethical conduct and mechanisms for holding accountable for their violations. The German Act on the Status of Judges (Deutsches Richtergesetz) guarantees the independence of judges, establishes high qualifications and requirements for candidates for judicial positions. The French system of specialized financial courts including the national financial court (Cour de discipline budgétaire et financière), provides qualified consideration of corruption cases in the public sector. The Italian practice of creating special anti-corruption prosecutors' offices demonstrates the effectiveness of specialization in combating organized forms of corruption, which was reflected in the successful investigations of cases of Operation Clean Hands (Mani Pulite) in the 1990s.

Digitalization of anti-corruption mechanisms opens up new opportunities for increasing the effectiveness of combating corruption through the use of modern information technologies. E-government, which is actively being implemented in countries with a Romano - Germanic legal system, reduces the level of direct contact between citizens and civil servants, which minimizes the possibility of corruption abuses. The Estonian e-Government system, which ensures the provision of 99% of public services electronically, demonstrates that digital technologies can radically reduce corruption risks. The Swedish platform Öppna Data Sverige provides open access to government data, allowing civil society to monitor the use of public funds. Artificial intelligence system and big data analytics, which are implemented by anti-corruption authorities to detect illicit enrichment, through the analysis of declarations and the identification of discrepancies between declared income and actual living standards. They open up new prospects for preventive work, although they require the development of regulatory and legal mechanisms for the protection of personal data and ensuring a balance between the effectiveness of control and human rights.

## **5. Conclusions.**

Conducting a study of anti-corruption legislation in the countries of the Romano – Germanic legal system allows us to assert that the continental legal tradition creates favorable conditions for the formation of a comprehensive and systematized regulatory and legal system for combating corruption, the principles of codification and hierarchy of legal norms, as well as the principles of the rule of law and legality, characteristic of the Romano - Germanic legal system, provide a clear definition of the components of corruption offenses, mechanisms for their detection and bringing to justice the guilty.

Analysis of the legislation of leading European countries, in particular France, Germany, the Netherlands, Sweden and Italy, has shown that the effectiveness of anti-corruption policy depends not only on the quality of legislative norms but also on the proper functioning of the institutional system of judicial independence, transparency of public administration and active participation of civil society. Monitoring the activities of public institutions, implementation of international legal standards enshrined in the UN Convention against Corruption, Council of Europe conventions and European Union directives played a key role in organizing anti-corruption legislation in countries with the Romano - Germanic legal system and forming unified approaches to the criminalization of corrupt acts.

The processes of European integration have stimulated the countries of continental law to raise the standards of combating corruption, introduce transparent mechanisms of public administration and create effective systems of international cooperation in the investigation of transnational corruption schemes. The creation of the European Prosecutor's Office and the development of mechanisms of interaction of mutual legal assistance demonstrate the tendency towards supranational regulation of combating corruption, which requires further adaptation of national legal systems to European standards and ensuring a balance between the sovereignty of states and the need to effectively combat corruption at the international level.

Preventive mechanisms that constitute an important component of anti-corruption legislation in countries with a Romano - Germanic legal system include a system for declaring income and property of public officials, resolving conflicts of interest, codes of ethics, and restrictions on accepting gifts. The institutional architecture of anti-corruption bodies in continental European countries is characterized by a variety of organizational models that reflect the characteristics of national administrative systems.

The analysis revealed both centralized models and the creation of specialized anti-corruption agencies with broad powers, and decentralized systems where the functions of combating corruption are distributed between different institutions. The key factors for the success of anti-corruption bodies are their functional and financial independence, the availability of sufficient resources and powers to effectively perform their tasks, professional selection of personnel and protection from political interference. The experience of Italy and France demonstrates the importance of coordinating different anti-corruption institutions, preventing duplication of powers and ensuring effective interaction between law enforcement, judicial and supervisory bodies in the process of identifying, investigating and punishing persons who have committed corruption offenses.

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