EUROPEAN (SWEDISH) ANTI-CORRUPTION MODEL: INSTITUTIONAL AND LEGAL FRAMEWORK[1]

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Annotation. *The aim of the work is* to identify the features of the institutional and legal foundations of the European (Swedish) anti-corruption model and to assess the possibilities of its application in Ukraine.

The methodological basis of the study includes general scientific and special legal methods, in particular analysis, synthesis, comparative legal method. The research is based on the study of scientific publications of domestic and foreign scholars, as well as regulatory acts of the EU and Sweden in the field of anti-corruption and whistleblower protection.

Results. It has been established that the European (Swedish) anti-corruption model belongs to preventive (horizontal) models and is focused on eliminating the preconditions for corruption rather than solely combating its consequences. It combines legal, institutional, and social mechanisms to create an environment intolerant of corruption. Key features include transparency in public administration, effective public oversight, citizen participation in decision-making, high ethical standards for officials, and an independent judiciary. A central role is played by whistleblower protection, which has deep historical roots in Sweden and evolved from guarantees of freedom of expression and access to public information. Modern regulation, aligned with EU standards and Directive (EU) 2019/1937, significantly expanded protection, introduced diversified reporting channels, broadened the range of protected persons, and simplified protection through the concept of public interest. The effectiveness of this mechanism relies not only on legal guarantees but also on its interaction with public oversight, including the active role of the media. Certain shortcomings remain, such as limitations on compensation for whistleblowers and unclear sanctions for obstructing reporting or retaliation.

Conclusions. The Swedish experience demonstrates that effective anti-corruption policy is based on a comprehensive approach that combines legal regulation with a high level of public trust and active societal control. Certain elements of this model, particularly in the areas of transparency, digitalization, and whistleblower protection, can be adapted in Ukraine, taking into account national specificities.

Key words: anti-corruption model, European Union, Swedish model, corruption prevention, public oversight, whistleblowers, legal guarantees.

1. Introduction.

In the context of the need to improve the effectiveness of public administration in the field of anti-corruption in Ukraine, the study of European anti-corruption practices is of particular importance. One such practice

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is the European (Swedish) anti-corruption model, which is considered one of the most effective due to its high level of transparency, trust in public institutions, and well-developed legal culture. Certain elements of this model can be successfully applied in Ukrainian realities, particularly in terms of the openness of public institutions and the strengthening of legal guarantees. At the same time, the implementation of such experience requires a thorough study of the model itself and its underlying preconditions.

2. Analysis of scientific publications.

An analysis of recent studies and publications indicates significant interest in anti-corruption issues among both domestic and foreign scholars, including O. Bryhinets, D. Hlushkova, O. Kosytsia, J. G. Tillen, L. Moushey, E. Kristoffersson, Y. Larsson, K. Lappalainen, K. Sundqvist, and others. However, the issue of effectively implementing anti-corruption mechanisms, particularly adapting foreign experience to national conditions, requires further comprehensive study, especially in Ukraine, where institutional and social conditions differ from those in Sweden.

3. The aim of the work.

To identify the features of the institutional and legal foundations of the European (Swedish) anti-corruption model.

4. Review and discussion.

The European (Swedish) anti-corruption model belongs to the so-called horizontal models, which focus not so much on repressive measures as on systematic and preventive activities through incentives and corruption prevention. It is based on a combination of legal, institutional, and social mechanisms aimed at eliminating the preconditions for corruption by promoting integrity and preventing abuse of power. The key features of this model include strengthening public oversight, deregulation of economic activity, ensuring transparency in public administration, and introducing high ethical standards for public officials.

This model is most fully implemented in the Scandinavian countries, in particular in Sweden, Denmark, Finland, and the Netherlands, where it operates on the principles of good governance. Common features of these countries include active citizen participation in decision-making and accountability of public authorities, openness of public institutions, the promotion of integrity and intolerance toward corruption, high ethical standards for public officials, as well as the functioning of an independent and effective judiciary [1]. The combination of these factors undoubtedly creates a social environment in which corrupt practices are not only legally prosecuted but also socially unacceptable.

Researchers note that in countries such as France, Sweden, and Switzerland, priority is given to national welfare, financial stability, and respect for both authorities and citizens, which effectively displaces phenomena such as "corruption," "bribery," "self-enrichment," and "concealment of income." This allows these states to consistently rank among the least corrupt countries in global indices [2].

An important component of Sweden's effective anti-corruption system is comprehensive legislation on whistleblower protection, which creates legal conditions for the timely detection of corruption and other abuses in both the public and private sectors. As noted by O. Kosytsia, Sweden is among the countries with a well-developed administrative and legal mechanism for protecting whistleblowers' rights, which significantly increases the detection and prevention of corruption-related offenses [3, p. 254]. At the same time, the effectiveness of this mechanism is largely determined not only by formal legal guarantees but also by their close connection with the system of public oversight.

Public oversight itself serves as a key element of Sweden's anti-corruption mechanism, ensuring the practical implementation of the whistleblower institution. It covers the activities of both public officials and business entities, with the media playing a leading role. The media promptly and publicly report any cases of corruption

regardless of the position or social status of the individuals involved, thereby fostering a high level of public intolerance toward corrupt practices. As a result, businesses are often more concerned about reputational risks arising from journalistic investigations than about intervention by law enforcement authorities [4, p. 110].

Legal guarantees of freedom of expression and the protection of individuals who disclose information of public interest in Sweden have deep historical roots and form the foundation of the modern system of public oversight. The Freedom of the Press Act (FPA) guarantees the right to provide any information for publication in print media, and since 1991, the Freedom of Expression Act (FSA) has extended similar guarantees to audiovisual media. Individuals who provide information to the media have the right to anonymity, and identifying the source of information is prohibited, except in cases involving the disclosure of legally protected secrets. In addition, public officials are protected from retaliation by their employers, ensuring a real possibility to expose corruption without fear of repression [5].

Today, public opinion in Sweden has such a significant influence that, in the event of a loss of public trust, a public official may lose immunity, be dismissed from office, and be banned from holding public positions or engaging in business activities in the future [6]. This approach further strengthens the preventive effect of anti-corruption policy.

An institutional extension of this approach is the digitalization of public administration, which serves as an important tool for reducing corruption risks and strengthening public oversight. The introduction of electronic public financial management systems ensures open access for citizens and the media to information on the use of budget funds, which significantly limits opportunities for abuse and enhances the transparency of financial processes [7, p. 123].

A special place in Sweden's anti-corruption system is occupied by the institution of whistleblower protection, the legal foundations of which were laid as early as 1766 with the adoption of the world's first Freedom of the Press Act (Tryckfrihetsförordningen) during the Age of Liberty, when Sweden and Finland were part of one state. This act was based on the idea that freedom of expression and access to information of public interest are necessary conditions for social welfare, as substantiated by Peter Forsskål in his work "Thoughts on Civil Liberty" (1759). Further development of the legislation took place through the expansion of guarantees of source confidentiality and the right to anonymity, in particular with the adoption of the 1949 Freedom of the Press Act [8, pp. 27–31].

For a long time, whistleblower protection in Sweden applied mainly to the public sector. Only since the late twentieth century, in response to the privatization of social services and the growing role of private corporations, have steps been taken to extend the rights of whistleblowers to the private sector. In particular, amendments to the Trade Secrets Act in 1990 prohibited the classification of serious violations as commercial secrets, and restrictive provisions in contracts were declared invalid [9, pp. 31–32].

Further development of the whistleblower institution is associated with the adoption of the Whistleblower Act of 2016, which applied to employees in both the public and private sectors. However, its scope remained limited, as it applied only to individuals in direct employment relationships and did not guarantee anonymity of reports. Moreover, this law did not lead to the formation of significant case law and was applied very rarely until the entry into force of the new 2021 Act.

A qualitatively new stage in the development of legal regulation of whistleblower protection began after the adoption of Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law. In response, in October 2021 Sweden implemented the Act on the Protection of Persons Reporting Irregularities (2021:890), as well as the corresponding Ordinance (2021:949), which specifies the procedures for its implementation. The adoption of these acts significantly expanded the scope of legal guarantees and aligned national legislation with European standards of whistleblower protection.

According to the Act on the Protection of Persons Reporting Irregularities, protective guarantees – such as exemption from liability and protection against obstruction and retaliation – apply to natural persons who report or publicly disclose information on violations of public interest. This includes, in particular, acts or omissions that violate EU law, national provisions implementing or supplementing EU law, or that contradict the objectives and purposes of relevant EU acts within the scope of Directive (EU) 2019/1937. Importantly,

protection applies to individuals who obtained such information in the context of work-related activities, regardless of their status – employee, job applicant, volunteer, trainee, self-employed person, a person working under the supervision of an operator, a member of management bodies or a shareholder, as well as individuals who became aware of violations during previous involvement in relevant activities [10].

A key innovation of the new Act is the shift in focus from the category of "serious violations" to violations of public interest. The need for this approach stems from the fact that the requirement to prove the "seriousness" of a violation, established in the 2016 Whistleblower Act, was subject to justified criticism, as it required whistleblowers to make complex legal assessments prior to reporting and was incompatible with the EU Directive. Instead, the current legislation provides that the existence of public interest is sufficient, without the need to prove the degree of its "seriousness" [9, p. 42].

At the same time, the Act does not apply to reports concerning classified information in accordance with protective security legislation, nor to information related to national security in the fields of defense and security (Articles 2 and 8). However, the legislator introduced an important safeguard: a whistleblower cannot be held liable for breaching confidentiality obligations if, at the time of reporting, they had reasonable grounds to believe that the disclosure was necessary to reveal a violation [10].

The Act also regulates the channels for reporting. Reports may be submitted internally, externally, or through public disclosure; however, the latter is allowed only if the issue has not been resolved or in cases of immediate danger or risk. Following the entry into force of this Act, public authorities are required to establish and maintain external reporting channels (except in the defense and security sector), ensuring the possibility of written and oral reporting, acknowledgment of receipt, feedback, and information on the results of the review. In addition, since December 2023, all employers with 50 or more employees are required to implement internal reporting channels, with supervision of this obligation assigned to the Swedish Work Environment Authority [11].

The practice of applying the new Act is still emerging but already includes important cases. In the first case considered under its provisions, the court examined a situation involving a surgeon who reported violations in a private clinic, although the reports themselves were made before the Act entered into force. The court concluded that the new law could be applied, as the retaliation against the whistleblower occurred after its entry into force. At the same time, the key issue was the existence of public interest in the reported violations. The court emphasized that violations generally do not constitute a matter of public interest unless they are serious, while personal conflicts fall entirely outside the scope of the Act. In this case, the whistleblower failed to demonstrate the existence of public interest, and therefore the report and the alleged retaliation were not recognized as protected [12].

Despite the fact that the Act and the Ordinance implement the EU Directive, they go beyond its minimum standards. Protection extends not only to whistleblowers themselves but also to persons assisting them, as well as to legal entities associated with the whistleblower. Furthermore, the legislation explicitly provides protection in cases of disclosure of information of "public interest," reflecting an expanded understanding of the role of whistleblowers within the system of public oversight.

At the same time, reports by international organizations highlight a number of shortcomings in the current regulation. In particular, Recommendation XXII.vii on combating bribery emphasizes the need to ensure effective remedies for whistleblowers, including full compensation for damages. Although Swedish legislation provides for the right to compensation, it limits its amount in cases of dismissal to a maximum of 32 months' salary, which may hinder full reparation of the harm suffered [13, pp. 30–33]. In addition, it is noted that the Act does not establish direct sanctions for obstructing reporting or for retaliation against whistleblowers, which does not fully comply with the requirements of the EU Directive [14, pp. 30–31].

5. Conclusions.

The European (Swedish) anti-corruption model belongs to preventive models and is based on a combination of legal, institutional, and social mechanisms aimed at preventing corruption. Its effectiveness is ensured by a high level of transparency in public administration, a well-developed legal culture, trust in public

institutions, and active public participation. Key elements of this model include openness of public authorities, independence of the judiciary, high ethical standards for public officials, and effective public oversight, in which the media play a significant role. It is precisely the combination of legal guarantees and societal intolerance toward corruption that creates an environment in which corrupt practices are minimized.

Particular importance is attached to the institution of whistleblower protection, which in Sweden has deep historical roots and modern legislative support in line with EU standards. The 2021 legislation significantly expanded the scope of protection, simplified the conditions for its application, and introduced effective mechanisms for reporting violations in both the public and private sectors.

At the same time, despite its overall effectiveness, certain shortcomings remain, including limitations on compensation for whistleblowers and insufficient clarity regarding sanctions for obstructing reporting or applying retaliation.

Thus, Sweden's experience demonstrates that an effective anti-corruption policy is comprehensive in nature and relies not only on legal regulation but also on a high level of public trust and oversight. Certain elements of this model can be adapted in Ukraine, taking into account national specificities.

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