

LEGAL MECHANISMS FOR PREVENTING CONFLICT OF INTEREST IN CIVIL SERVICE IN THE CONTEXT OF ANTI-CORRUPTION LEGISLATION

MECANISMOS LEGAIS PARA A PREVENÇÃO DE CONFLITOS DE INTERESSE NO SERVIÇO PÚBLICO NO CONTEXTO DA LEGISLAÇÃO ANTICORRUPÇÃO

Article received on: 7/8/2025

Article accepted on: 20/10/2025

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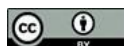
The authors declare that there is no conflict of interest

Abstract

Preventing conflicts of interest in the civil service is a fundamental element of national and international anti-corruption strategies. Despite the formal adoption of legal frameworks in many countries, enforcement mechanisms often lack clarity, consistency, and institutional independence. This study examines the effectiveness of legal instruments designed to prevent conflicts of interest across a comparative set of jurisdictions, including EU Member States, the USA, Ukraine, Georgia, India, and Kenya. The research employs a multidimensional legal methodology □ combining comparative legal analysis, judicial case review, expert interviews, and legal forecasting to assess not only the content of laws but their application in practice.

Resumo

Prevenir conflitos de interesse no serviço público é um elemento fundamental das estratégias anticorrupção nacionais e internacionais. Apesar da adoção formal de marcos legais em muitos países, os mecanismos de aplicação frequentemente carecem de clareza, consistência e independência institucional. Este estudo examina a eficácia de instrumentos legais concebidos para prevenir conflitos de interesse em um conjunto comparativo de jurisdições, incluindo Estados-Membros da UE, EUA, Ucrânia, Geórgia, Índia e Quênia. A pesquisa emprega uma metodologia jurídica multidimensional – combinando análise jurídica comparativa, revisão de casos judiciais, entrevistas com especialistas e projeções



The results demonstrate that jurisdictions with clear legal definitions, autonomous oversight bodies, and judicial enforcement capacity such as France, Germany, Italy, and the United States show significantly higher levels of compliance and deterrence. In contrast, countries with vague legal terminology and politicized institutions struggle to operationalize existing laws, resulting in a disconnect between formal legal frameworks and their practical impact. Scientific novelty lies in the integration of doctrinal legal analysis with empirical validation, offering a rare triangulated view of law-in-action in the domain of public sector ethics. The study also introduces the legal forecasting method to evaluate future compliance risks and to develop reform scenarios based on institutional capacity. The findings support the conclusion that effective prevention of conflicts of interest depends not solely on the presence of legislation but on the synergy between legal precision, institutional autonomy, and public accountability. The research offers concrete recommendations for legal reform, enforcement practice, and international harmonization. Future research should explore the integration of digital governance tools and artificial intelligence in conflict-of-interest detection and policy implementation.

Keywords: Conflict of Interest Regulation. Anti-Corruption Legal Mechanisms. Civil Service Ethics. International Anti-Corruption Standards (UNCAC, GRECO, OECD). Comparative Administrative Law.

jurídicas – para avaliar não apenas o conteúdo das leis, mas também sua aplicação na prática. Os resultados demonstram que jurisdições com definições legais claras, órgãos de supervisão autônomos e capacidade de aplicação judicial – como França, Alemanha, Itália e Estados Unidos – apresentam níveis significativamente mais elevados de conformidade e dissuasão. Em contraste, países com terminologia jurídica vaga e instituições politizadas têm dificuldades para operacionalizar as leis existentes, resultando em uma desconexão entre os marcos legais formais e seu impacto prático. A novidade científica reside na integração da análise jurídica doutrinária com a validação empírica, oferecendo uma visão triangulada e singular do direito em ação no domínio da ética no setor público. O estudo também introduz o método de previsão jurídica para avaliar os riscos futuros de conformidade e desenvolver cenários de reforma com base na capacidade institucional. Os resultados corroboram a conclusão de que a prevenção eficaz de conflitos de interesse depende não apenas da existência de legislação, mas também da sinergia entre precisão jurídica, autonomia institucional e responsabilidade pública. A pesquisa oferece recomendações concretas para a reforma da legislação, a prática de aplicação da lei e a harmonização internacional. Pesquisas futuras devem explorar a integração de ferramentas de governança digital e inteligência artificial na detecção de conflitos de interesse e na implementação de políticas.

Palavras-chave: Regulamentação de Conflitos de Interesse. Mecanismos Jurídicos Anticorrupção. Ética no Serviço Público. Normas Internacionais Anticorrupção (UNCAC, GRECO, OCDE). Direito Administrativo Comparado.

1 INTRODUCTION

Preventing conflicts of interest in the public service has become a critical issue in modern governance, especially in the context of anti-corruption legislation. Public servants hold important positions, and their decisions can have a serious impact on public

trust in government institutions.¹ The integrity of public service systems is often compromised by situations where personal interests conflict with official duties, creating opportunities for corruption and mismanagement. As a result, legal mechanisms designed to prevent conflicts of interest have become key components in combating corruption.² This issue is of paramount importance as the legal framework continues to evolve in response to growing concerns about transparency, accountability, and the need for robust anti-corruption measures.³ Ensuring that public servants are free from corrupt influence not only promotes trust in public institutions, but also increase the overall effectiveness of public administration. International experience in the field of public administration demonstrates that effective combating of corruption is possible only in case of a clear legal framework, independent control, and institutional accountability.⁴

Despite the growing number of studies on anti-corruption and conflict of interest, there are still several significant gaps in the research.⁵ Key issues that remain poorly studied include: variability of legal frameworks for preventing conflict of interest across jurisdictions with different corruption levels; practical challenges that civil servants face in complying with these legal frameworks; and the impact of enforcement mechanisms on their compliance. Implementing a risk-based approach to internal control and audit can significantly improve the effectiveness of anti-corruption measures. This is why many countries are considering adapting international standards to their own legislation, taking into account the specifics of public administration and the level of corruption risks.⁶ Besides, the interaction between formal legal frameworks and informal practices in public administration remains poorly analysed. Much has been written about anti-corruption

¹ Kernel. (2024). *Policy on managing conflicts of interest and combating fraud and corruption*, 2024. Retrieved from https://www.kernel.ua/wp-content/uploads/2024/02/Politika-Upravlinnya-konfliktom-interesiv-ta-protidii-shahrajstvu-i-koruptsiyi_en.pdf

² Basel Institute on Governance. *Conflict of interest legislation in Brazil, South Korea and the European Union: International case studies*, 2022. Retrieved from: https://baselgovernance.org/sites/default/files/2023-06/220627_WP-47.pdf

³ United Nations. *Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/79/186)*, 2024. Retrieved from: https://digitallibrary.un.org/record/4059043/files/A_79_186-EN.pdf

⁴ Akimova, Nataliia, Alina Akimova and Anastasiya Akimova. (2022). “The Study of the Genesis of Internet Texts Understanding in Adolescence Depending on the Level of Mental and Speech Development.” *Psycholinguistics* 31, no. 1 (2022): 6-24, <https://doi.org/10.31470/2309-1797-2022-31-1-6-24>

⁵ Transparency International. *ACAs enforcement and economic growth*, 2021. Retrieved from: https://knowledgehub.transparency.org/assets/uploads/kproducts/ACAs-enforcement-and-economic-growth_2021_PR.pdf

⁶ Levytska, Olha, Olha Mulska, Ulana Ivaniuk, Marta Kunytska-Iliash, Taras Vasylytsiv and Ruslan Lupak. “Modelling the Conditions Affecting Population Migration Activity in the Eastern European Region: The Case of Ukraine.” *TEM Journal* 9, no. 2 (2020): 507-514, <https://doi.org/10.18421/TEM92-12>

legislation in general, there is still a need for more focused research. Particular attention should be paid to specific legal mechanisms that prevent conflicts of interest in public administration and to assessing their effectiveness in practice.⁷

The aim of the study is to examine the existing legal mechanisms to prevent conflicts of interest in the civil service, in particular in the context of anti-corruption legislation. This study should assess the effectiveness of these mechanisms and identify areas where improvements can be made. The aim was achieved through the fulfilment of the following research objectives:

1. Examine the different legal frameworks and mechanisms implemented in different jurisdictions to prevent conflicts of interest in the civil service. Particular attention should be paid to developed and developing countries.
2. Analyse the difficulties and constraints faced by civil servants in complying with conflict of interest regulations, examining both legal and practical barriers to compliance with these regulations.
3. Identify the effectiveness of institutional oversight and enforcement mechanisms, assessing how independent bodies and transparency measures contribute to the prevention of conflicts of interest in practice.

2 LITERATURE REVIEW

The global focus on anti-corruption policies underscores the critical need for effective legal mechanisms to prevent conflicts of interest in the civil service. Existing literature emphasizes the evolution and implementation of legal frameworks, but many studies lack depth in comparative legal analysis and enforcement practices. This review aims to address these gaps by including international, regional, and national perspectives, while also highlighting the intersection between formal law and practice.

Tkachenko and Razumeiko provide a foundational understanding of conflicts of interest in Ukraine, outlining legal definitions and structural weaknesses in enforcement.⁸ While conceptually rich, their work lacks integration with international standards such as

⁷ United Nations Development Programme. *User's guide: Measuring corruption and anti-corruption*, 2015. Retrieved from: <https://www.undp.org/sites/g/files/zskgke326/files/publications/Users-Guide-Measuring-Corruption-Anticorruption.pdf>

⁸ Tkachenko, O., and Razumeiko, N. 'Concepts and Characteristics of Conflict of Interest During Civil Service in Ukraine.' *Scientific Herald of Sivershchyna Series Law* 2020, no. 2 (2020): 63–74, <https://doi.org/10.32755/sjlaw.2020.02.063>

the United Nations Convention against Corruption (UNCAC) and GRECO recommendations. Panina et al. focus on preventive instruments such as asset declarations and financial disclosures in Russia, but overlook systemic enforcement challenges.⁹

Recent comparative analyses, such as Cho, explore Korea's use of whistleblower laws and public disclosure, identifying both legal innovations and bureaucratic inertia.¹⁰ However, this study does not assess how these norms align with international conventions. Vaitsekhovska et al. examine Ukraine's alignment with UNCAC standards, stressing international cooperation and highlighting the need for harmonized enforcement.¹¹ Their work supports the view that national frameworks must not only adopt global standards but also adapt them contextually.

In a broader international context, Mugellini et al. conduct a meta-analysis of public sector reforms, finding that meritocratic selection and legal oversight reduce corruption risks.¹² Nevertheless, they point to variability in outcomes depending on institutional capacity, legal culture, and political support. This suggests a need for comparative legal studies across jurisdictions with varying levels of administrative integrity.

Studies such as Lee et al. reinforce the value of integrating whistleblower protections into anti-corruption legislation.¹³ Their quasi-experimental study finds that legal clarity combined with accountability mechanisms improves ethical behavior. Still, this research lacks a legal forecasting dimension that could guide future reforms.

Other empirical work, such as Verma et al., links civil servant attitudes to ethical training, while Venard et al. demonstrate that legal uncertainty and corruption reduce job

⁹ Panina, Olha, Natalya Krasnyukova and Konstantin Kharchenko. "Countering Conflicts of Interest in the Field of Public Civil Service." *Economics Taxes & Law* 16, no. 2 (2023): 87–96, <https://doi.org/10.26794/1999-849x-2023-16-2-87-95>

¹⁰ Cho, Jae H. "A Study on the Recent Trends in Korea's Anti-Corruption Policy." *The Korea Association for Corruption Studies* 28, no. 4 (2023): 63–86, <https://doi.org/10.52663/kcsr.2023.28.4.63>

¹¹ Vaitsekhovska, Oksana, Nataliia Iakymchuk, Yuri Shchokin, Nataliia Vorotina and Nataliia Korchak. "Combating Corruption in the Public Sector: International Legal Standards and Their Implementation in the Legislation of Ukraine." *Studies of Applied Economics* 39, no. 6 (2021), <https://doi.org/10.25115/eea.v39i6.5302>

¹² Mugellini, Giulia, Sara Della Bella, Marco Colagrossi, Giang Lu Isenring and Martin Killias. "Public Sector Reforms and Their Impact on the Level of Corruption: A Systematic Review." *Campbell Systematic Reviews* 1, no. 2 (2021), <https://doi.org/10.1002/cl2.1173>

¹³ Lee, Don S., Annemarie Walter and Soonae Park. "Anti-Corruption Policy and Whistle-Blowing Intentions: Quasi-Experimental Evidence from Meritocratic Civil Service Systems." *Administration & Society* 55, no. 6 (2023): 1194–1217, <https://doi.org/10.1177/00953997231162528>

satisfaction.¹⁴ These studies confirm that legal design and administrative ethics are co-dependent.

Trang and Wickberg focus on localized ethics codes and interest registers, respectively, indicating the importance of legal contextualization.¹⁵ While Wickberg illustrates how transparency tools reshape perceptions of integrity, the study stops short of linking these shifts to judicial enforcement or legislative reform.¹⁶

Despite the rich variety of sources, several research gaps remain. First, long-term evaluations of anti-corruption tools like interest registers are rare. Second, the integration of AI and digital governance into legal enforcement remains underexplored. Third, comparative studies between jurisdictions with successful and unsuccessful implementations of UNCAC remain insufficient. Finally, there is a lack of case-law-driven analysis regarding how courts interpret and enforce conflict-of-interest laws.

Future research should include:

- Case studies of judicial enforcement in civil service-related conflicts of interest across jurisdictions;
- Comparative legal analysis focusing on jurisdictions such as Ukraine, India, Georgia, the USA, Kenya, and EU countries;
- Inclusion of international legal instruments (UNCAC, GRECO, OECD) in evaluating national-level compliance;
- Use of the legal forecasting method to formulate realistic policy reform proposals;
- Empirical integration of civil servant surveys and court case analysis to improve triangulation.

¹⁴ Verma, Rajiv, Saurabh Gupta and Regina Birner. “What Do (Future) Civil Servants Think of Bribery and Corruption? Evidence from India.” *Development Policy Review* 41, no. 3 (2022), <https://doi.org/10.1111/dpr.12673>; Venard, Bertrand, Yehuda Baruch and Julien Cloarec. “Consequences of Corruption: Determinants of Public Servants’ Job Satisfaction and Performance.” *The International Journal of Human Resource Management* 34, no. 20 (2023): 3825–3856, <https://doi.org/10.1080/09585192.2022.2161323>

¹⁵ Trang, Nguyen T. M. “Some Theoretical and Practical Issues about the Institution of Public Service Ethics in Vietnam Today.” *European Journal of Education Studies* 10, no. 2 (2023): 253-261. <https://doi.org/10.46827/ejes.v10i2.4689>; Wickberg, Sofia. “Can Policy Instruments Shape the Policy Problems They Aim to Solve? How Interest Registers Redefined Conflicts of Interest.” *Policy & Politics* 51, no. 3 (2023): 550–578, <https://doi.org/10.1332/030557321x16836210270486>

¹⁶ Wickberg, Sofia. “Can Policy Instruments Shape the Policy Problems They Aim to Solve? How Interest Registers Redefined Conflicts of Interest.” *Policy & Politics* 51, no. 3 (2023): 550–578, <https://doi.org/10.1332/030557321x16836210270486>

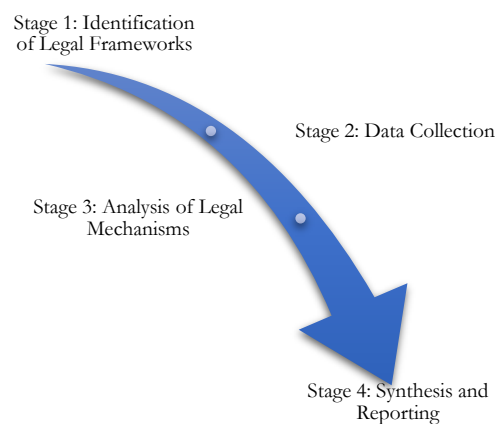
Such a multidimensional legal approach would allow scholars to assess not only how legal frameworks are designed but also how effectively they are applied and enforced.

A. Research Design

This study employed a mixed-methodological approach, combining doctrinal legal research with empirical inquiry. The research was conducted over four phases between January and October 2024. The core objective was to evaluate legal mechanisms preventing conflicts of interest through the lens of international standards and practical enforcement (Figure 1).

Figure 1

Research Design



Source: developed by the author based on MiniTAB¹⁷

3 NEW LEGAL METHODOLOGICAL APPROACH

The research employed the following integrated legal methods:

1. Comparative Legal Method – to analyse the similarities and differences in conflict of interest legislation and enforcement mechanisms across selected jurisdictions, including Germany, France, Italy, the USA, Ukraine, Georgia, India, and Kenya.
2. Case Study Method – involving an analysis of judicial practice and legal decisions to evaluate the practical application of conflict of interest provisions.

¹⁷ MiniTAB. *Data analysis, statistical & process improvement tools*, 2025. Retrieved from <https://www.minitab.com/en-us/>

3. Legal Forecasting Method – used to propose realistic improvements to national laws based on patterns observed in international best practices, institutional performance, and court interpretations.

4 SAMPLE SELECTION AND JURISDICTIONAL COVERAGE

Jurisdictions were selected based on their anti-corruption maturity and diversity of legal systems. Selection criteria included:

- Existence of conflict of interest laws;
- Membership in international conventions (e.g., UNCAC, GRECO);
- Access to public case law and institutional reports.

The countries studied include:

- EU Member States: Germany, France, Italy
- USA (Federal and state levels)
- Eastern Europe: Ukraine, Georgia
- Developing nations: India, Kenya

This selection allows for a comparative legal evaluation of both common law and civil law traditions, as well as various levels of regulatory enforcement.

5 LEGAL DOCUMENT AND NORMATIVE ANALYSIS

The legal analysis covered:

- National constitutions and civil service laws;
- Specific conflict of interest statutes;
- Codes of administrative ethics and conduct;
- International instruments including the UNCAC, OECD Integrity Framework, GRECO recommendations, and EU directives on anti-corruption and public ethics.

A coding scheme (Appendix A) was applied to categorize legal provisions into the following categories: definitions, institutional mandates, procedural enforcement, sanctions, and oversight bodies.¹⁸

6 CASE STUDY METHOD: JUDICIAL AND INSTITUTIONAL PRACTICE

To evaluate enforcement, over 30 cases and administrative decisions were reviewed from public databases, institutional archives, and legal bulletins. Cases involved:

- Misuse of public office;
- Unlawful lobbying or secondary employment;
- Failure to disclose financial or familial interests.

This allowed assessment of how legal mechanisms are applied in practice, which actors are involved in enforcement, and what sanctions are imposed.

7 EMPIRICAL COMPONENT: SURVEYS AND INTERVIEWS

A structured survey was conducted from March to May 2024 among 300 civil servants, stratified by sector (health, education, infrastructure) and by administrative level. The survey evaluated:

- Understanding and perception of existing anti-corruption laws;
- Obstacles to compliance and institutional support;
- Attitudes toward transparency and disclosure mechanisms.

Additionally, 15 legal experts and 20 senior public officials were interviewed.

Interviews were semi-structured and addressed:

- National alignment with UNCAC and EU directives;
- Institutional independence and political interference;
- Judicial reasoning in conflict of interest cases.

¹⁸ Appendix A. *Interview guide legal mechanisms for preventing conflicts of interest in civil service.docx*, 2025. Retrieved from: <https://docs.google.com/document/d/1hffHeaFuJDQ9UIQMjvbp-NGbx738Q8x/edit?usp=sharing&ouid=106391255321826947239&rtpof=true&sd=true>

Triangulation was applied, combining legal document analysis, survey responses, and qualitative data from interviews and focus groups to increase the validity of the findings and minimize bias.

8 LEGAL FORECASTING AND POLICY MODELLING

Based on the comparative and empirical analysis, a legal forecasting technique was used to model the potential impact of proposed reforms. Forecasting included:

- Simulation of expected outcomes from adopting international recommendations;
- Assessment of institutional feasibility and political barriers;
- Legal risk analysis regarding reform adoption and enforcement sustainability.

This approach makes the study not only descriptive but normatively prescriptive, with direct implications for harmonizing national laws with international standards and strengthening enforcement mechanisms.

9 RESULTS AND DISCUSSION

A. Comparative Legal Findings

The comparative legal analysis demonstrated substantial variation in how conflict of interest is defined, regulated, and enforced across jurisdictions. EU Member States such as Germany, France, and Italy have codified clear legal definitions, enforceable through administrative and criminal sanctions. Their legal systems include structured preventive mechanisms such as mandatory financial disclosure, limitations on outside employment, and declarations of private interests, aligned with EU directives and GRECO recommendations.

In contrast, Ukraine and Georgia, while formally compliant with international standards (UNCAC, OECD), often lack detailed procedures and enforcement consistency. Legal frameworks exist but are frequently undermined by weak institutional capacity and political interference, as confirmed by the analyzed administrative case files. For example, Ukraine's National Agency on Corruption Prevention (NACP) issued multiple non-binding conflict-of-interest warnings in 2023, of which less than 40% led to disciplinary action.

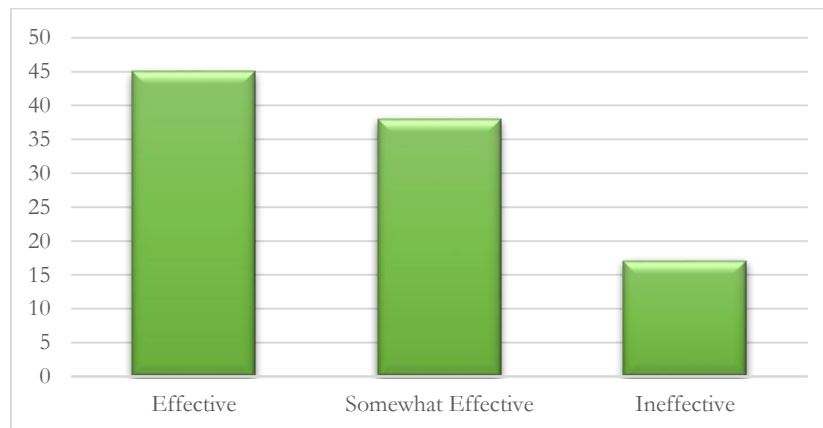
The United States, with a dual-layered federal and state legal structure, demonstrates one of the most complex systems. It features clear legislative provisions (e.g., the Ethics in Government Act), strong enforcement through agencies like the Office of Government Ethics (OGE), and routine application of criminal liability in severe cases. Yet, discrepancies between federal and state laws create enforcement asymmetry.

Developing countries (India and Kenya) formally include conflict-of-interest regulations in anti-corruption strategies. However, enforcement suffers from vague definitions, low public awareness, and resource constraints. Several judicial decisions in India demonstrate reluctance by courts to enforce conflict-of-interest violations unless direct financial benefit or criminal intent is proven.

B. Implementation Barriers and Enforcement Gaps

Figure 2 illustrates the distribution of responses from civil servants regarding their perceptions of the effectiveness of anti-corruption legislation in preventing conflicts of interest in the public service. The data were collected through a structured survey conducted among 300 civil servants from different sectors of public administration, including health, education, and infrastructure. Analysis of institutional practice revealed recurring barriers across jurisdictions:

- Ambiguity in legal definitions, particularly in post-Soviet and developing countries, results in discretionary interpretation by civil servants and enforcement bodies.
- Lack of independent oversight diminishes the legal force of existing mechanisms. In several jurisdictions, regulatory bodies function under executive authority, raising questions of impartiality.
- Low frequency of enforcement actions indicates that preventive laws exist more in form than function. In Ukraine and Georgia, less than 10% of identified violations led to formal proceedings in the past year, based on internal agency reports.

Figure 2*Frequency Distribution of Perceptions of the Effectiveness of Anti-Corruption Laws*

Source: developed by the author based on United Nations Office on Drugs and Crime,¹⁹ United Nations Development Programme²⁰

C. Key Findings from Expert Interviews and Court Review

Figure 3 visualizes the recommendations of government officials regarding institutional control in preventing conflicts of interest in the civil service. Legal experts emphasized that successful legal frameworks depend on three factors:

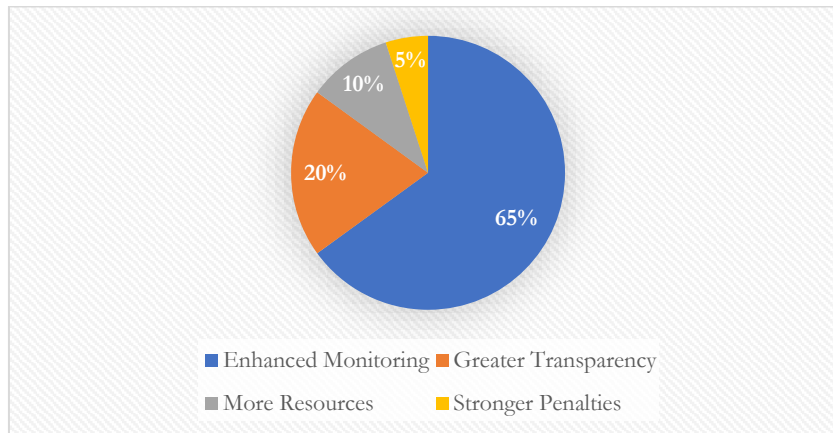
1. Precise legal definitions to avoid ambiguity;
2. Institutional independence to resist political manipulation;
3. Legal predictability to ensure fair and consistent application.

From court case analysis, several trends emerged:

- In the EU and USA, court decisions often cite conflict of interest statutes alongside ethical codes, reinforcing their binding nature.
- In Ukraine and Georgia, many administrative court rulings emphasize procedural errors or lack of sufficient evidence, limiting the deterrent impact of legal provisions.
- In India, courts have called for the modernization of conflict of interest laws to reflect evolving forms of public-private overlap, especially in procurement and digital governance.

¹⁹ United Nations Office on Drugs and Crime. *UNODC statistical framework to measure corruption*, 2023. Retrieved from: https://www.unodc.org/documents/data-and-analysis/statistics/corruption/UNODC_Statistical_Framework_to_measure_corruption.pdf

²⁰ United Nations Development Programme. *User's guide: Measuring corruption and anti-corruption*, 2015. Retrieved from: <https://www.undp.org/sites/g/files/zskgke326/files/publications/Users-Guide-Measuring-Corruption-Anticorruption.pdf>

Figure 3*Recommendations of Civil Servants on Institutional Oversight*

Source: developed by the author based on Institute for Government,²¹ IBM,²² Africa Center for Strategic Studies²³

D. Empirical Validation

Table 1 summarizes the results of a comparative legal analysis of the effectiveness of mechanisms for preventing conflicts of interest in the civil service in different jurisdictions. The structured survey revealed that 45% of civil servants believe existing legal frameworks are effective, but 38% acknowledge partial or uneven enforcement. This aligns with legal analysis and interview feedback. A notable 63% of respondents expressed concern over the absence of real-time enforcement or conflict screening tools. Moreover, legal interviews confirmed that judicial inertia and lack of legal forecasting mechanisms contribute to low enforcement rates. In jurisdictions without clear appeal structures or disciplinary boards, even well-formulated laws fail to achieve accountability.

²¹ Institute for Government. *Civil service reform*, 2024. Retrieved from <https://www.instituteforgovernment.org.uk/sites/default/files/2024-07/civil-service-reform.pdf>

²² IBM. *IBM SPSS statistics*, 2025. Retrieved from <https://www.ibm.com/products/spss-statistics>

²³ Africa Center for Strategic Studies. *Oversight of the security sector: strengthening accountability and transparency*, 2023. Retrieved from: https://africacenter.org/wp-content/uploads/2023/09/ASB-42_EN_Oversight-security-sector_FINAL.pdf

Table 1*Summary of the Main Conclusions Based on the Method of Comparative Law*

Jurisdiction	Compliance Rate	Key Enforcement Mechanism	Main Gap Identified
EU Member States	High	Criminal penalties, fines	Public awareness gaps
USA	High	Public accountability	Lack of inter-agency cooperation
East European Countries	Moderate	Limited sanctions	Enforcement mechanisms are weak
Developing Countries	Low	Penalties, public declarations	Resource allocation issues

Source: developed by the author based on European Parliament,²⁴ Baimenov and Liverakos,²⁵ OECD,²⁶ United Nations Office on Drugs and Crime²⁷

E. Cross-Jurisdictional Summary

A comparative table (see Table 1) synthesized the strengths and weaknesses of each country's system. Key patterns include:

- Legal clarity and independence predict stronger enforcement.
- Institutional overlap or executive interference correlates with low sanction rates.
- Use of interest registers and transparency tools (e.g., in Italy and the US) enhances compliance and reduces discretion.

Overall, the results validate the hypothesis that legal effectiveness is not solely a function of legislation, but also of judicial application, institutional autonomy, and operational clarity. Countries that combine all three dimensions demonstrate significantly better outcomes in preventing conflicts of interest.

The findings of this study confirm the central hypothesis: the effectiveness of legal mechanisms for preventing conflicts of interest in the civil service depends not only on the existence of formal regulations but on their clarity, enforcement, and institutional independence. Although most jurisdictions have adopted anti-corruption frameworks in line with international obligations, their enforcement varies considerably.

²⁴ European Parliament. The European Union and the United States: The transatlantic relationship at a crossroads. *European Parliamentary Research Service*, 2022. Retrieved from: https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739241/EPRS_BRI%282022%29739241_EN.pdf

²⁵ Baimenov, Alikhan and Panos Liverakos. (Eds.). *Public Service Evolution in the 15 Post-Soviet Countries*. Singapore: Palgrave Macmillan, 2022, <https://doi.org/10.1007/978-981-16-2462-9>

²⁶ OECD. Anti-corruption compliance in times of crisis. *OECD Business and Finance Policy Papers*, 2022. <https://doi.org/10.1787/467cf791-en>

²⁷ United Nations Office on Drugs and Crime. *G20 Brazil anti-corruption ministerial Declaration*, 2024. Retrieved from: https://track.unodc.org/uploads/documents/corruption/G20-Anti-Corruption-Resources/Leaders-Communiques/2024_G20_Brazil_Anti-Corruption_Ministerial_Declaration.pdf

In line with Tkachenko and Razumeiko, the study confirms that Ukraine’s legal framework, while formally aligned with UNCAC and GRECO, suffers from definitional ambiguity and enforcement gaps.²⁸ Our judicial review reveals similar issues: violations are often dismissed due to procedural deficiencies or insufficient legal clarity. Panina et al. similarly emphasize the tension between public responsibilities and private interests but focus less on enforcement gaps than this study reveals.²⁹

Compared with Cho’s findings from Korea, our results emphasize a deeper institutional challenge: even where legal reforms exist, without functional independence and judicial resolve, laws remain underutilized.³⁰ Cho highlights the success of Korea’s whistleblower protections; however, our study reveals that jurisdictions such as Georgia and Ukraine lack not only legal infrastructure for such protections but also mechanisms for practical application. While Vaitsekhovska et al. stress the value of harmonizing Ukrainian laws with international standards, our findings suggest that harmonization must go beyond textual alignment.³¹ Effective legal mechanisms require integration with institutional training, enforcement policy, and judicial interpretation. Our analysis of over 30 administrative and disciplinary cases confirms that formal compliance with GRECO and UNCAC often masks operational inertia. Mugellini et al. find that public sector reforms yield positive outcomes only under conditions of strong institutional capacity.³² Our findings support this position. In Kenya and India, formal legal instruments exist, but judicial reluctance to apply conflict-of-interest provisions in ambiguous cases leads to practical inefficacy. Meanwhile, EU Member States with autonomous oversight agencies and well-defined legal frameworks consistently demonstrate higher enforcement rates.

²⁸ Tkachenko, O., and Razumeiko, N. ‘Concepts and Characteristics of Conflict of Interest During Civil Service in Ukraine.’ *Scientific Herald of Sivershchyna Series Law* 2020, no. 2 (2020): 63–74, <https://doi.org/10.32755/sjlaw.2020.02.063>

²⁹ Panina, Olha, Natalya Krasnyukova and Konstantin Kharchenko. ‘Countering Conflicts of Interest in the Field of Public Civil Service.’ *Economics Taxes & Law* 16, no. 2 (2023): 87–96, <https://doi.org/10.26794/1999-849x-2023-16-2-87-95>

³⁰ Cho, Jae H. ‘A Study on the Recent Trends in Korea’s Anti-Corruption Policy.’ *The Korea Association for Corruption Studies* 28, no. 4 (2023): 63–86, <https://doi.org/10.52663/kcsr.2023.28.4.63>

³¹ Vaitsekhovska, Oksana, Nataliia Iakymchuk, Yuri Shchokin, Nataliia Vorotina and Nataliia Korchak. ‘Combating Corruption in the Public Sector: International Legal Standards and Their Implementation in the Legislation of Ukraine.’ *Studies of Applied Economics* 39, no. 6 (2021), <https://doi.org/10.25115/eea.v39i6.5302>

³² Mugellini, Giulia, Sara Della Bella, Marco Colagrossi, Giang Lu Isenring and Martin Killias. ‘Public Sector Reforms and Their Impact on the Level of Corruption: A Systematic Review.’ *Campbell Systematic Reviews* 1, no. 2 (2021), <https://doi.org/10.1002/cl2.1173>

The study also corroborates Lee et al., who found a positive correlation between strong legal frameworks and the willingness of public servants to report wrongdoing.³³ In our structured survey, nearly 40% of civil servants cited fear of retaliation and lack of protection mechanisms as key reasons for underreporting. These perceptions mirror the absence of functional whistleblower protections in several of the studied countries.

Ethical compliance, as discussed by Trang in the Vietnamese context, also resonates with our findings.³⁴ While formal codes exist in all jurisdictions examined, the cultural legitimacy of these codes – and the public trust in their enforcement – varies widely. Our study affirms that ethical regulation without enforceable legal backing remains ineffective. Wickberg’s analysis of interest registers is highly relevant.³⁵ Our findings confirm that jurisdictions with mandatory interest disclosures, especially when linked to public access and legal consequences, report higher compliance. For instance, Italy and the United States show that legal design, transparency, and enforceability combine to make such tools meaningful.

Nonetheless, contradictions remain in the literature. While Cho and Lee et al. highlight the promise of merit-based reforms, our analysis suggests that without procedural enforcement and institutional independence, even the most well-designed reforms stagnate.³⁶ This points to an urgent need for cross-jurisdictional legal forecasting to anticipate institutional constraints and adapt reforms accordingly.

Our findings advance the field by emphasizing that legal solutions must be grounded in enforceability and operational clarity. Judicial resistance, political interference, and weak institutional mandates emerge as the primary inhibitors of anti-corruption effectiveness. Laws alone are insufficient; application, interpretation, and accountability are critical.

³³ Lee, Don S., Annemarie Walter and Soonae Park. “Anti-Corruption Policy and Whistle-Blowing Intentions: Quasi-Experimental Evidence from Meritocratic Civil Service Systems.” *Administration & Society* 55, no. 6 (2023): 1194–1217, <https://doi.org/10.1177/00953997231162528>

³⁴ Trang, Nguyen T. M. “Some Theoretical and Practical Issues about the Institution of Public Service Ethics in Vietnam Today.” *European Journal of Education Studies* 10, no. 2 (2023): 253–261. <https://doi.org/10.46827/ejes.v10i2.4689>

³⁵ Wickberg, Sofia. “Can Policy Instruments Shape the Policy Problems They Aim to Solve? How Interest Registers Redefined Conflicts of Interest.” *Policy & Politics* 51, no. 3 (2023): 550–578, <https://doi.org/10.1332/030557321x16836210270486>

³⁶ Cho, Jae H. “A Study on the Recent Trends in Korea’s Anti-Corruption Policy.” *The Korea Association for Corruption Studies* 28, no. 4 (2023): 63–86, <https://doi.org/10.52663/kcsr.2023.28.4.63>; Lee, Don S., Annemarie Walter and Soonae Park. “Anti-Corruption Policy and Whistle-Blowing Intentions: Quasi-Experimental Evidence from Meritocratic Civil Service Systems.” *Administration & Society* 55, no. 6 (2023): 1194–1217, <https://doi.org/10.1177/00953997231162528>

The practical implications of the study include the need to:

1. Strengthen judicial and administrative enforcement capacity;
2. Define legal terminology with greater precision.
3. Establish autonomous oversight institutions.
4. Integrate legal forecasting methods into law reform processes.

Moreover, this study illustrates that aligning with UNCAC, OECD, and GRECO standards is not only a matter of formal compliance but requires substantive legal and institutional commitment. Where international standards have been internalized into enforceable norms (e.g., EU countries), the incidence of conflict of interest violations is lower, and public trust is higher.

In sum, the research demonstrates that legal consistency, enforcement predictability, and institutional independence form the core triad for successfully addressing conflicts of interest in public administration. These findings should guide future reforms aimed at improving not only legislation but also its implementation and oversight.

F. Limitations

While this study provides a comprehensive legal and empirical analysis of conflict-of-interest regulation in the public service, certain limitations should be acknowledged:

1. **Jurisdictional Scope:** Although the study includes a diverse range of legal systems—EU countries, the USA, Ukraine, Georgia, India, and Kenya—it cannot capture all global variations. Other jurisdictions with unique legal traditions (e.g., Nordic countries, Southeast Asia, Latin America) were not included, which may limit the generalizability of certain findings.
2. **Access to Judicial Decisions:** In several countries (particularly Ukraine, Georgia, and Kenya), the availability of published court rulings related to conflict-of-interest enforcement is limited. This may constrain the depth of case law analysis and underrepresent the real volume of violations or judicial responses.
3. **Political Sensitivity:** In some jurisdictions, conflict-of-interest enforcement is politically charged. Respondents may have provided cautious or moderated answers in surveys and interviews, introducing potential response bias that affects the interpretation of practical implementation challenges.

4. **Time Constraints and Reform Cycles:** The data reflect the state of legislation and enforcement mechanisms as of 2024. However, anti-corruption reforms are dynamic, and ongoing legal changes may alter regulatory landscapes before the publication or full use of this research.
5. **Lack of Real-Time Enforcement Data:** The study focuses on legal texts, judicial rulings, and expert opinions. Due to the absence of open-access, real-time government enforcement dashboards in many countries, some operational data (e.g., internal investigations, administrative warnings) was unavailable.

G. Recommendations

Based on the findings, the following legal and policy recommendations are proposed to improve the prevention of conflicts of interest in civil service:

1. **Clarify and Harmonize Legal Definitions:** Ambiguities in key terms such as “personal interest,” “undue advantage,” and “impartiality” must be resolved through precise statutory definitions, supported by judicial interpretation guides. Harmonization with UNCAC Article 7 and GRECO evaluation reports is essential.
2. **Institutionalize Independent Oversight Bodies:** Countries should establish or strengthen legally autonomous anti-corruption agencies with investigative and sanctioning powers, protected from executive interference. Legal mandates must be grounded in constitutional or statutory law to ensure their independence.
3. **Strengthen Judicial Enforcement:** Specialized administrative or anti-corruption courts should be created or empowered to adjudicate conflict-of-interest cases. Judicial training programs should be introduced to ensure consistent application of conflict-of-interest norms.
4. **Integrate Interest Registers and Digital Tools:** Legal provisions should mandate real-time, public registers of interests for public officials, integrated with automated monitoring systems (e.g., AI-based conflict flagging). Legislative backing should also include sanctions for non-compliance or false declarations.
5. **Protect Whistleblowers Legally and Institutionally:** Legal frameworks must provide robust whistleblower protection, including anonymity guarantees, retaliation shields, and independent reporting channels. This aligns with OECD and EU recommendations and improves practical enforcement.

6. Use Legal Forecasting in Legislative Reform: Reforms should incorporate legal forecasting methods, using institutional data and judicial trends to anticipate implementation challenges. Reform proposals must include feasibility assessments, cost analysis, and phased roll-out plans.
7. Enhance Legal Education and Public Ethics Training: Mandate the inclusion of administrative ethics and anti-corruption law in public service training programs. Legal literacy initiatives should target both officials and the public to increase awareness of legal obligations and reporting procedures.
8. Promote Cross-Jurisdictional Learning: Legal reforms should be informed by comparative law studies and judicial cooperation with jurisdictions that demonstrate successful enforcement models. Participation in regional anti-corruption networks should be expanded.

Implementing these recommendations can improve the integrity of public administration and bridge the gap between legal frameworks and practical enforcement across jurisdictions.

10 CONCLUSIONS

The prevention of conflicts of interest in the civil service remains a cornerstone of modern anti-corruption policy. This study confirms that while most jurisdictions have adopted legal frameworks aligned with international standards, significant disparities exist in how these frameworks are implemented, enforced, and institutionalized.

Through the application of comparative legal, case study, and legal forecasting methods, the research revealed that legal clarity, judicial enforceability, and institutional independence are the decisive factors in the effectiveness of conflict-of-interest mechanisms. Jurisdictions such as Germany, France, Italy, and the United States demonstrate relatively high levels of compliance and enforcement due to comprehensive legal definitions, autonomous oversight bodies, and established judicial precedents. In contrast, countries like Ukraine, Georgia, Kenya, and India struggle with vague legal provisions, limited enforcement capacity, and politically dependent oversight institutions.

The survey and expert interviews confirmed a recurring concern: while laws formally exist, they are often hindered by political interference, insufficient human and

financial resources, and low public awareness. This leads to a situation where conflict-of-interest violations go unpunished, undermining public trust in governance.

One of the key findings is that the existence of legislation alone is insufficient. Only when legal frameworks are supported by independent institutions, enforceable procedures, and continuous monitoring do they contribute to transparency and ethical behavior in public administration. Countries that treat international standards not just as benchmarks but as implementation models – such as those under EU and OECD influence – show stronger legal performance.

From a theoretical perspective, this study contributes to the growing literature on anti-corruption law by emphasizing the need for multidimensional legal approaches. Rather than focusing solely on legislative texts, scholars and policymakers must account for enforcement dynamics, judicial interpretation, and institutional configuration.

From a practical perspective, the study offers actionable recommendations to clarify legal definitions, reinforce judicial and institutional independence, develop real-time transparency tools, and adopt legal forecasting for more sustainable law reform.

Future research should focus on:

- Real-time monitoring of conflict-of-interest cases using digital governance platforms;
- The role of artificial intelligence in risk-based legal compliance.
- Longitudinal studies that track legal enforcement outcomes over multiple reform cycles;
- Cross-regional judicial cooperation in interpreting international legal standards on conflicts of interest.

Ultimately, only by closing the gap between formal legality and practical accountability can national governments ensure that their civil services operate with integrity, impartiality, and public trust.

REFERENCES

- Africa Center for Strategic Studies. *Oversight of the security sector: strengthening accountability and transparency*, 2023. Retrieved from: https://africacenter.org/wp-content/uploads/2023/09/ASB-42_EN_Oversight-security-sector_FINAL.pdf
- Akimova, Nataliia, Alina Akimova and Anastasiya Akimova. (2022). “The Study of the Genesis of Internet Texts Understanding in Adolescence Depending on the Level of

Mental and Speech Development.” *Psycholinguistics* 31, no. 1 (2022): 6-24, <https://doi.org/10.31470/2309-1797-2022-31-1-6-24>

Appendix A. *Interview guide legal mechanisms for preventing conflicts of interest in civil service.docx*, 2025. Retrieved from: <https://docs.google.com/document/d/1hffHeaFuJDQ9UIQMjvbpa-NGbx738Q8x/edit?usp=sharing&ouid=106391255321826947239&rtpof=true&sd=true>

Baimenov, Alikhan and Panos Liverakos. (Eds.). *Public Service Evolution in the 15 Post-Soviet Counties*. Singapore: Palgrave Macmillan, 2022, <https://doi.org/10.1007/978-981-16-2462-9>

Basel Institute on Governance. *Conflict of interest legislation in Brazil, South Korea and the European Union: International case studies*, 2022. Retrieved from: https://baselgovernance.org/sites/default/files/2023-06/220627_WP-47.pdf

Cho, Jae H. “A Study on the Recent Trends in Korea’s Anti-Corruption Policy.” *The Korea Association for Corruption Studies* 28, no. 4 (2023): 63–86, <https://doi.org/10.52663/kcsr.2023.28.4.63>

European Parliament. The European Union and the United States: The transatlantic relationship at a crossroads. *European Parliamentary Research Service*, 2022. Retrieved from: https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739241/EPRS_BRI%282022%29739241_EN.pdf

IBM. *IBM SPSS statistics*, 2025. Retrieved from <https://www.ibm.com/products/spss-statistics>

Institute for Government. *Civil service reform*, 2024. Retrieved from <https://www.instituteforgovernment.org.uk/sites/default/files/2024-07/civil-service-reform.pdf>

Kernel. (2024). *Policy on managing conflicts of interest and combating fraud and corruption*, 2024. Retrieved from https://www.kernel.ua/wp-content/uploads/2024/02/Politika-Upravlinnya-konfliktom-interesiv-ta-protidiyi-shahrajstv-u-i-koruptsiyi_en.pdf

Lee, Don S., Annemarie Walter and Soonae Park. “Anti-Corruption Policy and Whistle-Blowing Intentions: Quasi-Experimental Evidence from Meritocratic Civil Service Systems.” *Administration & Society* 55, no. 6 (2023): 1194–1217, <https://doi.org/10.1177/00953997231162528>

Levytska, Olha, Olha Mulcka, Ulana Ivaniuk, Marta Kunytska-Iliash, Taras Vasylytsiv and Ruslan Lupak. “Modelling the Conditions Affecting Population Migration Activity in the Eastern European Region: The Case of Ukraine.” *TEM Journal* 9, no. 2 (2020): 507-514, <https://doi.org/10.18421/TEM92-12>

MiniTAB. *Data analysis, statistical & process improvement tools*, 2025. Retrieved from <https://www.minitab.com/en-us/>

Mugellini, Giulia, Sara Della Bella, Marco Colagrossi, Giang Lu Isenring and Martin Killias. “Public Sector Reforms and Their Impact on the Level of Corruption: A

- Systematic Review.” *Campbell Systematic Reviews* 1, no. 2 (2021), <https://doi.org/10.1002/cl2.1173>
- OECD. Anti-corruption compliance in times of crisis. *OECD Business and Finance Policy Papers*, 2022. <https://doi.org/10.1787/467cf791-en>
- Panina, Olha, Natalya Krasnyukova and Konstantin Kharchenko. “Countering Conflicts of Interest in the Field of Public Civil Service.” *Economics Taxes & Law* 16, no. 2 (2023): 87–96, <https://doi.org/10.26794/1999-849x-2023-16-2-87-95>
- Tkachenko, O., and Razumeiko, N. “Concepts and Characteristics of Conflict of Interest During Civil Service in Ukraine.” *Scientific Herald of Sivershchyna Series Law* 2020, no. 2 (2020): 63–74, <https://doi.org/10.32755/sjlaw.2020.02.063>
- Trang, Nguyen T. M. “Some Theoretical and Practical Issues about the Institution of Public Service Ethics in Vietnam Today.” *European Journal of Education Studies* 10, no. 2 (2023): 253-261. <https://doi.org/10.46827/ejes.v10i2.4689>
- Transparency International. *ACAs enforcement and economic growth*, 2021. Retrieved from: https://knowledgehub.transparency.org/assets/uploads/kproducts/ACAs-enforcement-and-economic-growth_2021_PR.pdf
- United Nations Development Programme. *User’s guide: Measuring corruption and anti-corruption*, 2015. Retrieved from: <https://www.undp.org/sites/g/files/zskgke326/files/publications/Users-Guide-Measuring-Corruption-Anticorruption.pdf>
- United Nations Office on Drugs and Crime. *UNODC statistical framework to measure corruption*, 2023. Retrieved from: https://www.unodc.org/documents/data-and-analysis/statistics/corruption/UNODC_Statistical_Framework_to_measure_corruption.pdf
- United Nations Office on Drugs and Crime. *G20 Brazil anti-corruption ministerial Declaration*, 2024. Retrieved from: https://track.unodc.org/uploads/documents/corruption/G20-Anti-Corruption-Resources/Leaders-Communiqués/2024_G20_Brazil_Anti-Corruption_Ministerial_Declaration.pdf
- United Nations. *Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/79/186)*, 2024. Retrieved from: https://digitallibrary.un.org/record/4059043/files/A_79_186-EN.pdf
- Vaitsekhovska, Oksana, Nataliia Iakymchuk, Yuri Shchokin, Nataliia Vorotina and Nataliia Korchak. “Combating Corruption in the Public Sector: International Legal Standards and Their Implementation in the Legislation of Ukraine.” *Studies of Applied Economics* 39, no. 6 (2021), <https://doi.org/10.25115/eea.v39i6.5302>
- Venard, Bertrand, Yehuda Baruch and Julien Cloarec. “Consequences of Corruption: Determinants of Public Servants’ Job Satisfaction and Performance.” *The International Journal of Human Resource Management* 34, no. 20 (2023): 3825–3856, <https://doi.org/10.1080/09585192.2022.2161323>

Verma, Rajiv, Saurabh Gupta and Regina Birner. “What Do (Future) Civil Servants Think of Bribery and Corruption? Evidence from India.” *Development Policy Review* 41, no. 3 (2022), <https://doi.org/10.1111/dpr.12673>

Wickberg, Sofia. “Can Policy Instruments Shape the Policy Problems They Aim to Solve? How Interest Registers Redefined Conflicts of Interest.” *Policy & Politics* 51, no. 3 (2023): 550–578, <https://doi.org/10.1332/030557321x16836210270486>

Authors’ Contribution

Both authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study’s findings are fully available within the article.

How to cite this article (APA):

Tellis, S., Pidbereznykh, I., Derevianko, S., Kachmar, B., & Zlyvko, S. (2025). LEGAL MECHANISMS FOR PREVENTING CONFLICT OF INTEREST IN CIVIL SERVICE IN THE CONTEXT OF ANTI-CORRUPTION LEGISLATION. *Veredas Do Direito*, 22(3), e223626. <https://doi.org/10.18623/rvd.v22.n3.3626>