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## CORRUPTION AS A SOURCE OF FUNDS FOR MONEY LAUNDERING: LEGAL MECHANISMS OF COUNTERACTION

*The article focuses on the examination of the relationship between corrupt acts and money laundering within the context of current trends in international and national legislation development. The inseparable bidirectional nature of the connection between these phenomena is substantiated, where corruption serves both as a source of illegal proceeds that require legalization and as an instrument for ensuring the functioning of money laundering schemes. It is proven that legal doctrine and practice increasingly emphasize the need to consider these phenomena as interrelated within a unified counteraction strategy, since traditional isolated approaches prove to be insufficiently effective in combating modern complex financial schemes.*

*A comprehensive analysis of key legislative innovations of recent years has been conducted, including the adoption in the USA of the Foreign Extortion Prevention Act (FEPA) 2023, the Anti-Money Laundering Act 2020, China's three-year action plan for combating money laundering (2022–2024), and the new European regulation on establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism. Particular attention is paid to analyzing the impact of these legislative changes on expanding the range of predicate crimes and creating new legal mechanisms for international cooperation. The role of international organizations, particularly FATF, in forming global standards for combating financial crimes and the significance of the Warsaw Convention 2005 and the UN Convention against Corruption (UNCAC) as fundamental international instruments are examined.*

*The process of adapting Ukrainian legislation to international standards through an analysis of the system of normative legal acts regulating issues of combating corruption and money laundering has been studied. It is proven that Ukraine has formed a comprehensive multilevel architecture of legal regulation that encompasses preventive measures, financial monitoring, and criminal prosecution, ensuring a synergistic effect in combating the legalization of corrupt proceeds and approximation to international standards in this field. A tendency toward convergence of anti-corruption legislation and normative legal regulation of prevention and counteraction to money laundering at the global level has been identified, which reflects the international community's awareness of the systemic nature of these threats to financial stability and economic security.*

**Keywords:** corruption, money laundering, legalization of proceeds, financial monitoring, FATF, anti-corruption legislation, normative legal regulation of prevention and counteraction to money laundering, international cooperation, international standards, financial security.

**Банак С., Голота Н.****Корупція як джерело коштів для відмивання: правові механізми протидії**

*Стаття присвячена дослідженню взаємозв'язку між корупційними діяннями та відмиванням коштів у контексті сучасних тенденцій розвитку міжнародного та національного законодавства. Обґрунтовано нерозривний двонаправлений характер зв'язку між цими явищами, де корупція виступає як джерело незаконних доходів, що потребують легалізації, так і інструментом забезпечення функціонування схем відмивання коштів. Доведено, що правова доктрина та практика дедалі частіше акцентують на необхідності розгляду цих явищ як взаємопов'язаних у межах єдиної стратегії протидії, оскільки традиційні ізольовані підходи виявляються недостатньо ефективними для боротьби з сучасними складними фінансовими схемами.*

*Проведено комплексний аналіз ключових законодавчих нововведень останніх років, включаючи прийнят-*

тя у США Закону про запобігання вимаганню іноземних хабарів (FEPA) 2023 року, Закону про протидію відмиванню коштів 2020 року, трирічного плану дій Китаю щодо боротьби з відмиванням коштів (2022-2024), нового європейського регламенту про створення Управління з протидії відмиванню коштів та фінансуванню тероризму. Особливу увагу приділено аналізу впливу цих законодавчих змін на розширення кола предикатних злочинів та створення нових правових механізмів міжнародного співробітництва. Розглянуто роль міжнародних організацій, зокрема FATF, у формуванні глобальних стандартів протидії фінансовим злочинам та значення Варшавської конвенції 2005 року і Конвенції ООН проти корупції (UNCAC) як основоположних міжнародних інструментів.

Досліджено процес адаптації українського законодавства до міжнародних стандартів через аналіз системи нормативно-правових актів, що регулюють питання протидії корупції та відмиванню коштів. Доведено, що в Україні сформовано комплексну багаторівневу архітектуру правового регулювання, яка охоплює превентивні заходи, фінансовий моніторинг та кримінальне переслідування, забезпечуючи синергетичний ефект у боротьбі з легалізацією корупційних доходів та наближення до міжнародних стандартів у цій сфері. Виявлено тенденцію до конвергенції антикорупційного законодавства та нормативно-правового регулювання запобігання і протидії відмиванню грошей на глобальному рівні, що відображає усвідомлення міжнародним співтовариством системного характеру цих загроз для фінансової стабільності та економічної безпеки.

**Ключові слова:** корупція, відмивання коштів, легалізація доходів, фінансовий моніторинг, FATF, антикорупційне законодавство, нормативно-правове регулювання запобігання та протидії відмиванню грошей, міжнародне співробітництво, міжнародні стандарти, фінансова безпека.

**Statement of the problem.** The problem of criminal proceeds legalization has become a global challenge of unprecedented scale. According to data from the United Nations Office on Drugs and Crime, annual losses to the global economy due to money laundering amount to 2 to 5% of global GDP [1]. A significant portion of these funds has a corrupt origin, as corruption is one of the main sources of «dirty» money that requires legalization. Money laundering, initially considered a crime characteristic of so-called «white-collar» criminals – individuals with high social status, has over time transformed into a large-scale financial offense associated with the legalization of funds obtained from illegal sources, particularly through tax evasion, corruption schemes, and terrorist financing [2]. Bribery, abuse of official position, and embezzlement of state resources create a powerful financial flow that actively integrates into the shadow economy and often crosses national borders [1]. Corruption not only undermines trust in state institutions but also complicates the effective functioning of anti-money laundering systems. In many cases, it is precisely through corrupt officials that criminals gain the opportunity to avoid financial monitoring, conceal traces of asset origin, and ensure their subsequent use in legal circulation. Corruption and money laundering are interrelated phenomena that mutually reinforce each other [3].

According to estimates by the United Nations Office on Drugs and Crime (UNODC), money laundering can distort market mechanisms, destabilize the financial system, and serve as a cover for other crimes, including terrorist activities. This poses a serious threat to effective governance and adherence to the rule of law principles, especially under martial law conditions. Therefore, the implementation of effective regulatory policies and anti-money laundering and counter-terrorism financing (AML/CFT) instruments is crucial for ensuring sustainable development and long-term economic stability of Ukraine [4]. In current conditions, improving legal mechanisms for combating the legalization of proceeds from crime, taking into account the specifics of corruption crimes, becomes particularly important. An effective fight against these phenomena requires a comprehensive approach that combines criminal law, financial, administrative, and international legal instruments. The purpose of this article is to analyze corruption as a source of funds for laundering, as well as to study modern legal mechanisms aimed at countering this phenomenon.

**The state of research on the problem.** A number of scientific studies are dedicated to examining the relationship between corruption and money laundering. In particular, A. Al Qudah, L. Al-haddad, A. Aljabali, N. Hendriyetty, B. S. Grewal, E. Kurum, S. Magableh, N. Hailat, and U. Al-qalawi identified the crucial role. Many scholars link money laundering directly to corruption in politics and the diversion of money allocated for public projects [5; 6]. Scholars agree that comprehensive protection against money laundering risks is formed by international cooperation and anti-corruption measures and requires the development of effective policies and initiatives [7–11].

At the same time, the issues of corruption as a source of funds for laundering and legal mechanisms for countering these processes remain insufficiently researched. Methods of legalizing illegal proceeds and forms of corruption practices are constantly changing. This process is accompanied by the use of modern financial instruments, such as cryptocurrencies, as well as the growing scale of cybercrimes [12]. This necessitates research

into the problems of adapting legal mechanisms and strengthening international coordination in the field of combating money laundering of corrupt origin.

**The research aims** to study the relationship between corruption and money laundering in the context of modern legal approaches and legislative changes.

**Presentation of the main research material.** Legal doctrine and practice increasingly emphasize the inseparable connection between corrupt acts and money laundering, which necessitates their consideration as interrelated phenomena within a unified counteraction strategy. Money laundering schemes are inextricably linked with corruption, where the latter is used either as «a means to achieve an end, or as an end in itself» [13]. This relationship has a bidirectional nature: corruption can be both a source of illegal proceeds that require legalization and an instrument that ensures the functioning of money laundering schemes. Corruption is increasingly viewed as a form of collective, social behavior. It easily crosses borders and includes complex financial strategies and transactions for laundering stolen money. However, as experts note, the connection between corruption and money laundering is poorly studied, which creates significant problems for law enforcement agencies [13]. Research reveals different levels of interaction between corrupt structures and money laundering systems. Corruption creates the need for money laundering operations, while the availability of mechanisms for legalizing illegally obtained assets forms an additional incentive for committing corruption offenses [14].

In the legal field, the relationship between corruption and money laundering has gained particular relevance after the adoption of new legislative acts in recent years. A key event was the adoption in the United States on December 22, 2023, of the Foreign Extortion Prevention Act (FEPA) [15], passed within the Defense Authorization Act for Fiscal Year 2024 [16]. It establishes criminal liability for extortion of bribes by foreign officials and prohibits them from demanding or receiving improper benefits from U.S. individuals or legal entities. This act complements the provisions of the Foreign Corrupt Practices Act (FCPA) [17], which is aimed at holding those who provide bribes accountable. The purpose of FEPA is to hold foreign officials accountable for extortion and strengthen U.S. participation in combating international corruption. This legislative innovation is of fundamental importance for the legal qualification of the relationship between corruption and money laundering, as it expands the range of predicate crimes and creates additional legal mechanisms for prosecuting corrupt individuals beyond national jurisdictions. A significant step in developing legal counteraction mechanisms was the adoption of the U.S. Anti-Money Laundering Act of 2020 [18], which fundamentally changed approaches to combating financial crimes. This law established new standards for financial institutions regarding the detection and reporting of suspicious operations related to corruption schemes.

China has also undergone significant legislative changes. The country adopted the «Three-Year Action Plan for Combating Money Laundering Violations and Crimes (2022–2024)». This plan was developed to «truly protect national security, social stability, economic development» [19], which emphasizes the state's approach to the problem of the relationship between corruption and money laundering.

At the European level, significant changes have occurred in the legal regulation of anti-money laundering. On April 24, 2024, the European Parliament adopted Regulation (EU) 2024/1620 of the European Parliament and of the Council of 31 May 2024 establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism and amending Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010 [20]. This document pays particular attention to corruption as one of the main sources of funds subject to legalization.

FATF (Financial Action Task Force) is the leading international organization that develops and promotes policies and standards to protect the global financial system from money laundering, terrorist financing, and proliferation financing. FATF standards are outlined in 40 recommendations, which form a comprehensive system of measures to combat financial crimes. FATF conducts regular mutual evaluations of its members and associated jurisdictions to verify compliance with the recommendations. The organization also maintains lists of jurisdictions with deficiencies in anti-money laundering systems, which can lead to restrictions in international financial relations [21]. Legislators pay particular attention to regulating investment advisers. On September 4, 2024, the Financial Crimes Enforcement Network (FinCEN) final rule was adopted regarding requirements for anti-money laundering/counter-terrorist financing programs and suspicious activity reporting for registered investment advisers [22]. This rule aims to prevent money laundering, terrorist financing, and other illicit financial activity through the investment adviser industry.

Current trends in legal regulation indicate a gradual convergence of anti-corruption and anti-money laundering legislation. FATF recommendations establish a comprehensive and consistent system of measures that countries should implement to combat money laundering and terrorist financing, as well as proliferation financing [21]. This trend toward integration of legal approaches reflects the international community's recognition that

corruption and money laundering are interrelated phenomena that require a comprehensive legal response. The legal system is gradually adapting to understanding this relationship through the creation of specialized mechanisms for detecting, investigating, and prosecuting such crimes as a unified complex of offenses.

The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention 2005) is a key European instrument in the field of combating financial crimes. The document establishes a comprehensive legal framework for international cooperation in countering money laundering and terrorist financing within the European legal space. A significant innovation of the Warsaw Convention was the inclusion of provisions on terrorist financing as a separate type of crime. The Convention requires state parties to criminalize the provision or collection of funds to use them or know that they will be used in whole or in part for committing terrorist acts. This provision reflects the evolution of international understanding of threats after the terrorist attacks of the early 2000s and the need for a comprehensive approach to countering terrorism through financial mechanisms. International cooperation forms the basis of the Convention's effectiveness. The document establishes broad obligations regarding mutual legal assistance, including identification, tracing, freezing, and confiscation of proceeds from crime. State parties undertake to provide the widest possible assistance in the investigation and prosecution of crimes related to money laundering and terrorist financing, as well as in the search and confiscation of proceeds from such crimes [23].

The United Nations Convention against Corruption (UNCAC), adopted in 2003 and entered into force in 2005, is the most comprehensive and universal international anti-corruption instrument. The document has been signed by over 180 states, making it one of the most widely ratified UN treaties in the field of crime prevention [24]. The Convention establishes a comprehensive approach to combating corruption, covering both preventive measures and repressive mechanisms. The document defines a wide range of corrupt acts, including bribery of national and foreign public officials, embezzlement of public property, abuse of office, illicit enrichment, and laundering of proceeds from corruption crimes. A distinctive feature of the Convention is the inclusion of both traditional forms of corruption in the public sector and corruption in the private sector, reflecting the modern understanding of the multifaceted nature of this phenomenon.

Ukraine is also gradually adapting its legislation to international standards in the field of combating corruption and money laundering. In recent years, several legal acts have been adopted aimed at strengthening institutional capacity, improving financial monitoring, and ensuring effective investigation of financial crimes. In particular, the Law of Ukraine dated 06.12.2019 No. 361-IX «On Prevention and Counteraction to Legalization of Proceeds» [25] establishes legal mechanisms for financial monitoring and systems for detecting suspicious operations, which are directly applied to combat money laundering from corruption offenses as one of the main types of predicate crimes. The Law of Ukraine dated October 14, 2014, No. 1700-VII «On Prevention of Corruption» [26] establishes a system of income declaration, lifestyle control, and financial monitoring of public servants, creating a legal basis for identifying potential sources of illegal enrichment and preventing the formation of funds that may be subject to subsequent laundering. The Law of Ukraine dated June 6, 2024, No. 282 «On Sanctions» [27] establishes legal mechanisms for applying sanctions, including asset freezing and restrictions on financial operations, regarding persons involved in corruption offenses, thereby creating an additional tool to combat the use and laundering of funds obtained through corruption. The Criminal Code of Ukraine establishes criminal liability for both corruption crimes (articles 368, 369, etc.) and legalization (laundering) of property obtained by criminal means (article 209), creating a legal basis for criminal prosecution of the entire chain from corruption enrichment to laundering of obtained criminal proceeds [28]. The Law of Ukraine dated May 15, 2023 No. 755-IV «On State Registration of Legal Entities, Individual Entrepreneurs and Public Formations» [29] establishes requirements for disclosure of information about ultimate beneficial owners and maintenance of open registers, ensuring transparency of corporate structures and complicating the use of shell legal entities to conceal the true owners of corruption proceeds and their subsequent laundering. The Law of Ukraine dated December, 07 2000, No. 2121-III «On Banks and Banking Activities» [30] establishes requirements for banks regarding financial monitoring, client identification, and reporting of suspicious operations, creating key mechanisms for detecting and preventing the use of the banking system for laundering funds obtained from corruption offenses. The Law of Ukraine dated December, 14 2021, No. 1953-IX «On Financial Services and Financial Companies» [31] establishes legal regulation of financial companies' activities and requirements for their financial monitoring, expanding the system of control over suspicious operations to the sphere of non-bank financial services and creating additional barriers to laundering corruption proceeds through financial companies. The Law of Ukraine dated June, 21 2018, No. 2473-VIII «On Currency and Currency Operations» [32] establishes currency legislation and control over currency operations, including requirements for reporting and monitoring cross-border movement of funds,

creating mechanisms for detecting and preventing the withdrawal of corruption proceeds abroad through currency operations and their subsequent laundering. The Order of the Ministry of Finance of Ukraine «On Approval of the Regulation on Financial Monitoring by Primary Financial Monitoring Entities» [33] establishes specific procedures and mechanisms for detecting suspicious financial operations for entities subordinated to the Ministry of Finance of Ukraine, directly ensuring practical implementation of measures to detect and prevent laundering of funds obtained from corruption offenses

The comprehensive system of legal acts formed in Ukraine creates a multi-level architecture for combating corruption and money laundering of criminal proceeds, which covers all stages – from preventive measures and financial monitoring to criminal prosecution. This ensures a synergistic effect in the fight against the use of corruption schemes for legalizing illegally obtained funds and brings Ukrainian legislation closer to international standards in this field. However, Ukraine, like most countries in the world, needs further improvement of law enforcement practices and inter-agency coordination for maximum effectiveness of these legal mechanisms.

**Conclusion.** There is no longer any doubt about the existence of an inseparable relationship between corruption and money laundering, which has a bidirectional nature and requires a comprehensive legal response. Analysis of current legislative changes at the international level, including the adoption of FEPA in the United States, new European regulations, and China's three-year action plan, indicates a gradual convergence of anti-corruption and anti-money laundering legislation. This reflects the global community's recognition of the need to consider these phenomena as a unified complex of offenses.

Ukraine demonstrates significant progress in adapting national legislation to international standards through the creation of a comprehensive multi-level system of legal acts that covers all stages of counteraction, from preventive measures to criminal prosecution. The formed legal architecture ensures a synergistic effect in the fight against corruption schemes for legalizing illegal proceeds, but requires further improvement of law enforcement practices and inter-agency coordination to achieve maximum effectiveness.

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