

# Corruption as a threat to Ukraine's national security in the context of globalization

La corrupción como amenaza para la seguridad nacional de Ucrania en el contexto de la globalización

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### Abstract

The subject of the study is public relations in the field of national security. The subject is a description of the negative impact of corruption on state security, as well as highlighting positive developments in the anti-corruption activities of Ukraine in order to summarize and integrate them into the activities of public bodies to counteract corruption both in Ukraine and in the world. The research methodology is based on a set of interrelated general scientific methods of cognition. The development of trends in counteraction corruption was facilitated by logical methods and techniques - deduction, induction, analogy, analysis, and synthesis. The method of comparative legal analysis made it possible to carry out the general theoretical characteristic on the borrowing of the international experience of organization and activity of the subjects of counteraction corruption. It is emphasized that the basis for overcoming corruption is an institutional, legal and conscious understanding of the destructiveness of this phenomenon as a direct threat to the security of the state. The scientific novelty of the work is to: uncover key aspects of the destructive effect of corruption on state security as subsystem of national security; identify factors that contribute to the spread and rooting of corruption in Ukrainian society, including paternalism, nepotism, legal nihilism, and a low level of general and legal culture. The study concludes that corruption is one of the phenomena that give rise to crises in various spheres of public life: politics, economy,

state administration, and is one of the main prerequisites for the existence of organized crime. The following directions of corruption development as a threat to state security have been identified: "administrative seizure"; "capture" of the economy; "capture" of the state.

**Key words:** corruption, overcoming corruption, public security, administrative management, terrorist threat, Toronto principles, Security Service of Ukraine, anticorruption culture.

#### Resumen

El tema de estudio son las relaciones públicas en el campo de la seguridad nacional. El tema es una descripción del impacto negativo de la corrupción en la seguridad del estado, además de destacar los desarrollos positivos en las actividades anticorrupción de Ucrania para resumirlos e integrarlos en las actividades de los organismos públicos para contrarrestar la corrupción tanto en Ucrania como en el mundo. La metodología de investigación se basa en un conjunto de métodos científicos generales de cognición interrelacionados. El desarrollo de tendencias en la lucha contra la corrupción fue facilitado por métodos y técnicas lógicas: deducción, inducción, analogía, análisis y síntesis. El método de análisis jurídico comparado permitió realizar la característica teórica general sobre el préstamo de la experiencia internacional de organización y actividad de los sujetos de lucha contra la corrupción. Se enfatiza que la base para la superación de la corrupción es una comprensión institucional, legal y consciente de la destructividad de este fenómeno como una amenaza directa a la seguridad del Estado. La novedad científica del trabajo es: descubrir aspectos clave del efecto destructivo de la corrupción en la seguridad del Estado como subsistema de la seguridad nacional; identificar los factores que contribuyen a la propagación y arraigo de la corrupción en la sociedad ucraniana, incluidos el paternalismo, el nepotismo, el nihilismo legal y un bajo nivel de cultura general y legal. El estudio concluye que la corrupción es uno de los fenómenos que generan crisis en diversas esferas de la vida pública: la política, la economía, la administración estatal, y es uno de los principales requisitos para la existencia del crimen organizado. Se han identificado las siguientes direcciones de desarrollo de la corrupción como amenaza a la seguridad del Estado: "embargo administrativo"; "captura" de la economía; "captura" del estado.

**Palabras claves:** Memory, postmemory, transitional justice, massacres in Colombia, victims.

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## I. INTRODUCCIÓN

Corruption is a side effect of the work of the state apparatus, as it most often acts as a way of shadow lobbying and serves to defend private interests. Its destructive nature is conditioned by the fact that due to corruption from the legal economic circulation huge financial flows are being deduced, the potential of the shadow economy is increasing, there are obstacles to the implementation of the state macroeconomic policy, the undermining of trust in the authorities and the criminalization of the state apparatus. This leads to the loss of prestige by the state in the international arena, internal political and social instability, the destruction of the system of state and administrative management and security.

Corruption not only impedes the development of individual countries, but also hinders the sustainable and progressive development of the world economy as a whole. At that, it is a complex and systemic social phenomenon characterized by resilience, self-reproduction and diversity of forms, which are manifested in all spheres of society, where they are termed by many different factors of economic, social, political and cultural nature. At the same time, corruption is not only social but also a political phenomenon, since it is directly related to the exercise of state power. It influences the development and implementation of political decisions, which in turn affect the state of corruption in the country.

According to Transparency International, the level of anti-corruption effectiveness has been recognized by the world community for a long time as one of the most important indicators of a democratic state, as corruption causes significant damage to the socio-economic and political development of society, threatens its security and stability. Transparency International estimates that Ukraine ranked 120th out of 180 countries in the corruption perception rankings in early 2019. To date, the global Corruption Perceptions Index of our country is 32 points out of 100, which is only 2 points higher than in 2017. According to Transparency International, Ukraine managed to achieve this slight rating increase, primarily due to the positive assessment of the situation by the business. At the same time, representatives of the World Organization say that the implementation of anti-corruption reforms initiated in Ukraine in 2014 remains incomplete, which is why Ukraine's indicator remains well below the global average of 43 points.

It should be noted that the problem of counteracting corruption in the scientific space does not lose relevance in Ukraine. But the indicators of international organizations already indicate the positive trends. It is impossible to ensure the effectiveness of anti-corruption activities in Ukraine, provided that there are no experts on anti-corruption activities, as well as the popularization of anti-corruption culture among the society. This guideline dictates a particular approach to building a system of acquiring knowledge and skills from future anti-corruption professionals, and on the other hand, emphasizes the need to expand the information circle on the promotion of anti-corruption culture.

We support the statement of well-known scientist A. Halchynskyi that "any state is able to assert its power and integrity only when there is a system of ideas that determine not only the values of the development process, but also capable of uniting the hearts and souls of people, uniting nation, to become a powerful impetus to the social process" (Halchynskyi, 2001).

Corruption is a social political and legal phenomenon, which is of course the cause of the study of corruption in various fields of science, including law, sociology, political science, economics, etc. Researchers view corruption in a broad and narrow sense. Y. Podorozhnii, N. Obushenko & others, exploring the legislative regulation of grounds for dismissal of an employee for committing a corruption or corruption-related offense, state that "the euro integration direction of Ukraine's development is impossible without effective counteraction of corruption as a negative social phenomenon, which impedes the normal functioning of economic relations and civil society in general" (Podorozhnii, Obushenko, Harbuziuk, Platkovska, 2020). T. Kolomoiets, V. Kolpakov, S. Kushnir, O. Makarenkov, N. Halitsyna drew attention to the anti-corruption standards of legal regulation of "external" activity of public officials (Kolomoiets, Kolpakov, 2020). V. Lytvynenko in his research "The concept of administrative and legal support of counteracting corruption in Ukraine" (Lytvynenko, 2015) states the need to introduce special educational innovations for the training of anti-corruption experts.

According to A. Novak, the complex and multidimensional process of state formation in Ukraine necessitates the study of problems connected with the implementation of purposeful activity of public authorities on ensuring law and order in the country, ensuring the rights and freedoms of a person and a citizen enshrined in the Constitution of Ukraine in the sphere of public administration. The problem of preventing and counteracting corruption, which poses a real threat to the formation of the Ukrainian state, has a special place (Novak, 2017). Also in the professional article A. Kovalchuk "International experience in counteracting

corruption as a destructive factor of financial and economic security" concluded that 60% of success in anti-corruption activity depends on the comprehensive system of measures taken in the country to counteract corruption, as well as sustainable condemnation of corruption by citizens (Kovalchuk, 2016).

The purpose of this article is to identify the negative impact of corruption on state security, as well as to identify the positive developments in the anti-corruption activities of Ukraine in order to summarize and integrate them into the activities of public bodies to counteract corruption both in Ukraine and in the world.

#### II. METHODOLOGY

The study was conducted in 2019-2020, with the participation of 100 people of different ages at the educational institutions. The research is conducted jointly with representatives of public authorities, scientists in order to establish the effectiveness of modern organizational and legal mechanism of counteracting corruption to ensure state security. In the course of the research, a set of interrelated general scientific methods was used to analyze the results and obtain conclusions: dialectical method of cognition of legal phenomena, system method, method of classification and grouping structural method, historical method. The development of trends in counteracting corruption was facilitated by logical methods and techniques - deduction, induction, analogy, analysis, and synthesis. Due to the method of comparative legal analysis, the general theoretical characteristic of borrowing the international experience of organization and activity of the subjects of counteracting corruption was conducted.

#### III. RESULTS AND DISCUSSION

The meticulous analysis makes it possible to state in general the problematic nature of the results of the implementation of anti-corruption initiatives. Thus, the newly created anti-corruption structures do not have clear boundaries of activity, their work is based mainly on materials of other state bodies or statements, and unprofessional methods in combination with a number of media scandals generate rhetoric about the corruption and political involvement of the organisation's employees themselves. It is worth mentioning the fact that only criminal proceedings against the "previous cadences" are possible in Ukraine today. In fact, the "new anti-corruption bodies" have become duplicates of the existing law enforcement agencies, which have been performing anti-corruption functions with sufficient efficiency since Ukraine gained independence. This led to a situation where the number of anti-corruption structures exceeded reasonable limits, so the agencies that traditionally fought corruption were deprived of the status of specially authorized entities. And if proving the effectiveness of the newly created organs in the fight against corruption remains a matter of the distant future, the flywheel of the destruction of the functioning mechanism of the law enforcement and national security systems is already in place.

The spread and strong rooting of corruption in Ukrainian society is facilitated by a psychological climate characterized by such peculiar and permanent features of domestic mentality and culture as paternalism, nepotism, legal nihilism caused by the low level of general and legal culture among the general population. In the society's attitude towards corruption, indignation against the illicit enrichment of high-ranking officials and their avoidance of responsibility are combined with the mental "need to thank", which forms the basis of total domestic corruption, and the desire for so-called "individual justice" which makes it impossible to apply the law uniformly. On the whole, domestic corruption is now a combination of elitist corruption of "narrow circles" with ramifications of corruption networks at all levels, as well as systemic and individual corruption. And if domestic corruption, which is most painful to the average citizen, is predominantly an economic phenomenon (corruption in education, medicine, etc.), systemic corruption in Ukraine is one of the most dangerous threats to state security.

Speaking of state security, it should be emphasized that this is not about "state security" as an alternative to "human security" or "security of society". On the contrary, national security applies not only to the security of the state, but also to other national security objects, effectively creating the conditions for their security, and ensuring national security is implemented in all areas of national security. Therefore, its content, as a subsystem of national security, constitutes the protection of state institutions necessary for the performance of functions of managing public affairs, that is, the principles of survival and development of a state-organized political nation in a certain territory, which ensure the survival and development of man. Accordingly, ensuring national security serves as the key to maintaining a free democratic order and guaranteeing the exercise of the rights and freedoms of each individual.

Corruption, by virtue of its destructive nature, threatens state security, as it not only undermines the foundations of a free democratic order (domestic law and doctrine do not use the relevant concept sufficiently actively, but its essence can be illustrated by the example given by the German Constitutional Court in 1952: "Violation of a free democratic basic order can be defined as an attempt to destroy or radically change our internal system, which includes: respect for fundamental human rights; department of power; institute of parliamentarism; multiparty system; electoral system; economic order consisting of private property and a market economy; independence of the judiciary; subordination of the government to the rule of law which excludes any form of tyranny or arbitrariness, such as single or party dictatorship, anti-state groups, and which is based on the basic principles of self-government of people, expressed in the will of the existing majority, freedom and equality" (Mosler, 2017) and the state monopoly on establishing and maintaining law and order. Therefore, the presence in the institutional system of the state of destructive factors in the form of corruption elements directly undermines not only the economic and political power of the state, but also threatens the security of the entire state system (Hyhaury and Kovalenko, 2015).

In the political aspect, corruption has a direct impact on the distribution of justice, and therefore limits the implementation of the basic guarantees of human and citizen's rights and freedoms. The political danger of corruption also lies in the diminished controllability of society and the inability of the state apparatus to operate, which can result in serious socio-political upheavals up to a change in the constitutional order.

Corruption also plays an important role in the development of the terrorist threat to national security. Terrorist activity has no static state, has a high degree of adaptability and is constantly under development, ahead of the counter-terrorism system (Grachev and Gasymov, 2012). Modern terrorism is characterized by a combination of organized crime, through which it is largely funded. It is organized crime that plays a leading role in relation to terrorism structures through links with state structures based on corruption mechanisms. Thus, today the key to the successful existence of extremist and terrorist movements and formations is participation in the criminal activity of the corrupt element. So terrorism and corruption are characterized by close interdependence, and the threat of terrorism increases the greater the level of corruption (Grachev, Morozova, 2015).

As a result of establishing corruption links, terrorist formations expand their ability to obtain information, tools for committing terrorist offenses, lobby their interests to amend the legislation, and acquire "immunity" from the authorities whose activities are aimed at combating terrorism. For representatives of the authorities and the public, the primary purpose of corrupt interaction with terrorist groups is personal enrichment. In addition, the interests of corrupt circles and the management of terrorism are closed in such areas as the production, sale and distribution of narcotic substances, the illegal trade in arms, people, and the legalization of criminal proceeds. All of this creates the groundwork for further strengthening the criminal conglomerate and the spread of terrorism and corruption both domestically and globally. A striking international example of such a conglomerate is "Al-Qaida", whose existence was at some time secured by Afghanistan's upper echelons of power.

Over the last two decades, there has been a steady increase in corruption crime not only with terrorism, but also with criminal and economic organized crime, which provides a transition to organized crime at a qualitatively new level compared to the 1990s. Organized crime ensures the effectiveness and security of corruption schemes, without neglecting overtly criminal methods: commissioned killings, intimidation of witnesses, extortion, kidnapping. Therefore, in today's corrupt network structures, analysts distinguish in particular the following mandatory components: groups of officials, who make favourable decisions for "customers"; commercial or financial entities ("customers") that realize the benefits and preferences they receive, transforming them into cash and other tangible assets; groups to protect the activities of corrupt network structures, carried out by law enforcement officials and members of criminal structures. The institutionalization of corruption also leads to the systematic and vertical integration of corruption networks built on the principle of the "pyramid", and the network nature of corruption makes it impossible for the law enforcement system to reach the top of such a corruption "pyramid" (Mizrakh, 2017). According to S. Dubovichenko, "the corruption network is a system of autonomous nests that permeate the governance structure, which operate within informal rules and ensure the achievement of personal or group goals. This structure of the organization has considerable survivability, the destruction of individual segments of the network does not lead to its destruction, and destroyed elements quickly reproduce. In addition, corruption provides a high level of protection against any control mechanisms" (Dubovichenko, 2015).

Corruption is not left alone in the processes of globalization. Despite the efforts of the international community, corrupt officials have successfully used offshore zones, bank transfer technologies and the

concealment of funds obtained through crime, the opportunities of international criminal communities. There are also a number of states in the modern world that ignore the rules of international law, giving shelter to corrupt officials and members of organized crime (Mizrakh, 2017).

In fact, we can talk about the following areas of corruption as a threat to state security: "administrative seizure" of deliberately creating a shortage of public services or administrative obstacles to business development and the exercise of citizens' rights and freedoms in order to force interested persons to resort to informal payments to obtain these services or overcoming these obstacles; "seizure" of the economy as the use of special strategies and tactics by the authorities, the oligarchy, criminal and terrorist groups, agents of foreign countries and international institutions, which involve the direct or indirect involvement of the authorities in order to control business and profit at the expense; "seizure" of the state in the part of the active pressure of business, oligarchy, criminal and terrorist groups, agents of foreign states and international institutions on the state authorities in order to ensure the adoption of administrative decisions favourable to interested persons, normative legal acts, etc.

Therefore, the problem of corruption as a threat to Ukraine's national security requires rethinking not only the scale but also the systemic and institutional nature of corruption, its ability to reproduce itself, its organic connection with organized crime and terrorism, and its destructive influence on constitution. Considering the persistence and extent of corruption, a set of measures to counteract this phenomenon should be formed at the institutional level. Thus, international experience shows that corruption cannot be overcome through purely law enforcement measures (Savenko, Savenkov, 2012), i.e., "fighting corruption" in a narrow sense, which is considered mainly in a punitive aspect, implies the creation of a system of additional restrictions and prohibitions and aims at exposing corruption offenses already committed or preventing them from being committed against specific intentional persons. Thus, it is necessary not only to combat the individual actions of "agents of corruption" within the framework of the reactive law enforcement paradigm, which is now implemented by the whole spectrum of state bodies created to fight corruption, but also to proactively influence the whole structure of institutional interaction within the corruption environment (Tsyrendorzhieva, Lugavtsov, 2017). In this context, the "Toronto Principles", which set key reform priorities in Ukraine for 2019-2023, regarding the deprivation of the Security Service of Ukraine (SSU) "functions in anti-corruption and economic spheres" and the deployment of relevant "reformist discourses" are of concern in this context. Considering that, in accordance with the Law of Ukraine "On the National Security of Ukraine" (2018), the SSU is a state special purpose body with law enforcement functions that ensures state security, as well as the main body in the nationwide system for combating terrorist activity. (Law of Ukraine "On the Fight Against Terrorism", 2003), it is not necessary to limit the SSU in the direction of its efforts, but to expand the counterintelligence vector of work, to shift the accents of functionality towards performing analytical and forecasting tasks in order to prevent, detect and neutralize real and potential threats to state security related to corruption, organized crime, business growth and politics, etc., as well as fulfilment of state risk management tasks.

The outlined approach, which provides a methodological complement to the powers of different structures, not only is capable of providing effective counteraction to institutional corruption and constructive interaction of state bodies responsible for the fight against corruption and for ensuring national security, but also contributes to the stability of the Ukrainian law enforcement and security systems as a whole in the context of social change, and guarantees the functioning of a single mechanism for ensuring national security.

## IV. CONCLUSIONS

Corruption is one of the phenomena that give rise to crises in various spheres of public life: politics, economy, public administration, and is one of the main prerequisites for the existence of organized crime.

The following directions of corruption development as a threat to state security have been identified:

- "administrative" seizure deliberately creating a deficit of public services or administrative obstacles to business development and the exercise of citizens' rights and freedoms in order to induce interested persons to resort to informal payments to obtain these services or to overcome these obstacles;
- "capture" of the economy the use of special strategies and tactics by the authorities, oligarchy, criminal and terrorist groups, agents of foreign states and international institutions, which involve direct or indirect involvement of the authorities in order to control business and profit at the expense;
- "seizure" of the state active pressure of business, oligarchy, criminal and terrorist groups, agents of
  foreign states and international institutions on the state authorities in order to ensure the adoption
  of management decisions, normative legal acts, etc., which are beneficial for the interested persons.

Ensuring effective counteraction to institutional corruption as a threat to state security is facilitated by:

- 1) awareness of the systemic and institutional nature of corruption, its ability to reproduce itself, its organic connection with organized crime and terrorism, and its destructive influence on the constitutional system;
- 2) the stability of the law enforcement system and the security and defence sector of Ukraine in the context of public transformation;
- 3) constructive interaction of state bodies responsible for combating corruption and ensuring state security;
- 4) expanding the counterintelligence vector of the work of the Security Service of Ukraine, shifting the focus of functionality towards performing analytical and forecasting tasks in order to prevent, detect and neutralize real and potential state security threats related to corruption in a timely manner.

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