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**STRUCTURAL-LOGICAL MODEL OF THE STRATEGY
OF OPERATIONAL-SEARCH COMBATTING CRIMINAL
OFFENSES (ECONOMIC CRIMES) IN AGRARIAN
COMPLEX OF UKRAINE**

Володимир Єфімов. СТРУКТУРНО-ЛОГІЧНА МОДЕЛЬ СТРАТЕГІЇ ОПЕРАТИВНО-РОЗШУКОВОЇ ПРОТИДІЇ КРИМІНАЛЬНИМ ПРАВОПОРУШЕННЯМ (ЕКОНОМІЧНИМ ЗЛОЧИНАМ) У СФЕРІ АГРОПРОМИСЛОВОГО КОМПЛЕКСУ УКРАЇНИ. У статті досліджуються організаційні особливості побудови структурно-логічної моделі оперативно-розшукової протидії кримінальним правопорушенням (економічним злочинам) в сфері агропромислового комплексу України. Акцентується увага на тому що, кримінальні правопорушення економічної спрямованості, які вчинюються на підприємствах агропромислового комплексу, мають ряд характерних рис, зумовлених специфікою виробничо-господарської діяльності даних об'єктів економіки України. Вказано, що сучасна криміногенна ситуація в сфері агропромислового комплексу характеризується наступними ознаками: зростанням числа виявлених злочинів, наявністю значної кількості латентної злочинності; поширеністю організованої злочинної діяльності; значних матеріальних збитком, яка заподіюється кримінальними посяганнями.

Також зосереджується увага на важливості того, що вивчення способів здійснення досліджуваної категорії злочинів показало, що вони відрізняються значною різноманітністю, особливою витонченістю, активної адаптацією злочинців до нових форм і методів підприємницької діяльності. Наявні статистичні дані, які характеризують особистість злочинців, необхідно враховувати при виявленні, попередженні і документуванні аналізованої категорії злочинів, організації належного оперативного обслуговування.

Проведене дослідження дозволило визначити низьку ефективність діяльності оперативних підрозділів Національної поліції у протидії економічним злочинам у досліджуваній сфері. Більшість дослідників свідчать про необхідність забезпечення оперативних підрозділів науково обґрунтованими рекомендаціями щодо протидії кримінальним правопорушенням (економічній злочинності) в сфері сільського господарства в усіх напрямках їх діяльності.

Ключові слова: агропромисловий комплекс, слідчі (розшукові) дії, огляд документів, обшук, допит свідків, слідчий, оперативний працівник.

Relevance of the study. The process of reforming economic relations in Ukraine can be described as sluggish, reforms are not always consistent, and sometimes contradictory. For almost thirty years of independence, the law on combating economic crime has not yet been adopted, which would clearly define the composition of crimes related to the economic sphere, although in 2002 some political forces supported the bill "On Combating Economic Crime", but so remained unaccepted. The importance of ensuring the economic security of the agro-industrial complex of Ukraine is given to the bodies of the National Police of Ukraine. However, the reorganization of the Ministry of Internal Affairs, which has been carried out in recent years, has brought about a number of problems, not the best, which have affected the provision of one of the functions of the National Police – the protection of the economy, namely the fight against economic crime. The analysis of the situation in the sphere of the agro-industrial complex shows that criminogenic factors largely determine not only its current state but also its development prospects. Confirmation of the process of active criminalization is the number of crimes of economic orientation committed in the specified sphere, as well as the amount of material damage caused.

Recent publications review. The legal bases of peculiarities and organization of exposing economic crimes, especially the implementation of this activity in relation to certain sectors of the economy in the specialized literature is discussed in great detail, in particular in the

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works by: K.V. Antonov, A.I. Berlach, V.I. Vasylynychuk, V.Ya. Horbachevskyy, E.O. Didorenko, O.F. Dolzhenkov, V.P. Zakharov, Ya. Yu. Kondratiyev, V.S. Kubarev, M.I. Kamlyk, I.P. Kozachenko, A.I. Kapitansky, V.V. Kikinchuk, V.V. Matviychuk, D.Yo. Nykyforchuk, V.L. Ortynsky, V.I. Lytvynenko, V.I. Lebedenko, K.M. Olshevskyy, I.V. Servetskyy, V.D. Pcholkina, O.O. Savchenko, O.P. Sniheriyov, A.I. Fedchak, V.V. Shendryk, I.R. Shynkarenko and others.

The article's objective is to analyze some aspects related to organizational peculiarities of conducting separate investigative (investigative) actions in investigating crimes in the sphere of agro-industrial complex of Ukraine.

Discussion. The focus of the study is to create a structural and logical model of the strategy of operational and investigative counteraction by operational units of law enforcement agencies to criminal offenses (economic crimes) in the agro-industrial complex of Ukraine.

To solve a scientific problem it is necessary to perform the following tasks:

- to formulate theoretical and methodological bases of the strategy of operative-search counteraction to economic crimes in the sphere of agro-industrial complex of Ukraine;
- to study the current state of legal regulation of operational and investigative activities, current legislation and departmental regulations and develop proposals for their improvement and alignment with the needs of practice;
- to study the socio-economic and criminogenic situation in the field of agro-industrial complex of Ukraine, its impact on food security of the state;
- define the concept and structure of economic crimes in the field of agro-industrial complex, provide their classification and comprehensive characteristics;
- taking into account the current level of development of scientific knowledge in the field of operational and investigative activities and other sciences of the criminal law cycle to clarify the essence of operational and investigative characteristics of economic crimes in the field of agro-industrial complex and formulate its author's definition;
- to study the peculiarities of the organization of operative-search activity on the objects of the agro-industrial complex of Ukraine, to formulate proposals on the improvement of their operative service and to develop its author's variant for application in modern conditions;
- identify areas for improvement of information and analytical support, forecasting and planning of operational and investigative activities of operational units to combat these crimes;
- in the sphere of interaction of operative divisions among themselves, other law enforcement and controlling bodies in the course of operatively-search counteraction to the specified crimes to define its forms, methods, levels; to suggest ways to increase the effectiveness of such interaction, taking into account previously developed research and changes made by the new Criminal Procedure Code of Ukraine;
- to develop conceptual provisions that determine the specifics of the organization and tactics of operational and investigative counteraction to economic crimes in the field of agro-industrial complex of Ukraine;
- to improve the modern methodology of organization of operative service of objects of agro-industrial complex;
- develop recommendations aimed at improving the tactics of documenting and implementing operational materials and their use during the pre-trial investigation;
- identify areas for improving the interaction of operational units with investigators in the course of covert investigative (search) actions, as well as overcoming the resistance to the criminal environment.

Analyzing the laws and regulations adopted during the years of Ukraine's existence as an independent state, the speeches of the leaders of our state, we can conclude that there is a lack of understanding in Ukraine of the need for a systematic approach to combating economic crime.

The priority task is to combat theft and misuse of budget funds allocated by the state in support of various sectors of the economy, including state programs for the development of agriculture in Ukraine, is one of the priorities. Such objects are the executive bodies that implement the state socio-economic policy in the field of agriculture; large agricultural enterprises; other enterprises of different organizational and legal forms,

which carry out their activities in the field of agro-industrial complex. The country's agricultural sector, as an analysis of law enforcement shows, remains one of the most criminal of all sectors of the economy. The main reason lies in the fact that criminal structures are trying to actively participate in the distribution of budget funds that are allocated for the development of the agro-industrial complex.

Comparing the indicators of work on the detection of crimes in the field of agriculture for 2014-2019, we can conclude that the effectiveness of this area has decreased. The reasons for the decrease in the effectiveness of crime detection in the agro-industrial complex are the following factors:

- lack of a balanced state policy on the development of the agricultural sector of the economy, which is formed, not always in accordance with the real needs of Ukraine, as well as the demand for certain types of agricultural products;

- lack of effective software to eliminate the causes and conditions that have led to the constant criminalization of the agricultural sector of the economy and reduce the level of proper control and non-use of adequate criminogenic measures by the Cabinet of Ministers;

- lack of state support for technical and technological re-equipment of production and development of market infrastructure. Reduction of expenses in support of domestic agricultural machinery and the Government's guarantee for the purchase of foreign equipment;

- the existence of an intersectoral price disparity inherent in the whole economy. The argument may be the difference in prices several times when selling the same groups of goods [3].

In the conditions that have developed, it is necessary to organize the work of operational units, taking into account the achievements of positive experience in the areas noted above. The concentration of efforts in the following priority areas will make it possible to increase the efficiency of operational-search activities in the field to identify economic crimes in the agro-industrial complex: ensuring the savings of budgetary funds allocated for the development of the agro-industrial complex; identification of malfeasance, including facts of illegal gain; identifying the facts of misuse of subsidies and subventions that are allocated from the state and regional budgets to support agricultural producers, including within the framework of state programs and targeted programs for the development of the agro-industrial complex; identification of crimes committed in the field of agricultural land use in the course of business processes in the food and processing industry [4, c. 197].

In order to establish the signs of crimes, it is worth classifying the methods of committing crimes according to the origin of financial funds that acted as the object of encroachments, and also to determine the characteristics of the subjects – recipients of funds.

As the subjects of crimes who commit these crimes in the field of the agro-industrial complex, officials of state bodies who carry out the functions of implementing the state agrarian policy can act; heads of agricultural enterprises; individuals in the status of individual entrepreneurs (farmers), other individuals who are recipients of social assistance [4, c. 235].

Conclusions. Criminal offenses of an economic nature, which are committed at enterprises of the agro-industrial complex, have a number of characteristic features due to the specifics of production and economic activities of these objects of the Ukrainian economy.

The modern criminogenic situation in the agricultural sector is characterized by the following features: an increase in the number of detected crimes, the presence of a significant amount of latent crime; the prevalence of organized crime; significant material damage caused by criminal offenses.

The study of the methods of implementation of the investigated category of crimes showed that they are distinguished by significant diversity, special sophistication, active adaptation of criminals to new forms and methods of entrepreneurial activity.

The above data, which characterize the personality of criminals, must be taken into account when identifying, preventing and documenting the analyzed category of crimes, organizing proper operational services.

The study made it possible to determine the low efficiency of the activities of the operational units of the National Police in countering economic crimes in the studied area. Most researchers testify to the need to provide operational units with scientifically based recommendations on combating agricultural crime in all areas of their activities.

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Abstract

The organizational features of conducting individual investigative (investigative) actions in investigating crimes in the sphere of agro-industrial complex of Ukraine are investigated in the article. Attention is drawn to the sequence of investigative (investigative) actions in the investigation of economic crimes committed in the agro-industrial complex, which depends on the method of detection, consolidation and preservation of information, as well as the sequence of detection and fixation of traces of criminal encroachment.

Keywords: *agro-industrial complex, investigative (search) actions, examination of documents, search, examination of witnesses, investigator, operative worker.*