

# CRIMINOLOGICAL PROVISION OF ECONOMIC SECURITY IN UKRAINE

Bohdana Semenyshyna-Fihol<sup>1</sup>, Sergii Losych<sup>2</sup>, Tetiana Titochka<sup>3</sup>

**Abstract.** *The purpose* of the article is to disclose the essence of criminological protection of public relations; to differentiate the areas of criminological protection of economic security; to provide proposals for improving criminological science with regard to the protection of public relations in the economic sphere. The scientific discussion on the problem of improving the mechanism of criminological provision of economic security in Ukraine is presented. The author's vision of the essence and content of criminological protection is formulated. Due attention is focused on the institutional provision of economic security protection, which is represented in the totality of activities of regulatory institutions, which is implemented through the performance of specific functions in the economic sphere. The organizational and managerial sphere of criminological protection of economic security is characterized. Its activity is aimed at creating a mechanism for counteracting and protecting the economy from criminal manifestations, which includes a set of measures aimed at timely impact on criminogenic threats and risks in the economy. A number of problematic aspects that hinder the development of the Ukrainian economy are identified: 1) lack of an established system of protection of information activity, which, as a result, can potentially destabilize the economic sphere; 2) absence of specific measures and means of criminological influence on economic criminal unlawful activity; 3) low level of protection against criminal offenses in the sphere of economy committed with the help of computer technologies; 4) lack of a unified approach to the strategy of prevention of economic criminal offenses. *Results.* The definition of criminological protection is proposed. It is established that the criminological provision of economic security should be aimed primarily at eliminating general social determinants, such as increasing the investment attractiveness of the national economy, improving tax culture, simplifying customs procedures, forecasting market conditions, globalization of stock markets, etc. It is proved that the improvement of criminological provision of economic security can be realized through the following: development of the information system in terms of creating a single unified platform for monitoring the economic situation in the country and forecasting potential risks; improvement of coordination of activities of economic security and criminal protection entities in terms of reducing competition and conflict of interest; increasing the level of international and European cooperation in terms of criminological protection and ensuring economic security; synchronization of national and foreign criminological policy in terms of ensuring economic security.

**Key words:** economic security, criminological protection, criminological support, national security, information system, economic situation.

**JEL Classification:** K14, F52

## 1. Introduction

Protection of the national security of Ukraine is a priority task of the state, especially in the conditions of a special legal regime. An integral component of national security is economic security, which is a set of measures and means aimed at ensuring the growth of economic indicators, controlling the economic situation and preventing the impact of destabilizing

factors. The above shows that any unlawful encroachments on economic security can cause a serious "blow" to a number of social relations, and therefore there is an urgent need to create a modern mechanism of criminological provision of economic security in Ukraine.

In the field of domestic scientific research there are a number of works devoted to the problems of

<sup>1</sup> Donetsk State University of Internal Affairs, Kropyvnytskyi, Ukraine (*corresponding author*)  
E-mail: danusy7777@gmail.com

<sup>2</sup> Donetsk State University of Internal Affairs, Kropyvnytskyi, Ukraine  
E-mail: lsv300lsv@gmail.com

<sup>3</sup> Donetsk State University of Internal Affairs, Kropyvnytskyi, Ukraine  
E-mail: tatianaponomarova@ukr.net



improving the criminological policy in terms of protecting the economy of the state (P. Andrushko, O. Bandurka, V. Batoryhareieva, T. Denisova, O. Dzhuzha, V. Tuliakov, V. Shakun, etc.). However, the disclosure of the issue of criminological provision of economic security of the state requires additional attention, which emphasizes the relevance of the topic of the article.

**The purpose of the article** is to reveal the essence of criminological protection of public relations; differentiation of directions of criminological protection of economic security; presentation of proposals for improving criminological science in terms of protection of public relations in the economic sphere.

## 2. Criminological protection as an element of ensuring the security of public relations

Criminological protection is an integral element of ensuring criminological security. In modern conditions, criminological protection should be understood as a set of provisions enshrined in normative legal acts and documents that establish the specifics of criminal law regulation of social relations, as well as determine the algorithm for responding to illegal activities by entities whose direct responsibilities include counteraction and prevention of socially dangerous manifestations, as well as the establishment of legal prohibitions and restrictions in case of encroachment on the legitimate rights and interests of Ukrainian citizens.

Measures of criminological protection should solve specific preventive tasks, including:

1) creation of such conditions under which criminal activity will be unprofitable, when the cost of time, effort, means, funds for committing a crime exceeds the expected result. Such conditions include the desire to make it impossible to sell the property obtained by criminal means, applying special and hidden markings that are difficult to remove; creating databases and catalogues of particularly valuable and rare items (antiques, works of art, etc.);

2) development and implementation of elements of direct protection of objects of possible encroachment. This should include technical means of strengthening the objects of encroachment, such as installation of bars on windows, replacement of doors and locks, installation of alarm systems (Mozol, 2021).

Creating conditions that make criminal unlawful activity impossible or make it uninteresting and unprofitable for the criminal is the main task that is entrusted not only to criminal law, but also to criminological, forensic and operational-search policy.

The popularization of the foreign anti-victim model of "zero tolerance to criminal offenses" "works backwards", that is, implements criminological policy

through citizens who suffer from socially dangerous offenses. Timely preventive work on training in the peculiarities of observance of elementary security measures, both personal and property (if it is about local actions, and not such large-scale as economic offenses) is one of the best ways of criminological protection of a number of social relations.

The key issue in this aspect should be the development of special standards of criminological protection in all spheres of human activity. For example: in the financial sphere it is to stimulate the increase of non-cash circulation of funds, development of methods of financial transactions that reduce the possibility of theft and abuse; in the field of high technologies – creation of analytical programs that will detect atypical, suspicious financial transactions, creation of technological means that will allow processing raw materials (precious metals, petroleum products, alcohol, tobacco, etc.) with minimal human intervention, implementation of programs for the administration of administrative services without physical contact with state bodies and institutions (Mozol, 2021).

That is why today the issues of informatization and digitalization of society are becoming increasingly popular. It is worth agreeing that, subject to all conditions for the protection of information prohibited for public access, such an approach will not only simplify the work of a number of organizations, enterprises, institutions, etc. but will also help prevent certain types of criminal offenses. The following measures of criminological protection are:

3) creation of effective barriers and difficulties for criminal activity while informing the public about the work done so that potential criminals realize the futility of their activities. Among them may be measures to introduce various special security regimes at the objects of possible attacks (pass regime, border regime, migration security regime, etc.), as well as the introduction of measures under which the means of committing criminal offenses become inaccessible to criminals (total inspection of weapons owners, inspection of personal belongings of visitors to mass cultural or sports events), etc;

4) spreading the practice of applying measures aimed at increasing the probability of detecting and detaining offenders. Such measures include the organization of rapid interaction with law enforcement agencies through specially installed so-called "panic buttons" in public places, optimization and change of patrol routes by patrol police officers, etc. (Mozol, 2021) Involvement of citizens in the programs of prevention of criminal illegal activity is becoming more and more important every year. Over the past decades, the community as a subject of such prevention has remained outside the attention of the legislator, which is due to the

unproven, in the authors' opinion, position on its ineffectiveness. Moreover, the existing criminal law measures that provide for the involvement of citizens in the interaction with criminal offenders were ignored.

Scientists also note that the widespread installation of video surveillance at the objects of possible encroachment significantly contributes to the detection of offenders (for example, the information space "Safe City", which is a security system of Ukrainian communities, implemented as a set of innovative solutions that provides video recording of traffic and pedestrians and allows monitoring and management of the activities of utilities, police and the State Emergency Service of Ukraine (specified by authors – author's note) in the settlement).

For effective application of criminological protection measures it is necessary to pay attention to specific criminogenic situations and analyze, study and systematize them. This will make it possible to develop standard crime prevention measures depending on the prevalence of certain criminal offenses, which in turn will have a positive impact on the overall crime dynamics.

Thus, even a superficial analysis of the functioning of criminological protection in Ukraine shows that there are grounds for its improvement in terms of unused potential of preventive activities (Mozol, 2021). Therefore, criminological protection involves the application of a number of measures aimed at both interaction with criminal offenders and their victims, and general assistance in improving strategic planning to counter socially dangerous manifestations.

### **3. Main directions of criminological provision of economic security in Ukraine**

Criminological protection of economic security should be aimed primarily at eliminating general social determinants, such as, for example, increasing the investment attractiveness of the national economy, improving tax culture, simplifying customs procedures, forecasting market conditions, globalization of stock markets, improving the use of human capital in providing conditions for the development of the national economy, etc. The strategic course in the field of economic security has two interrelated directions – development and security (Economic Security Strategy of Ukraine until 2025). Given the processes of shadowing and criminalization of economic relations, the security direction must necessarily include measures to neutralize threats of a criminal nature (Chernyshov, 2022). According to T. V. Melnychuk, the concept of criminological security of the economy consists of the following elements:

1. Security objects (relations regarding the production, exchange, distribution and consumption of goods and services; the economic system as a whole and its individual components in the field of protection against criminogenic manifestations and the ability to resist them (elimination of victimization)).

2. The goal of criminological security. The real, not utopian (complete elimination of threats) goal can be defined as minimization of external and internal threats to the economy.

3. The main risks (threats) of criminological security.

4. Organizational and legal provision of criminological security of the economy (Melnychuk, 2018).

Thus, by creating a symbiosis of development and security, an effective mechanism of criminological protection of the economy is created, aimed at preventing criminal offenses through the timely detection of risks and their elimination at early stages. In this aspect, it is necessary to pay attention to the institutional support of criminological protection of economic security, which is understood as a set of activities of normatively defined institutions, implemented through the performance of specific functions assigned to them in the field of economy. Criminological support of economic security is also carried out in a number of areas, including regulatory, organizational, managerial, informational, scientific and methodological support.

Regulatory and legal support. Counteraction to crime, including economic crime, is based on the legislative framework that guides the subjects of relevant activities in the implementation of their duties. In essence, it is the creation of material and procedural conditions to ensure the effectiveness of the subjects of combating economic crime.

The legal means of combating crime include the following:

- 1) the Constitution of Ukraine;
- 2) international treaties ratified by the Verkhovna Rada of Ukraine;
- 3) codified normative legal acts;
- 4) laws of Ukraine;
- 5) by-laws;
- 6) acts of application of legal norms;
- 7) judicial precedent and judicial practice. The relevance of the study of this area of criminological support is determined by the reform and constant legislative changes in the legal regulation of economic processes in the country. Legal regulation, legal means, legal phenomena and legal influence form the basis of regulatory and legal support for combating crime, with the help of which the subjects of combating crime carry out appropriate measures (Sazonov, 2019)

In a general sense, most legal acts and documents aimed at protecting economic security are aimed at defining strategies for economic development for

a certain period of time. Another part is aimed at direct legal prevention of encroachments in the economic sphere). Inconsistency and lack of coordination of normative acts on regulation of economic processes led to serious mistakes made at the initial stages of reforms, weakening of the system of state regulation and control, which together with imperfection of the legislative framework, lack of effective state policy in the social sphere, decline of spirituality and morality of society became the main factors that contributed to the growth of crime, especially its organized forms, as well as corruption.

In leading Western countries, the concept of national economic security is the theoretical basis of the country's economic policy. It is formed by the joint efforts of scientists and specialists of certain state structures and reflects in a concentrated form the views on the essence of changes and ways to protect national economic interests.

Analyzing the state of legislative support for combating economic crime, it should be noted that its significant drawback is the lack of a single legal act that would regulate state policy in this area (Sazonov, 2019). Currently, there is no general concept of national economic security in Ukraine, which is due to the lack of a universal legislative vision of the platform for its implementation.

All existing threats and minor problems are solved by applying auxiliary economic measures and means created for direct use in addressing other needs of the Ukrainian economy. That is why every year the latter is increasingly under attack due to the development of economic criminal activity and the growth of "professionalism" of its subjects.

Organizational and managerial support. The effectiveness of the relevant subjects of combating economic crime directly depends on the quality of organizational support, because the organization is a crucial link in any activity. The essence of organization is that everyone should be in their place and perform their duties. This very simple truth is at the same time the basis of the science and practice of management, including in the field of combating crime. In the field of combating crime, as in other areas, management and organization are inextricably linked and interdependent (Bandurka, Litvinov, 2012).

Organizational and managerial sphere of criminological provision of economic security is an activity aimed at creating a mechanism for counteracting and preventing economic criminal manifestations, which includes a set of measures aimed at timely impact on criminogenic threats and risks in the economic sphere. Information support of law enforcement is a qualitatively necessary basis for improving the effectiveness of combating crime. Prevention and minimization of negative consequences, efficiency and effectiveness of combating them depend on the quality and adequacy

of information about potential and real threats to the economic security of the country.

Information support of combating economic crime is a structurally complex activity of the relevant authorities aimed at obtaining, using, storing, processing and transmitting criminologically significant information in order to solve the main tasks of combating criminal manifestations that pose a threat to the economic security of the country.

Modern development of information technologies changes both society and crime as a social phenomenon. Information and network relations in various spheres of life are becoming increasingly important. Cybercrimes are becoming increasingly widespread, which have significant specifics of commission and prevention. In view of this, information support for combating economic crime must meet the requirements of the time (Sazonov, 2019). Unfortunately, modern Ukraine has not yet fully realized itself in terms of information support and information security. The active development of the information society often leads to a deterioration of the criminological situation in the economic sphere, rather than to the improvement of domestic interaction between the subjects of economic policy implementation, which is associated with the increase in the professionalism of criminal offenders. In this regard, according to the authors, it is important to create a unified information platform to ensure economic security, monitoring and forecasting of potential risks and threats.

Scientific and methodological support. The effectiveness of combating crime depends on the degree of scientific and analytical support at all levels, the intensity of interaction between scientists and practitioners of various specialized fields of science in order to form a coherent integrated holistic scientific product. Negative processes and trends taking place in Ukraine require constant scientific monitoring, detailed study of the crime situation and making appropriate adjustments to the strategy and tactics of combating crime (Bandurka, Lytvynov, 2018).

Criminological research plays an exceptional role in this process. They are invaluable for timely identification of gaps in the legal regulation of issues related to economic security and solving problems of law enforcement practice. One of the main goals of criminological research is the practice of their implementation in law enforcement. It is criminological science that is looking for scientifically sound ways to solve problematic issues related to crime and measures to counter it. They are embodied in the development of practical recommendations on organizational and methodological aspects of combating crime in general and economic crime in particular.

These studies provide grounds for such activities as criminological monitoring, criminological forecasting and criminological planning of crime prevention. They are the basis for determining trends in the development of economic crime, substantiating its forecasting, planning measures to counter it, determining the main directions of its development (Sazonov, 2019).

Therefore, the directions of improving the criminological provision of economic security determine its general strategic course, which forms the criminological policy in the field of the state economy.

#### **4. Improvement of criminological provision of economic security in Ukraine**

National economic security requires appropriate changes that will contribute to its improvement. A number of such changes lie in the area of criminological protection and provision. Improvement of criminological provision of economic security can be achieved by: 1) development of an information system in terms of creating a single unified platform for monitoring the economic situation in the country and forecasting potential risks; 2) improving the coordination of activities of economic security and criminal protection entities in terms of reducing competition and conflicts of interest; 3) increasing the level of international and European cooperation in the field of criminal protection and economic security; 4) synchronization of national and foreign criminological policy in terms of economic security. The third and fourth points are especially relevant in connection with recent events. Scientists rightly point out that the main forms of international cooperation of Ukraine, as one of the means of improving the criminological provision of economic security, include the following forms of cooperation: the conclusion of multilateral international legal treaties; joint consultations to develop a national and international strategy for each of the cooperating countries on the criminological provision of preventive activities in the economic sphere; Participation of Ukraine in international organizations specializing in the fight against crime in the sphere of economy and its auxiliary direction – criminological provision of economic security; development of current and long-term programs of cooperation in the sphere of criminological provision of economic security; exchange of experience with organizations and conducting preventive activities in the sphere of economic security.

The study of the international aspect of ensuring criminal security in the sphere of the Ukrainian economy showed that there are a number of different forms of international cooperation in this area

(Sazonov, 2020). This is also particularly relevant in view of our country's accession to the ENTSO-E synchronous network of continental Europe, which took place on February 16, 2022, after Ukraine's application for accession to the European Union on February 28, 2022. The creation of appropriate criminological strategies that take into account foreign experience and international standards of economic security will provide an opportunity to timely identify potential socially dangerous risks and create measures and means to overcome them.

The European practice is more progressive in terms of protection of economic cyberspace, which is very important and valuable given that certain sectors of the economy are increasingly suffering from hacker attacks, as well as other criminal offenses committed with the use of computer technology.

Taking into account the international standards of criminological provision of economic security, the EU bodies, recognizing the serious and growing threat of international organized crime, primarily economic, to the very existence of the European Union, adopted a number of legislative acts aimed at combating corruption in the private sector of the economy, money laundering, illegal insider trading and fraud, equating financial and economic crime (Sazonov, 2020). These provisions are updated in the standards developed by the International Organization for Standardization and reflected in a number of national legal acts and documents. For example, the Decree of the President of Ukraine of September 30, 2019 No. 722/2019 "On the Sustainable Development Goals of Ukraine for the period up to 2030" states that the Sustainable Development Goals of Ukraine for the period up to 2030 are guidelines for the development of draft forecast and program documents, draft regulatory legal acts with the aim of ensuring a balance of economic, social and environmental dimensions in the sustainable development of Ukraine (Decree of the President of Ukraine No. 722/2019 "On Sustainable Development Goals of Ukraine for the period up to 2030" dated September 30, 2019). Thus, the document points to the need to ensure the normal functioning of society by synchronizing economic, social and environmental components. Certain international and European standards for ensuring economic security are also implemented in the Main directions of development of the system for preventing and counteracting the legalization (laundering) of proceeds from crime, the financing of terrorism and the financing of the proliferation of weapons of mass destruction in Ukraine for the period up to 2023, approved by the Order of the Cabinet of Ministers of Ukraine No. 435 of May 12, 2021, which states that the system of

prevention and counteraction to legalization (laundering) of proceeds of crime, financing of terrorism and financing of proliferation of weapons of mass destruction within the framework of the United Nations documents, international conventions ratified by Ukraine, the standards of the Financial Action Task Force (FATF) and standards equivalent to those adopted by the EU are recognized as an essential element of the economic security of a modern state (The main directions of the development of the system of prevention and counteraction to legalization (laundering) of proceeds of crime, financing of terrorism and financing of proliferation of weapons of mass destruction in Ukraine for the period up to 2023, approved by the Order of the Cabinet of Ministers of Ukraine No. 435-p dated May 12, 2021). It should also be noted that certain peculiarities of ensuring criminological protection of economic security are also provided for in the normative legal acts devoted to the implementation of anti-corruption policy, the liberalization of the visa regime for Ukraine by the European Union, as well as in Section VII ("Criminal offenses in the field of economic activity") of the Criminal Code of Ukraine.

## 5. Conclusions

Thus, in the course of the research it was possible to summarize that the platform of criminological provision of economic security is implemented through international and European standards of integration of national security protection.

The reproduction of modern information and technological trends in criminological practice brings Ukraine closer to the actualization of the needs of a modern European state.

Despite this positive situation, it is impossible to ignore a number of problematic aspects that hinder the development of the Ukrainian economy: 1) the lack of an established system of protection of information activities, which, as a result, can potentially destabilize the economic sphere; 2) the unavailability of specific measures and means of criminological influence on economic illegal activities; 3) low level of protection against criminal offenses in the field of economy committed with the use of computer technologies; 4) no unified vision of the strategy for combating criminal offenses in the field of economy.

This indicates the need to move away from rudimentary forms of economic security and give preference to more modern ones that meet the needs of the mentality of the Ukrainian state and its people.

## References:

- Bandurka, O., & Lytvynov, O. (2015). Zlochynnist yak ob'ekt fenomenolohichnoho analizu [Crime as an object of phenomenological analysis]. *Pravo i bezpeka*, vol. 3 (58), pp. 6–10.
- Bandurka, O., & Lytvynov, O. (2012). Stratehiia i taktyka protydii zlochynnosti: monohrafiia [Strategy and tactics of combating crime]. Kharkiv: NikaNova.
- Zakon Ukrainy vid 21 kvitnia 2022 roku № 2215-IX "Pro deradianizatsiiu zakonodavstva Ukrainy" ["On De-Sovietization of the Legislation of Ukraine"]. Available at: <https://zakon.rada.gov.ua/laws/show/2215-20#Text>
- Lytvynov, O. M. (ed.) (2018). Kryminolohiia. Akademichni kurs [Criminology. Academic course]. Kyiv: Kondor.
- Melnychuk, T. (2018). Kryminolohichna bezpeka ekonomichnoi diialnosti: navch.-metod. posib. [Criminological security of economic activity]. Odesa: Vydavnychi dim "Helvetyka".
- Mozol, S. (2021). Kryminolohichni zakhyst yak element zabezpechennia kryminolohichnoi bezpeky [Criminological protection as an element of ensuring criminological security]. Available at: [http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/10418/Zlochynnist%20i%20protydii%20yii%20v%20umovakh%20synhuliarnosti\\_2021.pdf?sequence=1&isAllowed=y](http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/10418/Zlochynnist%20i%20protydii%20yii%20v%20umovakh%20synhuliarnosti_2021.pdf?sequence=1&isAllowed=y)
- Osnovni napriamy rozvytku systemy zapobihannia ta protydii lehalizatsii (vidmyvanniu) dokhodiv, oderzhanykh zlochynnym shliakhom, finansuvanniu teroryzmu ta finansuvanniu rozpovsiudzhennia zbroi masovoho znyshchennia v Ukraini na period do 2023 roku [The main directions of the development of the system of prevention and countermeasures against the legalization (laundering) of criminal proceeds, financing of terrorism and financing of the proliferation of weapons of mass destruction in Ukraine for the period until 2023], skhvalenykh rozporiadzhenniam Kabinetu Ministriv Ukrainy vid 12 travnia 2021 r. № 435-r. Available at: <https://zakon.rada.gov.ua/laws/show/435-2021-r#Text>
- Sazonov, V. (2019). Koordynatsiia dii subiektiv kryminolohichnoho zabezpechennia ekonomichnoi bezpeky Ukrainy [Coordination of actions of the subjects of criminological support of economic security of Ukraine]. Available at: [http://www.law.stateandregions.zp.ua/archive/2\\_2019/23.pdf](http://www.law.stateandregions.zp.ua/archive/2_2019/23.pdf)
- Sazonov, V. (2020). Kryminolohichne zabezpechennia ekonomichnoi bezpeky Ukrainy [Criminological support of the economic security of Ukraine]: avtoref. dys. d-ra yuryd. nauk (d-ra nauk): 12.00.08 – kryminalne pravo ta kryminolohiia; kryminalno-vykonavche pravo; MVS Ukrainy, Khark. nats. un-t vnutr. sprav. Kharkiv.
- Sazonov, V. (2020). Napriamky kryminolohichnoho zabezpechennia ekonomichnoi bezpeky Ukrainy [Directions of criminological provision of economic security of Ukraine]. Available at: [http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/5817/Napriamky%20kryminolohichnoho%20zabezpechennia%20ekonomichnoi%20bezpeky%20\\_%20Sazonov\\_%202019.pdf?sequence=1&isAllowed=y](http://dspace.univd.edu.ua/xmlui/bitstream/handle/123456789/5817/Napriamky%20kryminolohichnoho%20zabezpechennia%20ekonomichnoi%20bezpeky%20_%20Sazonov_%202019.pdf?sequence=1&isAllowed=y)

Stratehiia ekonomichnoi bezpeky Ukrainy na period do 2025 roku [Strategy of economic security of Ukraine for the period until 2025]. Zatverdzheno Ukazom Prezydenta Ukrainy vid 11 serpnia 2021 roku No 347/2021. Available at: <https://zakon.rada.gov.ua/laws/show/347/2021#Text>

Ukaz Prezydenta Ukrainy vid 30 veresnia 2019 roku № 722/2019 "Pro tsili staloho rozvytku Ukrainy na period do 2030 roku" [On the goals of sustainable development of Ukraine for the period up to 2030]. Available at: <https://zakon.rada.gov.ua/laws/show/722/2019#Text>

Chernyshov, H. (2022). Instytutsiine zabezpechennia kryminolohichnoi bezpeky ekonomiky v Ukraini [Institutional provision of criminological security of the economy in Ukraine]. Available at: <http://newukrainianlaw.in.ua/index.php/journal/article/view/301/266>

Received on: 21th of September, 2022

Accepted on: 28th of October, 2022

Published on: 30th of November, 2022