

# ROLE AND PLACE OF THE STATE BUREAU OF INVESTIGATION AS A ENTITY OF PREVENTING ECONOMIC CRIME IN THE CONDITIONS OF MARTIAL LAW IN UKRAINE

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**Abstract.** The purpose of the article is to study the role and place of the State Bureau of Investigation as a subject of economic crime prevention under martial law in Ukraine. The article notes that under martial law in Ukraine, the issue of preventing criminal offenses in the economic sphere is an urgent one. The SBI plays an important role in this area. The military-political situation related to the full-scale invasion of Ukraine by Russia, and as a result, martial law introduced on February 24, 2022 by the Decree of the President of Ukraine No. 64/2022, became a significant destabilizing factor in public life, which is especially noticeable against the background of the dramatic changes that have recently taken place in society. The analyzed statistical data showed that over the 3 years of the SBI's operation under martial law in Ukraine, the number of criminal proceedings in the economic sphere has increased almost 1.5 times. In this regard, it is impossible to solve the problem of the rapid increase in the number of economic criminal offenses under martial law in Ukraine without significant legislative changes. Our research has shown that for more than 5 years of the SBI's functioning, the legislator has not yet resolved the main issues that make it impossible to properly fulfill the tasks assigned to the SBI, the main ones being: creation of a modern regulatory framework for the prevention of economic criminal offenses and amendments to the system of regulatory legal acts of Ukraine; outlining the SBI's subject matter competence in the prevention of economic crime; determining the departmental affiliation (subordination) of the SBI in the national system of prevention of criminal offenses.

**Keywords:** State Bureau of Investigation, SBI, economic crime, economic criminal offenses, crime in the economic sphere, prevention, counteraction, subject of crime prevention, martial law in Ukraine.

**JEL Classification:** K10, K14

## 1. Introduction

The military-political situation related to Russia's full-scale invasion of Ukraine, and as a result, the martial law introduced on February 24, 2022 by Presidential Decree No. 64/2022, became a significant destabilizing factor in public life, which is especially noticeable against the backdrop of the dramatic changes that have recently taken place in society (Shkuta, 2022).

The armed conflict first in the ATO zone, the JFO in Donetsk and Luhansk regions, and then the actual war of the Russian Federation against Ukraine, caused serious changes in the country and at the same time led to a tendency to increase crime. Rapid, large-scale and in many ways negatively colored social processes have exacerbated the state of the fight against crime",

and therefore today criminological research in this area is becoming even more relevant as a result of the emergence of new state bodies in the legal field and the state apparatus, whose main functions include the prevention of criminal offenses, including economic ones (Shkuta, 2020).

One of the main entities performing this preventive function is the State Bureau of Investigation (hereinafter – SBI), which solves the tasks of prevention, detection, suppression, disclosure and investigation:

1) crimes committed by officials who hold a particularly responsible position in accordance with part one of Article 9 of the Law of Ukraine "On Civil Service", persons whose positions are classified as the first to third categories of civil service

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positions, judges and law enforcement officers, except when these crimes are under the jurisdiction of detectives of the National Anti-Corruption Bureau of Ukraine;

2) crimes committed by officials of the National Anti-Corruption Bureau of Ukraine, the Deputy Prosecutor General – Head of the Specialized Anti-Corruption Prosecutor's Office or other prosecutors of the Specialized Anti-Corruption Prosecutor's Office, except when the pre-trial investigation of these crimes is under the jurisdiction of detectives of the internal control unit of the National Anti-Corruption Bureau of Ukraine;

3) crimes against the established order of military service (war crimes), except for crimes under Article 422 of the Criminal Code of Ukraine (Article 5 of the Law of Ukraine "On the State Bureau of Investigation" No. 794-VIII (Shkuta, 2022)).

## 2. Literature review

Given the extremely acute problem of updating, improving, changing, expanding the legislative framework for preventing economic crime, minimizing negative crime trends, neutralizing the causes and conditions of criminal offenses under martial law in Ukraine, as well as blocking the channels, sources, and opportunities for their production, an important area of activity to improve the functioning of the system is the theoretical development of the issues raised, and the following national scholars have made an integral contribution to this: V. V. Babanina, S. F. Denisov, V. I. Kasyniuk, V. A. Klymenko, M. V. Kornienko, Koropatnik I. M., Kulkina Y. S., Kurilyuk Y. B., Mitrofanov I. I., Navrotsky V. O., Nikolayenko T. B., Polehenka O. R., Popovich V. P., Reeve A. O., Sarnavsky O. M. Sarnavsky, O. V. Stolyarsky, V. M. Stratonov, E. L. Streltsov, M. S. Turkot, M. I. Khavroniuk, S. O. Kharytonov, I. O. Khar, G. I. Changuli, V. V. Shablysty, O. O. Shkuta, etc.

The analysis of the scientific works of the above-mentioned scholars has shown that the problems of the State Bureau of Investigation as a subject of economic crime prevention have been given a rather small number of scientific works, especially under martial law in Ukraine.

And the role and place of the State Bureau of Investigation as a subject of economic crime prevention under martial law in Ukraine has not been studied at all, which indicates the great relevance of the chosen topic of scientific research.

## 3. Materials and Methods

The study is based on the work of Ukrainian and foreign scholars on methodological approaches to

understanding the problems of preventing economic crime under martial law in Ukraine.

The study used general scientific and special methods, in particular: hermeneutic – for cognition and interpretation of texts of scientific articles, monographic publications, educational materials, which contributed to the disclosure of the content of the problems raised; sociological – to clarify the positions and opinions of scientists and practitioners on the causes and conditions of economic crime; dogmatic – to identify positive foreign experience in the field of economic crime prevention and statistical method – to process statistical indicators of economic crime.

## 4. Results and Discussion

In the context of martial law, the issue of preventing criminal offenses is an urgent one. The SBI plays an important role in the implementation of this area (Rejman, 1994).

In 2022, 31399 criminal offenses were under investigation by the SBI, including 520 criminal offenses against property (Misappropriation, embezzlement or seizure of property by abuse of office, Article 191 of the Criminal Code of Ukraine – 216, other – 216). And 141 criminal offenses in the field of economic activity (Smuggling, Art. 201 of the Criminal Code of Ukraine – 2; Movement across the customs border of Ukraine outside the customs control or with concealment from customs control of timber or lumber of valuable and rare tree species, unprocessed timber, as well as other timber prohibited for export outside the customs territory of Ukraine, Art. 201-1 of the Criminal Code of Ukraine – 0; Illegal manufacture, storage, sale or transportation for sale of excisable goods, Art. 204 of the Criminal Code of Ukraine – 11; Illegal appropriation of property of an enterprise, institution, organization, Art. 206-2 of the Criminal Code of Ukraine – 1; Legalization (laundering) of the proceeds of crime, Art. 209 of the Criminal Code of Ukraine – 39; Intentional violation of the requirements of the legislation on prevention and counteraction to legalization (laundering) of proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction, Art. 209-1 of the Criminal Code of Ukraine – 0; Misuse of budgetary funds, making budgetary expenditures or granting loans from the budget without the established budgetary allocations or exceeding them, Article 210 of the Criminal Code of Ukraine – 0) (Leheza, 2025).

In 2023, the number of registered criminal offenses under investigation by the SBI increased by 17% and amounted to 37823 criminal offenses at the end of the year, including 1,089 criminal offenses against property (Misappropriation, embezzlement or seizure of property

by abuse of office, Article 191 of the Criminal Code of Ukraine – 405, Other – 684). And 197 criminal offenses in the sphere of economic activity (Smuggling, Art. 201 of the Criminal Code of Ukraine – 3; Movement across the customs border of Ukraine outside the customs control or with concealment from customs control of timber or lumber of valuable and rare tree species, unprocessed timber, as well as other timber prohibited for export outside the customs territory of Ukraine, Art. 201-1 of the Criminal Code of Ukraine – 1; Illegal manufacture, storage, sale or transportation for sale of excisable goods, Art. 204 of the Criminal Code of Ukraine – 41; Illegal appropriation of property of an enterprise, institution, organization, Art. 206-2 of the Criminal Code of Ukraine – 6; Legalization (laundering) of the proceeds of crime, Art. 209 of the Criminal Code of Ukraine – 75; Intentional violation of the requirements of the legislation on prevention and counteraction to legalization (laundering) of proceeds of crime, terrorist financing and financing of proliferation of weapons of mass destruction, Art. 209-1 of the Criminal Code of Ukraine – 2; Misuse of budgetary funds, making budgetary expenditures or granting loans from the budget without the established budgetary allocations or exceeding them, Article 210 of the Criminal Code of Ukraine – 0) (Shkuta, 2023).

The peak of crimes investigated by the SBI was in 2024 – 98339, which is 1.5 times higher than in the previous two years under martial law, including 751 criminal offenses against property (Misappropriation, embezzlement or seizure of property by abuse of office, Article 191 of the Criminal Code of Ukraine – 360, other – 391). And

197 criminal offenses in the sphere of economic activity (Smuggling, Art. 201 of the Criminal Code of Ukraine – 2; Movement across the customs border of Ukraine outside the customs control or with concealment from customs control of timber or lumber of valuable and rare tree species, unprocessed timber, as well as other timber prohibited for export outside the customs territory of Ukraine, Art. 201-1 of the Criminal Code of Ukraine – 4; Illegal manufacture, storage, sale or transportation for sale of excisable goods, Art. 204 of the Criminal Code of Ukraine – 11; Illegal appropriation of property of an enterprise, institution, organization, Art. 206-2 of the Criminal Code of Ukraine – 3; Legalization (laundering) of the proceeds of crime, Art. 209 of the Criminal Code of Ukraine – 99; Intentional violation of the requirements of the legislation on prevention and counteraction to legalization (laundering) of proceeds of crime, terrorist financing and financing of proliferation of weapons of mass destruction, Art. 209-1 of the Criminal Code of Ukraine – 0; Misuse of budget funds, budget expenditures or provision of loans from the budget without the established budget allocations or in excess of them, Art. 210 of the Criminal Code of Ukraine – 2) (Shkuta, 2022).

As a subject of crime prevention, the SBI has special powers that distinguish it from others (Gross, 2009).

Thus, in accordance with the procedure established by Art. 6 of the Law, the SBI, in accordance with its tasks and within its competence:

- Participates in the formation and implementation of state policy in the field of combating crime, submits relevant proposals to the Cabinet of Ministers of Ukraine;

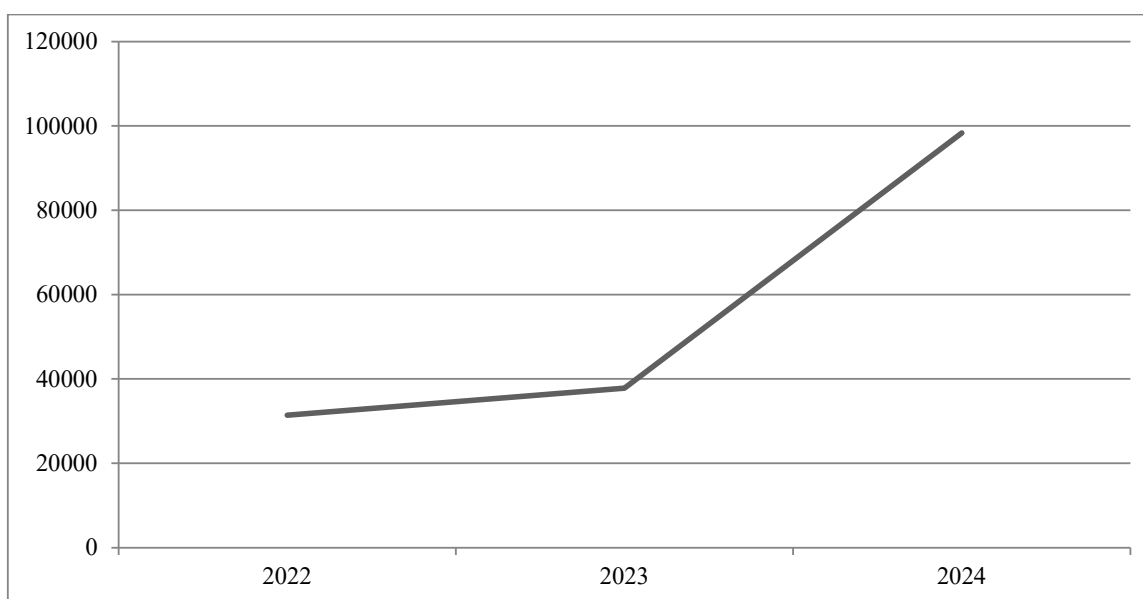


Figure 1. Indicators of registered economic criminal offenses under investigation by the State Bureau of Investigation in 2022-2024

- carries out information and analytical activities to establish systemic causes and conditions of organized crime and other types of crime, the counteraction to which falls within the competence of the State Bureau of Investigation, and takes measures to eliminate them;
- stops and solves criminal offenses, the investigation of which falls within the competence of the State Bureau of Investigation;
- conducts operational and detective activities and pre-trial investigation of criminal offenses falling within the SBI's jurisdiction on the grounds and in accordance with the procedure established by law;
- search for persons who are hiding from investigation and court for criminal offenses, the investigation of which falls under the jurisdiction of the State Bureau of Investigation;
- employs public and private staff and freelance employees on the grounds and in accordance with the procedure established by law, observing the conditions of voluntariness and confidentiality of these relations, and rewards persons who assist in the prevention, detection, termination and investigation of criminal offenses under the jurisdiction of the SBI;
- develops and approves methods of investigation of certain types of criminal offenses;
- takes measures to compensate for losses and damage caused to the state, provides opportunities for confiscation of funds and other property obtained as a result of criminal offenses in accordance with the procedure established by law;
- take measures to identify unjustified assets and collect evidence of their unjustification in accordance with the procedure and within the competence established by law;
- take measures to return to Ukraine from abroad funds and other property obtained as a result of criminal offenses under the jurisdiction of the State Bureau of Investigation;
- exclusively for the purpose of exercising its powers, has access as a user to information systems of public authorities, the list of which is established by the Cabinet of Ministers of Ukraine, independently creates information systems and maintains operational records to the extent and in the manner determined by the tasks assigned to the SBI, in compliance with the legislation on personal data protection;
- organizes personal security of rank-and-file and senior officers, SBI civil servants and other persons specified by law, as well as protection of persons involved in criminal proceedings from unlawful attacks;
- ensures training, retraining and advanced training of the SBI staff, participates in the formation of the state order for training, retraining and advanced training of specialists in the relevant fields;
- fulfills requests for legal assistance received from the competent authorities of foreign countries;

- develops proposals for draft international treaties of Ukraine and ensures compliance with and fulfillment of obligations under international treaties of Ukraine;
- cooperate with police and other relevant authorities of foreign countries in accordance with the laws and international treaties of Ukraine;
- ensures, in accordance with the law, compliance with the regime of legally protected secrets and other restricted information, as well as the procedure for disclosure and provision of access to public information established by law;
- reports on its activities in accordance with the procedure established by this Law and informs the public about the results of its work;
- exercises other powers provided for by this Law (Dmytrenko, 2022).

The analysis of the above-mentioned powers of the SBI showed that the vast majority of powers in the field of pre-trial investigation were transferred to the SBI from the prosecutor's office, military prosecutor's office, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine and the NABU.

These powers are within its competence and are aimed at preventing, detecting, stopping, solving and investigating crimes committed by senior officials, officials of the NABU, the Specialized Anti-Corruption Prosecutor's Office or the military (Arkusha, 2019).

It is also worth noting that the list of powers of the National Police of Ukraine (hereinafter – NPU) also coincides with the powers of the SBI, such as conducting pre-trial investigation of criminal offenses within the defined jurisdiction and conducting operational and investigative activities in accordance with the law. In this context, we share the view of V.B. Derevianko that "the difference in competence is manifested in the NPU's pre-trial investigation of criminal offenses committed by different persons, while the SBI investigates criminal offenses committed by senior officials, officials of the NABU or the SAPO or military personnel (Shkuta, 2022).

The analyzed statistical data showed that over the 3 years of the SBI's operation under martial law in Ukraine, the number of their proceedings increased by almost 2.5 times. In this regard, it is impossible to solve the problem of the rapid increase in the number of criminal offenses committed under martial law in Ukraine without significant legislative changes. And as our research has shown, for more than 5 years of the SBI's functioning, the legislator has not yet resolved the main issues that make it impossible to properly fulfill the tasks assigned to the SBI, the main ones being (Mozghovyi, 2025).

1. Creation of a modern regulatory framework for the prevention of economic criminal offenses and amendments to the system of legal acts of Ukraine.



2. Defining the SBI's subject matter competence to prevent criminal offenses against the established order of military service.

3. Determining the SBI's departmental affiliation (subordination) in the national system of criminal offenses prevention.

Supporting the position of E.B. Puzyrevskiy, it should be noted separately that among the above there are also a number of topical issues that require special research (Shkuta, 2020).

In this context, according to domestic criminologists O. M. Dzhuzha and R. A. Serbyn, the optimal strategy of the SBI's anti-crime impact on crime under martial law in Ukraine should include:

1) long-term measures are long-term initiatives aimed at systematically reducing the crime rate under martial law in Ukraine;

2) tactical measures are medium-term measures, the effectiveness of which is manifested within a few years;

3) operational measures are short-term actions aimed at immediately reducing the level of crime under martial law in Ukraine and eliminating the most acute problems.

## 5. Conclusions

Summarizing the above, it is worth noting that the SBI's strategy of preventing criminal offenses under martial law in Ukraine is a structural element of the overall crime prevention policy in the country. It is important to take into account at least two

aspects: firstly, the impact of organizational, demographic, legal and other factors on the state and trends of crime, and secondly, the correlation of the dynamics and distribution of criminal offenses under the SBI's jurisdiction by various parameters with the overall dynamics and structural characteristics of crime in the country.

Despite all the measures taken, the SBI's activity as a subject of prevention of these socially dangerous acts under martial law in Ukraine does not allow to ensure an adequate level of economic security in the country. Most economic crimes have one thing in common: they are always planned, always intentional, although in some cases they can be committed through negligence. The effectiveness of combating crime directly depends on obtaining complete and reliable information on the quantitative and qualitative indicators of a particular type of crime and identifying trends in the development of the phenomenon under study.

The specific nature of economic crimes does not allow law enforcement agencies to respond immediately to their commission. Practice shows that all actions of the authorities to prevent economic crimes are accompanied by the emergence of more innovative mechanisms for committing economic crimes. That is why this topic is extremely important and will remain relevant for research for a long time.

The analysis of measures to prevent economic crime under martial law in Ukraine made it possible to identify and characterize in detail its three main levels: general social, special criminological and individual preventive measures.

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