

## THE STATE BUREAU OF INVESTIGATIONS WITHIN THE PUBLIC ADMINISTRATION STRUCTURE: ECONOMIC AND LEGAL DETERMINANTS

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**Abstract.** The *subject* of the present study is the conceptual, theoretical, empirical, and methodological foundations for the creation and functioning of the State Bureau of Investigation within the public administration structure in economic and legal terms. *Methodology.* The study employed both general and specific methods of cognition. The present study employs the dialectical method to assess the essence of the State Bureau of Investigation within the structure of public administration in the legal and economic spheres, with a particular focus on comparisons with the experience of other countries. The analysis provided an opportunity to study the static data on the work of the State Bureau of Investigation in 2022 and 2024. This made it possible to identify characteristic economic features in the implementation of this state body's functions, as well as the impact of its activities on socio-economic, political and legal processes in the country over time. The synthesis established the basis for generalising the distinguishing features of the State Bureau of Investigation in terms of the organisational and legal requirements for its establishment, and the categorisation of criminal offences within its remit. The formal-legal method enabled the correct interpretation of normative-legal acts determining the State Bureau of Investigation's general and special legal status within the public administration structure, as well as the specifics of its powers within the security and defence sector. The *purpose of the present article* is to determine the prerequisites for the creation and functioning of the State Bureau of Investigation within the structure of public administration in economic and legal terms. The *results of the study* demonstrated that the prerequisites for the establishment and operation of the State Bureau of Investigation within the framework of public administration are economic and legal factors. These factors are, in general terms, functionally dependent on categories such as economic security, macroeconomic indicators of the life of the state and society, national security, and the most prevalent criminal offences. Proposals were made regarding the introduction of public control institutions within the remit of this state authority, and its position within the public administration structure was determined. *Conclusion.* Trends have been identified in the growing influence of this state authority on socio-economic processes. This influence can be seen in all types of offences under its jurisdiction, as well as in events that have the greatest impact on public life and the economic development of the country. The economic factors that led to the establishment and operation of the State Bureau of Investigation as a special powers state authority form the general and specific prerequisites for its activities. The economic consequences of this body's activities have both direct and indirect links to a number of sectors of society and the state, including innovative construction activities, corporate instruments for economic development, public-private partnerships, etc. It is evident that a considered opinion has been formulated regarding the dual nature of the competence of this state body within the broader context of the security and defence sector. This competence is manifested in two distinct capacities: firstly, in ensuring national security within the context of peaceful societal and state circumstances, and secondly, in ensuring the defence of the state, particularly during the legal regime of martial law. It has been proven that the establishment of the State Bureau of Investigation in the Ukrainian legal sphere is contingent upon the constitutional provision that entails the transfer of a number of competencies from the prosecutor's office to an autonomous pre-trial investigation entity that is endowed with the requisite capabilities. The scientific position on the rationalisation of the structure and powers of this state body,

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especially discretionary powers, has been endorsed by law enforcement agencies that ensure the investigation of relevant categories of criminal cases with the achievement of set tasks. It was asserted that the legal status of the prosecutor could be determined by drawing upon the positive experiences of certain countries, as well as by granting officials of the State Bureau of Investigation a range of exceptional powers in the conduct of investigative actions that can be carried out without the consent of the prosecutor or investigating judge. A comparison of the preconditions for the establishment of the SBI and the FBI reveals that, in the former case, there was a response from society and the state to internal threats, while in the latter case, there was a response to external threats. A comparison of the preconditions for the creation and powers of the SBI and the National Bureau of Investigation of Slovenia reveals several notable features. Firstly, there is the need to ensure national security within the scope of the functions of a law enforcement agency with qualifying powers. Secondly, there are qualified criminal offences in the scope of activities. Thirdly, there is the need to supplement the functions of traditional law enforcement agencies and transfer them to a separate body with exclusive powers.

**Keywords:** State Bureau of Investigation, public administration, economic security, macroeconomic indicators, public welfare, national security, economic determinants, legal determinants, criminal offence.

**JEL Classification:** F15, H56, K14, K23, K42

## 1. Introduction

As a superstructure of social existence, the state, in conjunction with other public administration entities, is tasked with ensuring public law and order in various spheres of life. It is also responsible for establishing mechanisms for the prevention and resolution of social conflicts of various origins, which are instrumental in shaping social justice, security, and other virtues of human civilisation. Law enforcement agencies are among the most significant achievements of humanity. Their purpose is to carry out law enforcement activities, which is a public function of the state. The essence of this function is to guarantee legality, protect law and order, and defend the rights, freedoms, and interests of individuals and society.

The performance of this function is fundamental to the activities of any public administration operating within the general conditions of society. In circumstances where the question of a relevant response to threats to the existence of the state and society arises, this issue becomes particularly pertinent, as various comprehensive ways of eliminating these negative phenomena are proposed.

A significant element of the system of these measures is the establishment and legitimisation of law enforcement agencies that possess the requisite competence in terms of relevant discretion. In light of Ukraine's ongoing reform process, with a particular focus on the system of state administration, in which law enforcement and judicial bodies play a pivotal role, there is an imperative to establish and refine a mechanism for the execution of administrative activities by individual law enforcement agencies, accompanied by an appropriate delineation of tasks, functions, and powers.

It is evident that the formation and structuring of public administration bodies exerts a direct or indirect influence on the macroeconomic indicators that are

indicative of societal well-being. Consequently, the prerequisites and consequences of such reform are also reflected in the economic sphere.

This directly determined the requirements of Ukraine's international partners for the establishment of a law enforcement agency with special powers as part of anti-corruption reforms. This was a prerequisite for the development of credit and grant programmes to provide the country with external financing for its state budget. This approach is designed to distinguish between the prevention, detection, disclosure and investigation of criminal offences committed by senior officials, judicial and law enforcement officials, and military personnel, and other offences that fall under the jurisdiction of different law enforcement agencies. These tasks were entrusted to the State Bureau of Investigations (hereinafter referred to as the SBI), a separate state law enforcement agency with its own powers.

Scholarly attention to the economic determinants underlying the establishment of the SBI has been reflected in a range of studies addressing diverse yet interconnected dimensions of this issue. In particular, R.M. Marchuk (2020) analysed the socio-political, economic and legal causes and preconditions for its creation. O. Kropyvnytskyi (2024) examined the role of the SBI within the system of measures aimed at eliminating the economic foundations of organised crime and corruption. The preventive dimension of the SBI's activities, especially in relation to crime in the field of construction investment, was explored by V.I. Boiko-Dzhumelia (2019), while O.M. Lugovoy (2019) focused on countering raider seizures of enterprises. Issues relating to the broader law enforcement response to economic crime were addressed by M.D. Visloguzova (2019), and Yu.V. Garust and V.I. Melnik (2019) considered the systemic impact of the SBI's activities on economic security within the law enforcement system. In addition, M.V. Korniienko et al. (2020)

examined the indirect influence of anti-corruption measures implemented by the SBI on the country's macroeconomic indicators.

The organisational and legal determinants of the formation of the SBI have likewise been the subject of sustained academic inquiry. O.O. Khrapenko (2018) approached this issue from the standpoint of a comprehensive interplay of relevant causes and preconditions, whereas S.V. Mikiytiuk (2022) analysed the position of the SBI within the broader system of law enforcement bodies exercising related functions. Broader reform processes within law enforcement and the judiciary were considered by E. Skulish (2013), while R. Truba (2019) addressed the delimitation of competences between the SBI and other law enforcement agencies. The foundational principles governing the organisation and activities of the SBI were examined by O. Drozd (2020). Comparative perspectives are provided by D.E. Tromblay (2023), who analysed the implementation of the FBI's intelligence function; J.A. Noakes (1993), who studied the establishment and development of the FBI; M.J. Fisher (1941), who considered the FBI's interaction with other public administration bodies; and A. Jevsek (2010), who examined the creation of the National Bureau of Investigation in Slovenia as a response to emerging non-traditional forms of crime.

The above scientific developments demonstrate the importance of taking a multifaceted approach to identifying the economic and legal factors that led to the establishment and operation of the State Bureau of Investigations within the public administration structure. This study takes into account the aforementioned considerations and the empirical basis of the issue.

## **2. The State Bureau of Investigations Within the State Administration Structure: Economic Determinants**

It is important to acknowledge the considerable influence that the activities of social institutions exert on economic indicators, particularly at the macro level, in terms of societal development. Indeed, macroeconomic indicators are known to effectively reflect key indicators of the economic condition and development of society, including production volume, inflation rate, unemployment rate, balance of payments, etc. In considering the implementation of the socio-economic and legal capacity of public administration, it is important to recognise the significance of the sphere of counteracting, detecting, investigating, and solving crimes in the structure of various spheres of society. This particular function of the relevant authorities has been demonstrated to exert both direct and indirect influence on the economy of a particular country.

Concurrently, law enforcement activities are directly associated with macroeconomic indicators of society's activities, based on the results of their implementation. Consequently, the prevention, detection, investigation, and disclosure of criminal offences leads to a reduction in the impact of the relevant category of unlawful behaviour on a particular sphere of social life. This, in turn, results in an increase in positive economic indicators of the state's development, including the well-being of the population and other key indicators.

This assertion is substantiated by the statistical indicators reflected in the reporting information comparing the results of the SBI's activities for 2022 and 2024. Consequently, in 2022, the SBI initiated 15,552 proceedings out of 48,868 criminal proceedings, in which the agency took appropriate action during the entire period. The SBI registered 13,703 statements and reports, 17,234 criminal proceedings were completed, 4,524 proceedings with indictments were sent to court, and investigations into 19,777 proceedings were extended. It is evident that the implementation of these activities resulted in significant financial implications. Specifically, losses incurred in completed criminal proceedings amounted to 1.4 billion UAH in the specified year. Furthermore, the receipt of unlawful benefits was prevented, amounting to 23.9 million UAH. In addition, 78.8 million UAH was compensated for losses suffered by the state, and property with a total value of 251.3 million UAH was seized. A further significant economic consequence of the SBI's endeavours was its collaboration with the National Agency of Ukraine for the Identification, Investigation, and Management of Assets Derived from Corruption and Other Crimes (henceforth referred to as the Asset Recovery and Management Agency or ARMA). In this area, a range of assets was identified, including shares in authorised capital amounting to 5.207 billion UAH; funds totalling 132.452 million UAH; 1,770 residential real estate units; 799 non-residential real estate units; 1,810 land plots; 686 motor vehicles; 68 units of agricultural machinery with accessories; 29 sea and river vessels; and 128 intellectual property rights. Property with a total value of 9.1 billion UAH was transferred to the ARMA for management purposes, which resulted in the generation of income from management activities to the amount of 34.246 million UAH (Annual report on the activities of the State Bureau of Investigations, 2022).

In addition to the return of actual funds and property to the state following investigations and the disclosure of criminal offences, it is imperative to acknowledge the measures undertaken to document the corrupt activities of 117 employees of the National Police of Ukraine, 27 customs officers, 25 servicemen of the State Border Service of Ukraine, 8 prosecutors, and 4 employees of the Security Service of Ukraine. These actions enabled the establishment of losses to the state

amounting to over 256.3 million UAH, the seizure of property valued at over 79.5 million UAH, the assurance of compensation for losses to the state exceeding 2 million UAH, and the prevention of the receipt of unlawful benefits amounting to over 23.9 million UAH.

As a consequence of the documentation of budgetary abuses, losses sustained by the state were determined to be 32.573 million UAH, property with a valuation exceeding 3.64 million UAH was confiscated, and losses to the state were compensated to the amount of 2 million UAH. In the field of combating organised crime, the state incurred losses amounting to 137 million UAH, and property with an estimated value of over 55 million UAH was confiscated.

The investment climate in the state was influenced by the performance of the State Bureau of Investigation (SBI) in 2022 in investigating crimes committed in connection with the mass protests in 2013-2014. Compared to previous years, there has been a positive trend in the number of reports of suspicion, charges filed, and accused persons.

In 2024, the SBI initiated 91,906 proceedings out of 155,874 criminal proceedings, in which the agency had taken appropriate action. Over the entire period, the SBI registered 88,904 statements and reports, sent 21,087 proceedings with indictments to court, extended investigations in 111,623 proceedings, and notified 15,709 persons of suspicion. It is evident that the implementation of these activities resulted in a significant reduction in losses incurred from completed criminal proceedings, with a total amount of 6.145 billion UAH being recorded in the specified year. Furthermore, the receipt of unlawful benefits was effectively prevented, with a total sum of 56 million UAH being withheld. In addition, a substantial amount of 479 million UAH was allocated towards compensating damages to the state, while property with a total value of 609 million UAH was seized. Furthermore, property with a total value of 11.753 billion UAH was transferred to the ARMA (Annual Report on the Activities of the State Bureau of Investigations, 2024).

Moreover, the reporting year witnessed the dissemination of statistical data pertaining to the endeavours of the SBI in combating crimes against the foundations of Ukraine's national security, criminal offences that diminish the state's defence capability, abuses in territorial recruitment and social support centres, the fight against corruption and abuse in other domains of state life in accordance with the jurisdiction of the SBI, the field of environmental protection, the budgetary sphere, the illegal circulation of narcotic drugs and psychotropic substances, countering torture and other manifestations of ill-treatment by law enforcement officials, countering organised crime, the tax and customs spheres, and the investigation of "Maidan cases".

In the context of the above-mentioned structure of crime falling within the jurisdiction of the SBI, particular attention should be paid to the relevant economic indicators. The losses established in this regard amounted to over 4.46 billion UAH in cases involving the reduction of the State's defence capability, almost 2 billion UAH in corruption-related offences, 528 million UAH in the field of environmental protection, over 3.7 billion UAH in the budgetary sphere, 246 million UAH in relation to organised crime, and 214 million UAH in the tax and customs sphere. The amounts of damages compensated totalled 53 million UAH (reduction of the State's defence capability), 119 million UAH (corruption), 43.8 million UAH (environmental protection), 277.7 million UAH (budgetary sphere), 8.8 million UAH (organised crime), and 7 million UAH (tax and customs sphere). Property seized was valued at 103 million UAH in cases concerning the reduction of the State's defence capability, 404.8 million UAH in corruption cases, 76 million UAH in the field of environmental protection, 54 million UAH in the budgetary sphere, 103 million UAH in organised crime cases, and 39 million UAH in the tax and customs sphere. In addition, illegal benefits were identified in the amounts of 27 million UAH (reduction of the State's defence capability), 56 million UAH (corruption), 1 million UAH (environmental protection), and 3.5 million UAH (tax and customs sphere).

The figures presented in fact project the functionality of the SBI's activities onto all structural elements of the economy, directly or indirectly serving as the basis for relevant changes in its qualitative and quantitative indicators. A comparison of the reports for 2022 and 2024, analysed without the use of specialist software, clearly demonstrates trends in the growing influence of this state authority on socioeconomic processes. These trends are evident in relation to all types of offences under its jurisdiction in the structure of crime and in the context of events that are most resonant for public life and the country's economic development.

The indirect impact on the economic indicators of social life should be noted in the sphere of financial and material and technical support of the State Bureau of Investigation, which fully correlates with the achievement of the goal set by the current legislation for the creation and functioning of this body, as well as a set of measures and tools in solving the tasks facing it in today's conditions. Therefore, as demonstrated in the following figures, this issue is reflected in the analysed reports on the work of the SBI for 2022 and 2024. The total expenditure on material, technical, and financial support amounted to nearly 2.2 billion UAH (in 2022) and over 3.75 billion UAH (in 2024). Of this sum, 2 billion UAH (in 2022) and

3 billion UAH (in 2024) was allocated to material and technical support, respectively. The expenditure on material and technical support accounted for 45 million UAH (in 2022) and 640 million UAH (in 2024). In other words, expenditure on the main areas of material, technical and financial support for the SBI has increased significantly in the reporting periods indicated, which suggests that the public administration is paying considerable attention to the functioning of this body and ensuring its legitimacy. This, in turn, affects the scope and content of public spending on law enforcement activities to ensure public order.

Studies of the economic determinants of the functioning of the State Bureau of Investigations within the public administration structure confirm patterns formulated on the basis of statistical data analysis. Thus, the economic factors behind the establishment of the SBI as a distinct element of the national law enforcement system are examined in conjunction with socio-political and legal factors. This approach has enabled this perspective to be applied to the diverse range of competencies of this state authority, with particular focus on combatting economic crime, customs offences, corruption, organised crime and terrorism (Marchuk, 2020).

Conversely, the opinion on such economic phenomena that became the basis for the creation of the SBI is supported: the elimination of the economic basis for the existence of organised crime and corruption, the removal of obstacles to economic activity, the destruction of the criminal-oligarchic model of managing the shadow market segment, and the elimination of the influence of criminal organisations on the spheres of public administration (Kropyvnytskyi, 2024), which is also reflected in the perception of this body as the leading instrument in combating corruption (Korniienko et al, 2020).

In this particular context, the issue of incorporating measures to combat crimes in the field of construction investment within the remit of the SBI is of particular significance. The SBI is responsible for ensuring the implementation of a crucial component of investment activity in the state's economic development framework, as well as for preventing the illegal utilisation of state resources and the discretionary powers of relevant officials and civil servants within the context of public administration (Boiko-Dzhumelia, 2019).

Such a negative phenomenon as corporate raiding, which involves the use of instruments based on the powers of public administration bodies and officials in positions of responsibility, has no less significant an impact on the country's economy. It is under these circumstances that certain segments of the economy, as well as the state's economic development, are directly or indirectly affected, where there is a risk

of negative consequences from one or another type of economic activity. This area demonstrates the SBI's unique ability to mitigate the impact of such circumstances on the country's economic development (Lugovoy, 2019).

The consideration of the SBI among security and defence sector entities reflects the view of the functionality of this body as an entity ensuring economic security, with the corresponding conclusions. The basis for this position is the potential for crimes to be committed by officials with special status, which pose a significant threat to the state's economy. This assertion is substantiated by the findings of the operational and investigative measures undertaken by this institution to curtail the prevalence of crime in the economic domain (Harust, Melnyk, 2019).

The economic factors analysed in relation to the establishment and operation of the SBI as a state authority with special powers constitute the general and specific prerequisites for its activities. Among these prerequisites is the need to ensure public law and order, given the significant impact of offences under the SBI's jurisdiction on all areas of public life. This body's activities have direct and indirect economic consequences for a number of sectors of society and the state, including innovative construction, corporate instruments for economic development and public-private partnerships. This has a significant impact on ensuring the well-being of the population and the state's fundamental material and economic sovereignty – or economic security.

### **3. The State Bureau of Investigations in the Structure of Public Administration: Legal Determinants**

The legal status of the SBI is regulated by the Law of Ukraine "On State Bureau of Investigation", which clearly outlines the legal nature of this state law enforcement agency, covering such components of law enforcement as prevention, detection, suppression, disclosure, and investigation of criminal offences under its jurisdiction (The Law of Ukraine "On State Bureau of Investigation").

The scope of criminal offences falling within the jurisdiction of the SBI is defined in Article 5 of the Law. It encompasses offences committed by officials holding particularly responsible positions, as well as by persons occupying first- to third-category civil service posts. The SBI also exercises jurisdiction over offences committed by judges and law enforcement officials, except where such offences fall within the competence of detectives of the National Anti-Corruption Bureau of Ukraine. Furthermore, its jurisdiction extends to offences committed by officials of the National Anti-Corruption Bureau of Ukraine, the Deputy Prosecutor General – Head of the Specialized Anti-Corruption

Prosecutor's Office, and other prosecutors of the Specialized Anti-Corruption Prosecutor's Office, save for cases in which the pre-trial investigation is assigned to detectives of the internal control unit of the National Anti-Corruption Bureau of Ukraine. Finally, the SBI is competent to investigate offences against the established order of military service (military offences).

The above outlines the distinguishing features of SBI activities and the distinctive indicators of its legal capacity as a state authority responsible for law enforcement in relation to a specific list of individuals and particular types of criminal offences committed by these individuals.

The structure of the aforementioned law highlights the following manifestations of the legal status of the SBI: the organisational and legal basis of its activities, the peculiarities of the legal and social protection and responsibility of its employees, the interaction of the SBI with other public administration bodies, the implementation of civil society institutions in the form of public control, and ensuring the transparency of its activities.

Noteworthy in the context of this study is the analysis of the provisions of the Law of Ukraine "On National Security of Ukraine", which also reflects certain aspects of the legal status of the SBI (The Law of Ukraine "On National Security of Ukraine"). In particular, it is responsible for the protection of state sovereignty, territorial integrity, democratic constitutional order, and other national interests of Ukraine from real and potential threats, in conjunction with state authorities with the relevant competence. In view of the above, it is necessary to note the significant role played by the SBI in ensuring economic security as a component of the country's national security. However, the issue of the functional purpose and place of this body among other national security entities should be considered much more broadly. This is confirmed by the normative provisions of Article 1 of the latest regulatory act, which defines the security and defence sector as a system of bodies and subdivisions – including law enforcement agencies – that carry out activities aimed at protecting Ukraine's national interests from various threats to national security, regardless of their nature or origin. Since national interests cover a wide range of human and state aspirations, including the vital interests of individuals, society and the state, virtually all public administration bodies and subdivisions are included in these entities. When it comes to state authorities with special (exclusive) powers, their commitment to this is beyond question.

The bodies and subdivisions of the security and defence sector include security forces (law enforcement and intelligence agencies, special-purpose state bodies with law enforcement functions, civil protection forces, and other bodies entrusted by the Constitution

and laws of Ukraine with functions to ensure the national security of Ukraine), and defence forces (the Armed Forces of Ukraine, as well as other military formations, law enforcement and intelligence agencies, special-purpose agencies with law enforcement functions established in accordance with the laws of Ukraine, which are entrusted by the Constitution and laws of Ukraine with functions to ensure the defence of the state).

The aforementioned considerations regarding the legal status of the SBI in the context of the Law of Ukraine "On State Bureau of Investigation" indicate the mixed nature of the competence of this state body within the structure of the security and defence sector. This manifests itself in two ways. Firstly, in ensuring national security, which is predominant in peaceful circumstances of society and the state. Secondly, in ensuring the defence of the state. The latter is manifested through the implementation by this body of its functions within the scope of investigating criminal offences against the established order of military service within the meaning of the general legal status in peacetime, or in the case of investigating criminal offences against all persons listed in Article 5, when their unlawful actions in a state of martial law create a threat to the defence of the state, which defines the special nature of the legal status of the SBI.

Analysing the organisational, socio-economic, and legal causes and prerequisites for the creation of the SBI, opinions are expressed regarding the following determinants of this process: the implementation of the provisions of paragraph 9 of the Constitution of Ukraine regarding the formation of pre-trial investigation bodies, as a result of the deprivation of the relevant functions of the prosecution authorities; the unification of the functions of the investigative body in the relevant state authority, the infiltration of the personnel of the investigative units of various law enforcement agencies and the creation of a renewed entity with high-quality professional staff in this field; expansion of civil society mechanisms through the formation of additional means of appealing against the actions of officials with a high (critical) level of authority (Khrapenko, 2018).

Given the SBI's status as an integral component within the broader framework of public administration entities and units, the identification of a suitable position for this authority within the existing structure, as well as the establishment of meaningful and established connections between it and other authorities, assumes paramount importance. The issue of implementing the function of supervision and control over the investigation of criminal offences by the SBI is highly relevant in today's conditions, directing researchers' attention to the sphere of relations between this state authority and the courts and the prosecutor's office. Consequently, a proposal has

been put forward to establish a novel legal institution endowed with a distinct array of powers, drawing upon the successful experiences of select nations. This initiative would also entail the conferral of substantial powers to SBI officials, empowering them to undertake investigative actions that would not necessitate the consent of a prosecutor or investigating judge (Mikytiuk, 2022). It is imperative to articulate certain observations in this regard, given the necessity to circumvent exceptionality in criminal proceedings and to ensure the efficacy of procedural control and the supervision of the activities of SBI officials in the domain of pre-trial investigation.

In terms of the implementation of international standards within criminal proceedings for the relevant category of cases, the SBI is perceived as a response to the need to create and operate special anti-corruption bodies. These include independence from political and other unlawful influence, accountability to the public, the formation of a highly professional workforce, the granting of optimal functional powers to perform the tasks assigned, and adequate financial, material, and technical support (Skulish, 2013). In this regard, it is important to consider the proposal to rationalise the structure and powers, especially discretionary powers, of law enforcement agencies that investigate relevant categories of criminal cases, with a view to achieving the aforementioned objectives.

In addition to the aforementioned points, it is important to note that the SBI is the successor in the matter of ensuring pre-trial investigation within the functional scope of the prosecutor's office. The powers of the following state bodies in the field of law enforcement are divided: the prosecutor's office, the military prosecutor's office, the Ministry of Internal Affairs, the Security Service of Ukraine, and the National Anti-Corruption Bureau (Truba, 2019). The specific weight of the competence of these bodies varies according to qualitative and quantitative indicators, with the SBI playing a leading role in ensuring state policy in the field of combating crime and implementing international co-operation in this area, which determines its overall legal capacity as a law enforcement agency within the structure of public administration. Concurrently, the sphere of prevention, detection, suppression, disclosure, and investigation of crimes committed by senior officials, officials of the National Anti-Corruption Bureau of Ukraine or the Specialized Anti-Corruption Prosecutor's Office, and military personnel constitutes the special legal capacity of this state authority.

The establishment and functioning of any public administration entity is predicated on the delineation of its fundamental rules and policies. Consequently, the establishment of a system for defining the fundamental ideas and principles that underpin its nature and meaning is of significant importance.

From this standpoint, it is appropriate to analyse the principles of the organisation and activities of the SBI with practical conclusions. The enforcement of the following principles indicates the organisational and legal prerequisites for the existence of the law enforcement agency in question: the rule of law, legality, fairness, impartiality, the personal responsibility of each SBI employee, openness and transparency, accountability and control, political neutrality and non-partisanship, the sole authority to exercise the SBI's powers, and the procedural independence of the investigator. Drozd (2020) argues that it is necessary to supplement the principles of the SBI's activities with distinctive ideas specific to this body.

A comparative study of the FBI and the SBI shows that the institutional focus of these agencies in the US and Ukraine is similar, which is mediated by their special legal status – investigating crimes that are most significant for ensuring national security. At the same time, the FBI's powers demonstrate a preference for carrying out operational and investigative activities within the remit of relevant intelligence operations, particularly those of an external nature. This is intended to eliminate real threats to national security and to conduct foreign intelligence operations independently or in collaboration with other specialised agencies (Tromblay, 2023).

A retrospective analysis of the formation of the FBI, in terms of its inheritance of certain functions from the US Bureau of Investigation, indicates that the initial determination of this unit's goals and objectives was in the context of forming an entity to counter external threats to national security. The prevailing task was to conduct external intelligence activities, with the implementation of procedural activities within the framework of investigating and solving crimes being of a derivative nature. The establishment of the SBI in Ukraine is driven by the need to address threats to national security, particularly those of an internal nature. This is related to the scope and nature of the powers, including discretionary powers, held by a particular group of officials and civil servants (Noakes, 1993).

In support of these considerations, it should be noted that the fight against terrorist activity was precisely the remit of the FBI that became the prerequisite for the legal existence of this body within the structure of law enforcement agencies in the United States. As a result, the implementation of measures to prevent, detect, stop and investigate relevant crimes defined its legal status. At the same time, the categorisation of crimes within the FBI's jurisdiction fully determines the structure of effective measures, with those most significant for ensuring national security – particularly those related to external and political factors – being prioritised (Surzhik, Levin, 2023).

An analysis of the establishment and operation of the National Bureau of Investigation in Slovenia has yielded the following conclusions (Jevsek, 2010). Firstly, the fundamental prerequisite for the establishment of this body is to ensure the national security of the state within the functional scope of a law enforcement entity with qualifying powers that act as a relevant response to challenges in this area. Secondly, within the ambit of the aforementioned category of threats, the following features are of particular note: financial and economic crimes, corruption, terrorism, involvement in international forms of crime, organised crime, and the production of hitherto unknown forms of illegal behaviour in all spheres of life, both societal and state, including the involvement of innovative and information and technical solutions. Thirdly, there was a necessity to supplement the functionality of traditional law enforcement entities and transfer them to a separate body with exclusive powers. This body was known as the National Bureau of Investigation in this country.

It is therefore important to note the following points when highlighting the main features of the organisational and legal determinants of the creation and functioning of the SBI among law enforcement agencies. This law enforcement agency is a subject of national security with mixed powers in both the security and defence spheres, as reflected in the general and special features of its legal status. A fundamental prerequisite for the establishment of such a body within the Ukrainian legal sphere is the constitutional provision that would result in the removal of a number of powers from the prosecutor's office. This would be accompanied by the creation of an independent pre-trial investigation body that would possess the appropriate functionality.

#### 4. Conclusions

The study of the economic and legal factors that influence the establishment and operation of the State Bureau of Investigations within the framework of public administration results in the following conclusions.

The statistical figures analysed in this study demonstrate that the activities of the SBI serve to project the corresponding functions onto all structural elements of the economy, directly or indirectly, thus providing a basis for relevant changes in its qualitative and quantitative indicators. Concurrently, there are discernible trends in the escalating influence of this state authority on socio-economic processes, encompassing all categories of offences falling under its jurisdiction within the framework of crime and in the context of events that resonate profoundly with public life and the economic development of the nation. It is important to note that the sphere of financial and material

and technical support for the SBI exerts an indirect influence on the economic indicators of public life. This, in turn, is fully correlated with the achievement of the goal set by the current legislation for the creation and functioning of this body, as well as a set of measures and tools for solving the tasks facing it in the current conditions.

The outlined economic determinants of the creation and functioning of the SBI as a state authority with special powers form the general and specific prerequisites for its activities. It is imperative to recognise the necessity of ensuring public law and order, particularly in light of the profound impact and significance of offences falling under the jurisdiction of the SBI on the development of all spheres of public life. The economic consequences of this body's activities have both direct and indirect links to a number of sectors of society and the state, including innovative construction activities, corporate instruments for economic development, public-private partnerships, etc. The aforementioned factors have a considerable impact on the assurance of the population's well-being and the fundamental material and economic sovereignty of the state—that is to say, economic security.

It is evident that a considered opinion has been formulated regarding the dual nature of the competence of this state body within the broader context of the security and defence sector. This competence is manifested in two distinct capacities: firstly, in ensuring national security within the context of peaceful societal and state circumstances, and secondly, in ensuring the defence of the state, particularly during the legal regime of martial law.

A fundamental prerequisite for the establishment of the SBI within the Ukrainian legal sphere is the constitutional provision that entails the transfer of a number of competencies from the prosecutor's office to an autonomous pre-trial investigation body that is equipped with the requisite capabilities.

In terms of the implementation of international standards within the framework of criminal proceedings in the relevant category of cases, the State Bureau of Investigation supported the scientific position on rationalising the structure and powers of this state body, especially discretionary ones, of law enforcement entities that ensure the investigation of the relevant category of criminal cases with the achievement of the set tasks.

In terms of the implementation of the function of supervision and control over the investigation of criminal offences, the SBI expressed support for the opinion on determining the legal status of the prosecutor, based on the positive experience of certain countries, as well as granting SBI officials a range of exceptional powers in the conduct of investigative actions that can be performed without the consent of a prosecutor or investigating judge.

A comparison of the preconditions for the establishment of the SBI and the FBI reveals that there is a response from society and the state to internal threats in the former case and external threats in the latter. In both cases, the state authority in question is entrusted with functions in the field of pre-trial investigation and related operational and investigative measures.

A comparison of the preconditions for the establishment and authority of the SBI and the National

Bureau of Investigation of Slovenia reveals several notable features. Primarily, there is a necessity to ensure national security within the remit of law enforcement functions, accompanied by the identification of specific criminal offences relevant to these activities. Additionally, there is a requirement to supplement the functions of conventional law enforcement agencies and transfer them to a distinct entity with exclusive powers.

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