

Artículo de investigación

Criminal activity in Ukraine in the light of current conditions**ЗЛОЧИННА ДІЯЛЬНІСТЬ В УКРАЇНІ З УРАХУВАННЯМ СУЧАСНИХ УМОВ**

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In this paper, the authors expressed their own vision of the peculiarities, trends and interdependence of the criminal activity related in Ukraine nowadays.

The present analysis focuses on investigating and analyzing the prospect, scope and peculiarities of criminal acts in modern Ukraine. The typification of signs of criminal activity in Ukraine gives the authors free rein to argue that nearly all types of this criminal activity have corruption orientation, either directly or indirectly.

The results of using content analysis method made it possible to claim that corrupt practices occur in all sectors of the population from an economic and social basis to legal, cultural, spiritual and ideological strata of society and may affect special conditions as a source of revenue. Moreover, the authors used methods of formal logic (analysis, synthesis, deduction, induction, analogy), method of system analysis, as well as a statistical method.

Forensic analysis of the manifestations of criminal activity in Ukraine, makes it possible to draw the following conclusions: criminal activity in Ukraine is inextricably linked and interdependent with political processes taking place both in Ukraine and in temporarily uncontrolled territories. In fact, all its manifestations are directly or indirectly political in nature, even if we analyze crimes committed individually, they are not only aimed at achieving a self-serving purpose for their own benefit, but

Анотація

У даній роботі автори висловили власне бачення особливостей, тенденцій та взаємозалежності специфіки злочинної діяльності від сучасних особливих умов.

Проведений аналіз зосереджується на дослідженні та оцінці перспективи, обсягу та особливостей злочинних діянь в Україні. Типізуючи прояви злочинної діяльності, з урахуванням сучасних умов, автори доводять, що фактично всі її прояви безпосередньо або побічно залежать від корупційних злочинів.

Результати використання методу контент-аналізу дали змогу стверджувати, що корупція виявлена у всіх верствах населення незалежно від економічного та соціального рівня, а також правових, культурних, духовних та ідеологічних переконань. Більш того, автори використали методи формальної логіки (аналізу, синтезу, дедукції, індукції, аналогії), метод системного аналізу, а також статистичний метод.

Аналіз сучасних проявів злочинної діяльності в Україні, дає можливість зробити такі висновки: злочинна діяльність в Україні, нерозривно пов'язана та взаємозалежна від політичних процесів, які відбуваються на території України. Фактично всі її прояви безпосередньо або побічно мають політичне забарвлення, навіть якщо ми аналізуємо злочини, які вчиняються одноособово, то вони спрямовані не тільки на досягання

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may also be caused by a radical (sometimes emotional) attitude towards socio-political processes. There are also signs of mutually beneficial relations between criminal organizations and authorities in Ukraine, so the research helps to predict the replacement of the norms of law and morality due to the ideology of the criminal activity in some strata of society that may become more acceptable for them.

Keywords: Crime, criminal activity, current conditions, special conditions, corruption, organized crime groups.

Introduction

The lack of regulation at the legislative level of relations in different areas of the life, impunity, as well as military instability – all of these promote the development of criminal activity, the creation of new and improvement of existing mechanisms, methods and criminal schemes aimed at obtaining criminal profits.

Political and economic processes in the country have an impact on crime, and especially on the development of corruption. This is especially true of periods of the unstable political situation, such as in Ukraine since 2014. The typification of signs of criminal activity in Ukraine gives the authors free rein to argue that nearly all types of this criminal activity have corruption orientation, either directly or indirectly. The article focuses on the factors that contribute to the development of corruption crime in order to identify patterns.

In this regard, it is advisable to analyze the manifestations of criminal activity that are characteristic (interdependent) and related to the existence of such conditions, with their further systematization and formulation of individual ways of counteracting such manifestations.

In our opinion, the study of any social phenomenon is not possible without an analysis of the state and patterns of its development, peculiarities of existence and distribution. This statement is also relevant to criminal activity, the diversity of which is explored by different sciences – philosophy, sociology, law, political science, psychology, etc. Each of the identified sciences explores the peculiarities of the formation, existence, and transformation of criminal activity from different angles. At the same time, there is a corresponding lack of a

корисливої мети задля власної вигоди, а можуть бути обумовлені і радикальним (інколи емоційним) ставленням до соціально-політичних процесів. Також спостерігаються ознаки взаємовигідних відносин між злочинними організаціями та владними установами в Україні, що дає можливість прогнозувати підміну окремою частиною верств населення норм моралі та права ідеологією злочинної діяльності, яка може стати для них більш прийнятною.

Ключові слова: злочинність, злочинна діяльність, сучасні умови, особливі умови, корупція, організовані злочинні групи.

single systematic interdisciplinary study that would comprehensively identify the existing development trends, explain the existing ones and predict the emergence of new areas of criminal activity.

Corruption crimes are committed in various spheres of public life. Particularly noteworthy is the state's provision of social services, the sphere of management, and the sphere of heavy industry (since Ukraine belongs to the countries with a large share of profits which is the supply of raw materials to other countries).

Modern reality in Ukraine require an appropriate change in legal priorities and values, and, at the same time, a sense of justice that should be given spiritual and cultural significance (Kharytonov, Kharytonova, O., Kharytonova, T., Kolodin, & Tolmachevska, 2019). Moreover, it should be point out that in Ukraine only the citizens have the right to determine those people who will govern the state (Kolodin, D., Kolodina, A., & Kaminskyi, 2019).

Methodology and analysis of recent research

The conclusion of the study is based on generalizations of the results of content analysis, formal logic methods (analysis, synthesis, deduction, induction, and analogy), method of system analysis, as well as statistical method in familiarization with the studies of individual public organizations and international institutions and journalistic investigations in the media field.

Many domestic scientists have been involved in the study of corruption crimes. In the research

were used scientific works of scientists: Bodnia (2018), Heliukh (2018), Kolodin, D. (2019), Kolodina, A. (2019), Kaminskyi (2019), Pydhora (2018), and Sydelynkova (2016).

Presentation of key research findings

According to the Global Peace Index – 2019, the International Institute for Economics and Peace (Australia) ranked Ukraine at a very low level of peace on June 12, 2019, and Ukraine ranked 150th behind Nigeria (148) and North Korea (149) (Global Peace Index Measuring Peace, 2019).

However, according to the data provided by the First Deputy Head of the National Police of Ukraine, it is possible to conclude that in the 7 months of 2019, the crime rate in Ukraine decreased by 11 percent compared to the previous year. Thus, in 2019, "855 homicides were registered – against almost 2 thousand in 2014, and almost 1.2 thousand – in 2016; 777 of these were homicides, which is 91% of the number committed in 2019". The same situation is observed concerning the registered serious injuries (decrease by 17 %, 1178 – 7 months 2019, 1263 – 7 months 2018). Besides, this level remains higher than in 2010 (In 2019, Crime Level Reduced By 11 Percents Compared to 2018., 2019).

Factors that affect this situation are military and political instability, the crisis in various sectors of the economy, the downturn in production, as well as the constant reform of law enforcement agencies. The above and other factors created the conditions for the outflow of the professional staff of the operational and investigative units, which is reflected in the relevant statistical indicators.

Also, it should be emphasized that such categories of crimes (in their way of preparation, commission, and concealment) have no difference from those committed in Ukraine before. Nevertheless, there are quite objective complications in the process of combating crimes committed during and in the context of military and other law enforcement activities.

Attention, in our view, requires manifestations of criminal activity that differ in their direction, scope, manner, and peculiarities from others, or such acts which would not be possible at all if it were not for the military conflict in Ukraine.

The manifestations of criminal activity that differ in their direction, scope, manner, and

peculiarities of execution, or such acts which would not be possible at all if the existence of temporarily uncontrolled territories in Ukraine need attention.

Unfortunately, statistical reporting by a similar criterion is lacking, both in law enforcement agencies as well as in scholars research and in the media.

It is necessary to distinguish criminal activity in the social sphere when carrying out the typing of manifestations of delineated criminal activity by the spheres of its implementation.

It should be noted that due to the need to organize services aimed at the rehabilitation of military personnel of the Armed Forces of Ukraine the state budget allocates an appropriate amount of budget funds, which are also the subject of criminal encroachment (mostly through the use of corruption in relevant specialized government agencies).

Thus, during the bidding for the provision of services for the rehabilitation of warriors, the attackers provided false information about the availability of appropriate specialists and facilities in medical institutions. The corruption scheme operated during the 2016-2017 and involved medical institutions in Kharkiv, Ternopil, Volyn, Kyiv, Odesa regions. The amount of losses was UAH 5.6 million for only one episode (Security Service of Ukraine exposed merchants stole funds for the rehabilitation of veterans, 2018).

If we talk about criminal activity in the field of official activity with the participation of military and officials providing the functioning of state and non-state institutions, agencies, organizations, it should be noted that its main feature is the presence of corrupt officials persons from different military units and those who provide the activities of institutions and organizations take a direct part in the commission of various categories of crimes and sometimes commit ordination functions.

According to the release of The New York Times (Heliukh, 2018), the level of corruption in the energy sector has shifted to the defense sector, due to a significant amount of security and defense spending – 5% of Gross domestic product (or \$ 6 billion).

Thus, upon receipt of an illegal remuneration (upon receipt of a "bribe"), the heads and employees of state-owned enterprises of the

Ministry of Defense of Ukraine, departments of the Armed Forces of Ukraine are detained; experts of the Central Military Medical Commission of the Ministry of Defense of Ukraine and others. Bribery motivation is, for the most part, an opportunity to influence decision-making on: conscription (Director of state enterprises of the Ministry of Defense was detained for a bribe of 2 thousand dollars in Kiev, 2018) etc.

In addition, former law enforcement officials and the Armed Forces of Ukraine are involved in criminal activity as intermediaries in the illicit receipt of illegal gain (“bribery”).

It is the corruption in various levels of government that accompanies and ensures crime in the economic sphere. Thus, due to the forced growth of the state's defense capability, the number of appropriations earmarked for this purpose and the funds allocated by international partners for infrastructure upgrades are increasing.

One example is the systematic appropriation of budgetary funds aimed at strengthening defense capabilities through the construction of engineering structures during 2016-2017. In order to construct these structures, the Cabinet of Ministers of Ukraine has allocated UAH 850 million from the state budget reserve fund to the Ministry of Defense of Ukraine.

However, the results of the investigation of the Prosecutor General's Office of Ukraine indicate that the constructed facilities do not meet the approved technical documentation and designs of fortifications. There have been cases where a rusty "container" is installed instead of a concrete structure; or some elements of the metal structure were replaced with wooden ones, with some objects missing doors and drainage systems at all (causing the objects to flood). In addition, the acts of acceptance of finished work were with inaccurate data, budget funds were paid for not completed work. The amount of the loss was declared for one of the acts – UAH 11.6 million, for the other – UAH 8.9 million. It should also be noted that the objects are still unfinished (Bodnia, 2018). According to these facts, the investigation was conducted by the National Anti-Corruption Bureau of Ukraine.

The problem arises in the situation related to the use of funds provided for the reconstruction of the infrastructure of Luhansk and Donetsk regions. Thus, in the Luhansk region, one of the officials concluded a contract with the business

structure for the repair of the road surface. At the same time, too high prices (UAH 5.25 million) were added to the works performed, which did not correspond to the works performed by approximately 20% (Sydelnykova, 2016).

Besides, there are cases of non-fulfillment of contractual conditions for the overhaul of thermal units in educational establishments that require repair as a result of military events; appropriation of budget funds allocated for housing reconstruction; violation of conditions of dismantling of research and production buildings during the writing down and sale of building materials (Security Service of Ukraine detected corruption schemes with participation of officials in the anti-terrorist operation area, 2016).

It should also be noted that after the aggravation of the conflict in November 2014, the commodity and price crisis in some regions began in Ukraine, which caused the prices of major commodity groups to increase by almost 2-3 times. The situation is exacerbated by the ability to bypass roadblocks or bypasses. But the existence of most so-called smuggling streams would not be possible without the corruption component.

Besides, the effective absence of a clear line of demarcation is influenced by the effectiveness of countering the movement of goods.

Particular attention should be paid to the illicit trafficking of coal. Coal trafficking has been the subject of many corruption and financial scandals in Ukraine. In our view, this topic is too politicized, although it has a purely economic basis.

The purchase of illegal coal is also beneficial to European countries, as a tonne of coal is cheaper than a ton of official production (Black hole. Coal trade turned into a streamlined billion dollar business, 2016).

In addition to economic losses, criminal activity related to the uncontrolled extraction of natural resources (coal, chalk) and deforestation is a significant detriment to the environment of Ukraine (“Black” schemes and environmental disaster: Where is the forest being destroyed..., 2017).

Also in this context, it is necessary to mention the possible harm from a violation of rules of conservation of mines in Ukraine. Suspension of pumping of water from these mines can lead to

their collapse and formation of a salt marsh. More than 20 mines are currently at risk of such flooding (Pydhora, 2018).

The investigated manifestations of criminal activity in Ukraine cannot, of course, fully cover their full diversity. Unfortunately, new manifestations may emerge over time, which should be constantly monitored not only by scientists but also by law enforcement agencies and the Armed Forces of Ukraine.

Conclusions

Forensic analysis of the manifestations of criminal activity in Ukraine, makes it possible to draw the following conclusions:

First, criminal activity in Ukraine is inextricably linked and interdependent with political processes taking place both in Ukraine and in temporarily uncontrolled territories. In fact, all its manifestations are directly or indirectly political in nature, even if we analyze crimes committed individually, they are not only aimed at achieving a self-serving purpose for their own benefit, but may also be caused by a radical (sometimes emotional) attitude towards socio-political processes.

Secondly, corruption is manifested in all strata of society – from the economic and social foundations to the legal, cultural and ideological-spiritual levels. It is interesting that the criminal schemes involve the state structures of Ukraine, as well as the structures that perform control-administrative and law enforcement functions.

Thirdly, the dramatic transformation of economic, political and other relations as a result of the 2014 events in Ukraine, the consequences of active hostilities, ill-considered information policy, led to the loss of authority of the State of Ukraine at the level of consciousness of Ukrainian citizens and in the international arena. This contributes to the dissemination of the sentiment of the criminal subculture, creates an atmosphere of sharp rejection of any steps of the state authorities of Ukraine aimed at eliminating the conditions of existence of criminal activity.

And finally, due to the fact that mutually beneficial relations between criminal organizations and authorities are manifested, it is possible to predict the replacement of the relevant part of the population norms of morality and law with the ideology of criminal activity that may become more acceptable to them. At the same time, such a position may be advantageous

for the heads of criminal organizations, which may influence further events.

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