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CRIMINOLOGICAL FOUNDATIONS  
OF CRIME COUNTERACTION**

**Monograph**

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The monograph examines the state, structure and dynamics of crime in Ukraine, analyzes the current crime situation in Ukraine as a whole and in the capital of the country, in particular, considers the criminological aspects of laundering illegally obtained income, criminal and juvenile prevention. On the basis of doctrinal aspects, proposals have been developed for a criminological framework of counteracting crime.

The publication is intended for researchers, lecturer, post-graduate students and also heads of the law enforcement bodies.

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## FOREWORD

Created with the aim of carrying out scientific and technical support of the activities of the system of bodies of the Ministry of Internal Affairs of Ukraine, the State Research Institute MIA Ukraine is the only scientific institution in Ukraine that demonstrates an integrated approach to ensuring law enforcement.

The combination of scientific activities of technical and humanitarian areas, considerable experience in studying the specific needs in providing units of various types of law enforcement, the presence of unique objects and highly qualified specialists allows for a high level of scientific and technical support of the activities of the Ministry of Internal Affairs, the National Guard of Ukraine and central authorities executives whose activities are directed and coordinated is the Cabinet of Ministers of Ukraine through the Ministry of Internal Affairs of Ukraine.

The purpose of this monographic study is developing of proposals for improving the legal and organizational support for the activities of the Ministry of Internal Affairs, the National Guard of Ukraine and the central executive authorities, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine.

The object of the study is the state, structure and dynamics of criminality, the current crime situation in Ukraine. The subject of the research is social relations arising in the sphere of counteraction and prevention of crime.

In the first chapter of the monograph, the tendencies and patterns of crime in Ukraine are investigated. The state and dynamics of criminality against the life and health of a person, property and other crimes are determined.

The second chapter of the monograph analyzes the current crime situation in Ukraine.

The third chapter devoted to the identification and prevention of crimes in the main areas of economic activity. Attention is paid to countering crimes in the sphere of credit and banking activities, land relations, the manufacture and registration of medicines, the production and circulation of alcoholic beverages, tobacco products and fuel.

The fourth chapter reveals the issue of the phenomenology of money laundering and the effectiveness of criminal prosecution in Ukraine.

The fifth chapter is devoted to the application of criminal punitive measures in Ukraine, highlights their main trends.

The sixth chapter of the review deals with the actual question of the criminal situation in the capital of Ukraine - Kyiv.

In the seventh chapter, investigations are underway to prevent juvenile delinquency.

## **CHAPTER 1**

### **STATUS, STRUCTURE AND DYNAMICS OF CRIME: TRENDS AND PATTERNS**

**Verbenskyi M. H.**

#### **INTRODUCTION**

Analysis of the state of crime, its trends and regularities is a prerequisite for the effectiveness of crime prevention activities. It allows adequately assessing the criminal situation in the country and predicting the probable trends of change in it.

Preparation of such works is a well-established tradition in Ukrainian criminology. Such first publication was published in 1994<sup>1</sup>. In the following years, a number of monographs were prepared within this scientific direction, in particular, works by O.M. Lytvak<sup>2</sup>; O.H. Kulyk<sup>3</sup>, Ye.M. Blazhivskyi et al.<sup>4</sup>, V.M. Beschastnyi<sup>5</sup>, and others.

These studies describe the results of a comprehensive criminological analysis of crime, make interesting theoretical generalizations on the criminological structure of crime in the country, determine trends in the dynamics of the total number of reported (recorded) crimes, crimes of certain groups and types, characteristics of those who committed crimes, analyse the practice of conviction and punishment of criminals.

However, crime in Ukraine is changing rapidly in recent years. There are new trends, types of criminal behaviour in various spheres of social life. Improving the theory and practice of counteracting crime requires an

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<sup>1</sup> Kulik A.G. Obschchaya tendentsiya prestupnosti v Ukraine v 1972–1993 gg. i prognoz na blizhayshie gody / A.G. Kulik, V.I. Bobyr' // Prestupnost' v Ukraine. Byulleten' zakonodatel'stva i yuridicheskoy praktiki Ukrainy. – 1994. – № 2. – S. 5–37; 134–185.

<sup>2</sup> Lytvak O.M. Zlochynnist, yii prychnyny ta profilaktyka / O. Lytvak. – K. : Ukraina, 1997. – 167 s.; Lytvaka O.M. Derzhava i zlochynnist : Monohrafiia / O.M. Lytvak. – K. : Atika, 2004. – 304 s.

<sup>3</sup> Kulyk O. H. Zlochynnist v Ukraini: tendentsii, zakonomirnosti, metody piznannia : Monohrafiia / O.H. Kulyk. – K. : Yurinkom Inter, 2011. – 288 s.; Kulyk O.H. Zlochynnist v Ukraini na pochatku XXI stolittia : monohrafiia / O.H. Kulyk. — K. : Yurinkom Inter, 2013. — 272 s; Kulyk O.H., Naumova I.V., Bova A.A. Zlochynnist v Ukraini: faktory, tendentsii, protydiia (2002–2014 rr.): monohrafiia. – Kyiv: DNDI MVS Ukrainy, 2015. – 364 s.

<sup>4</sup> Monitorynhovyi kryminolohichniy analiz zlochynnosti v Ukraini (2009–2013 roky): monohr. / [Blazhivskyi Ye.M., Koziakov I.M., Knyzhenko O.O., Lytvak O.M., Yarmysh O.N. ta in.]. – K.: Natsionalna akademiia prokuratury Ukrainy, 2014. – 484 s.

<sup>5</sup> Beschastnyi V.M. Kryminolohichne zabezpechennia protydii zlochynnosti v Ukraini [Tekst] : monohrafiia / V. M. Beschastnyi. – Kharkiv : V spravi, 2017. – 358 s.

analysis of the current statistics on the state, structure, and dynamics of crime in the country, the establishment of trends and regularities that are inherent in it in recent years. This is the purpose of this work.

The paper was prepared on the basis of the analysis of statistical data for a consolidated report on criminal offenses (f. No. 1) for 2013–2018, the form of which was approved by the order of the General Prosecutor's Office of Ukraine in agreement with the State Statistics Committee of Ukraine as of 23.10.2012<sup>6</sup>. During the study, the most simple methods of descriptive statistics were used – summarizing, grouping of statistical data, their graphic representation; calculation of absolute, average values, relative indicators of dynamics (growth rates), and structure (shares), ratios of absolute values of crime per 100 thousand population of the country or its region. This allowed ensuring a proper understanding of the analytical data and its interpretation by both academics and practitioners of law enforcement bodies.

### 1.1. General crime trends

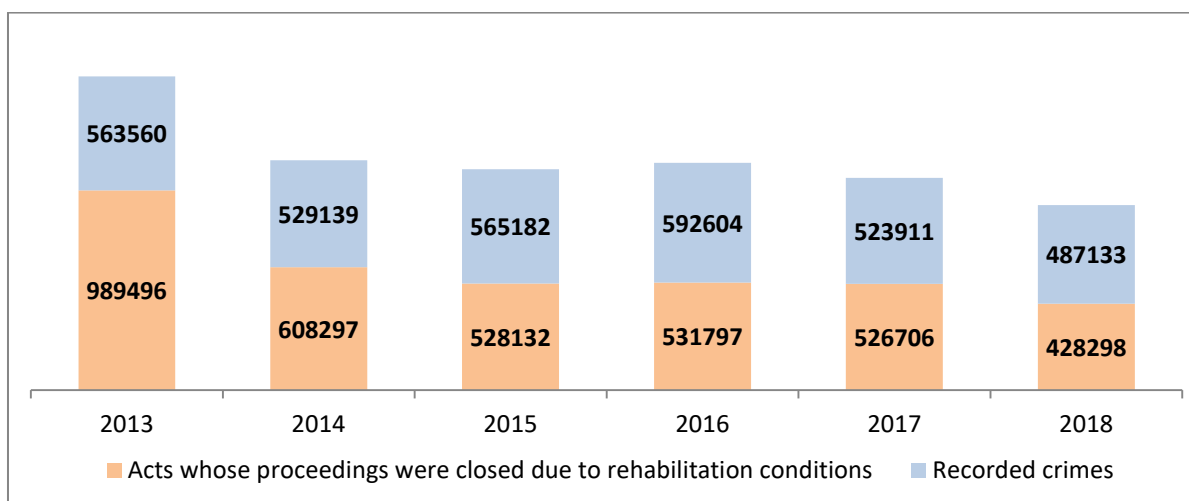
**Reported crimes.** All acts with signs of crimes registered in the URPI<sup>7</sup> are divided into two groups: acts, the proceedings of which are closed on rehabilitation grounds, and reported crimes. During the period under review, there was a noticeable decrease in the number of acts of the first group (Fig. 1). In 2013, 989,496 such acts were registered, but in the following year, their number decreased immediately by 38.5%, and in 2015 – by another 13.2% and amounted to 528,132. In 2016–2017, this indicator was not significantly changed, and in 2018 it decreased by 18.7% and amounted to 428,298.

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<sup>6</sup> Yedyni zvity pro kryminalni pravoporushennia (f №1) za 2013–2018 rr. Statystychna informatsiia pro stan zlochynnosti ta rezultaty prokurorsko-slidchoi diialnosti. Ofitsiinyi sait heneralnoi prokuratury Ukrainy. URL: <https://www.gp.gov.ua/ua/statinfo.html> (data zvernennia: 05.02.2019).

<sup>7</sup> Yedynyi reiestr dosudovykh rishen (IeRDR) – stvorena za dopomohoiu avtomatyzovanoi systemy elektronna baza danykh, vidpovidno do yakoi zdiisniuutsia zbyrannia, zberihannia, zakhyst, oblik, poshuk, uzahalnennia danykh pro zlochyny, obstavyny yikh vchynennia ta khid dosudovoho rozsliduvannia (p.2 hlavy 1 ta p.1 hlavy 2 Polozhennia pro poriadok vedennia Yedynoho reiestru dosudovykh rozsliduvan, zatverdzenoho nakazom Heneralnoi prokuratury Ukrainy vid 06.04.2016 № 139, zareiestrovanoho v Ministerstvi yustytzii Ukrainy 05.05.2016 za № 680/28810).





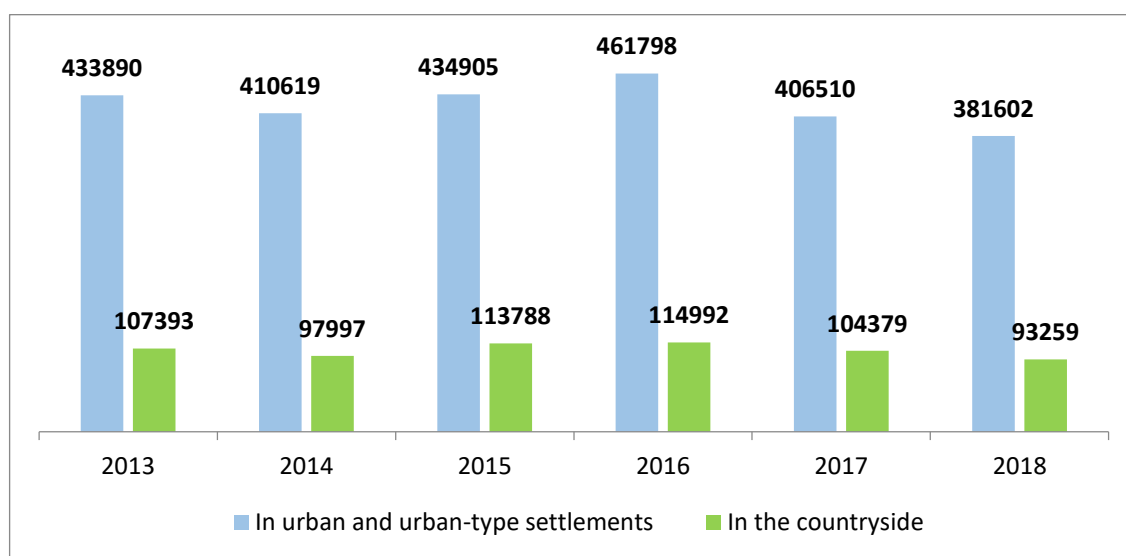
**Fig. 1. Reported crimes and acts closed on rehabilitation grounds**

The dynamics of the number of reported crimes<sup>8</sup> was somewhat different; in particular, this indicator did not undergo significant fluctuations. In 2013, in which the crime reporting was made first on the basis of the new regulatory framework, 563,560 crimes were reported. In 2014, this indicator amounted to 529,139 (–6.1%), and in the next two years it increased by 6.8% and 4.9% and amounted to 592,604 in 2016. In the last two years of the analysed period, there was a reduction in the number of reported crimes, in 2017 to 523,911 (–11.6%), and in 2018 – to 487,133 (–7.0%).

**The structure of crime by the place of commission.** In 2014–2018, there was a coincidence in the trends of dynamics of the crimes committed in cities and urban-type settlements (UTS) (urban crime) and encroachments in rural areas (rural crimes) (Fig. 2). The number of urban crimes in 2014 decreased to 410,619 (–5.4%), in the next two years it increased to 461,798 (+5.9% and +6.2%), and in 2017–2018 it decreased by 12.0% and 6.1%, respectively, and at the end of the period was 381,602. The growth rates of rural crimes were slightly different. In 2014, their number decreased by 8.1%, in 2015 it increased by 16.1%, and in the following year it remained at the same level and amounted to 114,992 (+1.0% to the indicator of the previous year). In 2017–2018, the number of such encroachments decreased by 9.2% and 10.7%, respectively, and amounted to 93,259 in 2018.

<sup>8</sup> Dali za tekstom dlia poznachennia oblikovanykh zlochyniv bude vzhlyvatysia termin «zlochyny».

The crimes committed in cities and UTS constitute an absolute majority of all reported encroachments, an average of 77.6%. During the analysed period, the share of urban crimes grew but insignificantly. In 2018, it was 78.3%. The share of rural crimes fluctuated within 19-20%, and in 2018 it was 19.1%.



**Fig. 2. Crimes committed in cities and UTS and rural area**

**Structure of crime by severity.** In 2014–2018, the dynamics of crimes of varying severity significantly differed. The number of particularly grave offences increased from 13,776 in 2013 to 25,872 (+87.8%) in 2014, which was associated with the beginning of a large-scale armed confrontation in the East of the country, accompanied by a number of acts that were qualified as particularly grave crimes. In the next three years, the number of such acts constantly and significantly decreased (in 2015: –16.8%, 2016: –11.6%, 2017: –12.8%), and in 2018 it decreased further by 5.5% and equalled to 15,691.

The number of severe crimes varied similarly to the changes in the number of all reported crimes. In 2014, it declined by 1.2% and amounted to 154,216, in the next two years it increased significantly (+15.3% and +20.1%) and amounted to 213,521 in 2016, and in 2017–2018 it decreased by 7.2% and 15.2%, respectively, and was 167,986 by the end of the considered period.

The dynamics of crimes of medium gravity, the most numerous group of encroachments, highlighted by severity, had certain features. In 2014, their indicator decreased from 231,983 to 215,792 (–7.0%), in 2015 it grew

to 236,792 (+9.7%), and next year it did not change much (−0.2%). In the last two years of the analysed period, there was a reduction in the number of crimes of medium gravity. In 2018, it was noticeable and amounted to 202,424 (−14.4%), and in 2018 it was insignificant and amounted to 196,688 (−2.8%).

Unlike other groups of crimes distinguished by severity, the number of minor crimes decreased throughout the period under review, especially in 2014 (−17.6%) and 2017 (−13.6%). In 2018, the number of encroachments of this type remained at the level of the previous year (−0.1%). Over the years, the number of such acts has decreased from 161,669 to 106,768, that is, more than a third.

Such a dynamics of the number of groups of crimes with different degrees of severity caused certain changes in their structural distribution. During the period under review, a group of medium-gravity crimes was the most numerous, provided that their share among all reported crimes varied insignificantly, from 39% to 41%. Since 2014, severe crimes have become the second largest. Their share in 2014–2017 increased from 27.7% to 37.8%, i.e. became almost equal to the medium-gravity indicator. In 2018, this indicator dropped to 34.5%. The share of minor crimes in 2014–2017 has decreased from 28.7% to 20.4%, and in 2018 it was 21.9%. The share of particularly serious crimes in 2014 increased from 2.4% to 4.9%, in the next year it was 3.8%, and in 2016–2018 it was 3.2%.

**Groups of crimes among crimes under investigation, identified by the criminological characteristics of offenders.** Despite a 2.2% decrease in the number of crimes under investigation, in 2018, the indicators of major groups of such acts, which were allocated according to the criminological characteristics of person having committed these crimes, increased. Thus, the number of encroachments committed by persons who previously committed crimes increased to 77,200 (+16.1%) (2014: +1.8%; 2015: −8.6%; 2016: −13.3%; 2017: +31.7%), by a group of persons – to 14,514 (+28.3%) (2014: −1.2%; 2015: +11.7%; 2016: −31.2%; 2017: +13.1%), by minors and with their participation – to 5,814 (+3.7%) (2014: −15.0%; 2015: −4.0%; 2016: −27.1%; 2017: +7.2%), by persons while intoxicated – to 12,994 (+0.9%) (2014: −20.9%; 2015: −28.4%; 2016: −16.2%; 2017: −9.7%).

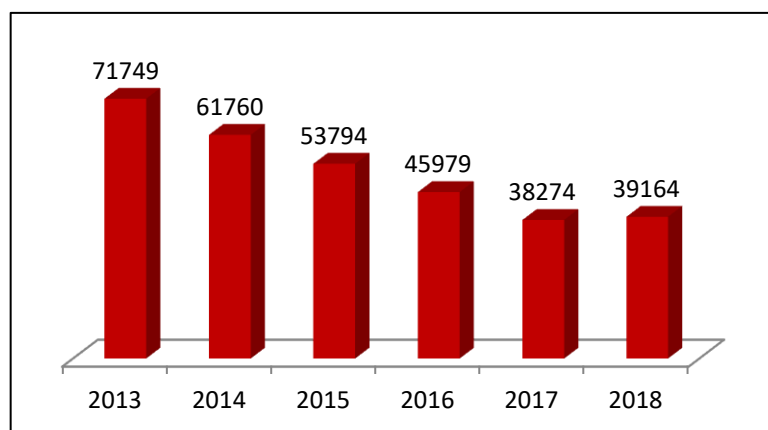
It should be noted that in 2018, the shares of groups of these crimes also increased. Thus, the share of crimes committed by persons who previously committed crimes has risen to 43.1% (2015: 34.0%; 2016: 35.1%; 2017: 36.3%), a group of persons – to 8.1% (2015: 8.5%; 2016:

6.9%; 2017: 6.2%). The share of crimes committed by minors and with their participation (2015: 4.2%; 2016: 3.6%; 2017: 3.1%; 2018: 3.2%) and by intoxicated persons (2015 and 2016: 9.9%; 2017: 7.0%; 2018: 7.3%) remained at the level of the previous year.

Now consider the trends in the dynamics of the most widespread groups and types of crimes in the country in 2014–2018.

### 1.2. The state and dynamics of crimes against life and health of the person and property crimes

**Crimes against life and health of the person.** In 2018, the favourable trend of reduction in the number of violent crimes against life and health of the person that lasted from 2013 was interrupted (Fig. 3).

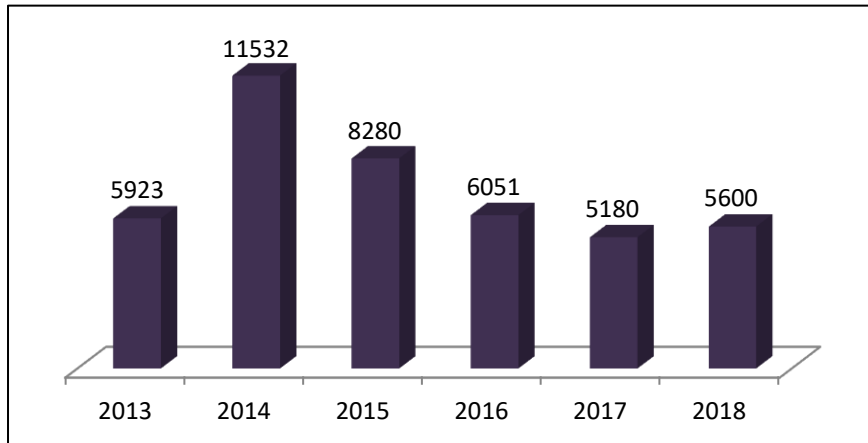


**Fig. 3. Crimes against life and health of the person**

In 2018, the number of encroachments in this category increased by 2.3% and amounted to 39,164 (2014: –13.9%; 2015: –12.9%; 2016: –14.5%; 2017: –16.8%). The share of encroachment of this direction among all reported crimes also increased and amounted to 8.0% (2013: 12.7%; 2014: 11.7%; 2015: 9.5%; 2016: 7.8%; 2017: 7.3%). Since 2013, crimes against life and health are the second most commonly reported crime group, accounting for 8.0% of all reported crimes.

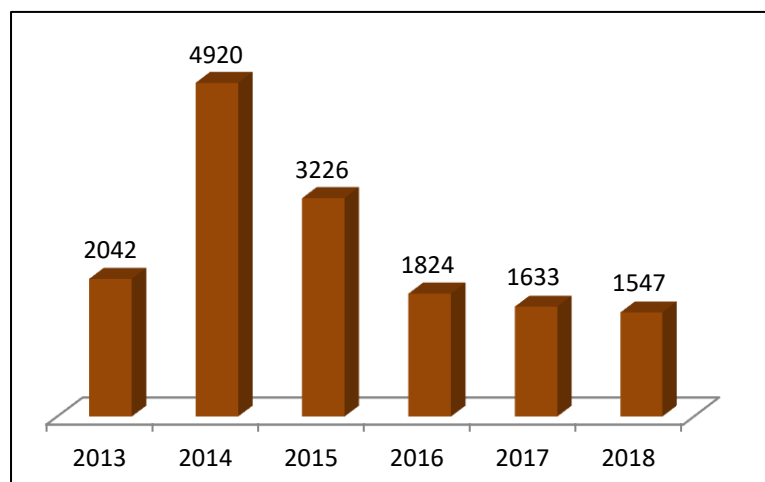
Unlike in previous years, the number of intentional homicides (deaths and disappearances) has increased (Articles 115-118 of the CC), in 2018 it was equal to 5,600, which is by 8.1% more than in the previous year (2014: +94.7%; 2015: –28.2%; 2016: –26.9%; 2017: –14.4%). Their share

among all crimes against life and health of the person was 14.3% (2013: 8.3%; 2014: 18.7%; 2015: 15.4%; 2016: 13.2%; 2017: 13.5%) (Fig. 4).



**Fig. 4. Intentional homicides – deaths and disappearances (Articles 115-118 of the CC)**

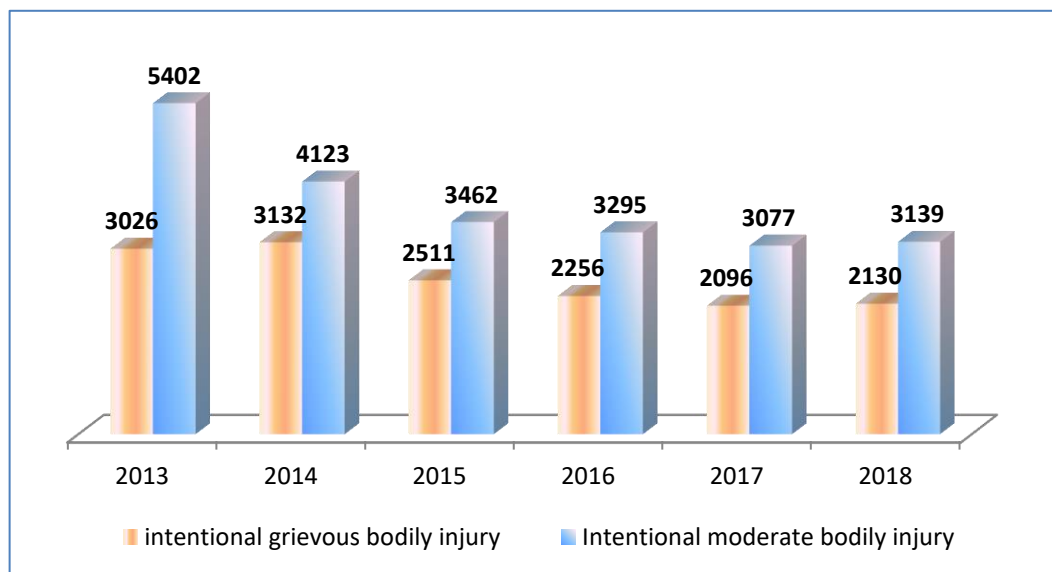
At the same time, the number of overt intentional homicides continued to decrease. In 2018, it decreased by 5.3% and equalled to 1,547 (2014: +140.9%; 2015: -34.4%; 2016: -43.5%; 2017: -10.5%) (Fig. 5). This year, 27.6% of all intentional homicides were overt (2013: 34.5%; 2014: 42.7%; 2015: 39.0%; 2016: 30.1%; 2017: 31.5%).



**Fig. 5. Overt intentional homicides**

It should be emphasized that the number of some types of intentional homicides has decreased, such as killing two or more persons (66; -5.7%); brutal murders (17; -37.0%); a way dangerous to the lives of many people (31; -13.9%); committed for financial gain (92; -6.1%); upon a preliminary collusion by a group of persons (102; -23.9%), and persons who had previously committed an intentional murder (76; -3.8%). At the same time, the number of murders of a young child or a woman who was known to be in a state of pregnancy (96; +47.7%); contract killings (13; +18.2%) and combined with rape or forcible sodomy (12; +50.0%) has increased.

In 2018, unlike in previous years, a slight increase in the number of intentional grave bodily injuries was recorded – to 2,130 (+1.6%) (2014: +3.5%; 2015: -19.8%; 2016: -10.2%; 2017: -7.1%), including those that caused the death of the victim – to 661 (+7.8%). In addition, for the first time in the past 5 years, the number of moderate bodily injuries has increased by 2.0% – to 3,139 (2014: -23.7%; 2015: -16.0%; 2016: -4.8%; 2017: -6.6%) (Fig. 6).



**Fig. 6. Intentional grave and moderate bodily injuries**

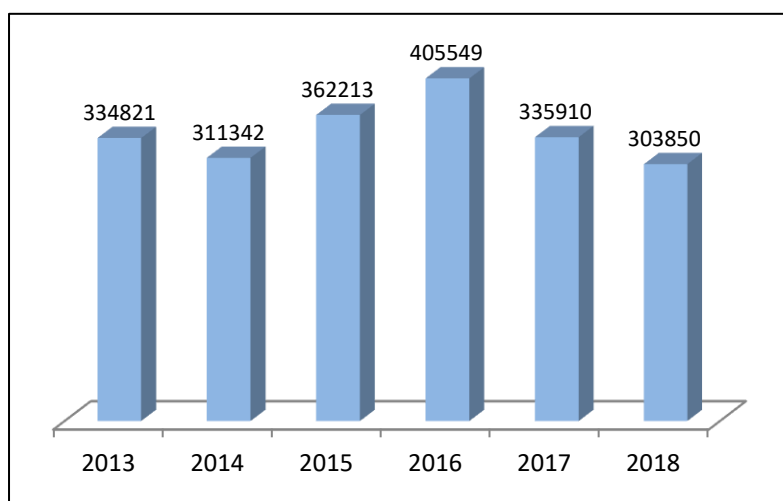
At the same time, the trend to decrease the number of cases of light bodily injury continued. Their number slightly decreased (-1.4%) and amounted to 23,447 (2014: -24.3%; 2015: -8.2%; 2016: -13.7%; 2017: -20.6%) (Fig. 8). After the provision in 2013 of their full registration, light bodily injuries became the most common form of crimes against the life

and health of the individual. In 2013, they accounted for 69.7% of encroachment of this direction, in 2014: 61.3%; in 2015: 64.6%; in 2016: 65.2%; in 2017: 62.2% and in 2018: 59.9%.

Some types of crimes of this direction were characterized by unfavourable tendencies. So, there was an increase in the number of cases of murder threats – 1,086 (+17.3%), battery and physical cruelty – 1,320 (+62.0%), unintentional infliction of grave or moderate bodily injury – 873 (+8.4%), torture – 163 (+98.8%), negligent homicide – 137 (+2.2%), forced suicide – 114 (+4.6%).

An increase in the number of crimes related to domestic violence in the last 4 years should also be noted – 1,586 (+18.3%) (2014: –59.1%; 2015: +8.7%; 2016: +29.5%; 2017: +18.3%).

**Property crimes.** In 2018, the reduction in the number of crimes of this direction continued. There were 303,850 such acts, which is 9.5% less than the previous year (2014: –7.0%; 2015: +16.3%; 2016: +12.0%; 2017: –17.2%). These crimes amount to 62.4% of all crimes committed in the country (Fig. 7).

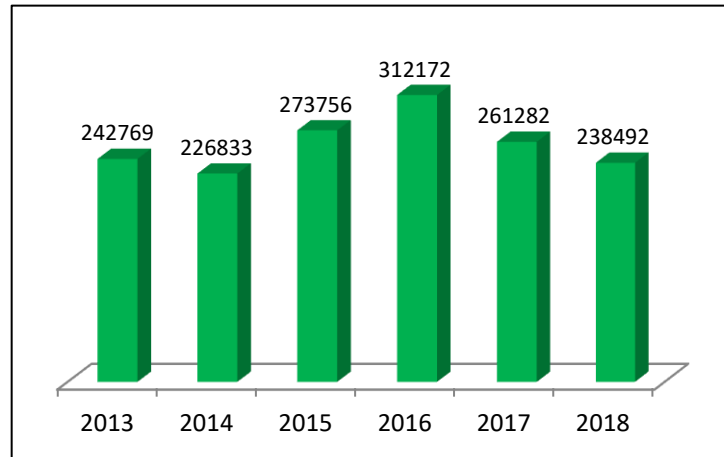


**Fig. 7. Property crimes**

The reduction of crime in the country occurred mainly due to the reduction of the number of such common criminal actions.

The number of most common types of crimes in this category and all crimes in general – thefts – decreased by 8.7% and amounted to 238,492 (2014: –6.6%; 2015: +20.7%; 2016: +14.0%; 2017: –16.3%), which

accounts for 49.0% of all reported crimes and 78.5% of encroachments on property (Fig. 8).



**Fig. 8. Thefts**

The absolute majority (87.3%) of thefts were aimed at the acquisition of private property, and their number decreased to 208,182 (–10.2%). The number of encroachments on the state-owned property also decreased by 10.0% compared to the corresponding period of the last year and amounted to 4,487.

Among all types of thefts, the data of which are reflected in statistical reporting, during the reporting year the number of thefts from apartments decreased to 20,228 (–19.6%); from cars – to 9,619 (–9.6%); from cottages, garden houses – to 5,171 (–22.5%). Instead, the increase in the number of pickpocketing – to 7,926 (+12.5%); from warehouses, bases, shops, and other outlets – to 24,322 (+2.5%); passengers’ things – to 1,962 (+3.0%); cargo in transport – to 245 (+14.5%) was unfavourable.

Theft of these varieties amounts to only 29.8% of all thefts (2014: 27.8%; 2015: 26.5%; 2016: 29.3%; 2017: 29.7%). The nature of the remaining thefts is still unknown, which makes the assessment of these acts incomplete.

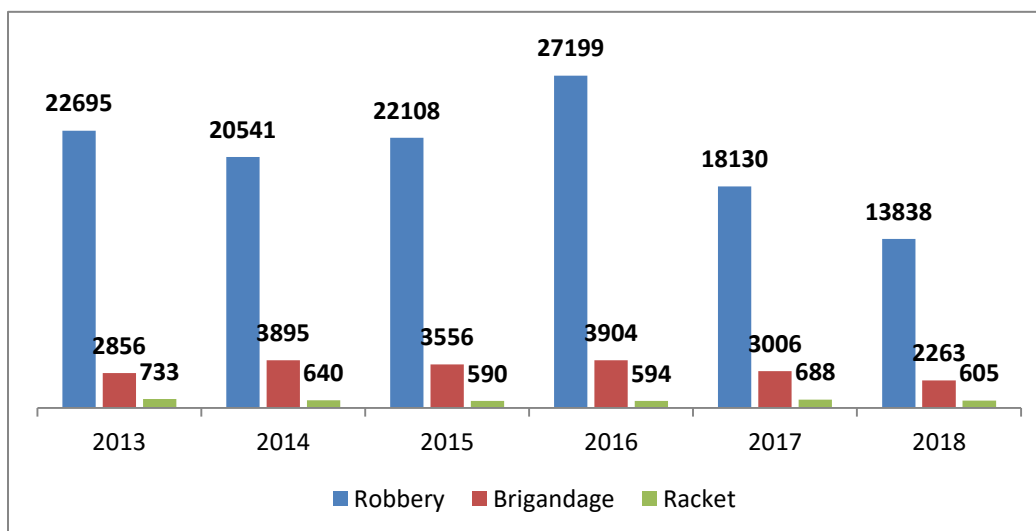
Encroachments against property should include also cases of illegal possession of a vehicle, which in the CC of Ukraine are attributed to crimes in the field of traffic safety and transport operation. In 2018, there were 6,642 such acts, which is 26.3% less than last year (2014: +86.1%; 2015: –9.3%; 2016: +6.5%; 2017: –26.1%). Almost 60% of these crimes



are aimed at capturing cars (2014: 68.3%; 2015: 60.1%; 2016: 55.6%; 2017: 56.5%).

In 2018, the number of cases of fraud continued to decrease. Their number decreased by 10.1% compared to the same period last year (2014: -11.0%; 2015: +9.4%; 2016: +0.3%; 2017: -19.6%) and amounted to 33,290, which accounted for 6.8% of all reported crimes and 11.0% of the total number of property crimes. This is the second most widespread type of crime in the country. Unlike in the previous year, the number of cases of large-scale fraud or fraud through illegal operations involving the use of computer technology decreased - 3,366 (-30.5%) but the number of fraudulent acts related to the seizure of real estate increased - 1,464 (+10.8%).

The reduction trend was also characteristic of lucrative-violent crimes. The number of robberies dropped by 23.7% to 13,838 (2014: -9.5%; 2015: +7.6%; 2016: +23.0%; 2017: -33.3%), assaults related to robbery - by 24.7% and was 2,263 (2014: +36.4%; 2015: -8.7%; 2016: +9.8%; 2017: -23.0%), cases of extortion - up to 605, which is 12.1% less than last year (2014: -12.7%; 2015: -7.8%; 2016: +0.7%; 2017: +15.8%) (Fig. 9).



**Fig. 9. Lucrative-violent crimes**

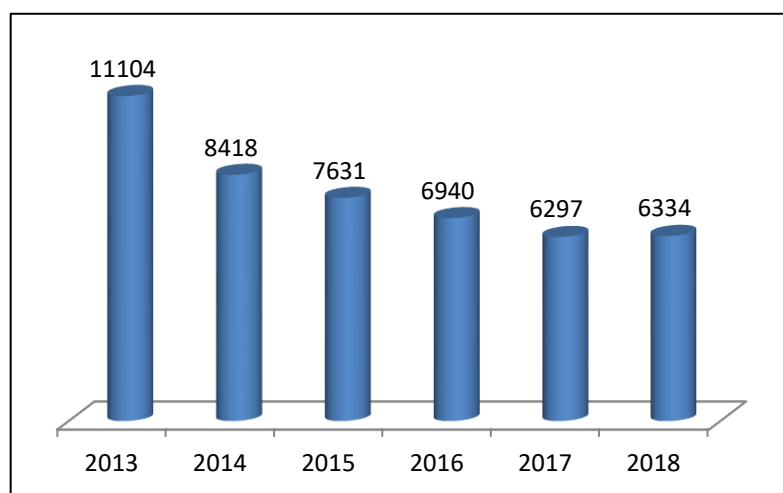
In 2018, the number of crimes against property committed in the field of the economy, in particular, cases of appropriation, embezzlement or possession of the property by abuse of authority, remained at the level of last year - 10,713 (-0.4%). The number of such crimes committed in large

volumes decreased significantly to 127 (–29.1%) and in particularly large amounts – by 26.5% to 250.

Reduction in the number of crimes against property, particularly thefts, has decisively influenced the reduction in the total number of reported crimes in the country. Such a reduction in the number of most types of mercenary and lucrative-violent encroachments is probably associated with the limitation of the reporting of violations of medium and low severity.

### 1.3. State and dynamics of other crimes

**Crimes in the field of economic activity.** In 2018, a slight increase in the number of crimes in the field of economic activity continued. During the reporting year, 6,334 such encroachments were detected, which is 0.6% more than in the previous year (2014: –24.2%; 2015: –9.3%; 2016: –9.1%; 2017: +0.6%) (Fig. 10). Their share among all offenses committed was 1.3%.



**Fig. 10. Crimes in the field of economic activity**

Law enforcement authorities have established more evasion of taxes, fees (mandatory payments) – 1,099 (+8.9%); illegal actions with transfer documents, payment cards, and other means of access to bank accounts, equipment for their manufacture – 609 (+56.2%) and smuggling – 125 (+22.5%).

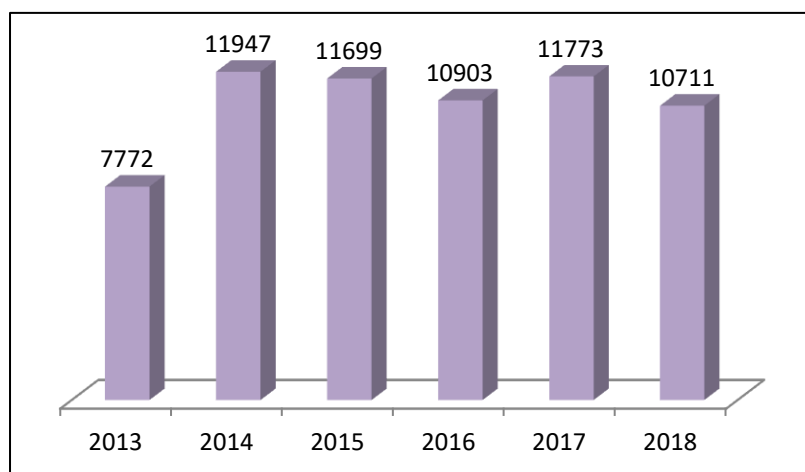
At the same time, the number of other types of crimes in the sphere of economic activity decreased: the production, storage, acquisition,

transportation, forwarding, import into Ukraine with the intent to distribute or for the sale of counterfeit money, government securities or state lottery tickets – up to 915 (–10.5%); sham business – up to 715 (–8.8%); violation of the procedure for carrying out operations with scrap metal – to 639 (–3.3%); illegal manufacture, storage, sale or transportation with the intent to distribute excisable goods – to 574 (–3.7%); engaging in gambling business – to 301 (–35.8%) and so on.

The number of detected facts of legalization (laundering) of proceeds of crime remained at the last year's level and amounted to 242 (–0.4%).

The given data testify to a certain activation of activities of the economic protection units of the National Police of Ukraine, which is a positive trend. Detection of such encroachments as evasion of taxes, fees (compulsory payments); illegal actions with transfer documents, payment cards, and other means of access to bank accounts, equipment for their manufacture, and smuggling increased.

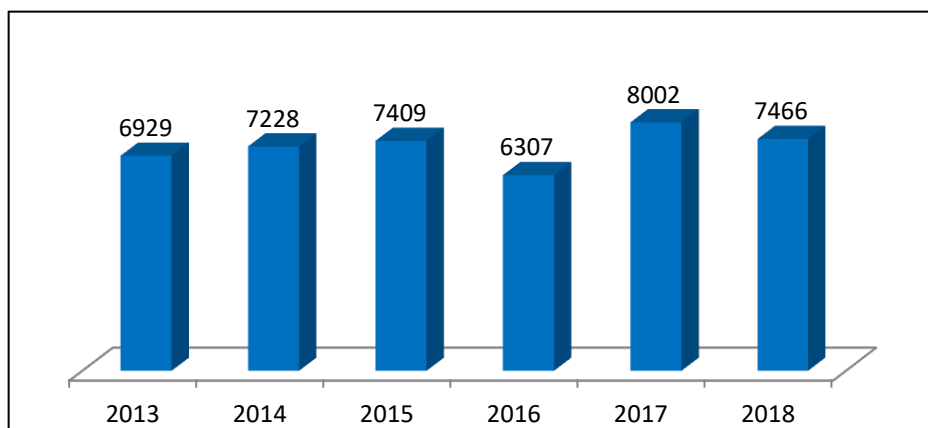
**Public safety crimes.** Despite the fact that in 2018, the tendency to reduce the number of public safety crimes has restored, the situation in this area remains unfavourable (Fig. 11). The number of these encroachments, though reduced by 9.0%, remains high and equals 10,711 (2014: +53.7%; 2015: –2.1%; 2016: –6.8%; 2017: +8.0%), and their share among all crimes was 2.2%.



**Fig. 11. Public safety crimes**

The dynamics of the crimes of this group is significantly affected by the most widespread and dangerous type of crime – the unlawful use of

weapons, ammunition or explosives. The number of these acts in 2018 was 7,466, which is less than in the past by 6.7% but remains significant (2014: +4.3%; 2015: +2.5%; 2016: -14.9%; 2017: +26.9%) (Fig. 12).

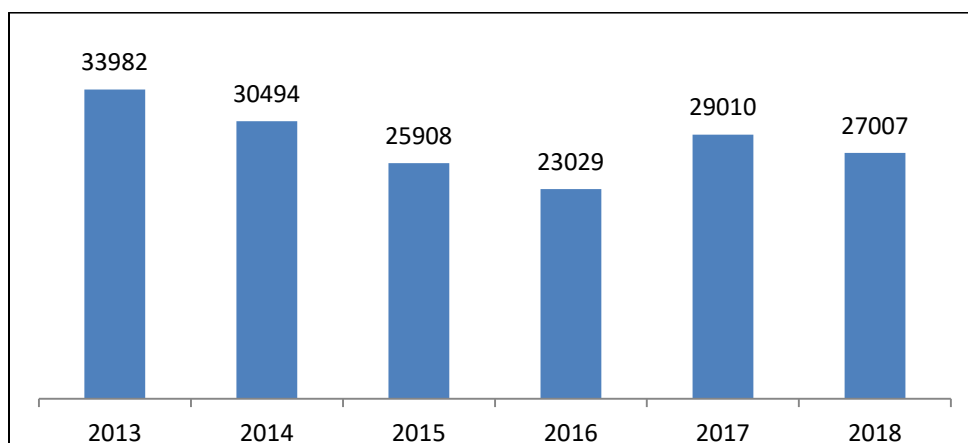


**Fig. 12. Unlawful use of weapons, ammunition or explosives**

In 2018, the number of terrorist acts decreased to 950 (-31.4%); cases of the creation of extra-legal paramilitary or armed units – 396 (-8.1%); creation of a terrorist group or terrorist organization – 175 (-36.8%); creation of a criminal organization – 84 (-4.5%); financing of terrorism – 51 (-31.1%); banditry – 22 (-26.7%).

At the same time, the number of facts of a knowingly false report about the threat to citizens' safety, destruction or damage to property objects has increased – 693 (+12.0%), as well as violations of fire safety requirements established by legislation – 468 (+13.3%).

**Crimes in the sphere of narcotic drugs, psychotropic substances, their analogues or precursors, and other crimes against public health (drug-related crimes).** In 2018, the trend of reducing the number of drug-related crimes, interrupted last year, was restored. 27,007 such acts were investigated, which is 6.9% less than in the previous year (2014: -10.3%; 2015: -15.0%; 2016: -11.1%; 2017: +26.0%) (Fig. 13). The share of these acts among all reported crimes was 5.5% as in the past year.



**Fig. 13. Crimes in the sphere of narcotic drugs, psychotropic substances, their analogues or precursors, and other crimes against public health**

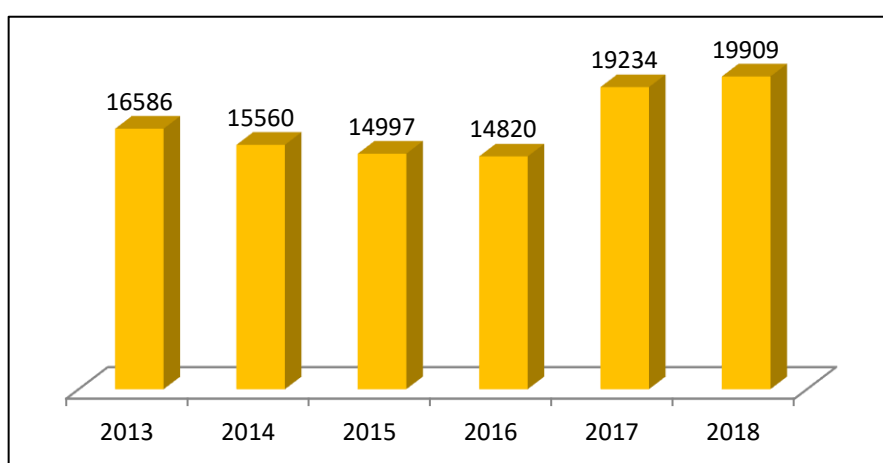
It should be noted that the effectiveness of the work of the relevant police units in detecting certain types of drug-related crimes was different. Thus, there was a reduction in the number of identified cases of committing the most widespread drug-related crimes – illegal production, manufacturing, purchase, storage, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without the intent to distribute. In 2018, it was 18,022, which is less than in the past by 10.2% (2014: –9.7%; 2015: –11.4%; 2016: +16.8%; 2017: +15.4%). The number of the following cases has also decreased: sowing or growing white poppy or cannabis (1,555; –22.9%); the smuggling of narcotic drugs, psychotropic substances, their analogues or precursors or counterfeit medicines (212, –15.5%); the organization or maintenance of places for the illicit use, production or manufacture of narcotic drugs, psychotropic substances or their analogues (511; –13.4%).

At the same time, last year's increase in the number of the second most common type of drug-related crimes continued – cases of illicit production, manufacture, purchase, storage, transportation, transfer or sale of narcotic drugs, psychotropic substances or their analogues (Fig. 20). This year, 5,453 such acts were detected, which is 8.4% more than in the past (2014: –10.8%; 2015: –21.4%; 2016: –65.3%; 2017: growth in 2,2 times). In particular, the number of cases of sales of narcotic drugs, psychotropic substances or their analogues increased to 3,892 (+13.5%) (2014: +8.3%; 2015: –20.0%; 2016: –70.7%; 2017: growth in 2,7 times).

The above data testify that the activities of the CDC units of the National Police of Ukraine remain quite effective. A slight decrease in the total number of detected drug-related crimes is associated with a certain

decrease in their activity in relation to bringing drug users to responsibility. A clear line is continuing on the primary response to the distribution of narcotic drugs. Such an approach is entirely justified.

**Crimes in the sphere of public service activities and professional activities related to the provision of public services.** In 2018, the number of crimes in the field of public service activities and professional activities related to the provision of public services continued to increase (Fig. 14). In 2018, it increased by 3.5% and amounted to 19,909 (2014: -6.2%; 2015: -3.6%; 2016: -1.2%; 2017: +29.8%). The share of these acts among all crimes increased to 4.1%.



**Fig. 14. Crimes in the sphere of public service activities and professional activities related to the provision of public services**

The increase in the activity of police officers in identifying most of the actions of this area should be noted. However, unlike in the previous year, its pace slowed down.

Thus, the number of the most common acts in this area – cases of official counterfeiting – has increased to 6,644, which is by 0.8% more than in the previous year (2014: +10.5%; 2015: -14.9%; 2016: -8.4%; 2017: +18.1%); facts of accepting a proposal, promise or obtaining an unlawful benefit by an official (obtaining a bribe) – up to 2,189 (+4.9%) (2014: -8.8%; 2015: +3.5%; 2016: -0.6%; 2017: +32.2%); excess of power or official misconduct by a law enforcement officer – up to 2,159 (+6.3%) (2014: -13.0%; 2015: +0.8%; 2016: -14.7%; 2017: +78.2%); neglect of duty – up to 1,940 (+9.4%) (2014: -12.1%; 2015: -0.6%; 2016: -2.8%; 2017: +4.0%).

The number of less common types of crimes in this area has also increased. In particular, in 2018, the facts of the offer, promise, or giving

unlawful benefit to an official (bribe) were discovered – 785 (+41.2%); abuse of authority by persons providing public services – 308 (+31.6%); undue influence – 285 (+14.5%).

At the same time, fewer cases of abuse of power or position were detected – up to 3,589 (–10.2%) (2014: –32.6%; 2015: +19.9%; 2016: +9.2%; 2017: +18.9%), including those that caused grave consequences – up to 1,785 (–19.0%); abuse of authority by an official of a legal entity of private law irrespective of organizational form – 244 (–24.5%) and illegal enrichment – 73 (2016: 43; 2017: 104).

## CONCLUSIONS

There are both positive and negative trends in relation to the crime rate in Ukraine during the period under review. During the last two years, the total number of reported crimes has decreased, which is determined by the reduction of thefts of all kinds, fraud and lucrative-violent encroachment. Such a reduction was due to both objective and subjective reasons, in particular, the desire of the police to reduce the significant level of workload that arose during the period of crime growth in 2014–2016.

Also, a tendency remains that more than  $\frac{3}{4}$  of all crimes in Ukraine are committed in cities and UTSs, which share among all crimes is slowly increasing. On the other hand, the dynamics of the number of urban and rural crimes did not differ significantly.

A tendency to reduce the number of crimes of medium and, in particular, minor gravity is observed, which to some extent is determined by the desire to reduce the burden on the law enforcement system, especially the police, so that they can effectively counteract more serious crimes. The country still has a significant number of serious crimes, although in 2018 it has significantly decreased, which is a positive trend. The increase in the number of particularly serious crimes was short-term and conditioned by the large-scale armed confrontation in the East of the country.

The increase in the share of crimes, forwarded to the court, committed by persons who previously committed crimes, was probably due to the formation of a marginalized population in the country with increased criminal activity. In the past two years, there has been an increase in the percentage of group crimes, which, against the background of a decrease in the total number of reported crimes, may indicate an intensification of activities aimed at disclosing the most dangerous encroachments of a group nature.

Throughout the analysed period, the number of people who committed crimes while intoxicated declined, which is the result of a marked decrease in the population's alcoholization that has been observed over the last decade.

The situation of crimes against the life and health of a person has deteriorated a little; in particular, there has been an increase in intentional homicides (death and disappearances) and intentional grave bodily injuries. The increase in these types of crimes with a decrease in the number of overt intentional homicides indicates the continuing practice of qualification of a certain number of deaths and disappearances as intentional homicides. The increase in the number of crimes related to domestic violence is unfavourable, although it may be associated with the increasing attention of the public and, accordingly, the police to this problem.

Positive is the tendency of further growth of the number of revealed crimes without the victim – encroachments in the field of economic activity; drug-related crimes associated with the distribution of narcotic drugs; crimes in the field of public service activities and professional activities related to the provision of public services, in particular, corruption.

The number of crimes related to the unlawful use of weapons, ammunition or explosives remains significant. There is a noticeable decrease in the indicators of criminal acts of a terrorist nature and manifestations of organized crime.

## **SUMMARY**

The work is devoted to the study of the state, structure, and dynamics of crime in Ukraine for the period of 2013–2018. During the analysis, a number of important trends in modern crime rates in the country have been identified. The periods of growth and reduction of crime in the country, the main tendencies of the dynamics of individual groups, and the most common types of crimes are determined. A number of important regularities of crime in the country are established: the dominance of urban crimes, reduction in the number of crimes of medium and little gravity while maintaining a significant level of severe crimes; increase in recidivism and group crime; reduction in the number of revealed crimes committed in the state of alcohol intoxication, as a consequence of a noticeable decrease in the level of alcoholization of the population. There is a significant level of serious infringements on the person's life and health, including intentional homicides; acts related to domestic violence; the absolute prevalence of property crimes, high levels of thefts and lucrative-violent crimes. An increase is established as regards to the number of crimes in the field of economic activity; drug-related crimes associated with the distribution of narcotic drugs; crimes in the field of public service activities and professional activities related to the provision of public services, in particular, corruption.



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## CHAPTER 2 CURRENT CRIMINOGENIC SITUATION IN UKRAINE

**Kulyk O. H.**

### INTRODUCTION

In criminology, the most well-argued and popular method for assessing the crime situation in a country is through analysis of socio-economic processes and phenomena occurring in the main aspects of society's life and their assessment as either criminogenic or anti-criminogenic factors. This approach to structuring crime factors has already been used in numerous criminological studies in Ukraine and other countries and has proved its worth<sup>1</sup>.

Today's crime determination theory does not allow us to clearly and unambiguously determine the nature, let alone the degree of influence that each individual process or phenomenon has on the crime situation. For this reason, in our work we used the method of logic and content analysis of the impact of an indicator or indicators characterizing the state of each factor over a certain period of time, as well as the direction of this impact – whether it promotes an increase or decrease in crime. This method has already been used by us and other researchers in analytical studies on crime factors and has allowed us to obtain theoretically and practically meaningful results<sup>2</sup>.

By analyzing indicators of all selected factors existing as of 2018 – March 2019, we formulated an approximate qualitative assessment of the

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<sup>1</sup> Kudryavtsev V.N., Eminov V.Ye. Prichiny prestupnosti v Rossii: Kriminologicheskiy analiz. M., Norma, 2006. 112 s.; Antonyan Yu.M. Pochemu lyudi sovershayut prestupleniya. Prichiny prestupnosti / Yu.M. Antonyan. M., ID «Kameron», 2006. 304 s.; Nomokonov V.A. Prichiny prestupnosti v sovremennoy Rossii: problema obostryayetsya // Vserossiyskiy kriminologicheskiy zhurnal. — 2017. T. 11. № 2. S. 247–257.; Prozumentov L.M., Shesler A.V. Obshchesotsial'nyye determinanty prestupnosti // Vserossiyskiy kriminologicheskiy zhurnal. 2018. T. 12. № 1. S. 5–14.

<sup>2</sup> Sitkovskiy A.L. Kompleksnyy analiz prestupnosti i prognoz yeye razvitiya na territorii Rossiyskoy Federatsii i Ukrainy do 2013 goda: Monografiya / A.L. Sitkovskiy, G.Yu. Lesnikov, O.R. Afanas'yeva, A.G. Kulik, A.A. Bova, I.V. Naumova. M., FGKU «VNII MVD Rossii», 2011. 144 s.; Kulyk O.H., Naumova I.V., Bova A.A. Zlochynnist' v Ukraini: faktory, tendentsiyi, protydiya (2002–2014 rr.): monografiya. Kyiv, DNDI MVS Ukrainy, 2015. 364 s.; Kompleksnyy analiz sostoyaniya prestupnosti v Rossiyskoy Federatsii i raschetnyye varianty yeye razvitiya: analiticheskiy obzor / Yu.M. Antonyan, D.A. Brazhnikov, M.V. Goncharova i dr. M., FGKU «VNII MVD Rossii», 2018. 86 s.

general crime situation in the country, which allowed us to make a prediction regarding the trends of the actual crime situation<sup>3</sup> in Ukraine.

### **2.1. Political factors**

**Electoral campaigns for the elections of the President of Ukraine and the Verkhovna Rada (Parliament) of Ukraine.** They will have a significant effect on the stability of the socio-political situation in the country. The presidential election will be held on March 31, 2019. 44 candidates are running for presidency, with 39 people put on the ballot paper. The confrontation between supporters of different candidates during the election campaign is relentless and involves allegations of corruption and other illegal acts, protests organized, etc. We can expect more street actions to be organized by supporters of political forces in the course of the campaign and after the election, as well as an increased number of illegal acts, clashes with groups of political opponents and police officers. Members of illegal paramilitary and radical public organizations are potential perpetrators of these actions. Presidential elections held without serious violations of the electoral law and acknowledged by the majority as such would have a positive effect on the political and other aspects of public life.

The campaign before the Ukrainian Parliament election, which will take place on October 27, 2019, is going to have a similar impact on the socio-political situation in the country. It will probably be characterized by another struggle between different political forces, which could get even more active than that during the presidential campaign.

The people's assessment of the circumstances of the upcoming elections is unfavorable. During a poll conducted by the Sociological Group "Rating" at the commission of the International Republican Institute's Center for Insights in Survey Research between December 13-27, 2018, respondents were asked whether they expected the upcoming Presidential elections in Ukraine to be free and fair. Only 24% of those interviewed expect the elections to be completely or mostly free and fair, 38% expect them to be not quite free and fair and 22% answered a definite no (16% remained undecided)<sup>4</sup>.

**Joint Forces Operation (JFO) conducted in certain parts of Donetsk and Luhansk Oblasts.** This is a long-lasting factor negatively

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<sup>3</sup> By «actual crime» we mean the entire set of crimes committed in the country within a certain period of time, both registered by law enforcement as well as those that remained unknown to them, that is, the latent ones.

<sup>4</sup> Cuspil'no-politychni pohlyady naselennya Ukrainy. Sayt Sotsiolohichnoyi hrupy «Reytnh». URL: [http://ratinggroup.ua/getfile/343/national\\_survey\\_2018\\_12\\_ua.pdf](http://ratinggroup.ua/getfile/343/national_survey_2018_12_ua.pdf) (data zvernennya: 08.02.2019).

affecting the political and other aspects of the population's life – economic, social and socio-psychological ones.

Over the course of the conflict, from April 14, 2014 to November 15, 2018, the OHCHR has documented 3,020 civilian casualties. Taking into account the 298 deaths in the tragedy of the MN17 on July 17, 2014, the total number of civilians killed in the conflict is at least 3,318. According to the OHCHR, the total number of injured civilians as of November 2018 is between 7,000 and 9,000 people<sup>5</sup>.

According to the information provided by Ukraine's Minister of Defense Stepan Poltorak on May 8, 2018, since the beginning of Russia's aggression, the Armed Forces of Ukraine lost 3,332 people, of which 2,394 were combat losses and 938 were non-combat related<sup>6</sup>. In 2018, over 110 soldiers were killed in combat, 100 – in non-combat situations, and 776 were wounded<sup>7</sup>.

**Rising extremism.** Lately there have been numerous instances of violent acts and threats in Ukraine against officials and ordinary citizens on the basis of differences in political, moral views, racial affiliation, etc. Such actions are most often perpetrated by representatives of radical political forces of nationalistic nature, and violent acts have also been perpetrated against activists of civil society organizations.

According to a report of the Amnesty International Ukraine, more than 50 attacks on activists and human rights defenders took place in Ukraine in 2018. Most of these cases were never properly investigated.

According to a coalition of local human rights organizations, this number is even larger – over 300 attacks, according to the document. «After public protests and outcry, the government usually promises to find the attackers. However, as soon as the public's attention moves elsewhere, these promises are forgotten,» say human rights activists<sup>8</sup>.

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<sup>5</sup> Sayt Upravlinnya Verkhovnoho komisara OON z prav lyudyny (The Office of the United Nations High Commissioner for Human Rights – OHCHR). Dopovid' shchodo situatsiyi z pravamy lyudyny v Ukraini. 16 serpnia 2018 roku – 15 lystopada 2018 roku (ukr. mova). – S. 5. URL: [https://www.ohchr.org/Documents/Countries/UA/24thReportUkraineAugust\\_November2018\\_UKRANIAN.pdf](https://www.ohchr.org/Documents/Countries/UA/24thReportUkraineAugust_November2018_UKRANIAN.pdf) (data zvernennya: 10.01.2019).

<sup>6</sup> Sayt zhurnalu «Ukrayins'ky tyzhden'». URL: <http://tyzhden.ua/News/213550> (data zvernennya: 08.05.2018).

<sup>7</sup> Vtraty ZSU na Donbasi: za 2018 rik u boyakh zahynulo ponad 110 ukrayins'kykh biytsiv. Sayt Ukrayins'koyi sluzhby Brytans'koyi teleradiomovnoyi korporatsiyi BBC. URL: <https://www.bbc.com/ukrainian/news-46572542> (data zvernennya: 17.12.2018).

<sup>8</sup> Ukrayins'ka vlada zabuvaye pro obitsyanky pokaraty vynykh u napadakh na aktyvistiv — Amnesty International. Sayt informatsiynoho ahent-stva UNIAN. URL: <https://www.unian.ua/politics/10379460-ukrajinska-vlada-zabuvaye-pro-obicyanky-pokarati-vinnih-u-napadah-na-aktivistiv-amnesty-international.html> (data zvernennya: 10.01.2019).

**Corruption in the country.** Despite all the regulatory and organizational measures taken in recent years to combat corruption in the country, its levels remain high. Corruption-related crimes keep occurring in numerous various areas of government, law enforcement and justice system, all the while the effectiveness of activities aimed at detecting instances of corruption and bringing the perpetrators to justice is getting lower. Thus, according to data posted on the website of the General Prosecutor's Office of Ukraine as of 12 January 2018, 9,155 such instances were documented, compared to 9,425 in the previous year. Approximately the same number of cases made it to court: 3,126 in 2018 and 3,139 in 2017. At the same time, the difference in the number of convictions is impressive. In 2017, 1,692 corrupt officials were convicted, in 2018 – 702, that is, 2.4 times fewer<sup>9</sup>. This indicates a significant decrease in the efficiency of the country's judicial system.

**Establishment of the autocephalous Orthodox Church of Ukraine (OCU).** The fact that the OCU received the Tomos of Autocephaly, although a positive thing, carries certain risks. Since the Ukrainian Orthodox Church of the Moscow Patriarchate does not consider this action canonical, there is a risk of increasing the divide among Orthodox Ukrainians. The creation of the Orthodox Church on Ukraine raises the issue of redistribution of churches and other buildings between different Orthodox patriarchates. This process could be accompanied by criminal offenses, such as capture of churches, assaults on people, etc.

**Population's attitude toward the political situation in the country.** In 2018, more of the population considered the country politically unstable. According to the research «Elections VS protests: electoral orientations of residents of large cities of Ukraine» conducted by the «Social Monitoring» Center and the O. Yaremenko Ukrainian Institute for Social Studies together with the Institute for Analysis and Prediction with the support of the Kyiv Press Club between July 7-11, 2018 in all oblast centers and large cities of Ukraine with a population of 100,000+ (1,250 respondents aged 18 and over representing the adult population of large Ukrainian cities), the majority of respondents (62%) called the political situation in Ukraine tense, 24% – critical and volatile, 10% – calm, and 1% – prosperous. 4% were unable to answer this question<sup>10</sup>.

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<sup>9</sup> Borot'ba z koruptsiyeyu 2017–2018. Ofitsiynyy sayt heneral'noyi prokuratury Ukrayiny. URL: [https://www.gp.gov.ua/ua/prev\\_combating\\_corruption.html](https://www.gp.gov.ua/ua/prev_combating_corruption.html) (data zvernennya: 09.01.2019).

<sup>10</sup> Sayt Ukrayins'koho instytutu sotsial'nykh doslidzhen' im. Oleksandra Yaremenka. Vybery VS protesty: elektoral'ni oriyentatsiyi meshkantsiv velykykh mist Ukrayiny. URL: [http://www.uisr.org.ua/img/upload/files/PR\\_2018%2007%2017\\_1.ppt](http://www.uisr.org.ua/img/upload/files/PR_2018%2007%2017_1.ppt) (data zvernennya: 21.09.2018).

According to a joint poll conducted by the Razumkov Center's sociological service, the Kyiv International Institute of Sociology (KIIS) and the Center for Social and Marketing Research (SOCIS) between August 30 and September 9, 2018 (10,005 respondents aged 18 and over representing the adult population of Ukraine), the majority of the population (66.6%) consider the current situation in the country tense, 23.5% - volatile and only 7.1% – stable<sup>11</sup>.

**Assessment by the population of the most important problems the country is facing today.** According to a survey conducted by the Sociological Group «Rating» commissioned by the International Republican Institute's Center for Insights in Survey Research and conducted between December 13-27, 2018, (2400 respondents from all oblasts of Ukraine aged 18 years and over), the majority considers as most important issues the military actions in Donbas (49%) and corruption in state bodies (45%). These are followed by socio-economic problems: low production levels (25%), rising prices (24%), unemployment (17%), as well as shortcomings of the political system: government incompetence (23%) and political instability (20%). It should be noted that only 7% of the polled consider crime rates an important issue<sup>12</sup>.

A similar question was clarified during a survey conducted by the Social Sciences and Marketing Research Center «SOCIS», the Kyiv International Institute of Sociology (KIIS) and the Razumkov Center between January 16-19, 2019 (11,000 respondents from all oblasts of Ukraine aged 18 and over). The list of the most important issues mentioned by the respondents is similar to the data of the previous survey, but the percentage varies considerably. Among the main problems, participants named the war in the east of Ukraine (61.2%), low wages or pensions (53.7%), high price of utilities (52.7%), and rising prices (28.9%). A significant proportion of respondents consider as important issue corruption in the central government (21.6%), unemployment (19.8%) and corruption in courts, the police and the prosecutor's office (15.4%). The importance of the problem of increasing crime rates and danger on the streets was indicated by only 5.2% of the polled.<sup>13</sup>

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<sup>11</sup> Sayt Tsentru Razumkova. Sotsial'no politychna sytuatsiya v Ukraini. Veresen' 2018. URL: [http://razumkov.org.ua/uploads/socio/2018\\_Press\\_release\\_september.pdf](http://razumkov.org.ua/uploads/socio/2018_Press_release_september.pdf) (24.09.2018).

<sup>12</sup> Cuspil'no-politychni pohlyady naseleennya Ukrainy. Sayt Sotsiolohichnoyi hrupy «Reytynh». URL: [http://ratinggroup.ua/getfile/343/national\\_survey\\_2018\\_12\\_ua.pdf](http://ratinggroup.ua/getfile/343/national_survey_2018_12_ua.pdf) (data zvernennya: 08.02.2019).

<sup>13</sup> «Ukrayina naperedodni prezident-s'kykh vyboriv 2019». Sayt Tsentru sotsial'nykh ta marketynhovykh doslidzhen' «Sotsys». URL: [http://socis.kiev.ua/wp-content/uploads/2019/01/Press\\_reliz\\_3\\_company-1.pdf](http://socis.kiev.ua/wp-content/uploads/2019/01/Press_reliz_3_company-1.pdf) (data zvernennya: 08.02.2019).

**Public trust in main institutions.** Given in Table 1 are indicators of the public's trust in the main authorities and other social institutions according to a survey conducted by the KIIS between November 23 – December 3, 2018 (2,000 respondents from 110 settlements of all oblasts of Ukraine aged 18 and over).

Table 1

**Public's level of trust toward key state and social institutions (%)**

Type of state and social institute	I trust them	I don't trust them	I don't know/I'd rather not say	Equal level of trust and distrust
Verkhovna Rada of Ukraine	5.9	90.3	3.8	-84.4
Ukrainian judicial system	6.8	84.6	8.6	-77.8
Cabinet of Ministers of Ukraine	9.5	85.2	5.3	-75.7
Political parties	8.8	81.2	10.0	-72.4
Prime Minister of Ukraine	12.3	82.2	5.4	-69.9
President of Ukraine	12.4	81.6	6.0	-69.2
Prosecutor's Office of Ukraine	11.2	77.7	11.0	-66.5
State pension system	13.0	74.2	12.8	-61.2
National Anti-Corruption Bureau (NABU)	11.9	72.1	16.1	-60.2
State healthcare system	16.6	74.4	9.1	-57.8
State social protection system	17.2	71.5	11.3	-54.3
National police	25.3	64.7	10.0	-39.4
Security Service of Ukraine (SBU)	24.3	62.6	13.1	-38.3
Press	29.1	60.3	10.6	-31.2
State education system	28.5	54,7	16,8	-26,2
Associations of entrepreneurs	21,0	39,5	39,5	-18,5
Members of your city/village councils	33,8	48,5	17,7	-14,7
NGOs	38,6	40,0	21,4	-1,4
Your city/village head	47.3	40.9	11.8	6.4
Volunteer battalions	46.2	34.3	19.5	11.9
Armed Forces of Ukraine	53.1	37.8	9.1	15.3
The Church	56.9	25.9	17.3	31.0
Volunteer organizations	65.5	20.9	13.6	44.6

Main government institutions enjoy the lowest level of trust: 81.6% of people do not trust the President of Ukraine, 82.2% – the Prime Minister, 81.2% – political parties, 85.2% – the Cabinet of Ministers of Ukraine, and 90.3% – the Parliament. They are joined by Ukraine's judicial system, which has the trust of only 6.8% of respondents, with 84.6% having no

trust in it. The public also has little trust for anti-corruption state bodies: thus, only 11.9% trust the National Anti-Corruption Bureau while 72.1% do not, for the Prosecutor’s Office it’s 11.2% against 77.7%, and for the National Police – 25.3% against 64.7%<sup>14</sup>.

**Level of protest activities among the population.** According to a survey conducted by the O. Yaremenko Ukrainian Institute for Social Research and the “Social Monitoring” Center between December 1-10, 2018 (2,198 respondents representing the population of Ukraine aged 18 and over), 17.4% expressed willingness to personally participate in mass protests in the country, 36.7% support such actions but will not take part in them personally, and 39.0% of respondents do not support them (6.8% provided no answer).

The majority of respondents are willing to participate in peaceful sanctioned protests: petition and appeal signing, voting on social networks – 41.3%, participation in sanctioned protests, peaceful strikes, blocking of roads and institutions – 26.6%. 10.5% are willing to participate in unsanctioned protests and actions of civil disobedience of the national level, 10.1% – in a «Maidan», and 6.0% are willing to take up arms. 37.1% of respondents do not want to participate in any of the mentioned forms of protest.

Residents of different regions have different attitudes toward protests (Table 2).

Table 2

**Public’s willingness to participate in various forms of protests (%)**

Form of protest	Region						
	West	Center	North	East	Donbas	South	Kyiv
<b>Signing petitions and appeals</b>	55	43	38	36	37	25	46
<b>Participation in sanctioned protests</b>	35	30	31	15	22	21	34
<b>Participation in unsanctioned protests</b>	17	8	12	4	4	8	22
<b>Participation in actions of the national level, a “Maidan”</b>	18	9	13	4	6	1	20
<b>Taking up arms</b>	4	6	6	4	5	12	10
<b>Nothing of the above</b>	28	32	34	46	44	46	37
<b>Hard to say</b>	5	5	9	6	3	5	2

<sup>14</sup> Suspil’no-politychni nastroyi naseleण्या: lystopad-hruden’ 2018 roku. Sayt Kyiv’s’koho mizhnarodnoho instytutu sotsiologiyi (KMIS) URL: <https://www.kiis.com.ua/?lang=ukr&cat=reports&id=806&page=2> (data zvernennya: 11.01.2019).



The highest levels of protest activities, both sanctioned and unsanctioned, are in the West and the capital. Thus, 55% of people in the West and 46% in Kyiv are willing to participate in signing petitions and appeals, 35% and 34% respectively – in sanctioned protests, 17% and 22% – in unsanctioned protests, 18% and 20% – in actions of the national level and «Maidans». As for such extreme forms of protest as taking up arms, only 4% of those from the West and 10% at the capital are willing to do it.

A fairly high level of protest activities is observed in the North, with 38% and 31% willing to participate in sanctioned protests and 17% – in unsanctioned ones. A significant number of the population in the Center and in Donbas is willing to take part in protests, but mostly in sanctioned ones (43%, 30% and 37%, 22% respectively). The lowest protest activity is in the East and South of the country, although eastern residents are also the most willing to take up arms (12%)<sup>15</sup>.

## 2.2. Economic factors

**State of economy as a whole.** The main indicator for assessing the general state of economy is the dynamics of the volume of the country's real GDP. In Q3 2018 this indicator increased by 2.8%. In Q4, real GDP was expected to rise further, reaching +3.4% by the end of the year. According to the predictions of the National Bank of Ukraine, in 2019 GDP growth will go down to 2.5%. The reasons for this decline are strict monetary and fiscal policy, slowing growth of the economies of Ukraine's major trading partners, possible deterioration of trade conditions and the upcoming elections<sup>16</sup>.

**State of industry and its main branches.** According to the data for January-December 2018, the index of industrial production in the country increased by 1.1% compared to the corresponding period of the previous year (+2.6% in the first half)<sup>17</sup>.

Growth of production was observed in the extractive industry and quarry mining – by 2.1%, in the processing industry – by 0.2%; in the

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<sup>15</sup> Start vyborchoyi kampaniyi: chy peremahaye populizm? Sayt Ukrayins'koho instytutu sotsial'nykh doslidzhen' im. Oleksandra Yaremienka. URL: [http://www.uisr.org.ua/img/upload/files/PR\\_2018\\_12\\_14\\_short.pdf](http://www.uisr.org.ua/img/upload/files/PR_2018_12_14_short.pdf) (data zvernennya: 11.01.2019).

<sup>16</sup> Zvit pro finansovu stabil'nist'. Hruden' 2018 roku. S. 10. Ofitsiynyy sayt Natsional'noho banku Ukrainy. URL: <https://bank.gov.ua/doccatalog/document?id=83816603> (data zvernennya: 11.02.2019).

<sup>17</sup> Here and onwards, unless otherwise indicated, the indicators of economic, social and demographic factors are based on the report of the State Statistics Service of Ukraine «Sotsial'no-ekonomichne stanovyshche Ukrainy za 2018 rik». Ofitsiynyy sayt Derzhavnoyi sluzhby statystyky Ukrainy. URL: [http://www.ukrstat.gov.ua/druk/soc\\_ek/2018/publ\\_12\\_2018\\_u.html](http://www.ukrstat.gov.ua/druk/soc_ek/2018/publ_12_2018_u.html) (data zvernennya: 11.02.2019).

manufacture of wood products, paper and printing, production increased by 1.1%, at enterprises producing coke and oil products – by 3.3%, in the manufacture of chemicals and chemical products – by 16.5%, in the manufacture of main pharmaceutical products – by 0.8%, in machine building, with the exception of repairs and installation of machinery and equipment – by 0.4%, in the supply of electricity, gas, steam and conditioned air – by 2.8%. In metallurgical production, manufacture of finished metal products, except for machinery and equipment, production volume remained at the 2017 levels.

Decrease in the production volume was observed: at enterprises producing food products, beverages and tobacco products – by 1.9%, in the manufacture of textiles, clothing, leather, leather goods and other materials – by 4.6%, at enterprises producing rubber and plastic products as well as other non-metal mineral products – by 1.2%.

**State of agriculture.** In 2018, the index of agricultural production increased by 7.8%. The index of crop production increased by 10.7% compared to the previous year. The volume of livestock production remained at the level of the previous year (index +0.3%).

**State of domestic turnover.** The physical volume of wholesale trade in 2018 increased by 3.3% compared to the previous year, retail sales in comparable prices increased by 6.1%, trade turnover of retail enterprises increased by 5.6%.

**State of foreign trade.** There has been an increase in foreign trade. In January-November 2018, exports of goods increased by 9.9% compared to January-November of the previous year (by USD 3900.1 million), imports – by 16.7% (by USD 7442.8 million). Negative balance was USD 8865.7 million (against USD 5223.0 million in January-November 2017), which is 1.7 times higher than in the same period of the previous year.

The volume of goods exports to the countries of the European Union amounted to USD 18,415.7 million, or 42.6% of the total exports (against USD 15,913.1 million or 40.4% in January-November 2017). Thus, this indicator increased in comparison with January-November 2017 by USD 2,502.6 million, or 15.7%. Imports of goods from the countries of the European Union amounted to USD 21,182.2, or 40.6% of the total volume (USD 18,837.8 million and 42.2% in January-November 2017 respectively), increasing by USD 2,344.4 million or 12.4% compared to the same period in 2017.

Among the EU countries, the largest volume of imports came from Germany, Poland, Italy and France. Among other countries of the world, the largest volume of imports came from Russia, China, Belarus, USA, Switzerland and Turkey.

**Renewal of production funds.** This factor is assessed on the basis of the capital investment index. In 2018, the volume of capital investments in the country was for the most part increasing. In January-March it increased by 37.4% in comparison with the same period of the previous year, in January-June – by 26.5%, and in January-September – by 19.9%<sup>18</sup>. In 2017, there was also a tendency towards growth of this indicator, with the growth rates of +21.4%, +22.5%, +20.7% and +22.1% throughout Q1 to Q4<sup>19</sup>.

**Inflation.** The index of consumer prices (inflation index) in 2018 was 109.8% (against 113.7% in the previous year). Prices for food and non-alcoholic beverages rose by 7.8%. Prices for vegetables and bread increased by 27.8% and 21.5% respectively; for pasta, dairy products, fish and fish products, butter, meat and meat products, milk – by 14.7-9.2%; for non-alcoholic beverages, lard, rice, sunflower oil – by 5.6-2.4%. Prices decreased for buckwheat grains (-24.7%), fruits, eggs and sugar (-17.0-9.3%).

Prices for housing, water, electricity, gas and other fuels increased by 10.6% due to increased – by 23.7% – rates for the maintenance of houses and adjoining territories, natural gas – by 22.9% , sewerage – by 21.2%, water supply – by 19.9%.

**Stability of the national currency.** In January-December 2018, the national currency was experiencing depreciation. As of July 1, 2018, the official exchange rate of hryvnia was UAH 26.19 for USD 1<sup>20</sup>, as of October 4, 2018 – UAH 28.32<sup>21</sup>, as of December 31, 2014 – UAH 27.69<sup>22</sup>.

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<sup>18</sup> Indeksy kapital'nykh investytsiy za vydamy ekonomichnoyi diyal'nosti za 2018 rik. Ofitsiyyny sayt Derzhavnoyi sluzhby statystyky Ukrayiny. URL: [http://www.ukrstat.gov.ua/operativ/operativ2018/ibd/iki\\_ed/ikedvp\\_18\\_u.htm](http://www.ukrstat.gov.ua/operativ/operativ2018/ibd/iki_ed/ikedvp_18_u.htm) (data zvernennya: 12.02.2019).

<sup>19</sup> Indeksy kapital'nykh investytsiy za vydamy ekonomichnoyi diyal'nosti za 2017 rik. Ofitsiyyny sayt Derzhavnoyi sluzhby statystyky Ukrayiny. URL: [http://www.ukrstat.gov.ua/operativ/operativ2017/ibd/iki\\_ed/iki\\_ed\\_u/ikedvp\\_17\\_u.htm](http://www.ukrstat.gov.ua/operativ/operativ2017/ibd/iki_ed/iki_ed_u/ikedvp_17_u.htm) (data zvernennya: 12.02.2019).

<sup>20</sup> Sayt Natsional'noho banku Ukrayiny. Povidomlennya Natsional'noho banku Ukrayiny. URL: [https://bank.gov.ua/control/uk/curmetal/currency/search?formType=searchFormDate&time\\_step=daily&date=01.07.2018&outer=table&execute=](https://bank.gov.ua/control/uk/curmetal/currency/search?formType=searchFormDate&time_step=daily&date=01.07.2018&outer=table&execute=) (data zvernennya: 04.10.2018).

<sup>21</sup> Sayt Natsional'noho banku Ukrayiny. Povidomlennya Natsional'noho banku Ukrayiny. URL: [https://bank.gov.ua/control/uk/curmetal/currency/search?formType=searchFormDate&time\\_step=daily&date=04.10.2018&outer=table&execute](https://bank.gov.ua/control/uk/curmetal/currency/search?formType=searchFormDate&time_step=daily&date=04.10.2018&outer=table&execute) (data zvernennya: 04.10.2018).

The average conversion rate of hryvnia to dollar in Kyiv on July 1, 2018 was: UAH 26.05 for buying, UAH 26.16 for selling<sup>23</sup>, as of October 4, 2018 – UAH 28.08 and UAH 28.13 respectively<sup>24</sup>, as of December 31, 2018 – UAH 27.89 and UAH 28.08 respectively<sup>25</sup>.

**State debt.** As of December 31, 2018, Ukraine's external debt amounted to UAH 1 trillion 397 billion, domestic debt – UAH 771 billion. In US dollars, at the time these sums were equivalent to USD 50 billion 463 million and 27 billion 861 million dollars<sup>26</sup>

According to the Ministry of Finance of Ukraine, in 2019 Ukraine will pay back UAH 207.39 billion on domestic debt and UAH 150.13 billion – on the external debt. In US dollars, the total amount of payments will reach USD 10.8 billion this year, of which USD 5 billion will be on external debt<sup>27</sup>. In 2019-2020, the total amount of planned foreign currency payments with interest will amount to USD 17 billion<sup>28</sup>.

**State of shadow economy.** Ukraine has a significant shadow sector, which includes many types of economic activities, such as retail trade, repairs, tutoring, passenger and goods transportation, contraband, manufacturing of unregistered and untaxed products, etc. According to the quarterly report «General trends of the shadow economy of Ukraine» of the Ministry of Economic Development of Ukraine, over 9 months of 2018, the level of shadow economy in the country amounted to 32% of the official GDP, which is 1% less compared to the same period in 2017.

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<sup>22</sup> Sayt Natsional'noho banku Ukrainy. Povidomlennya Natsional'noho banku Ukrainy. URL: [https://bank.gov.ua/control/uk/curmetal/currency/search?formType=searchFormDate&time\\_step=daily&date=31.12.2018&outer=table&execute=](https://bank.gov.ua/control/uk/curmetal/currency/search?formType=searchFormDate&time_step=daily&date=31.12.2018&outer=table&execute=) (data zvernennya: 14.01.2019).

<sup>23</sup> Informatsiyyny portal «finance.ua». URL: <https://tables.finance.ua/ru/currency/cash/-/ua,0,7oiy1pmiow8iy1smadi/ usd/2/2018/07/01#2:0> (data zvernennya: 04.10.2018).

<sup>24</sup> Informatsiyyny portal «finance.ua». URL: <https://tables.finance.ua/ru/currency/cash/-/ua,0,7oiy1pmiow8iy1smadi/usd/2/2018/10/04#2:0> (data zvernennya: 04.10.2018).

<sup>25</sup> Informatsiyyny portal «finance.ua». URL: <https://tables.finance.ua/ru/currency/cash/-/ua,0,7oiy1pmiow8iy1smadi/usd/2/2018/12/31#2:0> (data zvernennya: 14.01.2019).

<sup>26</sup> Derzhavnyy borh Ukrainy. Sayt ekonomichnoyi informatsiyi «Minfin». URL: <https://index.minfin.com.ua/ua/finance/debtgov/> (data zvernennya: 28.11.2018).

<sup>27</sup> Ukraina zatverdyla hrafik vyplat za derzhborhom. Analitychnyy portal «Slovo i dilo» URL: <https://www.slovoidilo.ua/2018/08/29/novyna/ekonomika/ukrayina-zatverdyla-hrafik-vyplat-derzhborhu> (data zvernennya: 28.11.2018).

<sup>28</sup> Zvit pro finansovu stabil'nist'. Hruden' 2018 roku. S. 10. Ofitsiyyny sayt Natsional'noho banku Ukrainy. URL: <https://bank.gov.ua/doccatalog/document?id=83816603> (data zvernennya: 11.02.2019).

According to the Ministry, this is the lowest figure in the last 10 years (2013 – 35%, 2014 – 43%, 2015 – 40%, 2016 – 35%)<sup>29</sup>.

The above data does not look accurate, as it contradicts numerous reports regarding the spread of shadow economy activities, in particular manufacture of unregistered products and contraband. According to the State Statistics Service of Ukraine, there has been a decrease in production volumes for a number of product groups despite growing levels of their exports and imports.

The report uses the so-called integrated indicator as the main indicator of shadow economy, but does not explain how shadow economy indicators are calculated using different methods. Thus, the level of shadow economy calculated using the method «expenditure of the population – retail trade turnover» amounted to 49% of the official GDP over 9 months of 2018; using the method of loss-making enterprises – 22%; electricity method (amount spent on electricity production) – 22%; monetary method – 27%<sup>30</sup>. These methods cover different segments of economy and therefore yield significantly different results; the first method seems to be more precise, since it covers the largest area of economic activity. Accordingly, the figure of 49% of the official GDP better reflects the level of shadow economy in the country.

### **2.3. Social, demographic and socio-psychological factors**

**Population income.** In Q3 2018, real disposable income increased significantly. This indicator went up by 10% (Q3 2017: +0.2%)<sup>31</sup>. The index of real wages in January-December 2018 compared to the corresponding period in 2017 increased by 12.5%.

**Structure of the population according to the level of income.** Over the past two years, the structural division of the population by the level of income has improved (Table 3). The share of the poorest population with income less than UAH 1,920 went from 10.1% in the first half of 2017 to 4.3% in the same period of 2018. The percentage of other groups with

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<sup>29</sup> Zahal'ni tendentsiyi tin'ovoyi ekonomiky Ukrainy u sichni-veresni 2018 roku. Ofitsiyyny veb-sayt Ministerstvo ekonomichnoho rozvytku i torhivli Ukrainy. URL: <https://bit.ly/2SGIGn6> (data zvernennya: 13.02.2019).

<sup>30</sup> Zahal'ni tendentsiyi tin'ovoyi ekonomiky Ukrainy u sichni-veresni 2018 roku. Ofitsiyyny veb-sayt Ministerstvo ekonomichnoho rozvytku i torhivli Ukrainy. URL: <https://bit.ly/2SGIGn6> (data zvernennya: 13.02.2019).

<sup>31</sup> Nayavnyy dokhid naseleennya Ukrainy. Ofitsiyyny sayt Derzhavnoyi sluzhby statystyky Ukrainy. URL: [http://www.ukrstat.gov.ua/operativ/operativ2018/gdn/ndn/ndn\\_u/ndn\\_318\\_u.html](http://www.ukrstat.gov.ua/operativ/operativ2018/gdn/ndn/ndn_u/ndn_318_u.html) (data zvernennya: 13.02.2019).

relatively low average monthly income also decreased: UAH 1,920.1-2,280.0: from 9.6 % to 5.3%; UAH 2,280.1-2,640.0: from 11.4% to 6.9%; UAH 2,640.1-3,000.0: from 12.5% to 9.1%; UAH 3,000.1-3,360.0: from 11.6% to 8.29%; UAH 3,360.1-3,720.0: from 10.0% to 9.2%.

Table 3

**Structure of the population by level of per capita equivalent gross monthly income in Ukraine in the first half of 2017 and 2018 (%)**

Indicators	First half of 2017	First half of 2018
All population	100	100
With average per capita equivalent gross monthly income, UAH: lower than 1,920.0	10.1	4.3
1,920.1–2,280.0	9.6	5.3
2,280.1–2,640.0	11.4	6.9
2,640.1–3,000.0	12.5	9.1
3,000.1–3,360.0	11.6	8.9
3,360.1–3,720.0	10.0	9.2
3,720.1–4,080.0	8.0	10.5
4,080.1–4,440.0	6.7	7.4
4,440.1–4,800.0	5.0	7.3
4,800.1–5,160.0	3.8	5.5
over 5,160.0	11.3	25.6
Share of the population with lower per capita equivalent monthly income than the actual living wage <sup>32</sup>	39.4	31.7
Ratio of the total income of the 10% of the richest and 10% of the poorest population (decile coefficient) <sup>33</sup>	4.8	5.0

At the same time, there was an increase in the share of groups with higher incomes, with the highest percentage increase for groups with the highest incomes. Thus, the share of people with the average monthly income of UAH 3,720.1-4,080.0 increased from 8.0% to 10.5%; UAH 4,080.1-4,440.0 – from 6.7% to 7.4%; UAH 4,440.1-4,800.0 – from 5.0%

<sup>32</sup> Dodatok 1 Rozpodil naseleennyia ta domohospodarstv za rivnem seredn'odushovykh ekvivalentnykh zahal'nykh dokhodiv. Dopovid' «Vytraty i resursy domohospodarstv Ukrainy u I pivrichchi 2018 roku (za danymy vybirkovoho obstezhennya umov zhyttya domohospodarstv)». Ofitsiynyy sayt Derzhavnoyi sluzhby statystyky Ukrainy URL: <http://www.ukrstat.gov.ua/operativ/operativ2018/gdvdg/vrduIpv2018.zip> (data zvernennya: 14.02.2019).

<sup>33</sup> Dodatok 2 Rozpodil zahal'nykh dokhodiv1 za detsyl'nymy (10%-my) hrupamy naseleennyia. Dopovid' «Vytraty i resursy domohospodarstv Ukrainy u I pivrichchi 2018 roku (za danymy vybirkovoho obstezhennya umov zhyttya domohospodarstv)». Ofitsiynyy sayt Derzhavnoyi sluzhby statystyky Ukrainy URL: <http://www.ukrstat.gov.ua/operativ/operativ2018/gdvdg/vrduIpv2018.zip> (data zvernennya: 14.02.2019).

to 7.3%; UAH 4,800.1-5,160.0 – from 3.8% to 5.5%; over UAH 5,160.0 – from 11.3% to 25.6%.

The share of the population with per capita equivalent monthly income lower than the actual living wage went down from 39.4% in the first half of 2017 to 31.7% in the same period of the previous year. However, the proportion of the population that can be considered poor is still very significant.

According to the poll, the total income of 10% of the richest population in the first half of 2017 was 4.8 times higher than the total income of 10% of the poorest population, compared to 5 times in the same period of 2018.

**Employment of the population.** The level of employment of the total population of the working age (in % of the working age population of the corresponding age group) in January-September 2017 was 62.2%<sup>34</sup>, rising to 62.6%<sup>35</sup> in the same period of 2018.

According to the State Employment Service, by the end of 2018 the level of registered unemployment in the country as a whole was 1.3% of the working-age population, of which 2.0% were residents of rural areas and 1.0% – of cities. The unemployment rates of the working age population, using the ILO methodology (in % of the economically active population of the appropriate age group), was declining during 2018. In January-March it was 9.7%, by the end of the first half – 8.9%, after 9 months – 8.6%<sup>36</sup>. Corresponding indicators for 2017 were higher, amounting to 10.1%, 9.6% and 9.4% respectively<sup>37</sup>.

**Population.** As of December 1, 2018, Ukraine's population was 42,177.6 thousand people. The number of births in January-November 2018 was 312.6 thousand, deaths – 535.1 thousand. Over this period in 2018, the population decreased by 208.8 thousand people, which is higher than the same indicator for the previous year by 33.1 thousand.

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<sup>34</sup> Ekonomichna aktyvnist' naselelnya za stattyu, tytom mistseivosti ta vikovymy hrupamy u 2017 rotsi. Ofitsiyyny sayt Derzhavnoyi sluzhby statystyky Ukraini. URL: [http://www.ukrstat.gov.ua/operativ/operativ2017/rp/eans/XLS/eansmv2017xls\\_u.zip](http://www.ukrstat.gov.ua/operativ/operativ2017/rp/eans/XLS/eansmv2017xls_u.zip) (data zvernennya: 14.02.2019).

<sup>35</sup> Ekonomichna aktyvnist' naselelnya za stattyu, tytom mistseivosti ta vikovymy hrupamy u 2017 rotsi. Ofitsiyyny sayt Derzhavnoyi sluzhby statystyky Ukraini. URL: [http://www.ukrstat.gov.ua/operativ/operativ2017/rp/eans/XLS/eansmv2017xls\\_u.zip](http://www.ukrstat.gov.ua/operativ/operativ2017/rp/eans/XLS/eansmv2017xls_u.zip) (data zvernennya: 14.02.2019).

<sup>36</sup> Bezrobittya naselelnya (za metodolohiyeyu MOP) za stattyu, tytom mistseivosti ta vikovymy hrupamy u 2018 rotsi. Ofitsiyyny sayt Derzhavnoyi sluzhby statystyky Ukraini. URL: [http://www.ukrstat.gov.ua/operativ/operativ2018/rp/eans/xls/bnsmv2018\\_u.xls](http://www.ukrstat.gov.ua/operativ/operativ2018/rp/eans/xls/bnsmv2018_u.xls) (data zvernennya: 14.02.2019).

<sup>37</sup> Bezrobittya naselelnya (za metodolohiyeyu MOP) za stattyu, tytom mistseivosti ta vikovymy hrupamy u 2017 rotsi. Ofitsiyyny sayt Derzhavnoyi sluzhby statystyky Ukraini. URL: [http://www.ukrstat.gov.ua/operativ/operativ2017/rp/eans/XLS/bnsmv2017xls\\_u.zip](http://www.ukrstat.gov.ua/operativ/operativ2017/rp/eans/XLS/bnsmv2017xls_u.zip) (data zvernennya: 14.02.2019).

**Number of people from age groups whose representatives are most frequently involved in criminal activities.** In terms of dynamics of the number of the most criminally active age groups, the following trends were observed: for 14-15-year-olds – decrease during 2014-2016 from 836.7 thousand to 713.6 thousand people (-14.7%) and stabilization of their numbers in 2017 (+0.4% to the previous year's figure) and 2018 (-0.4%); 16-17 year-olds – decrease over the entire analyzed period from 942.7 thousand to 713.6 thousand people (-24.3%); 18-28-year-olds – decrease over the mentioned years from 7,343.5 thousand to 5,453.9 thousand people (-25.7%).

The number of people under the age of 14 fluctuated in the first three years of the period in question (in 2014: +1.8%, in 2015: -3.8%), remaining relatively stable in the past three years (2017: +0.4%, 2018: -0.4%). The number of representatives of other age groups during these years was relatively stable and their annual fluctuations insignificant (Table 4).

Table 4

**Structure of the permanent population of Ukraine by age groups in 2013–2018<sup>38</sup> (thousands of persons)**

Age groups	2013	2014	2015	2016	2017	2018
<b>under 14</b>	6,211.1	6,325.3	6,087.0	6,142.7	6,170.2	6,148.6
<b>14-15</b>	836.7	794.8	728.9	713.6	716.7	747.1
<b>16-17</b>	942.7	889.8	798.7	757.7	728.6	713.6
<b>18-28</b>	7,343.5	7,049.5	6,414.3	6,075.7	5,765.9	5,453.9
<b>29-39</b>	7,539.6	7,670.7	7,360.3	7,459.9	7,505.0	7,562.8
<b>40-49</b>	6,199.3	6,131.3	5,818.8	5,857.3	5,902.9	5,934.5
<b>50-59</b>	6,597.7	6,631.3	6,221.1	6,166.8	6,079.6	5,976.5
<b>60 and over</b>	9,702.1	9,753.3	9,330.4	9,417.2	9,545.9	9,679.7

**Migration.** In 2014-2015, the number of people entering and leaving the country exceeded 500 thousand, in 2016 these figures decreased sharply to 256.8 and 246.2 thousand respectively. In 2017, the number of incoming migrants increased to 442.3 thousand (+72.2%), outgoing migrants – to 430.3 thousand people (+74.8%). In 2018, the growth trend

<sup>38</sup> Rozpodil postynnoho naseleण्या Ukrainy za stattyu ta vikom. Shchorichni statystychni zbirnyky// Ofitsynnyy sayt Derzhavnoyi sluzhby statystyky Ukrainy. URL: [http://www.ukrstat.gov.ua/druk/publicat/kat\\_u/2018/zb/07/zb\\_rpnu2018xl.pdf](http://www.ukrstat.gov.ua/druk/publicat/kat_u/2018/zb/07/zb_rpnu2018xl.pdf) (data zvernennya: 15.02.2019).



continued. During January-November 2018, the number of those entering and leaving the country increased to 585,333 and 571,656 respectively, which is 46.7% and 46.1% higher than those figures for the same period of the previous year. In the last 5 years, migration has remained positive, amounting during the mentioned period of 2018 to 13,677.<sup>39</sup>

As of January 14, 2019, according to the data provided by structural units of social protection services of regional and Kyiv state administrations, 1,512,303 IDPs from the temporarily occupied territories of Donetsk and Luhansk oblasts and the Autonomous Republic of Crimea were registered<sup>40</sup>, with those numbers going down to 1,358,020 by February 4, 2019<sup>41</sup>. Such a noticeable decrease in their numbers is due to increased effectiveness of measures aimed at integrating these people in society at their new places of residence.

Active outgoing labor migration has been taking place. According to the State Employment Service, over 5.5 million Ukrainians are currently working abroad, most of them in Poland and Russia. Some European countries are actively encouraging the influx of labor migrants from Ukraine. According to Ukraine's Foreign Affairs Minister Pavlo Klimkin, over 100,000 citizens leave the country every month. The volume of foreign currency transferred by labor migrants back to the country is constantly rising. In 2015, it was USD 6,959 million, in 2016 – USD 7,535 million, in 2017 – USD 9,287 million, and in 2018 – USD 8,160 million<sup>42</sup>.

The criminogenic situation in society is also affected by ideas, views and attitudes that exist in public consciousness. Assessing their prevalence is possible based on the data of sociological surveys.

**Population's satisfaction with their situation.** A nationwide study was conducted by the Ilko Kucheriv Democratic Initiatives Foundation together with the Razumkov Center's sociological service between December 19-25, 2018 (2,017 respondents aged 18+ years) to find out how the general situation in the country has changed over the past year. Over two thirds of respondents said that their situation has changed for the

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<sup>39</sup> Mihratsiynyy rukh naselennya. Ofitsiynyy sayt Derzhavnoyi sluzhby statystyky Ukrainy. URL: [http://www.ukrstat.gov.ua/operativ/operativ2018/ds/mr/mr\\_u/mr1118\\_u.html](http://www.ukrstat.gov.ua/operativ/operativ2018/ds/mr/mr_u/mr1118_u.html) (data zvernennya: 15.02.2019).

<sup>40</sup> Oblikovano 1,512,303 pereselentsiv. Sayt Ministerstva sotsialnoyi polityky Ukrainy. <https://www.msp.gov.ua/news/16561.html> (data zvernennya: 15.02.2019).

<sup>41</sup> Oblikovano 1 358 020 pereselentsiv. Sayt Ministerstva sotsialnoyi polityky Ukrainy. URL: <https://www.msp.gov.ua/news/16643.html> (data zvernennya: 15.02.2019).

<sup>42</sup> Groshovi perekazy v Ukrainu. Sayt informatsiynogo agentstva «Minfin». URL: <https://index.minfin.com.ua/ua/economy/transfer/?year=2018&sort=1> (data zvernennya: 15.02.2019).

worse, 22.0% – that it has not change, 5.4% think it has changed for the better, and 5.6% were unable to answer. According to the polled, the most negative changes occurred: in the prices of goods and utilities (85%), Ukraine's economic situation (68%), stability (67%), the attitude of citizens toward the government (65%), people's confidence in the future (65%), social protection (60.5%), welfare of the family (59%), wages (58%), pensions (56%), crime rates (52%), healthcare (57%), and the government's attitude toward the people (59%). A relative majority indicated a worsening of the situation in regards to the officials' compliance with the law (44%), education (39%), and provision of pensions (39%).

**People's hopes for the future.** Assessing this factor is possible based on the answers in the above-mentioned survey as to whether Ukraine can overcome existing problems and challenges. 20.2% of respondents believe that Ukraine will overcome its problems within the next few years, 46.4% consider Ukraine capable of it in the longer term, 14.9% do not believe Ukraine can over the problems and 18.5% failed to answer. Thus, over 60% of the polled do not expect the country to overcome existing problems in the coming years.

**Level of anomie among the population.** According to an annual poll of Ukraine's population conducted by the Institute of Sociology of the National Academy of Sciences of Ukraine and the SOCIS center, in 2017, 18.8% of respondents indicated that people, in the absence of alternatives, go against the law when their standard of living deteriorates significantly<sup>43</sup>. This suggests that the level of anomie among the population is fairly high.

## CONCLUSION

Analysis of indicators of the majority of factors that influenced the crime situation during the analyzed period and will be in effect in the coming years allows us to conclude that most of them are of criminogenic nature. Such factors include:

- electoral campaigns and elections of the highest level, during and after which we can expect an escalation of political struggle, unsanctioned mass actions and temporary decrease in the efficiency of law-enforcement;
- rising levels of corruption among state officials;

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<sup>43</sup> Ukrayinske suspilstvo: monitoryng sotsialnykh zmin. Vypusk 4 (18). Zbirnyk naukovykh prats. – K. : In-t sotsiologiyi NAN Ukrayiny, 2017. – 600 s.

- large-scale military operations in certain areas of Donetsk and Luhansk oblasts;
- rising number of extremist acts of political nature;
- predominantly negative assessment of the political situation in society, spread of distrust, lack of respect for the government and law enforcement, mostly negative attitude toward the country's policy;
- high level of willingness to participate in unsanctioned protests;
- slow growth of GDP, industrial and agricultural production, retail trade, exports and imports, capital investment;
- significant increase in inflation and rising prices and tariffs;
- large payments on state debts in the coming years;
- large shadow economy in the country that is likely to keep growing;
- significant difference in income among the population, which may increase in the coming years;
- large number of poor population;
- decrease in the number of able-bodied people; large number of the unemployed, based on ILO methodology;
- significant increase in external and internal migration;
- proliferation of weapons and explosives in the country, which can be used for illicit purposes, as a result of large-scale military actions during the ATO (anti-terrorist operation); increased level of criminal activity and simultaneous victimization of the participants of the JFO (ATO);
- large influx of refugees from Donetsk and Luhansk oblasts, some of which, as a result of poor financial and psychological conditions, may exhibit a tendency toward criminal behavior;
- rising dissatisfaction among the population with their situation, irritation and pessimistic expectations of the future;
- high level of anomie in society.

Based on this, we can assume that the crime situation in Ukraine will be generally poor in the near future and could cause a moderate increase in crime rates.

## **SUMMARY**

The method of logical and content analysis of the indicators of social processes and phenomena (factors), which, according to the results of numerous criminological studies, affect the level of crime in a country, was used in this work to determine the factors that serve to increase or decrease crime in Ukraine. The subject of the analysis were indicators of political, economic, social, demographic and socio-psychological factors. The

presence of criminogenic factors was found in the political, economic, social and socio-psychological areas, with the most significant being the low level of trust in the government and the prevalence of negative assessment of its activities, high level of corruption, large-scale hostilities in the east, low rates of economic growth, poor financial situation of the population, with a large share of the poor, as well as the spread of disappointment in society. Anti-criminogenic effects of such factors as decreasing numbers of age groups prone to criminal activities, migration of large numbers of working age people abroad, etc. can only partially offset the effect of criminogenic factors. The analysis suggests that the crime situation in the country in the coming years will remain unfavorable, and actual crime rates will see a minor increase.

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[operativ2018/rp/eans/xls/bnsmv2018\\_u.xls](http://www.ukrstat.gov.ua/operativ/operativ2018/rp/eans/xls/bnsmv2018_u.xls) (data zvernennya: 14.02.2019).

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## **CHAPTER 3**

### **IDENTIFICATION AND PREVENTION OF CRIMES IN THE MAIN AREAS OF ECONOMIC ACTIVITIES**

**Protsenko T. O.**

#### **INTRODUCTION**

The general political and economic crisis that has encompassed Ukraine over the past few years has led to a catastrophic decline in the economy, causing the closure and liquidation of many enterprises. Unemployment further exacerbated the crime situation in the regions of Ukraine, creating ideal conditions for the development of crime in the main spheres of economic activity.

In terms of social instability and economic decline, the strengthening of structural deformations, a new wave of illegal takeovers, against the background of weakening the real influence of the state on the economy and, in particular, on the financial system, there is a significant increase in the number of mercenary criminal offenses in the field of economic activity. Many facts of illegal obtaining and misuse of preferential bank loans, the outflow of capital into foreign banks and the shadow economy, legalization (laundering) of proceeds of crime were revealed.

Recently, there has been a staggering increase in criminal threats to Ukrainian businesses: crimes committed against business entities, illegal takeovers have become widespread. Contract murders of owners of large enterprises and bankers have become an almost everyday phenomenon. The illegal takeover has got a nationwide scale in Ukraine and is gaining the status of a threat to the national security of the country. The scale of private property seizures becomes threatening not only for certain sectors of economic activity but also for the state and society in general as it entails deterioration of the investment climate in the country, the destruction of certain economic sectors, the negative changes in the quality of the structure of property, contributes to the increase in corruption in executive, judicial, and law enforcement authorities.

Criminal structures have intensified their activities on a nationwide scale, and law enforcement agencies have, in fact, lost control over the

menacing crime situation in the state. Illegal takeovers are constantly threatening the private property of companies. Raidership becomes an illegal tool for redistribution of property and realization of personal interests.

In Chapter 3 of the National Security Strategy of Ukraine, approved by the Decree of the President of Ukraine as of May 26, 2015, №287/2015, the current threats to Ukraine's national security are the economic crisis, the exhaustion of the country's financial resources, and declining living standards. One of the reasons for such a threat is the high level of shadowing and criminalization of the national economy, the criminal-crony system of distribution of public resources.

In addition, among the main priorities of the further development of the Ukrainian economy, the fight against crime in the field of business activity is particularly highlighted, as the European integration course of the state, economic reforms, and financial support of international organizations aimed at bringing the country's economy out of crisis and improving the investment climate can be eliminated in the absence of a stable state institutional mechanism for combating the criminalization of the economy<sup>1</sup>.

The problems of fighting crimes of the category under consideration are associated with new manifestations of illegal socially dangerous acts in the economic field, the application of more and more ingenious ways of committing these crimes, and their considerable volume.

In recent years, attempts to reform the economy have revealed the most significant crimes in this area, namely: fictitious entrepreneurship and illegal economic activity, criminal offenses committed in banking institutions, in the sphere of manufacturing and circulation of medicines and medical products, crop protection agents (pesticides and agrochemicals), alcoholic beverages, tobacco products, in the field of land relations, state material reserves, in the market for petroleum products, in the sphere of mining and subsoil use, etc.

Therefore, today among the most dangerous criminal areas in the economy, in particular, are: credit and financial relations and banking, branches of production and circulation of medicines, crop protection agents, alcoholic beverages, tobacco products, land relations, relations in

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<sup>1</sup> Maslii I.V. Instytutsiinyi mekhanizm protydii kryminalizatsii ekonomiky: kryminolohichne doslidzhennia, kand.. dosl., Odesa, 2015

the field of formation, storage, maintenance, placement, release, use, replenishment, and renewal of the stocks of the state material reserve, as well as management of the state material reserve, relations in the field of extraction and use of natural resources, relations in the fuel and energy complex.

### **3.1. Crime in the field of credit and banking activities.**

#### **Money laundering**

The priority task of law enforcement authorities, which has become particularly relevant in recent times, is the fight against sham business, the illegal sale of agricultural land, and the prevention of money laundering and counteraction to it. Also, criminal offenses committed in the field of credit and banking activities have become widespread and constitute a significant danger to society and the state.

As you know, the banking system of Ukraine is one of the areas with the most extensive and active use of modern information technologies and the Internet. And given that these technologies are used for money transfers, the financial sphere is of increasing interest in criminal groups.

Crimes committed in the field of credit and banking activities are characterized by considerable diversity, special sophistication, highly intellectual character, an active adaptation of criminals to new forms and methods of business activity, application of bank documents, new electronic payment facilities, communications facilities, as well as new banking technologies for economic activities.

Unauthorized debiting of bank accounts, fraud with payment cards, interference with the work of Internet banking, the spread of computer viruses, and fraud in information networks of banks – an inexhaustible list of crimes in the banking sector.

In particular, the most common methods of stealing money from banking institution include: issuing bank loans to borrowers affiliated with owners of banking institutions; bank loans issued to enterprises with signs of fictitiousness; withdrawal of property from bail through the transfer of ownership to a third party; withdrawal of funds through correspondent accounts in foreign banks. Thus, banks can lend their shareholders through ambiguous financial schemes.

At the same time, in recent years, the emphasis in banking institutions has shifted considerably from offenses related to lending to the cash (bank

resources) outflow abroad, money laundering, committing crimes in the field of online banking (OB), and illegal transfer of funds using counterfeit payment orders, etc.

According to the Exchange-online system of the Ukrainian Interbank Payment Systems Member Association “EMA” (EMA Association), the most common types of fraud in the banking sector are: ATM fraud, Internet fraud, OB fraud, fraud in the acquiring network, and fraud using methods of social engineering<sup>2</sup>.

The most vulnerable for criminal offenses in the banking sector are online services or remote access services for customers to their own accounts in banks, “electronic wallets” with added card accounts.

In particular, due to the globalization of financial systems, international banking networks are developing and electronic trading operations are spreading, which also has negative consequences in the form of creating favourable conditions for manipulating financial instruments in order to evade taxation and legalization (laundering) of proceeds of crime, in particular through transfer pricing<sup>3</sup>.

It should be noted that most of the criminal schemes in the Ukrainian economy are impossible without the attraction and direct involvement of banks. Often, bank officials act in the interests of offenders. In many banks, offenders open accounts for fictitious transactions, convert and transfer cashless funds into cash.

Shadow banking has become widespread in Ukraine, which should include not only financial market institutions that are not regulated by banking supervisors but also those financial intermediaries who have signs of traditional shadow activities associated with illegal transfer of capital, money laundering, and cash currency transactions (so-called currency exchange offices). Participants of shadow banking in their illegal financial (currency) activities actively use the cryptocurrency system.

Also, the shadow currency market has developed at the level of the banking system as a whole. In essence, the banking system serves both legal and shadow foreign exchange markets in parallel. This scheme works as follows: large exporters agree with banks on the purchase of currency in accordance with the NBU requirements, but at a lower official exchange

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<sup>2</sup> Danylchenko O. Tendentsyy plateznoho moshennychestva v Ukrayne (2014 –2014 hh.) URL: [http://ema.com.ua/wp-content/uploads/2014/10/material\\_02\\_10\\_2014\\_exchange\\_online.pdf](http://ema.com.ua/wp-content/uploads/2014/10/material_02_10_2014_exchange_online.pdf)

<sup>3</sup> Tyshchuk T.A., Kharashvili Yu.M., Yvanov O.V. Tinova ekonomika v Ukraini: masshtaby ta napriamy podolannia: analit.dok. Kyiv: NISD, 2011

rate and subject to the sale of this currency to specific importers. By purchasing this currency, importers compensate exporters for the difference between the official exchange rate and the shadow market rate, paying a commission to banks.

Since the Ukrainian financial system is focused on the cash-based form of payments, therefore, in order that employees of law-enforcement agencies timely and efficiently identify crimes committed in the field of economic activity, it is expedient to pay significant attention to the issue of cash circulation. In particular, the illegal transfer of cashless funds into cash with its subsequent withdrawal from the country is one of the most widespread types of illegal business – the so-called “currency conversion centres.” Such firms have fictitious signs, are registered on front parties, do not report to the tax authorities and, for the reward, “provide services” of cash conversion.

Active participants in currency conversion operations are banking institutions. Banks can monetize funds through conversion centres and using fly-by-night companies. Moreover, some banks have created special conversion centres for the transfer of legal funds to the “shadow” and, conversely, from the illegal sector to the legal one.

In this case, the main tools used in the schemes of taking over and legalization of funds received as a result of their theft from banking institutions are: “garbage” securities; debt obligations of enterprises with fictitious signs; transfer of claim right; cash conversion.

Mostly conversion centres are created by a criminal group of individuals who have significant experience in this activity and are closely linked to credit and financial (banking) institutions. Such a mechanism guarantees the security of the implementation of schemes for the further laundering of “dirty” money. As a result, organized crime groups primarily use the credit and banking system to legalize (launder) the proceeds of crime, precisely through the creation of fictitious firms.

The consequences of the activities of fictitious companies in Ukraine became threatening. So, according to the estimates of the Ministry of Economic Development and Trade, in 2017, the level of the shadow economy amounted to 33% of the official GDP, in 2016 – 34% of the official GDP<sup>4</sup>. At the same time, despite the statements of the leaders of

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<sup>4</sup> Tanasiienko N.P. Otsinka zahroz ekonomichnii bezpetsi Ukrainy yak skladovoi natsionalnoi bezpeky. *Ekonomika i suspilstvo: Mukachivskiy natsionalnyi universytet*, 11, 136–141, 2017

law enforcement authorities on the disclosure of hundreds and thousands of fictitious business entities every year, statistical data testify to the opposite: the number of sentences under Art. 205 of the Criminal Code of Ukraine (“Fictitious Entrepreneurship”) is extremely low.

In January 2018, in the report of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) of the Council of Europe about Ukraine, it was stressed that “Ukraine faces significant risks in terms of money laundering through corruption and illegal economic activity, including fictitious business, tax evasion, and fraud.”<sup>5</sup>

In the process of “dirty” money laundering, the insurance market is widely used. The most widespread ways to launder criminal incomes through the insurance market include: obtaining by an insurance company cash for unlikely insurance risks, followed by transfer in favour of enterprises with fictitious signs; carrying out a significant number of financial reinsurance operations with insurance companies that have an unsatisfactory financial position; crediting by the insurance company of significant sums of funds in favour of individuals as payments for agency agreements; an insurance company’s payment of the insurance indemnity within a short period to a significant number of individuals.

Along with this, in relation to the considerable development of computer and information technologies, electronic exchanges have been operating in Ukraine for quite a long time. Control over the organizations that provide Internet trading services is not implemented properly; some markets have unrestricted access, as a result of which it finds itself out of the control area, and in the territory of Ukraine, fictitious companies are emerging who represent themselves as dealing centres.

### **3.2. Crime in the spheres of land relations, manufacturing and circulation of drugs and crop protection agents**

In addition to credit and banking activities, where the various crimes described above are widespread, land relations have become one of the most corrupt areas of public administration over the last decade. The attention of the criminal environment to the abovementioned field of activity is explained by their current interests with the planning to obtain

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<sup>5</sup> Koruptsiia ta tinova ekonomika «vymyvaiut hroshi» z Ukrainy – Rada Yevropy. URL:<https://www.epravda.com.ua/news/2018/01/30/633536/>

large capital in the future. As a result, the land market remains one of the most criminalized sectors of the Ukrainian economy.

Analysis of committed crimes in the field of land relations shows that the subject matter of unlawful encroachments is often agricultural land. Of the total number of detected criminal offenses, almost one-third is associated with illegal transactions with agricultural lands.

Despite the fact that the purchase and sale of agricultural land are prohibited by the Transitional Provisions of the Land Code of Ukraine, illegal transactions on the sale and purchase of agricultural land are actively performed for a long time. In particular, today there are corruption schemes and mechanisms for the transfer of land ownership rights bypassing the moratorium on the sale of agricultural land, widespread agricultural illegal takeover.

According to expert estimates, the volume of “shadow” land market in Ukraine is over 800 billion UAH<sup>6</sup>. At the beginning of 2016, the State Service of Ukraine for Geodesy, Cartography and Cadastre (StateGeoCadastre) estimated the “shadow” market for only agricultural land at 5 billion UAH<sup>7</sup>. However, in 2017, according to the Association “Ukrainian Agribusiness Club” (UCAB), the “shadow” market for agricultural land was already 10-12 billion UAH<sup>8</sup>. For comparison: the budget expenditures for the Regional Development Fund in 2017 amounted to 9 billion UAH.

In the list of committed crimes in the field of land relations, we revealed the greatest prevalence of:

- service abuses, including the receipt of unlawful benefits by officials of the State Service of Ukraine for Geodesy, Cartography and Cadastre (StateGeoCadastre), local self-government bodies at the time of registration, allocation (assignment) of land plots to natural and legal persons, change of their intended purpose (transfer of agricultural land to other categories), alienation of lands of state or communal property;
- fraudulent actions in market operations with land plots, for example, seizure of land by committing fraudulent acts against their owners;

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<sup>6</sup> Tyshchuk T.A., Kharashvili Yu.M., Yvanov O.V. *Tinova ekonomika v Ukraini: masshtaby ta napriamy podolannia: analit.dok.* Kyiv: NISD, 2011

<sup>7</sup> Derzhkadastr otsinyv tinovyi rynek zemli v 5 mlrd hrn.URL: <http://companion.net.ua/index.php?id=11546&show=news&newsid=111777>

<sup>8</sup> U 2017 rotsi tinovyi rynek zemli stanovytye ponad 10 miliardiv – UKAB. URL: <https://www.epravda.com.ua/news/2016/12/21/615372/>

- crimes related to the unauthorized occupation (seizure) of land plots.

In addition, a fairly widespread crime in the field of land relations is the illegal seizure of land in the water fund on a massive scale.

Analysis of criminal cases and statistics on the detection and investigation of crimes in the land sphere shows that the following types of criminal activity can be distinguished in the land market: lowering of rental rates for land use; acquisition of land by falsifying the documents required for the purchase and sale/lease of land plots; acquisition of land through privatized real estate objects; the use of land not for its intended purpose, for example, the illegal use of land for the construction or extraction of minerals.

In addition, at the current stage of development of the world economy, the most profitable branches of the economy for a long time include the market for the circulation of medicines and crop protection agents, in connection with which the manufacturing and circulation of counterfeit medicines and crop protection agents (pesticides and agrochemicals) are a common phenomenon in many countries of the world, including in Ukraine.

Thus, according to the World Health Organization (WHO), in developed countries, the share of counterfeit drugs is almost 10%, and in the third world countries – half of all medicines. In Ukraine, according to various estimates, up to 50% of counterfeit medicines are sold<sup>9</sup>.

In particular, cases of low-quality, counterfeit, and unregistered medical products are widespread in the pharmaceutical market of Ukraine.

So, the falsification of medicines is a major problem in Ukraine. From 2008 to May 2018, the State Service of Ukraine for Medicines and Drugs Control (StateMedService) provided 457 orders to ban the circulation of counterfeit medicines<sup>10</sup>.

Most often counterfeit medicines are those in daily demand and advertised on television and radio, among them – anaesthetics, antibiotics, psychotropic substances. Also, improper labelling of drugs, their smuggling, the sale of substandard (low-quality) and unregistered drugs

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<sup>9</sup> Poiasniuvalna zapyska do proektu zakonu Ukrainy pro vnesennia zmin do deiakykh zakoniv Ukrainy (shchodo zapobihannia falsyfikatsii likarskykh zasobiv) (reistr. №7146 vid 20.09.2010)

<sup>10</sup> Zvit pro periodychni vidstezhennia rezultatyvnosti nakazu Ministerstva okhorony zdorovia Ukrainy vid 22.04.2013 №321 «Pro vyznachennia poniat «velyki» ta «osoblyvo velyki» rozmiry falsyfikovanykh likarskykh zasobiv. URL: [http://moz.gov.ua/uploads/1/5174-zvit\\_pvr\\_dn\\_20130422\\_321.pdf](http://moz.gov.ua/uploads/1/5174-zvit_pvr_dn_20130422_321.pdf).



and backyard drugs or means of other (including technical) purpose and which thereby cannot be used for treatment are also widespread.

The falsification of medicines is favoured by online sales of medicines, as it is hard to check them for quality and find a supplier, despite the prohibition in Ukraine of Internet pharmacies.

Often, counterfeit medicines are illegally sold through the Internet, and each year, the volume of this activity is increasing. According to data from some European sources, about 50% of such products do not meet the quality requirements.

As a rule, sources of channelling of counterfeit medicines to the pharmaceutical market are:

- issue of counterfeit medicines at unauthorized enterprises using high-tech equipment with the assistance of qualified specialists;
- smuggling of pharmaceuticals by manufacturers;
- sale of medicines under the guise of other goods;
- re-packaging of expired drugs for further sales.

According to the report of the Temporary Investigation Commission of the Verkhovna Rada of Ukraine, offshore companies are often used to overrate the customs value of drugs<sup>11</sup>. Ukrainian “shell companies” conduct fake business transactions abroad between several offshore foreign companies. In this case, the movement of drugs between countries is carried out on paper, and de facto drugs from the manufacturer go straight to Ukraine but already at a price several times higher. Given the preferential taxation regime, importers, overrating the customs value of drugs and medical products, get the opportunity for “shadow” withdrawal of funds out of the state and artificially minimize their own tax liabilities. Profits also end up in the pockets of beneficiary (actual) owners of shell companies and offshores.

One of the most corrupted spheres of public relations is the sphere of public procurement of medicines. In particular, the most widespread crime in it is the seizure of budget funds by overrating market prices when organizing the purchase of medicines, medical products and equipment for healthcare institutions.

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<sup>11</sup> Ukraina – diahnoz: totalna koruptsiia / Analitychnyi zvit Tsentru protydii koruptsii za rezultatamy richnoho monitorynhu zakupivli likiv za 6 derzhavnymy prohramamy. URL: [http://antac.org.ua/wp-content/uploads/2015/05/Report\\_med\\_ukr.pdf](http://antac.org.ua/wp-content/uploads/2015/05/Report_med_ukr.pdf).

Recently, the most widespread corruption schemes in public procurement of medicines in Ukraine are the so-called “cartel agreements”, in other words, backroom dealings between companies on the distribution of wins in competitive bidding, and overpricing of medicines in the State Register of wholesale prices.

According to estimates of the Security Service of Ukraine, the overrated prices for drugs in public procurement in 2012–2013 amounted to an average of 40%<sup>12</sup>.

At the same time, the scheme with abuse of the State Register of wholesale prices consists in the fact that the holders of registration certificates for medicines in collusion with the leadership of the Ministry of Health declare unreasonably high prices. They then point out these excessive prices in tender offers and share the difference. In fact, the Register has become a legal instrument for overpricing in the market for public procurement of medicines.

This should be added with stunning statistics on the amount of counterfeit in the domestic market for crop protection agents. According to expert estimates and operational data of law enforcement bodies, about 20-25% of all pesticides and agrochemicals, other crop protection products used in the domestic market of Ukraine, are fake, imported or repackaged illegally<sup>13</sup>. So, the share of counterfeit in the domestic market for crop protection agents is striking – 30% of the total pesticide market<sup>14</sup>. The turnover of all companies that make counterfeits is \$120 million<sup>15</sup>. At the same time, as experts point out, the entire market for crop protection agents in Ukraine is estimated at 1 billion USD.

Today, the production of counterfeit crop protection agents reaches a very professional level. These are no longer isolated cases of illicit manufacturing but a developed international system for the production and sale of crop protection agents.

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<sup>12</sup> Ukraina – diahnoz: totalna koruptsiia / Analitychnyi zvit Tsentru protydii koruptsii za rezultatamy richnoho monitorynhu zakupivli likiv za 6 derzhavnymy prohramamy. URL: [http://antac.org.ua/wp-content/uploads/2015/05/Report\\_med\\_ukr.pdf](http://antac.org.ua/wp-content/uploads/2015/05/Report_med_ukr.pdf).

<sup>13</sup> Poiasniuvalna zapyska do proektu zakonu Ukrainy pro vnesennia zmin do deiakykh zakoniv Ukrainy shchodo zapobihannia pidrobtsi zasobiv zakhystu roslyn, pestytsydiv i ahrokhimikativ vid 07.04.2006 №8282

<sup>14</sup> Stepaniuk O. Boremosia z pidrobkamy! URL: <http://www.agro-business.com.ua/event/169-2010-12-19-17-39-59.html>

<sup>15</sup> Prohrama borotby z kontrafaktnymy zasobamy zakhystu roslyn «Oberezhno: pidrobky!» – Biuletен, vydanyi Ahrokhimichnym komitetom Yevropeiskoi Biznes-Asotsiatsii EVA. URL: [http://www.eba.com.ua/static/committees/agro/Pre-Season\\_Warning\\_Bulleting\\_2011\\_24022015.pdf](http://www.eba.com.ua/static/committees/agro/Pre-Season_Warning_Bulleting_2011_24022015.pdf)

Today, every six out of ten packages of crop protection agents – fake. At the same time, if 30% of them – obvious falsification, then 60% contain dangerous substances<sup>16</sup>.

Imported crop protection agents account for about 95% of the legal market, but according to the Ukrainian Agrarian Association, almost half of the total market for plant protection products is in the “shadow”<sup>17</sup>.

Another part of counterfeit products for the protection of plants from agricultural pests is made in clandestine workshops. Some chemicals are licensed for the use in agriculture but are sold in the local market as other trademarks. In the worst cases, these chemicals are outdated, and their composition is unknown.

In addition, today the implementation of counterfeit crop protection agents through the Internet is becoming rather widespread.

As a result, today the falsification of crop protection agents – not isolated cases but a coordinated criminal business.

In practice, most offenders sell fake plant protection agents as known (famous) brands. Another concern is the recent uncontrolled process of importing counterfeit pesticides into Ukraine.

According to the Ministry of Agrarian Policy and Food of Ukraine, 40% of pesticides imported into Ukraine are made in China, and 20% of them are fake<sup>18</sup>. At the same time, about half of these Chinese manufacturers are, in essence, not Chinese but offshore companies.

Traditionally, the largest volume of counterfeit pesticides is produced by small and medium Indian and Chinese enterprises. So, China is the main supplier of counterfeit plant protection products. It gets into Ukraine as already in packed form, so in the form of initial chemicals. The latter are often imported under the codes of building materials or soda. The shops for bottling and packaging of counterfeit plant protection products are in almost every region of Ukraine.

The illicit counterfeit business is well organized. There are established schemes for the supply of counterfeit pesticides from Southeast Asia bypassing customs, regulatory, and other state control bodies, followed by packaging, repackaging, and unfair labelling on the territory of Ukraine.

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<sup>16</sup> Yak vidriznyty yakisni zasoby zakhystu roslyn. URL: <http://www3.syngenta.com/country/ua/uk/cropprotection/smallpack/Pages/wtb.aspx>.

<sup>17</sup> Prohrama rozvytku ARK Ukrainy na period do 2020 roku

<sup>18</sup> «Rozvytok i zakhyst intelektualnoi vlasnosti v Ukraini» (Zvit 2014 r., pidhotovlenyi BASCAP (Biznes-initsiatyvoiu Mizhnarodnoi torhovoï palaty shchodo zupynennia pidrobok i piratstva) ta ICC Ukraine (Natsionalnym komitetom mizhnarodnoi torhovoï palaty)

Moreover, the traffic of counterfeit pesticides from Ukraine to the European Union and back was recorded. Consequently, Ukraine has become the main “crossroad” of channels for the spread of counterfeit pesticides to the EU countries, where, according to Europol, trade in counterfeit and illegal pesticides is increasing.

Criminals cover their illegal activities using fake companies, falsifying supporting documents. Most often, they use methods of separate delivery of packaging components and the counterfeit plant protection product. For example, packaging, labels, and pesticides are delivered separately from each other, in different containers with different supporting documentation. Honest manufacturers and importers of crop protection agents never use this delivery method.

Today, the most widespread offenses in the field of the circulation of plant protection products are market turnover of expired plant protection products, the production, re-packaging, and distribution of counterfeit pesticides in Ukraine and their export, as well as smuggling of counterfeit plant protection products.

According to the EBA, the largest amounts (about 80%) of counterfeits of plant protection products are observed in batches of small-scale pesticides.

### **3.3. Crime in the alcohol industry, the sphere of production and circulation of alcoholic beverages, tobacco products, and fuel**

In the process of considering crimes in the main spheres of economic activity, particular attention should also be paid to the analysis of crimes committed in the alcohol industry, alcohol and tobacco production. The most common crimes in this area of activity include: production and sales of counterfeit alcoholic beverages, tobacco products, unaccounted alcohol production, withdrawal of working capital of the SE “Ukrspyrty”, falsification of excise stamps for the labelling of tobacco products and alcoholic beverages.

In particular, in the absence of proper control by the controlling and law enforcement authorities, there is an increase in the illegal production and circulation of cigarettes. At the same time, the volumes of illegal trade in tobacco products are practically not analysed by the relevant state authorities. According to the materials of the control measure of the Accounting Chamber of Ukraine at the end of 2014, during 2012–2013 the

market for illegal cigarettes reached more than 9% of the domestic market, while the volumes of legal production of tobacco and tobacco products decreased by 10%<sup>19</sup>.

In addition, at the end of 2014, the Accounting Chamber of Ukraine emphasized that the sector of illegal production of alcoholic beverages increased to 30-50% against the background of a decrease during the period of 2011 – the first half of 2014 in the volumes of legal production of alcoholic beverages by 16.5% and wineries by 33%<sup>20</sup> [12]. Subsequently, for the years of 2015–2016 and the first quarter of 2017, law enforcement bodies identified a number of schemes and operations related to unaccounted alcohol production. In particular, Ukrspyr SE unreasonably transferred funds to fictitious business entities for supposedly delivered grain crops, fuel, etc.

According to experts, the market share of illegally produced alcohol has increased from 10% in 2007 to 38% in 2014, and according to the results of 6 months of 2015 – up to 47% of the total turnover of food-grade alcohol<sup>21</sup>.

Illegal alcohol production, including at the enterprises of Ukrspyr SE and Ukrspyr Concern, and smuggling of alcohol from Transnistria, Belarus, and the ATO zone are the main channels for the counterfeit alcohol in the Ukrainian market<sup>22</sup>.

According to the EU, Ukraine is the leader in the production of illegal alcohol products<sup>23</sup>. As stressed in the European Parliament, the domestic market for illegal alcoholic drinks reaches 60% and deduces about 360 million euros from the budgets<sup>24</sup>.

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<sup>19</sup> Derzhavnyi kontrol u tiutiunovii haluzi potrebuie vdoskonalennia / Pres-sluzhba Rakhunkovoi palaty Ukrainy. URL: [http://www.ac-rada.gov.ua/control/main/uk/publish/printable\\_article/16744252;jsessionid=D6C64430ED851900BF9A84A84A39D98F](http://www.ac-rada.gov.ua/control/main/uk/publish/printable_article/16744252;jsessionid=D6C64430ED851900BF9A84A84A39D98F).

<sup>20</sup> Chomu ne zrostaiut platezhi do derzhavnogo biudzhetu z aktsyzy na alkohol / Pres-sluzhba Rakhunkovoi palaty Ukrainy. URL: <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16744264>

<sup>21</sup> Lyzen R.B. Kontsepsiia demonopolizatsii spyrtovoi haluzi Ukrainy. URL: <http://minagro.gov.ua/system/files/%D0%9B%D0%B8%D0%B7%D0%B5%D0%BD%D1%8C%20%D0%A0%D0%BE%D0%BC%D0%B0%D0%BD%20%D0%91%D0%BE%D0%B3%D0%B4%D0%B0%D0%BD%D0%BE%D0%B2%D0%B8%D1%87.pdf>.

<sup>22</sup> Lyzen R.B. Kontsepsiia demonopolizatsii spyrtovoi haluzi Ukrainy. URL: <http://minagro.gov.ua/system/files/%D0%9B%D0%B8%D0%B7%D0%B5%D0%BD%D1%8C%20%D0%A0%D0%BE%D0%BC%D0%B0%D0%BD%20%D0%91%D0%BE%D0%B3%D0%B4%D0%B0%D0%BD%D0%BE%D0%B2%D0%B8%D1%87.pdf>

<sup>23</sup> Nelegal'nyy alkohol' zabiraet iz byudzheta ES 2,7 mlrd. evro. URL: <https://news.finance.ua/ru/news/-/427932/nelegalnyj-alkogol-zabiraet-iz-byudzheta-es-2-7-mlrd-evro-v-god>.

<sup>24</sup> Nelegal'nyy alkohol' zabiraet iz byudzheta ES 2,7 mlrd. evro. URL: <https://news.finance.ua/ru/news/-/427932/nelegalnyj-alkogol-zabiraet-iz-byudzheta-es-2-7-mlrd-evro-v-god>.

At the same time, in recent years, there is observed a general tendency to reduce the effectiveness of law enforcement bodies in counteracting the manufacture and import of counterfeit alcoholic beverages and alcohol.

Unfortunately, today there are good reasons to state that in Ukraine, there are also significant risks of illegal production of fuel that is sold for cash.

The analysis of volumes of legally extracted and imported into Ukraine oil and capacity of working oil refineries has shown that in 2016–2017 the market volume of illegally produced gasoline and diesel could be up to 4.6 million tons<sup>25</sup>.

In addition, due to improper control over the conservation and effective use of forest resources, almost every region of Ukraine has established the facts of illegal and unauthorized harvesting of forest resources.

The illegal extraction of amber is also widespread in Ukraine.

## CONCLUSIONS

On the basis of the above, it should be noted that crime in the field of economic activity requires effective offensive, namely, the use of effective means of detection and prevention of the specified types of criminal offenses; elimination of the causes and conditions of economic crime. That is, the disclosure of such crimes requires the development and application of scientifically grounded methods. In addition, the harmonization of Ukrainian legislation and the coherence of methods and means of operational and investigative activities and criminal procedural norms are relevant in this issue.

The international experience of preventive measures applied by modern law enforcement institutions shows that key means of ensuring national security in the law-enforcement sphere are identifying new approaches to the information and analytical support for countering crimes in the economic sphere<sup>26</sup>.

In accordance with the Resolution of the Cabinet of Ministers of Ukraine as of October 13, 2015, № 830, the Department of Economic

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<sup>25</sup> Zaprovdzhennia efektyvnoho monitorynhu za vyrobnytstvom palnoho znachno zbilshyt nakhodzhenia do Derzhbiudzhetu z aktyzy na palne, – Rakhunkova palata. URL: <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16757401.jsession>

<sup>26</sup> Zapotocjkyj, A. P., Vjazmikin, S. A. (2016). Zaprovdzhennja ekonomichnoho analizu v dijalnosti pidrozdiliv zakhystu ekonomiky Nacionaljnoji policiji Ukrajinu. *Naukovyj visnyk NAVS*, 1. [in Ukrainian].

Security of the National Police of Ukraine (DES NPU) was created as an interregional territorial body as a part of the Criminal Police of the National Police of Ukraine with vertical subordination, which has the functions of fighting crimes in the economy, namely, the prevention and detection of crimes committed in the main spheres of economic activity.

Employees of the said Department have the right to carry out criminal intelligence concerning the documenting and revealing economic crimes. The competence of the DES NPU is to identify 86 components of economic crime in 65 industries and spheres of the economy.

Among the main tasks of the Department is the prevention of the acquisition of state funds, the disclosure of crimes in the branches of the economy, which are most vulnerable to criminal offenses, in particular, banking, the fight against corruption and bribery in areas of strategic importance to the state's economy, and so on<sup>27</sup>. DES NPU takes measures to protect budget funds from criminal offenses, to ensure the lawfulness of the procedures for the procurement of goods, works, and services and the targeted use of budget funds, etc.

At the same time, it is worth emphasizing the increased latency of the crime category under consideration. The institutional nature of economic crimes and the high intellectual status of "white-collar" criminals turn the shadow incomes into criminal ones, which, after the laundering procedure, finally mask the criminal schemes used.

In general, the extremely high latency of crime in the field of economic activity does not allow relying on official data since they do not correspond to the real level of criminal damage to the economic sphere. Moreover, although they reflect the activity or effectiveness of activities of individual law enforcement agencies in detecting and documenting criminal offenses in the economic field, they do not indicate a low level of selfish economic criminal activity.

High concealment of crimes in the field of economic activity is characterized by a number of factors. In particular, the prevention of crimes in the financial and credit and banking system, in the sphere of production and circulation of medicines, medical products, and crop protection agents, in the field of land relations or in the state material reserve, etc., and their detection are rather complicated. In addition, in

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<sup>27</sup> Zapotocjkyj, A. P., Vjazmikin, S. A. (2016). Zaprovadzhennja ekonomichnogho analizu v dijajlnosti pidrozdiliv zakhystu ekonomiky Nacionaljnoji policiji Ukrajinu. *Naukovyj visnyk NAVS*, 1. [in Ukrainian].

terms of multi-factor burdensome accounting and control system, it is difficult to establish channels and mechanisms for the acquisition of state and other property.

And finally, the high latency of crimes in the field of economic activity is a direct consequence of improper training and low qualification of many employees of the Department of Economic Security of the National Police of Ukraine and sometimes unsatisfactory staffing.

In view of the above and with the purpose of developing effective methods for detecting and preventing criminal offenses in the field of economic activity, there is a need for systematic detailed consideration of the most common criminal manifestations in various sectors and spheres of business activity. It is this analysis that will help to find vulnerabilities in the factors that cause these crimes, which in the long run can be a guarantee of a successful fight not only with them but also with the crimes committed in the above and other sectors and spheres of economic activity.

### **SUMMARY**

The article defines the main areas and sectors of the economy that are closely related to criminal manifestations. The author presents the most dangerous criminogenic directions in the economy, namely: credit and financial relations and banking, sectors of production and circulation of drugs, crop protection agents, alcoholic beverages, tobacco products, land relations, relations in the field of extraction and use of natural resources, relations in the fuel and energy complex. Herewith, the main emphasis is made on the consideration of those spheres and sectors of the economy, in which criminal manifestations have become the most widespread; as a result, it is stressed about the prevalence of crimes committed in the sphere of credit and banking activity, the sphere of land relations, the sphere of manufacturing and circulation of drugs and crop protection agents, the alcohol industry, the sphere of production and circulation of alcoholic beverages, tobacco products, as well as fuel, crimes related to the money laundering, activities of fake companies and currency conversion centres.

The study of the most criminalized spheres and sectors of the economy allowed concluding that crimes in the field of economic activity require effective offensive, namely, the use of effective means of detection and prevention of the specified types of criminal offenses; elimination of the causes and conditions of economic crime. It is emphasized that the



disclosure of such crimes requires the development and application of scientifically grounded methods. In particular, scientific provisions are argued that with the purpose of forming such methods of detection and prevention of criminal offenses in the field of economic activity, there is a need for a systematic detailed examination of the most common criminal manifestations in various sectors and spheres of economic activity. Finally, the author substantiates that this very analysis will help to find vulnerabilities in the factors that cause these crimes, which in the long run can be a guarantee of a successful fight not only with them but also with crimes committed in the sectors and spheres of economic activity considered by the author.

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## **CHAPTER 4**

### **THE PHENOMENOLOGY OF MONEY LAUNDERING AND EFFECTIVENESS OF CRIMINAL PROSECUTION IN UKRAINE**

**Korystin O. Ye.**

#### **INTRODUCTION**

Today in Ukraine, issues related to combating money laundering have become more relevant and are in the center of public attention.

Scientists and experts who have studied various aspects of overcoming this dangerous phenomenon for the state, paid attention to the study of spreading of this socially dangerous phenomenon and the implementation of mechanism to combat money laundering, and legislation effectiveness: Arkusha L.I., Benitskyi A.S., Butkevych S.A., Gaievskyi I.M., Hlushchenko O.O., Golovanov N.M., Yehorov O.M., Yehorova V.I., Klymenko A.O., Korzhenivskyi Ya.P., Kravchenko O.V., Nekrasov V.A., Perekyslov, V.Ye., Siurkalo B.I., Fadieiev V.O., Feshchenko O.Yu., Charychanskyi O.M., Cherniavskyi S.S. and others.

Ukraine faces money laundering risks. Corruption and illegal economic activities (including fictitious entrepreneurship, tax evasion and fraud) are the major ML threats. Organised criminality is rising and has a substantial impact on the overall ML risk situation. So-called conversions centres involving fictitious companies through which funds are siphoned from the real to the shadow economy are one of the prevalent ML typologies. Such centres are used to convert proceeds into cash and transfer proceeds out of Ukraine. Cash circulation is high and is considered to pose a significant threat to the financial system and economic security of the country. Turning to the risk of FT, since 2014, Ukraine has found itself as a transit country for those seeking to join ISIL fighters in Syria. The non-profit sector is considered by the authorities to be vulnerable to FT. The sector has been misused to channel funds to terrorists and terrorist organisations.

The Ukrainian financial sector is bank-centric and roughly holds 80% of the assets in financial sector. The banking services provided are generally traditional in nature and include deposits, loans, money transfers, foreign exchange and guarantees. High-risk products are either forbidden

or not generally provided. The shadow economy size in Ukraine, which is exacerbated by the widespread use of cash, constitutes a great ML vulnerability. Money remittances (through banks) play a significant role within Ukraine's economy. Most remittances are purportedly linked to Ukrainians working abroad sending money to their relatives in Ukraine. However, a huge portion of the remittances are conducted through informal channels.

However, problematic is primarily related not to the technical assessments of the national mechanism compliance with the FATF Standards, but with the actual achievements and practical results of countering money laundering<sup>1</sup>, with the effectiveness of arraignment on criminal charge in this field, which in turn requires a systematic and in-depth macroeconomic and criminological analysis based on scientific knowledge of the «money laundering» phenomenon, its manifestation' factors and their spread in Ukraine are becoming relevant, and criminological analysis and settlement of the entire complex of law enforcement.

#### **4.1. The phenomenology of money laundering in Ukraine**

The economic growth of modern society is inextricably linked with the prevention of various threats that increase during the economic system reform. These are, first of all, such complex and dangerous for our state socio-economic phenomena as the shadow economy (especially its criminal component), organized crime, which permeates the system of economic relations, corruption at all levels of government, outflow of capital abroad in the presence of a shortage of investment resources. A special place among these phenomena is given to money laundering as a mechanism for ensuring the shadow economic functioning, as well as economic potential reproduction of organized crime<sup>2</sup>.

Combating money laundering (hereinafter– AML) in Ukraine is determined by one of the important areas and is ensured by the international standards' implementation in the AML field, among which FATF recommendations occupy a central place. Since 2002, Ukraine has objectively formed the conditions and started systematic work on combating money laundering (AML). Improvement of international standards encourages the development of legal regulation in Ukraine and

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<sup>1</sup> Masciandaro (2005), "False and reluctant friends? National money laundering regulation, international compliance and non-cooperative countries, *European Journal of Law and Economics*, Vol. 20 No. 1, pp. 17-30.

<sup>2</sup> Korystin, O. (Ed.). (2015). *Protydia vidmyvaniu koshtiv: mizhnarodni standarty, zarubizhnyi dosvid, administrativno-pravovi, kryminologichni, kryminalno-pravovi, kryminalistychni zasady ta systema finansovogo monitoryngu v Ukraini*. Kyiv: Skif [in Ukrainian].

the appropriate introduction of new approaches<sup>3</sup> to the mechanism formation of AML, which, in its turn, requires an extremely adequate perception of the «money laundering» phenomenon in professional environment and productive institutional activities.

In our opinion, the methodological principles of analysis of money laundering in Ukraine as a socio-economic phenomenon is grounded in the application of phenomenology<sup>4</sup> of money laundering, based on combination of the philosophical method of phenomenon cognition in reality on its nature essential characteristics, and criminology which is based on the crime doctrine.

The analysis of any negative socio-economic phenomenon using official statistics is quite understandable. At the same time, among the domestic law enforcement specialists, foreign experts of the EU Advisory mission, there is a well-established understanding of the inadequate mapping of the crime rate according to the Unified register of pre-trial investigation (URPTI), which does not allow to objectively assess illegal money laundering activities in Ukraine. Among other things, when assessing MONEYVAL regarding the technical compliance of the AML system in Ukraine, the «Statistics» indicator (*FATF recommendation 33: countries should keep comprehensive statistics on issues related to the effectiveness of the anti-money laundering system ...*) defined in such a way that only «partially meets» recommendations<sup>5</sup>.

In order to analyze the ML level in Ukraine and a set of related socio-economic factors, an expert survey was conducted among specialists in the field of law enforcement with a target professional direction to AML. Experts' survey is a fairly common method of obtaining information about the problem from specialists of the relevant profile. Among the respondents, three groups of experts working in law enforcement agencies, professionally engaged in detection and investigation of ML and possess a large amount of knowledge in comparison with the majority of non-specialists in the field of money laundering: operatives (547), investigators (245) and prosecutors (213). A total of 1005 respondents were interviewed and all the data are structured and systematized, which allows to conduct a more in-depth study and evaluation of the specific content characteristics of the «money laundering» phenomenon.

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<sup>3</sup> Paoli, L., & Greenfield, V. A. (2015). Starting from the end: a plea for focusing on the consequences of crime. *European Journal of Crime, Criminal Law and Criminal Justice*, 23(2), 87–100..

<sup>4</sup> Vepryts'kyi R.S. (2013). Fenomenolohiya zlochynnosti yak haluz' kryminolohiyi / Forum prava 2013, № 3, S. 84-87. *Elektronniy resurs. – Rezhym dostupu: [http://nbuv.gov.ua/j-pdf/FP\\_index.htm\\_2013\\_3\\_16.pdf](http://nbuv.gov.ua/j-pdf/FP_index.htm_2013_3_16.pdf)* (In Ukrainian).

<sup>5</sup> The fifth round mutual evaluation report on Ukraine was adopted by the MONEYVAL Committee at its 55th Plenary Session (Strasbourg, 5 – 7 December 2017), 217 c. *Elektronniy resurs. – Rezhym dostupu: <https://rm.coe.int/fifth-round-mutual-evaluation-report-on-ukraine/1680782396>*.

At the same time, a questionnaire developed in a single form for all experts was used. The questionnaire was developed by a task force of experts (5 persons)), who, using the «brainstorming» method identified a general set of indicators that systematically and variously characterize the «money laundering» phenomenon in Ukraine. Measurements of respondents' positions on each of the indicators were carried out on a four-point ordinal scale, where the lowest score characterizes the zero level, and the upper – the highest one (Table 1). In addition, in the future, in order to interpret the results we'll use the term «significant level», when grouping data of high and medium levels.

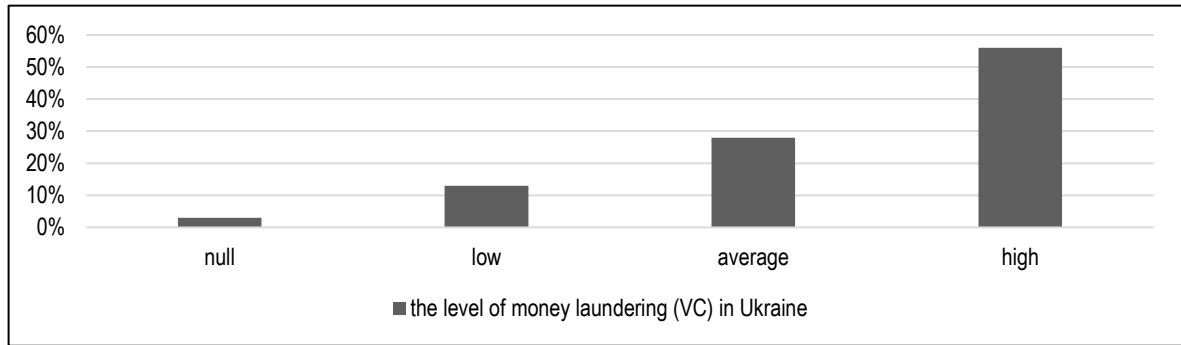
First of all, describing the overall level of money laundering in Ukraine, 55.7 % of respondents determine the high level of the money laundering phenomenon in Ukraine (Tab. 1).

Table 1

**Results of the expert survey on indicators characterizing the money laundering phenomenon in Ukraine**

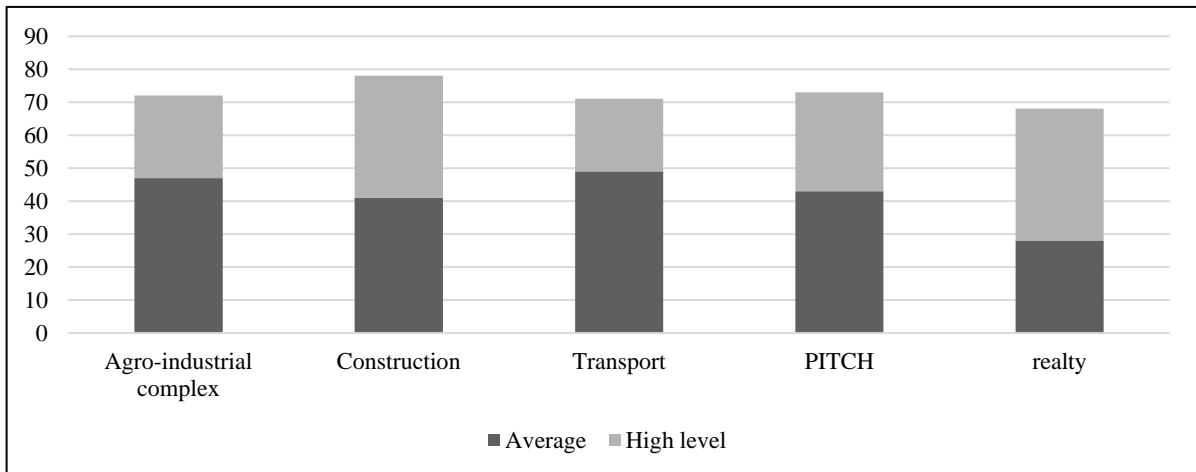
№ z / p	Indicator name	Level of assessment			
		Highly (%)	Average (%)	Low (%)	Zero (%)
1.	Level of money laundering (LML) in Ukraine	55.7	28.8	14.1	1.0
2.	Level of vulnerability of economic sectors to LML:	X	X	X	X
2.1	credit and financial	41.1	40.9	15.2	1.3
2.2	agro-industrial complex (AIC)	29.9	45.8	20.4	1.4
2.3	construction	41.4	38.2	15.8	2.4
2.4	transport	31.2	42.7	21.2	2.4
2.5	PITCH	35.6	40.4	19.4	2.0
2.6	realty	35.0	39.1	20.7	2.4
3.	level of connectedness of the LML with:	X	X	X	X
3.1	corruption (demand of corrupt officials to the laundering of corruption assets)	50.6	34.8	11.6	1.3
3.2	corruption (corruption links are an important element in ensuring LML mechanisms)	48.7	34.8	13.4	1.2
3.3	organized crime (fixed assets demand for money laundering)	43.1	36.5	17.3	1.2
3.4	organized crime figure	29.8	38.7	25.9	2.9
3.5	capital flight abroad	45.9	33.7	16.9	1.8
3.6	provision of shady activities in their own business	42.5	36.9	16.8	1.9
3.7	need to legalize part of the shadow income of legal business	42.9	37.6	16.1	1.9
3.8	need to launder «dirty» assets and hide previous criminal activities	43.8	35.5	15.8	2.4

It is the fact that expert survey involved professionals directly and professionally engaged in professional activities in the AML field, it is impressive that the vast majority of them (84.5 % (55.7 % – high, 28.8 % – average) note the significant spread of this phenomenon in Ukraine.



**Fig. 1. Diagram of the level of ML in Ukraine (according to the expert survey)**

The next group of indicators characterizes the spread of money laundering at the level of certain sectors of the economy in Ukraine (Fig.2), in particular, the credit and financial sector, agro-industrial and fuel and energy complexes, construction, transport and real estate market.

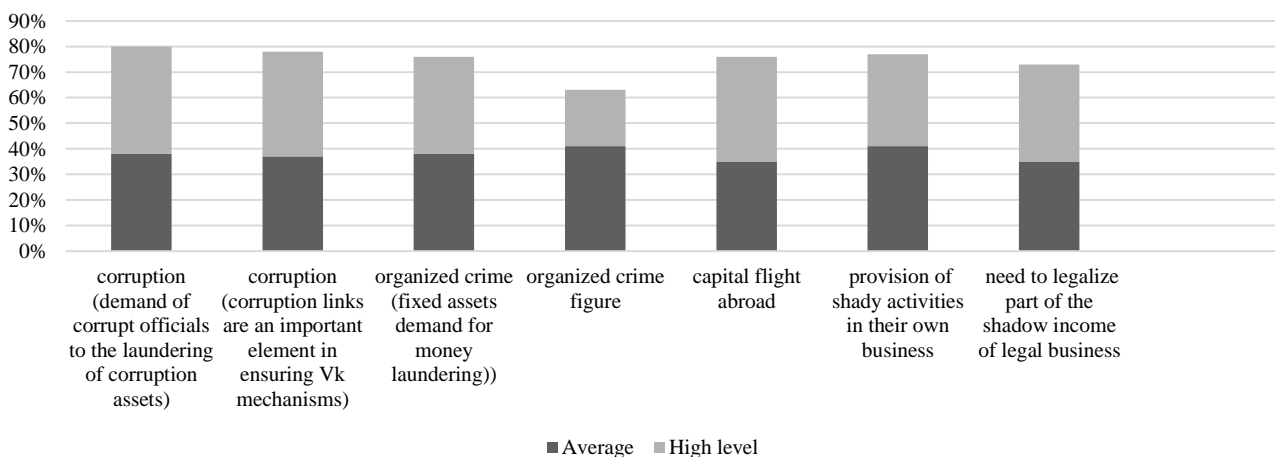


**Fig. 2. Diagram of the vulnerability level of the economy sectors to money laundering in Ukraine (according to the expert survey)**



The overall trend is also quite significant from 82.0 % to 73.9 % . At the same time, the most vulnerable to the spread of money laundering is the credit and financial sector (41.1%-high, 40.9 – medium).

A separate group of indicators focuses on the connection of the money laundering phenomenon with other negative socio-economic phenomena in Ukraine: shadow economy, corruption, organized crime and outflow of capital abroad (Fig. 3).



**Fig. 3. The diagram of the connection of money laundering with other negative socio-economic phenomena (according to the expert survey)**

First of all, it should be noted the extraordinary demand of corrupt officials laundering the proceeds of corruption (85,4 % of the respondents). At the same time, corruption ties are defined as important means of ensuring money-laundering mechanisms somewhat less (83.5%), but significant in general.

The problem of outflow of capital abroad is already familiar to Ukraine, 79.6 % of experts associated with money laundering.

Following the general trend of interviewed, laundering of funds associated with shadow economy, with the provision of informal economic activities (79,4 %), and the necessity of legalization of shadow income, and involvement in legal turnover (80,5 %).

In conclusion, experts surveyed determine the connection of money laundering with illegal activities, in particular, the most dangerous manifestations: organized crime-79.6 %, characterizing the demand of

organized criminal groups for money laundering, and the need to launder «dirty» assets and concealment of preliminary criminal activities (79.3 %).

#### **4.2. The effectiveness of criminal prosecution of money laundering in Ukraine**

Since the last evaluation, Ukraine has taken steps to improve the AML/CFT framework. Notably, a new AML/CFT law was adopted in 2014 which, inter alia, requires the authorities to conduct a national risk assessment (NRA) with a view to identifying ML/TF risks, as well as measures to prevent or mitigate such risks; defines measures to combat the financing of proliferation of weapons of mass destruction; introduces tax crimes as predicate offences to ML; provides for compulsory financial monitoring of financial transactions of national public officials and officials from other countries and international organizations; and improves existing procedure on the suspension of financial transactions. Amendments were also carried out to the Code of Criminal Procedure of Ukraine (CCP), which include modifications to the provisions related to jurisdictional issues in respect of Art. 209 (ML offence) of the Criminal Code (CC) and to pre-trial investigation in ML proceedings in certain cases. However, some deficiencies and uncertainties remain in Ukraine's technical compliance framework, particularly with respect to the FT offence and the TFS regime, supervision of DNFBPs and sanctions for non-compliance.

The Ukrainian authorities have demonstrated a substantial level of effectiveness in ML/FT risk understanding and domestic co-ordination to combat ML, FT and PF; as well as in using financial intelligence in ML, associated predicate offences and FT investigations. A moderate level of effectiveness has been achieved in the other areas covered by the FATF Standards, except for investigation and prosecution of ML.

Ukraine has undertaken a ML/FT NRA and published a NRA report. A suitable number of private sector representatives participated in the NRA process. Ukraine has demonstrated a reasonably understanding of its ML/FT risks although there are areas where understanding would be enhanced by taking further steps to identify and assess risk. Information sources should be increased, for example, by improving statistical framework and increasing focus on external threats, organized crime,

beneficial ownership and non-profit organizations (NPOs) and other facets of FT risk.

Ukraine has a substantial background in coordinating and setting five yearly strategies and annual plans to address ML/FT. It has comprehensive national coordination and policy making mechanisms, which include political commitment and which have a positive effect. These mechanisms include PF. National police and activities are coordinated well by the FIU, and also by the MoF in relation to legislation. Both bodies are proactive. Substantial initiatives have been, and are being, introduced at the national level to address the key and other ML/FT risks. AML/CFT measures are embraced within wider “whole of Government” initiatives, combatting corruption and ML arising from corruption is the highest priority. Examples include establishment of national anti-corruption strategy and the establishment of the National Anti-Corruption Bureau of Ukraine NABU and the National Corruption Prosecutors Office as bodies dedicating to fighting corruption and ML arising from corruption. There are also initiatives aimed at addressing fictitious entrepreneurship and the use of conversion centres, tax evasion and ML from tax evasion, shadow economy and organised crime.

The FIU produces good quality operational analysis. Effective mechanisms allow for proactive collection, risk-based prioritisation and analysis of financial intelligence originating from a broad range of sources, including the very high number of reports, mainly mandatory, filed by the obliged entities. Reporting appears to be in line with Ukraine’s risk profile and has resulted in a significant number of case referral to LEAs. Ukraine has nevertheless started to take steps to emphasise suspicion-based reporting with a view to diminishing the number of reports and alleviating analytical resource needs, as well as making sure that financial intelligence is as reflective as possible of constantly evolving risks. Strategic analysis produced by the FIU supports the annual update of the reporting criteria, as well as LEAs investigative efforts.

Spontaneous case referrals regularly trigger investigations into ML, associated predicate offences or FT by LEAs, which also seek intelligence from the FIU on regular basis to support their self-initiated investigative efforts. Cooperation among competent authorities is facilitated by a number of institutional mechanisms allowing confidential exchange of financial information and intelligence with the relevant authorities.

Since 2014, the FIU has been under a growing resource strain, with diminishing resources and increasing numbers of reports to be processed. In addition, the information technology (IT) equipment needs significant updating. Inadequate resources are likely to have a negative impact on the FIU's effective functioning if not urgently addressed.

ML was still seen by most interlocutors met onsite primarily as adjunct to predicate offence. While pre-trial investigations may be initiated for ML in certain circumstances without a conviction for the predicate offence, it was widely assumed that a conviction for the predicate offence is essential before a ML case can be taken to court. Some interlocutors considered that an acquittal for the predicate offence means that ML cannot go ahead. Art. 209 of the CC needs to be revised to establish beyond doubt that a conviction is not needed for the predicate offence in order to proceed with a ML case in court. Art. 209 should also clarify that in ML prosecution underlying predicate crime may also be inferred from facts and circumstances.

Before 2014 ML prosecutions rarely confronted Ukraine's highest AML risks (top level corruption and theft of state assets). Prosecutions generally involved local officials/mayors, where ML was added to indictments containing other counts (which attracted higher penalties). There remain many similar ML cases being prosecuted involving such "low hanging fruit".

The sentences for ML are almost always less than for predicate offences and generally need to be more dissuasive in practice. Some defendants serve no prison sentences at all for the basic offence under Art. 209-1 due to the operation of Art. 69 and 75 of the CC, aimed at reform of convicted persons. The impact of these provisions should be independently reviewed. Inappropriate ML sentences should automatically be appealed by the prosecution to counter any public perception that the more "notional" the defendant, the more lenient is the sentence.

Credit is given for the determined work that is now ongoing to restrain and confiscate funds in cases of top level corruption and theft of state assets, in line with national ML risks. There are now some very significant restraint orders in place in many of the cases involving high level officials of the former regime and their associates. These have necessitated complex (and far-reaching) asset tracing through accounts of numerous companies, both in Ukraine and abroad. In respect of pre-trial investigations of persons

believed to be connected to the former President, it was said that UAH 35 billion (~EUR 1.15 billion), EUR 1 billion, apartments, cars and even islands were under restraint. The Agency responsible for Asset Recovery, which has been created, is not yet operational, so these assets are not all under management. These investigations appear to have resulted in 2 court convictions so far, one of which was for ML in very significant amounts.

Nonetheless, it is difficult to assess systematically whether the new system is fully established in practice in all proceeds-generating cases. It is unclear how regularly the new provisions are being used by the judges and how many final special confiscation orders have been made as most information on this is anecdotal. Not all ML convictions result in confiscations.

There are issues that still need to be addressed by the prosecution and judiciary on the practical implementation of the new Special Confiscation provisions in the courts. A workable standard of proof in confiscation proceedings on the linkages of alleged proceeds to offences for which there are convictions needs to be established and consistently applied.

There also appear to be some problems in conducting financial investigations, and a lack of resources for them across the board. More financial investigations need to be undertaken to ascertain the direct and indirect profits in all major proceeds-generating crimes, and not just in the highest profile cases.

Some significant and positive initiatives have been undertaken by competent authorities. Examples include the NBU's very significant efforts to remove criminals from having control of banks and its development of themed onsite inspections on politically exposed persons (PEPs) risk; the high focus of the FIU on ML and in addressing risk (such as introduction of automated system for the prioritization of its analysis, successful development of complex ML cases and establishment of separate team to be responsible for ensuring the effectiveness of case referrals to LEAs); significant outreach by a number of the supervisory bodies such as the NBU and the FIU. However, there are also some areas where the objectives and activities of authorities need to be strengthened and aligned with ML/FT risks. These include pursuit by NABU of corruption-related cases systematically; more focus on investigation and prosecution of ML and on implementation of the confiscation framework; in relation to FT, extending the objectives and activities to cover parallel financial

investigations; and more focus outside the banking sector in particular on risk based approaches to supervision following statutory moratoria on onsite and offsite inspections.

At the same time, the results of the fifth round of mutual evaluation of Ukraine in the sphere of AML by the Committee of the Council of Europe MONEYVAL, which ended in December 2017, indicate the real state of the effectiveness of the AML in Ukraine, which is in this case a key component in assessing the country's compliance with FATF Standards. The efficiency assessment is aimed at<sup>6</sup>:

- increased attention to the results of the FATF;
- determination of the extent to which the national AML system has achieved the objectives of FATF standards;
- identifying systemic weaknesses;
- prioritization of measures to improve the loan system.

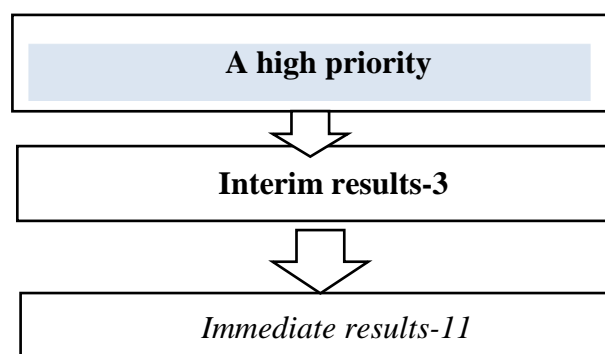
That is, according to the «Methodology for assessing compliance with the FATF recommendations and effectiveness of AML and combating the financing of terrorism»<sup>7</sup> assessment of PCV effectiveness in the country not aimed at formal compliance with the FATF Standards, which is the subject of assessment of technical compliance and practical results in AML, what level of results of practical activities in the country of assessment and have been achieved the main purpose of the PCV in accordance with FATF Standards.

To assess the effectiveness of FATF adopted an approach based on a hierarchy of specific results (**Fig.4**).

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<sup>6</sup> FATF (2013-2018), Methodology for Assessing Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems, updated November 2018 (additional revisions adopted during the October 2018 Plenary), FATF, Paris, France, 169 c. (n.d.). [www.fatf-gafi.org. Retrieved from http://www.fatf-gafi.org/publications/mutualevaluations/documents/fatf-methodology.html](http://www.fatf-gafi.org/publications/mutualevaluations/documents/fatf-methodology.html).

<sup>7</sup> FATF (2013-2018), Methodology for Assessing Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems, updated November 2018 (additional revisions adopted during the October 2018 Plenary), FATF, Paris, France, 169 c. (n.d.). [www.fatf-gafi.org. Retrieved from http://www.fatf-gafi.org/publications/mutualevaluations/documents/fatf-methodology.html](http://www.fatf-gafi.org/publications/mutualevaluations/documents/fatf-methodology.html).



**Fig. 4. Hierarchy of assessments of PCV effectiveness on FATF methodology**

For the purpose of balanced general understanding of AML effectiveness of the system and detailed assessment of the level (in the form of a rating) of functioning of its components, the FATF effectiveness is based on 11 “immediate outcomes”. Each of these represents one of the key goals that an effective AML system must achieve. In turn, 11 “immediate outcomes” are grouped into three groups of “intermediate outcomes”, which are the main thematic objectives of the AML system<sup>8</sup>.

Thus, the fifth round of mutual evaluation of Ukraine in the AML sphere by the Committee of the Council of Europe MONEYVAL on the AML system effectiveness of the recorded results on certain 11 indicators, of which none received a “high” rating, 2 indicators received – “substantial”, 8 – “moderate”, and 1 – “low”.

So, the “immediate outcome” “*ML crimes are investigated, and criminals are prosecuted and subjected to effective sanctions*”, deserves priority attention as the level of effectiveness is rated as “low” and directly concerns law enforcement agencies.

The abovementioned, first of all, requires a substantial analysis of the situation, a study of those factors that cause the failure to effectively prosecute activities related to money laundering and etc. In addition, objectivity and validity of the research results requires an appropriate methodological basis, acceptability of the data used in the analysis, and the sources from which they come.

<sup>8</sup> FATF (2013-2018), Methodology for Assessing Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems, updated November 2018 (additional revisions adopted during the October 2018 Plenary), FATF, Paris, France, 169 c. (n.d.). [www.fatf-gafi.org](http://www.fatf-gafi.org/publications/mutualevaluations/documents/fatf-methodology.html). Retrieved from <http://www.fatf-gafi.org/publications/mutualevaluations/documents/fatf-methodology.html>.

But given the fairly wide range of research tasks, a step-by-step analysis of the problems is justified, highlighting the results in a number of scientific publications and further monographic synthesis. Therefore, the main analysis focuses on illustrating the effectiveness of the AML system for the seventh “*immediate outcome*”, which has a low rating.

Table 2

**AML Effectiveness Ratings in Ukraine (according to MONEYVAL)**

№ z / p	Intermediate result	№ z / p	The immediate results of the effectiveness of PCV	Level of efficiency
1.	Policy, coordination and cooperation reduce the risks of money laundering	1.	<i>LML risks are understood and, where necessary, actions are coordinated at the national level</i>	<i>significant</i>
		2.	<i>International cooperation provides relevant information and contributes to AML</i>	<i>moderate</i>
2.	The entry of criminal money and funds in support of terrorism into financial and other sectors has been prevented or identified and reported in these sectors	3.	<i>The Supervisory authorities shall exercise due supervision in accordance with the risks</i>	<i>moderate</i>
		4.	<i>Financial institutions adequately apply AML preventive measures in accordance with risks</i>	<i>moderate</i>
		5.	<i>Legal entities are protected from their use in the LML</i>	<i>moderate</i>
3.	Threats and money laundering are detected and eliminated, criminals are punished and deprived of illegal income ...	6.	<i>Financial and other data are used by the competent authorities for investigation</i>	<i>significant</i>
		7.	<i>Crimes are investigated, and criminals are prosecuted and subject to effective sanctions</i>	<i>low</i>
		8.	<i>Proceeds and proceeds of crime shall be confiscated</i>	<i>moderate</i>
		9.	<i>Crimes and activities to investigate the financing of terrorism are investigated</i>	<i>moderate</i>
		10.	<i>Terrorists and terrorist organizations do not have the ability to collect and use funds</i>	<i>moderate</i>
		11.	<i>Individuals and legal entities are prevented from collecting and using funds for the proliferation of weapons of mass destruction</i>	<i>moderate</i>



It is quite reasonable to conduct this analysis on the basis of statistical data comparison, the expert survey results and fixation, within the appropriate time frame of strategic targets of public policy in this sphere.

The real results and tendencies in law enforcement agencies' effectiveness in AML are sufficiently representative according to Unified Register of Pre-Trial Investigations. In particular, comparing the number of ML crimes (art. 209 of the Criminal Code of Ukraine) detected by law enforcement agencies with the number of acquisitive, economic, and corruption crimes (in particular, art. 191 of the Criminal Code of Ukraine, etc.), which in Ukraine (in particular, according to the SFMS typology) are often preceded by money laundering (are predicate crimes).

Table 3

**Comparative analysis of detected crimes by law enforcement agencies on ML (Art. 209 of the Criminal Code of Ukraine) with the number of detected predicate crimes**

	2013	2014	2015	2016	2017
<b>In the sphere of economic activity</b>	11104	8418	7631	6940	6297
<b>Appropriation of property, 191</b>	13193	10397	10211	9787	10756
<b>Money laundering, 209</b>	291	296	221	159	243
<b>Specific weight</b>	<b>1,2 %</b>	<b>1,6 %</b>	<b>1,2 %</b>	<b>0,9 %</b>	<b>1,4 %</b>

As a result, the proportion of detection of ML in the total number of predicate crimes for 2013–2017 is extremely low and does not change significantly and, therefore, the effectiveness of law enforcement agencies in AML behind the “Immediate outcome” “*ML offences are investigated and offenders are prosecuted and subject to effective and proportionate sanctions*” is behind the curve.

The task of increasing the effectiveness of law enforcement agencies in AML sphere is the subject of a number of regulatory acts, strategic documents and government plans in Ukraine. At the core of the implementation of state policy in AML sphere, in addition to the Basic law, an important place is occupied by the relevant AML Strategies on the basis of which annual plans are drawn up with the participation of a wide range of subjects – participants of the national AML system. Along with this, given the importance of evaluating the effectiveness of AML system, further comparison of AML practical results (based on statistical data

(Table 3)) for the relevant period of the Strategy (Table 4) is appropriate, in particular:

Table 4

**Comparative analysis of the fixed goal analysis of public policy and practical results in AML**

<p><i>Strategy for the development of system for prevention and counteraction of the legalization (laundering) of criminal proceeds or terrorism financing for the period up to 2015 (approved by the Cabinet of Ministers Ukraine as of March 9, 2011, No. 190-r)</i></p>	<p><i>Strategy for the development of system for prevention and counteraction of the legalization (laundering) of criminal proceeds, terrorism financing and financing of proliferation of weapons of mass destruction up to 2020 (approved by the Cabinet of Ministers of Ukraine as of December 30, 2015, No. 1407-r)</i></p>
<b>Goal:</b>	
<p>identification of measures ... aimed at <i>ensuring the stable and effective functioning of the national AML system</i></p>	<p>improving and <i>ensuring the stable functioning of the national AML system</i></p>
<b>Objectives:</b>	
<p>implementation of measures aimed at <i>identifying and preventing illegal activities of conversion centers and enterprises with signs of fictitiousness</i></p>	<p><i>detection and suppression of illegal activities of conversion centers and enterprises with signs of fictitiousness</i></p>
<p><i>improving the activities of law enforcement agencies and other government agencies in AML</i></p>	<p>ensuring <i>the effective functioning of the relevant law enforcement divisions</i></p>
<p><i>improving the efficiency of work on training and professional development of employees of special units of law enforcement agencies</i></p>	<p><i>improving the efficiency of work on training and professional development of employees of special units of law enforcement agencies</i></p>
<b>Practical results during the Strategy implementation period (Table 3)</b>	

Among other things, with certain objectives of AML strategies, which are almost identical, some expert survey indicators (Table 5) are quite correlated, in particular:

Table 5

**Results of the expert survey on indicators that correlate  
with the objectives of the Strategy in AML**

No.	Indicator	Assessment level			
		High (%)	Medium (%)	Low (%)	Zero (%)
1.	The level of criminal services by type of “conversion center”	35,2	39,2	22,6	3,1
2.	The level of organizing crimes on ML	37,8	44,1	16,5	1,5
3.	The level of adaptability to changes, “creativity” of criminals in ML	32,9	42,6	22,3	2,2
4.	The level of innovative criminal schemes on ML	33,1	46,1	19,3	1,5
5.	The complexity of the methods on ML	30,1	47,8	19,9	2,2
6.	The level of effectiveness in identifying individuals who are “professionally” engaged in ML	6,8	38,7	46,9	7,6
7.	The level of application of measures for the elimination of criminal schemes for ML by law enforcement agencies	5,6	33,1	51,9	9,5
8.	The level of mandatory financial investigation during the pre-trial investigation of the predicate offense on the subject of ML (30,8 % - ...)	10,1	44,7	38,6	6,6
		7,0	31,0	26,7	34,6
9.	The level of investigation of laundered assets	5,2	28,5	51,7	14,5
10.	The level of professionalism of prosecutors, judges to investigate ML crimes	6,0	44,8	39,8	9,5
11.	The level of specialized trainings in AML	4,3	29,4	55,4	10,9

Thus, we have identified three main objectives of AML strategies regarding the effectiveness characteristics of AML system (within the subject defined by us). But, given that detailed analysis requires a sufficiently in-depth research of the survey data, within this article, expert comparison is permissible, evaluating the substantive essence of certain objectives of AML Strategy and the survey results.

In particular, the objective of AML Strategy “*detection and suppression of illegal activities of conversion centers and enterprises with signs of fictitiousness*” correlates with a group of survey indicators (paragraphs 1-7), which in turn is divided into two subgroups:

– for the first subgroup of indicators characterizing the level of criminal services by the type of “conversion center”, organization, “creativity”, “innovation” of criminals and the complexity of ML methods

(paragraphs 1-5), on average, 75-80% of respondents noted high and medium level problems, namely the significant distribution of this type and level of criminal activity;

– for the second one, which characterizes the effectiveness of criminal prosecution of criminals (paragraphs 6-7), more than half of the respondents noted low or zero levels of effectiveness in identifying persons who are “professionally” engaged in ML (54.5%) and application of measures to eliminate criminal schemes for money laundering by law enforcement agencies (61,4%).

Another objective of AML Strategies is “*effective functioning of the relevant units of law enforcement agencies*” correlates both with statistical data on financial investigations, within criminal proceedings on the predicate offenses, on the fact of money laundering and search of criminal proceeds (Table 2), and with the results of the survey.

The search level of laundered assets is defined as low and zero – 66.2% of experts, while the level of compulsory financial investigation during the pre-trial investigation of the predicate offense for ML – 30.8% of experts (law enforcement practitioners) could not be determined at all. In our opinion, 303 experts from among the respondents could not understand the meaning of the question precisely because of the “mandatory” financial investigation during the pre-trial investigation of the predicate offense for money laundering, which in turn forms the basis for taking into account the assessment of the specified group of respondents (303 people) zero rating. This, in turn, forms the basis for taking into account the assessment of the specified group of respondents (303 persons) in the zero rating. Thus, the level of compulsory financial investigation during the pretrial investigation of the predicate offense for ML is estimated as zero and low – 61.3%, but not – 45.2% of experts.

No less unambiguous are the assessment results of the objective of the AML Strategy “*increasing the effectiveness of trainings and professional development of employees of special law enforcement units*”, which correlates with Table 4 indicator at points 10-11. The level of prosecutors’ professionalism, judges on investigation of money laundering was determined by only 6.0% of respondents, and the lowest and the lowest – 49.3%. Logically, this is explained by another indicator – “*the level of specialized trainings in the AML sphere*”, according to which only 4.3% of

experts defined the level as high, as opposed to 66.3% of the assessment at the level of low and zero.

## **CONCLUSIONS**

Conducted analysis, as noted, is not final. The problem requires a fairly in-depth research using a wider array of data and information, use of modern methods and analysis tools. Along with this, statistical data and expert survey data were used quite revealingly in the research, which ultimately correlated quite well with the FATF (MONEYVAL) proposals on the need for fundamental changes in the assessment of the “low” level of “immediate outcome” of the effectiveness of the national AML system.

## **SUMMARY**

The article investigates the problems of the spread of complex socio – economic phenomenon – money laundering in Ukraine. This problem is relevant because of this phenomenon’s place among other socio-economic phenomena: shadow economy, capital outflow, criminalization of economic relations, etc. The attention is focused on the results of the fifth round of mutual evaluation of Ukraine in the sphere of AML by the Committee of the Council of Europe MONEYVAL and conclusions on the lack of effectiveness of the national mechanism of AML in Ukraine, in particular, on active detection of ML, confiscation of criminal assets and criminal prosecution of criminals. The necessity of monitoring and conducting appropriate macroeconomic and criminological analysis on the basis of scientific knowledge of the phenomenon of «money laundering», the factors of its manifestation and spread in Ukraine. As a methodology for the ML study in Ukraine as a socio-economic phenomenon, application of phenomenology based on the combination of the philosophical method of knowledge of the phenomenon in reality based on the essential characteristics of its nature, and criminology – the doctrine of crime. The results of specialists’ survey of the law enforcement system in the field of anti-money laundering are chosen as empirical basis. The analysis covers several groups of indicators, in particular, characterizing the spread of money laundering in the country as a whole, and the vulnerability of individual sectors of the economy. Attention is focused on the significant spread of money laundering phenomenon in Ukraine, as evidenced by 84.5% of respondents, and the most vulnerable is determined by the credit

and financial sector (82.0 %). Based on the use of special group of indicators, the analysis of connection of ML with other socially dangerous socio-economic phenomena: corruption, shadow economy, capital flight, organized crime and the like. The article focuses on the extreme demand of corrupt officials on laundering of corruption revenues, as noted by 85.4% of respondents. The factors that form the effectiveness basis of money laundering prosecution are highlighted. On the basis of their evaluation, conclusions were drawn regarding the priority and directions for improving the law enforcement agencies' activity in the area of anti-money laundering. The methodological principles of the FATF for assessing the effectiveness of national anti-money laundering system are analyzed. Attention is focused on evaluation results of the effectiveness of anti-money laundering system based on the results of recently completed round of evaluation of Ukraine MONEYVAL. It is concluded that it is necessary to introduce fundamental changes regarding the system of combating money laundering in Ukraine.

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## **CHAPTER 5**

### **APPLICATION OF CRIMINAL PUNITIVE MEASURES IN UKRAINE: KEY TRENDS**

**Fedotova H. V.**

#### **INTRODUCTION**

One of the major factors affecting the criminal situation in the country is the State's response to crimes through criminal punitive measures applied by the courts against those who committed them. Criminal law as one of social regulation elements contains clear parameters for State interference in forming and functioning of the social relations system. Since criminal liability is the strictest form of responding to the commission of offenses, the State policy in establishment and application of criminal legal regulations should be based on clearly defined principles. Comprehensive examination of crime as both mass and individual phenomenon determines application of different means and methods of combating it by the State and society. However, the process of neutralization, eradication, prevention of crime and its causes is founded on compulsion necessary in the fight against crime, unavoidable and absolutely undesirable phenomenon of public life. Punishment is a special form of State compulsion, for that reason, the law distinguishes it from other means of criminal law, such as compulsory medical or educational measures.

Nowadays, the dynamic processes of reforming criminal law and changes in the national criminal legal policy determine the relevance of the issue of criminal-legal punitive measures and its retrenchment. Scientists insist on a fundamental change in criminal law, which means the domination of the punitive measure retrenchment, replacement of criminal law measures upon personal behaviour by other legal means and more frequent application of restorative justice means<sup>1</sup>. However, the study of the issue of criminal punishment, its purpose is impossible without

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consideration of previous experience in the development of the judicial system, criminology, criminal law and justice system.

In criminology, it is universally acknowledged that the efficient practice of imposing criminal penalties, their high inevitability, punishment measures conformity with the public danger of the committed encroachments have a deterrent effect both on the behaviour of those who committed the crime and on the behaviour of the rest of the population.

Accordingly, the shortcomings in criminal punishment application to persons who committed crimes affect negatively the crime situation of in the country.

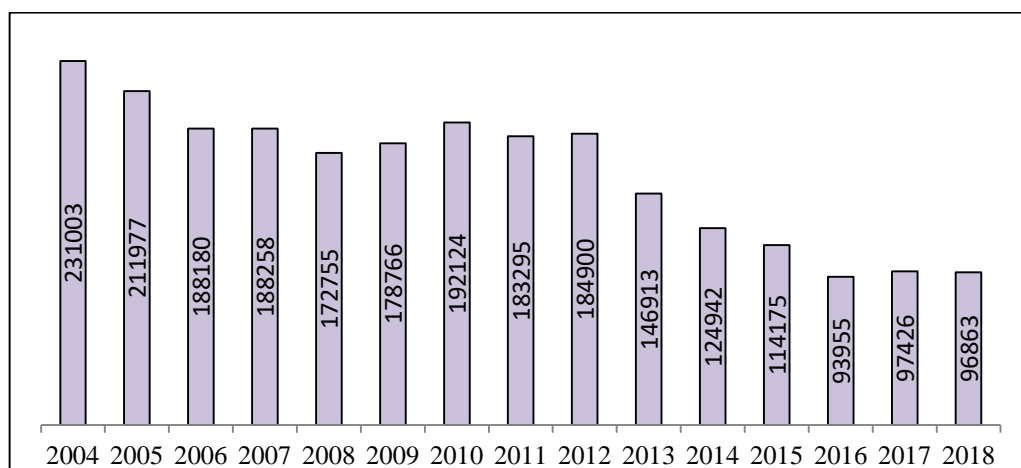
To assess the impact of shortcomings in criminal punishment application on the criminal situation in Ukraine, the authors summarize and analyze the data from the statistical report on the number of persons convicted, acquitted, whose cases are dismissed, insane, in whose respect it is provided to apply compulsory medical measures, and types of criminal punishment (Form 6), approved by the Order of the State Judicial Administration of Ukraine no. 153 of November 14, 2012<sup>2</sup>, in agreement with the State Statistics Committee of Ukraine in Ukraine. The results of the analysis of these data for 2004 -2018 are as follows.

### **5.1. Convicted persons**

The most common indicator of criminal punitive measures application in the country is the number of persons, in whose respect judgements (rulings) have taken legal effect (Fig. 1). Figure 1 illustrates that in 2005-2006, the number of persons, in whose respect judgements (rulings) have taken legal effect, decreased from 231003 to 188180. During the next six years, it fluctuated slightly and amounted up to 184040. Since 2013, due to a significant reduction in this indicator, the number of these persons was 93955 in 2016, that is, 2 times less than in 2012. Over last two years of the period analysed, the number of these persons increased up to 97426 in 2017 (+ 3.7% compared to the previous year), and in 2018, remained at the same level and was 96863 (-0.6%).

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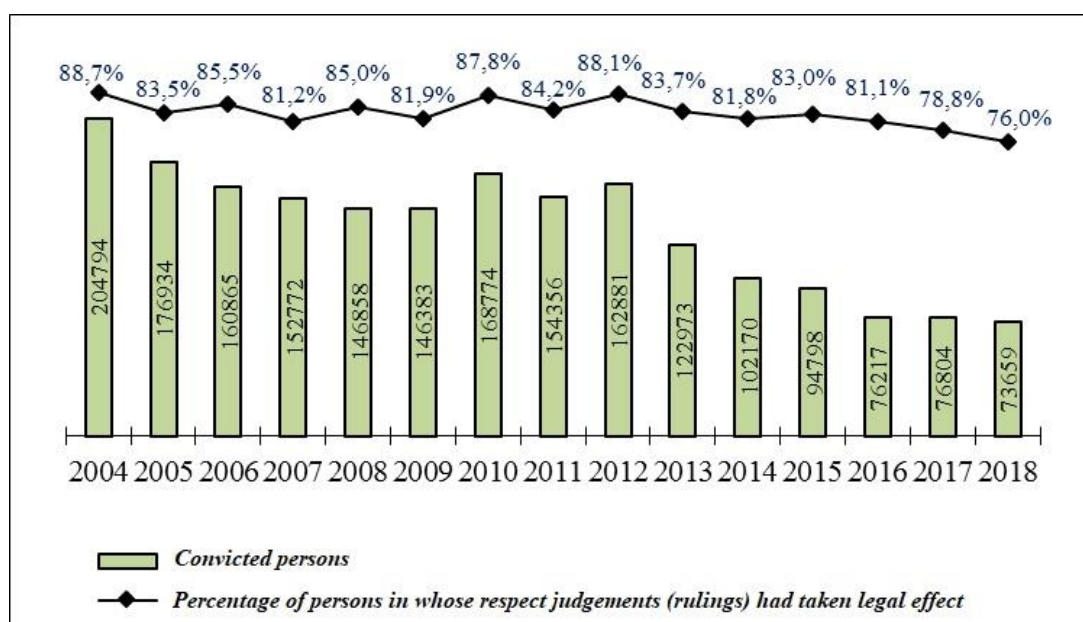
<sup>2</sup> Pro zatverdzhennia form zvitnosti pro stan sudymosti ta sklad zasudzhenykh [On approval of forms of reporting on the status of convictions and the composition of convicts] (Order of the State Judicial Administration of Ukraine no. 153 of November 14, 2012). Retrieved from <https://zakon.rada.gov.ua/rada/show/v0153750-12/sp:max25> (Accessed April 05, 2019) (in Ukrainian)



**Fig. 1. The trend in the number of persons, who committed crimes, in whose respect judgements (rulings) took legal effect, in 2004–2018**

All persons, in whose respect judgements (rulings) have taken legal effect, are classified into two large groups: persons who were convicted and those who were not convicted.

During the period under review, the convicted persons constituted an absolute majority (on average 83.4%) of the number of persons, in whose respect judgements (rulings) had taken legal effect. By 2015, this figure fluctuated slightly, but over the last three years it decreased and amounted to 76.0% in 2018 (Fig. 2).



**Fig. 2. The trend in the number of convicted persons in 2004–2018**

In 2004, the number of convicted persons was 204794. During 2005-2009, this indicator has a trend for a marked decrease, resulting in 146383 convicted persons in 2009 (-25.8% compared to 2004 rate). During the next three years of the period studied, there was a fluctuation in the number of convicted persons toward growth, then toward decrease. In 2010, the increase of the indicator was up to 168774 (+ 15.3% compared to the indicator of the previous year), probably due to a significant increase in the number of registered offenses and identified persons, who committed them, in 2009-2010. Over the next two years, its fluctuations were relatively insignificant (in 2011, -8.5%; in 2012, + 5.5%), and in 2013-2016, the number of convicted persons decreased to 76217, which is 2.1 times lower than the level of 2012. In 2017, the number of convicted persons remained at the level of the previous year (+ 0.8%), and in 2018, it decreased by 4.1% and amounted up to 73659.

The structure of convicted persons, according to the types of crimes they have committed, is of interest. In the course of the analysis, the focus was on the types of crimes for which, on average for the period under review, at least 1% of all criminals were convicted. The average total percentage of persons convicted of these crimes amounted up to 86.7% of all convicted persons.

In 2004-2018, the majority of convicts were those who committed theft. The average percentage of people convicted of this type of crime was 35.3%, but during the period under review, it changed significantly. In 2004-2008, this indicator was constantly decreasing and amounted up to 19.7% in the last year of this period, which is 2 times less than in 2004. In 2009, a percentage of convicted thieves among all convicts increased up to 22.4%, and in 2010, up to 36.2%, due to a significant reduction of the maximum amount of property obtained by theft, fraud and misappropriation, embezzlement or malversation of property by abuse of office (Article 51, the CAO) in 2009<sup>3</sup>, the excess of which made these acts a crime. In subsequent years, this indicator has been increasing steadily with a corresponding decrease in a percentage of those who was convicted of other crimes. In 2018, persons committed this crime were 46.2% of all convicts.

The next largest percentage is the group of persons convicted of illegal production, making, purchasing, storage, transportation or sending of narcotic drugs, psychotropic substances or their analogues without the

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<sup>3</sup> Kodeks Ukrainy pro administratyvni pravoporushennia [Code of Ukraine on Administrative Offenses] (Entered into force on June 1, 1985 by the Resolution of the Verkhovna Rada of the USSR no. 8073-X of December 07, 1984). *Vidomosti Verkhovnoi Rady URSR [Bulletin of the Verkhovna Rada of the USSR]*, no. 51, Art. 1122. (in Ukrainian)

purpose of selling. During the period under review, they averaged up to 11.3% of all convicts. In contrast to thieves, a percentage of persons convicted of this crime increased up to 2009 (in 2004, 10.8%; in 2009, 14.4%). In 2010-2015, this indicator decreased up to 8.6%, in 2016, it was 9.2%, and in 2017-2018, it exceeded 11%.

The average percentage of convicts for robbery among all persons, whom the court convicted of crimes, was 7%. Over the first 4 years of the period under review, their percentage increased from 6.4% to 9.4%. In 2008-2014, the trend was regressive, this indicator decreased to 5.2%, the next three years remained at this level, and in 2018, it was 4.8%.

During the period under review, on average, 3.7% were persons convicted of the illegal handling of weapons, ammunition or explosives. During 2005-2009, this indicator increased from 2.9% to 4.6%; for the period until 2016, inclusively, it was reducing up to 2.7%; in the last two years, it increased and was 3.9% in 2018.

Persons, convicted of a number of types of crimes, were from 2% to 3% of all convicts. They are those who were convicted of hooliganism (2.9%); avoidance of paying child support (2.8%); illegal production, making, purchasing, storage, transportation or sending of narcotic drugs, psychotropic substances or their analogues, and violation of rules related to traffic or driving safety by persons that drives any vehicle (2.7% each); fraud (2.4%); misappropriation of a vehicle (2.1%); intentional grave bodily injury (2.0%); intentional medium gravity bodily injury and robbery (1.9% each). On average, a little more than one percent of all convicts were those who committed planting or growing of the white poppy or hemp; misappropriation, embezzlement or malversation of property by abuse of office; forgery of documents, seals, stamps and letterheads, their sale, use of forged documents and intentional homicide.

It should be noted that a significant increase in the number of persons convicted of intentional minor bodily harm was in 2013-2018. Whereas in 2004-2012, it was about 1% of all convicts, in 2013, it grew up to 6.2%, and in 2014, up to 6.8%. Such increase is due to the implementation of more complete registration and recording of encroachments of this type that has been started since 2013, resulting in the immediate increase of such crimes at 42 times. In the past four years, a percentage of people convicted of this crime has been decreasing steadily, but remains significant (in 2018, 3.8%).

The correlation between the type of crime committed by convicted persons and identified perpetrators is of special interest. Table 1 provides relevant and quite indicative data for 2004 and 2018.

Table 1

**Classification of convicted persons and persons, who committed crimes detected by the Internal Affairs Bodies, according to the type of crime committed in Ukraine in 2004 and 2018 (in %)**

Types of crimes	2004		2018	
	Percentage of all identified perpetrators	Percentage of all convicted persons	Percentage of all identified perpetrators	Percentage of all convicted persons
	(in %)	(in %)	(in %)	(in %)
<b>Theft</b>	36,3	39,3	44	46,2
<b>Illegal production, making, purchasing, storage, transportation or sending of narcotic drugs, psychotropic substances or their analogues without the purpose of selling</b>	11,6	10,8	9,7	11,6
<b>Robbery</b>	5,8	6,4	4,7	4,8
<b>Illegal handling of weapons, ammunition or explosives</b>	3,3	2,9	4,3	3,9
<b>Violation of rules related to traffic or driving safety by persons that drives any vehicle</b>	2,8	2	2,9	2,8
<b>Fraud</b>	1,7	1,3	3,1	2,5
<b>Misappropriation of a vehicle</b>	1,7	2,2	1,7	2
<b>Intentional grave bodily injury</b>	2	2,2	1,4	1,4
<b>Hooliganism</b>	4,7	4,2	1,5	1,2
<b>Forgery of documents, seals, stamps and letterheads, their sale, use of forged documents</b>	1,2	1,1	1,4	1
<b>Planting or growing of the white poppy or hemp</b>		2,1	1,1	0,9
<b>Robbery with extreme violence</b>	2,1	2,2	1,2	0,8
<b>Avoidance of paying child support</b>	2,9	2,7	1	0,8
<b>Illegal production, making, purchasing, storage, transportation or sending of narcotic drugs, psychotropic substances or their analogues</b>	3	2,9	0,9	0,8
<b>Intentional medium gravity bodily injury</b>	2,5	2,1	1,5	0,7
<b>Intentional homicide</b>	1,5	1,2	0,9	0,6
<b>Misappropriation, embezzlement or malversation of property by abuse of office</b>	1,6	1,2	0,6	0,5

The table illustrates that comparable structures were generally similar in these years. Significant changes that occurred in the structure of identified individuals by types of crimes caused analogous changes in the structure of convicts. However, some differences are to be addressed. By the essence of these differences, the most common crimes can be divided into 3 groups.

The first group is offenses, in relation to which a percentage of convicted persons is higher than a percentage of detected persons who have committed them. This is typical of theft and robbery. Percentage of those who committed these crimes among convicted persons is higher than among detected offenders, which testifies to the trend of the courts to be more rigorous towards those who committed such acts, the strive to bring such persons to real criminal liability.

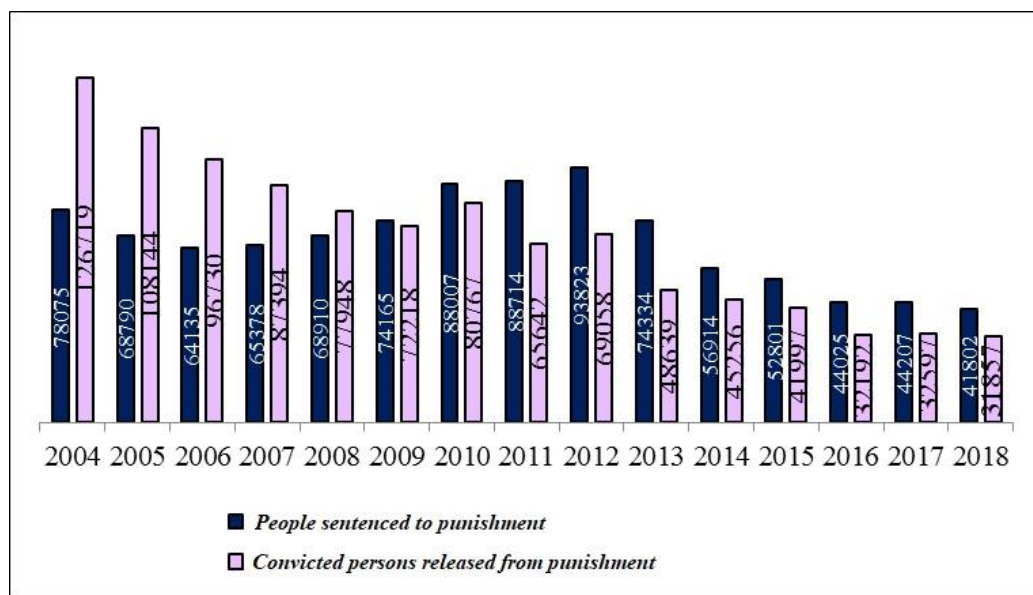
The second group are crimes, in relation to which a percentage of convicts is less than a percentage of detected persons who committed them. This group includes persons who committed hooliganism; violation of rules related to traffic or driving safety by persons that drive any vehicle; illegal handling of weapons, ammunition or explosives; intentional medium bodily injury; intentional homicide; fraud; forgery of documents, seals, stamps and letterheads, their sale, use of forged documents; misappropriation, embezzlement or malversation of property by abuse of office. Persons who have committed such acts are discharged from criminal liability more frequently; accordingly, the convicted are relatively fewer than detected.

The third group is persons, who committed criminal acts, with regard to which the correlation between a percentage of convicts among all convicted persons and a percentage of persons detected and accused of committing these crimes among all detected criminals has changed for the period under review. Thus, in 2004, a percentage of persons convicted of illegal production, making, purchasing, storage, transportation, sending or selling of narcotic drugs, psychotropic substances or their analogues was less than a percentage of criminals detected, while in 2018, the former became larger than the latter. On the contrary, a percentage of convicts for robbery with extreme violence at the beginning of the period under review exceeded a percentage of detected offenders, while at the end of this period it became lower.

According to the Criminal Code of Ukraine (hereinafter – the CC)<sup>4</sup>, the entire set of persons convicted is divided into persons subject to different punishments and persons released from punishment. Figure 3 illustrates the correlation of these categories of convicts during the period under review.

The most obvious changes in criminal punitive measures application by courts during the period under review can be illustrated by comparing a percentages of the two categories of persons mentioned among all persons convicted of committing crimes.

In 2004, persons sentenced to punishment were 38.1% of all convicted persons, and those who were released from it amounted up to 61.9%. In subsequent years, a percentage of persons sentenced to service of punishment trended upwards, as a result, exceeding a percentage of persons released from it after 2008. In 2018, 56.8% of all convicted persons were sentenced to punishment, and 43.2% were released from it.



**Fig. 3. The trend in the number of convicted persons, in whose respect different punishments are enforced, and persons released from punishment, in 2004–2018**

<sup>4</sup> Kryminalnyi kodeks Ukrainy [Criminal Code of Ukraine] (Law of Ukraine no. 2341-III of 05 April 2001). *Vidomosti Verkhovnoii Rady Ukrainy [Bulletin of the Verkhovna Rada of Ukraine]*, no. 25-26, 2001. Art. 131. (in Ukrainian)

The trend of the number of these categories of convicted persons was significantly different.

At the beginning of the period under review, 78075 people were convicted, in whose respect different punishments are enforced. Due to their decrease in 2005-2006, 64135 persons were registered in the last year of this period. During the next six years, the number of people in this category increased, consequently, in 2012, it was 93823, that is, 1.5 times more than in 2006. In 2013-2018, according to the change in the general trend of convicting criminals, the number of persons sentenced to service of punishment decreased 2.2 times compared to the 2012 indicator and was 41802 in the last year of the period under review.

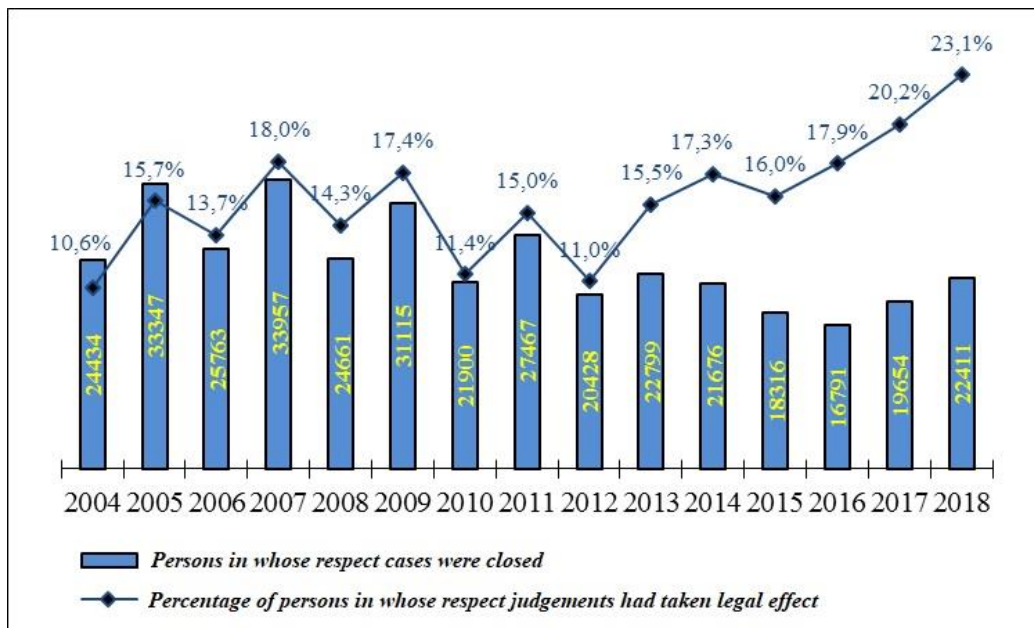
The trend of the number of convicts, released from punishment, had a different character. During nearly all the period under review, the number of these persons was decreasing (with the exception of 2010 and 2012), subsequently, in 2016, 32192 convicts were released from punishment, that is, 3.9 times less than in 2004 (126719). A significant decrease in the number of both persons sentenced to punishment and persons released from it in 2013-2018 was due to a substantial overall decrease in the number of persons, whose criminal cases were referred to the court.

## **5.2. Persons who have not been convicted**

In turn, persons who have not been convicted are divided into persons in whose respect cases have been closed; insane persons' subject to compulsory medical measures and acquitted persons.

During the period under review, persons, in whose respect cases were closed, on average, amounted up to 15.8% among persons, in whose respect judgements (rulings) have taken legal effect. The trend of the number of these individuals was rather specific during the period under review (Fig. 4).





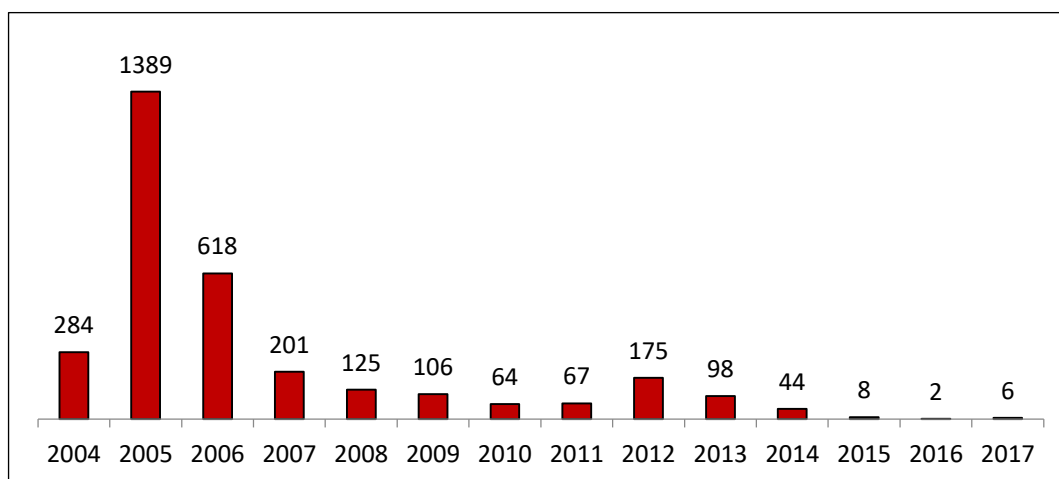
**Fig. 4. The trend in the number of persons, in whose respect criminal proceedings were closed in 2004–2018**

In 2004-2016, their numbers fluctuated frequently, years of increase changed years of decrease, at the significant pace both of them. In the final year of the period under review, indicator reduction was 8.3% and amounted up to 16791. Such significant fluctuations relate to the application of the laws of Ukraine on amnesty in certain years that provided for the closure of criminal proceedings (cases) in respect of a large number of persons.

In turn, persons of the category under consideration are divided into groups, according to grounds for closure of criminal proceedings.

The first of these grounds is the absence of occurrence and elements of criminal offence or unreliable evidence of the prosecution. During the period under review, the number of persons, whose criminal proceedings were closed on this ground, varied greatly (Fig. 5). In 2004, 284 such persons were registered; in the subsequent years, their number increased up to 1389, which is 4.9 times more than in the previous year. In 2007, the number of people of this category decreased significantly (almost 3.1 times) and was 201. In subsequent years, under certain fluctuations, the number of persons, in whose respect criminal proceedings (cases) were closed on this ground, trended downwards. In 2018-2009, they were about

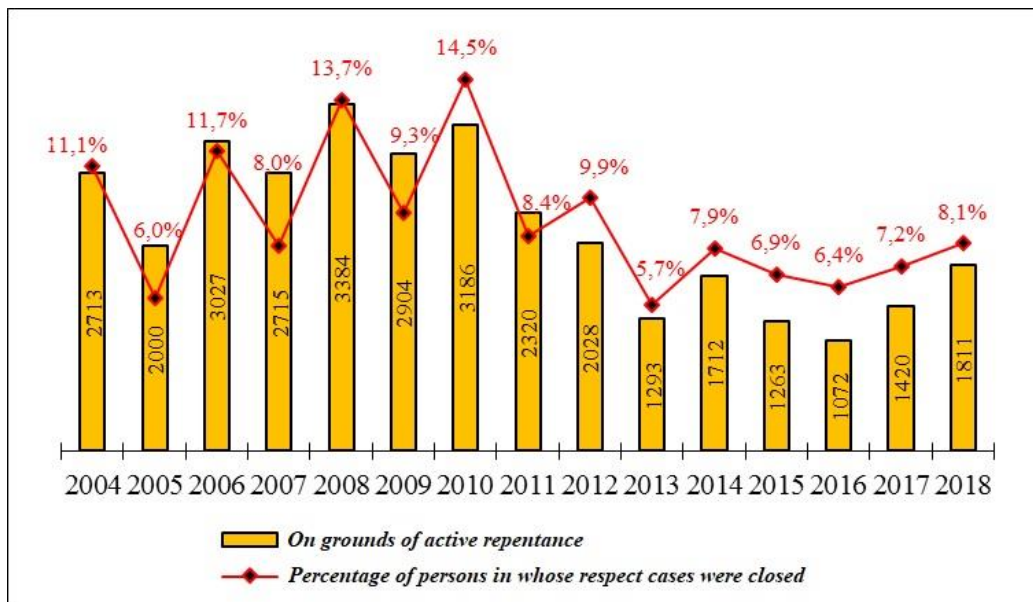
100; in 2010, 64; in 2012, the sharp increase of this indicator reached 175 (2.6 times), and in subsequent years, there was a constant decrease. Only a few such persons per year were registered in 2015-2017, and in 2018, this indicator was removed from the statistical report at all.



**Fig. 5. The trend in the number of persons, in whose respect criminal proceedings were closed on grounds of the absence of occurrence and elements of crime or unreliable evidence of the prosecution in 2004–2018**

Percentage of the total number of persons, in whose respect criminal proceedings were closed, was insignificant. It was the highest in 2005 (4.2%), and in subsequent years, it was less than a percentage.

Regarding the application of active repentance as the ground for the closure of criminal proceedings (Figure 6), the situation differs. In 2005-2010, significant annual fluctuations occur in the number of persons, in whose respect criminal proceedings were closed on grounds of active repentance, whereas the pace towards increase in certain years was higher than a downward trend. In 2004, 2713 persons of this category were registered; in 2005, 2000 (-26.3%); in 2006, 3027 (+51.4%); in 2007, 2715 (-10.3%); in 2008, 3384 (+24,6%), that is, the lowest indicator of the period under review; in 2009, 2904 (-14,2%); and in 2010, 3186 (+9,7%). In subsequent six years, this indicator was decreasing significantly and in 2016, was 1072, that is, 3 times less than in 2010. Whereas, during the last two years of the period under review the number of persons of this category increased up to 1420 (+32.5%) and 1811 (+27,5%).



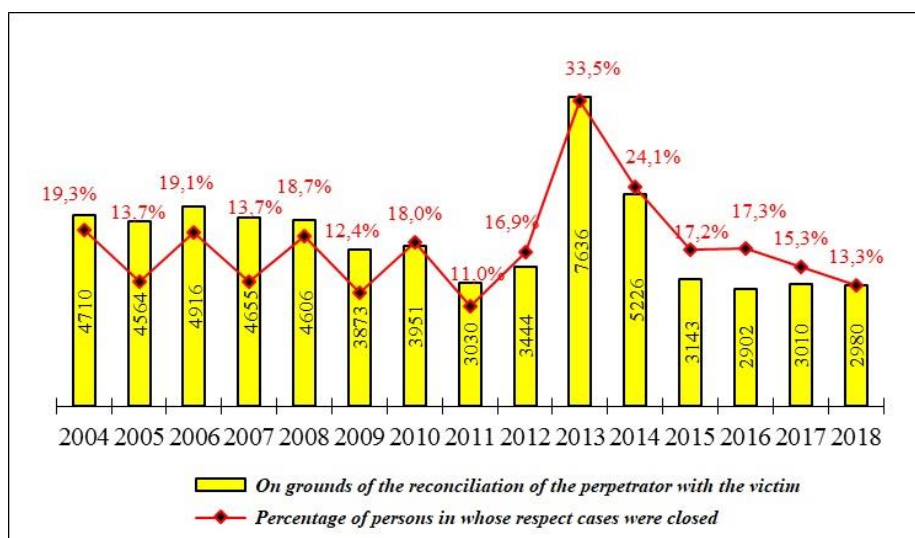
**Fig. 6. The trend in the number of persons, in whose respect criminal proceedings were closed by court on grounds of active repentant, in 2004–2018**

For all persons, in whose respect criminal proceedings were closed, their percentage fluctuated from 6% in 2005 and 2013 to 15% in 2010, whereas in 2018 it was 8.1%.

According to the data, defendants and their lawyers are more active in using this possibility to avoid conviction. The closure of criminal proceedings on this ground can be regarded as one of the manifestations of State criminal policy humanization.

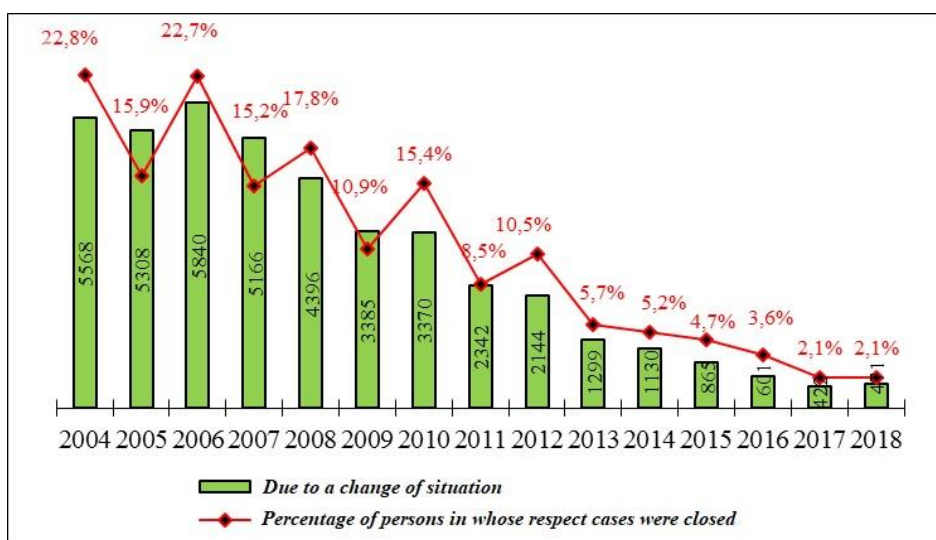
A noticeable part of criminal proceedings was closed on grounds of conciliation between the perpetrator and the victim (Fig. 7). During 2004–2008, the number of these persons fluctuated from 4500 to 5000, and in 2009–2012, from 3000 to 4000. In 2013, the number of these persons increased 2,2 times at once and amounted up to 7636 persons, in 2014, it decreased up to 5226 (–31,6%), during the last four years of the period under review, the number of these persons was 3000.

For all persons, in whose respect criminal proceedings (cases) were closed, average percentage of persons, in whose respect criminal proceedings were closed due to conciliation between the perpetrator and the victim, was 17.6%. During these years, this indicator fluctuated significantly (in 2004, 19.3%; in 2011, 11.0%; in 2013, 33.5%), and during 2014–2018, it was decreasing and amounted up to 13.3% in 2018.



**Fig. 7. The trend in the number of persons, in whose respect criminal proceedings were closed by court on grounds of reconciliation between the perpetrator and the victim in 2004–2018**

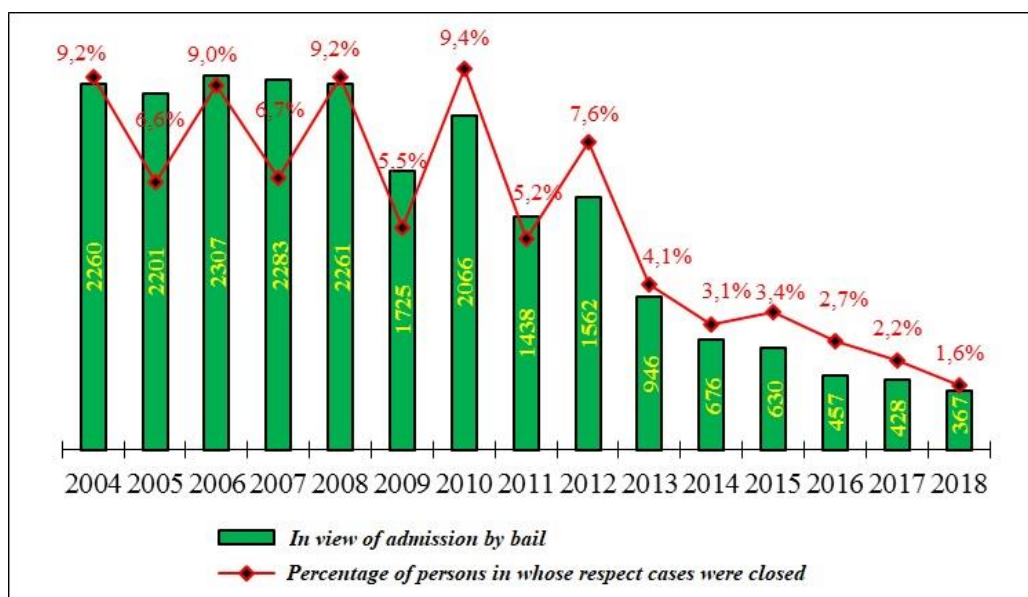
The number of persons, in whose respect cases were closed due to a change of situation, in 2004, amounted up to 5568; in 2006, 5840; and in subsequent years, it was mostly decreasing and in 2017, amounted up to 422 persons (14 times reduction). In the last year of the period under review, only 471 persons on this category were registered (Fig. 8).



**Fig. 8. The trend in the number of persons, in whose respect criminal proceedings were closed by court due to a change of situation in 2004–2018**

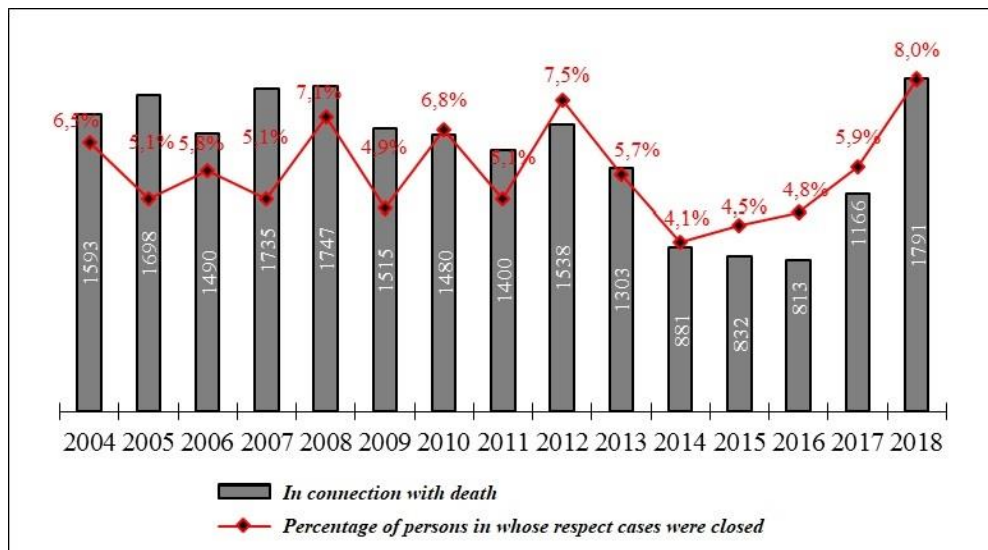
For all persons, in whose respect criminal proceedings were closed, a percentage of persons of this category reduced from 22.8% in 2004 to 2.1% in 2018. Therefore, the courts have substantially limited the practice for the closure of criminal proceedings on these grounds.

The trend in the number of persons, in whose respect cases were closed in view of admission by bail, was similar. During 2004-2008, their number was stable (Fig. 9), averaging 2262, with minimal annual deviations from this indicator. In subsequent years, the number of persons of this category fluctuated significantly, whereas, an upwards trend prevailed. Consequently, in 2018, 367 persons were admitted by bail, that is, 6.2 times less than the 2004 indicator. For all criminals, in whose respect criminal proceedings were closed, average percentage of these persons was 5.7%. During 2004–2010, this indicator fluctuated from 7 to 9%; and in subsequent years, there was a downwards trend; and it was 1.6% in the last year of the period under review.



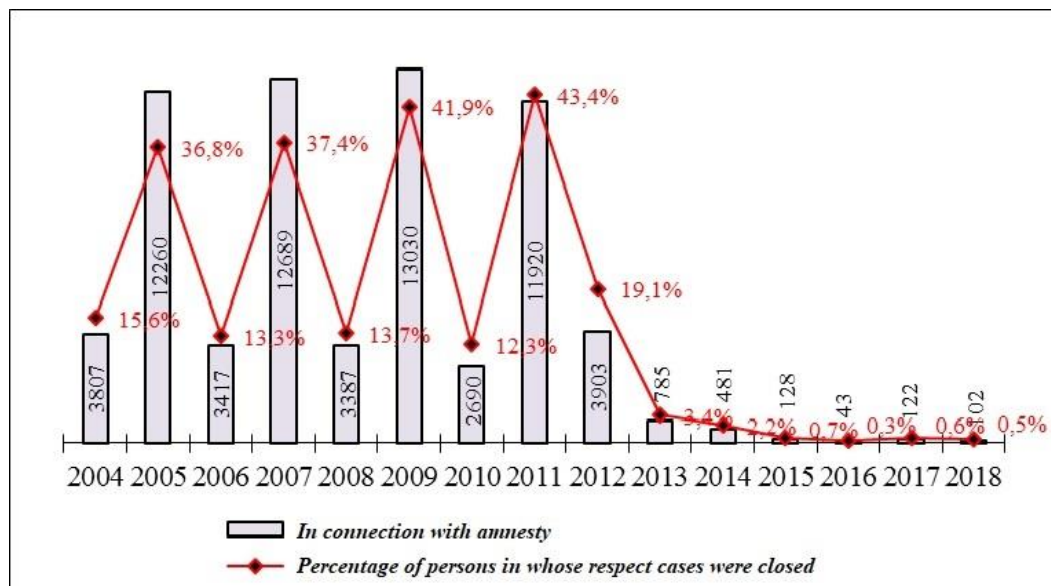
**Fig. 9. The trend in the number of persons, in whose respect criminal proceedings were closed by court in view of admission by bail in Ukraine in 2004–2018**

Moreover, court decisions on closure of criminal proceedings (cases) were taken in connection with **the death of the defendant** (on average, 1399 persons during the period under consideration, for all persons, in whose respect criminal proceedings were closed, average percentage was 5,8%) (Fig. 10).



**Fig. 10. The trend in the number of persons, in whose respect criminal proceedings were closed by court in connection with their death in 2004–2018**

The most common ground for closure of criminal proceeding was an **amnesty** in individual years the period under review (Fig. 11).



**Fig. 11. The trend in the number of persons, in whose respect criminal proceedings (cases) were closed by court in connection with amnesty in Ukraine in 2004–2018**

Evidently, this indicator was changing significantly in different years. Thus, in 2004, 2006, 2008, 2010, 2012, their number fluctuated from 2690 to 3903, whereas for all persons, in whose respect criminal proceedings were closed, their percentage amounted from 12 to 19%. In 2005, 2007, 2009 and 2011, when the amnesty was declared in Ukraine, the number of persons in this group amounted up to 12260, 12689, 13030 and 11920, respectively, and their percentage was 36-43%. These fluctuations are due to different lists of categories of persons, in whose respect the amnesty is applicable, provided for by the laws of Ukraine on amnesty for different years, as a result, the number of pardoned persons changed significantly from year to year.

Since 2013, no large-scale amnesty has taken place in the country, the number of these persons was decreasing. Consequently, in 2016, only 43 persons of this category were registered; in 2017 and 2018, 122 and 102 persons were registered respectively.

During 2004–2018, the number of persons, in whose respect criminal proceedings (cases) were closed due to imposing compulsory educational measures on an underage person, amounted up to 421, on average, whereas for all persons, in whose respect criminal proceedings were closed, their percentage amounted 1.7%. In 2014, the number of these persons decreased 9.2 times (62) at once, and in subsequent years, closure of criminal proceedings on this ground stopped. This reduction occurred within a more general trend to limit significantly the application of criminal measures against underage persons.

The individual category is persons, in whose respect cases have been closed on other grounds<sup>5</sup>. This may be the expiration of the period of limitations; entry into force of the law, which eliminates criminal liability for an act committed by a person; the existence of a sentence on the same legal prosecution that has come into legal effect, or a court ruling on the closure of criminal proceeding on the same accusation; the refusal of the victim, and in cases specified by the CPC of Ukraine, his/her representative, from the accusation in criminal proceedings in the format of private accusation; lack of consent of the State that has surrendered a person has been obtained concerning a criminal offence.

During 2005–2012, the number of these persons increased from 2767 to 4971, that is, 1.8 times; moreover, it increased evenly per year. In 2013,

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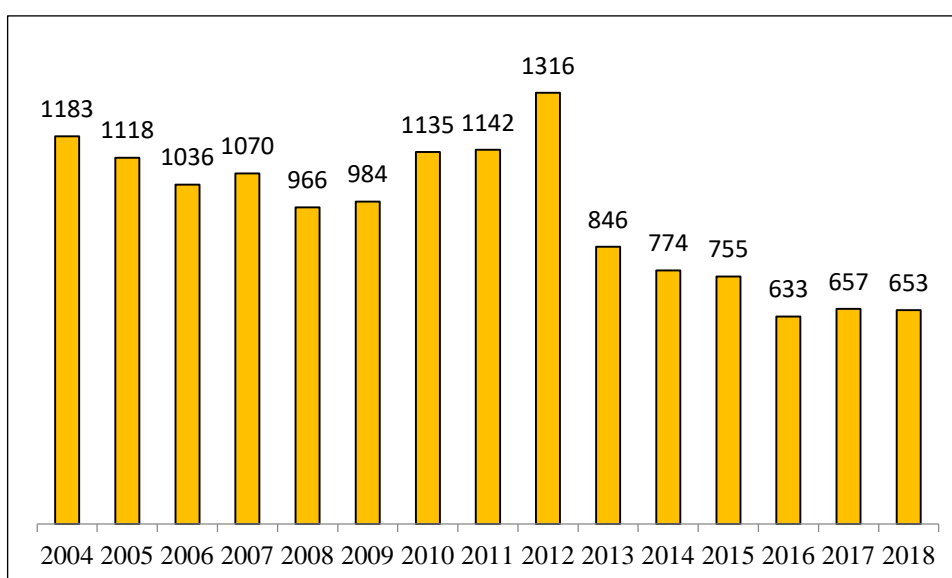
<sup>5</sup> Note: This indicator is according to the statistical reporting.

this indicator increased in 78.2% at once up to 8858, and in 2014, 29.4% more up to 11463. In 2015–2016, the number of persons of this category was constant, in 2017, increased up to 13080 (+20.0%), and in 2018, decreased 3.6 times up to 3590.

According to this trend, for all persons, in whose respect criminal proceedings were closed, average percentage of these persons in 2004–2010 was 14.2%, in subsequent six years, increased constantly and, in 2017, was more than 2/3 all persons, in whose respect criminal proceedings were closed, whereas in 2018, it reduced up to 16,0%.

Moreover, according to statistics, among persons, in whose respect judgements (rulings) have taken legal effect, but they are not convicted, there are two more categories, such as insane, subject to compulsory medical measures, and acquitted.

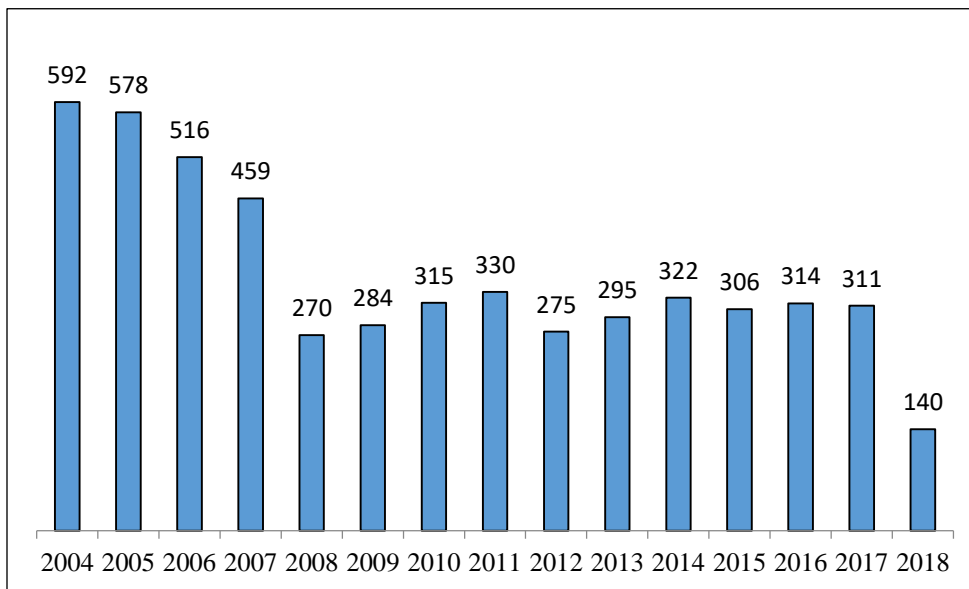
The number of insane persons, subject to compulsory medical measures, during 2004–2012 averaged 1105 and annual indicators were relatively stable (Fig. 12). During six years of the period under review, the downwards trend of this indicator to 653 (more than 2 times compared to the level of 2012) was due to general decrease in the number of persons, in whose respect criminal proceedings (cases) were considered by courts. On average, a percentage of these persons among all in whose respect judgements have taken legal effect, amounted up to 0,6%.



**Fig. 12. The trend in the number of insane, subject to compulsory medical measures in 2004–2018**



In the trend in the number of acquitted persons, there are two sub-periods (Fig. 13). In 2004–2007, the average number of these persons amounted up to 536, and their percentage among persons, in whose respect judgements had taken legal effect, amounted up to 0,26% on average. In 2008, this indicator decreased up to 270. Further, the number of these persons was fairly constant and averaged 302, and in 2018, the number of acquitted persons decreased to 140 (–55%). During the period under review, a percentage of acquitted persons among all persons, in whose respect judgements (rulings) had taken legal effect, was insignificant and averaged 0.2%.



**Fig. 13. The trend in the number of acquitted persons in 2004–2018**

## CONCLUSIONS

1. In 2005–2018, the number of persons, in whose respect judgements (rulings) had taken legal effect trended downwards. On average, 83.4% of them were convicted. Moreover, the number of convicted persons decreased, consequently, in the last year of the period under review, it was 2.4 times lower than at the beginning.

2. During much of the period under review, the scope of the criminal punitive measures in the country was reduced significantly. In 2004-2008, the number of convicted persons, who were not subjected to real criminal punishment, exceeded, indicating serious dysfunction in the criminal

justice system. Since 2005, a percentage of these persons has begun to decrease, whereas concerning offenders sentenced to punishment, to increase, but the trend to weaken the criminal punitive measures has not yet been fully remedied.

A significant reduction in the number of convicted persons was due to the implementation of humanization-oriented criminal policy by the courts of Ukraine, as well as a significant reduction in the activity of the pre-trial investigation bodies and operational units, the challenges of their efforts to comply performance with the regulations of the new Criminal Procedure Code of Ukraine.

This trend should not be assessed negatively in total. First, it is global, that is, it is common for most countries, in particular European ones. The direction chosen by Ukraine towards European standards requires compliance with this trend. Second, criminal policy humanization is a long process, the results of which can be objectively assessed only over a significant period. Undoubtedly, further monitoring of the practice of applying criminal punishments, in-depth study of its impact on the crime situation in the country should be provided.

3. During the period under review, most of criminals were convicted of thefts; illegal production, making, purchasing, storage, transportation or sending of narcotic drugs, psychotropic substances or their analogues without the purpose of selling; robbery and hooliganism. In general, the structure of convicted persons according to the types of crimes is consistent with the analogous structure of offenders identified by law enforcement bodies, nevertheless, differences were observed. A percentage of persons convicted of certain types of crimes among all convicts was higher than a percentage of detected persons who committed these crimes among all detected offenders, while concerning other crimes it was lower. It testifies to the trend of the courts to be more rigorous towards persons, who committed the most socially dangerous acts, the strive to bring them to real criminal liability

4. The reduction in the number of criminal proceedings closed by the courts in the absence of occurrence and elements of criminal offence enables to state improved preparation of criminal proceedings materials by law enforcement bodies during the last years, and the strengthening of control over the pre-trial investigation quality by both parties to criminal proceedings: the heads of investigation units, prosecutors and representatives of the defence. Moreover, a noticeable decrease in the

number of defendants, who were acquitted as a result of hearing in criminal proceedings, confirm this conclusion.

5. Over last years, parties to criminal proceedings began to apply the procedure of active repentance reconciliation for closure of criminal proceedings frequently, revealing courts' criminal policy humanization in the State. Reconciliation between the perpetrator and the victim as grounds for closure of criminal proceedings is applied more frequently due to its easier and less distressing procedure for the defendant.

6. A significant reduction in application by courts of closure of criminal proceedings in view of admission by bail reveals that this procedure of closure of the case does not meet modern social and economic conditions does not correspond to the modern socio-economic conditions of the public life and should be eliminated from the CC.

7. The statistics on the amnesty application in respect of persons, who committed crimes, suggests that this measure violates the normal procedure for conducting criminal proceedings in the country, the principle of equality of rights of citizens in the course of criminal proceedings by court, and reduces the preventive effect of criminal punishment. Therefore, further research of the appropriateness of preserving this institution in the legal system of Ukraine is advisable.

## **SUMMARY**

In order to determine the efficiency of criminal punitive measures application, the study analyses the results of the statistical report on the number of persons, convicted, acquitted, persons, in whose respect cases have been closed, insane, subject to compulsory medical measures, as well as types of criminal punishment for 2004 –2018, according to which, the author reveals a significant reduction in the number of convicted persons; an increase in offenders convicted of thefts, illegal production, making, purchasing, storage, transportation or sending of narcotic drugs, psychotropic substances or their analogues without the purpose of selling; robbery and hooliganism; more frequent application of the procedure of active repentance reconciliation of the participants for closure of criminal proceedings and the reduction in the number of criminal proceedings closed by the courts in the absence of occurrence and elements of criminal offence that enables to state improved preparation of criminal proceedings materials by law enforcement bodies during the last years, and the strengthening of control over the pre-trial investigation quality by both

parties to criminal proceedings: the heads of investigation units, prosecutors and representatives of the defence.

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2. Khrolenok O. Yu. *Pravovi osnovy systematyzatsii pokaran v Ukraini* [Legal basis for systematization of punishments in Ukraine] (Dissertation Abstract of Candidate of Juridical Sciences (PhD) in speciality 12.00.08 Criminal Law and Criminology; Criminal and Executive Law). / O. Yu. Khrolenok. H.S. Skovorody National Pedagogical University. Kh., 2016. 16 p. (Accessed April 05, 2019) (in Ukrainian)

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## **CHAPTER 6**

### **CRIMINAL SITUATION IN THE CAPITAL OF UKRAINE – KYIV: MAIN FEATURES**

**Opryshko I. V.**

#### **INTRODUCTION**

Study of crime's features in different types of territorial settlements is one of the important theoretical and practice tasks of modern criminology. Problem of research of crime situation in big cities is especially urgent as their quantity and influence on socio-economic situation in modern industrial societies constantly grew during XIX-XX centuries. This tendency keeps nowadays. Exactly metropolises are concentration not only enormous economic and cultural heritage, but also severe social contradiction, negative phenomena, including, crimes.

In connection with that western criminological researches often touch the most important problems of the city, connected with crimes, in particular: drug trafficking, prostitution, antisocial activity of youth street groups, crimes prevention etc.<sup>1</sup>.

Problems of urbanization, trends of economic, social and sociocultural development of the city, its infrastructure were quite intensively studied by sociology and demography. In this context it is necessary to name surnames of such academics as E.B. Alayeva, D.I. Valent'sa, L.A. Hordon, V.H. Davydovych, V.M. Dolhova, E.V. Klopov, YU.A. Levada, A.H. Levinson, V.I. Perevedentsev, YU.L. Pyvovarov, T.K. Smolin, I.M. Taboriss'ka, B.S. Khoryev and others. The main conclusion of sociologists that has to be taken into account during our research is that complex of cultural, socio-economic, demographical and other facts corresponds with the level of crimes in the city. At the same time there is

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<sup>1</sup> Bor'ba s organizovannoy prestupnost'yu i prostitutsiyey v Amsterdame. Bor'ba s prestupnost'yu za rubezhom. 1998. № 2. S.25-31; Bor'ba s ulichnymi bandami Los-Andzhelesa. Bor'ba s prestupnost'yu za rubezhom. 1998. № 7. S.28-32; Deyatel'nost' departamenta politsii g.KH'yustona. Bor'ba s prestupnost'yu za rubezhom. 1998. № 9. S. 16-21; Deyatel'nost' ulichnykh band v nebol'shikh gorodakh SSHA. Bor'ba s prestupnost'yu za rubezhom. 1998. № 10. S.3-8; O meropriyatiyakh po predotvrashcheniyu vovlecheniya detey v deyatel'nost' ulichnykh band. Bor'ba s prestupnost'yu za rubezhom. 1999. № 7. S.28-33; Opyt bor'by s prestupnost'yu v N'yu-Yorke. Bor'ba s prestupnost'yu za rubezhom. 1999. № 4. S.15-19; Ulichnyye bandy Parizha i Los-Andzhelesa. Bor'ba s prestupnost'yu za rubezhom. 1999. № 4. S.43-52.

reverse influence of criminality on socio-economic development of the city.

Works, dedicated to concrete aspects of this problem, were published, in particular:

- criminality of representatives of different socio-demographical groups, including, criminalization of youth environment<sup>2</sup>;
- features of crime commitment in cities that have specificities (metropolises, resorts, new built cities)<sup>3</sup>;
- particular types of crimes that are spread foremost in cities (street crimes, organized crime, corruption)<sup>4</sup>;
- territorial division of criminal activity in the city<sup>5</sup>;
- lawfulness of city's inhabitants<sup>6</sup>;
- social-negative phenomena that correspond with criminal activity (unemployment, alcoholism, drug abuse);
- prevention of crime activity in cities<sup>7</sup>.

Works of V. I. Shakun<sup>8</sup> should first be noted among researches made by Ukrainian academics on problems of city's criminal activity. In

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<sup>2</sup> Khokhryakov G.F. Sotsial'naya i sotsial'no-demograficheskaya kharakteristika molodezhi novogo goroda i problema bor'by s pravonarusheniyami v yeye srede: avtoref. dis. ...kand. yurid. nauk. M.: Vses.in-t po izuch.prichin i razrab.mer predupr.prestupnosti, 1974., 1974. 20 s.; Amchinskaya A.I. Sotsial'no-psikhologicheskiye aspekty vozniknoveniya prestupnykh grupp nesovershennoletnikh v usloviyakh goroda. Mezhvuzovskiy sb. nauch. tr. Sverdlov. yurid. in-ta. Vyp.73. Sverdlovsk, 1978. S..121-126; Bulatov R.M., Isayev G.A. Kriminal'naya sotsializatsiya kazanskikh podrostkov i prestupnost'. Gosudarstvo i pravo. 1992. № 4. S. 67-73.

<sup>3</sup> Khokhryakov G.F. Sotsial'naya i sotsial'no-demograficheskaya kharakteristika molodezhi novogo goroda i problema bor'by s pravonarusheniyami v yeye srede: avtoref. dis. ...kand. yurid. nauk. M.: Vses.in-t po izuch.prichin i razrab.mer predupr.prestupnosti, 1974., 1974. 20 s.; Mozerov V.I. Prestupnost' v kurortnykh gorodakh i mery yeye preduprezhdeniya (po materialam OVD): Avtoref. dis. ...kand. yurid. nauk. M., 1982. 23 s.; Shotkinov S.A. Prestupnost' v krupnykh gorodakh Vostochnoy Sibiri. M., 2004. 219 c.; Fedorenko D.V. Geokriminogenna obstanovka v osoblyvo velikomu promisllovomu misti (na osnovi statistichnikh danikh po mistu Donets'ku): Dis. ... kand. yurid. nauk: 12.00.08. KH.: Universtet vnutrishnikh sprav, 2000. S. 80–81.

<sup>4</sup> Kornienko M. Stan ta deyakі problemi borot'bi z organizovanoyu zlochinnistyu v stolitsi Ukraїni. Pravo Ukraїni. 1998. № 11. S. 17-20.

<sup>5</sup> Mogilevskiy R.S., Nugayev R.A. Problemy issledovaniya territorial'nogo raspredeleniya gorodskoy prestupnosti. Vestnik Lening.un-ta, 1980. № 11. S. 13-20.

<sup>6</sup> Lezhava G.SH. Pravosoznaniye gorodskoy molodezhi. SSSR-SSHA: kriminologicheskiye i ugolovno-pravovyye problemy bor'by s gorodskoy prestupnost'yu. M., 1987. 123 s.

<sup>7</sup> Prestupnost' v gorodakh i mery yeye profilaktiki. MVD SSSR; VNII; Pod red.D.YA.Afnas'yeva. M., 1978. 214 s.; Reznik G.M. Tendentsii razvitiya gorodov i problemy profilaktiki prestupnosti. Metodologicheskiye i metodicheskiye voprosy izucheniya i profilaktiki prestupnosti v krupnykh gorodakh. M., 1979. S. 20-24; Voprosy profilaktiki pravonarusheniy v osobo krupnom gorode (po itogam analiza i obobshcheniya praktiki planirovaniya bor'by s prestupnost'yu v odnom iz osobo krupnykh gorodov RSFSR). Sb.statey. M.: Vsesoyuz.in-t po izucheniyu prichin i razrabotke mer preduprezhdeniya prestupnosti, 1981. 137 s.

<sup>8</sup> Shakun V.Í. Kriminologichna kharakteristika zlochinnosti u mistakh: Navchal'no-praktichniy posibnik. K., 1995. 21 s.; Shakun V.Í. Model' i kriterii yefektivnosti profilaktiki zlochinitiv u velikikh mistakh Ukraїni ta za kordonom: Navchal'no-praktichniy posibnik. K., 1995. 32 s.; Shakun V.Í. Osoblivosti vchinennya zlochinitiv u velikikh mistakh: Navchal'no-praktichniy posibnik. K., 1995. 19 s.; Shakun V.Í. Urbanizatsiya i zlochinnist': Monografiya. K., 1996. 256 s.; Shakun V.Í. Infrastruktura mista i zlochinnist': Navchal'no-praktichniy posibnik. K., 1996. 19 s.; Shakun V. Í. Suspil'stvo i zlochinnist'. Kiiv: Atika, 2003. 783 s.

particular, in his monograph “Urbanization and criminal activity” he makes a detailed criminological analysis of criminal activity in cities, considers factor of city in real criminal activity, identifies models and criteria of prevention of criminal activity in cities etc. In Rushchenko’s monograph “Sociology of criminal activity” analysis of latent criminal activity in Kharkv city is made<sup>9</sup>. Criminological problems of prevention of juveniles’ crimes in a big city are considered in collective monograph under general editorship of V.V.Golíni ta V.P. Êmel’yanova<sup>10</sup>.

During last years in Kyiv a number of interesting sociological researches aimed on empirical study of public opinion on urgent questions of city life – evaluation of socio-economic orientation, social protection of population, international relations etc. and, of course, attitude to criminal activity and law enforcement bodies’ activity was conducted<sup>11</sup>. Researches of level of real victimization of population, conducted in Kyiv, as one of effective means of evaluation of crime situation in the city constitute special interest.

Challenges of present time require necessity of permanent monitoring of criminal situation in Kyiv, timely identification of new tendencies of its development, patterns and features of criminal activity in capital’s metropolis. Statistic records of Prosecutors Office of Kyiv, General Prosecutor’s Office of Ukraine, State Statistical Service of Ukraine, Main Department of Statistic in Kyiv during 2013-2018 were also analyzed with this aim.

### **6.1. Criminal situation in Kyiv during 2013–2018: common trends**

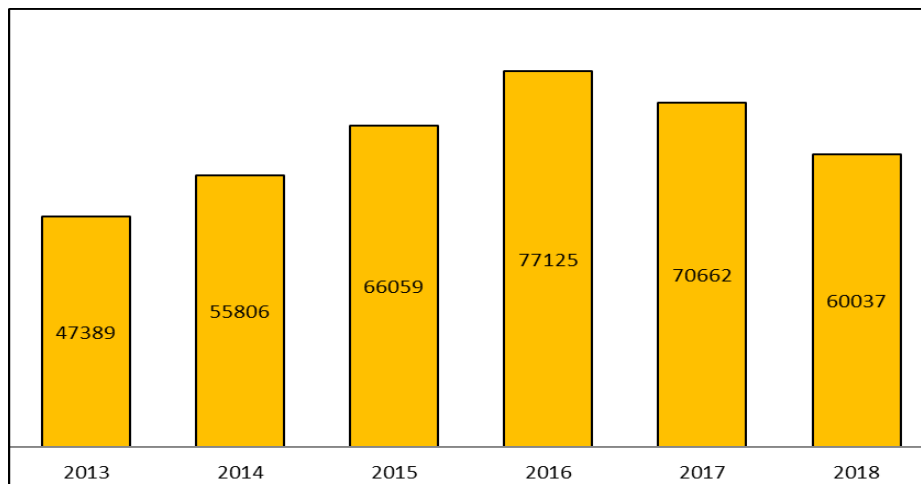
During 2013-2018 a number of recorded crimes (hereinafter – crimes) in Kyiv in whole had a trend to growth. Especially from 2013 to 2016 this indicator grew in average in 17% annually and amounted 77125. From 2017 a number of crimes started to slightly decline, in particular, in 2018 on 15% (before the last year) and amounted 60037 what exceeded an indicator of 2013 by 27% (Figure 1).

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<sup>9</sup> Rushchenko Í.P. Sotsiologíya zlochinností. KH., 2001. 370 s.

<sup>10</sup> Krimínologíchní problemi poperedzhennya zlochinností nepovnolítніх u velikomu místí: dosvíd konkretno-sotsiologíchnogo doslídzhennya : Monografiya. Akademiya pravovikh nauk Ukraíni; Za zag.red. V.V.Golíni ta V.P. Êmel’yanova. Kharkív: Pravo, 2006. 289 s.

<sup>11</sup> Kiív í kiyani: sotsiologíchní khroníki nezalezhností; Za red. V.M.Voroni, V.P.Chernovolenka. K., 2000. 352 s.; Kiêvu naprorokovali podíl na bagatí rayoni z okhoronoyu ta getto dlya bídnikh 16:25, 12 lyutogo 2018. URL: <https://economics.unian.ua/realestate/2392177-kievu-naprorokovali-podil-na-bagati-rayoni-z-ohoronoyu-ta-getto-dlya-bidnih.html>.



**Fig. 1. A number of recorded crimes in Kyiv**

Trend to growth was characteristic for especially severe crimes (Table 1). In particular, in 2013 a part of especially severe infringements amounted 4,5%. In 2018 this indicator amounted 6,5% from the total number of crimes. During 2015-2018 this indicator varied. Thus, after growth in 2015 to 6,4% a part of especially severe crimes in 2016 amounted 5,8%. From 2017 this indicator started to grow, and amounted 6,0%, while in 2018 – 6,5%.

Table 1

**Structure of crime situation in Kyiv according to the level of severity**

Year		Recorder crimes	including:			
			Especially severe crimes	Severe crimes	Intermediate crimes	Minor crimes
2013	A number of	47389	2121	12383	18896	13988
	Dynamics, %					
	A part of, %		4,5	26,1	39,9	29,5
2014	A number of	55806	3170	16331	22173	14132
	Dynamics, %	17,8	49,5	31,9	17,3	1
	A part of, %		5,7	29,3	39,7	25,3
2015	A number of	66059	4229	18014	27915	15901
	Dynamics, %	18,4	33,4	10,3	25,9	12,5
	A part of, %		6,4	27,3	42,3	24,1
2016	A number of	77125	4491	23432	33696	15506
	Dynamics, %	16,8	6,2	30,1	20,7	-2,5
	A part of, %		5,8	30,4	43,7	20,1
2017	A number of	70662	4206	22154	29917	14385
	Dynamics, %	-8,4	-6,3	-5,5	-11,2	-7,2
	A part of, %		6	31,4	42,3	20,4
2018	A number of	60037	3905	19485	23921	12726
	Dynamics, %	-15	-7,2	-12	-20	-11,5
	A part of, %		6,5	32,5	39,8	21,2

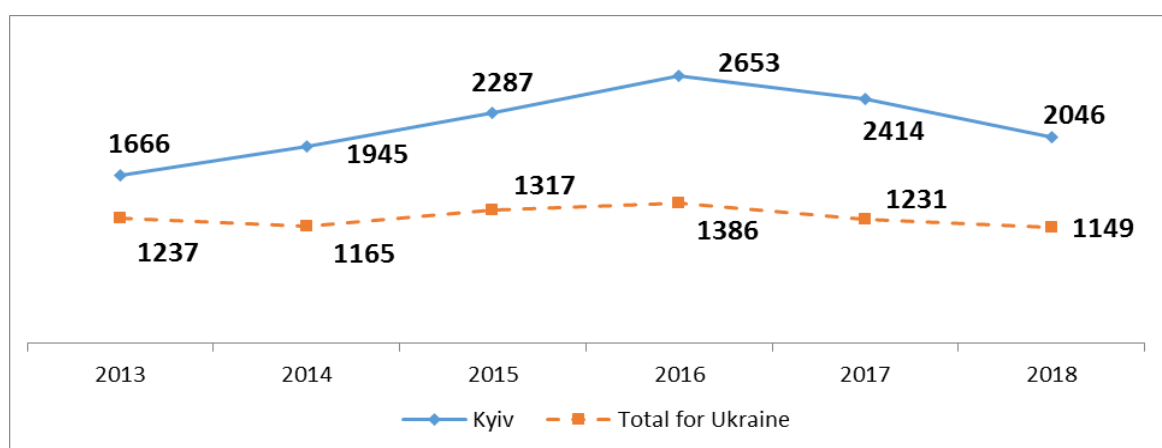


A part of severe crimes of total infringements amounted on the beginning on mentioned period 26,1%, at the end of period – already 32,5%. This indicator varied during the whole period. In particular, after growth in 2014 till 29,3% the part of severe crimes 2015 amounted 27,3%, and from 206 this indicator began to grow once more and stood as 30,4% and 32,5% in 2017-2018 according.

The part of intermediate crimes of total infringements stayed almost the same (2013 – 39,9%, 2018 – 39,8%). During 2013-2016 this per cent indicator had a trend to growth, in particular in 2016 it amounted 43,7%. From 2017 this indicator began to decrease and in 2017 amounted 42,3%, while in 2018 – 39,8%.

The part of minor crimes of total infringements amounted in the mentioned period in whole had a trend to decreasing. Thus, if in 2013 this indicator amounted 29,5%, in 2018 – 21,2%.

According to statistic data of capital’s prosecutors’ office the total coefficient of crimes’ intensity with a view to 100 thousands of population during 2014-2016 grew annually, and in 2016-2017 – declined (Figure 2). In 2013 this indicator amounted 1666, in 2014 – 1945, 2015 – 2287, 2016 – 2653, what means that annually crimes had been committed almost on 9-10 thousands more than in previous year according to absolute data during this period. While in 2017 it declined to 2414, in 2018 – 2046. During last two years there were 10 thousands crimes less annually than during previous years.



**Fig. 2. Coefficients of crimes’ intensity in Kyiv and Ukraine (with a view to 100 thousands of population)**

In the Table 2 dynamic of coefficient of crimes' intensity with a view to 100 thousands of population on the 1, December of relevant year is given. Comparison of crimes' activity according to districts of the city is quite conditional because there is a strong intercity mobility and pendulum labor migration. There are offices of state authorities and governmental bodies, different enterprises, institutions, organizations are registered in central districts of the city. Mass events are held in these districts what foresees location of large mass of people on this territory.

According to intensity of crimes commitment Pecherskyi and Shevchenkivskyi districts of Kyiv are leading.

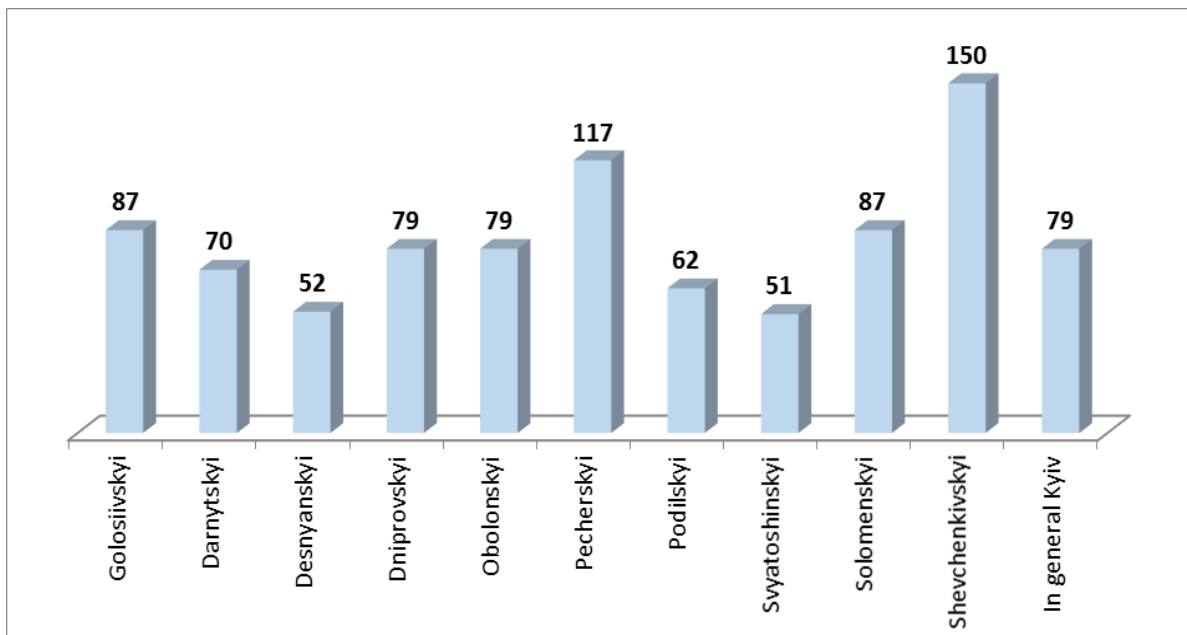
Table 2

**Coefficient of registered crimes' intensity according to the districts of Kyiv (with a view to 100 thousands of population)\***

Year	2015		2016		2017		2018	
<b>Kyiv</b>	<b>227</b>		<b>265</b>		<b>241</b>		<b>204</b>	
Districts		Rank		Rank		Rank		Rank
Golosiivskyi	276	3	323	3	254	4	236	3
Darnytskyi	170	9	245	6	214	6	157	7
Desnyanskyi	182	7	230	7	249	5	144	8
Dniprovskyi	240	5	256	5	265	3	167	6
Obolonskyi	223	6	260	4	185	8	215	5
Pecherskyi	409	1	438	2	382	2	281	2
Podilskyi	250	4	194	9	136	10	142	9
Svyatoshinskyi	167	10	161	10	145	9	142	10
Solomenskyi	172	8	226	8	207	7	224	4
Shevchenkivskyi	359	2	476	1	493	1	441	1

\* Note. The biggest range corresponds the lowest level of crime activity

It is visible from the Figure 3 that according to intensity of crimes' commitment (with a view to 100 thousands of population) Shevchenkivskyi, Pecherskyi, Golosiivskyi and Solomenskyi districts are leading. Much less of such crimes are committed in Podilskyi, Desnyanskyi and Svyatoshinskyi districts.



**Fig. 3. Coefficient of severe and especially severe crimes according to districts of Kyiv in 2018 (with a view to 100 thousands of population)**

During 2013-2017 a part of interferences committed in public places reduced among whole crimes that have been committed in the city from 20,7% to 7,6% and in 2018 grew a little bit and amounted 10,2%. There was a notable spike of this indicator only in 2014 and it amounted 25,6%. A part of crimes committed on streets (roads), areas, in parks, squares had similar trend and decreased from 11,9% in 2013 to 4,8% in 2017, and in 2018 it amounted 5,0%.

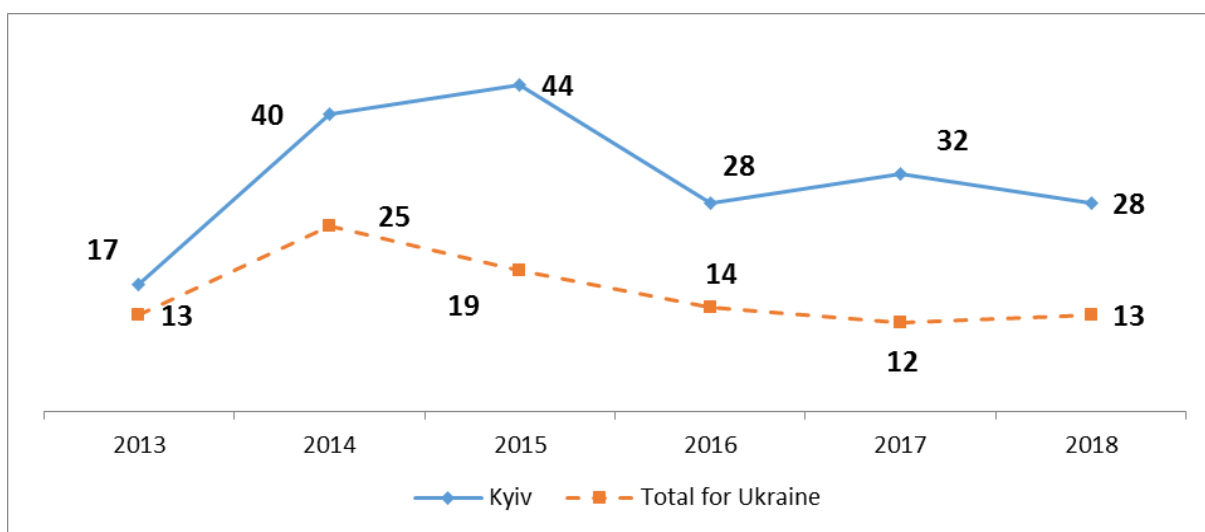
## **6.2. Condition and dynamic of crimes against life and health of a person and against property**

A part of crimes against life and health of a person (Art. Art. 115-145 of Criminal Code of Ukraine) from total number of crimes varied with overwhelming tendency to decreasing during 2013-2018. Thus, in 2013 this indicator amounted 6,2%, during 2014-2015 it grew to 7,1%. Beginning from 2016 the part of such acts decreased and in 2018 amounted 4,1%.

A part of facts of premeditated murders (Art. Art. 115-118 of Criminal Code of Ukraine) mostly grew among all crimes of this orientation. In 2014-2017 this indicator grew from 16,1% to 31,8% thus almost doubled by comparison, and in 2018 it amounted 29,6%.

Absolute number of these interferences significantly changed during the analyzed period because of legislative establishment of an order according to which some part facts of deaths and missing persons has to be recorded as premeditated murder. Accordingly, a number of this interferences grew in 2014 in 2,4 times at once and amounted 1149, and the next year it increased to 1253. Beginning from 2016 police officers began to exclude from the record more facts of deaths of people from natural reasons. As a result a number of premeditated murders decreased more than by a third and amounted 805. In 2017 it amounted 924 and in 2018 – 814.

Dynamic of coefficient of intensity of premeditated murders varied permanently during analyzed period. In 2013 there were 17 cases with a view to 100 thousands of population (the lowest indicator for the period that is studied). In 2014 it grew significantly to 40, in 2015 it amounted 44. In 2016 coefficient of intensity of premeditated murders and people’s missing markedly decreased (28) and in 2017-2018 it was on a similar place: 2017 – 32, 2018 – up to 28 (Figure 4).



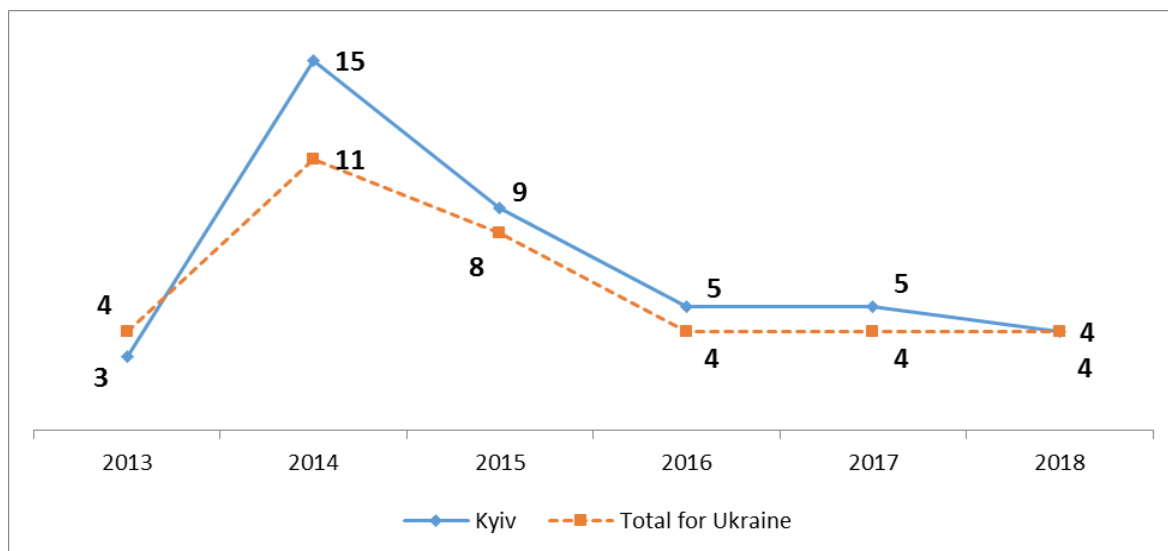
**Fig. 4. Coefficients of intensity of premeditated murders (Art. Art. 115-118 of Criminal Code of Ukraine) in Kyiv and Ukraine (with a view to 100 thousands of population)**

In our opinion, against background of bad idea of fixation of facts of deaths and people’s missing as premeditated murders, prosecuting authorities were forced to include to state statistical records such indicator

as obvious premeditated murders that means facts of obvious murdering of a person as a consequence of actions of other individuals. A part of such actions among crimes against life and health changed significantly. At the beginning this indicator grew from 2,8% in 2013 to 10,5% (in 3,8 times) in 2014, in next three years it was on the level of 4-5%, and in 2018 decreased up to 3,7%.

Absolute number of obvious premeditated murders in 2014 grew in 5 times in comparison with previous year and amounted 417. Next year it decreased to 256, in 2016-2017 it was on the level 150 and in 2018 – decreased to 103 (4 times less than indicator in 2014).

In the first year of the period analyzed coefficient on this crime’s intensity was 3 cases with a view to 100 thousands of population (the lowest indicator during the period). Significant increase of a number of mentioned crimes had been in 2014 when the highest indicator had been reached – 15 crimes with a view to 100 thousands of population (almost 4,5 times more than during previous year). After that this indicator decreased almost twice (2015 – 9). Next years of analyzed period there was a trend of mostly decreasing of this coefficient: 2016 – 5, 2017 – 5, 2018 – 4 (Figure 5).



**Fig. 5. Coefficients of intensity of obvious premeditated murders in Kyiv and Ukraine (with a view to 100 thousands of population)**

It is worth to note that coefficients of intensity of facts of death and people's missing as well as obvious premeditated murders in Kyiv is higher than similar indicators throughout Ukraine.

A part of premeditated grievous bodily harm (Art. 121 of Criminal Code of Ukraine) among crimes against life and health did not change significantly during 2013-2018. In 2013-2014 this indicator was approximately 5%, in 2015 – decreased to 3% and has been growing during next three years: 2016 – 4,2%, 2017 – 5,5% and 2018 – 6,1%.

Average absolute number of crimes of this type was 157 during considered period and annual indicators were relatively stable. Only in 2014 their number grew from 134 to 197 (+47,0%) at once In 2015-2016 it was at the level 140 crimes, in 2017-2018 – little less than 160.

Coefficient of intensity of crimes of this type was 5 in 2013, next year it grew to 7, in 2015-2016 was at the level of 5, and during 2017-2018 – 6. As we see, the value of coefficient of intensity of premeditated grievous bodily harm is almost the same as obvious premeditated murders.

As we see value of the coefficient of intensity of premeditated grievous bodily harm is almost the same as obvious premeditated murders.

A part of premeditate medium gravity injuries (Art. 122 of Criminal Code of Ukraine) from total number of crimes against life and health of a person changed more evenly in mentioned years. In 2013 it amounted 3,8% during 2014-2015 varied around 2%, in 2016-2018 amounted 3,7%, 4,4% and 5,1% accordingly.

Absolute number of such acts in 2013 was equal to 112, in next two years amounted 94 cases in a year, in 2016-2017 grew to 128, in 2018 – it was 139.

Coefficient of intensity of premeditate medium gravity injuries during 2013-2017 was at the level of 3-4 infringements with a view to 100 thousands of population of the city, in 2018 grew up to 5.

A part of premeditate minor injuries (Art. 125 of Criminal Code of Ukraine) among total number of crimes against life and health of a person during 2013-2018 mostly declined: 2013 – 63,8%, 2015 – 59,3%, 2017 – 47,5%, 2018 – 48,3%. At the same time this type of a crime is still the most common among infringements of this area.

During 2014-2015 a number of such crimes grew from 1870 to 2774 (+48,3%), and in next three years it was declining and in 2018 amounted

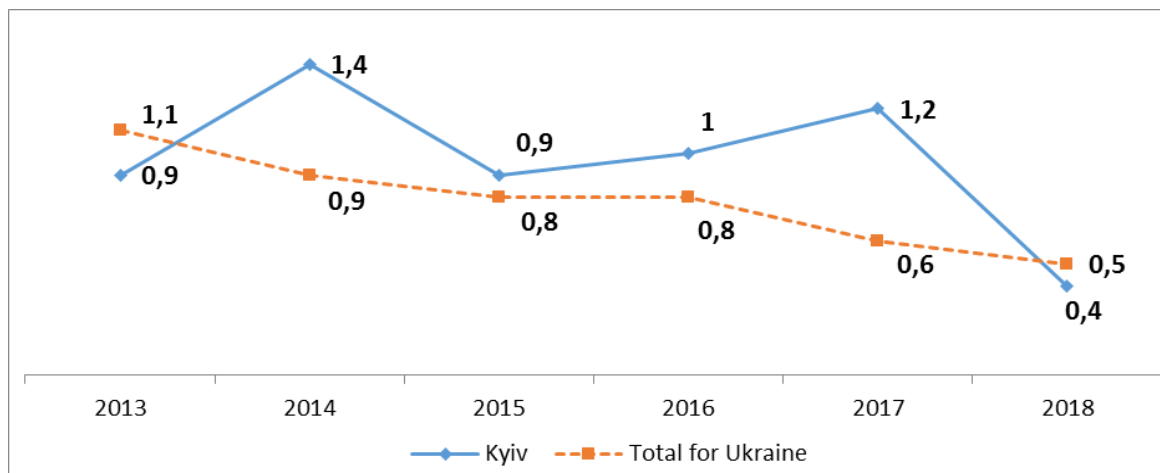
1327 (decrease in one and a half times in comparison with indicator of 2015).

Accordingly, coefficient of intensity of these infringements in 2013 amounted 66, in 2014-2015 as a result of organizational measures, aimed on maximum full registry of crimes, grew to 96, in next years permanently decreased and in 2018 amounted 45 (-53,1% to the level of 2015).

A part of crimes against sexual freedom and sexual inviolability of a person (Art. Art. 152-156 of Criminal Code of Ukraine) among total number of crimes during 2013-2018 was very little and varied on the level 0,01-0,02%.

A part of rapes (Art. 152 of Criminal Code of Ukraine) among all infringements of this direction on average was 39,2% during 2013-2015, in 2016 it decreased to 29,9%, in 2017 grew to 34,3% and in 2018 declined once more and amounted 21,8%.

Absolute number of infringements of this type during studied period was not big: in 2013, 2015-2016 it amounted 26-29 cases a year, in 2014 and 2017 fixation of such cases grew to 39 and 36 accordingly, and in 2018 they declined to 12.



**Fig. 8. Coefficient of intensity of rapes (Art. 152 of Criminal Code of Ukraine) in Kyiv and Ukraine (with a view to 100 thousands of population)**

Dynamics of coefficient of intensity of rape crimes during period analyzed is characterized by permanent varieties. In the first year of the period under review this indicator amounted 0,9 cases with a view to 100

thousands of population, in 2014 grew to 1,4, next year once again amounted 0,9, in 2016-2017 grew and amounted at the end of two-years period 1,2 and in 2017 significantly declined and amounted 0,4 (the lowest indicator during the period that is reviewed). It is necessary to mention that the level of rapes in Kyiv in 2013 and 2018 was lower than average indicator in Ukraine, in other years of the period under review – lower.

A part of cases of forced satisfaction of sexual passion unnatural way (Art. 153 of Criminal Code of Ukraine) during 2013-2018 significantly varied. In 2013 it amounted a third of all infringements of this direction, after that it significantly decreased and amounted in 2014 15,7%, in 2015 – 21,7%. This indicator permanently grew during next years and in 2018 there were 43,6% of cases of this area among crimes of this type.

Absolute number of this type of crimes was very little and changed significantly during the period under review. In 2013 it amounted 24, in next two years – 14-15, in 2016-2017 – grew to 30 and 37 accordingly, in 2018 declined and amounted 24 of such cases.

Accordingly coefficient of intensity of such acts in 2013 amounted 0,8, in 2014-2015 decreased to 0,5. In next two years this indicator grew significantly and amounted 1 and 1,3 accordingly, in 2018 it was 0,8.

Unlike previous type of a crime a part of cases of corruption of minors (Art. 156 of Criminal Code of Ukraine) among all crimes against sexual freedom and sexual inviolability of a person grew during first three years of the period under review: 2013 – 29,2%, 2015 – 39,1%. In 2016 it did not change significantly (37,1%), in 2017 – it declined to 23,8%, in 2018 amounted 29,1%.

A number of such infringements also was not big. In 2013 it was recorded 21 case, in next two years – approximately 30, in 2016 there was an increase to 36, and in next two years – decrease to 25 and 16 cases annually.

Coefficient of intensity of such acts in 2013 amounted 0,7, in next four years either grew (2014 – 1,1, 2016 – 1,2), or declined (2015 and 2017 – 0,9), and in 2018 decreased significantly and amounted 0,5.

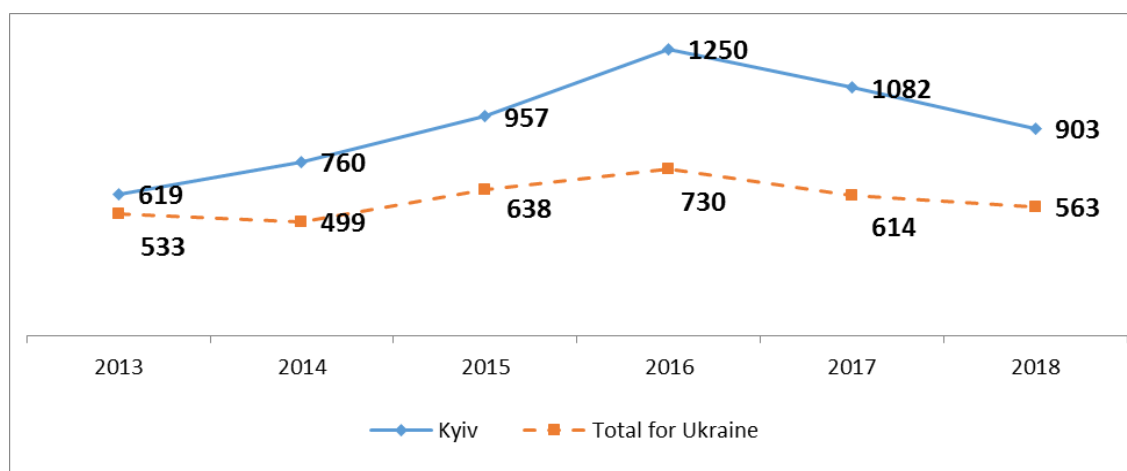
Violations against property (Art. 185-198 of Criminal Code of Ukraine) constituted the most significant part of total number of crimes. During the period under review in average they accounted for 64,6%. In 2013-2014 infringements of this direction amounted more than 62% of all crimes in city, during next two years their part grew at the beginning to



64,8%, and after that to 70,2%. During last two years of analyzed period this indicator decreased to the level of 2013 year and amounted 62,6%.

Thefts constituted absolute number of infringements against property in the city as well as in Ukraine in whole. A part of thefts (Art. 185 of Criminal Code of Ukraine) among total number of crimes grew permanently. If in 2013 it amounted 59,5%, in 2018 there were 70,5%. In average there were 26926 records of thefts the city during the period under review. In 2013 absolute number of thefts was 17605, during next three years it grew to 36333 (in 2,1 times), and in 2017-2018 it declined to 26488 (-27,1% to the level of 2016).

Annually average coefficient of intensity of thefts during 2013-2018 amounted 928 cases with a view to 100 thousands of population. The lowest indicator during the period under review was in 2013 – 619. Further, a number of infringements of this type grew significantly annually: 2014 – 760, 2015 – 957, 2016 – 1250 (the highest indicator of the analyzed period). In next two years thefts' indicators decreased. In 2017 it amounted 1082, in 2018 – 903.



**Fig. 9. Coefficients of thefts' intensity in Kyiv and Ukraine (with a view to 100 thousands of population)**

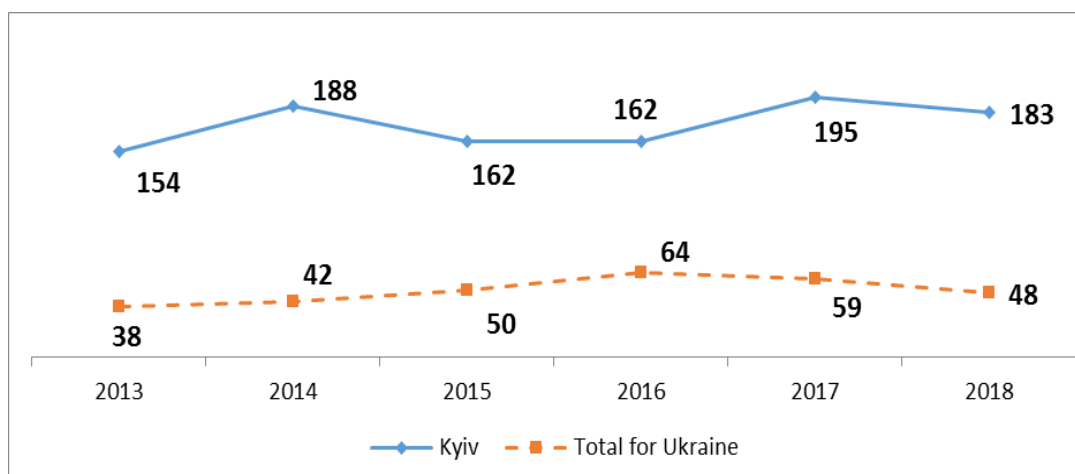
It is seen from the Figure 9 that in average coefficient of thefts' intensity in Kyiv is higher more than a quarter than All-Ukrainian.

In average, thefts from flats amounted 20% of all thefts. During the period under review their part changed significantly: in 2013-2014 it

amounted 25% of all thefts, during next two years it declined to 16,9% and 12,9% accordingly, in 2017 it grew to 18% and in 2018 – to 20,3%.

In average, annually in Kyiv 5037 of flat thefts were committed. In 2013 their recorded number amounted 4390, in 2014 – 5379. During next two years their number was on the level of 4700, in 2017 – grew to 5703 (+21,4%) and in 2018 decreased a little bit and amounted 5375.

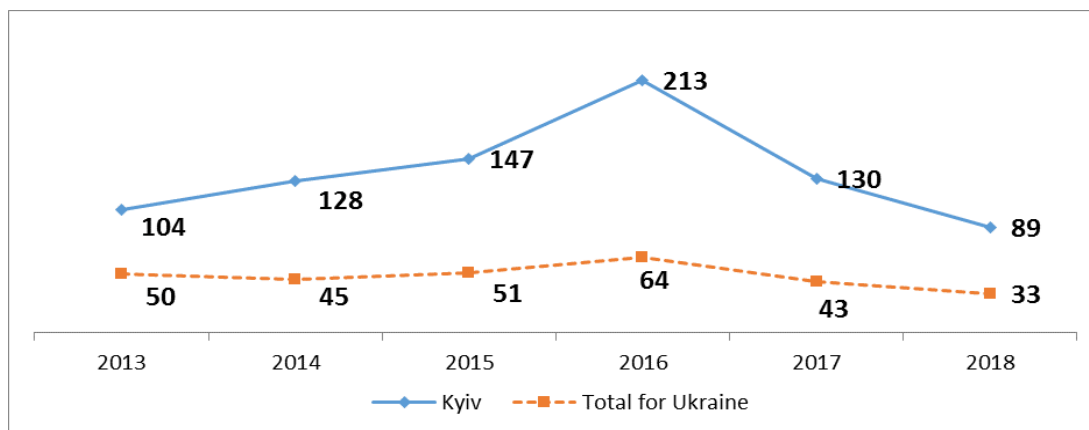
The lowest coefficient value of flat thefts was fixed in 2013 – 154 with a view to 100 thousands of population (Figure 10). In 2014 this indicator grew significantly (188 of cases with a view to 100 thousands of population), and in 2015 – decreased to 162. Significant growth of this coefficient was in 2017 – 195 of cases with a view to 100 thousands of population (the highest indicator during 2013-2018) and in 2018 it declined a little – 183 of cases with a view to 100 thousands of population. During whole analyzed period city coefficient of intensity was much higher than All-Ukrainian. Average coefficient of intensity of flats' thefts in Kyiv was higher that similar indicator in Ukraine in whole in 3,4 times.



**Fig. 10. Coefficients of intensity of thefts from flats in Kyiv and Ukraine (with a view to 100 thousands of population)**

Crimes of mercenary-violent character, first of all, robberies (Art. 186 of Criminal Code of Ukraine) are widespread in Kyiv. In 2013-2016 a part of these crimes among all infringements against property was stable and amounted in average 10,5% and during last two years decreased to 8,35 and 7,0% accordingly.

Annual average absolute indicator of robberies in the city amounted 3915 of facts. In 2013-2015 a number of robberies increased from 2954 to 6177 (in 2,1 times), and in next two years there was a significant decrease of their number: 2017 to 3805 (-38,4%) and in 2018 – to 2616 (-31,2%).



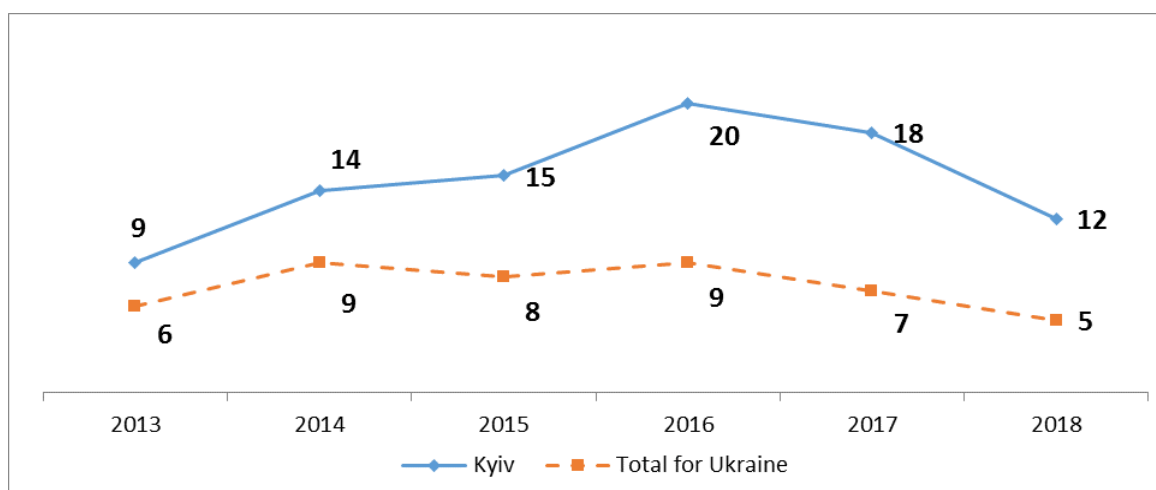
**Fig. 11. Coefficients of robberies' intensity in Kyiv and Ukraine (with a view to 100 thousands of population)**

Coefficient of robberies' intensity in 2013 amounted 104 cases with a view to 100 thousands of population (Figure 11), in next three years it permanently decreased: 2014 – 128, 2015 – 147 and 2016 – 213 (the highest indicator during the period). During next two years of the period under review according to significant decline of absolute number of robberies, the value of their intercity coefficient also declined. In 2017 this indicator amounted 130 and in 2018 – 89. The average coefficient of robberies' intensity in Kyiv was in 2,8 times higher than similar indicator in Ukraine in whole.

Smash and grabs (Art. 187 of Criminal Code of Ukraine) – more dangerous mercenary-violent crimes, were committed significantly rare. Average part of smash and grabs among all infringements against property amounted 1,0% and indicators on separate years did not differ a lot from average indicator.

Dynamics of absolute number of smash and grabs was similar to dynamics of robberies. In 2014-2016 their quantity grew from 265 to 591 (in 2,2 times), in 2017 decreased to 519 and in 2018 – to 340 (-42,5% comparing to indicator of 2016).

According to such dynamic coefficient of intensity of smash and grabs grew from 9 in 2013 to 20 in 2016 and in next two years decreased to 18 and 12 accordingly (Figure 12). Also significant predominance of Kyiv's indicators over Ukraine's indicators is seen. Average coefficient of smash and grabs in the city is twice higher that in Ukraine.

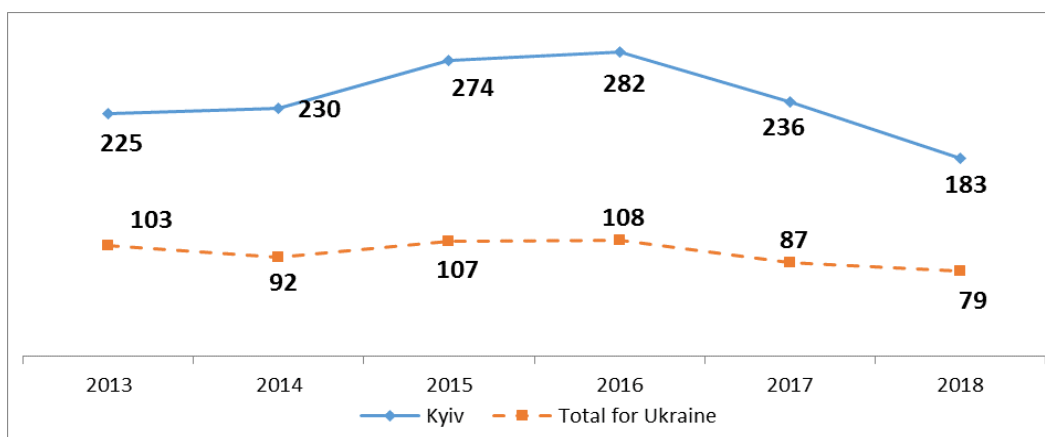


**Fig. 12. Coefficients of intensity of smash and grab in Kyiv and in Ukraine (with a view to 100 thousands of population)**

One of typical “city” types of crimes that often are committed in Kyiv is fraud (Art. 190 of Criminal Code of Ukraine). Average part of these crimes among all infringements of this direction was 17,3%. During the period under review this indicator permanently decreased as a result of what it declined from 21,6% in 2013 to 14,3 in 2018.

During the period under review absolute indicators of fraud cases changed significantly. During 2014-2016 a number of these infringements grew from 6392 to 8188 (+28,1%), while it grew every year. Nevertheless in 2017 a number of these crimes declined to 6898 (-15,8%) and in 2018 – to 5368 (-22,2%).

Coefficient of intensity of frauds was 225 in 2013, in next three years it increased to 282 (Figure 13). In 2017-2018 this indicator declined firstly to 236 and in the last year of the period under review to 183 (the lowest indicator during the period). We note once again a significant predominance of coefficient of intensity of frauds in Kyiv over relevant indicator in Ukraine in whole. Average city indicator prevails similar whole-Ukrainian indicator in 2,5 times.

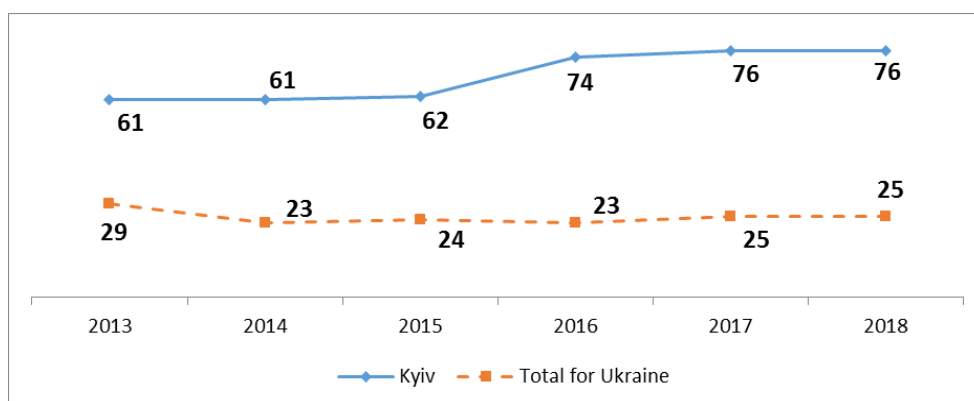


**Fig. 13. Coefficients of intensity of fraud in Kyiv and Ukraine (with a view to 100 thousands of population)**

Appropriation, embezzlement of property or its acquisition by means of abuse of official position (Art. 191 Criminal Code of Ukraine) is quite spread crime against property. A part of these acts among total infringements against property in 2014-2016 declined from 5,9% to 4,0% during last two years of the period under review grew and in 2018 it once again amounted 5,9%.

In average 1758 of such crimes were recorded 2013-2015, in 2016 their number increased to 2151, in 2017 – decreased to 2213, in 2018 stayed on the level of previous year (2217).

Coefficient of these crimes' intensity in 2013-2015 was 61-62, in 2016 grew to 74, in 2017 – to 76 and in 2018 was the same (Figure 14).



**Fig. 14. Coefficient of intensity of appropriation, embezzlement of property or its acquisition by means of abuse of official position Appropriation, embezzlement of property or its acquisition by means of abuse of official position (Art. 191 Criminal Code of Ukraine) in Kyiv and Ukraine (with a view to 100 thousands of population)**

As we see, prevalence rate of these crimes in Kyiv is 2,7 times higher than in the state in whole.

### **6.3. State and dynamics of other types of crimes**

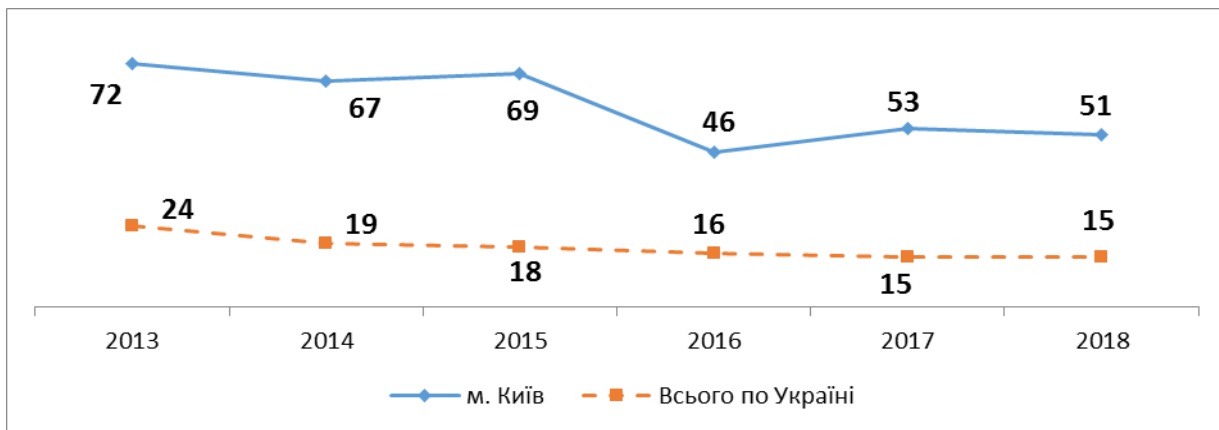
There are a lot of economic subjects, state institutions and organizations in the capital of Ukraine. This creates objective background for crimes' dissemination in the sphere of economic activity as well as in official and professional activity, connected with public service providing.

A part of crimes in the sphere of economic activity (Art. Art. 199-233 of Criminal Code of Ukraine) from total number of recorded crimes in 2013-2016 decreased from 4,3% to 1,7%, in 2017 – grew to 2,2% and in 2018 – to 2,5%.

In average 1992 crimes of this direction were recorded annually during 2013-2015. In 2016 their number decreased almost by one third and amounted 1336, in 2017 grew to 1561 (+16,8%) and in 2018 declined a little and amounted 1484 (-4,9%).

Coefficient of intensity of such infringements varied in frames 67-72 in 2013-2015, in 2016 decreased to 46, in 2017-2018 amounted 53 and 51 accordingly (Figure 15). As it is seen from the Figure 15, coefficient of intensity of crimes in sphere of economic activity in Kyiv in 3,3 times higher than in Ukraine in whole.

While evaluating dynamics of crimes of this direction it is necessary to consider that they belong to so-called infringements without victim, a number of which is due mostly to activity of according police departments regarding their identification. Thus, a significant decrease of number of these infringements in 2016 indicates problems in organization of work of according departments of National Police of Ukraine. In next two years situation rectified and indicators of these crimes' identification improved significantly.

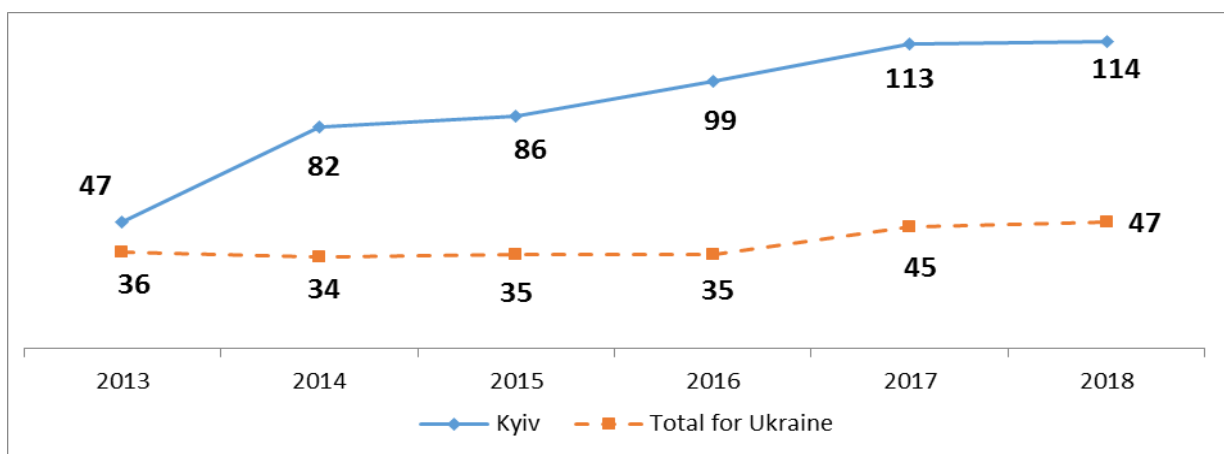


**Fig. 15. Coefficients of intensity of crimes in the sphere of economic activity (Art. Art. 199-233 of Criminal Code of Ukraine) in Kyiv and in Ukraine (with a view to 100 thousands of population)**

During the period under review a part of crimes in the sphere of official activity and professional activity, connected with public service providing mostly grew among all infringements recorded in the city. In 2013 it amounted 2,8%, next year it increased to 4,7%, in 2015-2016 was at the level 3,7%, in 2017 increased to 4,7% and in 2018 – to 5,6%.

A number of considered acts during 2014-2018 grew permanently. If in 2013 it amounted 1328, in 2018 – 3345 (growth in 2,5 times), what means that growth was very significant.

Naturally, trend to growth was characteristic for coefficient of intensity of such crimes as well. This indicator increased from 47 to 114, what means in 2,4 times (Figure 16). It is worth noting a substantial difference in dynamics of coefficients of intensity of crimes in the sphere of official activity and professional activity, connected with public service providing in Kyiv and in Ukraine in whole. In 2013 these indicators amounted 47 and 36 accordingly, what means that city coefficient was bigger than whole-Ukrainian by 30,6%. But after that, city indicator grew permanently and whole-Ukrainian indicator was the same till 2016 and grew a little only in 2017. Accordingly, in 2014 coefficient of intensity in city already was bigger than whole-Ukrainian in 2,4 times and in 2016 – in 2,8 times. In 2017-2018 this difference decreased to the level of 2014 against background of certain increase of whole-Ukrainian indicator.

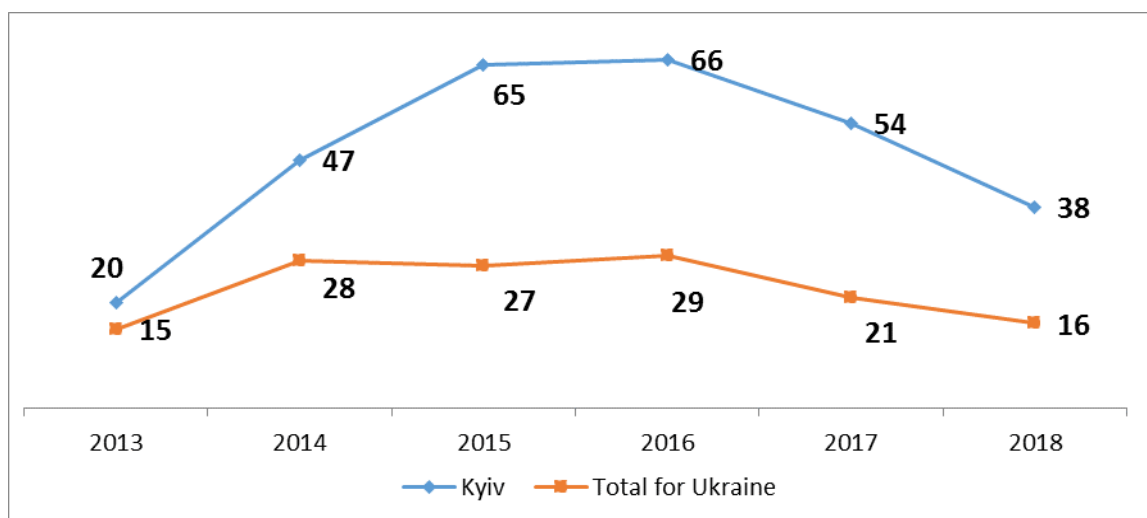


**Fig. 16. Coefficients of intensity of crimes in the sphere of official activity and professional activity, connected with public service providing (Art. 364-370 of Criminal Code of Ukraine) in Kyiv and in Ukraine (with a view to 100 thousands of population)**

At the end we will consider a state and dynamics of such dangerous type of crimes against traffic safety and transport exploitation as acquisition of vehicles (Art. 289 of Criminal Code of Ukraine). These crimes amounted the biggest part of mentioned direction during almost all period under review. In 2013 their part amounted 45,9% of all crimes of this sphere, in 2014-2015 grew to 69,9%, and in next three years decreased a little and amounted in 2018 59,2%. Absolute amount of these crimes were acquisitions on automobiles. In 2013 a part of cases of unlawful acquisition of automobiles amounted 72,0% of all crimes of this type, and in next years this indicator grew and amounted in average 82,8%.

A number of such crimes during the period under review grew significantly. In 2014-2016 it increased from 575 to 1929 cases, what means in 3,4 times. After that there was a decline of these acts to 1583 in 2017 and to 1122 (-41,8% by comparison with indicator of 2016) in 2018. Nevertheless their number stayed significant.





**Fig. 17. Coefficient of intensity of unlawful acquisition of vehicles in Kyiv and in Ukraine (with a view to 100 thousands of population)**

Accordingly, coefficient of intensity of cases of unlawful acquisition of vehicles. In 2014 it amounted 20, in next two years it significantly grew and amounted 66 in 2015 (in 3,3 times more than in 2013) and in 2016 stayed at the same level (66). In next two years of the period under review the trend changed and indicator declined firstly to 54 and after that to 38.

It is visible from the Figure 17 that similar dynamics was characteristic for coefficient of intensity of these crimes, committed on the territory of whole Ukraine, but in the period of growth indicators were significantly higher than whole-Ukrainian. If in 2013 indicator in Kyiv was higher than whole-Ukrainian indicator only by one third, than in 2014 – in 1,7 times, in 2015 – in 2,4 times, in 2017 – in 2,6 times, in 2018 – in 2,4 times.

## CONCLUSION

Capital of Ukraine – Kyiv city, belongs to the number of regions of Ukraine with high level of crime activity. During last 6 years Kyiv ranked first among other regions of the State according to the average value of coefficient of crime activity with a view to 100 thousands of population.

A number of recorded crimes in the capital during 2014-2016 grew by 63%. In last two years of the period under review this indicator decreased, but, nevertheless, was higher than the level of 2013 year by 27%.

During 2013-2018 coefficient of crime activity with a view to 100 thousands of population in the city was much higher in Kyiv than in Ukraine in whole. In 2014-2016 it grew from 1166 to 2653 and in next two

years decreased to 2046. Average coefficient of crime activity in Kyiv was higher than according indicator in Ukraine in whole by 73,9%.

The largest group of crimes in city in number according to the level of severity were and still are infringements of medium gravity. At the same time the highest level of especially severe and severe crimes is pointed out in Shevchenkivskiy, Pecherskiy, Golosiivskiy and Solomenskiy districts of the city. According to intensity of crimes commitment Pecherskiy and Shevchenkivskiy districts of Kyiv are leading, what means in central districts of the city, where offices of state authorities and governmental bodies, different enterprises, institutions, organizations are registered, a large mass of people from other districts of the capital and its guests are permanently located.

There is a significant level of crimes against life and health of a person in the capital. In particular, a city coefficient of intensity of premeditative murders is much higher than whole-Ukrainian indicator.

Infringements against property, in particular thefts, dominate in the structure of city criminal activity, as well as in the structure of crime activity in Ukraine. During the period under review crimes against property amounted in average 64,6% of the total registered infringements in the city. A part of thefts increased from 59,5% to 70,5% among all crimes against property during this period.

Statistical data confirms a significant dissemination of flat thefts in Kyiv – typical crime of big cities. Average coefficient of intensity of this infringement in the capital was higher than the similar indicator in Ukraine in 3,4 times in total and the difference between these indicators increased.

A significant dissemination of mercenary-violent crimes – robberies and smash and grabs as well as infringements of mercenary character as cases of fraud and appropriation, embezzlement of property or its acquisition by means of abuse of official position in the city. Indicators of intensity of these acts are in two and more times higher than whole-Ukrainian.

A number of identified crimes in the sphere of economic activity as well as official activity and professional activity, connected with public services providing is growing in the capital because of many state authorities of different level and economic objects. Intensity of these infringements in the city was in several times higher than in Ukraine in whole.

Cases of unlawful acquisition of vehicles, first of all automobiles, can also be included to typical city crimes. In Kyiv there were 2,5 times more of such cases than in other regions of the State.

## **SUMMARY**

Theoretical and practice issues of modern criminology on analysis of crimes' features in big cities where not only significant economic and cultural heritage, but also a lot of sensitive social conflicts, negative phenomena, including crimes, are concentrated, were studied. Opinions of national academics regarding this problematic were highlighted and analyzed.

Kyiv – capital of Ukraine belongs to a number of Ukrainian regions with high level of criminal situation. In connection with that modern challenges require necessity of permanent monitoring of criminal situation in the city for timely identification of new trends of its development, patterns and special features of crime activity in capital's metropolis.

Statistic records of Prosecutors Office of Kyiv, General Prosecutor's Office of Ukraine, State Statistical Service of Ukraine, Main Department of Statistic in Kyiv during 2013-2018 were also analyzed with this aim. Common trends of crime activity in Kyiv, state and dynamics of crimes against life and health of a person, property as well as other types of crimes were identified as a result of research.

Conclusions that were made may be useful for academics and practice officers of law enforcement bodies and to be a ground for further academic researches and projections in the sphere of analysis of crime activity state, projection of its development as well as ways of its prevention.

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## **CHAPTER 7**

### **MEASURES FOR JUVENILE DELINQUENCY PREVENTION IN UKRAINE**

**Pluhatar T. A.**

#### **INTRUDUCTION**

The issue of juvenile delinquency prevention has always been particularly acute as the state of crime in the future society depends on the effectiveness of such activities. Studies show that their first criminal experience recidivists and professional criminals usually get under the age of adolescence.

The significant decrease of the number of juvenile offenders in Ukraine in recent years (their part among all those who committed crimes fell from 10.6% in 2003 to 3.4% in 2018) in no way reduces the relevance and social significance of above mentioned problem, as it was mostly due to the implementation of the humanization of the criminal legal policy of the state, which main direction is a significant restriction of the application of criminal law measures against minors. As a result, the growing number of crimes committed by them remains latent. It is possible to compensate this only due to scientifically substantiated system of precautionary measures.

The issue of juvenile delinquency prevention has always been a great deal of attention in Ukrainian criminology, a significant number of monographs and papers<sup>1</sup> have been edited, and a number of dissertations on this topic have been defended<sup>2</sup>. Instead, the precautionary measures in

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<sup>1</sup> Yusikova N.S. Crime of minors: features, current tendencies and measures to prevent and counteract it: monograph. Dnipro, 2016. 375 p.; Korolchuk V.V. Actual problems of juvenile delinquency prevention. Scientific Herald of the National Academy of Internal Affairs. 2013. No 1. P.176-182; Korystin O.Y. Features of juvenile delinquency and the specifics of its prevention (based on the materials of the Southern region of Ukraine). Southern Ukrainian Law Journal. 2014. No 4. P. 16–19; Vodniv V.D. Crime of juveniles: causes and ways of prevention (according to the research in Kharkiv). Bulletin of the National University «Legal Academy of Ukraine named after Yaroslav the Wise». Series: Philosophy, Philosophy of Law, Political Science, Sociology. 2015. No 3. P. 155–176; Yosypiv A.O. Foreign experience in preventing crimes committed by minors of a marginal environment. Legal Journal of the National Academy of Internal Affairs. 2018. No 1. P. 381–392.

<sup>2</sup> Holodniak A.Y. Criminological features of anti-social behavior of adolescents of a marginal environment and prevention of crimes committed by them: author's abstract of thesis ... Candidate of Law: 12.00.08. Moscow, 2003. 26 p.; Dubchak L.S. Improvement of the activities of educational institutions in prevention of juvenile delinquency in Ukraine: thesis. ... Candidate of Law: 12.00.08. Kyiv, 2007. 252 p.

these studies are highlighted mostly fragmentely, referring to specific areas or spheres of mentioned activity. Our task was to formulate on the basis of the results of our own research, the studies of other authors, to generalize foreign experience and to formulate the most comprehensive, suitable for Ukraine and actual system of measures for the prevention of juvenile delinquency.

### **7.1. General social measures**

1. Due to the restriction of social programs, almost complete absence of free out-of-school institutions of a various orientation children have got more free time they to spend outdoors, where they often see different examples of anti-social behavior, resemble it themselves, and later commit criminal offenses.

Today, the concern for children by the state is minimized. During past 30 years, virtually all previously created links of a specialized educational and preventive system have been destroyed or fundamentally rebuilt in Ukraine. Schools, other educational institutions for minors lose educational functions. Numerous youth community organizations related to leisure have stopped their activities. There are neither mentors nor civic educators for juvenile offenders.

It is expedient for the improvement of the situation:

– to foresee mandatory participation in the decision of the issue of the existence of out-of-school children's institutions of representatives of the service for children of the relevant region (city), district in the city administration, and to make necessary amendments to the Clause 7 of Art. 14 of the Law of Ukraine «On Extracurricular Education»<sup>3</sup>;

– to restore gradually the network of out-of-school institutions (sports sections, clubs of different orientations), both in the place of residence and on the territory of educational institutions. It is required that in every general educational institution it should be at least 4 free clubs for children (it is expedient to entrust them to specialized educators on the decision of the pedagogical council);

– to provide an access to cultural and recreational establishments for families with children (theaters, cinema and concert halls, summer recreation centers, sports camps, etc.), and for schoolchildren, as an

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<sup>3</sup> On Extracurricular Education: Law of Ukraine dated 22.06.2000. Bulletin of the Verkhovna Rada of Ukraine. 2000. No 46. Art. 393

encouragement for schooling achievements or flawless behavior, to receive free tickets for visiting cinema, theater, excursions, etc. It is advisable to encourage individual entrepreneurs and citizens to finance such activities;

– to increase the number of camps for children with deviant behavior, or certain changes in health camps. An example of such a camp may be the profile sporting-improving, patriotic camp «Young Athlete» (on the basis of the Dakhnivska Sich Charity Foundation, Svydivok village, Cherkasy Region), where 50 children from prospective athletes and children with deviant behavior received health-improving services and military skills);

2. In accordance with the Concept for the implementation of the state policy in the field of reforming general secondary education «New Ukrainian School» for the period up to 2029, approved by the Decree of the Cabinet of Ministers of Ukraine of December 14, 2016 No 988-r<sup>4</sup> (hereinafter – the Concept), on its second stage (2019–2022) it is supposed to develop professional standards of teaching activities. The policy of standardization in the field of education began to be implemented in 1980–1990 and was implemented not only in developed countries (such as the United States, Great Britain, France, Germany, Australia, New Zealand, etc.), but also in developing countries (Pakistan, India, Philippines, etc.)<sup>5</sup>. It is clear that the scale, intensity, speed and standardization of the listed countries are different. In our view, when developing standards for domestic teachers it would be advisable to use foreign experience.

At the same time, in addition to the subject competence, attention should be drawn to the training of teachers in other areas, such as: psychological and pedagogical support; student safety in the educational environment, conflict resolution skills; educational communication (relations of teachers with students); relations of cooperation (professional relations, relations with parents, public, administration of educational organizations); professional improvement, qualification improvement; regulations of professional ethics, professional responsibility of the teacher, pedagogical culture, etc.

The introduction of the professional standard of a teacher of an educational institution, in our opinion, would greatly help in solving the

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<sup>4</sup> On approval of the Concept for the implementation of state policy in the field of reforming general secondary education «New Ukrainian School» for the period up to 2029 : CMU Decree of 14.12.16, No 988-p.

<sup>5</sup> Miroshnikova O.Kh. Professional standard of the teacher: international experience and regional components. Internet-Journal «SCIENCE». 2015. Vol. 7. No 3. P. 3. URL: <http://naukovedenie.ru/PDF/53PVN315.pdf>. (Date of Application: 11.01.2017).



issue of improving the level of training of the teaching staff. In our view, transitional form to the introduction of a professional standard may be independent testing among teachers, in particular on the level of educational work skills, which will help not only to identify incompetent teachers but also to increase the respect of students and society as a whole to conscientious and professionally trained teachers.

3. Among the juvenile offenders, the largest group is made by students of secondary schools. This suggests the need to improve significantly preventive activities among minors in schools.

According to the above-mentioned Concept, an educational institution should implement a democratic culture through the development of appropriate procedures to protect the rights of the child and the formation of democratic values, in particular to protect the rights and interests of the child, to become a safe place for the child, to create an atmosphere of trust and mutual respect, where there is no violence and discrimination.

Currently, only verbal educational methods dominate at schools, but they are ineffective. A significant disadvantage in the educational work of teachers is that educational activities have been already based on the fact of committing a destructive, unlawful act. That is, educational, preventive work among students is carried out only from time to time, although it is expedient that it be conducted continuously. The main reason for this situation is that teachers usually do not have information about mood, problems, conflicts among schoolchildren.

Taking into account the above mentioned, the Ministry of Education and Science of Ukraine recommends introducing elective courses in secondary schools aimed at strengthening the psychological component in the upbringing of children and young people. That is, the need to use psychological mechanisms of personality formation, which is an essential condition for the success of the transformation of the educational requirements of society into the internal regulators of the behavior and activities of the growing personality.

In order to improve the existing and to introduce new modern forms of educational work in educational institutions, it is necessary to ensure:

– continuity of educational work, and most importantly, its timeliness, focus on prevention of negative phenomena among students, the neutralization of their causes and conditions;

- active use of psychological skills for connecting the emotional component of a child;
- development of children’s autonomy and initiative, freedom of self-government, self-education, etc. while preserving the influence of adults;
- the introduction of a system of control by the relevant education authorities and, if it is necessary, other bodies and services for children. One possible form of such monitoring may be the questioning of children and parents;
- solving of the issue of optimization of the load on the positions of a class leader and a practical psychologist.

It should be noted that for today there is no any effective mechanism for the enforcement of discipline in educational institutions. As a result, the teaching staff has no any means of influence on violators of discipline and «difficult» teens, and those, in turn, become more courageous in their actions as a result of impunity. The rules for the enforcement of discipline by students stated in the Provision on a comprehensive educational institution namely «discipline in institutions” is based on the mutual respect of all the participants in the educational process; maintenance of the rules of the internal regulations and the Statute of the educational establishment (paragraphs 75, 77)<sup>6</sup> has too general, declarative nature.

To ensure an effective mechanism of discipline in schools, it should be recommended:

- to conduct in schools monitoring of the implementation of the Regulations of the internal order, the Statute of the educational institution;
- to supplement them (if it is necessary) with clauses concerning the prohibition on bringing firearms, cold weapons, alcoholic and tobacco products, drugs, pornographic production to the educational institution, etc.;
- to formulate and supplement the Statute of the educational institution a clear list of violations of discipline and the corresponding list of disciplinary penalties for their commission (for example, the cleaning of the school’s territory, school arrest, etc.), and also to foresee, in specific cases, the responsibility of parents for violating the discipline by their children;

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<sup>6</sup> About Approval of Statement on the Initial Mortgage: Decree CMU dated 27.08.2010. No 778. URL: <http://zakon3.rada.gov.ua/laws/show/778-2010-%D0%BF> (Date of Application: 12.02.2018)

– determination of the procedure of consideration, decision-making and organization of its implementation in case of violation by the students of the Statute of the educational institution, to put on the Board of Prevention the Rules of the internal order of a comprehensive educational institution, since one of the tasks of the Council of Prevention is the organization of a regular work to prevent negative manifestations in the student environment and improve systems of organization of preventive work at school (Clause 2 of the Approximate Provision on the Council of Prevention of the educational establishments institution, approved by the Department of Education by the Order No 173 dated 30.03.2010).

5. Although the number of working minors who have not worked and studied at the time of the crime has a tendency to decrease, but nowadays it is a rather big group of people, accounting for almost 19% of all juvenile offenders; therefore the conduction of preventive activities with them is an obligatory link in the system of preventive activities.

The main subject of general preventive activities in working with adolescents who do not work or study anywhere is a juvenile service, which can and should plead with enterprises (institutions, organizations) regarding the employment of adolescents who are not studying at all and do not work (especially those who are in difficult conditions, suffer from violence in the family, etc.).

It is suggested to supplement Clause 4.10 of the Model Regulations on the juvenile service of the regional, Kyiv and Sevastopol cities state administrations with the norm on the implementation by the structural units of the state administration, authorized units of the bodies of the National Police, measures for social protection of children, assistance to the child in solving employment-related issues, identification of the causes of child neglect and homelessness, prevention of children from committing offenses.

Police bodies, in particular juvenile delinquency units, should organize child support in solving issues related to the employment, leisure activities, establishment of socially useful contacts, choice of life goals, as well as an involvement of the child in socially useful occupations of labor, sports, creative, amateur in the framework of individual prevention nature.

It is also advisable to implement the UN recommendations regarding the adoption of a separate normative act on informal (not counting official educational establishments) and informational (not counting any

educational institutions and establishments) education. It should contain the definition of such kind of education, its purpose and tasks as well as to set target groups, and to reveal the basics of their functioning. However, it should be ensured that no regulations create too rigid or bureaucratic rules for the organization of an informal education. The priority should be to meet the educational needs of vulnerable or excluded categories of minors and young people in general.

6. Numerous scientific studies have shown that motion activity greatly contributes to the observance of a healthy lifestyle by humans, as well as in certain cases to reduce negative effects on humans of harmful habits, to increase tolerance and distract from antisocial behavior. That is, it performs a preventive function.

In accordance with the National Strategy for Motion Rehabilitation in Ukraine up to 2025, «Motion activity – a healthy lifestyle is a healthy nation», approved by the Decree of the President of Ukraine dated February 9, 2016, No 42/2016<sup>7</sup>, to support the health of citizens, especially children as the highest social value in the state, the following tasks need to be solved:

formation of the value attitude of youth and children to their own health, an improvement of physical development and physical training taking into account the requirements of future professional activity; increase of the number of public sports events for an active family rest in the places of mass recreation of citizens;

creation of a network of summer schools for swimming in open water; streamlining of the network of the centers of physical health of the population «Sport for Everybody» and the improvement of the regulatory framework for the activities of such centers.

In our opinion, one should draw attention to the foreign experience on this issue. For example, in the United States, about 18 million children and teenagers annually participate in the Testing and Rewarding Program initiated by the Coordinating Council for Physical Education under the President of the country. The President's Medal for a responsible attitude to their health is obtained by about 700 thousand schoolchildren who have

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<sup>7</sup> About the National Strategy of Health Activities in Ukraine for the period up to 2025: Decree of the President of Ukraine No 9, 2016, February No 42/2016. URL: <http://www.president.gov.ua/documents/422016-19772> (Date of Application: 12.02.2018).

met the relevant standards after lengthy physical activity<sup>8</sup>. This motivates minors to lead a healthy lifestyle.

In order to encourage juveniles to a healthy lifestyle, it is advisable for the active participation of media:

1) to provide children with elementary rules, forms of healthy lifestyle (elementary hygiene, health-improving gymnastics, proper nutrition) in secondary educational institutions;

2) to promote awareness of the youth about the negative effects of smoking, drinking, drug use, etc. At present, the spread of bad habits in adolescence is alarming. According to polls, 76% of adolescents have an experience in the use of low-alcohol beverages, 15% – began to use alcohol from 11 years<sup>9</sup>.

3) to expand the implementation of physical culture and recreation measures among minors, especially the student's youth, and to improve the organization of conducting lessons of physical education;

4) to introduce systematic sports competitions, tourist trips, excursions, etc. in secondary schools of higher education;

5) to organize work of parents' lectures on healthy lifestyle;

6) to ensure access of children to medical care with the preservation of the right to confidentiality, to organize the proper training of medical staff for work with minors on their health issues (the consequences of drinking, drug addiction, the possibility of free delivery of tests for HIV, prevention of unwanted pregnancy, etc.).

## **7.2. Special and criminological measures**

1. The list of subjects for the prevention of offenses among children in Ukraine is defined by the Law of Ukraine «On Bodies and Services for Children and Special Institutions for Children» dated January 24, 1995<sup>10</sup>. They are currently classified as:

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<sup>8</sup> Yaremenko O.O., Balakirieva O.M. and others. Formation of healthy way of youth life: problems and prospects. Kyiv: Ukrainian Social Newsletter, 2000. 168 p. URL: <http://www.health.gov.ua/health.nsf> (Date of Application: 21.02.2018).

<sup>9</sup> About the conceptualization of the Concept of the State Social Program «National Plan for the Implementation of the UN Convention on the Rights of Child» for the period up to 2021: Decree of the Cabinet of Ministers dated April, 5, 2017. No 230-p. URL: <https://www.kmu.gov.ua/ua/npas/249890555> (Date of Application: 20.02.2018).

<sup>10</sup> On Bodies and Services for Children and Special Establishments for Children: Law of Ukraine dated January 24, 1995. No 20/95-VR. URL: <http://zakon3.rada.gov.ua/laws/show> (Date of Application: 12.02.2018)

the central executive body, which ensures the formation of state policy in the family and children and the corresponding structural units of all levels;

authorized subdivisions of the National Police;

child-reception centers for children of the National Police;

schools of social rehabilitation and vocational schools of social rehabilitation of educational institutions;

centers of medical and social rehabilitation of children of health care institutions;

special educational institutions of the State Criminal Execution Service of Ukraine;

shelters for children;

centers of social and psychological rehabilitation of children;

social rehabilitation centers (children's towns).

Other bodies of executive power, bodies of local self-government, enterprises, institutions and organizations, regardless the form of ownership, individual citizens (Article 1 of the above mentioned Law) participate in the implementation of social protection and prevention of offenses among children within their competence.

It should be noted that in this list there are no educational establishments other than schools and vocational schools of social rehabilitation of educational institutions.

According to Art. 3 of the above-mentioned Law, «for the prevention of offenses among children should be understood as the activities of children's bodies and services, special institutions for children, aimed at identifying and eliminating the causes and conditions conducive to the commission of children by offenses, as well as the positive impact on the behavior of certain children in the territory of Ukraine, in its separate region, in family, at enterprises, institutions or organizations, regardless the forms of ownership, at the place of residence».

Taking into account the foregoing, we believe that educational institutions of all types should be included into the list of subjects for the prevention of offenses among children, because they are:

institutions that play a priority role in the upbringing of the child (in the family) and this is the responsibility of the pedagogical staff of the educational institutions;

institutions where the child spends most of his time, therefore, the teachers have more possibilities for an identification of the causes and conditions that contribute to the child's perpetration of violence;

an institution where the socialization of the child and its formation as a person are to a large extent.

Speaking about such special establishments for children as social rehabilitation schools and vocational schools of social rehabilitation of educational institutions, it should be mentioned that in 2015–2016 juvenile children were never involved into any form of forced education, i.e. children weren't sent to the above mentioned institutions.

It should be noted that in Ukraine in 2016 there were two schools and two vocational schools of social rehabilitation, in which correspondingly there were 7 and 16 children. In 2017 there were one school and one vocational school of social rehabilitation – the Komyshevaska School in Zaporizhia Region for children aged 11–14 and the Makiyivka Vocational School of Social Rehabilitation in the Donetsk Region for children elder than 14 years. In August 2017, Okhtyraska School for Girls in Sumy Region was reorganized and joined to the State Educational Institution «Okhtyr Center for Vocational Education», which indicates the actual unclaimedness of such institutions.

In our view, this link of educational institutions requires the reformation or refusal from them with the introduction of several amendments to the Law of Ukraine «On Bodies and Services for Children and Special Institutions for Children» on their exclusion from the list of institutions that are responsible for the implementation of social protection of children and prevention among them the offenses.

We consider it to be expedient to include probation bodies into the list of subjects for the prevention of offenses among children, since «the purpose of probation is to ensure the safety of society through the correction of convicts, preventing them from committing repeated criminal offenses ...» (Article 4 of the Law of Ukraine «On Probation»<sup>11</sup>). In addition, there are grounds for expanding the circle of persons for whom probation is carried out by including minors who are exempted from punishment with the use of coercive measures of an educational nature. Such a decision follows from the aforementioned Law, according to which

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<sup>11</sup> On Probation: Law of Ukraine. Bulletin of Verkhovna Rada of Ukraine. 2015. No 13. Art. 93. URL: <https://xn--80aagahqwyibe8an.com/zakon-ukrajiny/stattya-sfera-diji-60006.html> (Date of Application: 21.02.2018)

the probation applies to convicted persons to perform certain types of criminal penalties, which are not related to deprivation of liberty (Article 6, Clause 2).

2. To create a comprehensive justice system capable of effectively preventing juvenile delinquency and providing rehabilitation of juvenile offenders, it is necessary to ensure the proper coordination of the work of all authorities authorized in the field of juvenile delinquency prevention and justice. In order to achieve such a result, a decision was made on the need for an evaluation of the existing system for the prevention of juvenile delinquency by analyzing existing programs and projects in the relevant field.

In accordance with sub-item 1 of Clause 3 of the Regulation on the Interdepartmental Coordination Council on Juvenile Justice (hereinafter – the Interdepartmental Coordination Council), approved by the Resolution of the Cabinet of Ministers of Ukraine dated May 24, 2017 No 357<sup>12</sup>, this body, which included representatives of ministries, the Commissioner of the President of Ukraine on the Rights of the Child, the Commissioner of the Verkhovna Rada of Ukraine on Human Rights, the General Prosecutor's Office of Ukraine, the National Police of Ukraine, international organizations, public associations, scientists and experts, gathering information on policies, programs and projects in the field of crime prevention among minors.

According to experts' decision and the results of the information gathering, a «unified map» and a bank of policies, programs and projects in the field of prevention of juvenile delinquency, which are being implemented in Ukraine as central executive authorities, as well as local government bodies, local self-government bodies, international organizations, public associations, etc.

The Interdepartmental Coordination Council will work on the following tasks:

1) development and promotion of the draft Strategy for the prevention of juvenile delinquency, focusing on: primary prevention (general crime prevention), secondary prevention (work with children of risk), tertiary prevention (work with children being in conflict with law);

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<sup>12</sup> About the Establishment of Interrelation Coordination for the Juvenile Law: Resolution of the Cabinet of Ministers of Russia dated 24.05.2017 No 357. URL: <http://zakon3.rada.gov.ua/laws/show/357-2017-%D0%BF> (Date of Application: 21.02.2018).



2) study of the need for the amendments to the Criminal Procedural Code of Ukraine aimed at introduction of a model of restorative justice for minors in the form of a program of juvenile reconciliation (mediation in the criminal process against minors), and, if it is necessary, drafting a relevant bill;

3) determination, taking into account the results of studying the experience of foreign countries, of the internal structure and the basic provisions of the draft law on juvenile justice;

4) development and promotion of an approval of probation programs for working with minors who are in the system of probation, as well as correctional, preventive and resocialization programs for minors who are in educational colonies and pre-trial detention centers;

5) development and promotion of the adoption of subordinate legal acts, which would determine the methods, tools for an implementation and ensure the proper functioning of the penitentiary probation system for minors;

6) development and facilitation of the introduction of an assessment system for minors, which would correlate with the assessment of risks and needs, carried out at the pre-trial stage and in the probationary period, for drawing up an effective individual work plan with a child.

The implementation of these measures will create a modern system of criminal justice for minors in the country.

3. Legal education of children began to be focused only in early 90's of the XX century, when the law subject was introduced into the school curriculum. However, it did not give a deep knowledge of law and right, given the incompetence of most teachers who taught this subject. Most convicted juveniles (as they say) did not know that their actions had a criminal nature and weren't familiar with the legal status of minors according to their age.

For today, students receive legal knowledge learning the course of school discipline «Fundamentals of Jurisprudence». This course is important for the formation of a legal culture, the belief in the necessity of lawful conduct, the inadmissibility of encroachment upon the rights of other citizens, the ability to protect their rights and universally recognized social values, while not forgetting about their own responsibilities of a person and a citizen; awareness of the inevitability of liability for the offense.

In order to form a negative attitude towards unlawful acts among children, it is suggested to conduct additional educational activities by:

1) the use of various pedagogical forms of material presentation in the educational process, in particular, the conduct of law studies in the form of business games with distribution of roles, modelling of life situations, social processes and procedures, discussions, etc.;

2) conduction of training with the participation of employees of the judiciary, prosecutor's office, police, court, etc., with the possibility of attending the courtroom, special institutions for minors;

3) demonstration of interviewing juvenile convicts; children who have used drugs, drank alcohol, etc. (videos from hospitals where the abovementioned persons and special institutions are located);

4. Lacks in family upbringing are the main source of formation of changes in the personality of the adolescent and determine criminal behavior.

The great propensity for anti-social, illegal, violent behavior is found in children who lived in families with authoritarian, immoral or antisocial education methods; families in difficult living conditions; incomplete and conflicting families; as well as those with special problems (for example, where there are family members who have previously served their sentence or are the members of religious denominations with specific rituals, which can cause harm to both the physical and mental health of the child); families with different levels of material wealth (as a rule, wealth or poverty); in families with parents abroad (as a result, children are social orphans, deprived of an attention and control), and so on. Children deprived of parental control, in most cases resort to destructive behavior, spend more time on alcohol, drugs, gaming, hooliganism, etc.

In criminological theory it is noted that the prevention of family disadvantage should be carried out in the following sequence: the identification of dysfunctional families; diagnosis of family discomfort; carrying out of preventive measures for the normalization of the microclimate in the family; the use of administrative and criminal legal measures of influence on parents who dodge or maliciously fail to perform duties for the upbringing of children.

In order to prevent neglect, homelessness of children, which in the majority of cases leads to the destructive behavior of the latter ones, as well as the involvement of minors in anti-social activities, juvenile

delinquency officers, in conjunction with the service of district police officers, the children's service and the public, must first of all identify families in a timely manner, who were in difficult living conditions, and in co-operation with other subjects for the prevention of offenses, as well as social protection agencies for children and social work to take appropriate measures to this category of families. In case of detection of signs of an offense provided for in Art. 184 KUpAP, juvenile delinquency staff shall draw up a report on the mentioned administrative offense and, along with necessary materials, shall be sent to the court. In addition, the organization of leisure and assistance in the employment of minors, as it was mentioned earlier, may contribute to solving the problem of neglect of children and, accordingly, to prevent their involvement in anti-social activities.

It should be borne in mind that there are families that are not officially classified in families that are in difficult living conditions, and that are considered to be prosperous from the outside but which have certain problems that adversely affect the children they are raised in. Due to the fact that the majority of juvenile offenders are students, the main subjects of detection of preventive activities with children and parents in such families should be a class teacher and a school policeman (if it is enshrined in this institution).

A positive step towards the prevention of domestic violence is the adoption of the Law of Ukraine «On Prevention and Combating Domestic Violence» of 07.12.2017<sup>13</sup>. The novel of this act is the introduction of the institution of «a patronage over children». The possibility of «placing a child in the family of a patron teacher in the event of the child's inability to live with parents, or other legal representatives in connection with the commission of domestic violence against this child or with his participation» (Article 7, Article 9 of the Law of Ukraine «On Preventing and Combating Domestic Violence»). Such an event as a special educational effect should be in the case when the child is difficult, neglected or there is a significant threat, as it is foreseen in the Criminal Code of Switzerland (Article 82). In our opinion, it would be advisable to use it and to expand the concept of patronage over a child, as it is enshrined in Clause 1, Article 252 of the Family Code of Ukraine and to consider it as a measure of an educational influence as well.

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<sup>13</sup> On Preventing and Combating Domestic Violence: Law of Ukraine dated 07.12.2017 No 2229-VIII. URL: <http://zakon2.rada.gov.ua/laws/show/2229-19> (Date of Application: 21.02.2018)

At the same time, an important negative factor is the risk of an influence on the victim of the offender, therefore, a mechanism is needed that would make it impossible for the victim of domestic violence to apply for closure of the case at his request.

In order to combat effectively disadvantage and domestic violence, the main causes of juvenile delinquency are:

- to increase the efficiency of activities of all subjects of the state system of social and legal protection of children in solving the problems of the prevention of homelessness and juvenile delinquency;

- taking into account the acuteness and urgency of the problem of social orphanhood among children related to the mass exoduses of parents beyond Ukraine and their long absence, to establish the registration of such children, to improve forms and methods of establishing public custody of them;

- to strengthen information and consultative work with families regarding the prevention of homelessness and neglect of minors, the involvement of minors in antisocial or criminal activity;

- to carry out checks on the organization of work on the prevention of domestic violence in educational institutions of all types;

- to expand the concept of «patronage over a child» and consider it as means of an educational influence;

- to create a mechanism that would make it impossible for the victim of domestic violence to sue for the closure of the case at his request and thus reduce the risk of exposure to the victim.

5. There are frequent, for today, cases of violence in educational institutions. Activities for the fight this phenomenon should be pursued in two directions: prevention of violence both of teachers and students.

The legal basis for the protection of children from violence by the teaching staff is the Order of the Ministry of Education and Science of Ukraine «On Taking Additional Measures to Prevent and Combat the Ill-Treatment of Children» of 25.12.2006, No 844, which stipulates that the ill-treatment of children at school by teachers, educators concerning children is, as it follows:

- humiliation, setting in a corner;

- beating;

- public undressing of a kid as a method of punishment;

- public mentioning of the disadvantages of a kid, the peculiarities of his family, family events, which the teacher found out;
- unsustainable labor;
- ignorance of the physical needs of the child (prohibition to go to the toilet);
- «favorites» and «pariahs»;
- «high» tone, screaming, unreasonable, inadequate estimation;
- strict discipline based rather on fear but not on an interest in learning; authoritarianism, requirements without explanation;
- inappropriate requirements to the appearance of the child (hairstyle, uniform) and the use of unlawful actions to improve it – self-cutting, removal of decorations, mobile phones, etc.;
- rape of minors.

There are frequent cases of degrading children's dignity by teachers. Often, confidential information about the problems of the child and his family is populated and becomes the subject of discussion in the classroom, among parents, who injure the psyche, worsens the moral condition of the child. The means of psychological pressure of separate teachers was the depreciation of educational achievements of students. Often, 11–12 scores can be obtained only by the student who has additional (paid) classes. The aforementioned, as well as professional solidarity, the false interpretation of the «protection of the honor of the uniform» form the idea of the existence of double standards in human relations.

Currently there is no proper legal regulation of cases regarding the conflict between a teacher and a student. There is a need to foresee a procedure for solving such conflicts in the Model Statute of a comprehensive educational institution, as well as disciplinary measures for teachers, pupils and their parents for failure to fulfill their duties or violations of the rights of other participants in the educational process. In particular, in Spain and the United States, such disciplinary action as school arrest is widely applied to students.

In many countries, violence among students is becoming more widespread. Instead, they do not always fall into the attention of teachers because of their high latency. There is a need to introduce an effective mechanism for reporting such facts in general education institutions. These can be tests, regular surveys, etc.

To counteract the violence among students, which takes place throughout the world, it is advisable to take advantage of the positive experience of other countries. For example, in Norway, Austria, Finland, the USA, Germany and other countries the educational-preventive program of prevention of slighting by D. Olveus is widely used. The program contains a set of information-consulting, diagnostic, organizational activities that cover all the participants in school process. Its implementation is carried out at general, group and individual levels. The program provides for the implementation of preventive measures aimed at the prevention of the spread of criminogenic phenomena and the development of typical forms of criminal activity. It was found for the pupils of 4–7 grades, and is quite effective, since during its implementation there is a decrease of the level of violence from 30% to 70%.

In French schools, in addition to mandatory official reports on various manifestations of violence, which they must pass on the authority, educational institutions serve as permanent laboratories for questioning of socio-psychological direction. They are under constant supervision of various public government and non-governmental organizations, the media.

On the basis of the above mentioned, we offer:

- to provide in the Model Statute of a comprehensive educational institution the procedure for resolving conflicts among pupils, between pupils and teachers, as well as disciplinary measures of students, their parents, teachers for failure to fulfill their duties or violation of the rights of other participants in the educational process;

- to introduce into a comprehensive educational institution a multi-level educational and preventive program for the prevention of slighting by D. Olveus;

- to provide regular monitoring of violence in schools through a regular questionnaire on socio-psychological orientation, study of the materials of «trust boxes» under the supervision of public, governmental and non-governmental organizations.

Recently, the Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying»<sup>14</sup>, which defined the concept of bullying and provided for an administrative liability for such actions. The

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<sup>14</sup> On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying (Hunt): Law of Ukraine dated 18.12.2018 No 2657-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2657-19> (Date of Application: 04.04.2019).

regulations of the law require serious reflection and evaluation on the results of their practical application.

10. High criminogenicity of children and youth is not only a feature of our state, it is a tendency that characterizes the modern world at whole. In the United Kingdom, Canada, Lithuania, Norway, Germany, Poland, the United States and other countries, preventive programs of long-term intervention are widespread to reduce juvenile delinquency. Such programs for the correction and prevention of juvenile delinquency accumulate the activities of state bodies, non-governmental organizations, volunteer groups, teachers, parents' communities and individuals, aimed at the development of socially useful skills in adolescent age groups; elimination of the causes and conditions that determine socially inappropriate behavior of the child, and prevention of the commission of a crime at various stages of socialization of the child. Early intervention prophylaxis programs are aimed at prevention of the emergence of criminogenic phenomena in the process of forming a socially acceptable space for the development of the child. In addition, at this stage of prevention, great importance is given to the formation and teaching of children with necessary skills and assistance in solving of vital problems.

An implementation of the positive international experience in juvenile delinquency prevention is an important tool for the improvement of its effectiveness in Ukraine. We suggest joining the following programs that are successfully implemented in many countries throughout the world:

School program «Quick Course». The purpose of program measures is to prevent negative deviations in the behavior of pupils of 1–6 grades, formed at home, in school and peers. Intervention prevention focuses on the most closely related to the juvenile socialization agents (family, school, permitting sphere), which form his behavior, the attitude to social norms and the ability to adhere to them. This program has become widespread in the UK, Australia, Canada, and the United States.

A program to restrict the leisure of juveniles committing offenses or crimes. Such measures are implemented by special institutions and schools, where individuals who have committed an offense, a crime or have asocial manifestations in their behavior, spend time free from education. In addition, the educational process involves minors' parents with socially inappropriate behavior. The program is used in Ireland.

The Youth Employment Assistance Program covers young people aged 15–18 who are registered in the juvenile correction system. The main objective of the program is to provide support in education, professional skills and employment used in Ireland.

Drug-based program is based on the motivation model of decision-making skills. It was developed as a classroom program for the prevention of drug abuse by minors (elder than 14 years), pupils of correctional and alternative schools. The main objectives of the program are: to reduce or to eliminate completely the use of tobacco, alcohol, marijuana and heavy drugs; reduction or complete elimination of weapons; increasement of the demonstration of behavioral and cognitive self-control skills for students. It is widespread in Ireland.

Educational and preventive program «Training to Resist the Criminal Group – Success». It is a continuation of the program «Learning to Confront Drug Addiction – Try it» and aims at forming a sense of justice of minors, in particular, difficult children, under the guidance of teachers. Graduating students receive certificates. Students who have successfully completed the training on the above mentioned programs continue to teach others through the «peer-to-peer» method. The program is used in 50 countries throughout the world, in particular, in Canada, Germany, Cuba, Mexico, Spain, Turkey, etc.

## **CONCLUSIONS**

Summarizing the above mentioned, it should be noted that in developed countries, programs of prevention of social degradation and crime among children and youth, which provide for a system of complex measures aimed at preventing socially unacceptable child upbringing, are being successfully implemented. Attention is drawn to: proper living conditions of the child; the regularity of the processes of education and upbringing of the child; respect for children's rights, provision of children with a sense of security, adoption and empowerment of children; active participation of children in cultural life and the creation of opportunities for proper leisure management; development of social security, assistance to children and families in difficult financial situation; security and public order. Children have wide limits of freedom, and the main condition is the inadmissibility of violation of rights and freedoms of other people.



Consequently, in development of a system of program measures for the correction and prevention of juvenile delinquency in Ukraine, foreign positive experience regarding the adaptability of various components of long-term and early intervention programs for persons of different age groups should be taken into account, as well as the possibility of their application to children. It is necessary to provide an integrated approach to coordination of the activities of social institutions (especially in the family and the sphere of education) with the support of local authorities, local self-government bodies, law enforcement and public health authorities, and the public.

### **SUMMARY**

The article is devoted to the complex criminological study of the phenomenon of violence among secondary school pupils. Signs, types and main trends of violence among secondary schools pupils, criminological characteristics of students – participants of the violence are considered.

The issue of juvenile delinquency prevention has always been a great deal of attention in Ukrainian criminology, a significant number of monographs and papers have been edited, and a number of dissertations on this topic have been defended. Instead, the precautionary measures in these studies are highlighted mostly fragmentely, referring to specific areas or spheres of mentioned activity. Our task was to formulate on the basis of the results of our own research, the studies of other authors, to generalize foreign experience and to formulate the most comprehensive, suitable for Ukraine and actual system of measures for the prevention of juvenile delinquency.

Determinants of violent behavior in the school environment are determined. The complex of general social, specially-criminological and individual measures for the prevention of school violence is suggested. Practical suggestions and recommendations for the improvement of national legislation aimed at the ensuring of the effective protection of a child from all forms of violence in education are substantiated.

In development of a system of program measures for the correction and prevention of juvenile delinquency in Ukraine, foreign positive experience regarding the adaptability of various components of long-term and early intervention programs for persons of different age groups should be taken into account, as well as the possibility of their application to children. It is necessary to provide an integrated approach to coordination of the activities

of social institutions (especially in the family and the sphere of education) with the support of local authorities, local self-government bodies, law enforcement and public health authorities, and the public.

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