

Prospects for Development of Forensic Methods for Investigation of Criminal Offenses Related to Raiding

Serhii Tiulieniev *

* PhD in Economics, NSC «Hon. Prof. M. S. Bokarius FSI», Kharkiv, Ukraine,
ORCID: <https://orcid.org/0000-0001-9685-1536>, e-mail: serhii.tiulieniev@ukr.net

DOI: [10.32353/khrife.1.2024.03](https://doi.org/10.32353/khrife.1.2024.03) UDC 343.98:343.74(477)

Received: 20.12.2023 / Reviewed: 03.01.2024 / Accepted for print: 27.03.2024 /

Available online: 29.03.2024



Formation and development of economic security of the State requires taking effective measures to counteract and minimize negative impact of criminal offenses that encroach on economic and social relations, legal activities of economic entities, rights of public administration employees, etc. Among the latter, those that demonstrate signs of raiding deserve close attention, i.e., related to the illegal takeover and seizure of property, assets of enterprises, institutions, organizations, corporate rights to them and other resources, encroachment on the rights of owners or authorized persons of entities management of various forms of ownership, etc. In this regard, the article purpose is defined as outlining prospects for construction of forensic methods of investigation of criminal offenses in which signs of raiding can be detected. In order to achieve the specified goal, a complex of general scientific, philosophical and special research methods was applied. According to performed research results, it was determined that in modern sense, a separate forensic investigation method (in a broad sense) should be understood as an integrated product of scientific knowledge in the field of law, formed on the basis of a generalization of investigative and judicial practice, which in its essence is a set of forensic recommendations, proven tactics methods of conducting investigative (search) and covert investigative (search) actions, methods and techniques of optimal and effective

This article is translation of the original Ukrainian content, which source is available at the link:
<https://khrife-journal.org/index.php/journal> (translated by Andriy Bublikov). The author acknowledges translation as corresponding to the original.

© 2024 The Author(s). Published by National Scientific Center «Hon. Prof. M. S. Bokarius Forensic Science Institute» & Yaroslav Mudryi National Law University.

This is an open access article distributed under Creative Commons Attribution License (CC_BY_4.0.0) allowing unlimited use, distribution and reproduction on any medium, subject to reference to the Author and original sources.

use of forensic techniques during pre-trial investigation developed in accordance with procedural requirements in order to optimize the model of conducting pre-trial investigation of a separate criminal offense, their groups, etc. Based on the generalization of certain elements of the criminal law and forensic characteristics of criminal offenses related to raiding, varieties of individual forensic methods of investigation have been determined, including interspecies, special, subspecies, species, etc.

Keywords: criminal offense; separate forensic method of investigation; pre-trial investigation; raiding; entity; enterprise; land plot; unlawful absorption; delight.

Research Problem Formulation

Law enforcement activity related to pre-trial investigation of criminal offenses necessitates intensification of scientific researches to provide this activity with relevant scientifically based recommendations. Comprehensive recommendations are the basis not only for practical activities, but for scientific ones, as they can be presented in the form of separate forensic methods of investigation.

Developing issue of forensic methods for investigating crimes and criminal misdemeanors has been one of the most discussed topics in the scientific community for a long time. As stated in the legal literature: “forensic doctrine attempts to unify approaches to determining the

content and structure of individual forensic methods, however, their development, typification and implementation in practice remains an unsolved problem negatively affecting their effectiveness in the process of practical implementation”¹. In support of the stated thesis, we note that outlined issues have not yet found any logical solution. Some of their aspects are highlighted in the legal literature, but some proposals are not without signs of subjectivism that is not always consistent with the fundamental principles of forensic methods.

Our attention object are criminal offenses encroaching on legitimate activities of business entities, in particular, related to illegal takeover and seizure of property, assets and corporate rights of owners of enterprises, organizations,

1 Шевчук В. М. Структура окремої криміналістичної методики: сучасні наукові підходи та перспективи досліджень. *Вчені записки ТНУ імені В. І. Вернадського. Серія: Юридичні науки*. 2020. Т. 31 (70). № 4. С. 252. DOI: 10.32838/1606-3716/2020.4/41 (date accessed: 18.12.2023).

institutions, etc.² The latter is usually called raiding, which is understood as the seizure of property that occurs against the will of its owner and is combined with the use of means and methods of a criminal nature, in particular, acquisition of controlling stakes in ways that contradict legal procedures and the will of the management of the company being absorbed³. It should be emphasized that raiding usually has a valid or pretended legal basis and is carried out in compliance with, or with the imitation of compliance with, legal judicial and corporate procedures⁴. With this in mind, it is important to ensure not only their effective pre-trial investigation characterized by a number of difficulties, but proper countermeasure that should include measures to prevent this type of crime. Such areas of activity are relevant, because it is criminal offenses related to raiding that make it impossible for business entities to function negatively affecting market economy, opportunities to attract foreign investments, and also encroach on economic security as a component of national security of the

state, etc. At the same time, it should not be assumed that raiding as a phenomenon has a negative effect exclusively on the activities of participants in economic and social relations, because officials and persons whose professional activities are related to the provision of public services are often involved in implementation of criminal intent.

Exposing such raiding schemes, making them public, robs the authority of public officials and lowers the level of trust of civil society institutions in them and in general in the state, personified by State authorities⁵. Such facts have a negative impact on the Corruption Perception Index (hereinafter referred to as *CPI*) together with such factors as the lack of a professional public service in the state, the dependent functioning of the justice system, “traditional” nature of providing an undue advantage for concluding a contract or other personal reward, etc.⁶ Although in 2022 Ukraine scored 33 points out of a possible 100 according to the *CPI*, which is one point more than the previous year (in a ten-year perspective, this is 8 points), Ukraine still ranks 116th⁷

- 2 How many people were convicted of raiding in Kazakhstan / MIA “Kazinform”. 04.12.2020. URL: https://www.inform.kz/ru/skol-ko-chelovek-osudili-za-reyderstvo-v-kazahstane_a3726264 (date accessed: 18.12.2023) ; Рейдерство в Україні / Опендатабот. URL: <https://opendatabot.ua/open/raiders> (date accessed: 18.12.2023) ; OECD. G20/OECD Principles of Corporate Governance / OECDiLibrary. 2015. 60 p. DOI: [10.1787/9789264236882-en](https://doi.org/10.1787/9789264236882-en) (date accessed: 18.12.2023) ; Prinzel Yo. How Government Land Seizures Work for Landowners. Property rights and related impacts of government land seizure. 2023. Rev. by Boyle M. J / Investopedia. URL: <https://www.investopedia.com/financial-edge/1011/what-to-do-when-the-government-wants-your-land.aspx> (date accessed: 18.12.2023).
- 3 Кубарев І., Бархан С. Типові слідчі ситуації початкового етапу розслідування рейдерства. *Krakowskie Studia Małopolskie*. 2022. № 3 (35). С. 89.
- 4 Смітюх А. В. Рейдерство, поглинання та загарбання: співвідношення понять та класифікації. *Вісник господарського судочинства*. 2008. № 3. С. 98.
- 5 Рейдерство в Україні ... URL: <https://opendatabot.ua/open/raiders> (date accessed: 18.12.2023).
- 6 Индекс сприйняття корупції 2022 / Transparency International the Global Coalition Against Corruption. Transparency International Ukraine. 2022. 14 с. URL: https://cpi.ti-ukraine.org/stat-ic/download/2022_ukr_final.pdf (date accessed: 18.12.2023).
- 7 Маятник боротьби з корупцією в Україні: крок вперед після кроку назад / Ibid. URL: <https://cpi.ti-ukraine.org/> (date accessed: 18.12.2023).

among 180 countries. Undoubtedly, this affects the failure of national economic entities to receive foreign investments, which are necessary for the formation of a market economy, the development of modern entrepreneurship and the formation of production potential, despite the presence of advantages that Ukrainian entrepreneurs are able to offer. Therefore, the consequences of insufficient resistance to raiding, in particular by criminal procedural means, are not exclusively related to the infliction of various types of damage on business entities, their owners and other participants in economic and social relations, but are characterized by the scale of the interstate level, because they negatively affect the possibilities of concluding interstate economic agreements, prospects for Ukrainian accession to economic communities, etc.

The number of various criminal offenses committed by raiders forces scientists to classify their activities according to separate groups of offenses.

In some places, we can even talk about the existence of technologies of criminal activity, which actualizes the need to conduct comprehensive research in this area and to find scientific ways to solve

certain problems of investigative and judicial practice⁸.

Article Purpose

Outline development prospects of forensic methods of investigation of criminal offenses related to the illegal absorption and seizure of property, assets of enterprises, institutions, organizations, corporate rights to them, i.e., criminal offenses with raiding signs.

Research Methods

In order to achieve the specified goal, a complex of general scientific, philosophical and special research methods was applied, in particular: analysis, synthesis, system analysis, systemic-structural, forecasting, dialectical ones.

Methods of systemic analysis and system-structural helped in the study of investigative and judicial practice, generalization of theoretical developments of Ukrainian scientists in the field of criminal offenses investigated by us.

Such general scientific methods as analysis and synthesis contributed to determination of criminal offenses most

8 Best Practices in Investigating and Prosecuting Corruption. Using Financial Flow Tracking Techniques and Financial Intelligence: A Handbook. APEC Anticorruption and Transparency Working Group (ACTWG). September 2015. 196 p. URL: https://www.apec.org/docs/default-source/publications/2015/10/best-practices-in-investigating-and-prosecuting-corruption/apec-handbook-final-september-2015_ed2.pdf (date accessed: 18.12.2023) ; Savona E. U., Berlusconi G. (Eds.). Organized Crime Infiltration of Legitimate Businesses in Europe: A Pilot Project in Five European Countries. Final Report of Project ARIEL – Assessing the Risk of the Infiltration of Organized Crime in EU MSs Legitimate Economies: a Pilot Project in 5 EU Countries (www.ariel-project.eu). Trento : Transcrime — Università degli Studi di Trento. 2015. 135 p. URL: https://www.academia.edu/25765243/Organized_Crime_Infiltration_of_Legitimate_Businesses_in_Europe_A_Pilot_Project_in_Five_European_Countries (date accessed: 18.12.2023) ; Liekefett K. The Comeback of Hostile Takeovers / Harvard Law School Forum on Corporate Governance. Nov. 8, 2020. URL: <https://corpgov.law.harvard.edu/2020/11/08/the-comeback-of-hostile-takeovers/> (date accessed: 18.12.2023).

often committed by raiders collectively, and on the contrary, on the basis of the analysis of investigative situations, a conclusion was drawn about which signs of criminal offenses can be seen in the actions of raiders; their respective legal qualifications are offered.

Method of analysis of quantitative indicators and grouping is applied to the processing of statistical reports of Prosecutor General's Office of Ukraine, judicial practice (in particular, for the analysis of verdicts placed in the Unified State Register of Court Decisions).

The method of dialectics made it possible to formulate the author's definitions of some forensic categories, and forecasting to outline the prospects for the construction of separate forensic methods of investigation of criminal offenses related to raiding.

Analysis of Essential Researches and Publications

Such outstanding Ukrainian scientists as: V. Bakhin, V. Bernaz, A. Volobuiev, V. Halahan, V. Honcharenko, V. Zhuravel, A. Ishchenko, N. Klymenko, O. Kolesnychenko, V. Kolmakov, V. Konovalova, V. Kuzmichov, V. Lysychenko, V. Lysenko, V. Lukashevych, Ye. Lukianchykov, H. Matusovskyi,

O. Oderii, V. Ortynskyi, M. Salteviskyi, V. Tishchenko, L. Udalova, S. Cherniavskyi, Yu. Chornous, V. Shevchuk, V. Shepitko, B. Shchur et al.

L. Arkusha, V. Husieva, A. Zatopotskyi, V. Korzh, V. Lysenko, H. Nikitina-Dudikova, V. Pcholkin, O. Sainchyn, R. Stepaniuk, A. Shevchyshen, M. Shepitko et al. carried out thorough studies in the context of the construction of separate forensic methods.

At the same time, it should be emphasized that researchers have overlooked (despite their considerable relevance) certain forensic methods of investigation of criminal offenses related to the illegal absorption and seizure of property, corporate rights of owners of enterprises, organizations, institutions and other business entities, i.e. criminal offenses with signs raiding. Certain aspects of activities related to pre-trial investigation, proving and combating criminal offenses, which can be considered related to raiding according to certain characteristics, are highlighted in the works of domestic scientists (S. Andrusenko, L. Arkusha, O. Bandurka, S. Barhan, V. Berezniak, N. Hryshchenko⁹, S. Husarova, V. Husieva, S. Dovhun, R. Dudarets, I. Kubariev, V. Kikinchuk, O. Lukianikhina¹⁰, O. Podobnyi, Ye. Priakhin, M. Riabchenko, D. Sanakoiev, N. Tataryn, K. Fomichov, T. Khanov and co-author¹¹, M. Tsutskiridze,

9 Грищенко Н. М. Кримінальна відповідальність за протиправне заволодіння майном підприємства, установи, організації : дис. ... канд. юрид. наук. Дніпро, 2019. 216 с. URL: <https://dduvs.in.ua/wp-content/uploads/files/Structure/science/rada/d2/dissertations/4/1.pdf> (date accessed: 18.12.2023).

10 Лук'янихіна О. А. Рейдерство: причини та негативні наслідки для розвитку ринкового бізнес-середовища в Україні. *Сучасні проблеми правового, економічного та соціального розвитку держави* : тези доп. VII Міжнар. наук.-практ. конф. (Харків, 30.11.2018). Харків, 2018. С. 259—261. URL: http://univd.edu.ua/general/publishing/konf/30_11_2018/pdf/128.pdf (date accessed: 18.12.2023).

11 Ханов Т. А., Баширов А. В. Рейдерские захваты как социально-правовая и криминальная проблема в Республике Казахстан. *Актуальные проблемы современности*. 2020. № 2 (28). С. 22—26 (date accessed: 18.12.2023). URL: <https://aps.bolashaq.edu.kz/wp-content/uploads/2021/01/%D0%96%D1%83%D1%80%D0%BD%D0%B0%D0%BB-%D0%90%D0%9F%D0%A1-2-28-1.pdf> (date accessed: 18.12.2023).

H. Chyhryn, A. Shelekhov) and foreign ones (D. Weisburd with co-authors¹², R. H. Ward¹³, Th. S. Greenberg with co-authors¹⁴, D. L. Carter¹⁵, J. R. Macey¹⁶ at al.¹⁷). At the same time, only some of the works of the named scientists contain provisions on the types of methods or outlines of types of criminal offenses that can be considered related to raiding, and therefore are promising for determining their elements¹⁸ and specifics¹⁹, which indicates the need for more thorough research in this direction.

- 12 Weisburd D., Telep C. W., Hinkle J. C., Eck J. E. The Effects of Problem-Oriented Policing on Crime and Disorder. *Campbell Systematic reviews*. 2008. Vol. 4. Is. 1. Pp. 1—87. DOI: 10.4073/csr.2008.14 (date accessed: 18.12.2023).
- 13 Ward R. H. The Investigative Function — Criminal Investigation in the United States. Doct. dis. Berkeley, CA : University of California, 1971. 265 p.
- 14 Greenberg Th. S., Samuel L., Grant W., Gray L. Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture. The World Bank, 2009. DOI: 10.1596/978-0-8213-7890-8 (date accessed: 18.12.2023).
- 15 Carter D. L. Law Enforcement Intelligence Operations. An Overview of Concepts, Issues and Terms. School of Criminal Justice Michigan State University, 1990. 434 p. URL: <https://www.ojp.gov/pdffiles1/Photocopy/134434NCJRS.pdf> (date accessed: 18.12.2023).
- 16 Macey J. R. Market for Corporate Control / Econlib. URL: <https://www.econlib.org/library/Enc/MarketforCorporateControl.html> (date accessed: 18.12.2023).
- 17 E. g., Forensic science and the criminal justice system: a blueprint for change. Publ. by the Auth. of the House of Lords, 2019. 66 p. URL: <https://publications.parliament.uk/pa/ld201719/ldselect/ldscitech/333/333.pdf> (date accessed: 18.12.2023) ; Rosett J. G. Do Union Wealth Concessions Explain Takeover Premiums? The Evidence on Contract Wages. *Journal of Financial Economics*. 1990. Vol. 27. Is. 1. Pp. 263—282. DOI: 10.1016/0304-405X(90)90029-Y (date accessed: 18.12.2023) ; Copley C. German industry body warns against takeover protection measures / Ed. by Goodman D. // Reuters. Oct. 17, 2016. URL: <https://www.reuters.com/article/idUSL8N1CN3HF/> (date accessed: 18.12.2023) ; Adverse Possession: Legal Definition and Requirements. By J. Frankenfield. Upd. Sept. 29, 2023. Rev. by Th. Brock. URL: <https://www.investopedia.com/terms/a/adverse-possession.asp> (date accessed: 18.12.2023) ; Khamitov B. N., Kemali Y. S., Rakhmetov S. M., Alibekova A. M. Retracted Article: International legal approaches in combatting raidership. *Security Journal*. 2022. Nov 17. 21 p. DOI: 10.1057/s41284-022-00362-1 (date accessed: 18.12.2023) ; Puziak M., Martyniuk M. Defensive strategies against hostile takeovers. The analysis of selected case studies. *Journal of International Studies*. 2012. Vol. 5. № 1. Pp. 60—69 (date accessed: 18.12.2023) ; Nipialidi O. Yu. On criminal schemes of raiding as a threat to the security of the business owner: Ukrainian realities and international practice. Irpin, 2019 ; Gaughan P. A. Mergers, acquisitions and corporate restructuring. Hoboken, 2018. 7th ed. 674 p. URL: <http://dspace.vnbrims.org:13000/jspui/bitstream/123456789/4962/1/Mergers%2C%20Acquisitions%2C%20and%20Corporate%20Restructurings.pdf> (date accessed: 18.12.2023) ; Liekefett K. Op. cit. URL: <https://corpgov.law.harvard.edu/2020/11/08/the-comeback-of-hostile-takeovers/> (date accessed: 18.12.2023).
- 18 Гусева В. О. Криміналістична класифікація кримінальних правопорушень, пов'язаних із рейдерством, елементи їх криміналістичних характеристик. *Вісник Луганського державного університету внутрішніх справ ім. Е. О. Дідоренка*. 2022. № 3 (99). С. 242—252. DOI: 10.33766/2524-0323.99.242-252 (date accessed: 18.12.2023).
- 19 Татарин Н. М., Пряхін Є. В. Методика розслідування самовільного зайняття земельної ділянки та самовільного будівництва : монографія. Львів, 2019. 192 с. URL: <http://surl.li/omigf> (date accessed: 15.09.2023) ; Березняк В. С. Криміналістична характеристика кримінальних правопорушень, пов'язаних із захопленням землі та об'єктів корпоративної власності. *Юридична наука*. 2020. № 9 (111). С. 128—134. DOI: 10.32844/2222-5374-2020-111-9.15 (date accessed: 18.12.2023) ; Кікінчук В. В., Гусева В. О. Особливості розслідування кримінальних правопорушень, пов'язаних з протиправним поглинанням та захопленням

Main Content Presentation

Forensic literature abounds with various definitions of the *forensic methods* term. There is no unity among scholars regarding the varieties of forensic methods and the classification criteria that can be applied to define these varieties, structural elements of the latter, etc.

V. Zhuravel notes terminology ambiguity used by scientists when researching the problems of constructing forensic methods: here there are *forensic methods of crime investigation*, *separate forensic methods*, and *forensic methodological recommendations*, but they all differ in semantic meaning²⁰. We make it our task to build separate forensic methods, because they embody a set of well-founded scientific and practical recommendations aimed at organizing an investigation and its immediate implementation²¹. Let us summarize the position of Academician V. Zhuravel²²: in the modern and broad

sense and in the ideal form, a separate forensic investigation method is an integrated product; it is a set of forensic recommendations tested by tactical methods of conducting investigative (search) and covert investigative (search) actions, methods and means of optimal and effective use of forensic techniques during pre-trial investigation, applied in accordance with procedural requirements and the optimal model of pre-trial investigation of a separate criminal offense (their groups). At the same time, in our opinion, it is inappropriate to consider forensic recommendations aimed at improving and optimizing the process of judicial review of criminal cases among components when formulating the definition of this concept. We share the position of scientists regarding separation of trial methods²³.

Activity of developing individual forensic methods of investigation is continuous, determined by peculiarities

підприємств, сільськогосподарських земель, порушенням прав їх законних власників (рейдерство) : наук.-метод. рек. Харків, 2020. 58 с. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/5f246ac8-784f-46b3-a205-36f18bdc478e/content> (date accessed: 15.09.2023) ; Гусева В. О. До питання визначення структури криміналістичної методики розслідування кримінальних правопорушень, пов'язаних з рейдерством. *Актуальність та особливості наукових досліджень в умовах воєнного стану* : зб. мат-лів III Міжнар. наук.-практ. інтернет-конф. з нагоди відзнач. Дня науки — 2023 в Україні (Київ, 23.05.2023). Київ, 2023. С. 59—62. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/5df7785a-79b8-4824-8857-3683272bd225/content> (date accessed: 18.12.2023).

20 Журавель В. Окрема криміналістична методика: поняття та сфера застосування. *Питання боротьби зі злочинністю*. 2011. № 2 (65). С. 203. URL: https://dspace.nlu.edu.ua/bitstream/123456789/7438/1/Zhuravel_202.pdf (date accessed: 18.12.2023).

21 Ibid.

22 Idem. Окремі методики в системі криміналістичних знань. *Науковий вісник Львівської комерційної академії. Серія: Юридична*. 2015. Вип. 1. С. 187—188. URL: http://nbuv.gov.ua/UJRN/nvfkau_2015_1_20 (date accessed: 18.12.2023).

23 Алексейчук В. І. Криміналістична методика судового розгляду в кримінальному провадженні (місце в системі криміналістики). *Право і суспільство*. 2016. № 6. С. 162—166. URL: http://pravoisuspilstvo.org.ua/archive/2016/6_2016/part_1/30.pdf (date accessed: 18.12.2023) ; Шур Б. В., Косаняк С. С. Проблеми побудови класифікації криміналістичних методик. *Вісник Львівського торговельно-економічного університету. Серія: Юридичні науки*. 2017. Вип. 5. С. 216—221. URL: http://nbuv.gov.ua/UJRN/nvfkau_2017_5_28 (date accessed: 18.12.2023) ; Шевчук В. М. Op. cit. С. 259. DOI: [10.32838/1606-3716/2020.4/41](https://doi.org/10.32838/1606-3716/2020.4/41) (date accessed: 18.12.2023).

of the regulatory and legal regulation of criminal procedural activity, corresponding trends that are formed in investigative and judicial practice, the development of science and technology, and the introduction of innovative technologies in the field of investigation of criminal offenses. In order for developed forensic recommendations to meet and contribute to satisfaction of the needs of law enforcement agencies, they must be constantly updated, in other words, brought “in line with current realities”²⁴.

Therefore, outlining construction prospects of forensic methods of investigating criminal offenses related to raiding requires a thorough analysis of criminal activity mechanism aimed at committing raiding actions, or its individual elements and this is impossible without generalization of legal literature, in particular theoretical scientific research, which became the subject of study of the outlined questions, and at the empirical level: generalization of investigative and judicial practice of investigating criminal offenses of this type. Criminal law and criminological characteristics of the crime and some information of a sociological and psychological nature are meaningful in the context of the construction of this type of methodology that has been repeatedly mentioned in legal literature²⁵.

First of all, we plan to determine specifics of the mechanism and criminal-legal characteristics of criminal offenses related to raiding on the basis of an analysis of the methods of committing criminal offenses related to raiding. First, we should note the complexity of the latter. Most often, they are fully structured and contain actions for preparation, direct implementation of criminal intent: method of commission (mostly the latter is determined by the disposition of corresponding article of Criminal Code of Ukraine) and actions for concealing the case of criminal offense.

Thus, at one time, M. Kamlyk, M. Pohoretskyi, V. Shelomentsev, on the basis of generalization of investigative and judicial practice, taking into account the provisions of criminal legislation, thoroughly approached generalization of totality of actions and schemes of raiding: in accordance with the provisions formulated by scientists, the raider capture of the subject under certain conditions, only criminal organizations are capable of doing business²⁶. In this regard, the actions of raiders who organized themselves with the aim of committing a serious or particularly serious crime will fall under the legal qualification of Art. 255: *Creation, management of a criminal*

24 Гусева В. О. Теоретичні основи методики розслідування злочинів проти авторитету органів державної влади у сфері правоохоронної діяльності : дис. ... д-ра юрид. наук. Харків, 2021. С. 94. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/5ea810ce-cc6f-4266-b94a-9756f3cc84af/content> (date accessed: 18.12.2023).

25 Колесниченко А. Н. Общие положения методики расследования отдельных видов преступлений : текст лекции. Харьков, 1976. С. 14 ; Малярова В. О. Криміналістична методика: питання співвідношення криміналістичної характеристики з іншими. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2015. Вип. 35. Ч. I. Т. 3. С. 113. URL: <https://dspace.uzhnu.edu.ua/jspui/handle/lib/14912> (date accessed: 18.12.2023).

26 Камлик М. І., Погорецький М. А., Шеломенцев В. П. Рейдерство в Україні: сутність та засоби протидії. *Боротьба з організованою злочинністю і корупцією (теорія і практика)*. 2007. Вип. 17. С. 69—88. URL: http://nbuv.gov.ua/UJRN/boz_2007_17_6 (date accessed: 18.12.2023).

community or criminal organization, as well as participation in of Criminal Code of Ukraine²⁷.

In the future, members of criminal organization usually take actions necessary to formulate a capture strategy, which most often consist of finding out information about the assets of the business entity, managers, financial statements, etc. If the actions of the raiders (criminal organization) are aimed at obtaining information that is a commercial or banking secret, they will also be qualified under Art. 231: *Illegal collection for the purpose of use or use of information constituting a commercial or banking secret* of this Code²⁸, and the disclosure of the latter will be grounds for bringing perpetrators to justice also under Art. 232: *Disclosure of commercial, banking or professional secrets on capital markets and organized commodity markets* of the Criminal Code of Ukraine²⁹.

Raiders are not limited to committing criminal offenses in the field of economic activity. Sometimes they resort to acts of a violent nature, including threats (intellectual and physical) that is the basis for qualifying the actions of criminals as a whole. As evidenced by the analysis of investigative and judicial practice, for criminal offenses related to raiding, it is typical to commit crimes that encroach on the life, health, will, honor and dignity of a person: among the latter, *Illegal deprivation of liberty or kidnapping of a person* (Article 146 of Criminal Code of Ukraine), *Forcible disappearance* (Article 146-1 of Criminal Code of Ukraine), *Intentional bodily harm of moderate severity* (Article 122 of Criminal

Code of Ukraine), *Threat to kill* (Article 129 of the Criminal Code of Ukraine)³⁰.

Concurrently with criminal offenses investigated by us, the raiders commit “Stealing, misappropriating, extorting documents, stamps, seals, acquiring them through fraud or abuse of official position or damaging them” (Article 357 of Criminal Code of Ukraine), “Forgery of documents, seals, stamps and forms, sale or use of forged documents, seals, stamps” (Article 358 of Criminal Code of Ukraine)³¹.

Raiders manage to commit other illegal actions. Thus, in investigative practice, there are cases when after the death of a single elderly person who owned a plot of land during her lifetime, criminals try to get this inheritance on the basis of, for example, recognition in court of the fact of living together as one family without registering marriage. In order to confirm the fact of running a joint economy (joint budget) and expenses (mutual rights and obligations), fraudsters submit forged documents to the court in the form of statements, certificates, etc.: they forge relevant documents on their own or by providing undue benefits to officials of state authorities or representatives of local self-government (they receive forged documents attesting to non-existent facts from them), and by providing material benefits to third parties, force them to give false testimony during judicial review of their applications. In case of a positive decision of the court regarding inheritance, in the future, such a dishonest person acquires the right of ownership of the object of inheritance (a land plot), which he can resell to a third party: “bona

27 Кримінальний кодекс України від 05.04.2001 р. № 2341-III (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 18.12.2023).

28 Ibid.

29 Ibid.

30 Ibid.

31 Ibid.

fide purchaser”. In such cases, the actions of the raiders, aimed at seizing land plots usually for agricultural purposes, can be qualified as aiding in the falsification of official documents. At the same time (due to the presence of legal gaps), the latter will not bear responsibility for coercion (in any way) to provide false testimony to the court (another authorized body). As for the resale of the object for which the ownership right has been obtained, this, as it is rightly emphasized in the legal literature, “has signs of legalization of property obtained by criminal means, but this crime requires proof of the intention of the so-called “bona fide purchaser” to implement difficult in practice”³².

In addition, in the case of illegal takeover of business entities, criminals can use schemes that include: 1) blackmail, threats, use of physical influence measures (for the purpose of transferring the ownership of shares in the statutory funds of enterprises from one person to another); 2) providing material benefits or blackmailing managers of business entities (with the aim of forcing them to follow the raiders’ instructions regarding the financial and economic activities of such an entity); 3) establishing control over the company’s activities during the bankruptcy

procedure, buying up its debts; 4) capture of business entities through corporate conflicts by acquiring ownership of its corporate rights³³.

The above methods of committing illegal acts indicate that crimes in the field of economic activity (in particular, related to raiding) involve the commission of not simple single-component actions, but are related to the implementation of a set of illegal behavioral acts, each of which forms an independent component of a criminal offense. In the forensic literature, to indicate similar facts, the terminological construction: *criminal activity technology* is used³⁴, which additionally confirms: knowing the criminal event of criminal offenses related to raiding is a complex activity, and their proof involves the accumulation of various resources, the implementation of a set of investigators (detective) and covert investigative (research) actions, conducting tactical operations, involving carriers of specific expertise, etc. Such activity, of course, actualizes the need to build appropriate methods. Taking into account the outlined methods of committing crimes and the types of offenses committed by raiders, criminalized by the current legislation, as well as the criminal-legal criteria for

32 Ярош С. Проблема рейдерства та реформа державних реєстрів / Рада адвокатів Київської області : офіц. вебсайт [Електронний ресурс]. URL: <https://radako.com.ua/news/problema-reyderstva-ta-reforma-derzhavnih-reiestriv> (date accessed: 11.09.2023).

33 Камлик М. І., Погорецький М. А., Шеломенцев В. П. Оп. cit.

34 Смелік В. Б. Кореляційні зв'язки між окремими видами злочинів у сфері підприємництва (проблеми методики розслідування) : автореф. дис. ... канд. юрид. наук. Харків, 2006. 20 с. ; Аркуша Л. І. Основи виявлення та розслідування легалізації доходів, одержаних у результаті організованої злочинної діяльності : автореф. дис. ... д-ра юрид. наук. Одеса, 2011. С. 30. URL: <http://dspace.onua.edu.ua/bitstream/handle/11300/1476/%d0%90%d1%80%d0%ba%d1%83%d1%88%d0%b0.pdf?sequence=1&isAllowed=y> (date accessed: 11.09.2023) ; Степанюк Р. Л. Криміналістичне забезпечення розслідування злочинів, вчинених у бюджетній сфері України : монографія / за заг. ред. д-ра юрид. наук, проф. А. Ф. Волобуєва. Харків, 2012. С. 47 ; Пчеліна О. В. Поняття та характеристика злочинних технологій у сфері службової діяльності. Вісник Луганського державного університету внутрішніх справ імені Е. О. Дідоренка. 2018. № 2 (82). С. 292—293. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/88d0d842-d553-4077-a242-bf6b55ddd25b/content> (date accessed: 11.09.2023).

construction of methods of investigation of criminal offenses, we can summarize the following promising forensic methods of investigation of criminal offenses related to raiding:

- 1) interspace one (investigation of criminal offenses related to raiding, i.e. with illegal takeover and seizure of business entities, corporate rights to them or their assets, which commission is combined with the commission of criminal offenses in the field of official activity or those encroaching on life and health of a person, or related to encroachment on the will and honor of owners of business entities or persons authorized by, etc.);
- 2) special one (investigation of raiding-related criminal offenses committed in the sphere of economic activity);
- 3) depending on the stages of criminal proceedings (initial stage of investigation of criminal offenses related to raiding, investigation, trial, etc.);
- 4) depending on presentation (descriptive, formalized and mixed ones);
- 5) generic one (investigation of individual criminal offenses belonging to the group investigated by us);
- 6) subspecies (built on the basis of a separate article of Criminal Code of Ukraine, with additional highlighting of certain forensically significant features) etc.

Conclusions

In the modern sense, in a broad sense, *separate forensic investigation method* should be understood as an integrated product of scientific knowledge in the field of law, formed on the basis of generalization of investigative and judicial practice, which in its essence is represented by a set of forensic recommendations, proven tactical methods of investigative (detective) and undercover investigators (investigative)

actions, methods and techniques of optimal and effective use of forensic techniques during pre-trial investigation, developed in accordance with procedural requirements and with the aim of optimizing the model of pre-trial investigation of separate criminal offense, their groups, etc.

Group of criminal offenses related to raiding is numerous and their recognition by criminal procedural methods and the process of proof are complex, which is due to the relevant specifics of this type mechanism of crimes, as well as technologies of criminal activity, which are usually used by criminal organizations, groups of individuals or individuals subjects.

Based on generalization of certain elements of the criminal law and forensic characteristics of criminal offenses related to raiding, among the individual forensic methods of investigation of these criminal offenses, we consider it appropriate to single out the following:

- 1) interspace one (investigation of criminal offenses related to raiding, i.e. with illegal takeover and seizure of business entities, corporate rights to them or their assets, which commission is combined with the commission of criminal offenses in the field of official activity or those encroaching on life and health of a person, or related to encroachment on the will and honor of owners of business entities or persons authorized by, etc.);
- 2) special one (investigation of raiding-related criminal offenses committed in the sphere of economic activity);
- 3) depending on stages of criminal proceedings (initial stage of investigation of criminal offenses related to raiding, investigation, trial, etc.);
- 4) depending on presentation (descriptive, formalized and mixed ones);

- 5) generic one (investigation of individual criminal offenses belonging to the group investigated by us);
- 6) subspecies (built on the basis of a separate article of Criminal Code of Ukraine, with additional highlighting of certain forensically significant features) etc.

We have listed only some of the possible varieties of individual forensic methods of investigation, and therefore we believe that this issue requires further thorough research.

**Перспективи побудови
криміналістичних методик
розслідування кримінальних
правопорушень,
пов'язаних із рейдерством
Сергій Тюленєв**

Становлення та розвиток економічної безпеки держави потребує вжиття дієвих заходів із протидії та мінімізації негативного впливу кримінальних правопорушень, які посягають на господарські суспільні відносини, законну діяльність суб'єктів господарювання, права співробітників сфери публічного адміністрування тощо. Серед останніх на пильну увагу заслуговують ті, у яких убачаються ознаки рейдерства, тобто пов'язані з протиправним поглинанням і захопленням майна, активів підприємств, установ, організацій, корпоративних прав на них та інших ресурсів, посяганням на права власників або уповноважених осіб суб'єктів господарювання різної форми власності тощо. У зв'язку із цим мету статті визначено як окреслення перспектив побудови криміналістичних методик розслідування кримінальних правопорушень, у яких убачаються ознаки рейдерства. Задля досягнення означеної мети застосовано комплекс загальнонаукових, філософських і спеціальних

методів дослідження. За результатами проведеного дослідження визначено, що в сучасному розумінні під окремою криміналістичною методикою розслідування (у широкому сенсі) слід розуміти інтегрований продукт наукового знання в галузі права, сформований на підставі узагальнення слідчо-судової практики, що за своєю сутністю є сукупністю криміналістичних рекомендацій, апробованих тактичних прийомів проведення слідчих (розшукових) і негласних слідчих (розшукових) дій, способів і прийомів оптимального й ефективного застосування криміналістичної техніки під час проведення досудового розслідування, які розроблено відповідно до процесуальних вимог із метою оптимізувати модель здійснення досудового розслідування окремого кримінального правопорушення, їхніх груп тощо. На підставі узагальнення окремих елементів кримінально-правової та криміналістичної характеристик кримінальних правопорушень, пов'язаних із рейдерством, визначено різновиди окремих криміналістичних методик розслідування, серед яких міжвидові, спеціальні, підвидові, видові та ін.

Ключові слова: кримінальне правопорушення; окрема криміналістична методика розслідування; досудове розслідування; рейдерство; суб'єкт господарювання; підприємство; земельна ділянка; протиправне поглинання; захоплення.

Financing

This research did not receive any specific grant from funding institutions in the public, commercial or non-commercial sectors.

Disclaimer

Founders had no role in the research design, data collection and analysis, decision to publish or manuscript preparation.

Participants

The author has contributed solely to intellectual discussion underlying this document, case law

research, writing and editing, and assumes responsibility for its content and interpretation.

Declaration of Competing Interest

The author declares no conflict of interest related to this topic, although he is Advisory Board member of research paper collection; he was not involved in publishing decision and this article has undergone a full peer review and editing procedure.

References

- Aliexsieichuk, V. I. (2016). Kryminalistychna metodyka sudovoho rozghliadu v kryminalnomu provadzheni (mistse v systemi kryminalistyky) [Forensic method of trial in criminal proceedings (place in the system of criminalistics)]. *Pravo i suspilstvo*. № 6. URL: http://pravoisuspilstvo.org.ua/archive/2016/6_2016/part_1/30.pdf [in Ukrainian].
- Arkusha, L. I. (2011). *Osnovy vyivlennia ta rozsliduvannia lehalizatsii dokhodiv, oderzhanykh u rezultati orhanizovanoi zlochnnoi diialnosti* [Correlations between certain types of crimes in the field of entrepreneurship (problems of investigative methodology)] : avtoref. dys. ... d-ra yuryd. nauk. Odesa. URL: <http://dspace.onua.edu.ua/bitstream/handle/11300/1476/%d0%90%d1%80%d0%ba%d1%83%d1%88%d0%b0.pdf?sequence=1&isAllowed=y> [in Ukrainian].
- Berezniak, V. S. (2020). Kryminalistychna kharakterystyka kryminalnykh pravoporushen, pov'iazanykh iz zakhopleniam zemli ta ob'ektiv korporativnoi vlasnosti [Forensic characteristics of criminal offenses related to the seizure of land and objects of corporate property]. *Yurydychna nauka*. № 9 (111). DOI: [10.32844/2222-5374-2020-111-9.15](https://doi.org/10.32844/2222-5374-2020-111-9.15) [in Ukrainian].
- Best Practices in Investigating and Prosecuting Corruption*. Using Financial Flow Tracking Techniques and Financial Intelligence: A Handbook. APEC Anticorruption and Transparency Working Group (ACTWG) (2015). URL: https://www.apec.org/docs/default-source/publications/2015/10/best-practices-in-investigating-and-prosecuting-corruption/apec-handbook-final-september-2015_ed2.pdf.
- Carter, D. L. (1990). *Law Enforcement Intelligence Operations. An Overview of Concepts, Issues and Terms*. School of Criminal Justice Michigan State University. URL: <https://www.ojp.gov/pdffiles1/Photocopy/134434NCJRS.pdf>.
- Copley, C. (2016). *German industry body warns against takeover protection measures* / Ed. by Goodman D. // Reuters. Oct. 17, 2016. URL: <https://www.reuters.com/article/idUSL8N1CN3HF/>.
- Forensic science and the criminal justice system: a blueprint for change* (2019). Publ. by the Auth. of the House of Lords. URL: <https://publications.parliament.uk/pa/ld201719/ldselect/ldsctech/333/333.pdf>.
- Frankenfield, J. (2023). *Adverse Possession: Legal Definition and Requirements*. Rev. by Th. Brock. URL: <https://www.investopedia.com/terms/a/adverse-possession.asp>.
- Gaughan, P. A. (2018). *Mergers, acquisitions and corporate restructuring*. Hoboken. 7th ed. URL: <http://dspace.vnbrims.org:13000/jspui/bitstream/123456789/4962/1/Mergers%2C%20Acquisitions%2C%20and%20Corporate%20Restructurings.pdf>.
- Greenberg, Th. S., Samuel, L., Grant, W., Gray, L. (2009). *Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture*. *The World Bank*. DOI: [10.1596/978-0-8213-7890-8](https://doi.org/10.1596/978-0-8213-7890-8).
- Hanov, T. A., Bashirov, A. V. (2020). Rejderskie zahvaty kak socialno-pravovaya i kriminalnaya problema v Respublike Kazakhstan [Raider raids as a socio-legal and criminal problem in the Republic of Kazakhstan]. *Aktualnye problemy sovremennosti*. № 2 (28). URL: <https://aps.bolashaq.edu.kz/wp-content/uploads/2021/01/%D0%96%D1%83%D1%80%D0%BD%D0%B0%D0%BB-%D0%90%D0%9F%D0%A1-2-28-1.pdf> [in Russian].
- How many people were convicted of raiding in Kazakhstan* (2020) / MIA "Kazinform". 04.12.2020. URL: https://www.inform.kz/ru/skol-ko-chelovek-osudili-za-reyderstvo-v-kazakhstan_a3726264.
- Hryshchenko, N. M. (2019). *Kryminalna vidpovidalnist za protypravne zavolodinnia*

- mainom pidpriemstva, ustanovy, orhanizatsii [Criminal liability for illegal possession of property of an enterprise, institution, or organization] : dys. ... kand. yuryd. nauk. Dnipro. URL: <https://dduvs.in.ua/wp-content/uploads/files/Structure/science/rada/d2/dissertations/4/1.pdf> [in Ukrainian].
- Husieva, V. O. (2021). *Teoretychni osnovy metodyky rozsliduvannia zlochyniv proty avtorytetu orhaniv derzhavnoi vlady u sferi pravookhoronnoi diialnosti* [Theoretical foundations of methodology of investigating crimes against authority of State authorities in the field of law enforcement] : dys. ... d-ra yuryd. nauk. Kharkiv. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/5ea810ce-cc6f-4266-b94a-9756f3cc84af/content> [in Ukrainian].
- Husieva, V. O. (2022). Kryminalistychna klasyfikatsiia kryminalnykh pravoporushen, poviazanykh iz reiderstvom, elementy yikh kryminalistychnykh kharakterystyk [Forensic classification of criminal offenses related to raiding, elements of their forensic characteristics]. *Visnyk Luhanskoho derzhavnoho universytetu vnutrishnikh sprav im. E. O. Didorenka*. № 3 (99). DOI: 10.33766/2524-0323.99.242-252 [in Ukrainian].
- Husieva, V. O. (2023). Do pytannia vyznachennia struktury kryminalistychnoi metodyky rozsliduvannia kryminalnykh pravoporushen, poviazanykh z reiderstvom [On the question of determining the structure of the forensic methodology of investigation of criminal offenses related to raiding]. *Aktualnist ta osoblyvosti naukovykh doslidzhen v umovakh voiennoho stanu* : zb. mat-liv III Mizhnar. nauk.-prakt. internet-konf. z nasho vidznach. Dnia nauky — 2023 v Ukraini (Kyiv, 23.05.2023). Kyiv. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/5df7785a-79b8-4824-8857-3683272bd225/content> [in Ukrainian].
- Indeks spryiniattia koruptsii 2022* (2022) [Corruption Perceptions Index 2022] / Transparency International the Global Coalition Against Corruption. Transparency International Ukraine. URL: https://cpi.ti-ukraine.org/static/download/2022_ukr_final.pdf [in Ukrainian].
- Kamlyk, M. I., Pohoretskyi, M. A., Shelomentsev, V. P. (2007). *Reiderstvo v Ukraini: sutnist ta zasoby protydyi* [Raiding in Ukraine: essence and countermeasures]. *Borotba z orhanizovanoi zlochynnistiu i koruptsiieiu (teoriia i praktyka)*. Vyp. 17. URL: http://nbuv.gov.ua/UJRN/boz_2007_17_6 [in Ukrainian].
- Khamitov, B. N., Kemali, Y. S., Rakhmetov, S. M., Alibekova, A. M. (2022). Retracted Article: International legal approaches in combatting raidership. *Security Journal*. Nov 17. DOI: 10.1057/s41284-022-00362-1.
- Kikinchuk, V. V., Husieva, V. O. (2020). *Osoblyvosti rozsliduvannia kryminalnykh pravoporushen, poviazanykh z protypravnym pohlynniam ta zakhoplenniam pidpriemstv, silskohospodarskykh zemel, porushenniam prav yikh zakonnykh vlasnykh (reiderstvo)* [Peculiarities of the investigation of criminal offenses related to illegal takeover and seizure of enterprises, agricultural lands, violation of the rights of their legal owners (raiding)] : nauk.-metod. rek. Kharkiv. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/5f246ac8-784f-46b3-a205-36f18bdc478e/content> [in Ukrainian].
- Kolesnychenko, A. N. (1976). *Obshchye polozheniia metodyky rassledovaniia otdelnykh vydiv prestuplenyi* [General provisions of the methodology for investigating certain types of crimes] : tekst lektsyy. Kharkov [in Ukrainian].
- Kubariev, I., Barkhan, S. (2022). *Typovi slidchi sytuatsii pochatkovoho etapu rozsliduvannia reiderstva* [Typical investigative situations of the initial stage of raiding investigation]. *Krakowskie Studia Malopolskie*. № 3 (35). [in Ukrainian].
- Liekefett, K. (2020). *The Comeback of Hostile Takeovers / Harvard Law School Forum on Corporate Governance*. Nov. 8, 2020. URL: <https://corpgov.law.harvard.edu/2020/11/08/the-comeback-of-hostile-takeovers/>.
- Lukianikhina, O. A. (2018). *Reiderstvo: prychny ta nehatyvni naslidky dlia rozvytku rynkovoho biznes-seredovyshcha v Ukraini* [Raiding: causes and negative consequences for the development of the market business environment in Ukraine].

- Suchasni problemy pravovoho, ekonomichnoho ta sotsialnoho rozvytku derzhavy : tezy dop. VII Mizhnar. nauk.-prakt. konf. (Kharkiv, 30.11.2018). Kharkiv. URL: http://univd.edu.ua/general/publishing/konf/30_11_2018/pdf/128.pdf [in Ukrainian].
- Macey, J. R. *Market for Corporate Control* / Econlib. URL: <https://www.econlib.org/library/Enc/MarketforCorporateControl.html>.
- Maiatnyk borotby z koruptsiieiu v Ukraini: krok vpered pislia kroku nazad [Pendulum of the fight against corruption in Ukraine: a step forward after a step back] / Transparency International the Global Coalition Against Corruption. Transparency International Ukraine. URL: <https://cpi.ti-ukraine.org/> [in Ukrainian].
- Maliarova, V. O. (2015). Kryminalistychna metodyka: pytannia spivvidnoshennia kryminalistychnoi kharakterystyky z in-shymy. *Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu. Seria: Pravo*. Vyp. 35. Ch. I. T. 3. URL: <https://dspace.uzhnu.edu.ua/jspui/handle/lib/14912> [in Ukrainian].
- Nipialidi, O. Yu. (2019). *On criminal schemes of raiding as a threat to the security of the business owner: Ukrainian realities and international practice*. Irpin.
- OECD. *G20/OECD Principles of Corporate Governance* (2015) / OECDiLibrary. DOI: [10.1787/9789264236882-en](https://doi.org/10.1787/9789264236882-en).
- Pchelina, O. V. (2018). Poniattia ta kharakterystyka zlochnynykh tekhnolohii u sferi sluzhbovoi diialnosti [Concept and characteristics of criminal technologies in the field of official activity]. *Visnyk Luhanskoho derzhavnogo universytetu vnutrishnikh sprav imeni E. O. Didorenka*. № 2 (82). URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/88d0d842-d553-4077-a242-bf6b55ddd25b/content> [in Ukrainian].
- Prinzel, Yo. (2023). *How Government Land Seizures Work for Landowners. Property rights and related impacts of government land seizure*. Rev. by Boyle M. J / Investopedia. URL: <https://www.investopedia.com/financial-edge/1011/what-to-do-when-the-government-wants-your-land.aspx>.
- Puziak, M., Martyniuk, M. (2012). Defensive strategies against hostile takeovers. The analysis of selected case studies. *Journal of International Studies*. Vol. 5. № 1. URL: https://www.jois.eu/files/PuziakV5_N1.pdf.
- Reiderstvo v Ukraini [Raiding in Ukraine] / Opendatabot. URL: <https://opendatabot.ua/open/raiders> [in Ukrainian].
- Rosett, J. G. (1990). Do Union Wealth Concessions Explain Takeover Premiums? The Evidence on Contract Wages. *Journal of Financial Economics*. Vol. 27. Is. 1. DOI: [10.1016/0304-405X\(90\)90029-Y](https://doi.org/10.1016/0304-405X(90)90029-Y).
- Savona, E. U., Berlusconi, G. (Eds.) (2015). *Organized Crime Infiltration of Legitimate Businesses in Europe: A Pilot Project in Five European Countries*. Final Report of Project ARIEL – Assessing the Risk of the Infiltration of Organized Crime in EU MSs Legitimate Economies: a Pilot Project in 5 EU Countries (www.ariel-project.eu). Trento : Transcrime — Università degli Studi di Trento. URL: https://www.academia.edu/25765243/Organized_Crime_Infiltration_of_Legitimate_Businesses_in_Europe_A_Pilot_Project_in_Five_European_Countries.
- Shchur, B. V., Kosaniak, S. S. (2017). Problemy pobudovy klasyfikatsii kryminalistychnykh metodyk [Issues of classification building of forensic methods]. *Visnyk Lvivskoho torhovelno-ekonomichnoho universytetu. Seria: Yurydychni nauky*. Vyp. 5. URL: http://nbuv.gov.ua/UJRN/nvklau_2017_5_28 [in Ukrainian].
- Shevchuk, V. M. (2020). Struktura okremoi kryminalistychnoi metodyky: suchasni naukovy pidkhody ta perspektyvy doslidzhen [The structure of a separate forensic methodology: modern scientific approaches and research perspectives]. *Vcheni zapysky TNU imeni V. I. Vernadskoho. Seria: Yurydychni nauky*. T. 31 (70). № 4. DOI: [10.32838/1606-3716/2020.4/41](https://doi.org/10.32838/1606-3716/2020.4/41) [in Ukrainian].
- Smelik, V. B. (2006). *Koreliatsiini zviazky mizh okremymi vydami zlochnyniv u sferi pidpriemnytstva (problemy metodyky rozsliduvannia)* [Correlations between certain types of crimes in the field of entrepreneurship (problems of investigative methodology)] : avtoref. dys. ... kand. yuryd. nauk. Kharkiv [in Ukrainian].

- Smitiukh, A. V. (2008). Reiderstvo, pohlynannia ta zaharbannia: spivvidnoshennia poniat ta klasyfikatsii [Raiding, absorbing and seizing: relation of concepts and classification]. *Visnyk hospodarskoho sudochynstva*. № 3. [in Ukrainian].
- Stepaniuk, R. L. (2012). *Kryminalistychne zabezpechennia rozsliduvannia zlochyniv, vchynenykh u biudzhethnii sferi Ukrainy* [Forensic investigation of crimes committed in the budgetary field of Ukraine] : monohrafiia / za zah. red. d-ra yuryd. nauk, prof. A. F. Volobuieva. Kharkiv [in Ukrainian].
- Tataryn, N. M., Priakhin, Ye. V. (2019). *Metodyka rozsliduvannia samovilnoho zainiattia zemelnoi dilianky ta samovilnoho budivnytstva* [Methods of investigation of unauthorized occupation of land and unauthorized construction] : monohrafiia. Lviv. URL: <http://surl.li/omigf> [in Ukrainian].
- Ward, R. H. (1971). *The Investigative Function — Criminal Investigation in the United States*. Doct. dis. Berkeley, CA : University of California.
- Weisburd, D., Telep, C. W., Hinkle, J. C., Eck, J. E. (2008). The Effects of Problem-Oriented Policing on Crime and Disorder. *Campbell Systematic reviews*. Vol. 4. Is. 1. DOI: 10.4073/csr.2008.14.
- Yarosh, S. *Problema reiderstva ta reforma derzhavnykh reiestriv* [Issue of raiding and the reform of state registers] / Rada advokativ Kyivskoi oblasti : ofits. vebсайт [Elektronnyi resurs]. URL: <https://radako.com.ua/news/problema-reyderstva-ta-reforma-derzhavnih-reiestriv> [in Ukrainian].
- Zhuravel, V. (2011). Okrema kryminalistychna metodyka: poniattia ta sfera zastosuvannia [Separate forensic methods: concept and scope of application]. *Pytannia borotby zi zlochynnistiu*. № 2 (65). URL: https://dspace.nlu.edu.ua/bitstream/123456789/7438/1/Zhuravel_202.pdf [in Ukrainian].
- Zhuravel, V. (2015). Okremi metodyky v systemi kryminalistychnykh znan [Separate methods in the system of forensic knowledge]. *Naukovyi visnyk Lvivskoi komertsiiinoi akademii. Serii: Yurydychna*. Vyp. 1. URL: http://nbuv.gov.ua/UJRN/nvika_2015_1_20 [in Ukrainian].

Tiulieniev, S. (2024). Prospects for Development of Forensic Methods for Investigation of Criminal Offenses Related to Raiding. *Theory and Practice of Forensic Science and Criminalistics*. Issue 1 (34). P. 42—57. DOI: 10.32353/khrife.1.2024.03.