Research Papers

Forensic Characterization of Economic Crimes Committed by Organized Groups with Corruption Relations

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The trends in development of doctrine of forensic characterization of crimes, debatable issues regarding its concept, quantitative and qualitative composition are considered. It was established that forensic characterization of crimes is a theoretical category of criminalistics, system of data on the most general specifics of type of crimes, typical circumstances, methods and mechanisms of their commission, and other circumstances that are important for the investigation. The main purpose of forensic characterization of crimes is to implement its data in investigation methods. Globalization processes, scientific and technological progress contribute to quantitative and qualitative changes in criminal activity. Legal statistics of the General Prosecutor's Office of Ukraine, results of our research indicate that crimes in the field of property relations, financial and economic and service activities in the process of production, distribution, exchange and consumption of material goods and services at enterprises, institutions, organizations of priority areas of economy, implementation of official powers in the field of managerial, financial, tax, and customs control is most often committed by organized groups with corruption ties. In this regard, the purpose of the research is to determine forensic specifics of economic crimes committed in the priority areas of economy, to develop a conceptual apparatus of such crimes, to characterize economic crimes committed by organized groups with corruption ties, to distinguish their components. In order to achieve the goal, scientific methods of cognition are applied:

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observation, analysis, analogy, deduction, synthesis, descriptive-analytical, modeling, etc. A new approach to defining the concept of economic crimes is proposed. Economic crimes committed by organized groups with corruption ties are characterized, and their components are singled out for use in the investigation methods of this type of crime.

Keywords: *forensic signs; economic crimes; forensic characterization; organized groups; corruption relations.*

Research Problem Formulation

The problem of forensic characterization of crimes began to be developed recently, but it has established itself as one of fundamental scientific theories of forensic science. Forensic characterization as a logical result of the development of general provisions of the methodology for investigating certain types of crimes has become the subject of discussion and constant attention of forensic scientists who study problems of methods for investigating crimes. As most researchers rightly note, forensic characterization should be understood as information about typical specifics of a certain category of crimes which analysis will determine the methods, techniques and means of their disclosure and investigation.

Undoubtedly, information about forensically significant aspects of certain types of crimes (about the method, mechanism, circumstances of commission) are of particular importance for the investigation methodology. It is the basis for formation of investigative situations, determination of directions and methods of investigation that testifies to importance of forensic characterization of crimes for the science and practice of criminology as a structural element of the investigation methodology. Adjustment and development of new methods are inextricably linked to the construction of forensic characteristics of certain types of crimes, their groups and subgroups. In scientific sense, as noted in literature, forensic characterization of crimes is a theoretical category of criminalistics. It contains a system of data on the most general specifics of the type of crimes, typical situations, methods, mechanism of their commission, other circumstances that are important for investigation. The main purpose of forensic characterization of crimes is to implement its data in investigation methods. Its information base consists of a consistent accumulation of data obtained through generalization of judicial and investigative practice of relevant species (kind) of crimes.

Analysis of Essential Researches and Publications

Theoretical provisions of the criminalistic characterization of crimes are set out in research papers by: V. Bakhin [1]; O. Kolesnychenko [2]; V. Shepitko, V. Konovalova

1 Бахин В. П. Криминалистика. Проблемы и мнения (1962—2002) : монография. Киев, 2002. С. 183.

2 Колесниченко А. Н. Общие положения методики расследования отдельных видов преступлений : текст лекц. Харьков, 1976. 28 с.

and V. Zhuravel, [3] etc. It deserves attention to the achievements of foreign researchers on this issue: S. Rose-Ackerman and B. J. Palifka [4]; B. Zagaris [5]; Ch. Le Nguyen [6]; H. McCann [7]; J. C. Morse [8]; K. C. Neanidis, M. P. Rana and K. Blackburn [9]; R. Remeikienė, L. Gasparėnienė, A. Fedajev, E. Raistenskis and A. Krivins [10]; F. Calderoni, T. Comunale, G. M. Campedelli, M. Marchesi, D. Manzi and N. Frualdo [11]; P. Pinotti [12].

Different approaches of scientists to definition of the concept and structure of forensic characterization of crimes indicate complexity of the researched issue. For example, O. Kolesnychenko and V. Konovalova noted that "forensic characterization is a system of information about forensically significant specifics of a crime (method, place, setting, etc.), reflecting regular connections between these specifics" [13]. V. Bakhin, researching the elements-signs of the forensic characteristics, came to the conclusion that (from the point of view of practical purpose) they constitute two groups: the first contains signs that comprehensively characterize a certain type of crime, which

3 Шепітько В. Ю., Коновалова В. О., Журавель В. А. та ін. Розслідування злочинів у сфері господарської діяльності: окремі криміналістичні методики : монографія / за ред. В. Ю. Шепітька. Харків, 2006. 624 с. URL: https://library.nlu.edu.ua/POLN_TEXT/KNIGI/PRAVO/Shepitko_Rozslid_2006.pdf (date accessed: 06.05.2024).

4 Rose-Ackerman S., Palifka B. J. Corruption, Organized Crime, and Money Laundering / Institutions, Governance and the Control of Corruption ; K. Basu, T. Cordella (eds). International Economic Association Series. Ch. 4. Palgrave Macmillan, 2018. Pp. 75—111. DOI: 10.1007/978-3-319-65684-7_4 (date accessed: 06.05.2024).

5 Zagaris B. International White Collar Crime: Cases and Materials. Cambridge University Press, 2010. 584 p.

6 Le Nguyen Ch. The International Anti-Money Laundering Regime and Its Adoption by Vietnam. *Asian* Journal *of International Law*. 2014. Vol. 4. Is. 1. Pp. 197—225. DOI: 10.1017/S2044251313000349 (date accessed: 06.05.2024).

7 McCann H. Offshore Finance. Cambridge University Press, 2006. Pp. 287—306. DOI: 10.1017/CBO9780511494536 (date accessed: 06.05.2024).

8 Morse J. C. Blacklists, Market Enforcement, and the Global Regime to Combat Terrorist Financing. Researchgate. 2019. Vol. 73. Is. 03. 64 p. DOI: 10.1017/S002081831900016X (date accessed: 06.05.2024).

9 Neanidis K. C., Rana M. P., Blackburn K. An empirical analysis of organized crime, corruption and economic growth. *Ann Finance.* 2017. Vol. 13. Pp. 273—298. DOI: 10.1007/s10436-017-0299-7 (date accessed: 06.05.2024).

10 Remeikienė R., Gasparėnienė L., Fedajev A., Raistenskis E., Krivins A. Links between crime and economic development: EU classification. *Equilibrium*. 2022. Vol. 17. No. 4. Art. 909—938. DOI: 10.24136/eq.2022.031 (date accessed: 06.05.2024).

11 Calderoni F., Comunale T., Campedelli G. M., Marchesi M., Manzi D., Frualdo N. Organized crime groups: A systematic review of individual-level risk factors related to recruitment. *Campbell Systematic Review*. 2022 Feb 11. Vol. 18. Is. 1. 87 p. DOI: 10.1002/cl2.1218 (date accessed: 06.05.2024).

12 Pinotti P. The Causes and Consequences of Organised Crime: Preliminary Evidence Across Countries. *The Economic Journal*. 2015. Vol. 125. No. 586. Pp. F158—F174. DOI: 10.1111/ecoj.12238 (date accessed: 06.05.2024).

13 Колесниченко А. Н., Коновалова В. Е. Криминалистическая характеристика преступлений : учеб. пособ. Харьков, 1985. С. 20.

distinguishes it from other types of crime; second group: signs capable of and designed to ensure the detection and investigation of crimes [14]. Some scientists hold a different opinion: they propose to consider as a component of forensic characteristics primarily the circumstances that constitute the content of the subject of evidence in a specific criminal case, as well as the circumstances that go beyond the scope of evidence, but are important for the investigation of crimes. This position is controversial. Forensic characterization of crimes is a category of forensic science, the main structural element of investigation methodology. Elements-signs of forensic characteristics are real objects and processes with all their characteristic patterns. Forensic characteristics of crimes cannot be replaced by a list of circumstances regulated by the Criminal Procedural Code of Ukraine that are subject to establishment and proof, i.e., the subject of proof.

Some researchers prefer elements of criminal law characterization that are characterized by the main elements of the corpus delicti. This position in forensic science is incorrect. We should state that elements of the forensic characterization (in contrast to elements of the criminal law of crime) are real objects with their characteristic patterns. Content knowledge of elements of criminalistic characterization of crimes is of great practical importance for solving problems of solving and investigating crimes. Cornerstone concepts of forensic characterization (method and situation of committing a crime) are purely forensic concepts.

The high level of modern theoretical developments of forensic characterization of crimes in general has brought together views of most forensic scientists on the conceptual apparatus, which rightly note that the forensic characterization should be understood as information about the typical features of a certain category of crimes, which knowledge will determine the methods, techniques, means, and main areas of investigation. Certainly, information about forensic significant aspects of the crime (method, mechanism, situation of commission of a criminal act and its traces) are of particular importance for investigation methods; they are the basis for formation of investigative situations, nomination of versions, definition of methods of investigation.

In the scientific aspect, as noted in literature, forensic characterization of crimes is a theoretical category of forensic science, a system of data on the most common features of the type of crime (typical situation, methods, mechanism of their commission, other circumstances) that are relevant to investigation. The main purpose of forensic characterization of crimes is to implement its data in investigation methods. Its information base is accumulation of data obtained as a result of generalization of judicial and investigative practice of relevant species(kinds) of crime.

In practical terms, this characterization (as an informational basis for the investigation process) contributes to the correct choice by investigators of the most optimal areas of investigation, both in general and at its individual stages. The investigator compares generalized data on the signs of crimes of this type, methods, situation of the act with the event of investigated crime.

The foregoing testifies to importance of the forensic characterization

14 Бахин В. П. Op. cit. С. 183.

of crimes for the theory and practice of forensic science.

Article Purpose

Globalization processes, scientific and technological progress contribute to quantitative and qualitative changes in criminal activity. Legal statistics of the Prosecutor General's Office of Ukraine, the results of our research indicate that crimes in priority areas of the economy are most often committed by organized groups with corruption ties. "White collar" criminals are the organizers of shadow business, have a corruption "roof", avoid criminal liability thereby economic crimes have a high degree of latency.

In this regard, an urgent problem for theory and practice of forensic science is definition of the concept of economic crimes committed in priority areas of economy, development of forensic characteristics of economic crimes committed by organized groups with corruption relations.

Research Methods

In order to achieve this goal, scientific methods of cognition were used: observation, analysis, analogy, deduction, synthesis, descriptive-analytical, modeling, etc.

Main Content Presentation

As O. Korystin and S. Cherniavskyi rightly note: organized economic crime is a qualitatively new characteristic of organized and economic crime, since it is embedded in the social system and significantly affects other elements of this system, primarily economy and politics. The main goal of organized economic crime is to obtain profits and super-profits by carrying out activities prohibited by law. Organized economic crime is a conglomerate of organized criminal entities (groups), different in their structure, quantitative composition, specialization and scale of influence [15].

In legal literature, researchers discuss conceptual apparatus of economic crimes. Thus, Ye. Streltsov considers economic crimes to be criminal acts aimed at violating property relations and the existing procedure for carrying out economic activities [16]. For O. Perepelitsa, economic crimes (in accordance with the current legislation) are all crimes in the field of economic activity [17]. It is worth agreeing with L. Davydenko, who calls economic crimes characteristic of both the planned and market economies, as well as actions related to the conditions of the transition period [18].

15 Користін О. Є., Чернявський С. С. Організована економічна злочинність в Україні: сучасний стан і стратегія протидії. *Юридичний часопис Національної академії внутрішніх справ*. 2011. № 1 (1). С. 78—88. URL: http://nbuv.gov.ua/UJRN/aymvs_2011_1(1)__12 (date accessed: 06.05.2024).

16 Стрельцов Е. Л. Экономическая преступность в Украине : курс лекц. Одесса, 1997. С. 113.

17 Перепелица А. И. Уголовная ответственность за хозяйственные преступления в сфере предпринимательской деятельности : коммент. к законодат. Харьков, 1997. С. 11.

18 Давиденко Л. М. Кримінологічна класифікація економічних злочинів та її практичне значення. *Проблеми боротьби зі злочинністю у сфері економічної діяльності* : мат-ли міжнар. наук.-практ. конф. (Харків, 15—16.12.1998). Харків, 1999. С. 131.

In our opinion, the problem of identifying forensic signs of economic crimes committed in the priority areas of the economy by organized groups with corruption ties is associated with the criminal law and forensic doctrine on the signs of crimes. Legal literature outlines scientific approaches to the conceptual apparatus of forensic signs of embezzlements. Analyzing different positions, we agree with H. Matusovskyi and A. Dudnikov that forensic feature of a crime should be considered as a fact that is the result of a criminal act (traces of a crime in a broad sense), which more or less indicates the case of crime, its circumstances [19].

Analysis of scientific literature, investigative practice, results of our research made it possible to identify a number of forensic signs of economic crimes contained (reflected) in specific traces, methods of economic crimes, in conditions and environment, namely:

- specific subjective composition of economic crimes, organized groups with corruption links that include officials, corrupt officials, materially responsible persons, financial and accounting employees, entrepreneurs of legal, shadow production, services and other employees of enterprises, organizations and institutions belonging to priority areas of economy;
- specific subject of criminal encroachment is property, property rights and obligations of state and communal enterprises, institutions and organizations belonging to the priority areas of the economy. These are: industries (mechanical engineering, metallurgical, chemical, etc.), agro-industrial and fuel and energy sectors, foreign economic activity, financial and credit and budgetary systems, privatization, transport. The subject of criminal infringement can be as movable (money, securities, currency values; property rights and obligations) as immovable property (land and other natural lands, any property located on land and related property (buildings, structures, etc.);
- criminal and corruption technology of economic crime is a set of actions, operations, techniques, corruption schemes, methods of influence aimed at choosing the scope and subject of criminal encroachment, methods of seizure of movable and immovable property containing several independent corpus delicti;
- specific tangible, ideal, electronic digital traces contained in the methods of economic crimes, in conditions and environment;
- corruption relations are the main and distinctive pattern of criminal activity of organized criminal groups in the structure of state, municipal enterprises, institutions, organizations belonging to priority areas of economy. Corruption relations ensure proper functioning of the organized group, development of their criminal activities, counteraction to law enforcement agencies, etc.;

19 Матусовский Г. А., Дудников А. Л. Криминалистическая систематизация признаков хищений / Расследование хищений государственного и общественного имущества (проблемы тактики и методики). Харьков, 1987. С. 28.

- natural purpose of criminal activity is to obtain criminal proceeds and their legalization. Organizers of criminal business use more than 60 ways to legalize criminal proceeds;
- negative consequences of criminal encroachment for enterprises, institutions, organizations belonging to priority areas of economy. These are real losses, significant damage and other grave consequences (bringing enterprise to bankruptcy, its illegal privatization).

Systematic approach to the research on forensic signs of economic crimes committed in the priority areas of the economy allows us to offer a new definition of economic *crime*. These are *crimes in the field of property relations, financial, economic and official activities carried out by organized groups with corruption relations, during production, distribution, exchange and consumption of material goods, services at enterprises, institutions, organizations of priority areas of economy using legal and shadow business in criminal and corruption technologies; during implementation of official powers for management, financial, tax, customs control.*

In legal literature, concepts of forensic characterization of crimes committed by organized groups are debatable, various approaches to definition of forensic characterization of the crime and its main elements are proposed. Thus, V. Zhuravel calls the elements of forensic characteristics: the subject of a criminal offense; the most characteristic typical features of organized criminal groups and the environment in which it is carried out; structure of organized criminal groups and the role functions of its members; typological specifics of members of organized criminal groups; methods of criminal activity and ways to counteract its exposure, etc. [20]

H. Matusovskyi is in other positions. We respect that the criminalistic characteristics of the evils organized by evil groups have ceased to be the primary structure of evidence and similar techniques. This characteristic may reflect a special connection between other characteristics and the characteristics of the criminal activity of an organized criminal group. This characteristic, in the opinion of H. Matusovskyi is intended to combine two interconnected systems of data: 1) criminalistic characteristics of new types of malignancies from the strengthening of the directly malignant activity of an organized malignant group and 2) a criminalistic characterization of organized violence group itself as a criminal formation. In this case, the first system is suitable for criminalistic characteristics of this type of crime; and the other: a specific element that characterizes an organized malignant group and adjacent typical members, subjects of malignancy (peculiarity of the malignant), malignant involvement [21].

20 Журавель В. А. Криминалистическое прогнозирование и вопросы профилактики преступлений, совершенных организованными преступными формированиями. *Проблеми боротьби з організованою злочинністю в регіоні (на матеріалах Харківської та Полтавської областей)* : зб. мат-лів міжнар. наук.-практ. конф. (Харків, 26—27.04.1999). Харків, 2000. С. 190.

21 Матусовский Г. А. Экономические преступления: криминалистический анализ. Харьков, 1999. С. 365—366. URL: https://library.nlu.edu.ua/POLN_TEXT/KNIGI/MATUSOVSKIY_1999.pdf (date accessed: 06.05.2024).

It should be noted that disaggregation of theoretical principles of the criminalistic characteristics of economic crimes, organized by organized groups with corruption ties, lies before the current and future problems of the science of criminology. As a result of investigation and judicial practice, analysis of criminal literature, the investigation will produce forensically significant information about the signs of economic crimes that are identified by specific them tangible, ideal, electronic digital traces, in methods of economical evil, in minds and situations; about the methods of forming organized groups and the principles of their function, corruption connections; about the specific characteristics and role functions of members of an organized group. We respect that there is a criminalistic characterization of economic crimes, organized by organized groups with corruption relations *is information model, a system of information about criminalistic significant typical signs of economic crimes, detected in specific tangible, ideal, electronic digital traces in methods, criminal corruption technologies, circumstances of the crime, formation methods, principles of functioning of organized groups, corruption relations*.

In practical aspect, forensic characterization is a kind of information base for the investigator, a collection of information about this type of crime that helps to determine the directions and methods of investigation, taking into account the specific situation.

Legal literature states that issue of structure of the forensic characterization of crimes: quantitative and qualitative composition of its elements is debatable. Thus, V. Bakhin, researching the signs of forensic characteristics, comes to the correct conclusion that from the point of view of their practical purpose, they form two groups: the first contains signs that comprehensively characterize a certain type of crime, which makes it possible to distinguish its features from other types of crimes; the second group: signs capable and designed to ensure detection and investigation of crimes [22]. Opponents of V. Bakhin note that structure of the forensic characterization of crimes should include data on: material traces of the crime; methods of committing and concealing a crime; scene, time and mechanism of its implementation; crime circumstances; subject of criminal encroachment; goals and motives of criminal act; personal characteristics of participants in criminal procedure; circumstances contributed to the crime commission; specifics of criminal complicity.

Structure of the forensic characterization of economic crimes presupposes availability of certain elements. Information about the elements and their connections reveal the content of the forensic characterization. First of all, this is information about the specific field of criminal encroachment, specific subject composition, methods of formation and functioning of organized groups, criminal corruption technologies of organized criminal activity in priority areas of the economy, specific typical material, ideal, electronic digital traces of organized criminal activity, corruption links. We believe that definition of the main structural elements of the forensic characterization of economic crimes committed by organized groups with corruption relations is of great practical importance

22 Бахин В. П. Op. cit. С. 38.

for the detection, disclosure and investigation of these crimes and their prevention.

Research on ways of formation of organized groups is of significant importance. In the legal literature, there are three ways of forming organized groups: 1) situational-voluntary; 2) functionally contractual; 3) formal production. It is worth noting that analysis of scientific literature, investigative practice and the results of our research make it possible to single out five ways of forming organized groups at enterprises, institutions, organizations of priority areas of the economy, namely:

1) formal production (at enterprise, institution, organization, regardless of the ownership form);
2) situational and contractual (in a financial, banking, investment institution, organization);
3) illegitimate production (in structure of shadow business of business entities);
4) functional and contractual (in structure of legal or shadow business, in the field of investment, construction, transport, foreign economic activity);
5) situational-volitional (criminal organization forms an organized group in the structure of legal or shadow business) [23].

Specific element of forensic characterization is corruption relations of an official, a corruptor with the organizers of shadow and criminal business. Corrupt connections are the main and distinctive pattern of the criminal activity of organized criminal groups in the economic sphere. Corrupt connections ensure the proper functioning of an organized group, development of their criminal activities, opposition to law enforcement agencies, etc. We should note that leaders of shadow and criminal business seek to buy not a separate service of a corrupt official, but his along with the position, and not for a one-time decision-making in interests of business, but for the constant promotion of their criminal activities, corrupt lobbying of their interests. In view of this, they personally or through their "fixers" pre-select the candidates of future corrupt officials, taking into account their special, functional and positional status in the system of state authorities, management and law enforcement agencies, former criminal involvement, immorality, personal characteristics, greed, cowardice, greed, rapacity, etc. According to this scheme, "contracted" corrupt officials are selected from among deputies, ministers, prosecutors, judges, operatives, officials of customs bodies, state fiscal service, ministries and departments. According to the research results, corruption ties provide:

- *corrupt assistance* during selection of the object of criminal encroachment, planning, preparation and implementation of a criminal action, concealing its traces;
- *corruption support of shadow and criminal business*;
- *corruption protectionism* in registration, licensing of fictitious firms, fictitious financial institutions; obtaining illegal loans; advantages and benefits to business entities of criminal nature;

23 Корж В. П. Розслідування окремих видів злочинів : навч.-метод. посіб. Харків, 2012. С. 98.

during tenders contrary to the requirements of laws;

- *corrupt lobbying* of interests of the organizers of criminal and shadow business during the adoption of laws, amendments and/or additions to them, government resolutions, decisions and orders of ministries and departments, as well as other regulations;
- *corruption counteraction* to inspections, audits, audits, operational and investigative work to detect, uncover economic crimes and investigate them;
- *corruption neutralization* of forms of social control in the branch of economy, shadow business.

The specified corruption services are used by the organizers of shadow and criminal business during the implementation of corruption schemes, the implementation of illegal financial and economic transactions and pay corruption "kickbacks" to corrupt officials of state authorities and management for ensuring the criminal activity, its full and successful completion [24]. Organizers of criminal business use criminal corruption technologies, modern means of communication, transport, the Internet, neural networks. Criminal corruption technologies, typical methods of organized criminal activity are reflected in material, ideal, electronic digital traces. Members of organized group, despite conspiracy, use of legal business structures, official financial and economic operations, at any stage of criminal activity leave documentary sources of information that make up the trace picture of economic crimes. Identification of these traces makes possible to determine the signs of criminal corruption technologies of economic crimes, methods of their commission. An important element of the forensic characterization of economic crimes committed by organized groups with corruption ties are the methods of crimes that are characterized by two or more types of crimes.

Research on organized criminal activity in the economic field made possible to formulate the main structural elements of the forensic characterization of economic crimes committed by organized groups with corruption relations. First of all, these are:

1) data on methods of formation and principles of functioning of organized groups in the priority areas of economy;
2) characteristics of corruption relations;
3) data on the topic of a criminal infringement;
4) information on signs of criminal corruption technologies of economic crimes;
5) characterization of organized groups, role functions and personal qualities of group members;
6) data on situation of committing an economic crime;
7) characteristics of typical traces of organized criminal activity.

Elements of forensic characterization of economic crimes committed by organized groups with corruption links are interdependent. They have correlations (probable dependencies). If there are some signs, the investigator may assume the presence of others. Thus, the element of the above characterization "object of

24 Корж В. П. Теоретические проблемы методики расследования преступлений в сфере экономической деятельности, совершаемых организованными преступными образованиями. Харьков, 2002. С. 180.

criminal encroachment" has such natural connections as "organized group", "traces of a crime", "method of its commission", "crime situation", "corruption relations" of organizers. This is the significance of elements of forensic characterization of economic crimes, its practical role.

We believe that main structural elements of forensic characterization of economic crimes committed by organized groups with corruption links developed by us reveal its content and have scientific and practical significance for the methods of investigating this type of crime.

Conclusions

It is stated that forensic characterization of crimes is a theoretical category of forensic science, a system of data on general signs of crimes, typical methods and circumstances of their commission, and other circumstances relevant to the investigation. The main purpose of forensic characterization of crimes is to implement its data in investigation methods.

It is proved that crimes in priority areas of the economy are most often committed by organized groups with corruption ties. Forensic significance of information about the signs of economic crimes is substantiated reflected in specific material, ideal, electronic digital traces, in methods of economic crimes, in conditions and environment.

Specific subjective structure of economic crimes is revealed organized groups with corruption relations, ways of their formation and principles of functioning; specific subject of criminal encroachment, criminal corruption technologies of economic crimes, corruption relations, negative consequences of criminal encroachment.

New approach to the definition of economic crimes committed in priority areas of economy is proposed. It is proved that economic crimes are committed by organized groups with corruption relations in the field of property relations, financial, economic and official activities in the process of production, distribution, exchange and consumption of material goods, services at enterprises, institutions, organizations of priority areas of economy, during implementation of official powers for management, financial, tax, customs control.

Concept of forensic characterization of economic crimes committed by organized groups with corruption relations is formulated. It is proved that forensic characterization of economic crimes is a structural element of methods for their investigation and a benchmark for the investigator in determining direction and methods of investigating an economic crime committed by organized group with corruption ties, tactics, conducting certain investigative (search) actions, covert investigative (search) actions, tactical operations in a particular situation.

The main structural elements of forensic characterization have been developed and it has been proved that they reveal its content and have scientific and practical significance for investigation of this type of crime.

Криміналістична характеристика економічних злочинів, скоєних організованими групами з корупційними зв'язками

Валентина Корж

Розглянуто тенденції розвитку вчення про криміналістичну характеристику злочинів, дискусійні питання щодо її *поняття, кількісного та якісного складу. Констатовано, що криміналістична характеристика злочинів — це теоретична категорія криміналістики, система даних про найбільш загальні ознаки виду злочинів, типові обстановку, способи й механізми їх скоєння, інші обставини, що мають значення для розслідування. Основне призначення криміналістичної характеристики злочинів полягає в реалізації її даних у методиці розслідування. Процеси глобалізації, науково-технічний прогрес сприяють кількісним і якісним змінам у кримінальній діяльності. Правова статистика Генеральної прокуратури України, результати наших досліджень свідчать про те, що злочини у сфері відносин власності, фінансово-економічної та службової діяльності у процесі виробництва, розподілу, обміну та споживання матеріальних благ і послуг на підприємствах, в установах, організаціях пріоритетних напрямів економіки, реалізації службових повноважень з управлінського, фінансового, податкового, митного контролю найчастіше скоюють організовані групи з корупційними зв'язками. У зв'язку із цим мета дослідження — визначити криміналістичні ознаки економічних злочинів, скоєних на пріоритетних напрямах економіки, розробити понятійний апарат таких злочинів, схарактеризувати економічні злочини, скоєні організованими групами з корупційними зв'язками, виокремити їхні складові. Для досягнення поставленої мети застосовано наукові методи пізнання: спостереження, аналіз, аналогію, дедукцію, синтез, описово-аналітичний, моделювання та ін. Запропоновано новий підхід до визначення поняття економічних злочинів. Схарактеризовано економічні злочини, скоєні організованими групами з корупційними зв'язками, виокремлено їхні складові для застосування в методиці розслідування цього виду злочинів.*

Ключові слова*: криміналістичні ознаки; економічні злочини; криміналістична характеристика; організовані групи; корупційні зв'язки.*

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Declaration of Competing Interest

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References

Bahin, V. P. (2002). *Kriminalistika. Problemy i mneniya (1962–2002)* [Criminalistics. Problems and opinions (1962–2002)] : monografiya. Kiev [in Russian].

Calderoni, F., Comunale, T., Campedelli, G. M., Marchesi, M., Manzi, D., Frualdo, N. (2022). Organized crime groups: A systematic review of individual-level risk factors related to recruitment. *Campbell Systematic Review*. Vol. 18. Is. 1. DOI: 10.1002/cl2.1218.

Davydenko, L. M. (1998). Kryminolohichna klasyfikatsiia ekonomichnykh zlochyniv ta yii praktychne znachennia [Criminological classification of economic crimes and its practical significance]. *Problemy borotby zi zlochynnistiu u sferi ekonomichnoi diialnosti* : mat-ly mizhnar. nauk.-prakt. konf. (Kharkiv, 15–16.12.1998). Kharkiv [in Ukrainian].

Kolesnichenko A. N. (1976). *Obshie polozheniya metodiki rassledovaniya otdelnyh vidov prestuplenij* [General provisions of the methodology for investigating certain types of crimes] : tekst lekc. Harkov [in Russian].

Kolesnichenko, A. N., Konovalova, V. E. (1985). *Kriminalisticheskaya harakteristika prestuplenij* [Forensic characteristics of crimes] : ucheb. posob. Harkov [in Russian].

Korystin, O. Ye., Cherniavskyi, S. S. (2011). *Orhanizovana ekonomichna zlochynnist v Ukraini: suchasnyi stan i stratehiia protydii* [Organized economic crime in Ukraine: the current state and strategy of counteraction]. *Yurydychnyi chasopys Natsionalnoi akademii vnutrishnikh sprav.* № 1 (1). URL: http://nbuv.gov.ua/UJRN/aymvs_2011_1(1)__12 [in Ukrainian].

Korzh, V. P. (2002). *Teoreticheskie problemy metodiki rassledovaniya prestuplenij v sfere ekonomicheskoj deyatelnosti, sovershaemyh organizovannymi prestupnymi obrazovaniyami* [Theoretical problems of the methodology for investigating crimes in the field of economic activity committed by organized criminal entities]. Harkov [in Russian].

Korzh, V. P. (2012). *Rozsliduvannia okremykh vydiv zlochyniv* [Investigation of certain types of crimes] : navch.-metod. posib. Kharkiv [in Ukrainian].

Le Nguyen, Ch. (2014). The International Anti-Money Laundering Regime and Its Adoption by Vietnam. *Asian Journal of International Law*. Vol. 4. Is. 1. DOI: 10.1017/S2044251313000349.

Matusovskij, G. A. (1999). *Ekonomicheskie prestupleniya: kriminalisticheskij analiz* [Economic crimes: forensic analysis]. Harkov. URL: https://library.nlu.edu.ua/POLN_TEXT/KNIGI/MATUSOVSKIY_1999.pdf [in Russian].

Matusovskij, G. A., Dudnikov, A. L. (1987). *Kriminalisticheskaya sistematizaciya priznakov hishenij / Rassledovanie hishenij gosudarstvennogo i obshestvennogo imushestva (problemy taktiki i metodiki)* [Forensic systematization of signs of theft / Investigation of theft of state and public property (problems of tactics and methods)]. Harkov [in Russian].

McCann, H. (2006). *Offshore Finance.* Cambridge University Press. DOI: 10.1017/CBO9780511494536.

Morse, J. C. (2019). Blacklists, Market Enforcement, and the Global Regime to Combat Terrorist Financing. *International Organization*. Vol. 73. Is. 03. DOI: 10.1017/S002081831900016X.

Neanidis, K. C., Rana, M. P., Blackburn, K. (2017). An empirical analysis of organized crime, corruption and economic growth. *Ann Finance*. Vol. 13. DOI: 10.1007/s10436-017-0299-7.

Perepelica, A. I. (1997). *Ugolovnaya otvetstvennost za hozyajstvennye prestupleniya v sfere predprinimatelskoj deyatelnosti* [Criminal liability for economic crimes in the field of entrepreneurial activity] : komment. k zakonodat. Harkov [in Russian].

Pinotti, P. (2015). The Causes and Consequences of Organised Crime: Preliminary Evidence Across Countries. *The Economic Journal.* Vol. 125. No. 586. DOI: 10.1111/ecoj.12238.

Remeikienė, R., Gasparėnienė, L., Fedajev, A., Raistenskis, E., Krivins, A. (2022). Links between crime and economic development: EU classification. *Equilibrium.* Vol. 17. No. 4. DOI: 10.24136/eq.2022.031.

Rose-Ackerman, S., Palifka, B. J. (2018). Corruption, Organized Crime, and Money Laundering / *Institutions, Governance and the Control of Corruption* ; K. Basu, T. Cordella (eds). International Economic Association Series. Ch. 4. Palgrave Macmillan. DOI: 10.1007/978-3-319-65684-7_4.

Shepitko, V. Yu., Konovalova, V. O., Zhuravel, V. A. ta in. (2006). *Rozsliduvannia zlochyniv u sferi hospodarskoi diialnosti: okremi kryminalistychni metodyky* [Investigation of crimes in the field of economic activity: certain forensic methods] : monohrafiia / za red. V. Yu. Shepitka. Kharkiv. URL: https://library.nlu.edu.ua/POLN_TEXT/KNIGI/PRAVO/Shepitko_Rozslid_2006.pdf [in Ukrainian].

Strelcov, E. L. (1997). *Ekonomicheskaya prestupnost v Ukraine* [Economic crime in Ukraine] : kurs lekc. Odessa [in Russian].

Zagaris, B. (2010). *International White Collar Crime: Cases and Materials.* Cambridge University Press.

Zhuravel, V. A. (1999). *Kriminalisticheskoe prognozirovanie i voprosy profilaktiki prestuplenij, sovershennyh organizovannymi prestupnymi formirovaniyami* [Forensic forecasting and prevention of crimes committed by organized criminal groups]. *Problemy borotby z orhanizovanoiu zlochynnistiu v rehioni (na materialakh Kharkivskoi ta Poltavskoi oblastei)* : zb. mat-liv mizhnar. nauk.-prakt. konf. (Kharkiv, 26—27.04.1999). Kharkiv [in Russian].

Korzh, V. (2024). Forensic Characterization of Economic Crimes Committed by Organized Groups with Corruption Relations. *Theory and Practice of Forensic Science and Criminalistics.* Issue 2 (35). Pp. 44—57. DOI: 10.32353/khrife.2.2024.04.