

DOI: <https://doi.org/10.34069/AI/2022.50.02.24>

How to Cite:

Kopotun, I., Uvarov, V., Svoboda, I., Veklych, V., & Dovban, I. (2022). Coordination of the fight against organized crime resulted from corruption. *Amazonia Investiga*, 11(50), 260-271. <https://doi.org/10.34069/AI/2022.50.02.24>

Coordination of the fight against organized crime resulted from corruption

Координація боротьби з організованою злочинністю, що формується на основі корупційних зв'язків

Received: December 18, 2022

Accepted: February 21, 2022

Written by:

Igor Kopotun⁸⁵<https://orcid.org/0000-0002-2947-8599>**Volodymyr Uvarov**⁸⁶<https://orcid.org/0000-0002-5582-7465>**Ivo Svoboda**⁸⁷<https://orcid.org/0000-0002-0941-4686>**Vladyslav Veklych**⁸⁸<https://orcid.org/0000-0003-2608-6781>**Igor Dovban**⁸⁹<https://orcid.org/0000-0001-8590-2334>

Abstract

The aim of the article was to establish the features and trends of the legal regulation in the field of coordination of the fight against organized crime by the competent authorities. The chosen research topic identified comparative legal approach to scientific research as the leading one. A set of general scientific (dialectical, historical, systemic, statistical) and narrow scientific (legalistic, case method) methods of cognition was also used.

It was stated in this research that punitive measures can have only a limited impact on reducing the manifestations of organized crime with a corruption component. Such measures should be part of a sustainable, long-term comprehensive strategy to reduce the space for organized crime and corruption, coordinated by the state while legalizing clear powers and effective mechanisms for cooperation between the competent law enforcement agencies and the public in this area.

Further research should be based on national identity, criminological factors of organized crime, and drivers of corruption in government

Анотація

Метою статті було встановлення особливостей та тенденцій розвитку правового регулювання у сфері координації компетентними органами процесів боротьби з організованою злочинністю. Обрана тематика дослідження визначила в якості провідного порівняльно-правовий підхід до наукового пошуку. Також використано комплекс загальнонаукових (діалектичний, історичний, системний, статистичний) й приватно-наукових (формально-юридичний, конкретно-соціологічний) методів пізнання.

У рамках наукового пошуку констатовано, що безпосередньо каральні заходи можуть мати лише обмежений вплив на зменшення проявів організованої злочинності із корупційною складовою. Такі заходи повинні бути частиною стійкої, довгострокової та всебічної стратегії зменшення простору для організованої злочинності та корупції, скоординованої державою із одночасною легалізацією чітких повноважень та ефективних механізмів співпраці компетентних правоохоронних органів та громадськості у цій сфері.

Подальші дослідження повинні базуватися на національній ідентичності, кримінологічних

⁸⁵ Doctor of juridical sciences, Professor, Vice-Rektor, Academia HUSPOL, Kunovice, Czech Republic.

⁸⁶ Doctor of juridical sciences, Professor, Department of Criminal Law, Faculty of Law, Dnipropetrovsk State University of Internal Affairs, Dnipro, Ukraine.

⁸⁷ Associate Professor, Guarantor of Security Management Studies, AMBIS, a.s. Vyská Škola, Prague, Czech Republic.

⁸⁸ Doctor of Science in Law, Professor, Department of Theory of State and Law and Constitutional Law of the Prince Vladimir the Great Educational and Scientific Institute of Law of Interregional Academy of Personnel Management, Kyiv, Ukraine.

⁸⁹ Candidate of Law, Acting Chairman of the Board, PJSC "Kyiv - Dnipro Intersectoral Industrial Railway Transportation Company", Kyiv, Ukraine.



institutions. Future reform of the current legislation should reasonably take into account foreign experience, as well as the innovative components of the development of national criminal groups.

Keywords: organized crime, corruption, criminal groups, anti-corruption strategy, law enforcement.

Introducción

In the modern context, it is impossible to talk about significant achievements in the field of overcoming corruption, as it has become systemic. Moreover, the list of subjects of corrupt relations is constantly expanding, creating a foundation for further criminal manifestations. In some definitions, corruption is interpreted as a complex of three groups of criminally punishable acts: a) theft and misappropriation of state property by officials; b) abuse of office for unjustified personal gain; c) conflict of interest between public duty and personal gain (Johnston, 2014).

The world community has been actively fighting for many years to minimize corruption. It is widely acknowledged that the fight against corruption affects the interests of almost all states. In today's globalized society, the fight against corruption creates a range of problems that affect all spheres of society. Without denying the frequent cases of corruption for government purposes, it can be stated that the need for international efforts to successfully solve these problems is recognized by scholars and experts in various fields, as well as public and state figures in different countries (Torcello & Venard, 2016).

Currently, most countries cannot fight cross-border organized crime without cooperation. In turn, the achievement of effective law enforcement is possible in the presence and active testing of the strategy for fighting against organized crime, national coordination of compliance with the strategy and international cooperation.

Organized crime is changing qualitatively despite the effective implementation of mechanisms for prevention and investigation of crimes by law enforcement agencies (Polianska, 2018). Global transformations show that the spheres of activity of organized criminal groups are also being modernized. Most illegal activities

чинниках прояву організованої злочинності, рушійних факторах зростання корупційних зв'язків у владних інституціях. Майбутнє реформування чинного законодавства має враховувати закордонний досвід виражено та з урахуванням інноваційних складових розвитку національних злочинних угруповань.

Ключові слова: організована злочинність, корупційні зв'язки, злочинні угруповання, антикорупційна стратегія, правоохоронна діяльність.

are manifested in drug and human trafficking; smuggling of historical artifacts; trade in tobacco products and alcohol; in money laundering and other areas.

According to the Corruption Perceptions Index (2020) published by Transparency International, all countries in the modern geopolitical space are more or less affected by corruption. The least corrupt countries are New Zealand and Denmark. Over the last year, Ukraine's Corruption Perceptions Index have increased by 3 points, and today this country ranks 117th out of 180 countries in this list (Transparency International Ukraine, 2020). During the first twenty years of Ukraine's independence, corruption increased in the state machinery, private enterprises and acquired the features of an independent social institution. The activity of state institutions in Ukraine is characterized by the corruption schemes, which have become one of the most serious problems.

Thus, corruption is inherent, albeit to varying degrees, in all countries, regardless of their political system or economic level of development. The subject of the article is especially urgent because of the severity of the existing problem, its huge scale, the affection of all spheres of society and all levels of government. Such manifestations of corruption contribute to the construction of a complex and multilevel system of organized crime.

In recent years, Ukraine has made many efforts to fight against corruption and crime, the main recommendations of relevant international organizations have been implemented, including: the National Anti-Corruption Bureau of Ukraine (NABU), the National Agency on Corruption Prevention (NAPC), the Specialized Anti-Corruption Prosecutor's Office and others. Unfortunately, these measures have proved ineffective in corruption courts. Anti-corruption bodies have entered the fight against each other,

initiating relevant cases. The inability to overcome corruption and organized crime is explained by the penetration of business and criminal representatives into the government agencies of Ukraine. Such agencies, in turn, ensure participation in the formation of executive, law enforcement and judicial bodies, control the majority of Ukrainian media. Oligarchic clans have been characterised by the use of public authorities for their own enrichment through the adoption of laws on lobbying for public procurement, assistance in the form of subsidies and other preferences.

All of the above urges the subject of the article and justifies the topicality of the study. Therefore, the aim of the article is to establish the features and trends of legal regulation in the field of coordination of the fight against organized

crime by the competent authorities, which is directly related to the corruption component. The aim of the article involved the following objectives: 1) establish the features of the legal regulation of coordination of the fight against organized crime in Ukraine; 2) identify the world's leading models for fighting against organized crime resulting from corruption, and their features; 3) outline the vector of adaptation of foreign coordination measures to fight against organized crime in the legal field of Ukraine.

Methods and materials

This research was conducted using a system of methods and techniques that allowed to cover the maximum number of significant parameters of the topic within the research procedure, which is outlined in Figure 1.

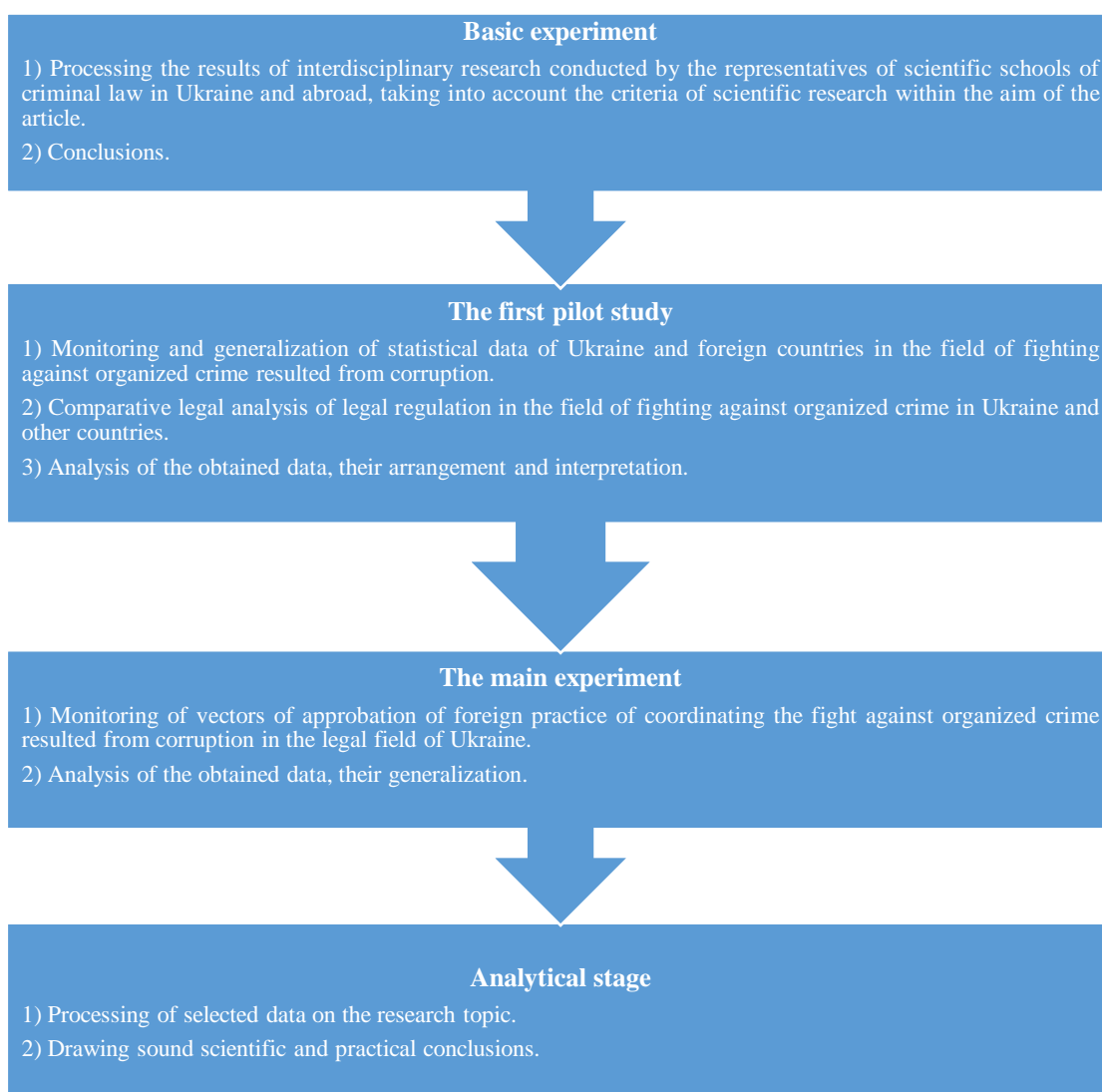


Figure 1. Abstract research design

The research involved the provisions of dialectics, as well as a set of general theoretical and private law methods of cognition based on it. The leading practical method that was used during the study was the method of observation. In particular, this method allowed to reflect the author's perception of the coordination of the fight against organized crime resulted from corruption, both in general and in the dynamics of the transformation of legal regulation in Ukraine and foreign countries.

The following methods were also used: legal modelling (modelling of public relations in the field of fight against organized crime and corruption and the ideal system of law enforcement as prevention), observation (study of current trends in current legislation of Ukraine and the activities of law enforcement agencies in the course of law enforcement), formal logic (different types of law enforcement agencies, stages of development of legal framework of their activity), formal legal (generalized legal framework of the activity of law enforcement bodies), hypothetical deductive (is used throughout the article and in the proposed conclusion), rather-legal analysis (allowed to conduct a comparative analysis of domestic and foreign legal regulation in the study area), structurally functional (structural analysis of law enforcement functions) and system-structural (study of the role of competent authorities in the law enforcement system as regards the coordination of the fight against organized crime and corruption offenses), statistical and mathematical (processing the results of statistical reports and surveys), historical and legal (the legal background of law enforcement is considered in retrospect).

The study also used a civilizational approach — as a basis for studying the interpersonal interaction of the subjects involved in legal relations in the field of coordination of the fight against organized crime. The system-activity approach was useful in the process of analysing the mechanisms of transformation of social relations in society as a whole organism. The socio-cultural approach was aimed at identifying the transformation of social relations on the basis of changes in the values of society, attitudes to corruption in various government agencies.

The theoretical and methodological background of the study also included: conflict theory of power, which allowed analysing the process of politicization of organized crime and the use of corruption; capital theory, which expands the research field of public administration by

identifying different types and forms of resources, capital, opportunities for their conversion and use in coordinating the fight against organized crime and public administration at the macro and micro levels.

The works of domestic and foreign scientists were used in the research. Forty sources were reviewed, in which special attention was paid to scientific research on the subject of the article. Special attention should be paid to the research of Movchan (2017), in particular the author's conclusions on the essence and content of corruption prevention, their connection with organized crime are tested. The article also includes the conclusions proposed by Momotenko (2014) in the work entitled *Organized Crime in the Modern World: Features and Trends*. In particular, the author expressed the position on the cross-border scope of the fight against organized crime and updated the proposals on further prospects for overcoming it, taking into account the globalization of society. The results of the scientific research of Habuda and Repetskyi (2020) presented in the work *Criminalization of Corruption Offenses in the Criminal Code of Ukraine and International Law: a Comparative Analysis* also contributed to the substantiation of this author's position taking into account modern realities.

Regulatory acts in the field of combating organized crime both on the territory of Ukraine and other states become the central empirical material within the architectonics of the research. It is a comparative analysis of legal regulation in this area that allowed to draw comprehensive conclusions and outline further vectors of research on this issue.

Results and Discussion

Organized criminal groups, which take advantage of innovative technologies in the context of intensive development of the globalized world, are involved in extremely wide cross-border activities. In general, the guarantee of successful counteraction to the socially dangerous phenomenon under study is the organization of a well-functioning law enforcement system, strict financial, banking, currency, tax control, effective preventive mechanisms to overcome corruption and effective coordination of organized crime. The state and modern society must be aware of the real danger of organized crime resulted from corruption, and express a reasonable position on the way to fight against it. The study outlined the state's priority commitments to coordinate the fight against organized crime, as shown below (Figure 2).

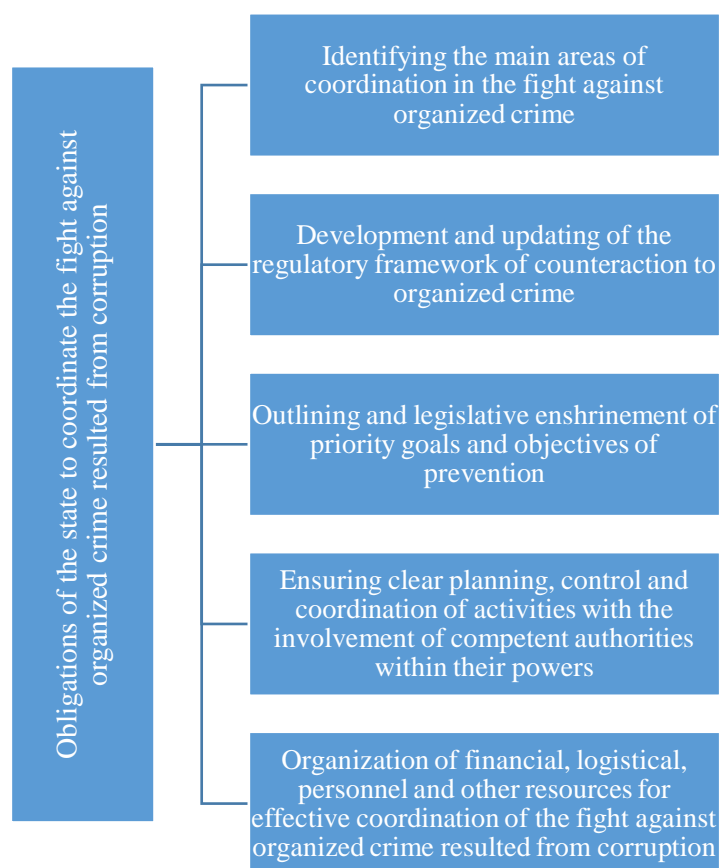


Figure 2. The state's priority commitments to coordinate the fight against organized crime
*Developed by the author based on the results of the author's own research

It should be noted in this context that the United Nations Office on Drugs and Crime has developed Model Legislative Provisions against Organized Crime as part of an international legislative initiative in this area (United Nations, 2012). It was a response to the General Assembly's request submitted to the Secretary General on assisting Member States in their efforts to accede to the UN Convention against Transnational Organized Crime and the Protocols Thereto (United Nations Office on Drugs and Crime, 2000). This document contributes to the systematization of the procedure for providing legal assistance to the UN Office on Drugs and Crime, as well as the revision and amendment of existing legislation and the adoption of new acts by member states.

Typical legislative provisions are developed with a view to the needs of each state, regardless of its legal traditions, as well as social, economic, cultural and geographical conditions; they already exist for some UN commitments. The Convention against Transnational Organized Crime applies in particular to extradition, mutual assistance in criminal matters, witness protection and money laundering. In turn, the fight against

organized crime in Ukraine is regulated by Law of Ukraine "On Organizational Legal Principles of Struggle against the Organized Crime" dated June 30, 1993 (Law of Ukraine No. 3341-XII, 1993). This legal act seems rather archaic, even in spite of the intensification of renewal processes, and needs to be comprehensively reformed taking into account current realities.

At the same time, strengthening the capacity of law enforcement agencies - actors in the fight against organized crime is impossible without the introduction of a system of criminal analysis and risk analysis of organized crime, which is compatible with EU standards and provides for the development and implementation of standardized Serious and Organized Crime Threat Assessment (SOCTA), its use to assess the real situation in this area, identify gaps in the system of obtaining relevant operational information, successful coordination of the fight against organized crime.

While traditional types of crime, such as corruption offenses, remain a major concern, the effects of globalization in society and business have led to the emergence of new types of crime.

Criminal networks use gaps in legislation, the Internet and conditions related to the economic crisis, for example, to make illicit profits with a low level of risk. One of Europol's main reports, the Serious and Organized Crime Threat Assessment (SOCTA), informs the European law enforcement community and decision-makers of such developments in the field of serious and organized crime and the threat it poses to the EU. Based on the analysis of the prevailing threats, SOCTA identifies a number of high-priority areas of crime on which the EU's operational response should focus. Europol's current SOCTA report, published in 2021, states that the use of corruption and abuse of legal business networks are key features of organized crime in Europe. Two-thirds of criminals regularly use corruption. Besides, the following eight priority threats to crime have been identified: cybercrime; production, circulation and distribution of drugs; illegal import of migrants; organized crime against property; human trafficking; money laundering; forgery of documents; online trade in illegal goods and services (Europol, 2021).

In this context, it is advisable to refer to the positive foreign practice of coordinating the fight against organized crime resulted from corruption. There are 3 models of combating corruption among the states that have succeeded in combating corruption and organized crime. The first model is presented in the countries of Northern and Western Europe (especially well expressed in the Scandinavian countries). State institutions in Norway, Sweden, Finland, Denmark are among the best in the world, they often combine the principles of social and legal state. The focus of their coordination in the fight against organized crime is free competition in the economy, a developed civil society, and the high role of the media in covering corruption crimes and crimes committed by organized groups. The experience of one of the most non-corrupt states, the Netherlands, is also worth attention. The manifestations of organized crime in this country are minimized through a successful national policy. According to The Netherlands 2020 Crime & Safety Report (Overseas Security Advisory Council, 2020), the state carries out operational control over the system of coordination of the fight against crime, operational detection of money laundering, which also reduces the growth of drug trafficking — a manifestation of crime, which currently resists total eradication in this country.

Another anti-corruption model is presented in the countries of Southeast Asia, first of all, in

Singapore, Hong Kong, Taiwan, Malaysia. This model also includes South Korea and Japan. Its specifics is a comprehensive personnel policy, the maximum possible distance of the state from economic regulation, the creation of special anti-corruption bodies, equality before the law and the legalization of severe punishment for corruption crimes. The third model — the “American anti-corruption model” (USA, Canada, Australia) — is characterized by a combination of strict restrictive laws with a system of incentives and incentives to prevent corruption and organized crime. “US anti-corruption legislation is systemic. It also consists of legal acts regulating lobbying, banking, exchange and other activities. Although this is not a guarantee of the complete eradication of corruption, it is much lower in the United States than in other countries.

Not all countries are able to pursue successful anti-corruption policies and coordinate the fight against organized crime. Some countries (such as China) focus on repressive measures to combat political corruption, which are currently yielding very low results and promoting the activities of organized groups. Others (including Georgia) defeat corruption at the domestic level, while political corruption remains virtually intact and creates the ground for further criminal action. No state can be a model, so taking the experience of coordinating the fight against organized crime resulted from corruption from foreign countries requires a very careful adaptation of the positive experience to the conditions, traditions, cultural features, level of development and other indicators.

Immediately after Ukraine's gained independence, there was a need for cooperation in the fight against organized crime and its corruption component. The adoption of the new Criminal Code of Ukraine (Law of Ukraine No. 2341-III, 2001) in 2001 provided additional opportunities to influence the further development of organized crime, its individual forms. In particular, new legal grounds for prosecuting persons participating in such criminal organizations have been legalized. It should be noted that the basic provisions of the institution of complicity in organized criminal activity are enshrined in Articles 28, 29 and 30 of the Criminal Code of Ukraine (Law of Ukraine No. 2341-III, 2001). This legal act enshrines the definitions of the terms “organized group” and “criminal organization”, as well as the legal norm on criminal liability for the establishment of a criminal organization (Article 255 of the Criminal Code of Ukraine).

When analyzing the state of the fight against organized crime in Ukraine, it is advisable to refer to statistics. The Report of the National Police of Ukraine on the Results of 2020 (Cabinet of Ministers of Ukraine, 2020b) shows that 353 organized groups and criminal organizations were identified and neutralized in

Ukraine during 2020, which is 78 more criminal groups than last year. The increase in the effectiveness of the National Police of Ukraine in the field of exposing organized groups and criminal organizations on the territory of Ukraine from 2015 to 2020 is shown in Figure 3.

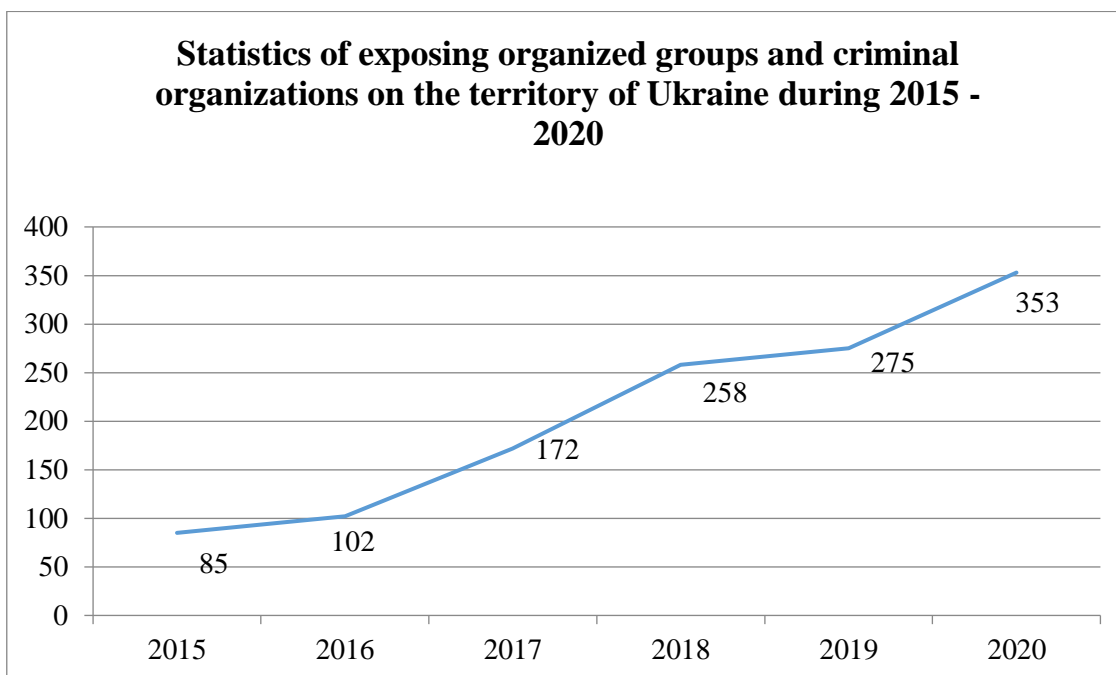


Figure 3. The increase in the effectiveness of the National Police of Ukraine in the field of exposing organized groups and criminal organizations on the territory of Ukraine from 2015 to 2020

*Summarized by the author according to the reports of the National Police of Ukraine on the Results of 2015-2020.

There were 160 cases which had a corruption component among 3,500 established facts of crimes committed by these groups in 2020. Thus, we can conclude that in Ukraine corruption exists inseparably with organized crime, which makes corruption profitable and unpunished. However, transformations of the legal field of Ukraine in the study area are currently underway, and the range of coordination measures is expanding. It should be noted in this regard that, the Cabinet of Ministers of Ukraine approved the Strategy for Combating Organized Crime on September 16, 2020 (Order of the Cabinet of Ministers of Ukraine No. 1126-p, 2020b), which will operate

in accordance with international requirements with the introduction of international standards — Serious and Organized Crime Threat Assessment (SOCTA). The need to implement the Strategy is confirmed by the above statistics on the results of the fight against organized crime by the police in Ukraine (Cabinet of Ministers of Ukraine, 2020a). At the same time, the guiding principles of this document include focusing on the detection, liquidation of criminal networks, tracking of cash flows and return of assets obtained from corruption crimes. This Strategy will be implemented in three stages, which are shown in Table 1.

Table 1.
Stages of implementation of the Strategy for Combating Organized Crime (Ukraine)

Stage 1	Stage 2	Stage 3
-Serious and Organized Crime Threat Assessment (SOCTA Ukraine) -Drawing analytical conclusions and transformation of strategic goals of fight against organized crime, identification of the directions of process coordination -Development of comprehensive plans based on approved strategic goals	-Defining a limited number of strategic goals in accordance with the SOCTA Ukraine assessment and developing comprehensive action plans -The identified priorities are approved by the interdepartmental commission - the National Coordinator -The coordinating body develops comprehensive action plans	-Implementation of comprehensive action plans -Each plan is implemented by a body that fights against organized crime with the involvement, if necessary, of the representatives of civil society. The National Coordinator shall be informed of the progress of implementation, completion, or grounds for the failure to implement the action plans

* Prepared by the author based on the analysis of the Strategy for Combating Organized Crime

Besides, the Cabinet of Ministers of Ukraine agreed on the National Anti-Corruption Strategy for 2020-2024, which will be a special document for Ukraine to coordinate all branches of government in order to effectively combat and prevent corruption (Analytical portal, 2020). At the same time, levelling the progress, the Constitutional Court of Ukraine made an ambiguous decision in October 2020 on the constitutionality of the electronic declaration system, unmaking most of the anti-corruption infrastructure of Ukraine. This decision of the court is completely legitimate and must be enforced. However, this decision not only complicated, but at some point made it impossible to fight corruption and jeopardized the visa-free regime and further cooperation between Ukraine and the EU (Decision No. 13-r/2020, 2020). The court decision also halted mechanisms for exposing conflicts of interest among officials, detecting corruption in state-owned enterprises and the work of whistleblowers, thus affecting the coordination of the fight against organized crime resulting from corruption.

Despite the above negative event in the legal field, public authorities are actively continuing coordination measures to combat organized crime, adopting and implementing the relevant coordination documents. The Security Service of Ukraine (2020) adopted the Anti-Corruption Programme of the Security Service of Ukraine for 2021-2024. The assessment of corruption risks in the activities of the Security Service of Ukraine is quite positive in this document, as overcoming corruption risks will increase the level of prevention in the field of organized crime and bring the leaders of this hierarchical group to justice.

Besides, the Draft Law on the Principles of State Anti-Corruption Policy for 2020-2024 No. 4135 dated September 21, 2020 should be considered a positive initiative, which was submitted to the Verkhovna Rada of Ukraine, adopted as a basis and being prepared for second reading (Law No. 4135, 2020a). The text of the Draft Law, updated for the second reading, proposes the Anti-Corruption Strategy for 2021-2025 for approval, which, in turn, gives the National Agency for Prevention of Corruption the authority to coordinate the implementation of the Anti-Corruption Strategy and the state anti-corruption programme. The adoption of this legal act will be a positive step towards the introduction of mechanisms to fight against corruption and coordination measures to combat organized crime.

Based on the above, we can conclude that the leaders of Ukraine understand the seriousness of corruption and organized crime — “threats of the 21st century”. Internal destructive factors associated with the progressive level of crime and corruption are very powerful in modern conditions in this state. According to Shvets (2019), such factors cause significant damage to the potential of Ukrainian statehood on the path to self-preservation and progressive development of the state. Ukrainian lawmakers are taking decisive steps in the legislative reform based on international experience, and aimed at strengthening control over the activities of civil servants at all levels of government.

Corruption in public authorities remains particularly dangerous. Tuli (2015) supports the author’s position that the law enforcement agencies of Ukraine are affected by corruption, do not have sufficient opportunities and independence to fight institutional corruption.

The legal framework for law enforcement in the field of combating organized crime and corruption is an important and correct step to build a rule of law in Ukraine, where the legislation meets all European standards. At the same time, the purposeful fight against corruption and organized crime cannot be carried out through one-time and short-term actions of any degree of activity and severity at any level, but requires long-term socio-economic, political and legal transformations.

The comparative analysis of the legal acts and positive foreign practice allowed singling out the main tasks of Ukraine regarding coordination of the fight against organized crime resulting from corruption. The first task is to form a specialized data bank and provide initiative information to the relevant competent authorities (depending on the statutory competence). A scientifically sound strategy was developed by Holmes (2020) in his work on corruption among police officers regarding the development of the data bank. At the same time, the repression proposed by Ukrainian scholars through criminalization (Habuda & Repetskyi, 2020) is insufficient to effectively curb organized crime and corruption. Therefore, they are not supported by the author because of the need to supplement them with preventive and coordinating means. Besides, a study published by Transparency International (2017) and the World Wide Web Foundation in 2017, covering five G20 countries, shows that open data policies and coordination measures to combat organized crime and corruption are developed independently of each other — in a fragmentary connection with criminalization (Verbenskyi, 2010).

The second task of the state should include the introduction of preventive measures to reduce the manifestations of organized crime in the context of the level of corruption in Ukraine. The opinion of Hvozdet'skyi (2019) is very right in this regard; he offers the most obvious mechanisms: the introduction of measures to ensure the freedom of business, which in themselves reduce the dependence of businessmen on officials. According to the lawyer, the formation of anti-corruption strategies of the business itself is no less important task. At the same time, modern realities dictate a situation where a large number of big businessmen begin to realize the fact that solving any issues with European business is simply impossible without following the civilized rules of the market economy. According to Kelshaw (2020), reducing the preconditions for corruption and organized crime, increasing the social cost of the civil service (prestige, social

security) and increasing the risk of corruption are the fundamental components of anti-corruption policy. Those areas of combating organized crime and corruption have been decisive in a number of foreign countries (Singapore, Poland), which, according to the international community, have achieved significant success in this area. In particular, Gonzalez et al. (2019) proposed a list of universal measures to prevent organized crime for many jurisdictions and 34 social conditions.

The third task is to coordinate the search for members of criminal groups, persons who have committed the most dangerous crimes and are hiding from criminal prosecution by strengthening cooperation between different authorities. Darakhan et al. (2021) stressed the need to develop and adopt interdepartmental documents on cooperation in the fight against corruption and organized crime.

The fourth task of Ukraine is to enshrine in the legislation clearly structured and meaningful recommendations for combating organized crime resulting from corruption, taking into account the positive national and foreign practices of coordination and law enforcement. Scholars support the author's position that the state should play a crucial role in combating transnational organized crime. It is state institutions that are able to identify and implement the anti-criminogenic potential of society, organize a system of general and special countermeasures in cooperation with it, which should be built taking into account socio-economic, historical and cultural conditions of a particular society, patterns of this development (Dorokhina & Moroz, 2019).

Scholars also argue that the ineffectiveness of legal policies in the fight against organized crime is due, among other things, to weak state control over the fight against corruption (Jackson, 2020). In this regard, a comprehensive approach to the fight against organized crime requires further development with a view to the necessary improvement of cooperation between all law enforcement and regulatory agencies. According to Jancsics (2019), this approach should ensure effective coordination of the competencies of government institutions and their enforcement.

The priority areas proposed in the article for coordinating the state's fight against organized crime resulting from corruption have already received their support at the General Assembly's meeting (United Nations, 2021). Elanas Jablonskas, Deputy Minister of Justice of Lithuania, stressed that in extreme cases

corruption can completely destroy trust in the state. Special measures should be taken to prevent, detect, prosecute and sanction these crimes, applying a preventive policy when a real need arises. In turn, Oleksandr Novikov, Head of the National Agency for the Prevention of Corruption of Ukraine, stressed the need for total digitalization of the public sector as part of the architecture of the fight against corruption, which will help avoid the development of corruption relations. At the same time, the head of the Anti-Corruption Bureau of Argentina, Feliz Cru, pointed out that corruption weakens both public and private institutions and contributes to organized crime, drawing attention to the need to strengthen accountability for corruption-related offenses (United Nations, 2021).

Conclusions

The study revealed that the states that have chosen the Scandinavian model of combating corruption and organized crime, including Ukraine, identify one of the driving factors in the development of organized crime — permanent corruption ties. Such ties help to build a criminal hierarchy of groups through the prism of the powers of the competent authorities, so overcoming them remains the main responsibility of the competent public authorities.

The analysis of legal regulation has shown that the adaptation of coordination measures in the legal field of Ukraine should be balanced and take into account the peculiarities of national manifestations of organized crime and corruption components of this state. Statistics on overcoming organized crime on the territory of Ukraine are constantly growing, which confirms the increase in the number of such groups. New ways of committing crimes, their innovative component and the sophistication of corrupt ties require the renewal of legal regulation and a new sustainable system for combating these phenomena. The practice of reforming the current legislation of Ukraine shows the branched institutionality and variable powers of public authorities, which currently remain uncoordinated by the legislator. Scholars have supported the need for the state to exert a decisive influence on such coordination.

Further research on the subject of the article will be carried out taking into account the latest legislative innovations and the state of implementation of Ukraine's obligations in the fight against organized crime and corruption in government institutions. It is also planned to

analyse the state of adaptation of the EU provisions to the legal field of Ukraine in the study area.

Bibliographic references

- Analytical portal. (2020). The government has approved strategies to fight crime and corruption. Word and deed. Retrieved from <https://www.slovovidilo.ua/2020/09/16/novyn-a/polityka/uryad-sxvalyv-stratehiyi-borotby-zlochynnisty-ta-korupcziyeyu>
- Cabinet of Ministers of Ukraine (2020a). The Cabinet of Ministers supported the strategy for combating organized crime. Retrieved from <https://www.kmu.gov.ua/news/kabinet-ministriv-pidtrimav-strategiyu-borotbi-z-organizovanoyu-zlochinnisty>
- Cabinet of Ministers of Ukraine (2020b). Report of the National Police of Ukraine on the results of work in 2020. Retrieved from <https://www.kmu.gov.ua/storage/app/sites/1/17-civik-2018/zvit2020/npu-zvit-2020.pdf>
- Darakh, V., Boiko, O., Rohalska, V., Soldatenko, O., & Lytvynov, V. (2021). Structural-functional providing of the operative-investigative crime prevention in the field of public procurement in Ukraine. *Amazonia Investiga*, 10(42), 80-92. <https://doi.org/10.34069/AI/2021.42.06.8>
- Decision No. 13-r/2020. Decision of the Constitutional Court of Ukraine in the case on the constitutional petition of 47 people's deputies of Ukraine on compliance with the Constitution of Ukraine (constitutionality), Constitutional Court of Ukraine of 27 October 2020, http://ccu.gov.ua/sites/default/files/docs/13_p_2020.pdf
- Dorokhina, Yu. A., & Moroz, I. O. (2019). Corruption and corruption crimes in Ukraine. *Vcheni notes of TNU named after V.I. Vernadskoho. Series: yurydychni nauky [Vcheni zapysky TNU imeni V.I. Vernadskoho. Serii: yurydychni nauky]*. 30(69) № 3. <https://doi.org/10.32838/1606-3716/2019.3/17>
- Europol. (2021). European Union Serious and Organised Crime Threat Assessment (Socta). Retrieved from <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>
- Gonzalez, R., Mackenna, B. & Muñoz, E. (2019). The experience and perception of corruption: a comparative study in 34 societies. *International Journal of Sociology*, 49(3), 222-240.

- Habuda, A., & Repetskyi, S. (2020). Criminalization of corruption offenses in the Criminal Code of Ukraine and international law: a comparative analysis. *Entrepreneurship, Economy and Law*. Retrieved from <http://pgp-journal.kiev.ua/archive/2020/4/49.pdf>
- Holmes, L. (2020). *Police Corruption*. Oxford University Press, <https://doi.org/10.1093/acrefore/9780190264079.013.633>
- Hvozdetskyi, V. D. (2019). Legal bases of prevention and counteraction to corruption in Ukraine. Proceedings of the scientific-practical conference "Peculiarities of application of anti-corruption legislation: from investigation to court verdict". KhNUVS. [File PDF] Retrieved from http://univd.edu.ua/general/publishing/konf/17_10_2019/pdf/10.pdf
- Jackson, D. (2020). How change happens in anti-corruption: A map of policy perspectives. Bergen, Norway: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute. Retrieved from <https://www.u4.no/publications/how-anti-corruption-change-happens>
- Jancsics, D. (2019). Corruption as resource transfer: An interdisciplinary synthesis. *Public Administration Review* 79(4), pp. 523–537.
- Johnston, M. (2014) *Corruption, contention, and reform: The power of deep democratization*. Cambridge: Cambridge University Press.
- Kelshaw, K. (2020). Organized crime and development in low and middle-income countries. Boise State University Theses and Dissertations, 1669. Retrieved from <https://scholarworks.boisestate.edu/td/1669/>
- Law No. 4135. Draft Law on the Principles of State Anti-Corruption Policy. Verkhovna Rada of Ukraine, 2020-2024 dated 21.09.2020. Retrieved from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70007
- Law of Ukraine No. 2341-III. (2001). Criminal Code of Ukraine. Verkhovna Rada of Ukraine, 05 April 2001. Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14>
- Law of Ukraine No. 3341-XII. On the organizational and legal basis of the fight against organized crime Verkhovna Rada of Ukraine, 30 June 1993. Retrieved from <https://zakon.rada.gov.ua/laws/show/3341-12#Text>
- Momotenko, T. D. (2014) Organized crime in the modern world: characteristics and development trends. *Scientific Bulletin of Kherson State University*, 1(3), 57-61. [In Ukrainian]
- Movchan, A. V. (2017) Current problems of combating corruption in Ukraine. *Herald of Criminal Justice*, 1/2017, 116. Retrieved from http://vkslaw.knu.ua/images/verstka/1_2017_Movchan.pdf
- Order of the Cabinet of Ministers of Ukraine No. 1126-p. On approval of the Strategy for Combating Organized Crime. Verkhovna Rada of Ukraine, September 16, 2020. Retrieved from <https://zakon.rada.gov.ua/laws/show/1126-2020-%D1%80#Text>
- Overseas Security Advisory Council. (2020). *The Netherlands 2020 Crime & Safety Report*. Retrieved from <https://www.osac.gov/Country/Netherlands/Content/Detail/Report/5854ae95-5573-449f-a294-1865caae8ae>
- Polianska, V. S. (2018). Issues of European cooperation in combating transnational organized economic crime. *Scientific Herald of National Academy of Internal Affairs*, 3(108), 67-79. [In Ukrainian]
- Security Service of Ukraine. (2020). Assessment of corruption risks in activities. Retrieved from <https://ssu.gov.ua/antikoruptsiina-prohrama-2021-2024>
- Shvets, D. V. (2019) Corruption is the main threat to Ukrainian statehood. Proceedings of the scientific-practical conference "Peculiarities of application of anti-corruption legislation: from investigation to court verdict". KhNUVS. [File PDF] Retrieved from http://univd.edu.ua/general/publishing/konf/17_10_2019/pdf/1.pdf
- Torcello, D., & Venard, B. (2016). The anthropology of corruption. *Journal of Management Inquiry*, 25(1), 34-54. <https://doi.org/10.1177%2F1056492615579081>
- Transparency International Ukraine. (2020). *Corruption Perceptions Index - 2020*. Retrieved from <https://ti-ukraine.org/research/indeks-spryjnyattya-koruptsiyi-2020/>
- Transparency International. (2017). *Integrity pacts – civil control mechanism for safeguarding EU funds*. Retrieved from <https://www.transparency.org/en/projects/integritypacts>
- Tuli Kh. A. T. (2015) Administrative and legal means of combating corruption in state bodies: the example of Ukraine and Iraq (comparative legal study). (Master's thesis). Odessa National University named after I. I.

- Mechnikov, Kyiv. Retrieved from http://idpnan.org.ua/files/tuli-h.a.-tuli.-administrativno-pravovye-sredstva-borby-s-korruptsiev-v-gosudarstvennyh-organah-na-primere-ukrainy-i-iraka_.pdf
- United Nations Office on Drugs and Crime. (2000). United Nations Convention against Transnational Organized Crime and the Protocols Thereto. Adopted by the UN General Assembly: 15 November 2000, by resolution 55/25. Retrieved from <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>
- United Nations. (2012). Model legislative provisions against organized crime. United Nations Office on drugs and crime Vienna. New York: United Nations. Retrieved from https://www.unodc.org/documents/organized-crime/Publications/Model_Legislative_Provisions_UNTOC_Ebook.pdf
- United Nations. (2021). Stressing no country is exempt from corruption, speakers in general assembly call for greater collaboration to tackle menace, as special session continues. Retrieved from <https://www.un.org/press/en/2021/ga12330.doc.htm>
- Verbenskyi, M. H. (2010). Transnational crime: criminological characteristics and ways of prevention. (Doctor's thesis). Dnipro.