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MODERN METHODS OF COMBATING FINANCIAL CRIMES

Financial crimes are crimes directed against financial institutions (both public and private) and committed using financial systems and relationships through financial documents.

Criteria for attributing criminal acts to financial are:

- 1) the presence of a certain object of encroachment - tangible assets (cash, foreign exchange, securities, other tangible assets);
- 2) violation of the process of their normal, legal movement, or the creation of conditions for violation of the specified process;
- 3) in general, the unity of the specific object of encroachment - legal relations in the sphere of financial activity of economic entities.

The purpose of these crimes is to disrupt the normal movement of financial and material resources, which leads to their transfer to "interested" persons or to the detention of these persons.

The fight against financial crime in the world today is one of the most pressing problems. Despite the fact that the latter make up only 10-15% of the total number of crimes, they are of great concern to law enforcement agencies of the states. In particular, in recent years, criminals are increasingly using the world banking system and offshore zones to legalize the proceeds of tax evasion and various types of fraud. This significantly complicates the process of disclosure and investigation of such crimes.

Bank fraud. The largest number of crimes in the banking sector are illegal activity with plastic cards, which include their forgery, use of a forged or foreign (stolen / found) plastic card. The sharp increase in the number of card users complicates the control and prevention of crimes by both banks and law enforcement agencies. The Criminal Code of Ukraine establishes responsibility for illegal actions with settlement documents, including plastic cards.

Another type of banking-related crime is enormous and has a serious impact on law enforcement agencies in preventing and investigating misuse of electronic payment systems. Most of them are committed by bank employees, and it is the banks that, taking care of their reputation, take over the function of investigation. Another situation is when banks are attacked by outsiders or "hackers" who gain access to the accounts of bank

customers through the Internet by violating the bank's electronic security systems.

Financial investigation is a major contributor to financial crime investigations. This form of investigation was highlighted separately by a group of leading European scientists. They defined it as follows: financial investigation is the collection, acquisition, study and analysis of financial and / or related information to support law enforcement purposes. It has tactical and strategic objectives. Tactical include: finding and obtaining evidence; identification, seizure and confiscation of funds; blocking illicit profits. Strategic strategies include: 1) collecting information of a tactical nature by specific types of offenses (eg, legalization of proceeds of crime), by trade and manufacturing (eg, real estate), or by entities that are at risk (e.g. employees of offshore companies) and other information that could potentially be transformed into evidence; 2) identifying business risk indicators and deviations from standard business practices that lead to offenses; 3) supporting business crime prevention policies by identifying ways of committing crimes in individual regions and industries, as well as the means (technical and financial) that can be effectively used to combat crime; 4) improving the effectiveness of the investigation by analyzing previous experience with subsequent improvement; 5) development of a state crime prevention policy, such as: making proposals for improving legislation, reforming law enforcement agencies and structures, developing investigative skills. Financial investigation is inherent in a self-serving crime, since its investigation requires the search, seizure of material assets and compensation for harm to victims.

The factors of successful counteraction to financial crimes have long been known and implemented by the international community. These include, first of all, the openness of the authorities, transparency and clarity of the decision-making procedures, effective mechanisms for monitoring the activity of civil society by the state bodies, freedom of speech, freedom and independence of the media.

One of the main components of the formation and implementation of an effective system for combating these crimes is the clear interaction of States, primarily their law enforcement agencies, at the regional and international levels, participation in measures to combat these negative phenomena implemented within the United Nations, the Council Europe, Interpol, the International Monetary Fund, the World Bank and other international institutions.

An important condition for the effectiveness of the joint efforts of the states in combating crime is the legislative regulation of extradition and other types of intergovernmental cooperation in the field of criminal justice.

Along with the improvement of the criminal and criminal law legislation in this area, it is necessary to adopt the Law on Organizational and Legal Foundations of International Cooperation of Ukraine in the field of combating crime. This law must be consistent with the purpose of cooperating as broadly as possible: in order to accomplish this task, it should include a provision under which international cooperation is carried out on the basis and in the manner provided by the legislation of Ukraine, in accordance with multilateral and bilateral treaties or other agreements on mutual legal assistance.

Money laundering methods and methods are changing in line with the development of countermeasures. In recent years, the Anti-Money Laundering Unit (FATF) 1 has been finding more and more complex combinations of ways, such as stepping up the use of legal entities to hide genuine property and controlling proceeds of crime and intensifying the use of professionals to provide advice and assistance in the laundering of criminal proceeds.

These factors, combined with experience gained in countries and territories that do not cooperate in preventing and combating the laundering (laundering) of proceeds of crime, as well as a number of national and international initiatives, have led to the review and validation of the FATF Forty Recommendations on counteracting money laundering and terrorist financing in the new environment. The FATF is now urging all countries to take the necessary steps to bring their national systems in place to combat money laundering and terrorist financing in line with the new FATF recommendations and their effective implementation.

FATF is an intergovernmental body that sets standards and develops policies to combat money laundering and terrorist financing.

So, criminals are increasingly using fictitious businesses whose bank accounts are located abroad. Postal money transfers, loan agreements (in most cases with zero interest), investment projects and cash smuggling are also actively used. In view of this, it is difficult to trace the flow of funds and to prove the illegal source of their origin to law enforcement agencies.

Список використаних джерел

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2. United Nations Convention against Transnational Organized Crime /. [Електронний ресурс]. - Режим доступу: https://zakon.rada.gov.ua/laws/.show/995_789