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Prevention of Fraud with Real Estate in the Residential Sector in Ukraine at the Present Stage

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■ **Abstract.** The real estate market in Ukraine is increasing the pace of its development every day, especially in large cities, and accordingly, in parallel with such active development, several ways of acquiring, alienating, and obtaining real estate objects are being improved. However, it is quite difficult to investigate specific volumes of fraud, since most of these phenomena still are latent, and as a result, the prevention measures taken do not give the desired results, so the issue under study is truly relevant for the scientific plane. The purpose of this study is to analyse the most common manifestations of fraudulent actions in the housing sector, their determinants in Ukraine, as well as to identify effective measures to prevent criminal offences of this category and implement them in the legal reality of the country. The study uses the general dialectical method of scientific knowledge of real phenomena, their connections, as well as the Aristotelian method. The theoretical framework of this study comprises the works of Ukrainian and foreign scientists on a comprehensive study of this adverse phenomenon and the development of effective counteraction to it in the current conditions. Based on the conducted research, the main ways of committing a criminal offence and measures that can prevent fraud with real estate in the housing sector are studied and highlighted. Statistical data on the number of registered criminal offences related to fraud in the field of property in recent years and the indicator are presented the ratio of the number of latent acts. The article examines the current state of national legislation in the field of prevention of crimes in the housing sector and identifies areas for improving the mechanism regulating this institution in Ukraine. Proposals have been made to eliminate a number of causes that contribute to this phenomenon today. The practical significance of scientific work lies in the fact that the studied scientific provisions, generalisations, conclusions, and recommendations have both theoretical and applied significance, which can later be used in research activities and the educational process

■ **Keywords:** victimhood; general social measures; organisational measures; criminological characteristics; determinants; organised crime; identity of the criminal

■ Introduction

A necessary condition for effective prevention of crimes in the housing sector is the definition of a mechanism that is aimed at preventing illegal actions in this area and eliminating their determinants. There is no doubt that now and, in the future, the development of crime will depend on social existence, collective thinking and behaviour of people [1, p. 179]. The problem of fraud has not lost its scientific relevance and practical significance for several decades. Thus, a young

scientist L. Kuryata in the scientific heritage notes that a considerable number of scientific works of specialists in the field of criminalistics, criminology, criminal law, criminal procedure, legal psychology, are devoted to various aspects of this socially dangerous phenomenon [2, p. 379].

Scientific figures O. Kovalchuk and E. Pryakhin believe that fraud is a fairly common current direction in the criminal environment, so the counteraction, the effectiveness of which depends on law enforcement agencies, is due to certain factors – the high latency of a criminal offence, the development of information technologies and the disguise of fraud under the guise of economic activity [3].

S. Chernyavsky in his dissertation studied financial fraud and attributed to the scientific category 2 categories of crimes – financial and economic, and

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analysed the criminal-legal nature and classification of financial fraud, described financial fraud in the structure of economic crime, etc. [4].

S. Kuzmenko investigated and described fraud in the field of investment in the construction of real estate objects, in particular, gave a forensic description, the stages of investigation by law enforcement agencies of such fraud and identified a system of tactical operations that are used in the process of pre-trial investigation [5].

Criminologist O. Juzha examines the identity of the criminal. Thus, in his work, he notes that describing the personality of economic criminals, the signs are reduced to 3 groups: 1) attitude to various social values, labour duties, attitude to property in the conditions of the formation of new economic relations; 2) the nature and social significance of the needs of a person, interests, attitudes and means of satisfying them (legal, illegal, criminal); 3) self-justification that criminal activity is useful for the interests of business and Society [6].

T. Taran in her dissertation research for the first time carried out the classification of fraud, which is associated with the seizure of real estate by female persons. The scientist describes that such fraud can be committed by women using mental or bioenergetic influence to seize property, usually money, gold products, etc. [7].

Due to the increased pace of housing construction and the correspondingly increased volume of housing stock in Ukraine, the number of fraudulent actions in this area is also increasing. Ukrainian scientist, lawyer A. Yukhno believes that fraud is characterised by dynamism, it is modernised, leads to negative consequences in the social, economic, and political aspect, and in recent years the volume of this problem has increased, which accordingly complicates the mechanism of counteraction and Investigation [8, p. 99].

Analysing the data of the unified report on criminal offences of the Office of the Prosecutor General in recent years, the statistics are as follows: during 2019, 444.1 thousand criminal offences were registered, of which 256.5 thousand (57.8%) – crimes against property, of which 32.4 thousand (12.6%) – fraud; in 2020 – 360.6 thousand criminal offences, of which 189.1 thousand (52.5%) – crimes against property, 26.8 thousand (14.1%) – fraud. During the first quarter of 2021 – 106.5 thousand criminal offences, of which 54.3 thousand (50.9%) – crimes against property, 5.2 thousand (9.6 %) – fraud [9].

In addition to fraud, other actions are used that fall under other articles of the criminal law regulating liability for crimes against property (as a rule, fraud is combined with extortion, embezzlement). In addition, crimes in the form of fraud are accompanied by crimes against the person; this usually occurs in cases where fraud cannot be completed, at some stage it is solved, and then criminals can use threats against the

life and health of victims.

The purpose of this study is a description and analysis of the reasons for committing fraudulent actions in the housing sector in Ukraine and, accordingly, a study of effective measures to prevent such crimes. To achieve this purpose, the study performs the following tasks: various approaches to understanding this criminal offence are considered; the determinants of fraud that manifest themselves in the housing sector are investigated and studied.

■ Materials and Methods

In the course of the conducted scientific research, based on the set goal and objectives, it was used: modelling method with the help of which the identification of essential signs of phenomena and processes was carried out using the model, namely: setting the goal of the task, etc.; the dialectical method was used to study socio-legal events, their patterns, which in the future makes it possible to really assess the level, effectiveness and analysis of national legislation in the field of prevention of criminal offences fraudulent actions in the housing sector and their determinants, as well as gaps in the system that exist today; a formal logical method, with which elements of the legal mechanism for preventing criminal offences were identified; the method of analysis, since fraud in the housing sector was studied in different directions as a whole it was divided into parts for a qualitative description of the selected problem. These methods were used at all stages of the study, these include: defining a scientific problem, setting the goals and objectives of research in preventing real estate fraud in the housing sector, and ways to solve them, presenting the main material, forming conclusions and literature used.

As a theoretical framework for the study, statistical data from Unified report on criminal offences of the Prosecutor General's Office of Ukraine [9], analysed the court case Zaporizkyi Court of Appeal [10] and Lysianskyi District Court of Cherkaska Oblast [11]. The article examines the regulatory documents that govern the sphere of fraud and were the basis of the study, namely the Resolution of the Plenum of the Supreme Court of Ukraine "On Judicial Practice in Cases of Crimes Against Property" [12], Criminal Code of Ukraine [13], Tax Code of Ukraine [14], Budget Code of Ukraine [25], Customs Code of Ukraine [16], Civil Code of Ukraine [17], Land Code of Ukraine [18] and Housing Code of the Ukrainian SSR [19]. The authors of this study also used the results of the latest fundamental research of Ukrainian scientists on the Prevention of real estate fraud in the housing sector, their determinants, and ways to eliminate them.

■ Results and Discussion

V. Konopelsky and O. Kushnaryova the scientific article expresses the position that real estate fraud is a socio – legal and criminological illegal act, which is

characterised by professional training, latency, corruption component, significant income, so this type of fraud makes it necessary to develop effective preventive measures, since there is a direct threat to the economic security of the country [20, p. 31].

O. Musienko in the monograph notes that the current fraud is characterised by a change in forms and types, which is due to several reasons [21, p. 20]. In the study G. Chernyshov describes that fraud is a well-known crime against property since ancient times, based on deception and abuse of trust, condemned by public morals, many religions and, in some cases, prohibited by law. However, the scientist focuses on the fact that not all forms of deception are criminally illegal [22, p. 90].

The large Explanatory Dictionary of the modern Ukrainian language provides the following definitions for the concepts of “fraudster” and “fraud”: “a fraudster is a cunning, clever and dishonest person, a petty thief” [23]; “fraud – 1. Cunning and clever deception; fraud, deception. 2. Taking possession of individual property of citizens or acquiring the right to property by deception or abuse of trust” [23].

Criminal Code of Ukraine Article 190 interprets the concept of “fraud” as misappropriation of someone else’s property or obtaining the right to property, using deception or abuse of trust [13]. In paragraph 17 of the Resolution Plenum of the Supreme Court of Ukraine No. 10 of November 6, 2009 “on Judicial Practice in Cases of Crimes Against Property” it is indicated: “deception (informing the victim of false information or concealing certain circumstances) or abuse of trust (unfair use of the victim’s trust) in fraud is used by the guilty person to cause the victim confidence in the profitability or obligation of transferring property or property rights to him [12]. A mandatory sign of fraud is the voluntary transfer of property or the right to property to victims” [24, p. 92]. From the content of the norm itself, the legislator’s disposition already includes typical ways of committing this crime, namely deception and abuse of trust.

The transformation of the economy under the influence of market mechanisms has identified as an independent function of the state to ensure the economic security of the country both from the standpoint of individual interests and a complex set of national interests. At the same time, a comprehensive analysis of the negative processes taking place, first, in the economic sphere of state activity, convinces that now there is a quantitative and qualitative transformation of crime in the economic sphere. Fraud is the most actively modifiable among all economic crimes in the current market conditions.

The current situation is also characterised by a multiple increase in the number of transactions regulated by civil law in the new socio-economic conditions, a certain proportion of which occurs under the influence

of deception or abuse of trust, that is, it contains the crime of fraud. Fraud is gaining increasingly significant positions in the structure of crime every year. The study of materials of criminal proceedings has shown that fraud is noticeably expanding in the sphere of society’s life, and the variety of their methods is increasing [10; 11]. The social consequences of committing fraudulent attacks are manifested both in the multibillion-dollar damage caused by them to society, the state, and individual business entities, and citizens. These circumstances require methodological development and implementation of adequate response measures on the part of law enforcement agencies.

The specifics of modern organised fraud are as follows, that it, remaining within the framework of legislative interpretation every year, has acquired new forms that are subject to a special doctrinal understanding. The mysteries of social survivability and adaptability, as well as the inexhaustible variety of fraud scenarios, require special research. The analysis of the criminal legislation of Ukraine [13], which ensures the protection of the monetary interests of society and the individual, shows that it needs constant improvement due to the continuous modification of traditional spheres of financial turnover and the emergence of new phenomena in the economy. It is fundamentally important to build all the elements of the financial system from the point of view of countering criminal encroachments. It is necessary to consider the circumstances that the fight against financial offences is regulated tax [14], budget [15], customs codes [16], and joints in legislation create problems in law enforcement practice. The etymology of types of fraud lies in the ways in which it is committed, such as deception and abuse of trust. to create effective measures to counteract crime in the field of residential real estate, it is necessary to create a classification of criminals in the sphere of residential real estate turnover [25, p. 354].

It is proved that the increased victimisation of most victims of fraudulent actions in the housing sector is due to the lack of skills of behaviour in market relations, low awareness of the rules for concluding transactions, their carelessness, riskiness, frivolity, provocativeness to circumstances. At the same time, law enforcement agencies themselves are experiencing difficulties in establishing objective and subjective signs of fraud with real estate in the housing sector and distinguishing it from related crimes and civil law torts, which largely complicates the implementation of preventive work in the early stages of such criminal activity.

Often, to achieve their criminal plans, fraudsters attract front persons who are mainly representatives of marginal strata of society: citizens suffering from alcohol addiction, the poor, and people without a specific place of residence. Next to a noticeable criminological feature in real estate fraud schemes is the

use of modern means of communication inherent in the era of global globalisation. In recent years, there has been an intensive increase in the number of scams, as evidenced by official statistics Office of the Prosecutor General for 2019-2021, since only in the first quarter of 2021, the following number of proceedings was registered (54,300), which is almost half of the number of proceedings entered in the Unified Register of pre-trial investigations for the whole of 2020 (189,100) [9].

The emergence of a legally established right for citizens to acquire real estate in ownership, the growth of Housing Construction led to an increase in the number of transactions, a number of fraudulent actions in this area. The high degree of public danger of criminal acts in the real estate sector is explained by the infliction of large and especially large property damage to victims. Studying the criminological aspects of real estate fraud is a major step in developing effective measures to prevent these crimes.

It can be argued that to overcome risks in housing construction, it is necessary to develop a set of interrelated measures of financial institutions, as well as coordination of actions of all state authorities and business entities to implement them [26, p. 115].

Fraud in the field of real estate turnover is characterised by the fact that the criminal is usually outside acts openly and others do not realise the illegality of the actions of the perpetrator. At the same time, the will of the victim and the perpetrator outwardly coincide, a fraudulent transaction has the form of an ordinary contract (purchase and sale, barter of real estate, etc.). Fraud in the field of real estate turnover can occur during the conclusion of contracts for participation in the shared construction of residential buildings. The perpetrators of the transaction can act as a party that acquires the rights to immovable property, or as a party that alienates these rights from receiving funds.

It follows that the subject of fraud in the sphere of real estate turnover can be: 1) real estate; 2) funds. A common sign of fraud is causing property damage to the victim through deception or abuse of trust. Fraudulent events in the field of real estate turnover can be characterised by varying degrees of latency, depending on the specific type. For example, encroachments, the subject of which is real estate itself, are less latent, since an integral part of a socially dangerous act is the commission of a transaction subject to state registration.

Analysis of the socio-territorial prevalence of fraud in the field of real estate turnover shows that criminal business is mostly concentrated in cities with a population of one million-Kiev, Odessa, Lviv, Dnipro, Kharkiv, where there is a significant level of business activity and industrial potential [25]. This crime, as a rule, is organised, sometimes legalised under the "banner" of

real estate firms, security services created under them, etc.

Organised groups often use the following criminal schemes: 1) the criminal by deception convinces the victim to issue him a general power of attorney or fakes a power of attorney on behalf of the Victim; 2) the criminal after the death of the apartment owner by forgery of documents or with the help of a front person takes possession of real estate; 3) the criminal, issuing money secured by real estate, forces the victim to sign a contract for the purchase and sale of the apartment, etc. The activities of fraudulent groups in the real estate sector imply the presence of corrupt connections (relations with law enforcement and registration authorities, notaries). It is necessary to conduct timely Criminological Research in this area, so that the housing issue does not spoil the life of law-abiding owners of residential real estate [27, p. 168].

Consider causes and conditions of committing crimes in the sphere of real estate turnover, forming in the criminological concept of "criminogenic determinants". G. Chernyshov the scientific work indicates the existence of anthropological, genetic, sociological, psychological conceptual ideas, which are actually determinants of crime [22, p. 90].

Classification of determinants is conditional; it is carried out according to various criteria. According to the scope of action, there are several groups of determinants that contribute to the implementation of fraud in the field of real estate turnover. Economic determinants are caused by the inflated cost of real estate, when the opportunities to buy housing in ownership for most citizens are minimal, and high profitability from committing a crime in this area.

Legal reasons are related to the imperfection of civil [17], land [18], housing [19], criminal [13]. As for the spiritual and moral sphere, the reasons for committing a crime in the field of real estate turnover are the low legal literacy of the population, the inability to protect their legal and legitimate interests. There are organisational reasons, for example, shortcomings in the activities of registrars, notaries, as well as in the preventive activities of law enforcement agencies.

After analysing the above, the main measures that can prevent fraud with real estate in the housing sector are as follows: 1) strengthening state control in the field under study by legislative regulation of the duties of state registrars to inform law enforcement officers about the detection of signs of forgery in documents submitted for state registration, the detection of several transactions with one real estate object; 2) preventive measures related to informing.

As law enforcement practice shows, the method of committing crimes against citizens' housing includes five characteristic elements: obtaining documents that give the right to own or dispose of the apartment; obtaining documents certifying the identity of the victim,

keys to the apartment: taking possession of the apartment; registration of sale; discharge of the victim from the apartment. Such actions relate to both ready-made housing and what is being built, when citizens sell (buy) unfinished housing as part of the so-called "assignment". In the latter case, the participants may include both employees of the developer company and the general contractor company. According to the structure, crime against citizens' apartments can be divided into large groups: crimes against buyers and crimes against the seller (owner). Crimes against the buyer are manifested in the following forms: sale or lease, transfer of real estate on bail by a person who pretends to be the owner, but in fact is not him.

At the same time, as a rule, such persons use false or stolen documents, copies of the certificate of ownership of real estate; sell/lease to several buyers of an identical residential object; appropriate funds without observing the terms of the contract; avoid the process of transferring real estate to the owner; appropriate funds even before notarising the transaction; recognition of the transaction as invalid and in the future misappropriation of funds – the actual paid price and inventory value of real estate specified in the purchase and sale agreement; receiving the entire amount from the completed transaction by one participant in the legal relationship, instead of the corresponding share, etc.

In some cases, there is a combination of such criminal acts. In relation to the seller (owner), criminal actions manifest themselves in the following most characteristic forms: extortion, that is, the requirement to transfer real estate or rights to property, or the commission of any action of a property nature under the threat of violence against the personality of the owner of real estate (signing a donation, purchase and sale agreement, etc.); fraud, when criminals, having sold the victim's apartment, refuse to provide instead of another or pay him, or resort to manipulation in the process of settlement with the seller (owner) to take possession of real estate for minimal funds (use of counterfeit bills, etc.).

As a result of the study, it was established that crimes committed against citizens' apartments, high latency is inherent, in particular A. Konev believes that the ratio of the number of latent acts in relation to registered fraud crimes is on average 65.60:1 [28]. President of the Association of real estate specialists of Ukraine Yuriy Pita at the 25th International Conference "Real Estate Market: best practices" noted that cases of fraud in the secondary real estate market of Ukraine as of 2021 account for 1.5-2% of the total number of transactions, while the number of fraudulent transactions involving non-professional Realtors is no more than 0.4% [29]. The reasons for crime in the real estate market lie primarily in the fact that the state has allowed the solution of this problem to "float freely"

in market relations. Under the guise of market relations in general, there is a process of redistribution of apartments in favour of wealthy citizens, which is accompanied by criminal manifestations against former tenants. Meanwhile, for the formation of the real estate market, preliminary conditions must be met, among which Mandatory are: low unemployment and sufficiently high wages, which allows citizens to buy housing in connection with a change of place of residence; such provision of housing for the population, in which there is no need for state programs of housing construction and free provision of Housing to the population; freedom of choice of market participants, that is, the sale of housing by the owner occurs voluntarily and is not associated with economic, mental or physical coercion. There are currently no such conditions in Ukraine. There is also a shortage of housing, despite the acceleration of housing construction.

Doctor of Law A. Kulyk in his scientific heritage describes that in criminology, the study of the features of the criminal's personality is inevitable both for determining the main determinants of crime and for developing prevention measures [30, p. 98]. The problem of combating criminal bankruptcies involves studying the state of Group crime by the components under consideration. This attention is not accidental, because there are alarming trends associated with an increase in the share of economic crimes committed in the group, which in recent years accounts for about a third of all crimes. Thus, most of the frauds in the construction sector occurred in a group way. In the theory of law, there are different approaches to understanding the mechanism of ensuring human rights [31].

This circumstance can be explained by the fact that the commission of fraud in construction involves many economic and financial ties, and therefore it is problematic for one person to commit this crime. At the same time, the fight against fraud in the housing sector remains at a low level. A negative trend during 2020 is present in the number of cases considered by courts on appeals against registration actions – a decrease of 57% compared to 2019. At the same time, consideration of the case in the court of first instance, as a rule, lasts 1.5-2 years, which does not allow the victim to quickly return the stolen property to ownership. In 2020, there is a 63.5% decrease in the number of active cases in which no decision has been made on the merits, which indicates an increase in the efficiency of courts in countering fraud [26].

In addition, it is worth noting that local governments should not be aloof from solving issues related to the activities of developers who collect money from the population in the order of co-investment housing construction, because, unlike ordinary citizens, they have much greater opportunities to assess the integrity of the developer, and in this sense they should more actively protect the interests of citizens. Moreover,

citizens are willing to pay a considerable amount for consultations given by local authorities, and this circumstance must be considered by local authorities when they give permission for the construction of another residential building on the territory of a municipality.

General social measures to prevent fraud with real estate in the housing sector include the following:

- strengthening the country's economy;
- ensuring legal equality of all business entities;
- improving the efficiency of state bodies that ensure the normal functioning of the economy as a whole and individual economic entities;
- improving the system of protection of property rights of the state, economic entities, as well as individual citizens;
- improvement of legislation, but has as its subject the legal regulation of economic relations;
- implementation of strict control over the activities of such social and commercial projects, mandatory types of insurance, attracting deposits of citizens to banking and other institutions, etc.;
- ensuring state guarantees for the protection of the rights of citizens affected by the actions of fraudsters.

And as for special criminological prevention of real estate fraud in the housing sector, it is understood as the activities of public and state bodies directly aimed at identifying offences and eliminating the consequences of such violations. An influential role in combating fraud is assigned to organisational and legal measures of influence.

Legal measures to prevent fraud in the housing sector include the regulatory consolidation of the very process of implementing fraud prevention and the impact of regulations on criminogenic factors that make up the causes of this phenomenon.

As for organisational measures to prevent fraud in the housing sector, they should include:

- ensuring timely, early detection of fraud occurring in the housing sector;
- organisation of protection of the state, business entities, as well as citizens from fraudulent encroachments;
- organisation of effective investigation and criminal prosecution of persons who have committed fraudulent encroachments;
- organisation of execution of civil claims that allow compensation for damage caused to victims of crime from fraudulent encroachments;
- support from public authorities to victims of fraud, security services of organisations, to prevent, detect disclosure and investigate fraudulent attacks.

Notably, prevention of real estate fraud is the main means of preventing crimes and lies in systematically influencing those citizens who are most susceptible to committing crimes and lead an antisocial lifestyle. A substantial number of citizens are quite capable

of fraud, they can adapt to the environment. If people find themselves in a suitable atmosphere with poor control, where reporting is poorly conducted, if they are under pressure from external circumstances, then their tendency to dishonest actions increases dramatically. In any organisation, you can create an atmosphere that prevents fraud or promotes such actions. The probability of fraud increases when the pressure of external circumstances, the possibility and presence of self-justification are combined. In the absence of one of these elements, the likelihood of abuse decreases.

Let us look at six ways to eliminate such opportunities:

- 1) having a good internal control system;
- 2) prevention of possible collusion between employees of the company and its customers or suppliers;
- 3) clearly informing all partners of this firm about its abuse policy;
- 4) personnel verification;
- 5) setting up hotlines for receiving anonymous signals and messages;
- 6) implementation of a proactive audit policy.

Considering the above, the use of each of these six methods allows preventing the commission of real estate fraud in the housing sector.

The main way to prevent fraud in the housing sector is to create a suitable control system. Such crimes can be prevented by sending employees on mandatory leave, rotating staff, and moving them to the service. If a firm allows an employee to be dangerously close to the same customers or clients for a sufficiently extended period, there is always a risk that this employee will start using their connections with them to seek personal gain.

Thus, N. Pavlova and V. Rec aptly noted that the ultimate goal of committing fraudulent actions is to obtain ownership of real estate in the housing sector for free ownership, use, disposal of this property, while despite the mysterious mechanism of making a transaction on the alienation of real estate objects, which requires a complex of systematic active actions, so as a result, fraud has a long-term character [32].

■ Conclusions

Thus, the scientific study presents the opinions of scientists, each of whom highlights his vision and understanding of the problems being analysed. The article analyses the current legislation of the Ukrainian state, in particular the Criminal Code of Ukraine, tax, budget, customs codes, mentions certain provisions of the resolution of the plenum of the Supreme Court of Ukraine "On Judicial Practice in Cases of Crimes Against Property" and concludes that for effective law enforcement practice, the listed regulations require constant improvement, as traditional methods of committing fraudulent actions in a criminal environment are changing. In addition, the analysis of

materials of criminal proceedings has shown that fraud with real estate in the housing sector is noticeably expanding in the sphere of society's life and the public consequences of committing fraudulent encroachments bring great losses not only to society, the state, but also to business entities and citizens, so the response from law enforcement agencies in the form of appropriate measures should be timely and prompt.

In addition, the study focuses on the specifics of the current organised fraud, describes illegal schemes used by groups. The subject of fraud in the field of real estate turnover is briefly considered, the causes and conditions of committing crimes in this area are studied in more detail. It is noted that such offences are characterised by high latency and a proportional ratio is given the number of latent acts in relation to registered fraud crimes.

It is concluded that the fight against fraud in the housing sector is currently carried out at a low level, as evidenced by the analysis of the state of consideration of cases and court decisions, and this is a rather protracted process, since materials in court instances are considered for years.

As for the prevention of real estate fraud in the housing sector with a different range of criminological measures, in today's conditions they are not productive, as a result of which crime in this area has become fixed in Ukrainian society and therefore the need to improve the existing system remains in demand. Therefore, at the end of the study, seven elements of general social measures, five points of organisational measures

and two elements of legal measures to prevent fraud in the housing sector are proposed, which in a comprehensive implementation will provide an opportunity to step up work in this problem area. In addition, six ways to prevent fraud in the housing sector are considered, and criminological prevention is also described.

Fraud prevention involves actions aimed at preventing the commission of abuse, and if it has already occurred, reducing the degree of its spread. With good fraud prevention, you will not need to spend money on identifying or investigating various abuses. The possibility of reducing cases of fraudulent activities in the economic sphere is very necessary, since the funds spent on carrying out preventive measures, preventing and suppressing crimes are usually a much more effective investment than the money spent on investigating fraud that has already been committed, that is, a number of preventive measures carried out by the relevant departments can contribute to reducing economic damage.

Considering the above, it is worth summing up the fact that the listed main criminological features of fraud committed by individuals allow not only considering this type of fraud as an independent object of criminological study, indicating the relevance, scientific and applied significance of their study, but also determining the priority areas of the profile of law enforcement agencies' activities to protect the property of absolutely all participants in public relations, be it the state, society, individual business entities, and particular citizens from criminal encroachments.

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Запобігання шахрайству з нерухомістю в житловій сфері в Україні на сучасному етапі

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■ **Анотація.** Темпи розвитку ринку нерухомості в Україні щодня зростають, особливо у великих містах. З огляду на це вдосконалюються різні способи придбання, відчуження та отримання об'єктів нерухомості. Водночас дослідити конкретні обсяги шахрайства досить складно, адже більшість цих явищ лишаються латентними, у зв'язку з чим вжиті заходи запобігання не дають бажаних результатів, що підтверджує актуальність окресленого питання. Метою дослідження є аналіз найпоширеніших виявів шахрайських дій у житловій сфері, їхніх детермінант в Україні, виявлення ефективних заходів запобігання кримінальним правопорушенням зазначеної категорії та імплементації їх у правову дійсність країни. У дослідженні використано загальний діалектичний метод наукового пізнання реальних явищ, їх зв'язків, а також формально-логічний метод. Теоретичною базою публікації стали праці вітчизняних та іноземних учених щодо всебічного дослідження вказаного негативного явища та розроблення в умовах сьогодення ефективної протидії йому. На основі проведеного дослідження виокремлено основні способи вчинення кримінального правопорушення та заходи, здатні попередити шахрайство з нерухомістю в житловій сфері. Наведено статистичні дані щодо кількості зареєстрованих кримінальних правопорушень із шахрайства у сфері власності за останні роки та показники співвідношення кількості латентних діянь. Досліджено сучасний стан національного законодавства у сфері запобігання злочинів у житловій сфері та визначено напрями вдосконалення механізму, що регулює вказаний інститут в Україні. Сформульовано пропозиції щодо усунення низки причин, які зумовлюють це явище. Практична значущість наукової праці полягає в тому, що досліджувані наукові положення, узагальнення, висновки й рекомендації мають як теоретичне, так і прикладне значення, які в подальшому можуть бути використані в науково-дослідній діяльності та освітньому процесі

■ **Ключові слова:** віктимність; загальносоціальні заходи; організаційні заходи; кримінологічна характеристика; детермінанти; організована злочинність; особа злочинця