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ANTI-CORRUPTION MEASURES DURING IMPLEMENTING THE PRINCIPLE OF COMPETITION CRIMINAL PROCEDURE LEGISLATION

Organized crime and corruption, especially when combined, represent a complex social phenomenon. In recent years, scientists and practitioners have paid considerable attention to combating organized crime and corruption, developed methodological recommendations, and adopted relevant regulatory legal acts aimed at overcoming corruption and combating organized crime. However, the economic and other interests of certain social groups were only «transformed» in a certain way, thereby creating new ways to enrich and meet their needs by organized criminal groups or individuals who created them in order to realize their criminal and corruption intentions.

Thus, scientists from various scientific fields were involved in countering organized crime and corruption. These are not only lawyers, but also psychologists, psychiatrists, and sociologists. Attempts have been made to involve international organizations to promote the fight against organized crime and corruption. However, in our opinion, attention should be focused (despite other levels of counteraction) on the practical implementation of the current legislation of Ukraine. So, in art. 1 of the Law of Ukraine «On Prevention of Corruption» defines anti-corruption expertise as the activity of identifying provisions in normative legal acts, draft normative legal acts that, independently or in combination with other norms, may contribute to the commission of corruption offenses or offenses related to corruption. However, the concept of «corruption» is disclosed as the use by a person (part one of Article 3 of this Law) of the official powers granted to him or related opportunities for the purpose of obtaining an illegal benefit or accepting such a benefit or accepting a promise/offer of such a benefit for himself or others or, accordingly, the promise/offer or provision of an illegal benefit to a person, or at his request to other individuals or legal entities in order to persuade this person to illegally use the official powers granted to him or related opportunities [1].

The analysis of these provisions reveals a number of gaps and controversial issues that are primarily related to the conduct of anti-corruption expertise. The provision defined by the legislator regarding this type of expertise makes it possible to conclude that only normative legal acts and the provisions of draft normative legal acts should be subject to research. However, based on the definition of corruption provided by the

legislator, it becomes clear that persons who can commit corrupt actions (or contribute to their commission) may not be related to the creation of normative legal acts, but to commit corrupt actions (or hide them) with the help of other documents, holding other certain managerial positions. That is why the current anti-corruption legislation requires scientific and legal analysis and amendments.

Another aspect of countering organized crime and corruption is the direct implementation of all possible measures to create organized groups, the purpose of which is to implement corrupt actions, in the law enforcement system. In the context of the current criminal procedure legislation, which is based on the principle of competition, in order to counteract and prevent the creation of organized criminal associations, the purpose of which is to commit corruption actions, it is advisable to apply and attract appropriate specialists (career-oriented) who will help identify persons who have leadership abilities, as well as establish the probability of propensity to commit criminal corruption actions.

Thus, a fairly new direction in psychological Forensic Research is also conducting a forensic psychological examination to determine the leader of a criminal association. Questions that are solved during such research may relate to the ability to realize the criminal nature of the actions performed; determines the ability of a person to suggest, fantasize (to what extent); psychological features that affect the ability to correctly perceive events or objects and make correct judgments about them; the level of mental abilities; the range of interests; the level of personal organization of each of the participants of the criminal association.

Disclosure of psychological properties, qualities and processes (motives, needs, sensations, emotions, representations, perception, orientations, intellectual abilities, etc.), explains the essence of the behavior of a particular person, reveals such characteristics that reflect the attitude of a person to the creation of organized criminal associations, the purpose of which is to commit corrupt acts.

In addition, it provides an opportunity to counteract in advance the creation of an organized criminal group, the purpose of which is to commit corruption acts.

List of sources used

1. Про запобігання корупції: Закон України від 14.10.2014 р. № 1700-VII. Дата оновлення: 18.10.2019. URL: https://zakon.rada.gov.ua/laws/show/1700-18/conv#doc_info.