

ДІЯЛЬНІСТЬ ПРАЦІВНИКІВ ПРАВООХОРОННИХ ОРГАНІВ

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Detective Work of the National Police of Ukraine in the Context of Combating Organized Crime

*The presented article describes organized crime as a phenomenon that encroaches on the safety of road freight transport and leads to the disappearance of drivers. Researchers who have studied organized crime and current issues that arise during the establishment of missing persons have been identified. The signs of modern transnational crime, which uses transport corridors and truck drivers for their own criminal purposes, are formulated. It is argued that such crimes can be divided into two groups: those that encroach on the safety of the driver, vehicles or cargo, and those related to the involvement of the driver in criminal activities. The structure and features inherent in international criminal groups are described, their activity in the aspect of the given problems is characterized. Emphasis is placed on quarantine measures imposed by a number of countries due to the COVID-19 virus pandemic. It is noted that transnational criminal groups mainly use Ukrainian citizens living in border regions and may be involved in the illicit trafficking of weapons and drugs to commit such crimes. It is pointed out the need for increased attention of operational units to work out the leaders of the above groups using a comprehensive approach to the conduct of investigative actions and operational and investigative measures. The basic rights of operational units during the search for missing persons are outlined. It is emphasized that the time factor is extremely important for the search for persons. These shortcomings in the work of the National Police of Ukraine in this direction and to improve the situation on the roads outlined the main gaps in the legislation. Drivers carrying out long-distance and international freight transportation were interviewed in order to better understand the issues and develop adequate measures. The obtained results are based on statistical data and practical examples. Ways to optimize work in this area are proposed. The **purpose** of the study: to substantiate the current issues of investigative work of the National Police in the context of combating organized crime and to identify ways to optimize activities in this area. The **methodological basis** of the article is a dialectical approach to the analysis of situations of disappearance caused by the activities of organized criminal groups. Methods of formal logic are used in the work: analysis, synthesis, induction, deduction, analogy, abstraction. As well as statistical, system-structural methods and forecasting method. The **scientific novelty** of the article is that the authors were among the first in Ukraine to make a scientific description of the problems of search work in the context of combating organized crime in the field of freight transport. **Conclusions.** Organized crime encroaches on the safety of freight transport in Ukraine, which leads to the disappearance of drivers and their involvement in criminal activities. Based on the results obtained in the study, the authors proposed ways to solve a number of problems to optimize work in this area.*

Keywords: organized crime; transnational crime; freight transportation; National Police; statistics; optimization.

Introduction

Organized crime is a phenomenon that destroys the national principles of the country, encroaches on human security, makes it impossible to reform the political and legal system, and has financial and economic opportunities that are not controlled by the state or society. It is characterized by the merging of different types of crimes into a single criminal activity. Despite its predominantly selfish nature, organized crime often borders on violence, the most severe forms of which are murder, infliction of grievous bodily harm, extortion, unlawful deprivation of liberty, etc. (Bohatyrov, 2018, p. 172). Members of such groups can also involve

drivers in criminal activities related to drug smuggling and human trafficking (Nykyforchuk, 2019, p. 45).

Insufficient financial transparency of economic activity of the road economy of Ukraine, high value of the vehicle and cargo transported by it, determine the possibility of committing crimes against drivers. An extensive network of highways and the passage of three European transport corridors through Ukraine, which coincide with the directions of public roads of national importance, make it possible to use trucks in the interests of transnational criminal groups, which can threaten the lives of drivers and cause their disappearance.

Thus, such crimes can be divided into two groups:

- crimes that encroach on the safety of the driver, vehicles or cargo;
- crimes related to the involvement of the driver in criminal activities.

In recent years, studies by various scientists have focused on many aspects of the outlined issues. These include research on the phenomenon of organized crime (Marysiuk, & Cherepushchak, 2019), counteraction to transnational criminal groups (Krasnov, 2019), characteristics of ethnic criminal groups (Besida, 2018) and certain aspects of investigative work: motives that motivate a person to leave the place of residence. (Morewitz, 2016), anthropology (identification) of missing persons (Hackman, 2016), geography of missing persons, study of families and environments of missing persons, etc. Other research has focused on the search for a stolen vehicle (Lorenc, 2017; Tsybenko, 2018). These sources describe the problem only in fragments, which necessitates its further description and justification.

The purpose and research tasks

The aim of the study: to substantiate important issues of search work of the National Police in the context of combating organized crime and to identify ways to optimize activities in this area.

Research tasks:

- describe organized crime as a phenomenon that encroaches on the safety of road freight transport and leads to the disappearance of drivers;
- outline the signs of modern transnational crime that uses transport corridors and truck drivers for criminal purposes;
- show the intensity of traffic across the state borders of Ukraine;
- to find out the possibility of using the citizens of Ukraine in the interests of international criminal organizations;
- make a description of the structure of organized criminal groups;
- focus on the possibility of committing crimes against truck drivers and (or) involving them in criminal activity;
- outline the problems that arise in the operational units during the search for missing drivers of vehicles;
- give examples from the practical activities of the authors of the article and statistics;
- provide the results of interviews of drivers who carry out long-distance freight transport;
- to suggest ways to optimize work in this direction.

Presentation of the main material

The motor transport industry plays a significant role in the national and world economy and is characterized by a developed logistics, multilevel structure and an extensive system of international relations. In recent years, there has been an increase in road freight traffic. Thus, as of 01.01.2020, the number of valid licenses for the right to carry out international road haulage was 10,400 units (excluding dangerous goods). 43907 truck tractors, which are mostly used for such transportation, are assigned to licensees ("Statystychni dani", 2020). At the same time, the Ukrainian road industry does not meet European standards due to the unsatisfactory state of transport infrastructure development (Tesliuk, & Tkachenko, 2017, p. 76). This situation is favorable for the activities of organized criminal groups, including those with international ties, which leads to the commission of crimes against drivers and situations of their disappearance.

G. Zharovska identifies a number of features of modern transnational crime:

- formation of global financial systems, their availability and convenience in use lead to a decrease in the ability to control the movement of finances and goods at the international level, facilitate the legalization of proceeds from crime, their movement between different jurisdictions;
- increased competition in criminal markets, associated with the entry of groups from other countries, leads to increased violence and the spread of corruption;
- migration processes lead to the intensification of trade;
- during the exchange of goods and services of less developed countries with more developed countries, the influence of criminal structures on unregulated spheres of public relations is spreading;
- the creation of a single global information network, the Internet, leads to the relocation of crime to the information sphere, which takes place at the global level;
- the expansion of offshore markets leads to the formation of an alternative global financial system, which not only facilitates the laundering of criminal proceeds, but also makes them virtually inaccessible to law enforcement agencies (Zharovska, 2018, p. 293).

Such groups have a complex structure that combines network and hierarchical model, separation of the management core and executive periphery. This ensures the security of the management of criminal structures, as it is almost impossible to establish a connection between it and specific criminal acts. These links are relatively stable and operate over a long period of time.

Instead, the executive periphery is variable, and its participants, who are directly involved in the commission of illegal actions, often fall into the field of view of law enforcement agencies and become victims of criminal conflicts. The information they have is extremely limited, so it is not possible to obtain information from them about the leadership of criminal structures. The loss of these members is not particularly important for the survival of criminal organizations. Transnational criminal structures do not limit their sphere of influence to individual states or regions, and the sphere of their activity to certain types of crimes. The expansion of the spheres of influence of criminal structures leads to the formation of a global criminal subculture, a kind of «rules of doing business», interaction between different criminal groups. These rules acquire a pronounced «business» color, in which ethnic, religious, cultural features gradually lose their significance.

Criminal groups, originally built on national or ethnic sign, unite, make connections and act as a whole. Global criminal groups include representatives of different countries, which leads to the formation of transnational structures capable of operating in different regions of the world. This leads to the formation of a single criminal environment, which increasingly affects the sphere of legal relations. There is a mutual penetration of criminal and legal components of the world market. Criminal practices and approaches penetrate the legal economy, as do the proceeds of crime. Corruption is seen as a way to gain market advantage and maximize profits. This leads to the undermining of fair competition, reduction of the tax base, criminalization of economic relations in general (Krasnov, 2019).

The work is devoted to the activity of transnational groups

D. Beseda, who concludes that monoethnicity is the main factor that distinguishes ethnic criminal groups from transnational ones. Structurally, ethnic organized crime is a component of transnational organized crime, given the international nature of criminal activity. Formally, any organized criminal group that is created exclusively from among persons of the same nationality that carries out criminal activities at the international level can be considered a transnational ethnic criminal group. Exceptions are ethnic groups that operate locally within one country or part of it and do not have international criminal ties. In this case, they should be classified as national ethnic criminal groups (Beseda, 2018).

In this context, it is worth noting that on March 13, 2020, Interpol sent a «Purple Message» to 194 member countries – a warning to intensify the activities of international criminal groups associated with the global pandemic of the COVID-19 virus ("Interpol", 2020). Despite the strict quarantine measures introduced by a number of countries, there

is a high intensity of traffic of vehicles and persons across the borders of Ukraine. For example, as of May 16, 2020, about 16,000 people crossed the Ukrainian-Polish border for entry and exit per day ("Derzhavna prykordonna sluzhba", 2020).

Criminal activity involving the use of long-distance freight vehicles by only a well-organized criminal group with interregional (international) links, for which criminal fishing is a source of profits (Nykyforchuk, 2019). Such groups commit crimes on the territory of Ukraine and neighboring countries and are characterized by a complex branched structure. They use specialists from different fields of activity. For example, highly qualified locksmiths, carpenters, etc., are involved in the equipment of special warehouses for the import of items prohibited for circulation across state borders; specialists in international transportation and customs brokers – to choose the optimal route of transportation and cover, psychologists – to recruit carriers (drug couriers), lawyers – to evade criminal liability, etc.

Characteristic features of such groups are:

- high level of organization, which provides for strict discipline, hierarchy, clear division of roles (driver, attendant, security, etc.). Admission of new members is carried out after checking the implementation of the instructions given to them. The criminal activity of the group is controlled by the organizer with the help of power blocs;

- mastery of counterintelligence techniques. They commit crimes exclusively in secret, and usually in a group, but each accomplice knows only who he is in direct contact with;

- high mobility, availability of firearms, means of communication;

- separation from the activities of other criminal groups and interregional (international) distribution of spheres of criminal activity (Nykyforchuk, 2019, p. 46).

As practice shows, members of criminal groups with international connections mainly use its citizens (in this case, long-distance drivers) to commit crimes on the territory of Ukraine, which requires increased attention from the operational units of the National Police of Ukraine. Especially to those who live in border areas and illegally keep weapons and are involved in crimes in the field of drug trafficking.

For example, on June 4, 2020 in the city of Izmail, Odessa region, during the implementation of operational information, officers of the Police Department in Odessa region, together with the State Border Guard Service of Ukraine, seized a large number of firearms and drugs from a local resident ("Derzhavna prykordonna sluzhba", 2020).

According to the authors, in the event of the disappearance of a truck driver, the main attention should be paid to working out the version «the crime was committed by a criminal group specializing in robberies». Often such crimes are committed with the use of firearms.

For example, on October 20, 2019 in the Rivne region a group of armed persons penetrated into the territory of a farm and carried out a robbery on two leased trucks with 40 tons of soybeans. Drivers under the threat of physical violence were forced to drive in the direction of the perpetrators. In the course of the police, priority measures involved in the crime were detained ("Natsionalna politsiia", 2020).

The issue of searching for missing drivers of vehicles in all cases is under close control of the Ministry of Internal Affairs and the National Police of Ukraine.

Thus, in the case of filing an application, namely notification of the disappearance of a person, in circumstances indicating the possibility of committing a crime against him, within 24 hours must be entered in the Unified Register of pre-trial investigations information about the crime with premeditated murder and take all measures provided by the Criminal Procedure Code of Ukraine, full and impartial investigation of the circumstances of criminal proceedings ("Nakaz MVS", 2017).

During the search for the driver of the vehicle, depending on the situation, it is possible to widely use a set of investigative (search) actions provided by the Criminal Procedure Code of Ukraine. Also, the materials of the criminal proceedings are the basis for the implementation of operational and investigative activities, in accordance with paragraph 2 of Art. 6 of the Law of Ukraine «On operative-search-activity» ("Zakon Ukrainy", 1992). In this case, to establish the location of the wanted person and the vehicle, Article 9 of this law provides a sufficient amount of rights of operational units:

- interview people with their consent, use voluntary assistance;
- to demand documents and data characterizing the activity of enterprises, institutions, organizations, as well as the way of life of individuals that are important for the search for missing persons;
- to carry out operations on capture of criminals, the termination of crimes concerning missing persons;
- visit residential and other premises with the consent of their owners or residents to clarify the circumstances of the crime, as well as collect information about the illegal activities of persons in order to establish the whereabouts of the missing person;
- secretly identify and record traces of a crimes, documents and other items that may be evidence in the missing persons cases;
- perform a special task to detect criminal activity of an organized group or criminal organization in accordance with the provisions of Article 272 of the Criminal Procedure Code of Ukraine;
- to carry out audio and video control of the person, removal of information from transport

telecommunication networks, electronic information networks according to provisions of articles 260, 263–265 of the Criminal Procedure Code of Ukraine;

- to observe a person, thing or place, as well as audio and video surveillance of the place in accordance with the provisions of Articles 269, 270 of the Criminal Procedure Code of Ukraine;

- to establish the location of the electronic means in accordance with the provisions of Article 268 of the to establish the location of the electronic means in accordance with the provisions of Article 268 of the Criminal Procedure Code of Ukraine;

- to use confidential cooperation in accordance with the provisions of Article 275 of the Criminal Procedure Code of Ukraine of Ukraine

- receive from legal or natural persons free of charge or for remuneration information on crimes that are being prepared or committed, including the disappearance of missing persons;

- to use with the consent of the administration office space, vehicles and other property of enterprises, institutions, organizations, as well as with the consent of persons – housing, other premises, vehicles and property belonging to them;

- create and apply automated information systems;

- to apply means of physical influence, special means and firearms on the bases and in the order established by the law of Ukraine «About National police»;

- to apply within its powers to law enforcement agencies of other states and international law enforcement organizations in accordance with the legislation of Ukraine, international treaties of Ukraine, as well as constituent acts and rules of international law enforcement organizations of which Ukraine is a member (using the capabilities of international organizations Interpol and Europol).

As the authors' practical experience shows, most situations of missing persons are resolved during the day, that is, before criminal proceedings are instituted and the Unified Register of Pre-trial Investigations (before initiation a criminal case) is entered. In the police department where one of the authors of the article worked, in 2019, there were 200 reports of missing persons. Of these, 194 persons were searched within 10 days (99,6 %), 39 persons were prosecuted. Of these 39, 30 were searched during the top priority of search activities (76,9 %). 6 operational accounting cases were opened and 4 persons were searched.

The unprecedented disappearance of long-haul truck drivers is practically rare in percentage terms – in the above section, of the total number of reported disappearances, which is 200 in 2019, 3 cases related to such situations (transit through the service area), which is 1,5 %. However, these statistics can be correlated due to the hidden nature of such crimes.

There are no separate statistics on the search for missing drivers in Ukraine. But during the exchange of experience with police officers of many units of the National Police of Ukraine, it became known that such cases most often occur in areas where large enterprises exporting products to other countries and having their own motor transport stations and leasing transport resources in others are located organizations.

In the opinion of the authors, in the aspect of research, the opinion of O. Busol on problematic issues in the practical activities of structural units of the National Police of Ukraine that combat organized crime:

1. Impossibility of access to online resources, messengers (Viber, Whatsapp, Telegram) used by persons who are members of CO and ZO and are involved in the commission of serious and especially serious crimes. The information that can be obtained through access to these resources can serve as evidence in criminal proceedings.

2. Category of persons who have the highest status in the criminal hierarchy – «Thief in law». Having authority and influence in the criminal environment, on the territory of Ukraine they create organizations under their control, which commit crimes. The reason for this is the loyal legislation, which allows foreigners to freely obtain the citizenship of Ukraine, other documents that give the right to stay in the territory of our state. This is directly facilitated by corruption in public authorities.

3. Lack of access to a number of information-analytical and search systems of state bodies, which makes it impossible to effectively perform special tasks and analyze the information obtained.

4. Inadequate financial and material support of criminal police units during the organization and conduct of special operations, in particular to ensure the safety of persons involved in special tasks after the completion of special operations, as well as training of undercover officers

5. Lack of a single algorithm for documenting the organization and conduct of covert investigative (search) actions or operational and investigative measures in accordance with Art. 272 of the Criminal Proceeding Code of Ukraine on ensuring the safety of a person during confidential cooperation and legalization of information, data, things obtained during a special task, in order to further use them as evidence during criminal proceedings and trial (interrogation of a person in court as a witness, which is involved to perform a special task).

6. Unregulated at the legislative level mechanisms and methods of working with undercover police, in particular regarding compliance with the Law of Ukraine «On Prevention of Corruption».

7. Irregularity at the legislative level and in the practical activities of law enforcement agencies of real guarantees of personal safety of persons and

members of their families after the performance of a special task and their withdrawal from development.

8. In most regions of Ukraine, the interaction of prosecutors and courts with criminal police units during the documentation of crimes committed by organized groups and criminal organizations is unsatisfactory, as a result of which court hearings on criminal proceedings in this category last for years.

9. Unsatisfactory professional level of lower and middle law enforcement officers, as well as significant miscalculations in the organization of operational and investigative activities. The professional training of law enforcement officers does not fully meet the requirements of the time, they are dominated by young professionals who do not have the necessary experience, quality qualified higher education (Busol, 2019, p. 66-67).

According to the results of the study, members of criminal groups to meet their own needs and interests, so as not to fall into the field of view of law enforcement agencies, use such areas of the transport industry that are least regulated by law and have shortcomings (including long-distance transportation) distances in Ukraine and abroad.

Therefore, to better understand the issue, the authors interviewed drivers engaged in international freight and identified factors that adversely affect the safety of freight while following the route.

1. Poor condition of roads.

2. The need to deliver goods on time, regardless of objective or subjective reasons that may cause delay («boss work» to which the vehicle is owned).

3. Improper condition of vehicles. The car belonging to the enterprise should carry out transportation in spite of its technical condition. If the transport is personal, the roadmap may be «purchased».

4. The presence of competition between different companies for the price of transportation or freight. A conspiracy between businesses to oust competitors from the service market.

5. Competition between independent carrier drivers (natural persons-entrepreneurs) who try to interest the customer, for example, speed of transportation (as a result of lack of sleep on the road).

6. Corruption. In the aspect of research, the possibility of issuing to certain cars the so-called «random numbers», which make it possible to avoid inspections by law enforcement agencies of a truck on certain sections of roads, deserves attention.

7. Cases of committing crimes between the drivers themselves.

8. The parking lot administration charges a parking fee, but often fails to properly protect trucks and is not responsible for cargo theft.

9. Follow the route without a changer. This process is formally controlled by the state.

10. Changing different types of cargo into one container (eg oil – gasoline).

11. Vehicle overload. For example, instead of a technically predicted load of 17 tonnes on one axle or 21–22 tonnes on two axles, the customer loads 30–35 tonnes.

According to the authors, these data should be taken into account in the practice of operational units in the context of combating organized crime in the field of road freight transport.

The scientific novelty

The scientific novelty of the article is that the authors were among the first in Ukraine to make a scientific description of the problems of search work in the context of combating organized crime in the field of freight transport.

Conclusions

The extensive network of long-distance highways in Ukraine, the availability of connections with European countries, makes it convenient to use the motor transport industry in the interests of criminal groups and organizations. We are talking about the commission of crimes against drivers and their involvement in criminal activities, which often leads to the disappearance of persons of this category. The situation needs to consolidate the efforts of various state bodies, especially operational units of the National Police of Ukraine. According to the authors, the results obtained in the article can be used by practitioners of operational units to improve work in this direction and further research.

In order to optimize the search work in the search for missing drivers of vehicles that have become victims of crimes committed by criminal groups and (or) were involved in criminal activities, the following is proposed:

– making appropriate amendments to the laws of Ukraine governing the fight against organized

crime and in the field of transport, taking into account the realities of today and European safety standards;

– improving the organizational support of the National Police in terms of cooperation between its bodies and units, international police organizations and businesses that can assist the National Police (for example, with operators providing cellular services (for GPS – tracking));

– improving the logistics of operational units;

– increasing the number of patrol police squads on long-distance roads;

– providing operatives with technical hardware for quick access to existing records, the Internet, resources of the information subsystem «Harpoon» and the interdepartmental information and telecommunications system «Arkan»;

– restoration of the functioning of the automated search system «Scorpio», with which the operational units of the Main Directorate for Combating Organized Crime of the Ministry of Internal Affairs of Ukraine worked until 2015 (Busol, 2019);

– prevention of formal attitude to work with members of criminal groups;

– an integrated approach to investigative actions and operational activities with members of criminal groups;

– participation of the National Police of Ukraine in Interpol's international projects to search for stolen vehicles ("Interpol", 2020);

– explanation to drivers at motor transport enterprises on their prevention of situations that may contribute to the commission of crimes or their involvement in criminal activities, work with informants in such institutions;

– strengthening measures to combat corruption in the motor transport sector.

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Розшукова робота Національної поліції України в контексті протидії організованим злочинності

У статті досліджено організовану злочинність як явище, що посягає на безпеку автомобільних вантажних перевезень і призводить до безвісного зникнення водіїв транспортних засобів. Розглянуто праці науковців, які досліджували організовану злочинність й актуальні питання, що постають під час встановлення безвісти зниклих. Виокремлено ознаки сучасної транснаціональної злочинності, що використовує транспортні коридори та водіїв вантажних машин у власних злочинних цілях. Аргументовано, що такі злочини доцільно об'єднати у дві групи: ті, що посягають на безпеку водія, автотранспорт або вантаж, і такі, що пов'язані із втягненням водія в злочинну діяльність. Схарактеризовано структуру та риси, притаманні міжнародним злочинним угрупованням, їхню діяльність в аспекті окресленої проблематики. Зазначено, що для вчинення

таких злочинів транснаціональні злочинні угруповання використовують переважно громадян України, які мешкають у прикордонних областях і можуть бути причетні до незаконного обігу зброї та наркотичних засобів. Обґрунтовано необхідність посилити увагу оперативних підрозділів до відпрацювання лідерів зазначених угруповань з використанням комплексного підходу під час проведення негласних слідчих (розшукових) дій та оперативно-розшукових заходів. Визначено основні права оперативних підрозділів під час розшуку безвісти зниклих осіб. Доведено, що надзвичайно важливе значення для розшуку осіб має фактор часу. Перелічено недоліки в роботі Національної поліції України в цьому напрямі й основні прогалини в законодавстві. Проведено інтерв'ювання водіїв, що здійснюють міжміські та міжнародні вантажні перевезення, для формулювання адекватних заходів вирішення досліджуваної проблематики. Отримані результати ґрунтуються на статистичних даних і прикладах з практики. Запропоновано шляхи оптимізації роботи за цим напрямом. **Мета** публікації – обґрунтувати актуальні питання розшукової роботи Національної поліції в контексті протидії організованим злочинності та визначити шляхи оптимізації діяльності за аналізованим напрямом. **Методологічну основу** статті становить діалектичний підхід до аналізу ситуацій безвісного зникнення, що спричинені діяльністю організованих злочинних груп та угруповань. У роботі використано методи формальної логіки: аналіз, синтез, індукція, дедукція, аналогія, абстрагування, а також статистичний, системно-структурний і метод прогнозування. **Наукова новизна** статті полягає в тому, що автори одними з перших в Україні здійснили науковий опис проблем розшукової роботи в контексті протидії організованим злочинності у сфері транспортних вантажних перевезень. **Висновки.** Організована злочинність посягає на безпеку транспортних вантажних перевезень в Україні, що призводить до безвісного зникнення водіїв і втягнення їх у злочинну діяльність. Ґрунтуючись на отриманих у дослідженні результатах, автори пропонують шляхи розв'язання низки проблем для оптимізування роботи за цим напрямом.

Ключові слова: організована злочинність; транснаціональна злочинність; вантажні перевезення; Національна поліція; статистика; оптимізація.