

**V. Yu. Shepitko**, Head of the Department of Criminalistics of the Yaroslav Mudryi National Law University, Doctor of Law, Professor, Academician NALS of Ukraine,

**V. M. Shevchuk**, Professor of the Department of Criminalistics of the Yaroslav Mudryi National Law University, Doctor of Law, Professor,

**V. V. Bilous**, Associate Professor of the Department of Criminalistics of the Yaroslav Mudryi National Law University, Candidate of Legal Sciences, Docent,

**L. I. Keryk**, Assistant of the Department of Criminalistics of the Yaroslav Mudryi National Law University, Candidate of Legal Sciences

## **SYSTEM OF COUNTERMEASURES AGAINST ILLICIT ENRICHMENT IN CONTEMPORARY CONDITIONS**

*The paper deals with the contemporary problems of counteraction to illegal enrichment which research is carried out with taking into account international legal, criminal legal, criminalistical and criminal procedural aspects. The current state and the possibility of creating and then putting into practice an effective system of countermeasures against illegal enrichment, which is closely linked to the reforming of the national legislation, bringing it into compliance with the international legal requirements and standards, and to the realization of urgent measures aimed at improving investigative and judicial practice are analyzed. In order to elaborate a proper criminalistic ensuring detection and investigation of illicit enrichment, it seems appropriate to form a criminalistical investigation technique of such crimes. It's substantiated that the information basis for the construction and realization of an optimal technique of investigation of the illegal enrichment serves a criminalistic characteristics of this type of crime.*

*Keywords: illicit enrichment, corruption, crimes of corruption orientation, criminalistical characteristic of illicit enrichment, investigation technique of illegal enrichment.*

The process of developing the rule of law in Ukraine necessitates overcoming certain difficulties associated with the negative tendency of growth in the crime rate, attainment of the organized and transnational nature by it. Among the crimes

which today are extremely dangerous are the crimes of corruption, detection and investigation of which is particularly difficult<sup>1</sup>.

A characteristic feature of such offenses is a high level of latency which is explained by the growth of “the criminals’ professionalism”, imperfection of the legislation, narrow “business” contacts of persons with substantial sums of money obtained by criminal means. Such crimes are difficult to detect due to the fact that in the case of detecting them, corrupted persons and those who take the latter on the maintenance and is in dependence on them should arraigned on a criminal charge. So, both parties – participants in corruption schemes are not interested in exposing them and strongly oppose both detection and investigation of corruption facts<sup>2</sup>.

Implementation of effective anti-corruption system in Ukraine provides for reforming national criminal law system, bringing it into conformity with international requirements and standards, in particular to the Criminal convention against corruption. The Law of Ukraine on 07.04.2011 No. 3207-VI amended Art. 368<sup>2</sup> of the Criminal Code of Ukraine which has established criminal liability for illegal enrichment. In the process of anti-corruption reforms the version of this article was repeatedly changed (in particular, the laws on 18.04.2013 No. 221-VII, on 18.04.2013 No. 222-VII, on 14.10.2014 No. 1698-VII, on 12.02.2015 No. 198-VIII, on 10.11.2015 No. 770-VIII). Therefore, the current version of Art. 368<sup>2</sup> of the Criminal Code of Ukraine may be applied only to those cases of illegal enrichment which occurred since April 26, 2015.

Establishing criminal liability for illicit enrichment was aimed at ensuring a more effective criminally-law protection of relevant social relations as well as provides for the creation and implementation effective system of counteraction which is closely related with the optimization and rationalization of detection, disclosure and investigation of these criminal phenomena, against such crimes into the practice. Complexity of development and effective implementation of an illegal enrichment investigation technique in practice is ambiguities, existence of certain contradictions and omissions in the anti-corruption legislation of Ukraine, numerous legislative changes of this norm of the Criminal Code of Ukraine, as well as the absence of the investigative and judicial practice generalizations.

However, today, law enforcement and judicial bodies are faced with certain difficulties in the criminally-legal qualification of illegal enrichment, in practice there are some problems in the disclosing and investigation of this category of crimes. Thus, most of the theoretical and practical aspects of the illegal enrichment investigation remain now unexplored, specifically, they are criminological characteristics and interrelations between its elements, particularities of disclosure of illegal enrichment signs and beginning of criminal procedure, typical investigative situations and algorithms for their solutions, organization

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<sup>1</sup> See: *Шепітько В. Ю.* Розслідування злочинів корупційної спрямованості : наук.-практ. посібник / В. Ю. Шепітько, В. А. Журавель. — Х. : Харків юрид., 2013. — 220 с.

<sup>2</sup> See: *Суворов О. М.* Поняття службових злочинів корупційної спрямованості та їх криміналістична характеристика / О. М. Суворов // Часоп. Акад. адвокатури України. — 2014. — Т. 7, №4. — С. 69.

and planning of the investigation, tactics of carrying out separate investigative (search) actions, covert investigative (search) actions, problems of development and application of tactical operations. Therefore, research and development foundations of investigation technique for illegal enrichment in the present conditions of counteraction against corruption are actual and necessary.

In these studies, along with analysis of investigative and judicial practice one should be guided by the provisions of the criminalistic characterization of crimes which represents data (information) system of criminalistically significant signs of crimes of this kind that represents obligate relations between them and serves for building and testing investigative versions in the investigation of specific criminal manifestations.

Criminalistic characteristic of illicit enrichment serves as informational basis for building and forming optimal technique for investigation of this type of crime. Between the elements of such characteristics correlation interactions and interdependence have to be traced, taking into account these data are constructed and put forward investigative leads in the investigation of the crimes in question. Such elements of criminological characteristics as the subject of a criminal assault, ways of committing, methods of concealment, typical traces, situation of commission of such offenses and personality of a criminal have a great significance in order to form illegal enrichment investigation technique.

The subject of illicit enrichment are the assets in a significant amount, the legality of the grounds of which acquisition has not been confirmed by evidence. Disclosure of the notion of the assets in a significant amount is comprised in item 2 of the notes to Art. 368<sup>2</sup> of the Criminal Code of Ukraine (CrC), the main characteristics of which define: 1) their nature as monetary assets or other property as well as the income from them. Norms of the United Nations Convention against Corruption<sup>1</sup>, whose party is Ukraine, define the notion of property as any assets, tangible or intangible, movable or immovable, expressed in things or rights, as well as legal documents or assets which confirm ownership of the assets or interests in them. Illicit enrichment subject becomes a wider understanding than the money, securities, movable and immovable property; 2) their size – the price that exceeds one thousand non-taxable minimum incomes of citizens (the components of crime of illicit enrichment, which in its essence is closely related to an offense which is referred in Art. 368 of the Criminal Code of Ukraine provides a much more strict, although only one criterion of the amount of illegally acquired assets as opposed to the acceptance of the offer, promise or receipt of undue advantage by an official, where the amount of such benefit which is necessary to recognize this act as a crime, is in ten times less than the amount which is required to qualify an act of illegal enrichment) 3) the lack of evidence that prove legality of the assets acquisition. There is a certain debatability of the content of this provision in the presumption of the criminal nature of the property assets acquisition by a person in a significant amount, the legality of the grounds of which acquisition has not been confirmed by evidence. A person who is accused in illicit enrich-

<sup>1</sup> See: Конвенція Організації Об'єднаних Націй проти корупції. [Електронний ресурс]. — Режим доступу : [http://zakon2.rada.gov.ua/laws/show/995\\_c16](http://zakon2.rada.gov.ua/laws/show/995_c16).

ment, should disprove this presumption that directly contradicts the constitutional principle of the innocence presumption (part 1 of Art. 62 of the Constitution of Ukraine) and the basic rules of criminal law, in particular part 2 of Art. 2 of the Criminal Code of Ukraine. Thus, Art. 62 of the Constitution of Ukraine states that no one is obliged to prove his innocence in committing a crime.

It should be noted that the innocence presumption principle entrenched in item 2 of Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, and on item 1 of Art. 11 of the Universal Declaration of Human Rights of 1948 points out that each person who is accused in a criminal offense is innocent until his guilt is proven in accordance with the law. It is expedient bringing forward requirements of the presumption of innocence as a fundamental principle that the burden of proving is assigned to the prosecution authority; the assumption of a person guilt can not begin investigation of the crime; an accused person has the right not to testify against himself; a right of an accused person to silence<sup>1</sup>. Article 20 of the United Nations Convention against Corruption established that on the condition of compliance with one's constitution and the fundamental principles of one's legal system, each State-Party shall consider a possibility of adopting such legislative and other measures which may be required for the recognition of willful illicit enrichment to be a crime, that is, a significant increase in the assets of a public official exceeding his legal income, which he can not reasonably explain. Therefore, the presumption of criminal nature is contrary to the Constitution and applicable legislation of Ukraine, as the Constitution of Ukraine establishes the presumption of innocence.

In the process of proving the subject of illicit enrichment one should proceed from the most detailed describing and establishing individual properties and features of the subject of a criminal assault. When the subject of illicit enrichment is cash, it is necessary to establish which is exact amount, which is the currency, which are denominations, individual signs of banknotes, if possible, banknotes numbers, which are individual features and characteristics. When the subject of illicit enrichment are the commodities and materials, it is important to establish their name, quantity, qualitative attributes, shape, size, color, volume, weight, individual features, numbers, defects, data on the sources of their acquisition, the material from which they are made, hallmarking, labeling, packaging characteristics and other individual features that have criminalistic value.

Criminalistic feature of the subject of illicit enrichment is that they are trace-receiving and trace-forming objects of animate and inanimate nature, their qualitative and quantitative indicators, physico-chemical and consumer properties individualizing the object in the material world, determine the ways of committing and concealing these crimes.

The ways of committing illicit enrichment – the determined system of criminal actions on preparation, execution and concealment of illicit enrichment, as well as on the use of the results of this criminal activity. The ways of commit-

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<sup>1</sup> See: *Гарбазей Д. О. Незаконне збагачення: міжнародно-правовий аспект / Д. О. Гарбазей // Наук. вісн. Міжнар. гуманітар. ун-ту. Серія: Юриспруденція. — 2013. — № 6-1. — Т. 2. — С. 213.*

ting illicit enrichment may be different. Illicit enrichment may be committed by: a) obtaining illicit assets by a subject of crime; b) acquisition of illicit assets and their further transfer to another person. Crime committing may be manifested only in the form of action. The ways of illicit acquisition of assets may be different. When acquisition of such assets is committed in accordance with the way prescribed by the Criminal Code of Ukraine as a separate composition of crime, such conduct should be qualified not as illicit enrichment but as the other corruption crime.

In the criminally-legal qualification of socially dangerous act as illegal enrichment on the objective side, it is enough to establish one of the following actions: “the acquisition of assets” or “transfer of assets”. In addition, the legislative definition is given only to the latter. It is possible to incriminate the transfer of the assets in a considerable amount, the legality of grounds of which acquisition is not confirmed by evidence, to the person authorized on fulfillment of the state or local governmental functions, only after proving the fact of acquisition of these assets.

Illicit enrichment in the form of acquiring assets in a significant amount by a person authorized to perform functions of the state or local government when the legitimacy of grounds of their acquisition has not been confirmed by evidence, is considered to be a completed crime after such acquisition. Proving fact of committing illicit enrichment in this form of manifestation requires establishment of non-compliance of official income of the said person with the real assets which are available. Handover of assets in a significant amount when the legitimacy of grounds of their acquisition has not been confirmed by evidence, by a person authorized to perform the functions the state or a local government to any another person, is considered as a completed crime from the moment of the transfer. A person who has been transferred with assets may be physical or legal.

One of the ways of committing illicit enrichment is the transfer of assets in a significant amount when the legitimacy of grounds of their acquisition has not been confirmed by evidence, by the subject of crime to any another person. Let us note that it is unlikely this “another” person will belong to one of those whose exhaustive list is enshrined in item 1 of part. 1 of Art. 3 of the Law of Ukraine “On Prevention of Corruption”, otherwise handover of the assets to him has no meaning for both the offender and the person himself. In connection with this, the person favored with trust on the official receipt of the assets may be chosen as an offender on the criterion of his loyalty to the beneficiary and the absence of “risk indicators” in the eyes of officials of the government and the public.

However, there is a real chance of exposing fictitious status of the owner of illicit assets on the specific features of the psychological profile of a figurehead which may occur in certain acts of his behavior.

For example, boasting in his social circle (real and/or virtual which is created in social Internet networks) by the assets acquired and closeness to their beneficiary. Therefore, such a person may become just that element of the criminal technology who will not have evidence of the legal origin of the assets acquired, and his testimony will serve as a valuable source of evidence in committing criminal enrichment by the real beneficiary. Special attention should be

paid to such criminalistic category as negative circumstances which may be expressed in the absence of relevant age, level of education, inheritance or official income and so on of this person, under which acquisition of suspicious assets would not give rise to reasonable doubts as to the legality of their origin (for example, as in the situation of the emergence of a new car of the premium class belonging to the student, who has just reached majority and has no own earnings).

In addition, one should pay attention to the fact that, according to item 3 of the Comments to Art. 368<sup>2</sup> of the Criminal Code of Ukraine, assets in significant amount in this article are understood as not only monetary assets or other property, but also as the income from them if its size (value) exceeds one thousand non-taxable minimal incomes of citizens.

Concealment of illegal enrichment is a deliberate act of a criminal which lies in obstructing to the establishment of the objective truth on the illicit enrichment by concealment, destruction, masking or falsification of traces of such a crime, aimed at full or partial escaping of guilty person from criminal responsibility.

The ways of concealment of illicit enrichment are connected with the use of certain cunning by criminals, in particular, in order to conceal full and trustworthy information about his financial situation. The persons who are suspected in committing illicit enrichment, beforehand officially divorce the marriage in the state bodies of civil registration, while, in fact, they are continuing to reside with his/her wife/husband and maintain joint household. There are the cases when the subject of crime registers the ownership rights on the property on individuals who are not the subjects of declaration and information on whom is not subjected to declaration, etc.

The subject of a crime under Art. 368<sup>2</sup> of the Criminal Code of Ukraine, is a special subject, and, accordingly, bringing to criminal responsibility for committing a crime of such a kind is possible with regard only to the person who has features of the special subject. According to part 2 of Art. 18 of the Criminal Code of Ukraine, a special subject of the crime is a physical able person who has committed a crime at the age from which criminal responsibility may ensue whereas the subject of it can only be a specified person. According to the dispositions of Art. 368<sup>2</sup> of the Criminal Code of Ukraine, the subject of crime under this article may only be a person authorized to perform functions of the state or local government. Illicit enrichment, committed by an official holding responsible (part 2 of Art. 368<sup>2</sup> of the Criminal Code of Ukraine) or especially responsible position (part 3 of Art. 368<sup>2</sup> of the Criminal Code of Ukraine)<sup>1</sup> are attributed to the qualified types of crimes.

According to item 1 of the Comments to Art. 368<sup>2</sup> of the Criminal Code of Ukraine, persons authorized to perform functions of the state or local government, are the persons indicated in item 1 of part 1 of Art. 3 of the Law of Ukraine "On Prevention of Corruption". Namely, such persons as: a) the President of Ukraine, President of the Supreme Soviet of Ukraine, his first deputy and deputy, Prime-Minister of Ukraine, First Vice Prime Minister of Ukraine, Vice

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<sup>1</sup> See: Драгоненко А. О. Суб'єкт незаконного збагачення / А. О. Драгоненко // Порівнял.-аналіт. право. — 2013. — №3-2. — С. 254-256.



Prime Minister of Ukraine, ministers and others heads of the central authorities of the executive power which are not included in the composition of the Cabinet of Ministers of Ukraine and their deputies, the Chairman of the Security Service of Ukraine, General Prosecutor of Ukraine, Chairman of the National Bank of Ukraine, the Chairman and other members of the Accounting Chamber, the Commissioner of Supreme Soviet of Ukraine on Human Rights, President of the Supreme Soviet of the Autonomous Republic of Crimea, Chairman of the Council of Ministers of the Autonomous Republic of Crimea; b) people's deputies of Ukraine, deputies of the Supreme Soviet of the Autonomous Republic of Crimea, deputies of local soviets, village, settlement, city heads; c) public servants and officials of local self-government; d) military officials of the Armed Forces of Ukraine, State Service for Special Communications and Information Protection of Ukraine and other military units established in accordance with the laws, except for the soldiers of urgent military service; e) judges of the Constitutional Court of Ukraine, other professional judges, members, disciplinary inspectors of the High Qualification Commission of Judges of Ukraine, officials of the Secretariat of this Commission, Chairman, Deputy Chairman, Section Registrars of the High Council of Justice, as well as other members of the High Council of Justice, peoples' assessors and jurors (during carrying out these functions by them); f) junior enlisted and commanding staff of the State Criminal Executive Service, Tax Police, individuals of commanding staff of bodies and subdivisions of Civil Protection, National Bureau of Investigation, National Anti-Corruption Bureau of Ukraine; g) public and service individuals of prosecution authorities, Security Service of Ukraine, State Bureau of Investigation, National Anti-Corruption Bureau of Ukraine, diplomatic service, state forest guard, state guard of natural reserve fund, central body of the executive power which ensures the formation and implementation of the state tax policy and state policy in the sphere of state customs affairs; h) members of the National Agency for the Issues of Corruption Prevention; i) members of the Central Election Commission; j) policemen; k) public and service individuals of other state bodies, bodies of power of the Autonomous Republic of Crimea.

Researching such an element of criminalistic characteristic of this crime as a personality of a criminal, one should take into account that for the election or appointment to the listed positions, a candidate has to meet certain requirements defined by legislation as to achieving certain age, obtaining education (often higher legal one), obtaining specific professional experience, and the like. Therefore, the subjects of this crime have their own high level of general and special (including legal) knowledge or have necessary resources for the unobstructed obtaining such knowledge from other sources, including from the nearest social environment. The above said forms the basis for understanding potential possibility of bringing to responsibility for illicit enrichment and may be used by them for the purpose of counteraction to investigation by the timely fulfillment of actions aimed at concealment of both the facts of illegal getting into ownership of certain assets and the sources of their origin. To do this, they may widely use the variety of fictions, particularly in the form of fictitious transactions and false persons.

Therefore, while investigating difficult and intricate schemes (technologies) of illicit enrichment, ascertainment of the horizontal and vertical linkages with other suspected persons in order to establish the final beneficiary, hidden under the mask of a nominal holder, should be recognized as appropriate. This task may be performed by complex realization of the investigative (search) and covert investigative (search) acts during which, above all, public data on persons and assets contained in various public registers and electronic informational systems or their parts, access to which is not restricted by their proprietors, owners or holders, and not associated with overcoming the system of logical protection, should be analyzed.

According to part 2 of Art. 61 of the Constitution of Ukraine, legal responsibility of a person has an individual character. This imperative requirement of the Basic Law has found its development, in particular, in the formulation of criminal proceedings tasks. Thus, according to Art. 2 of the Criminal Procedural Code of Ukraine (Code of Criminal Procedure), the tasks of criminal proceedings is to protect individuals, society and the state from criminal offenses, the protection of rights, freedoms and legitimate interests of the participants in criminal proceedings, as well as to provide fast, full and impartial investigation and court examination, so that everyone who has committed a criminal offense, had to be brought to justice to the extent of his guilt, neither no one innocent had to be accused or convicted nor no one person had to be subjected to unjustified procedural coercion, and that each participant of criminal proceedings had to be applied with due process of law. According to part 2 of Art. 6 and part. 2 of Art. 19 of the Constitution of Ukraine, the bodies of legislative, executive and judicial power exercise their authority within the limits established by the Constitution and in accordance with the laws of Ukraine. Public authorities and their officials are obliged to act only on the basis, within the powers and in the manner stipulated by the Constitution and the laws of Ukraine.

In deciding on the possibility of proving legality of illegal enrichment by means of the testimonies of witnesses, it is necessary to proceed from the definition of the relevance of evidence.

Thus, according to part 1 of Art. 85 of Criminal Procedure Code of Ukraine evidence are appropriate if they directly or indirectly confirm the existence or absence of circumstances subjected to proving in criminal proceedings and other circumstances relevant to the criminal proceedings, as well as reliability or unreliability of the possibility or impossibility of using other evidence. Thus, the testimony of witnesses due to the legality of acquiring by a person authorized to perform the functions of state or local government, will not be valid, and therefore, will not be considered as appropriate. This follows from the fact that the subject of a crime trying to conceal the fact of illegal acquisition of assets, as a rule, is trying to prove the existence of legal grounds for such an acquisition by using fabricated evidence. In addition, probably fabricated documents also are going to be used.

Thus, the testimony of witnesses will not be considered as appropriate evidence due to their unreliability. However, relevant evidence can not be categori-



cally not to be taken into account due to the fact that no reason has no advantage over the others. When using relevant evidence, it is necessary to pay attention to other factors: had the person the opportunity to enter into the relevant transaction and execute it; or have the taxes been declared and paid from transactions to those the persons are referenced in the confirmation of the legality of assets acquisition, other circumstances – all these may be established by analyzing the tax declarations and property status of both the person – the subject of crime, and the person with whom the subject of crime might have entered into transactions to which the latter refers as to the confirmation of his claims and defenses.

Competent evidence of asset acquisition legality by a person authorized to perform the functions of state or local government, will be, first of all, tax declarations, bank documents, conclusively concluded agreements, extracts from the registers of property rights, as well as other written evidence, including means of audio, video recording, conclusions of experts and specialists, particularly when carrying out merchandising and economic forensic expertise, physical evidence. Testimonies of witnesses are not competent evidence of the legality of assets acquisition, but the latter may play a supporting role or may be evaluated in relation to other evidence.

In the subject of proof in the criminal proceedings regarding illegal enrichment, one should take into account a priority for the need to establish the sources of assets origin of the persons authorized to perform the functions of the state or local government which legality of acquisition grounds has not been confirmed by evidence. Ignoring this position complicates the proof of other circumstances under Art. 91 of the Criminal Procedural Code of Ukraine. According to this article, in the criminal proceedings, including the criminal proceedings on illicit enrichment, the following should be proved: 1) the event of a criminal offense (time, place, method and other circumstances of committing a criminal offense) 2) the guilt of the accused person in the commission of a criminal offense, the form of guilt, the motive and purpose of a criminal offense; 3) the type and extent of the damage caused by a criminal offense, as well as the size of the procedural costs; 4) circumstances which affect upon the degree of gravity of the criminal offense, characterize the personality of the accused person, aggravate or mitigate punishment, exclude criminal responsibility or are the basis for closing criminal proceedings; 5) the circumstances which are the basis for excluding criminal liability or punishment; 6) the circumstances proving that money, valuables and other property which are subjected to special confiscation, have been obtained from committed criminal offense and/or the proceeds of such property were appointed (used) for the declination of a person to commit a criminal offense, financing and/or material supporting a criminal offense or for rewarding for its commission, or are the subject of a criminal offense, including those related to illicit trafficking or which are found, manufactured, adapted or used as a means or instrumentalities for committing a criminal offense; 7) circumstances which are the basis for applying criminal legal measures for the legal entities.

The above list of circumstances subjected to proving in criminal proceedings, has the generalizing and oriented nature. Depending on the committed criminal offense, the list of circumstances subjected to proving in a criminal proceeding, is concretized and individualized, including illicit enrichment, taking into account the provisions of Art. 368<sup>2</sup> of the Criminal Code of Ukraine. Correct definition of the circumstances, their comprehensive, complete and objective investigation will significantly improve the efficiency and effectiveness of evidence in the criminal proceedings on illicit enrichment.

In general, the importance and social significance of the designated problem deserves systematic presentation of criminalistic recommendations on the technique of crimes investigation under Art. 368<sup>2</sup> of the Criminal Code of Ukraine, as well as the tactics features of conducting separate investigative (search) and covert investigative (search) actions and tactical operations during investigation of crimes of this type and corruption crimes as a whole in the relevant scientific issues, monographs, teaching-methodical manuals and so forth.

Thus, in the present conditions, spreading of crimes of corruption orientation, among which a special place is taken by illegal enrichment, the problem of development and implementation of an effective mechanism to counteract these criminal phenomena became highly relevant and urgent. Creation of such mechanism involves introduction of an effective system of counteraction against such crimes, reforming criminal and criminal procedural legislation, taking immediate measures aimed at improving the investigative and judicial practice, based on the latest achievements of science and technology. Therefore, in order to ensure proper criminalistic detection and investigation of illicit enrichment, it is expedient to develop and form criminalistic investigation technique of such crimes.

Further scientific research of this problematics, especially in the aspect of taking into account current situation on electronic declaration of deputies and officials, changes in anti-corruption legislation, the Criminal Procedural Code of Ukraine, the influence of international legal standards has not only theoretical but also practical importance. All this demonstrates the importance and necessity of the scientific justification and development of the criminalistic recommendations to counteract illicit enrichment and in the future their implementation in practical activities, that will improve the efficiency, effectiveness and quality of the pre-trial process and judicial consideration of these criminal manifestations.

### **СИСТЕМА ЗАХОДІВ ПРОТИДІ НЕЗАКОННОМУ ЗБАГАЧЕННЮ В СУЧАСНИХ УМОВАХ**

*Шепитько В. Ю., Шевчук В. М., Білоус В. В., Керик Л. І.*

*Розглянуто сучасні проблеми протидії незаконному збагаченню, які досліджуються з урахуванням міжнародно-правових, кримінально-правових, криміналістичних і кримінально-процесуальних аспектів. Проаналізовано сучасний стан і можливості створення та запровадження в практику дієвої системи заходів протидії незаконному збагаченню, яка тісно пов'язана із реформуванням національного законодавства, приведення його у відповідність із міжнародними ви-*

могами та стандартами, ужиття невідкладних заходів, спрямованих на вдосконалення слідчої й судової практики. Із метою належного криміналістичного забезпечення виявлення та розслідування незаконного збагачення вбачається доцільним розроблення й формування криміналістичної методики розслідування таких злочинів. Обґрунтовано, що інформаційною основою формування оптимальної методики розслідування незаконного збагачення виступає криміналістична характеристика цього виду злочину.

*Ключові слова:* незаконне збагачення, корупція, злочини корупційної спрямованості, криміналістична характеристика незаконного збагачення, методика розслідування незаконного збагачення.

## **СИСТЕМА МЕР ПРОТИВОДЕЙСТВИЯ НЕЗАКОННОМУ ОБОГАЩЕНИЮ В СОВРЕМЕННЫХ УСЛОВИЯХ**

***Шепитько В. Ю., Шевчук В. М., Белоус В. В., Керик Л. И.***

*Рассмотрены современные проблемы противодействия незаконному обогащению, которые исследуются с учетом международно-правовых, уголовно-правовых, криминалистических и уголовно-процессуальных аспектов. Проанализированы современное состояние и возможность создания, а затем внедрения в практику действенной системы мер противодействия незаконному обогащению, которая тесно связана с реформированием национального законодательства, приведением его в соответствие с международно-правовыми требованиями и стандартами, проведением неотложных мер, направленных на совершенствование следственной и судебной практики. С целью надлежащего криминалистического обеспечения выявления и расследования незаконного обогащения представляется целесообразным формирование криминалистической методики расследования таких преступлений. Обосновано, что информационной основой формирования оптимальной методики расследования незаконного обогащения выступает криминалистическая характеристика этого вида преступления.*

*Ключевые слова:* незаконное обогащение, коррупция, преступления коррупционной направленности, криминалистическая характеристика незаконного обогащения, методика расследования незаконного обогащения.

Ministry of Justice of Ukraine  
Hon. Prof. M. S. Bokarius  
Kharkiv Research Institute of Forensic Examinations  
Yaroslav Mudryi National Law University

**THEORY AND PRACTICE OF  
FORENSIC EXAMINATION  
AND CRIMINALISTICS**

Collection of scientific papers

Published annually

*Founded in 2001*

*Issue 16*

Kharkiv  
«Pravo»  
2016

UDC 343.98

ISSN 1993-0917

LBC 67.9(4YKP)6  
T33

Listed in the list of scientific specialized publications of  
Ukraine on legal sciences: the order of the Ministry of  
Education and Science of Ukraine on 11.07.2016 No. 820

Recommended for the publication by the scientific council of the  
Hon. Prof. M. S. Bokarius Kharkiv Research Institute of Forensic Examinations  
(Minutes No. 12 of 30 November 2016)

Certificate of state registration of the printed mass media  
No. KB № 21930-11830ПП dated on March 25, 2013

**Theory and practice of forensic examination and criminalistics: a  
T33 collection of scientific papers. Issue 16 / Ed. board: O. M. Kliuiev,  
V. Yu. Shepitko and others. — Kh.: Pravo, 2016. — 476 p. : Il.**

*Founders:* Hon. Prof. M. S. Bokarius Kharkiv Research Institute of Forensic  
Examinations; Yaroslav Mudryi National Law University

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