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*Yu. V. Kiflyuk*

## **PREVENTING BANDITRY BY LAW ENFORCEMENT AUTHORITIES**

According to WHO (World Health Organization) and UNAIDS international organizations, only injecting drug addicts in the country are about 425,000, and according to various independent experts, between 1 and 1.5 million people use drugs in Ukraine, and their number increases annually by 8–10%.

According to official data of the Ministry of Health, only heavy drugs use 550 thousands of people. In Ukraine, drug addiction is spreading at an unprecedented rate – the number of drug addicts increases by 10% annually. And despite the fact that 12,000 people die every year from drugs, the number of drug addicts in Ukraine is increasing. According to independent experts, drug addiction and related diseases, such as HIV/AIDS, viral hepatitis, specific cancer, tuberculosis, kill up to 120,000 people per year in Ukraine [1, p. 284].

The social reality in our State today gives rise to an increase in crime. Conditions conducive to criminal aggression – uncontrolled trafficking in arms and drugs; Promotion of the cult of violence, pornography, prostitution.

The problem of uncontrolled trafficking in arms and drugs; Propaganda of the cult of violence, pornography, prostitution – a rather obvious condition of criminal aggression in Ukraine. All this is the reason for the development of crime and attitudes to violence in Ukrainian society, and does not contribute to the normal quality of life of people. In Ukraine, the number of murders, robberies, apartment thefts and car thefts committed by bandits has increased sharply – one and a half or two times – over the past two years. The emergence of this wave of crime is triggered by the poverty of the population, the war in the east, and the long-term reform of law enforcement agencies.

The analysis of crime prevention carried out by the Office of the Procurator-General of Ukraine shows a number of negative trends, in particular the increase in the number of serious and particularly serious crimes of certain categories, while at the same time reducing the level of their disclosure.

This is stated in a letter dated 28 January 2016 from the Prosecutor General's Office of Ukraine addressed to the National Police of Ukraine. The letter notes that almost 2,000 robberies, more than 15,000 robberies and 200,000 thefts (of which 17,000 were houses of Ukrainian residents) committed within one year remained unsolved.

Similar trends characterize the state of counteraction and disclosure of looting, robbery and vehicle theft. In 6 regions, the power of unsolved robbery attacks increased significantly: in Ternopil – 8, Kharkov, Khmelnytskaya, Kherson and Cherkasy regions – 3 times.

The increase in crime is of particular concern to experts due to the fact that in the statistics of 2015, unlike the data for 2013, not taken into account occupied territories – Crimea and a large part of Donetsk and Lugansk regions.

The modern crime situation in the country is similar to the nineties years of the twentieth century: the law has lost force, and people are not responsible for what they did. In the Strategy of national security of Ukraine approved by the Decree of the President of Ukraine of 26.05.2015 № 287/2015 it is stated rise in crime in Ukraine which is compound national security of relevant threats [2].

The high increase in the number of crimes in our opinion can also be explained by the fact that the police now register all offences. This is the principled position of the Ministry – not to ignore anything. Prior to the introduction of the Code of Criminal Procedure, law enforcement agencies could hide certain statements, and since 2012 have been obliged to register all, even minor, crimes. This certainly affects statistics, but is a positive. Too much load investigators, affects both disclosure and the increase in the number of offences. Sometimes one of the employees of the Ministry of Internal Affairs accounts for up to a hundred cases. And all because the law forces even minor offences to investigate under the same close procedure, and full-fledged crimes.

In the political and legal sphere, corruption is the most criminogenic factor. A significant fact of the lateness (concealment) of this type of crime is the recorded number of cases of improper benefit – an average of 2,500 cases per year and the giving of improper benefit – an average of 412 registered applications per year. At the same time, according to various sociological surveys, up to 60% of citizens of Ukraine regularly face manifestations of corruption. At the World Corruption Perception Index (SRI) for 2016 Ukraine received 29 points out of 100 possible. This is 2 points more than in 2015, but not enough for a country whose authorities have identified the fight against corruption as a top priority. The improvement of our position in the world rating was facilitated by the advance of anti-corruption reform, but the absence of an effective judicial system and the de facto impunity of corruption does not allow Ukraine to make a powerful leap forward and overcome the 30-ball barrier called “shame for the nation”.

In our opinion, theft, robbery and other things have increased in the country: for the poor quality of law enforcement work. From law enforcement went experienced footage, lost many methods of detective work. According to modern law enforcement reform, it contains numerous shortcomings related to the lack of provisions on how to protect the police from political influence, accountability and cooperation, as well as no mandatory procedures for the reverse influence of the public on the functioning of certain aspects of the Ministry of Internal Affairs. However, national criminal law is evolving as crime changes [3, p. 271].

That is why it can be concluded that the prevention of banditry is not limited to law enforcement; it is deeper in content and interrelated, leading to a variety of ways, methods and measures to prevent organized banditry.

Thus, according to N.E. Menyala, two main approaches – traditional and non-traditional – can be distinguished in the field of combating organized crime. The first (traditional) relates primarily to the proper functioning of the criminal justice system, covering the development of:

1) independent criminal legislation, especially on laundering dirty money and confiscation of criminal proceeds;

2) procedural legislation, especially with regard to cooperation in the field of legal assistance (e.g. Eurojust cooperation);

3) the means and resources to properly investigate this category of cases (specialized central agencies for combating dangerous organized groups) [4, p. 145].

The second (non-traditional) covers safety activities and includes various approaches at the community level (provision of information to citizens on various losses and risks, which entails banditry, introduction of hotlines, participation in the work of various public organizations), as well as regulatory policy [5, p. 177].

In this regard, it is worth noting that most European States still take a traditional approach in combating banditry through the criminal justice system.

The importance of countering banditry in the developed countries of the world makes it necessary to introduce their positive experience in Ukraine.

It should be noted that according to the definition of the EU Council of May 28, 2001, protection is an activity that covers all activities that contribute to the reduction of crime, as well as to the reduction of the sense of danger of citizens, both quantifiably and qualitatively, directly through abstinence from criminal acts or because of policies and interventions aimed at reducing opportunities for the commission of crime, as well as because of the impact on the causes of crime. Highlighting the areas of prevention of organized crime A.Y. Shostko notes that the main areas are social prevention, rehabilitation approach, situational prevention, strategies of law enforcement agencies aimed at timely detection and punishment of criminals [5, p. 199].

The current state of investigation of crimes and fair punishment of criminals, as well as the fight against offences in general, aimed at the performance of a general preventive function. At the same time, the preliminary investigation bodies are also obliged to carry out individual preventive work in the performance of their functions.

The forms of preventive action vary according to the stages of investigation of crimes. During the opening of criminal proceedings, the investigator performs preventive work in the absence of procedural means: through interviews, oral warnings.

The main work on prevention is carried out at the following stage of investigation when enough data on circumstances of crime and its subject are collected, the mechanism of crime is investigated and it is established its reasons and conditions.

It should be noted that preventive activities are impossible without criminological studies, which study the state and trends of crime, the causes and

conditions affecting its territorial characteristics, specify the tasks and objects of prevention, the main directions and means of action, the list of subjects. This manifests the principle of scientific validity.

The CCP of Ukraine does not provide in its content for the obligation of the prosecution to establish the reasons and conditions that contributed to the commission of the crime [6]. In the absence of the latter, it is impossible to study the state and trends of crime, the causes and conditions affecting its territorial characteristics, and therefore to effectively carry out preventive activities of crime – which in the end can lead to an increase in the level of crime. That is why the National Police Act of Ukraine sets out in detail the preventive powers of police officers.

Thus, the main tasks of investigation include the prevention and suppression of offences. According to departmental and by-laws they:

1) carry out preventive and preventive activities aimed at preventing the commission of offences;

2) identify causes and conditions conducive to the commission of criminal and administrative offences, take measures within the limits of its competence to eliminate them;

3) take measures to detect criminal and administrative offences; Terminates criminal and administrative offences;

4) take measures aimed at eliminating threats to the life and health of natural persons and public security resulting from the commission of a criminal, administrative offence;

5) respond in a timely manner to statements and reports of criminal, administrative offences or events;

6) Carry out pre-trial investigation of criminal offences within the limits of certain jurisdiction, etc. [7].

The prevention of banditry by operational units plays an important role. The effectiveness of the prevention of ordinary crime by operational units depends on the availability of reliable sources of operational information on crimes, are being prepared. It should be noted that there is currently no clear definition of sources of intelligence in science.

From the position of the operative worker, all sources of information can be divided into three groups:

People (citizens, officials, silent staff and freelance workers: illegal officers, agents, informants, etc.);

– Technical media (video recordings, photographs, phonograms, etc.);

– Documentary sources (mass media, Internet and other computer networks, official documents of legal entities, transactions, personal correspondence, etc.). Of course, the main source of operational and search information remains people, first of all, silent staff and freelance workers. The legislator grants sufficiently broad powers to operational units, establishing their right to establish confidential cooperation with persons on the basis of voluntary principles.

The activities of the operational units in the selection, acquisition and use of sources of intelligence are of crucial practical importance in preventing banditry, since it is through the use of tacit officers that information about

this crime can be obtained in advance and preventive measures are being prepared and taken. However, in order to select the source of promptly relevant information in a timely and correct manner, the operative worker must possess the operational situation information, analyze it and evaluate it. At the same time, a considerable part of the operational information arriving from sources cannot be used immediately and similar remains until its use in operational search affairs, materials of preliminary expeditious check, expeditious accounts and to that. And given the level of informatization and automation of all spheres of public life without exception, it is almost impossible to do all the above without the use of modern information technologies. This also applies to the use of technical media, as well as documentary sources, the use of which by criminal investigation units (especially the media and the Internet) is currently only at the stage of development. Properly organized information and analytical support for the prevention of banditry increases the effectiveness of preventive activities of operational units [8, p. 103-106].

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#### Summary

**Kiflyuk Yu. V. Preventing banditry by law enforcement authorities.** – Article.

This article describes the criminal situation prevailing in Ukraine, which poses a serious threat to the establishment and development of a sovereign State, and notes that one of the factors contributing to it is the existence of such a negative social phenomenon as organized crime in all forms of its manifestation and banditry in particular. Despite the steady decline in the number of criminal offences of this type, banditry remains one of the most dangerous types of organized crime requiring the strengthening of preventive law enforcement activities.

The problem of uncontrolled trafficking in arms and drugs; Propaganda of the cult of violence, pornography, prostitution – a rather obvious condition of criminal aggression in Ukraine. All this is the reason for the development of crime and attitudes to violence in Ukrainian society, and does not contribute to the normal quality of life of people. In Ukraine, the number of murders, robberies, apartment thefts and car thefts committed by bandits has increased sharply – one and a half or two times – over the past two years. The emergence of this wave of crime is triggered by the poverty of the population, the war in the east, and the long-term reform of law enforcement agencies.

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*Key words:* prevention, gang, law enforcement, banditry, organized crime.

#### А н о т а ц і я

**Кіфлюк Ю. В. Запобігання бандитизму правоохоронними органами.** – Стаття.

Ця стаття описує кримінальну ситуацію, що склалася в Україні, яка становить серйозну загрозу утворенню та розвитку суверенної держави, та зазначає, що одним із факторів, що сприяють цьому, є наявність такого негативного соціального явища, як організована злочинність у всіх формах його прояву та зокрема бандитизму. Незважаючи на постійне зменшення кількості кримінальних злочинів цього типу, бандитизм залишається одним з найнебезпечніших видів організованої злочинності, що потребує посилення превентивної правоохоронної діяльності.

Проблема неконтрольованої торгівлі зброєю та наркотиками; Пропаганда культури насильства, порнографії, проституції – досить очевидний стан кримінальної агресії в Україні. Все це є причиною розвитку злочинності та ставлення до насильства в українському суспільстві і не сприяє нормальній якості життя людей. В Україні за останні два роки різко зросла кількість вбивств, грабежів, квартирних крадіжок та крадіжок автомобілів, скоєних бандитами – у півтора-два рази. Виникнення цієї хвилі злочинів спричинене бідністю населення, війною на сході та довгостроковою реформою правоохоронних органів.

Проведений Управлінням Генерального прокурора України аналіз запобігання злочинності показує низку негативних тенденцій, зокрема збільшення кількості тяжких і особливо тяжких злочинів певних категорій, одночасно знижуючи рівень їх розкриття.

Таким чином, на думку Н.Є. Міняйла, можна виділити два основні підходи – традиційний та нетрадиційний – у сфері боротьби з організованою злочинністю. Перший (традиційний) стосується насамперед належного функціонування системи кримінального правосуддя, що охоплює розробку: незалежного кримінального законодавства, особливо щодо відмивання брудних грошей та конфіскації злочинних доходів; процесуальне законодавство, особливо стосовно співробітництва у сфері правової допомоги (наприклад, співпраця Євроюсту); засоби та ресурси для належного розслідування цієї категорії справ (спеціалізовані центральні органи боротьби з небезпечними організованими групами).

*Ключові слова:* запобігання, банди, правоохоронна діяльність, бандитизм, організована злочинність.