



## EVALUATION OF THE EFFECTIVENESS OF COUNTERACTION ORGANIZED CRIME AND CORRUPTION

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### Summary

In article possibilities to use of some analytical methods for evaluation of the effectiveness of counteraction organized crime and corruption are investigated. Some eventual methodics of evaluation are examined, their contents, advantage and disadvantage are described. The need of using these methods for evaluation of the effectiveness of law enforcement agencies of Ukraine in combating organized crime and corruption is concluded.

**Key words:** methods of evaluation, law enforcement agencies, organized crime, corruption, informational and analytical support.

### Аннотация

В статье исследуются возможности использования методов анализа для оценки эффективности противодействия организованной преступности и коррупции. Рассмотрены возможные методики оценки, описаны их содержание, преимущества и недостатки. Делается вывод о необходимости их использования для оценки эффективности деятельности правоохранительных органов Украины в сфере противодействия организованной преступности и коррупции.

**Ключевые слова:** методики оценки, правоохранительные органы, организованная преступность, коррупция, информационно-аналитическое обеспечение.

**Introduction.** The growing threats of transnational organized crime and corruption is forcing with radical changes in traditional methods of law enforcement. The criminality in our country has aspirations to obtain and retain political authority with the aim of personal enrichment, even for the price of ruining the Ukrainian state. The organized crime of economic and corruption type is highly latent, and crimes in this area, even when detected, are not qualified as crimes committed by an organized criminal group. Informational technologies have a considerable impact on the structure and methods of organized crime and corruption too.

In such conditions informational and analytical support should be reliable tool for evaluation of the effectiveness of law enforcement agencies of Ukraine in combating organized crime and corruption. Working out a reliable criteria of evaluations is one of the main task to solve.

**Condition of the research.** Our research is based on theoretical materials of Ukrainian scientists such as I. Grinenko, D. Prokof'eva-Yanchilenko, B. Sokrut [1; 2], O. Kalman [3]. But there is no any works about methods for integrated evaluation of the effectiveness of law enforcement agencies of Ukraine in combating organized crime and corruption yet.

The **purpose** of the article is examination of some eventual analytical methodics for evaluation, description of their contents, advantage and disadvantage.

**Exposition of the main material.** In any kind of analysis of general scientific methods (observation, experiment, simula-

tion, scientific abstraction, measurement, description, comparison etc.) and methods of logical thinking (analysis, synthesis, induction, deduction), are closely intertwined with each other regardless of the specifics and implemented during the complex set of cognitive acts – the establishment of the origin of objects, determination of their properties, relationships and interdependencies, as well as their possible state in the future.

The means of finding the truth that combines all the elements of knowledge, is information and analytical activity. It combines all the basic forms of cognitive activity, that are freely operated by monitoring of combating crime.

The information that comes from the law enforcement agencies and departments is being assessed according to its accuracy, completeness, timeliness, relevance and the results of its implementation.

In our opinion, the results of the evaluation criteria of information-analytical activity should be a set of criteria, such as those used in the SWOT, PEST and TOC-analysis.

One of the main tools of strategic management that evaluates the complex of internal and external factors that influence the development of a various phenomenon is the SWOT-analysis.

SWOT – the initial letters of words Strengths, Weaknesses, Opportunities, Threats. In 1963 at Harvard conference on business policy professor K. Endryus first publicly announced acronym SWOT. This acronym was visually represented as a matrix of SWOT. First SWOT-analysis was based on scoring and structuring knowledge

about the current situation and trends, and later – was used in a broader sense – to design strategies. So, with the advent of model SWOT-Analysis tool received his intellectual work [4].

SWOT-analysis – is a process of establishing links between the most characteristic features for organizing, threats, strengths (advantages) weaknesses, the results of which can later be used to formulate strategies and choice of strategy [4]. It is carried out to study the system in a particular operational environment. SWOT-analysis – is a kind of tool; it does not contain definite information for decision-making, but allows you to streamline the process of consideration of all available information using your own opinions and estimates. SWOT-analysis makes it possible to form a general list of policies according to their characteristics – adaptation to the environment or generating exposure to it. Wide application and development of the SWOT-analysis due to the fact that strategic management is associated with large volumes of information you want to collect, process, analyze, use, and therefore there is need to find, develop and apply methods of such work.

The main purpose of the SWOT-analysis is to obtain reliable data on the opportunities and threats that exist in a given sphere. Therefore, to achieve this goal the SWOT-analysis has to perform the following tasks: identify opportunities that meet the available resources; identify threats and develop measures for neutralizing their effects; identify strengths and match them to the available opportunities; determine weaknesses and develop strategic directions



to overcome them; identify the competitive advantages of the company and form strategic priorities [4].

Performing SWOT-analysis requires proper provision of information, which should include: database; methods and models needed to SWOT-analysis; set of organizational and instructional techniques needed to improve the reliability of information provision [5, p. 34]. Methodology of the SWOT analysis is based on the approach that allows you to explore the external and internal environment of the organization together. With this method you can set the relationship between specific strengths and weakness as well as external threats and opportunities. Firstly, strengths and weaknesses are identified, then relationships between them are established that can be used for developing the strategy.

When conducting SWOT-analysis it is necessary to carefully define the scope of the phenomenon, understand the differences between its elements, to be objective and to use a wide-range input information to avoid spatial and ambiguous statements. SWOT-analysis should be conducted with the participation of all key members of the organization. This includes general identification of strengths and weaknesses that should be clearly visible within the organization. SWOT-analysis can be performed using the method of „brainstorming”. The quality of the analysis can be improved by involving people from outside of the organization. Such persons may be impartial arbitrators who are able to evaluate proposals, ask specific questions and provoke the organization to rethink its policies and actions. When conducting SWOT-analysis, especially analysis of opportunities and threats, to be used previously conducted public opinion research [4; 5].

SWOT-analysis compared with other methods has both advantages and disadvantages. Its main advantage is simplicity, no need to spend big money to conduct, flexibility and availability of many options. Moreover, it is a systematization of knowledge about the internal and external factors affecting the strategic planning process; determination of competitive advantage and establishment of strategic priorities, periodical diagnostics of market and resources. Disadvantages of SWOT-analysis that should be taken into consideration are: the inability to take into account all the strengths and weaknesses, opportunities and threats; subjective selection and ranking

of factors of external and internal environment; poor adaptation to the environment that is constantly changing.

Thus, SWOT-analysis is important for strategic planning because its technique consists in effective and cheap means of assessment of the problem and management of situation of the organization. It allows you to organize problematic situations; better understand the structure of resources, which should resist to improve operations and development for the future; monitor the overall state of the environment; select and use new opportunities faster than your opponent (organized crime); choose the best path for development and avoiding hazards; make right decisions regarding the development of existing capabilities. Correct and timely made strategic decisions play a key role today in the successful organization of management. They make a decisive impact on the special units of law enforcement agencies that confront organized crime and corruption in generally.

Another type of analysis of the effectiveness of a particular type of activity is PEST-analysis. PEST – an abbreviation of four English words: P – Policy, E – Economy, S – Society, T – Technology. Using this method, the analysis of the four groups listed factors [6].

The political environment. This is one of the most important factors that must be studied primarily in order to have a clear idea of the intentions of the regional (municipal, local) authorities for the development of society, the regulation mechanism of money in the state, creating conditions of resource support for each organization, changes in legislation, legal regulation and taxation, as well as about the means by which authorities will enforce its policy.

For law enforcement agencies of Ukraine the most important aspects of political factor are stability of the government, capabilities and strength of opposite political structures, possible changes to legislative regulation. The political stability of the country is a key factor that can reduce the economic uncertainty of the organization in areas defined by the chosen strategy. The factor of political stability is very important for organizations operating in different countries.

Among other aspects of the policy environment it is necessary to track the following: credit policy and restrictions on obtaining loans, Agreement on Tariffs and trade between countries, customs policy,

subsidies, tax breaks, disposition of forces of leading political parties and unions, the structure of large financial and industrial groups, structure influence and power of trade unions and associations for social movements to protect the professional interests of workers and others.

The sources of information for the analysis of the political environment include: data of opinion polls conducted by various institutions and public organizations; reports and speeches of political leaders and government officials; agenda of the Verkhovna Rada (Parliament); private interview of government officials; program of meetings and visits of foreign politicians and state officials of the leading countries of the world and others.

The economic environment. Changes in the economy – one of the most important factors that determine the normal functioning of any organization. Thus, the global economy can greatly affect the cost of imported resources and therefore the ability of people to buy certain products. In fact, analysis of macroeconomic component aimed at understanding the fact how resources are formed and distributed. The weak economy of the state dramatically reduces the possibility of society to obtain credit and other resources necessary for proper functioning. The main indicators analyzed in the study of economics, include the following: the value of gross domestic product, inflation, employment, balance of payments, economic growth, unemployment, interest rates, productivity, the level of taxation, the rate of accumulation and more.

In the analysis of economic factors attention should also be paid to such indicators as the level of economic development, mining, natural resources, the level of development of competition, the structure of the population, the level of education of the workforce, wages and so on. Analysis of economic factors should be conducted systematically and be directed to its comprehensive assessment to determine the existence of opportunities for an effective system of combating organized crime and corruption.

Social environment. Special units of law enforcement agencies of Ukraine are also interested in information relating to factors such as demographic, social security of population, labor safety and health of workers, traditions, the primary life values and attitudes of people and others. Another important aspect is demographic, as markets are made up of people and their potential



growth depends on the dynamics of demographic indicators.

In the context of the development strategy the most interesting is the information on: the dynamics of fertility; family structure; lifetime; age-sex structure of the population; level of education; migration. Forecasting the changes of the specified factors allows to anticipate changes in the expectations of society as a whole or its individual segments or groups and take action to improve the situation.

**Technological environment.** Technological macro factor takes one of the important places among the factors of social conditions. Technology is both internal and external variable factor and is of great importance. The speed of technology change is increasing. This analysis allows to see the possibilities of technological progress for the production of new products and improvement of output, and production of technology products and application of marketing in the marketing of products. Besides it is also necessary to be remembered about two opposite effects of scientific and technological progress:

1. The emergence of new technologies and products stimulates the creation of new businesses and the growth of new industries, which ultimately leads to the increase in the number of jobs and improve the solvency of demand.

2. Introduction of new technologies leads to increased productivity, release of employees and an increase in unemployment.

In a particular sense by analyzing macroenvironment the law enforcement agencies of Ukraine create a special list of key environmental factors and determine methodological approaches by which they perform the appropriate specific multivariate system analysis.

In conclusion, it can be stated that PEST-analysis can be used to assess the effects of the environment in order to prevent organized crime and corruption. Thus, the definition of political, economic, social and technological risks spread of organized crime and corruption would significantly increase the effectiveness of combating this social phenomenon.

Another means of evaluating the performance of the system is the theory of constraints (TOC). This management philosophy is aimed at achieving ambitious financial results. TOC supporters claim that by the theory of constraints it is possible to significantly increase the effectiveness of a

particular process. The essence of the TOC can be viewed in two ways – in thought and in terms of specific application solutions [7]. This latter aspect forms the subject of research in economics and management. Consequently, current research challenge is identification of opportunities of the theory of constraints introduced by E. Goldratt in ensuring the effectiveness of information-analytical supply that operates in a highly unpredictable market processes.

The essence of TOC is to manage the flow and focus efforts on restrictions. The flow takes place when there is a sequence of repetitive operations. The maximum output capacity of the entire flow is dictated by the weakest resource used for its implementation. In theory, such a restriction is considered to be a resource limitation.

Theory of constraints by E. Goldratt is based on the fact that at any given point in time the system has only one restriction. Through an effort to eliminate restrictions can make a significant breakthrough in the performance of the company. The task of management is to identify, use and maximize the „expansion” of the „bottleneck” In other words, the task is to ensure that the restrictions on the source of the problem turn into a source of profit.

Restrictions are divided into two groups – natural and management. Physical limitations are a „narrow” place that make it impossible to increase productivity. Management limitations are it stereotypes and beliefs that nobody calls into question. The latter constitute 90–95% of all constraints. There are several types of constraints: constraints on capacity, performance time limit and restrictions on scope.

Managing limitation means ensuring maximum use of its capacities and capabilities. To eliminate the limitations you need to make five steps underlying systematic and focused approach [8].

Step 1. Find the limiting system. It often draws an analogy with the weakest link in the chain. It is believed that there is always a resource which limits its maximum flow. In order to improve the performance of the system (to strengthen the entire chain) you need to find the weakest link. Resources that determine the value of stream are called „restrictions”.

Step 2. Find a way to make the maximum use of „restrictions” system. Finding the resource that restricts the work, management should ensure uninterrupted „limit” It is necessary to create a permanent protective

buffer before the „restriction” to predict and prevent the lack of resources. Further, the organization’s leadership must make management decisions so that the system supplies everything you need for „restrictions”.

Step 3. Subordinated other elements of the system (no restrictions) to the taken decision on restrictions. Other resources must work with speed „limit”.

Step 4. Expand the „limitations” of the system, i.e. increase capacity, reduce order fulfillment time, offer the market new products and enter new markets more. At this stage it is appropriate to examine all alternatives to investing in „limitation”.

Step 5. If the previous step „limitation” is eliminated (ceased to be „restraint”) return to the initial stage of the research system. The results of the system will now be determined by other „restrictions”. Work on optimization should be proceeded [8; 9].

Thus, TOC – is a certain methodology of management systems. It breaks down stereotypes and is beyond standard practice. Its essence is to identify „bottleneck”, subordinate all the system features and needs of this „limitation”, remove them and find another limitation to further improve the system.

TOC claims that any internal organizational system has inner simplicity, so the number of factors responsible for the performance of a particular system at any given time is small. So they should be the object of interest. Since the objective of the organization is one, there can not be conflicts between parts. The parts must be in harmony with each other and with the organization as a whole. Therefore, any conflict should be resolved without compromise approach based on „won” – „won”.

Using TOC analysis can extend the idea of the existing mechanisms for tackling organized crime and corruption. Application of determining weak link management and submission technology and submission all the processes to it in the system of combating organized crime and corruption would gradually lead it to become the most effective. During the reform of the system of law enforcement agencies such analysis would be of great help to the senior management.

In conclusion, we can say that it is necessary to introduce methodologies to assess the effectiveness of information-analytical activity by the great number of criteria, depending on the purpose of this assessment. Using the assessment of the effectiveness of special units of law enforcement agencies must be based on the assertion that all



systems must work the best they can. Therefore, research should be conducted to eliminate the „bottle neck” in the system information and analytical support of such units.

To evaluate the results of the information and analytical activity methods of SWOT, PEST and TOC-analysis can be offered.

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## ПРЕСТУПЛЕНИЯ ПРОТИВ НАСЕЛЕНИЯ В РАЙОНЕ ВОЕННЫХ ДЕЙСТВИЙ: ОПЫТ СРАВНИТЕЛЬНОГО АНАЛИЗА УГОЛОВНО- ПРАВОВОГО ЗАПРЕТА

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#### Summary

The article contains of results comparative investigation of established in different countries of the world criminal law prohibitions concerning perpetration a forcible actions over civil population in hostilities condition. Detected some trends and regularities which attribute this infringements in criminal law of Europe and Asia countries to the group of military crimes or to the group of crimes over peace and security humanity. There was compare appropriate norms with 433 article of criminal code of Ukraine and her potential enhancement.

**Key words:** comparative-law method, forcing over the population, military crime, forcible actions area, body of a crime.

#### Аннотация

Статья содержит результаты сравнительного (компаративистского) исследования установленных в разных государствах мира уголовно-правовых запретов относительно совершения насильственных действий против гражданского населения в условиях военных действий. Выявлены некоторые тенденции и закономерности отнесения этих посягательств в уголовных законах государств Европы и Азии либо к группе воинских преступлений, либо же к преступлениям против мира и безопасности человечества. Проведено сопоставление соответствующих норм с положениями ст. 433 Уголовного кодекса Украины. Изложены соображения о возможных направлениях ее усовершенствования.

**Ключевые слова:** сравнительно-правовой метод, насилие над населением, воинское преступление, район военных действий, состав преступления.

**Постановка проблемы.** В условиях роста напряжения политической обстановки в европейском регионе и мире в целом особое значение приобретают вопросы обеспечения основных прав и свобод человека и гражданина в любое время – мирное и военное. В связи с этим актуальным для юриспруденции вопросом становится совершенствование правового регулирования и охраны отношений в сфере организации порядка военной деятельности государства, развитие средств предотвращения причинения вреда представителями легальных военных формирований гражданским лицам. В ст. 433 Уголовного кодекса (далее – УК) Украины с этой целью криминализовано насилие над населением в районе военных действий, формами которого являются совершение военнослужащими (и приравненными к ним иными специальными субъектами) в отношении гражданского населения: 1) насилия; 2) противозаконного уничтожения имущества; 3) противозаконного отобрания имущества под

предлогом военной необходимости; 4) разбоя [1]. Посягательство признается преступлением против установленного порядка несения военной службы (воинским преступлением).

**Актуальность проблемы.** Отдельные вопросы уголовно-правовой и криминологической характеристики подобных преступлений рассматривались в работах украинских и зарубежных ученых: М.М. Антоновича, И.М. Арцибасова, В.П. Базова, Н.А. Баймуратова, А.С. Гавердовского, В.И. Дьяченко, В.М. Корецкого, И.В. Красницкого, С.П. Кучевской, Е.В. Лукашина, В.С. Лукомского, П.С. Матышевского, Н.И. Мельника, Г.А. Мюллерсона, В.А. Навроцкого, Н.И. Панова, А.В. Савченко, Н.И. Хавронюка, С.С. Яценко и других). Однако в опубликованных работах сравнительное исследование подобных запретов не проводилось.

**Цель статьи.** Компаративистский метод при изучении конкретных уго-