



## ИНФОРМАЦИЯ ОБ АВТОРЕ

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## CRIMINOLOGICAL CHARACTERISTICS OF CUSTOMS SECURITY AS A PART OF NATIONAL SECURITY OF UKRAINE

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## SUMMARY

This article is devoted to the criminological characteristics of customs security in the context of its role in ensuring the national security of Ukraine in the present. Conduct a study of the basic concepts of customs security and its role as an integral part of national security of the state. The present state of customs security is analyzed and conclusions are made on its improvement.

**Key words:** safety, customs safety, criminology, multinational, national security.

## КРИМИНОЛОГИЧЕСКАЯ ХАРАКТЕРИСТИКА ТАМОЖЕННОЙ БЕЗОПАСНОСТИ КАК СОДЕРЖАНИЯ НАЦИОНАЛЬНОЙ БЕЗОПАСНОСТИ УКРАИНЫ

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## АННОТАЦИЯ

Данная статья посвящена криминологической характеристике таможенной безопасности в контексте ее роли по обеспечению национальной безопасности Украины в условиях современности. Проведение исследования основных понятий таможенной безопасности и ее роли как составной части национальной безопасности государства. Проанализировано современное состояние обеспечения таможенной безопасности и сделаны выводы по ее совершенствованию.

**Ключевые слова:** безопасность, таможенная безопасность, криминология, таможня, национальная безопасность.

**Introductory part (introduction).** In the conditions of the rapid development of society, the concept of “security” has received wide acceptance in the scientific literature, textbooks due to the increasing number of threats and attention to them by the state, non-governmental organizations, various parties and movements, and scholars [1]. Economic security and its components such as foreign economic security and customs security are an important part of the national security of Ukraine [2].

The presentation of the main material. Categories that describe foreign economic security are presented in many academic papers, but the comprehensive study of the issue of “customs security” and the definition of adjacent categories is currently absent.

An analysis of recent research and publications. The search and development of methods for the scientific

evaluation of the processes of formation of security in certain spheres of life, methodological approaches and practical recommendations for management, the creation of models of neutralization and optimization of systemic, internal and external dangerous influences are taking place in the works of domestic and foreign scientists such as Aleksandrov, D. Adams, B.M. Andrushkiv, O.I. Amoshi, E.A. Arustamov, S.V. Belov, P. Boulder, A. Vesting, A.S. Vlasyuk, V.M. Geits, E. Atgins von Haysau, E. Goodwin, B.M. Danilishin, M.I. Dolishniy, S.I. Dorohuntsov, I.I. Dudnikova, S. Duryakhama, O.B. Yegorov, Y.A. Zhalilo, V.V. Zatsarny, D.V. Zerkalov, A.B. Kachinsky, N.B. Kirich, V.M. Kuznetsova, M. Kuzmenko, E.M. Libanova, V.A. Lilkan, L.M. Lohachova, V.I. Muntiyany, V.P. Naumenko, A.F. Novikova, S.I. Pirozhkov, B.V. Prikin, O.M. Rusak, P.T. Sabluk, G.V. Teshinsky, S.P. Tkachuk, V.M. Trehobchuk,



M.I. Faschevsky, L.G. Chervova, M.H. Chumachenko, A.A. Chukhno, R. Shannon, V.I. Yarochkin and others [4].

The essence of the category of “security” is the protection of the vital needs, interests and values of individual, the population, the state and its regions, guaranteed by the Constitution and legislative acts of Ukraine, from internal and external threats, which is provided by the state authorities with regard to exclusion (reduction) of danger and creation of safe living conditions [5].

The path of protecting national interests and guaranteeing the safety of individual, society and state from the external and internal threats in all spheres of life is the main principle of state policy in accordance with the Law of Ukraine “On the Fundamentals of National Security of Ukraine” dated 19.06.2003 No. 964 IV [6].

In turn, ensuring the economic interests and security of Ukraine is a sphere of customs policy, which clearly defines the place of customs policy in the national security policy [7, c. 8].

According to Art. 5 of the Customs Code of Ukraine dated March 13, 2012, No. 4495 VI (hereinafter referred to as the MC of Ukraine), the state customs policy shall comprise a framework of principles and areas of government activity in protecting the customs interests and ensuring the customs security of Ukraine, regulating the foreign trade, protecting the local market, developing the economy of Ukraine and integrating it into the world economy. The state customs policy is an integral part of the state economic policy [8]. Historically, customs policy is the first form of state regulation of foreign trade. Its essence is expressed in the development of a unified system of economic, political, organizational and legal measures for the development of foreign economic relations of the state. The main purposes of the customs policy are to ensure the most effective use of the instruments of customs control and regulation of goods exchange within the customs territory of Ukraine, participation in the implementation of trade and political measures to protect the Ukrainian market, stimulate the development of the national economy, promote structural adjustment and other tasks of economic policy of Ukraine. The customs policy should contribute to the reali-

zation of the economic interests of the state. National economic interests should be understood as a set of the objective economic needs of an independent country, whose satisfaction ensures the efficient functioning and sustainable development of its economic system. The leading component of the system of national interests is economic interests. Similarly, economic security is a part of national security. In turn, it is a reflection of the desire to provide one of the basic needs of human and humanity, namely to a safe existence. The concept of a national security is established in article 1 of the above-mentioned Law of Ukraine “On the Fundamentals of National Security of Ukraine”: “National security means the protection of the vital interests of man and citizen, society and the state, in which sustainable development of society is ensured”. Customs interests of the state are the object of customs security. According to P.V. Pashko, customs interests provide both foreign economic and customs security, but at the same time they have certain differences [9, c. 7–14].

Thus, to the customs interests, the protection of which ensures the foreign economic security of Ukraine, as an integral part of economic security, can be attributed: – creation of conditions to enhance the development of economic actors, domestic scientific and technical potential; – introduction of a valid mechanism of preservation and reproduction of natural, labor, intellectual, energy resources and fixed assets on the territory of the state, as well as economic incentives for their most effective use within the country; – encouragement of enterprises to the effective foreign economic cooperation, etc. To the customs interests, the protection of which ensures the customs security of Ukraine, we can include: – creation of an enabling environment to facilitate trade, transit and to accelerate trade flows and passenger traffic through the customs border; – timely and complete collection of taxes and customs duties; – effective fight against violations of Customs regulations and their prevention; – approximation of customs legislation to the world requirements, development of international cooperation in the field of customs; – prevention of the import of substandard goods into the national territory, therefore posing risks to public health; – prevention of the import of products with low moral

and ethical content, promoting interethnic conflicts, separatism, etc. The main subject of customs security is the customs authorities, since the state customs business is carried out by them directly.

Paying attention to the fiscal function, the activities of the customs service have a significant impact on the social sphere, since the opportunity to cover social costs depends on the level of replenishment of the state budget with taxes, fees and other receipts, sending funds from the budget for appropriate grants, subsidies, programs, payment of salaries and pensions, etc. If we take into account the opposition of the bodies of income and charges to the illegal movement of prohibited items, for example drugs, questionable medical products, it can be argued that the protection of the life and health of the nation by the customs authorities is an indisputable fact [10, c. 104–105]. The multiplicity of activities of the customs authorities and the scope of coverage of spheres of public life has a large number of examples, but, probably, the most important among others is the protection of the economic interests of the state by customs officers. The peculiarities of the current internal and external situation of Ukraine, the economic decline, military actions and the political crisis make it impossible to transfer to the national conditions those trade and economic mechanisms that are constructed in other countries according to their conditions and place in the world economy. However, the principles of “constructing” these mechanisms, especially their harmonization on a multilateral international basis, and the norms that have emerged on this basis, should be taken into account during the process of creation, development and updating of the customs policy mechanism in Ukraine. During its implementation it is also necessary to take into account the experience of post-socialist countries. Therefore, it is necessary to organize the work on the development of customs policy deliberately. It must be remembered that the philosophy of foreign policy should be that all political issues must be considered through the prism of national economic interests. The priority of foreign economic policy is the interests of domestic producers. They are the largest taxpayers, guarantors of a healthy economy, a source of employment in a market economy. Of course, the interests of producers



from different sectors of the economy are different, so the relevant government agencies should make efforts to provide equal opportunity for all economic entities to apply for protection to the state authorities. In turn, the influence of the economic forces of society on the adoption of legislation and executive decisions determines the development of various branches of Ukrainian law on the regulation of foreign economic activity. Customs authorities should focus on upgrading the skills of their employees, the ability to serve citizens competently, quickly and in accordance with the law, and be able to follow the processes taking place in the country. At the same time, it is very important to approach the issues carefully in order not to overestimate, but not to underestimate their power on the ground.

It is also necessary to work in close contact with local authorities. Professionals should be engaged in the protection of economic interests, and not all sorts of political populists and extremists. Until the authorities understand this, domestic businessmen and producers will not feel protected not only on external but also on domestic markets.

Therefore, it should be noted that the activities of customs authorities are one of the important elements in ensuring the national security of Ukraine. The place of customs policy in the national policy is determined by its task, which is to ensure the economic interests and security of Ukraine. The object of customs security is the customs interests of the state, which provide both foreign economic and customs security. The main subject of the provision of customs security in Ukraine is bodies of incomes and charges. In the future, during the implementation of the customs policy of the state, it is necessary to consider the activities of state bodies involved in this process in a complex, as all state bodies in this area are united by one goal, which is to ensure the national and economic security of the state. The categories of "economic security" and "customs security" and their impact on the practical activities of the customs authorities require further research [10].

**Conclusions.** In the future, customs security will remain an integral part of the economic security of the state. In this context, the key tasks are the implementation of international instruments for

regulating international trade by complying with the Framework of Standards to secure and facilitate global trade developed by the World Customs Organization in order to identify and prevent internal and external threats. In other words, customs security of Ukraine should be based on the accumulated experience of functioning of the customs systems of the world and be a holistic dynamic system.

The priority task of the customs authorities is to protect national interests. It is advisable to take into account the experience of the leading countries of the world, namely: – to clearly emphasize priorities in national interests in the regulation of foreign trade; – to approve the principles of reciprocity in providing foreign trade advantages and to ensure compliance with fair competition requirements by partners; – to provide for the possibility of protection of national economic security by criminal and legal and administrative and legal provision.

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