


SERHII ANATOLIHOVYCH TIULIENIEV,*Candidate of Economic Sciences,**National Scientific Center “Hon. Prof. M. S. Bokarius Forensic**Science Institute” of the Ministry of Justice of Ukraine;* <https://orcid.org/0000-0001-9685-1536>,*e-mail: serhii.tiulieniev@ukr.net***METHODS OF COMMITTING CRIMINAL OFFENCES RELATED TO RAIDING**

The mechanism of criminal activity consists of various elements that require a thorough study in the process of understanding the event of a criminal offence, i.e. during the pre-trial investigation. It consists of a large number of elements that are determined by the type of criminal offence and the specifics of the criminal activity of a particular person or group of persons. An obligatory element that requires a thorough study during theoretical research and in the course of cognitive activity of an investigator, detective or coroner is the method of committing a criminal offence.

The method is an independent and compulsory element of the forensic characterisation of any type of criminal offence, and the need to cognise it is due to the need to present the information model of the illegal activity (actions) of a raider or a group of raiders, on the basis of which other elements of certain forensic techniques will be built. Given that the method embodies the objective side of a criminal offence, the complexity of its establishment and proof in the cognitive activity of an investigator, detective, coroner, therefore, in the context of cognition of raiding, it is subject to a thorough study.

Based on the textual analysis of criminal law provisions, generalisation of theoretical developments, statistical data and law enforcement practice, the article establishes that criminal offences related to raiding are numerous, and the methods of their commission are mostly two-component and include actions related to preparation and direct commission. The mandatory features of each of the criminal offences under study are: 1) the use of pseudo-legal mechanisms, which may include the use of forged documents, seals, stamps, conclusion of fictitious transactions, etc.; 2) the focus, which is not on the simple acquisition of objects or certain assets of a business entity, but on the rights to an enterprise, institution, organisation with its production facilities, etc.

The peculiarities of preparation for a raider seizure, peculiarities of preventive activities of this type of illegal activity are determined, and the role of the Office for Combating Raiding in this area is defined. Prospects for further research within the framework of the studied issues are outlined.

Key words: *criminal offence, raiding, business entity, forensic characteristics, mechanism of criminal activity, method, purpose of raiding.*

Original article

INTRODUCTION. It is possible to find out the event of a criminal offence through the investigation of the circumstances of a crime or a criminal offence by criminal procedural methods. In this context, it is important to find out how a criminal offence was committed, since it is this method, combined with time, place and other circumstances, that is classified as an event of a criminal offence to be proved in criminal proceedings (Article 91(1)(1) of the Criminal Procedure Code of Ukraine)¹.

The scientific category of “the method of committing a criminal offence” is the subject of

research in various sciences of the criminal law cycle. Our attention is drawn to the issue of committing methods of criminal offences related to raiding, since they are distinguished by a high level of public danger to society in general and to the economic security of the State in particular. Certain raiding actions are characterised by both a certain prevalence and latency. All of this raises complex issues in their investigation, which must be resolved by representatives of pre-trial investigation bodies. Moreover, they are often committed by individuals with a high level of intelligence, who have some criminal experience or skills in counteracting obstruction of law enforcement and regulatory authorities, etc. (Tiulieniev, 2024, p. 356). In view of this, we believe that in the context of ensuring the economic security of the

¹ Verkhovna Rada of Ukraine. (2012). *The Criminal Procedural Code of Ukraine* (Law No. 4651-VI). <https://zakon.rada.gov.ua/laws/show/4651-17>.

state, creating preconditions for the development of legitimate economic activities of domestic and foreign business entities in Ukraine, increasing the investment attractiveness of our country for the foreign partners, the scientific community now faces the urgent task of developing scientifically sound recommendations for the investigation of such criminal acts and counteracting illegal activities aimed at the unlawful seizure of business entities' assets.

PURPOSE AND OBJECTIVES OF THE RESEARCH. The purpose of the article is to identify the typical methods of committing criminal offences related to raiding, and the methods of their cognition which may be used during the investigation. The specification of this goal is reflected in the following objectives: 1) to carry out a textual analysis of those articles of the Criminal Code of Ukraine (hereinafter – the CC of Ukraine) which criminalise acts which may be classified as having a raider orientation, and on this basis to determine which acts constitute the objective side of a criminal offence and, therefore, are an obligatory component of the criminalistics category “method of committing a criminal offence”; 2) to generalise investigative and judicial practice on investigation and trial of criminal offences related to raiding, and, taking this into account, to determine what other actions raiders take to implement their criminal intent aimed at unlawful seizure of assets of business entities.

LITERATURE REVIEW. In the forensic literature, the method of committing a criminal offence is studied within the framework of the issue of developing a forensic characteristic, which is studied in the context of developing certain forensic methods of criminal investigation.

The problems of the theory of forensic methodology and some aspects of criminal investigation are disclosed in the works of S. Ablamsky, L. Arkusha, A. Volobuev, V. Guseva, M. Danshin, V. Zhuravl, N. Klimenko, A. Kovalenko, V. Kovalenko, I. Kogutich, O. Kolesnichenko, V. Kolmakov, V. Konovalova, V. Kuzmichev, V. Lukashevich, V. Maliarova, V. Nevgad, O. Oderia, I. Petrova, I. Pirog, O. Pchelina, V. Pcholkin, O. Sainchin, S. Safronova, M. Selivanov, E. Simakova-Efremian, R. Stepaniuk, V. Stratonov, V. Tishchenko, G. Teteriatnyk, A. Khitra, K. Chaplynskyi, S. Cherniavskyi, Y. Chornous, V. Shevchuk, V. Shepitko, M. Shcherbakovskiy, B. Shchur, V. Yusupov, O. Yukhno and many others.

Regarding the issues of studying the methods of committing criminal offences in the theory of criminalistics, in this context, it is worth noting the comprehensive developments of M. Danshin (2000), R. Shekhavtsov (2003), S. Zavalov (2005)

and others. These scholars were among the first to attempt to outline the problems of studying the methods of committing crimes, highlighted the difficulties arising in the process of their research and the use of information about them in combating crime, identified ways to conceal crimes, as well as ways to counteract the investigation, which may also sometimes constitute a separate crime.

Some aspects of the investigation and the methods of committing criminal offences related to raiding were covered in B. Derevyanko, V. Pashkov, O. Turkot, N. Zahrisheva, O. SBisiuk (2020), V. Kikinchuk (2020), V. Husieva (2022), M. Tsutskiridze with co-authors (2021), and others. In addition, this issue was also developed in the works of foreign scholars (Fabuš, 2017; Urbig et al., 2012; Kimaro, Bukombe, Leweri, 2023).

Moreover, domestic scholars have made a significant contribution to the study of ways of violating commercial and banking secrets. Among such works, we can distinguish the scientific achievements by V. Ivashchenko (2006), O. Kurman (2012), L. Polunina (2019), and others.

While paying tribute to the theoretical development, it is worth noting that the methods of committing criminal offences related to raiding have not yet been thoroughly investigated in the theory of criminalistics. This demonstrates the need for theoretical research.

METHODOLOGY. The achievement of this goal was ensured by properly selected empirical material, which includes statistical reports of the Office of the Prosecutor General of Ukraine for 2015–2023, the Office of Countering Raiding, as well as case law, in particular, verdicts under Articles 205-1, 206-2, 209, 231, 232, 255, 357, 358 of the Criminal Code of Ukraine, published in the Unified State Register of Court Decisions.

The methods of analysis, synthesis and generalisation were used to study the texts of national court judgments, rulings, and theoretical developments of some Ukrainian and foreign scholars. The same methods were used to conduct a literature review within the scope of the issue under study. The method of dialectic contributed to the formulation of scientifically sound conclusions based on the results of theoretical generalisations and analysis of law enforcement practice, which consisted of the analysis of positions reflected in the legal literature and in law enforcement practice and directly related to the issues under study in this article.

The legal framework of the study is based on the current provisions of the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine, the Civil Code of Ukraine, the Commercial Code of

Ukraine, the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations”.

The textual analysis of the legislative provisions is provided through the application of the methods of analysis and synthesis, and the comparative legal method. The study and synthesis of empirical data was facilitated by the use of general scientific and special methods of scientific research (cognition), including: analysis, synthesis, systemic and structural, and forecasting methods.

RESULTS AND DISCUSSION. In the scientific literature, various approaches to the definition of the concept of “method of committing a criminal offence” are reflected. For example, S. Zavalov (2005, p. 7) defined this scientific category as a system (complex, totality) of interrelated acts of a person’s behaviour determined by subjective and objective factors, which highlights the qualitative characteristics of a criminal act, reflects certain qualities of the offender’s personality, form of guilt, motive and purpose of the crime. In addition, the scholar noted that in the forensic sense, the method of committing a crime is an objectively and subjectively determined system of behaviour of a subject before, at the time of committing a crime and afterwards, which leaves various types of traces outside, which allow, with the help of forensic techniques and means, to find out the essence of the event, the peculiarity of the offender’s behaviour, his or her individual personal characteristics.

Other scholars have a similar opinion to S. Zavalov. Thus, for example, V. Piaskovskyi (2016, p. 70) noted that the method of committing a crime is a naturally defined and structured system of behaviour of a subject, which includes actions for its preparation, commission and suppression. In view of the above, we note that scholars always draw attention to the fact that the method of committing a criminal offence 1) is always caused by a number of factors; 2) is embodied in a certain system of actions; 3) may be complex in structure.

Particular attention should be paid to the structure of the method of committing a criminal offence. As it was rightly noted by M. Danshin (2000, p. 8), it is a variable category. According to the scientist’s position, due to the peculiarity of the perpetrator’s behaviour, situations arising before and after the commission of the crime, and other circumstances, it can be either three-stage (including the behaviour of the perpetrator before, during and after the commission of the crime), or two-stage (in various combinations), or one-stage (characterising the behaviour of the perpetrator only during the commission of the crime). With this in mind, the scientist defined the

method of crime as a system of actions united by a common criminal intent to prepare, directly commit and conceal a crime, and also determined by certain conditions.

These conditions include the following:

- environmental conditions;
- psychological and physiological properties of a person, which may be associated with the specific selection and subsequent use of appropriate tools and means;
- conditions of the place, time of the crime, which leave various kinds of characteristic traces outside, allowing to get an idea of the essence of the event with the help of forensic techniques and means;
- the peculiarity of the criminal behaviour of the offender;
- individual personal data of the offender.

Regarding the inclusion of concealment of a criminal offence in the structure of the method, we support the position of V. Husieva (2021, p. 145). The scientist notes that in some cases, concealment of a criminal offence, which occurs after its direct commission, may constitute an independent set of actions that do not directly belong to the method of committing a criminal offence and should be determined individually in each case, as they may be a separate type of criminal offence.

When defining criminal offences related to raiding, it should be noted that this group is numerous in terms of the nature of the crimes and criminal offences it covers, and therefore the ways in which they are committed are diverse.

Generally, raiding is understood as the seizure or acquisition of assets or corporate rights of a business entity, which is committed using illegal methods and means. The purpose of raiding is usually formulated in the legal literature as the takeover of a business entity or the acquisition of corporate control over it (Kubariev, Bargan, 2018, p. 119).

The purpose of raiding was defined somewhat differently by B. Hrek (2010, p. 29), who noted that this criminal act should be understood as obtaining management or control over an enterprise, carried out with the use of illegal methods and means, which in the legal sense allows disposing of its assets. We believe that raiding is aimed not only at obtaining the ability to dispose of the assets of a business entity, but also at their use and misappropriation. After all, as a general rule, property rights (which in the context of raiding is always obtained illegally) include the following powers: the right to own, dispose of and use.

We support the position of I. Kubariev and S. Bargan (2018, p. 120), who noted that the focus of raiders’ activities is not always determined by the exclusive intention to seize the assets of a

business entity. Super-profitable enterprises are also often targeted by illegal takeovers. In such circumstances, the goals of the raiders or their customers are the intention to continue the business activities of such enterprises and to further profit from such activities, which they often successfully implement. In view of this, according to scholars, obtaining only the assets of a business entity is not enough to achieve this goal. Therefore, the authors define the ultimate goal of raiding as the disposal in personal interests of the resources of a business entity, which include various economic benefits and everything necessary for their production, while the main resources are labour and land.

The method of committing a criminal offence is an immanent component of any criminal offence. This has been repeatedly noted by such prominent criminologists as M. V. Saltevsnyi (1996, pp. 130–133), V. Yu. Shepitko (2006, p. 318) and many others. It is the mandatory component that requires thorough research and establishment because it embodies the actions that constitute the objective side of the criminal offence. Information on the method of the crime is also important, as noted in the legal literature, for solving previously committed crimes in a similar manner (Shepitko et al., 2006, p. 37).

The method of committing a crime is also paid attention to in the specialised literature when developing and studying the forensic characteristics of those criminal acts that are in some way related to raiding or became a component of the criminal activity technologies used by raiders. It has taken a prominent place among the scientific achievements of Ukrainian scholars, as it is covered in studies of varying information content (abstracts, original scientific and review articles, scientific and methodological recommendations, textbooks and manuals, dissertation research, etc.) Scientists have tried to determine the feasibility of singling out and the significance of the method in forensic characteristics, to establish the existence of correlations between the method and other elements, to find out and reveal its specifics, etc.

With regard to the allocation of the method as an independent element of the forensic characteristic, it is undoubtedly an essential component of it, and the need to know it is due to the need to present the information model of the illegal activity (actions) of the raider or a group of raiders, on the basis of which other elements of certain forensic techniques will be built. Scientists unanimously state that the method of committing raiding and raider seizures is subject to a thorough study. For example, V. S. Bereznyak (2020, p. 130), who was engaged in determining the components of the

forensic characteristics of criminal offences related to the seizure of corporate property and land, noted that the method is the most important qualitative characteristic of the offender's action, which is most closely related to the properties of other elements of a criminal event.

O. M. Dufeniuk and O. M. Tereshko, (2020, p. 28) in determining the forensic characteristics of the criminal offence under Art. 206-2 of the Criminal Code of Ukraine, i.e. the unlawful seizure of property of an organisation, enterprise, institution, determined that, among other things, it should reflect information on possible ways of preparing, committing and concealing a criminal offence. In other words, scientists emphasised the need to investigate all actions of raiders aimed at realising their unlawful intent.

The important role of the method of committing criminal offences in the forensic characteristics of the torts related to raiding, based on a thorough analysis and generalisation of investigative and judicial practice, was noted by V. O. Husieva (2022, p. 247).

Concerning the methods of committing raiding, there is a certain pluralism of views in the scientific literature, which, in our opinion, is due to the complex structure of actions committed by criminals. Nevertheless, as noted in the legal literature, their common feature is the use of pseudo-legal grounds for acquiring rights to the assets of a business entity. This feature was pointed out in the definition by A. V. Smitiukh (2008, p. 98). The author noted that raiding has a real or fictitious legal justification, is carried out in compliance with or with imitation of compliance with the judicial and corporate procedures established by law. This can be done through the use of forged documents, fictitious transactions, etc.

Article 205-1 of the Criminal Code criminalises forgery of documents submitted for state registration of legal entities and individual entrepreneurs. It establishes liability for entering deliberately false information in documents submitted for the above actions, as well as for the intentional submission of documents containing deliberately false information for the registration of these entities. In other words, in this case, pseudo-legal grounds are created for the registration of business entities and individual entrepreneurs, and they consist of providing false information or using forged documents. In the structure of raider criminal activity technologies, the criminal offence under Art. 205-1 of the Criminal Code of Ukraine is most often committed for the purpose of further legalisation of the criminally obtained property for activities unrelated to business, and thus violates the requirements of the Commercial Code of

Ukraine and the provisions of the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and Public Organisations”.

In the disposition of Art. 206-2 of the Criminal Code of Ukraine, the legislator has determined that this criminal offence can be committed by entering into transactions, i.e., by performing actions aimed at acquiring, changing or terminating civil rights and obligations (Art. 202 of the Civil Code of Ukraine), using forged or stolen documents, seals, stamps of an institution, enterprise, organisation¹. Consequently, the actual use of forged documents, seals, stamps, as well as those that have been stolen, characterises these actions as an imitation of compliance with legal requirements. At the same time, the commission of this criminal offence is preceded by the implementation of actions to extort, steal, misappropriate documents, seals, stamps, seize them by fraud or official position or damage them, i.e., there is actually a criminal offence under Article 357 of the Criminal Code of Ukraine, as well as actions to counterfeit and use the specified items and documents, liability for which is established by Article 358 of the Criminal Code of Ukraine. An example of a similar situation is a criminal proceeding considered by the Babushkinsky District Court of Dnipropetrovsk. According to the circumstances of the case, the defendant developed a criminal plan over a certain period of time to implement his criminal intent aimed at forging official documents issued and certified by the company in order to use it to seize the property of PJSC “JSCB “Concorde”, namely, shareholder shares in the authorised capital of PJSC “JSCB “Concorde”. According to the circumstances of the case, the accused developed a criminal plan over a certain period of time to implement his criminal intent aimed at forging official documents issued and certified by the company in order to use it to seize the property of PJSC “JSCB “CONCORD”, namely: shareholder shares in the authorised capital of PJSC “JSCB “CONCORD”. In accordance with this plan, the accused independently, using a pre-prepared forged seal of PJSC “JSCB “CONCORD”, as well as the real seals of LLC “Neptun-AN”, LLC “SELENA 77”, LLC “DIANA-AM”, being in a place not established by the pre-trial investigation, at an unspecified time and in a manner not established by the pre-trial investigation, independently produced forged documents, including applications of 11 citizens for state registration of amendments to the information about the legal

entity contained in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations regarding changes in the composition of the founders (participants) of the legal entity PJSC “JSCB “CONCORD” and the ultimate beneficial owner (controller) of PJSC “JSCB “CONCORD”; minutes of the regular general meeting of shareholders of PJSC “JSCB “CONCORD” dated 25 May 2017 register of those present at the general meeting of shareholders; minutes of the voting results at the general meeting of shareholders with forged seals of PJSC “JSCB “CONCORD”; three purchase agreements with a forged seal of PJSC “JSCB “Concorde” with knowingly false information about the sale of a share in the authorised capital of PJSC “JSCB “Concorde”; the charter of PJSC “JSCB “Concorde”, allegedly approved by the general meeting of PJSC “JSCB “Concorde” on 25 May 2017 minutes of the general meeting of shareholders; registers of those present at the general meeting of shareholders; minutes of the results of voting at the general meeting of shareholders of LLC “DIANA-AM”, LLC “SELENA 77”, LLC “NEPTUN-AN”. The purpose of producing these documents was their further personal use for the purpose of seizing the property of PJSC “JSCB “CONCORD”. Therefore, continuing the implementation of his criminal plan, the defendant applied for an appointment with the state registrar of the municipal enterprise “DMBTI” of the Dnipro Regional Council and provided pre-made forged documents. At the same time, the state registrar, after reviewing the submitted documents, decided to leave them without consideration on the grounds that they were not submitted in full and did not meet the requirements of Part 4 of Article 8 of the Law of Ukraine “On State Registration of Legal Entities and Individual Entrepreneurs”, which is why the shareholder structure of PJSC “JSCB “CONCORD” was not changed. Thus, by submitting forged documents with forged seal stamps to the state registrar of the Municipal Enterprise “DMBTI”, the accused performed all the actions he considered necessary to bring the crime to an end, but the crime was not completed for reasons beyond his will².

However, state registrars are not always able to detect signs of forgery on their own, and therefore still carry out registration actions on the basis of forged documents. There are also cases in investigative and judicial practice where state registrars deliberately collude with raiders, thereby

¹ Verkhovna Rada of Ukraine. (2001). *The Criminal Code of Ukraine* (Law No. 2341-III). <https://zakon.rada.gov.ua/laws/show/2341-14>.

² The verdict of the Babushkinsky District Court of Dnipropetrovsk (09.10.2017, case No. 200/14823/17, proceedings No. 1кп-200/594/17). <https://reyestr.court.gov.ua/Review/69784885>.

facilitating the implementation of a set of illegal actions aimed at systematically seizing the assets of business entities (Dudorov, Kamenskyi, Tytarenko, 2021). Therefore, it is not uncommon for the activities of a group of persons with a raider orientation to be subject to additional qualification for the creation of criminal organisations (Article 255 of the Criminal Code of Ukraine).

When committing a criminal offence under Article 209 of the Criminal Code of Ukraine, according to the legislator's disposition, actions aimed at concealing the true origin of property, or committing actions aimed at concealing, disguising the origin of such property, the right to it, its sources of origin, actual location, are criminalised¹.

The ways of committing criminal offences related to infringement of information constituting a trade secret are also quite diverse. Based on the textual analysis of the provisions of Articles 231 and 232 of the Criminal Code of Ukraine, we conclude that the legislator has criminalised the following actions:

- 1) illegal collection of information constituting a commercial or banking secret;
- 2) unlawful use of such information;
- 3) intentional disclosure of commercial or banking secrets².

Illegal collection and disclosure of such information is carried out through unauthorised access to information systems and databases of the relevant business entities, electronic documents of the business entity containing such information; secret surveillance of the business entity's activities; bribery of individual employees of the business entity to provide such information; blackmail of individual employees; covert illegal control over the official correspondence of the business entity, etc.

According to the legal literature, the unlawful use of information constituting a commercial or banking secret includes actions that may include: 1) making property or other claims to the owner of a commercial or banking secret for returning or not disclosing the relevant information; 2) selling information to third parties; 3) exchanging information for other information or material values; 4) adjusting one's actions when entering into various agreements with the owner of such information that is a bank or commercial secret (Kurman, 2012).

It is also worth noting that the draft new Criminal Code of Ukraine, which is likely to be

adopted in the near future, plans to criminalise actions in the form of raiding, which is proposed to be understood as "establishing control over a business entity (legal entity) through the use of fictitious legal instruments", resulting in: 1) blocking and restricting the actual access to voting of a shareholder, participant, member of the executive or other body of a business entity; 2) changing the essence of the decision of such a body; 3) violation or restriction of the preemptive right to purchase securities of this business entity. In other words, in any case, raiding will involve the conclusion of fictitious transactions or other disguised actions.

In addition to committing criminal offences in the field of economic activity, raiders also commit acts of violence, including inflicting or threatening to inflict harm to life and health, encroaching on personal safety and violating the right to inviolability of property of entrepreneurs, farmers, etc. Less commonly, raiders resort to kidnapping and unlawful deprivation of liberty or enforced disappearance, etc.

In the scientific literature, there are numerous attempts to generalise the ways in which raider attacks are carried out. These include, in particular, the following:

– on the basis of forged documents or a court decision (which is usually unjust), the state registrar enters false information into the relevant state register about the ownership of property by another person or another business entity;

– physical seizure of an object (movable or immovable property) under the guise of the owner or manager of a business entity exercising his or her legal rights;

– formal resale of the seized object to a bona fide purchaser or a chain of such bona fide purchasers (Yarosh, 2016).

In conclusion, we can note that the methods of committing criminal offences related to raiding or aimed at unlawful takeover of assets of a business entity, in particular property, corporate, agricultural land of an institution, enterprise, organisation, are usually divided into two parts. They mostly cover actions related to the preparation and direct commission of a criminal offence. This was the case in 72 % of the criminal proceedings analysed. Less frequently, the methods of raider attacks include actions related to preparation for the commission, direct commission, and concealment of criminal acts. A three-stage structure is inherent in 18 % of the analysed proceedings.

Given that criminal offences of the category under study are characterised by preparation for their commission, we consider it necessary to dwell on the definition of their specifics in more detail.

¹ Verkhovna Rada of Ukraine. (2001). *The Criminal Code of Ukraine* (Law No. 2341-III). <https://zakon.rada.gov.ua/laws/show/2341-14>.

² Ibid.

Specialised literature indicates that typical methods of preparation for the commission of criminal offences related to raiding include:

- 1) actions to plan future criminal activity;
- 2) searching for information, including information that constitutes commercial or banking secrets (e.g., about the company's assets, financial condition, founders, management, creditors, size and structure of the authorised capital, debtors, location of premises, administrative and management sector, land, etc.), which can be used both to exert pressure and to include in forged documents;
- 3) actions related to abduction, extortion, misappropriation, as well as forgery of documents that will be used for registration actions, conclusion of fictitious transactions, etc;
- 4) searching for persons who may participate in organising mass disorders on the territory of the business entity;
- 5) making unlawful decisions by officials of state and local authorities, which in the future may lead to disputes and conflicts in determining the owner of the company;
- 6) actions in the form of fencing, blocking free access to the facility, construction of temporary production and construction facilities, installation of security guards, installation of temporary engineering networks, arrangement of access roads, destruction of other people's crops or, on the contrary, illegal planting of agricultural land, etc.;
- 7) actions to find among the employees of the business entity those who, for a certain reward or for other reasons, are ready to collude with the raiders for the purpose of further committing criminal offences, obtaining commercial or banking secrets, forms of documents, etc. (Tsutskiridze et al., 2021, pp. 19–20).

Based on the textual analysis of the investigative practice, we also consider it necessary to note that in preparation for a raider attack, persons are sought who can forge seals and other official documents of a business entity, which are subsequently used to forge official documents submitted to the state registrar to amend the constituent documents of a business entity, etc. It is not uncommon for raiders to first establish contact with the owner, co-owner or manager of a business entity, make various offers to sell the company's assets or, for example, offer to enter into a criminal agreement, but are refused. Afterwards, using various measures of psychological influence, the raiders try to persuade the legal owner of the share capital to sell it or to collude with the raiders to implement their criminal intent on various grounds.

We believe that it is important to stop actions that show signs of preparations for raiding at the

initial stages of criminal activity. In this context, attention should be drawn to the preventive activities of the Office for Combating Raiding, which operates within the powers vested in the Ministry of Justice of Ukraine. In this case, the complaints are directly reviewed by the State Registration Complaints Board.

An effective preventive measure that will help to timely detect possible illegal actions against the property rights of a business entity is monitoring of its own real estate and corporate rights. After illegal transactions and registration of property rights, raiders take more active steps, including demanding that employees leave the company's production facilities or administrative buildings, etc. In case of disagreement, they call the police and file a criminal complaint against them as legal representatives of the business entity. Until the case is resolved on the merits, raiders sometimes manage to take possession of the company's property, products, equipment, and production technology, which they can then use to carry out their own independent business activities.

It is important to note that a complaint against a decision or action of the state registrar must be filed by a person within 60 calendar days from the date of the decision under appeal or from the date when the person learned or could have learned of the violation of his/her rights by the relevant action under appeal and must contain:

- full name of the complainant, his/her place of residence or stay (for individuals) or location (for legal entities), as well as the name of the complainant's representative, if the complaint is filed by a representative
- details of the decision of the state registrar that is being appealed (this requirement is established only for complaints in the field of state registration of real estate);
- the content of the challenged decisions/actions and the legal provisions that, in the complainant's opinion, were violated;
- a statement of the circumstances by which the complainant substantiates his/her claims;
- information on the presence or absence of a court dispute on the issue raised in the complaint, which may result in the cancellation of the contested decision of the state registrar;
- the signature of the complainant or his/her representative indicating the date of the complaint¹.

CONCLUSIONS. The mechanism of criminal activity consists of various elements that require

¹ How to prevent raiding? How to properly file a complaint with the Anti-Raiding Office. Opendatabot. <https://opendatabot.ua/open/anti-raiders-office>.

a thorough study in the process of understanding the event of a criminal offence, i.e. during the pre-trial investigation. It consists of a large number of elements determined by the type of criminal offence and the specifics of criminal activity of a particular person or group of persons. An obligatory element that requires careful study during theoretical research and in the course of cognitive activity of an investigator, detective or coroner is the method of committing a criminal offence.

The method is an independent and mandatory element of the forensic characterisation of any type of criminal offence, and the need to cognise it is caused by the need to present the information model of the illegal activity (actions) of a raider or a group of raiders, on the basis of which other elements of certain forensic techniques will be built. Given that the method embodies the objective side of a criminal offence, the complexity of its establishment and proof in the cognitive activity of an investigator, detective, coroner, it is therefore subject to a thorough study in the context of cognition of raiding.

Based on the textual analysis of the provisions of criminal law, generalisation of theoretical developments, statistical data and law enforce-

ment practice, it is established that criminal offences related to raiding are numerous, and the methods of their commission are mostly two-tiered and include actions for preparation and direct commission. We believe that the mandatory features of each of the criminal offences under study are: 1) the use of pseudo-legal mechanisms, which may include the use of forged documents, seals, stamps, conclusion of fictitious transactions, etc.; 2) the focus, which is not on the simple acquisition of objects or certain assets of a business entity, but on the rights to an enterprise, institution, organisation with its production facilities, etc.

The article identifies the peculiarities of preparation for a raider seizure, the specifics of preventive activities with regard to the unlawful nature of this type of offence and the role of the Office for Combating Raiding in this area.

We have made only an attempt to identify and characterise typical ways of committing criminal offences related to raiding. We believe that this issue requires in-depth research, because raiders usually quickly adapt to all the changes taking place in the state and public sectors in order to implement or continue to implement raider schemes.

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СЕРГІЙ АНАТОЛІЙОВИЧ ТЮЛЕНІВ,

кандидат економічних наук,
Національний науковий центр «Інститут судових
експертиз ім. Засл. проф. М. С. Бокаріуса»
Міністерства юстиції України;
ORCID: <https://orcid.org/0000-0001-9685-1536>,
e-mail: serhii.tiulieniev@ukr.net

СПОСОБИ ВЧИНЕННЯ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ, ПОВ'ЯЗАНИХ ІЗ РЕЙДЕРСТВОМ

Механізм злочинної діяльності складається з різноманітних елементів, які в процесі пізнання події кримінального правопорушення, тобто під час досудового розслідування, потребують ґрунтового дослідження. Його складовими є численна сукупність елементів, що зумовлені видом кримінального правопорушення та специфікою злочинної діяльності конкретної особи чи групи осіб. Обов'язковим елементом, котрий потребує ґрунтового вивчення під час теоретичного дослідження та в процесі пізнавальної діяльності слідчого, детектива або дізнавача, є спосіб учинення кримінального правопорушення.

Спосіб є самостійним та обов'язковим елементом криміналістичної характеристики будь-якого виду кримінального правопорушення, а потреба його пізнання зумовлена необхідністю подання тієї інформаційної моделі про протиправну діяльність (дії) рейдера чи

групи рейдерів, на підставі якої будуть побудові інші елементи окремих криміналістичних методик. З огляду на те, що спосіб уособлює об'єктивну сторону складу кримінального правопорушення, складність його встановлення та доказування в пізнавальній діяльності слідчого, детектива, дізнавача, тому в контексті пізнання рейдерства він підлягає ґрунтовному дослідженню.

На підставі текстуального аналізу положень кримінального законодавства, узагальнення теоретичних розробок, статистичних відомостей і правозастосовної практики встановлено, що кримінальні правопорушення, пов'язані з рейдерством, є численними, а способи їх учинення – здебільшого двокомпонентні й охоплюють дії щодо підготовки та безпосереднього вчинення. Обов'язковими ознаками кожного з досліджуваних кримінальних правопорушень є: 1) використання псевдоюридичних механізмів, що можуть полягати у використанні підроблених документів, печаток, штампів, укладенні фіктивних правочинів тощо; 2) спрямованість, котра полягає не в простому заволодінні об'єктами чи певними активами суб'єкта господарювання, а в цілому правами на підприємство, установу, організацію із їх виробничими потужностями та ін.

Визначено особливості готування до вчинення рейдерського захоплення, специфіку превентивної діяльності щодо протиправного характеру цього виду правопорушення та визначено роль Офісу протидії рейдерству в цьому напрямі. Окреслено перспективи подальших досліджень у межах досліджуваної проблематики.

Ключові слова: кримінальне правопорушення, рейдерство, суб'єкт господарювання, криміналістична характеристика, механізм злочинної діяльності, спосіб, мета рейдерства.

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