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## **THE ESSENCE OF THE CONCEPT OF “ECONOMIC CRIME”**

Scientific interest in the problem of economic crime and the difficulty of overcoming it is caused by the fact that in the domestic literature there is a differentiated approach to the definitions of crimes in the field of economy. A variety of interpretations of this phenomenon can be found on the pages of many scientists, including “crimes in the field of economy”, “economic crimes”, “shadow economy”, “criminal economy” and others. These concepts are often equated, but there are attempts to prove the different nature of the given phenomena.

In particular, O. Yakovliev considered economic crime as a property and self-serving crime, as well as a crime in the field of economy, the author notes that economic crime is characterized by a set of self-interested encroachments on property, the order of managing the national economy, committed by persons who occupy certain social positions in the structure economy.

According to S. Kravchuk, all these concepts have a different spectrum of committing illegal acts. So, crimes in the field of economy, as the author claims, are mainly economic crimes committed in various spheres; economic crime consists in the commission of crimes in the sphere of economic activity, including with the use of an official position. S. Kravchuk refers to crimes of an economic nature as actions related to causing material damage or receiving material benefit.

Identifying the signs of economic crime from the point of view of criminology is connected with the features of the concept of economic crime as a negative phenomenon. The founder of the theory of economic crime is E. Sutherland, who first introduced the concept of economic crime and called it “white-collar crime”. The author calls abuse of power for the purpose of criminal enrichment the most important sign of this. Investigating the official position and social status of the criminal, Sutherland gave a definition of “white-collar” crime: it is anti-social, enrichment-oriented behaviour of persons who occupy a socially prestigious position in society and within the framework of their professional activities act in such a way that, while simultaneously acting law-abiding, they abuse other person’s social trust enjoyed by another group.

S. Kravchuk claims that economic crime is crimes committed in the economic sphere with the use of legitimate technical-accounting, financial-accounting and control-management rights and powers. The scientist singles out eight essential features of economic crime: (1) it has an ongoing nature; (2) characterized by high latency; (3) consists of criminal acts of business entities; (4) encroaches on the order of economic management; (5) is committed by natural persons (this is explained by the fact that, according to the criminal law, the subject of the crime can only be a natural person); (6) has close ties to organized crime, corruption, and shadow economic activity; (7) forms a semi-criminal mentality among citizens of the state; (8) causes significant damage to the state, society or individual citizens.

D. Kharko in his work “Criminological problems regarding the definition of the concept and signs of modern economic crime as a factor in the shadowing of the economy of Ukraine” highlights the following features of economic crime: it is a type of crime that is mainly used en masse, and accordingly causes mass damage; covers various abuses of economic power; is committed in the course of the professional activity of the manager; has multiple episodes of committing a crime; is committed by both natural and legal entities; is a more complex socio-economic phenomenon than traditional crime; has a latent character; causes significant economic damage to the interests of the state.

T. Skakun, summarizing the different views of scientists regarding the signs and characteristics of economic crime, defines economic crime as an illegal act committed in the economic sphere with the abuse of power, which encroaches on the order of economic management and aims to obtain economic benefit. T. Skakun singles out the following main features of economic crime: it is characterized by abuse of power; has a property character; has high latency; characterized by the use of both legal and illegal economic activities.

Economic crime is an economic activity carried out systematically on a professional basis by methods prohibited by law, aimed at obtaining profit, and capable of having a significant impact on the formation and functioning of the economic mechanism.

There is a different understanding of economic crimes depending on the field and science in which it is defined:

1) The criminal-law aspect of the concept of economic crimes is defined for the purpose of systematizing crimes in criminal law. According to this approach, types of crimes are determined, which are classified according to the generic object of encroachment, which is the economy.

Purpose: systematization of crimes in criminal law.

Economic crimes are acts prescribed by the criminal law aimed at violating property relations and the existing order of economic activity.

2) The criminological aspect, according to which the structure of economic crime as a mass negative phenomenon is determined in order to determine the factors that determine economic crime.

Economic crimes are acts committed with the veiled illegal use of legitimate technological and accounting operations, financial and legal instruments, organizational-regulatory and control-management rights, which for selfish or other illegal motives encroach on relations protected by criminal law, related with financial-economic, economic-regulatory, civil-legal transactions regarding the civil turnover of funds, things, rights, actions.

3) In the criminological aspect, economic crimes are defined as a set of acts prescribed by the criminal law that are uniform in terms of the trace formation mechanism, encroaching on economic relations, regulated by the relevant rules of a normative nature, committed by persons who are directly included in the system of economic ties and relations and perform their professional functions in the process of economic activity.

Signs of economic crimes are:

- criminological homogeneity (determinism by the same socio-economic and organizational factors);

- the basis of an economic crime lies in the violation of normative rules that regulate the order and conditions of the relevant economic activity (for example, tax evasion is a violation of tax legislation, illegal obtaining of a loan is a violation of the legislation on credit and banking activity);

- the general methodological principle of solving economic crimes (in order to establish committed violations, it is necessary to compare data on how a certain activity should be carried out with how it was actually carried out);

- a special subject (only a person with certain economic functions who directly performs them or is included in the system of connections and relations in this area).

Two concepts are often used: economic crimes and crimes in the sphere of economic activity. These terms are often equated, but this is incorrect. It is worth noting that crimes in the sphere of economy are a broader concept that includes not only economic crimes, but also other socially dangerous acts that, although encroaching on economic relations, are committed not in connection with the performance of professional functions (committed sub object from the outside). Subjects of crimes in the economic sphere cause damage by fraudulent actions, crimes related to the production of items protected by the state monopoly.

So, based on the above, it is possible to conclude about the need to develop a set of special measures to detect fraud within the company, as well as economic crimes on the part of counterparties and various stakeholder groups. Along with standard methods of financial control, it is advisable for company management to use forensics [1-3] as a tool for economic investigations in the field of economic activity. In view of this, the problems of improving the mechanisms of prevention of economic crimes at enterprises, the need to find fundamentally new tools for conducting economic investigations in the field of economic activity and effective methods of financial monitoring remain relevant. This will become the direction of further research.

### References:

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