

Analysis of corruption crime detection mechanisms and identification of areas for improvement

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■ **Abstract.** Corruption is a factor that hinders the development of civil society, undermines democratic values, and contributes to legal nihilism and the spread of other types of criminal offences. Therefore, effective counteraction to corruption-related crimes, in particular their effective detection, is a guarantee of the state's sustainable development and the safeguarding of its security, which becomes particularly relevant when it is necessary to defend sovereignty by repelling external armed aggression. The study aimed to determine the state of the system of institutional, social and information-analytical means for detecting corruption-related criminal offences, to identify problems in this area and to develop ways of resolving them. The methodology involved the use of logical-legal and systemic-structural methods, through which the provisions of a number of laws and subordinate regulatory acts, as well as the practice of their implementation, were analysed. In addition, the expert assessment method was used, the results of which were analysed in conjunction with the findings of scientific research in the fields of operational-investigative, criminal procedural, intelligence and counter-intelligence activities. Based on the research findings, steps were proposed to improve the legal regulation of the system of means for detecting criminal offences of corruption. These measures include: granting operational units a wide range of powers and tools for gathering initial intelligence, which may be used before the opening of a criminal investigation; legally defining the scope of operational units' authority to recruit informants from among employees of enterprises, institutions and organisations with corruption risks for the operational monitoring of these entities (to detect corruption offences); establishing a list and description of the actions such informants may take to gather the necessary information; standardising the remuneration of informants at the level

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of the reward provided for by law for whistleblowers. The practical significance of this work lies in the possibility of using its results to improve existing legislation and subordinate regulatory acts concerning the fight against crime and the prevention of corruption

■ **Keywords:** corruption; crime; criminal intelligence; operational and investigative activities; pre-trial investigation; search operations; national security

■ Introduction

One of the most significant challenges of sustainable functioning and development of a democratic, law-based, social state is the high level of corruption, in particular its most dangerous manifestation: corruption-related crime. The latter causes mistrust of the authorities and legal nihilism, hinders the normal functioning of public administration, tarnishes the state's international image, and contributes to the spread of other forms of crime. Furthermore, a significant level of corruption-related crime poses a potential threat to national security. During wartime, such a threat becomes a reality, is actively encouraged and exploited by the aggressor, and threatens the very existence of the state. This necessitates ensuring the effectiveness and efficiency of measures to combat corruption-related criminal offences, particularly under the legal regime of martial law.

In academic publications, the high level of corruption in Ukraine is presented as a proven, indisputable fact. For instance, in a study conducted by V. Blikhar *et al.* (2022), Ukraine is classified as one of the countries with a high level of corruption and a comparatively low standard of living. A similar assertion was made by V. Cherniei *et al.* (2022), who, emphasising the significant corruption within the authorities, noted that the situation in Ukraine does not meet the requirements of international documents regarding the interaction between the authorities and the public. G. Sobko *et al.* (2023) emphasise that, despite the reforms conducted and the significant number of anti-corruption measures implemented, Ukraine remains behind other countries in terms of corruption metrics.

The fact that corruption-related crime in Ukraine poses a threat to national security is also confirmed by a number of academic studies. For instance, A. Kovalchuk *et al.* (2022) have highlighted key aspects of the destructive impact of corruption on state security. The study concluded that corruption is one of the phenomena that generate crises in various spheres of public life: politics, the economy, and public administration, and is one of the main prerequisites for the existence of organised crime. Elaborating on this idea (within the framework of a study on the proportionality of anti-corruption measures in Ukraine during wartime), L. Timofieieva (2023)

noted that corruption poses a threat to national security and negatively affects all spheres of life, facilitating the commission of other crimes. The author includes among these terrorism, organised crime, human trafficking and illegal migration, which pose risks not only to Ukraine but also to global security, undermining the process of European integration. As regards European integration, research conducted by M. Králiková (2022) shows that the anti-corruption reforms introduced in Ukraine do not fully meet EU expectations and standards. These reforms faced informal practices among Ukrainian high-ranking officials, leading to the imitation and fragmentation of institutional innovations. The assertion that the challenges of combating corruption have become particularly acute in the context of armed aggression against Ukraine is also evident in a number of academic publications. For instance, O. Maletova & M. Utkina (2025) emphasise that corruption was a systemic problem before the war and intensified significantly during martial law. Similar arguments are made by J. Cifuentes-Faura (2024), S. Kravtsov *et al.* (2024), and A. Markovska *et al.* (2025).

By emphasising causes and consequences of corruption, methods of eradicating it, and political, institutional, legal, organisational and other means of preventing corruption-related crime, researchers often overlook the methods used to detect criminal offences involving corruption. At the same time, the covert nature of these offences means that the very process of detecting them is the most crucial component of the fight against corruption. The effectiveness of methods for detecting corruption-related offences not only helps identify and prosecute those who plan and commit corruption-related offences promptly, but also has a preventive effect by deterring corrupt individuals from committing such offences. Therefore, the study aimed to identify shortcomings in the current system of measures for detecting corruption-related criminal offences and to propose ways of improving its effectiveness.

■ Materials and Methods

The study analysed and summarised the provisions of the following legislative acts: the Constitution of Ukraine¹; the Criminal Code (CC)² and the Code of

¹ Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

² Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

Criminal Procedure (CCP) of Ukraine¹; the Laws of Ukraine “On the Prevention of Corruption”², “On Operational and Investigative Activities”³, “On the National Anti-Corruption Bureau of Ukraine”⁴, “On the National Police”⁵, and “On the Prosecutor’s Office”⁶. In addition, draft versions of the new Ukrainian laws “On Operational and Investigative Activities” submitted in 2016, 2017 and 2019^{7,8,9} were analysed. The Action Plan aimed at implementing the Comprehensive Strategic Plan for the Reform of Law Enforcement Agencies as part of Ukraine’s Security and Defence Sector for 2023-2027, approved by Order of the Cabinet of Ministers of Ukraine No. 792-r of 23 August 2024¹⁰. Using a logical-legal approach, the concept was formulated, and the meaning of the category “detection of criminal offences related to corruption” was elucidated. Using a systemic-structural analysis of laws and subordinate regulatory acts that establish the foundations for combating corruption and define the status and powers of anti-corruption bodies, a list of the means for detecting criminal offences of corruption was drawn up, and their essence was demonstrated.

The expert assessment method was used to verify the results obtained. A total of 100 detectives from the National Anti-Corruption Bureau of Ukraine (NABU) and 200 operational staff from various regions of Ukraine were surveyed. The survey aimed to cover this number of detectives and police officers to ensure a high level of representativeness of the results obtained. Each respondent was given the opportunity to remain anonymous, and the methods and guarantees were explained. All participants were informed of the aims and objectives of the survey, as well as how the information obtained would be used and the risks that might arise in this regard. Ethical standards were observed when working with people during the survey. The research was conducted following the principles of the Declaration of Helsinki¹¹ and the European Commission’s guidelines¹² on ethics and data protection. A questionnaire developed by the authors, presented in Table 1, was used for the survey. Several answer options were provided for each question. Nevertheless, the questions were left open-ended, inviting respondents to provide their own answers.

Table 1. List of questions included in the author’s questionnaire

No.	Question
1.	What methods or tools for detecting criminal offences relating to corruption are you familiar with?
2.	Which of these tools (methods, instruments) do you use in your day-to-day work?
3.	Which of the following methods or tools for detecting criminal offences relating to corruption do you consider to be the most effective?
4.	What legal and/or organisational issues arise in connection with the use of these means (methods, tools)?

Source: compiled by the authors

The survey was launched in November 2025 and lasted four months. The surveyed NABU detectives reside and work in Kyiv. The officers from the National Police’s operational units surveyed live and work in Kyiv, as well as in the Vinnytsia, Zhytomyr,

Zakarpattia, Odesa, and Khmelnytskyi regions of Ukraine. The survey of police officers and detectives was conducted in writing using a mixed format (face-to-face and remote). Police officers undergoing retraining and professional development courses at

¹ Criminal Procedural Code of Ukraine. (2013, April). Retrieved from <https://zakon.rada.gov.ua/laws/main/4651-17?lang=en#Text>.

² Law of Ukraine No. 1700-VII “On the Prevention of Corruption”. (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1700-18#Text>.

³ Law of Ukraine No. 2135-XII “On the Operational and Investigative Activities”. (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

⁴ Law of Ukraine No. 1698-VII “On the National Anti-Corruption Bureau of Ukraine”. (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1698-18#Text>.

⁵ Law of Ukraine No. 580-VIII “On the National Police”. (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19#Text>.

⁶ Law of Ukraine No. 1697-VII “On the Prosecutor’s Office”. (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1697-18#Text>.

⁷ Draft Law of Ukraine No. 4778 “On the Operational and Investigative Activities”. (2016, June). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59321.

⁸ Draft Law of Ukraine No. 6284 “On the Operational and Investigative Activities” (2017, April). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61497.

⁹ Draft Law of Ukraine No. 1229 “On the Operational and Investigative Activities”. (2019, September). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66597.

¹⁰ Plan of Measures Aimed at Implementing the Comprehensive Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023-2027, Approved by the Resolution of the Cabinet of Ministers of Ukraine. (2024, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/792-2024%D1%80#Text>.

¹¹ Declaration of Helsinki – Ethical Principles for Medical Research Involving Human Participants. (2024, October). Retrieved from <https://www.wma.net/what-we-do/medical-ethics/declaration-of-helsinki/>.

¹² Ethics and Data Protection. Guidance Note of the European Commission. (2021, July). Retrieved from https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/guidance/ethics-and-data-protection_he_en.pdf.

the National Academy of Internal Affairs (87 people) were interviewed face-to-face. A further 113 police officers were interviewed online. Among NABU detectives, 17 were interviewed in person and 83 remotely. Of those interviewed in person, 17 NABU detectives (all of them) and 23 operational staff from the National Police of Ukraine agreed to be interviewed (on condition of anonymity). During these interviews, they provided explanations for their answers and illustrated them with examples from their own practice. Among those interviewed in absentia, 42 police officers and 27 NABU detectives provided written explanations of their answers. The results obtained were examined in the context of the findings of contemporary researchers on intelligence, counter-intelligence and law enforcement activities.

■ Results and Discussion

The concept and scope of detecting criminal offences of corruption. Law enforcement agencies protect individuals, society and the state from criminal offences, including those involving corruption, through prevention, detection, suppression and investigation. These stages are closely interlinked but, for the most part, occur at different times. The investigation of corruption offences is necessarily preceded by the process of their detection. Such detection may be spontaneous or incidental (during the investigation of other criminal offences, the conduct of audits, inspections, the receipt of reports from whistleblowers, etc.). Thus, according to research conducted by V.M. Shevchuk (2022), sources of information regarding indications of corruption-related criminal offences entered into the Unified Register of Pre-trial Investigations include, amongst others: materials from pre-trial investigations already underway; case files on administrative offences; other materials from law enforcement agencies (the Security Service of Ukraine, the Prosecutor's Office, the National Anti-Corruption Bureau, the National Agency for Corruption Prevention); statements and reports from victims, complaints and appeals from individuals and legal entities; reports from officials and representatives of civil society organisations; the results of scheduled control and audit measures; and publications in the media.

However, given the scale of corruption-related crime in Ukraine and its specific nature, it is not possible to rely solely on the incidental, random detection of criminal offences to combat it effectively. After all, one of the key characteristics of this type of crime is latency, a fact recognised by both theorists and practitioners. Thus, I.H. Bohatyrov (2024) rightly notes that criminal statistics do not reflect the true extent of organised corruption-related crime in the

country due to its high level of latency. I.D. Havryliuk (2025), in detailing the methods of committing corruption offences linked to the receipt of undue advantage, among other things, aptly highlights the common means of concealing them, which include falsification of records and reporting (making alterations to documents that conceal the fact of receiving undue advantage); destruction of evidence (destruction of documents or physical evidence that may indicate criminal activity); transferring individuals involved in the crime to other posts or workplaces; falsification of legality (signing of handover-acceptance certificates for services or work that were not actually provided); and forgery in the course of duty (creation of fictitious documents that conceal other crimes, such as abuse of office or bribery).

According to the well-founded conclusion of M.V. Kikalishvili (2023), the covert nature of corruption is a factor that hinders the detection of such criminal offences at the very stage of their preparation or commission, and prevents a focus on the specific conditions and circumstances necessary for their elimination. All these factors significantly complicate the process of detecting corruption offences; therefore, there is a need to apply comprehensive methods, specific tools and measures that differ from those used to detect other types of criminal offences. To identify such methods and specific tools, it is first and foremost necessary to have a clear understanding of the concept of "detection of criminal offences" and to clarify its meaning in the context of corruption-related crime. V.M. Shevchuk (2022) considers the identification of signs of corruption-related criminal offences to be a structural element of criminalistic investigative methodology. The study defined such detection as a specific process conducted by authorised entities (investigators, prosecutors, operational staff) during which hidden (latent) facts of such criminal offences are established and become known to law enforcement agencies, and from that moment a legal obligation arises to examine the materials regarding the presence of signs of such a criminal offence, to uncover and investigate it. This definition contains a debatable assertion that the process of detecting corruption-related criminal offences or their indications should be regarded as an element of forensic investigative methodology. After all, according to Part 1 of Article 214 of the Code of Criminal Procedure of Ukraine¹, an investigation commences only after these indications have been detected. If there is no investigation, there can be no investigative methodology either.

Furthermore, if the detection of criminal offences is viewed specifically as an activity (rather than as the result of complaints, reports, inspections or audits) conducted by law enforcement agencies,

¹ Criminal Procedural Code of Ukraine. (2013, April). Retrieved from <https://zakon.rada.gov.ua/laws/main/4651-17?lang=en#Text>.

it is appropriate to emphasise its proactive and initiative-driven nature. Therefore, the view of those researchers who, in the context of the activities of operational units, interpret this concept as proactive efforts to seek and record previously unknown information regarding the preparation of a criminal offence, an attempt to commit a criminal offence, or the commission of a completed criminal offence, is well-founded. Legal, organisational and tactical means of detecting criminal offences (or their indications), including corruption offences, are outside the scope of criminal proceedings. Code of Criminal Procedure of Ukraine¹ regulates the procedure for the investigation and judicial examination of criminal offences that have already been detected, i.e. those regarding which information has been obtained by an investigating prosecutor from any source and entered into the Unified Register of Pre-trial Investigations. This legislative act does not oblige the investigator, prosecutor or operational units to detect criminal offences. Therefore, proactive, initiative-driven detection of corruption offences must now be addressed in other legislative acts.

Institutional mechanisms for detecting criminal offences relating to corruption. Among the aforementioned legislative acts, Ukrainian laws “On the Prevention of Corruption” and “On Operational and Investigative Activities” are noteworthy. These acts contain provisions that explicitly establish institutions whose functions include, amongst other things, the detection of criminal offences relating to corruption. Thus, following Article 13-1 of the Law of Ukraine “On the Prevention of Corruption”², the institution of authorised units (authorised persons) for the prevention and detection of corruption has been established. Part 6 of the said Article assigns several tasks to these units, including: identifying conflicts of interest; monitoring compliance with anti-corruption legislation; and examining reports of breaches of this Law, in particular at subordinate enterprises, institutions and organisations; protecting persons who have reported corruption offences following legislation on the protection of whistleblowers. Section VIII of the same Act introduces the institution of whistleblowers. These institutions are not only a means of preventing but also of detecting breaches of anti-corruption legislation. At the same time, their existence serves a preventive function, based on the understanding that there is a probability of exposing corruption risks and manifestations – ranging from conflicts of interest to criminal offences. However, the institution of authorised units (authorised

persons) for the prevention and detection of corruption operates openly, transparently and publicly. This significantly limits its ability to combat corruption-related crime, which is highly covert and employs a variety of means of concealment.

The whistleblower system is based on the initiative of individuals to report information that has come to light in connection with their activities (whether work-related, business-related, professional, etc.). They do not collect such information deliberately, nor do they use special methods or means. Furthermore, the primary purpose of these institutions is not the targeted detection of crimes per se (they were established to prevent all corruption-related offences, both administrative and criminal). The detection of criminal offences, including corruption, on a professional basis and using special means and methods, must be conducted within the framework of operational and investigative activities. Thus, following paragraph 1 of Part 1 of Article 7 of the Law of Ukraine “On Operational and Investigative Activities”³, units conducting such activities are obliged, within the limits of their powers and in accordance with the laws forming the legal basis for criminal intelligence and surveillance operations, take the necessary operational and investigative measures to prevent, promptly detect and stop criminal offences, and to uncover the causes and conditions that facilitate the commission of criminal offences, as well as to conduct the prevention of offences. In other words, the detection of criminal offences, including corruption, is one of the main duties of criminal intelligence and surveillance operations entities. The sole legal instrument for fulfilling this duty is “necessary operational and investigative measures”.

This is the issue at the core of the problems that have arisen throughout the entire period of validity of the current Law of Ukraine “On Operational and Investigative Activities”⁴. Part 3 of Article 9 prohibits the conduct of operational and investigative measures without the opening of an operational and investigative case. Part one of this Article stipulates that an operational-investigative case shall be opened where there are grounds for conducting operational-investigative activities. These grounds are defined in Part 1 of Article 6, which includes the existence of sufficient information obtained in accordance with the procedure established by law, which requires verification through operational-investigative measures and means. Part three of Article 6 prohibits the decision to conduct operational-investigative measures in the

¹ Criminal Procedural Code of Ukraine. (2013, April). Retrieved from <https://zakon.rada.gov.ua/laws/main/4651-17?lang=en#Text>.

² Law of Ukraine No. 1700-VII “On the Prevention of Corruption”. (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1700-18#Text>.

³ Law of Ukraine No. 2135-XII “On the Operational and Investigative Activities”. (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

⁴ Ibidem, 1992.

absence of the aforementioned grounds. This creates a vicious circle: to detect a latent criminal offence, particularly one involving corruption, operational and investigative measures must be conducted; yet to perform these measures, an operational and investigative case must first be opened based on a criminal offence that has already been detected or is being prepared. 78.5% of the operational staff of the National Police of Ukraine and 75% of NABU detectives surveyed agreed that this problem exists and needs to be resolved. Added to these problems is the lack of clarity in the legislation regarding the concepts of “operational and investigative measures” (82% and 79% of respondents, respectively, recognised the urgency of the problem) and ‘detection of criminal offences’ (65.5% and 68% of respondents, respectively, agreed on the relevance of the problem).

If these issues are to be addressed by amending the legislation, the following options are considered as most appropriate:

- Article 6 of the Law of Ukraine “On Operational and Investigative Activities”¹ should specify, as one of the grounds for conducting such activities, the prevention, timely detection and suppression of criminal offences, and the identification of the causes and conditions that contribute to their commission;

- to define in law the concept of operational and investigative measures as those conducted by operational units for the purpose of fulfilling the tasks of the Operational and Investigative Directorate, using the powers granted to these units by law;

- to provide a legal definition of search operations as a type of operational-investigative measure that may be conducted on the initiative of operational-investigative bodies, without the opening of an operational-investigative case and without the approval of a prosecutor or a court order (Hribov & Kozachenko, 2023).

At the same time, in addition to the proposal to amend the current Law “On Operational and Investigative Activities”, other proposals are also being actively discussed. The most common of these is the adoption of the Law of Ukraine “On Criminal Intelligence” (to replace the current Law of Ukraine “On Operational and Investigative Activities”²) and the direct regulation of the activities of law enforcement agencies operational units in the prevention and detection of criminal offences within the Criminal Procedure Code of Ukraine. Thus, following paragraph 1.7. The Action Plan aimed at implementing the Comprehensive Strategic Plan for the Reform of Law Enforcement Agencies as part of Ukraine’s Security

and Defence Sector for 2023-2027, approved by Order of the Cabinet of Ministers of Ukraine No. 792-p³ of 23 August 2024, provides for the drafting of a bill on criminal intelligence. This draft law is to include the organisational and legal framework for a system of overt and covert search and investigation measures and tools based on analytics (criminal analysis, law enforcement activities guided by analytical intelligence (ILP model)), aimed at the timely prevention, detection and neutralisation of actual and potential threats to Ukraine’s national interests (Research Service of the Verkhovna Rada of Ukraine, 2024).

The drafting of the bill is underpinned by a theoretical framework developed by researchers in the field of policing, who represent various academic schools. The concept by S.V. Albul (2025) is distinguished from others by its longest history, consistent stance and public profile. This concept posits that criminal intelligence is a specific type of activity conducted by specially authorised state bodies, conducted on grounds defined by law to prevent criminal offences, detect, prevent and solve them, facilitate the implementation of criminal proceedings, identify and neutralise real and potential threats to Ukraine’s national interests, and ensure national, state, military, economic and public security and the rule of law. At the same time, criminal intelligence must be conducted through a synergistic combination of criminal intelligence measures; analytical activities; and covert cooperation. The author of this concept does not specify in the text what exactly constitutes “criminal intelligence measures”. However, for the present study, two other elements of the aforementioned synergistic combination are more substantial: analytical work and covert cooperation. These two tools are predominantly used in practice as means of proactively detecting criminal corruption offences. This statement was supported by 87% of the NABU surveyed detectives and 91% of National Police operational staff. At the same time, 56% of NABU detectives rank analytical activities as their top priority, whilst 29% prefer covert cooperation. Among operational staff of the National Police, 68.5% consider covert cooperation to be the priority tool for detecting corruption offences, whilst 22.5% rank analytical work as the top priority. Of particular interest is the view unanimously expressed by 9% of the NABU detectives surveyed and 11% of police officers. Their views coincide in that the detection of corruption offences can be conducted by undercover officers who, among other things, possess specialist knowledge and

¹ Law of Ukraine No. 2135-XII “On the Operational and Investigative Activities”. (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

² Ibidem, 1992.

³ Decree of the Cabinet of Ministers of Ukraine No. 792-r “On Approval of the Action Plan Aimed at Implementing the Comprehensive Strategic Plan for Reforming Law Enforcement Agencies as Part of Ukraine’s Security and Defence Sector for 2023-2027”. (2024, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80#Text>.

the necessary software and can detect such criminal offences using OSINT.

Analytical efforts and covert cooperation, as means of detecting criminal offences, are reflected both in the concept of S.V. Albul (2025) and in other perspectives on the nature of criminal intelligence (Viedienieiev & Semeniuk, 2024; Prytula *et al.*, 2025). These methods were first proposed by D.S. Usov (2024) in the classification of intelligence methods based on their resource foundation (depending on the resource upon which specific methods are based, without which they cease to exist). The study categorised intelligence methods in the economic sphere into social, analytical, technical and institutional methods. Social means, according to the scholar, are based on human activity within society and interaction with other people (covert cooperation, agent work, residency, intelligence infiltration, intelligence questioning, inspection, surveillance, etc.). Analytical methods of intelligence activity are based on a person's information-analytical activities and the use of software and technical means of information processing.

Both analytical and social methods of gathering intelligence and detecting criminal offences are reflected in legislation. For instance, the Law of Ukraine "On the Operational and Investigative Activities"¹ establishes the right of operational units to have covert non-staff personnel (paragraph 13, part 1, Article 8) and to utilise confidential cooperation in accordance with the provisions of Article 275 of the Criminal Procedural Code of Ukraine² (paragraph 14, part 1, Article 8), to obtain information from individuals regarding criminal offences that are being prepared or have been committed, and regarding threats to the security of society and the state (paragraph 15, part 1, Article 8), which may be considered a social resource. As regards analytical activities, in the aforementioned legislative act, these are represented by the right of investigative bodies to directly conduct or initiate criminal analysis (paragraph 21 of Article 8). An analysis of the aforementioned laws suggests that the primary direct (specialised) bodies responsible for using analytical and social media tools to detect criminal offences relating to corruption are the operational units of the National Police of Ukraine and the detective units of the National Anti-Corruption Bureau of Ukraine. Prosecutorial authorities are not authorised to use these tools directly, but are required to oversee the legality and effectiveness of the detection of corruption-related criminal offences by the two aforementioned

institutions. Other law enforcement agencies have the authority to detect such offences using the specified tools for the purpose of combating corruption among internal staff. Consequently, the responsibility for detecting criminal offences relating to corruption lies with specially authorised bodies in the field of anti-corruption (the Public Prosecutor's Office, the National Police, the National Anti-Corruption Bureau of Ukraine, and the National Agency for the Prevention of Corruption), as well as on the institution of authorised units (authorised persons) for the prevention and detection of corruption. These bodies are authorised to detect criminal offences of corruption using only those means provided for by law.

At the same time, the detection of criminal offences involving corruption is a right enjoyed by every citizen. Such detection may be conducted specifically by journalists (both in general and, in particular, by those who have chosen this as their specialisation). For instance, I. Soldatenko *et al.* (2025) emphasised the role of journalism in uncovering corruption, noting the need to expand access of media representatives to the information required for this purpose. In this context, the researchers refer to journalists as "public observers". However, not only journalists but also representatives of anti-corruption civil society organisations can act as public observers. K. Kulyk (2024) and M. Popova (2025) emphasise that civil society organisations dedicated to combating corruption play a vital role in countering corruption-related criminal offences.

The institution of whistleblowers provides for the possibility of any individual, who, due to certain circumstances, has become aware of the planning or commission of corruption offences, to participate in the detection of such offences. Their activities in exposing corruption may be supported by public figures and journalists who, in accordance with Article 1 of the Law of Ukraine "On the Prevention of Corruption"³, provide "external channels for reporting possible instances of corruption or corruption-related offences".

Social mechanisms for detecting criminal offences relating to corruption. All the institutions mentioned above (the media, civil society organisations, and the whistleblower scheme) are established and operate in accordance with the law. However, in practice, they consist of specific individuals, thereby forming social mechanisms for detecting criminal offences of corruption. This embodies the inseparable link between legal, institutional and social mechanisms. Unlike specially authorised state bodies, these

¹ Law of Ukraine No. 2135-XII "On the Operational and Investigative Activities". (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

² Criminal Procedural Code of Ukraine. (2013, April). Retrieved from <https://zakon.rada.gov.ua/laws/main/4651-17?lang=en#Text>.

³ Law of Ukraine No. 1700-VII "On the Prevention of Corruption". (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1700-18#Text>.

institutions may act in any manner not prohibited by law. However, they do not have the power to obtain information covertly (in secret). In particular, they are not authorised to cooperate covertly with other persons, which constitutes a separate institution within the framework of pre-trial investigation and criminal proceedings. Use of undercover agents (freelance undercover operatives) to detect crimes, particularly corruption, should be considered within the context of operational support for specific sites (sectors, industries). Such monitoring should be understood as a system for implementing planned measures aimed at ensuring a continuous process of obtaining primary information on the operational situation at the monitored facility, its analysis, systematisation and subsequent use for the purpose of combating crime.

Undisclosed agents, deployed (selected or recruited) by an operational officer or detective at a specific site under operational surveillance, are a vital source of information regarding crimes that have not yet come to light (or been detected). Undoubtedly, where necessary, it is advisable to use them for the operational investigation of specific individuals within the scope of an operational and investigative case, as well as for obtaining evidence within the framework of criminal proceedings. However, the function of obtaining primary information and the active covert identification of signs of corruption-related criminal offences is paramount.

The process of recruiting undercover agents and deploying them at specific locations, along specific routes and in specific areas is an element of the organisation of operational and investigative activities and cannot, in general, be classified as an operational and investigative measure. Such measures should include the specific actions taken by undercover agents aimed at obtaining operational and investigative information. This raises the question of what specific actions undercover agents may take to obtain information about corruption offences that are being planned or have been committed (but not detected) at a specific site, or to create conditions there to prevent such offences from being committed (Hribov & Kozachenko, 2023).

The answer to this question must be formulated bearing in mind that, according to the established (classical) view in the theory of operational-investigative activity, the function of detecting criminal offences is conducted within the framework of operational search, which is regarded as one of the forms (stages) of operational-investigative activity. Often,

the process of proactive crime detection by operational units is equated with operational search, which does not give rise to any fundamental objections.

An analysis of the definition of operational search by such criminal intelligence and surveillance operations theorists as V.V. Shendryk & M.O. Voloshyna (2019) and D.M. Tsekhan (2022) identified fundamental characteristics. The analysis concluded that operational search:

- precedes the operational development;
- its main tasks include obtaining initial information regarding the preparation or commission of a criminal offence;
- involves continuous, active and targeted efforts, comprising a system of investigative measures that may be conducted either directly by an operational officer or with the involvement of other (legally authorised) resources and personnel;
- may only be conducted based on a suspicion that a criminal offence may have been committed;
- is conducted independently of any specific individual or event, specific case, the performance of individual tasks, or the detection and investigation of specific criminal offences;
- may be conducted in secret, using covert methods.

This interpretation of the concept of operational search is consistent with the definition proposed by V.I. Vasylynychuk & S.V. Tikhonov (2022). O.S. Kireieva *et al.* (2022) demonstrate similar approaches to the nature of operational search. At the same time, modern legislation does not regulate the scope of operational search or the measures that may be conducted within its framework. Nor is the issue of involving unregistered freelance workers in operational search regulated at the legislative level.

These matters are regulated by departmental regulatory acts. Their drafters take different approaches to terminology, the definition of operational search, the system of search measures, and the interpretation of their content. At the same time, there is no direct alignment of operational search measures with measures that may be conducted by operational units (without court authorisation and/or the prosecutor's approval) based on their rights, as defined in Part 1 of Article 8 of the Law of Ukraine "On the Operational and Investigative Activities"¹ (sub-paragraphs 1, 3, 5, 6, 8, 14-17, 20, 21).

Legislators have repeatedly attempted to rectify this situation by drafting and submitting to the Verkhovna Rada of Ukraine new bills "On the Operational and Investigative Activities" in 2016², 2017³ and

¹ Law of Ukraine No. 2135-XII "On the Operational and Investigative Activities". (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

² Draft Law of Ukraine No. 4778 "On the Operational and Investigative Activities". (2016, June). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59321.

³ Draft Law of Ukraine No. 6284 "On the Operational and Investigative Activities". (2017, April). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61497.

2019¹. All these draft laws employ a single approach to resolving the problem in question: incorporating directly into the text of the law those measures (and their definitions) proposed by the drafters of departmental regulatory acts. Thus, these draft laws represent a synthesis of the approaches taken by various departments regarding the content and scope of investigative measures. A critical analysis of the aforementioned draft legislation, departmental regulatory and the practice of their application has enabled Ukrainian scholars to draw up a list of measures which it would be advisable to enshrine in the Law of Ukraine “On the Operational and Investigative Activities”² as a separate category of operational-investigative measures constituting the substance of operational search and which may be conducted by decision of an operational officer (without court authorisation or a prosecutor’s decision).

An analysis of this system of measures suggests that it is based on two groups: social measures (referred to in intelligence theory as Human Intelligence, or HUMINT) and information-analytical measures (which form part of criminal analysis). The former include: interviewing individuals with their voluntary consent; inspecting publicly accessible sites; inspecting sites not accessible to the public with the voluntary consent of the persons in whose possession (use) they are; obtaining confidential information with the consent of individuals who have access to it; surveillance (consisting of short-term, improvised visual observation of a specific object (person, item or location), the results of which are used exclusively for operational and tactical purposes).

The second group includes: gathering publicly available information from any source; gathering restricted-access information contained in law enforcement databases, following their remit; and conducting a comprehensive analysis of information obtained during other operations conducted by operational units. Operational and investigative measures in the first group (Human Intelligence) are natural methods of human action for obtaining information. They are constantly used by both regular operational staff and intelligence officers, as well as by individuals who gather the necessary information on their behalf. However, based on Article 19 of the Constitution of Ukraine³ and the principle of legal certainty, these measures must be enshrined in the Law of Ukraine “On Operational and Investigative Activities”⁴ or in another law regulating social

relations related to the proactive detection of criminal offences.

Operational and investigative measures should be regulated to ensure clarity regarding their feasibility:

- without any permits or approvals;
- both openly and covertly (concealing the true purpose and the ultimate recipients of the required information);
- both permanent staff and individuals engaged by them to conduct criminal intelligence and surveillance operations tasks.

The set of operational and investigative measures undertaken by the second group effectively constitutes the substance of criminal analysis. Thus, criminal analysis is one of the two main components of the operational investigation of criminal offences. It is therefore necessary to establish a synergistic framework for combining criminal analysis and covert co-operation in the detection of corruption offences.

Information and analytical tools for detecting criminal offences relating to corruption. Whilst granting operational units the right to conduct criminal analysis, the legislator has not defined its scope or formulated the concept. This gap does not exist in the theory of operational-investigative activities, as scholars who have studied the subject have developed a theoretical understanding of the essence of criminal analysis. Thus, O. Honcharuk & K. Ismailov (2023) defined the theoretical and practical content of criminal analysis through its aims and objectives. A.M. Lyseiuk (2021) and O.M. Bohatyrchuk (2024) characterised criminal analysis as an element of countering specific types of criminal offences.

Analysis of studies in this field supports the opinion of A. Movchan *et al.* (2023), defining criminal analysis as a specific type of information and analytical activity conducted by law enforcement agencies, involving the verification and evaluation of information, its interpretation, and the identification of links between data obtained during the detection, the detection, suppression and investigation of crimes, and which is relevant to operational and investigative activities and criminal proceedings, with a view to its use by law enforcement agencies and the courts, and the subsequent conduct of operational, tactical and strategic analysis. This definition does not preclude the interpretation of criminal analysis both as a distinct type of activity and as a specific measure used to detect criminal offences involving corruption.

¹ Draft Law of Ukraine No. 1229 “On the Operational and Investigative Activities”. (2019, September). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66597.

² Law of Ukraine No. 2135-XII “On the Operational and Investigative Activities”. (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

³ Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

⁴ Law of Ukraine No. 2135-XII “On the Operational and Investigative Activities”. (1992, February). Retrieved from <http://zakon3.rada.gov.ua/laws/show/2135-12>.

V.V. Motsa stated that the use of criminal analysis in the organisation of police activities helps to strengthen the proactive element, based on conclusions drawn from the analysis of trends and patterns identified within the criminal environment. This applies both to the organisation of police activities in general, using the concept of intelligence-led policing, and to the organisation of individual operations and measures. An integral part of criminal analysis is the collection and analysis of information from open sources (OSINT). This tool is widely used not only in law enforcement (Movchan *et al.*, 2023) but also in intelligence operations (Burba, 2019). The fight against corruption is no exception in this regard. As M.O. Dumchykov (2024) noted, OSINT is critical in uncovering corruption offences, as it enables the analysis of numerous open-source information channels. Using this data, it is possible to trace illegal banking transactions, uncover hidden assets and expose corruption schemes. This makes OSINT a valuable tool for representatives of the media, civil society organisations and, in particular, anti-corruption organisations. Thus, the researcher identifies not only law enforcement officers but also representatives of the media and the public as users of OSINT for the purpose of detecting corruption-related criminal offences. In this regard, M.O. Dumchykov (2024) provides specific examples of the successful exposure of corrupt officials by journalists and civil society activists.

It is worth noting that OSINT tools are successfully used, amongst other things, by businesses at various levels to conduct so-called competitive intelligence (Lande, 2022). At the same time, the professional standards of private OSINT and the expertise of its specialists often prove to be superior to the capabilities of state agencies. Specialists in the field of intelligence and counter-intelligence (Usov, 2024) assert that, at present, most developed countries have already established robust, structured economic intelligence systems, the main elements of which are: individual state institutions (special services, diplomatic missions, foreign trade agencies, etc.); transnational corporations; enterprises of various forms of ownership, as well as scientists and experts. Due to several circumstances (in particular, the increase in the number of challenges and threats, and changes in their characteristics), a so-called “public-private partnership” has begun to develop in this specific field of activity, i.e. the conduct of intelligence gathering using OSINT by private entities on behalf of state intelligence agencies. This leads to the assumption (by analogy) that state law enforcement agencies may confidentially engage certain private individuals (experts, specialists, scientists) and business entities possessing the relevant

experience and expertise to conduct OSINT-based intelligence gathering for the purpose of detecting criminal offences.

In assessing the merits of this approach, it is worth noting that a survey was conducted on this matter among operational staff of the NABU. The following results were obtained. 78.5% of the National Police officers surveyed stated that it is problematic for them to engage the resources of the Criminal Analysis Department specifically for the detection of corruption offences at certain sites and operational service lines. Respondents explained that, for the most part, the capabilities of this department are utilised within the framework of criminal proceedings already underway and, as an exception, within the framework of operational and investigative cases that have been opened. The NABU detectives surveyed share a similar view on the use of the resources of the Criminal Analysis and Financial Investigations Department. Of these, 81% use OSINT independently to detect corruption-related criminal offences (drawing on knowledge acquired through a specialised training programme for NABU staff), as the capabilities of this department are primarily utilised in the operational support of relevant criminal proceedings.

At the same time, 89% of police officers and 91% of NABU detectives who participated in the survey: firstly, agree that the detection of corruption-related criminal offences using OSINT by specialists from criminal analysis units is far more effective than them conducting their own open-source intelligence gathering; secondly, they are critical of the idea of confidentially involving private specialists in such intelligence gathering. As revealed during the interviews, this sensitivity stems from the risk of information leaking regarding interest in a specific target, and doubts about the ability to offer sufficient financial incentives to attract OSINT specialists of the required calibre to engage in confidential cooperation. Whilst acknowledging the existence of these factors, it is nevertheless advisable to establish legal frameworks governing the operational units' ability to engage OSINT specialists in confidential cooperation. After all, the risks of information leaks exist in any instance where private individuals or legal entities are involved in conducting operational and investigative tasks. The assessment of these risks is a matter for the specific operational officer, who, in a specific operational and tactical situation, must determine the appropriateness of engaging a specific confidential informant or utilising the assistance of third parties in the process of detecting criminal offences.

Regarding financial incentives for private OSINT specialists (in terms of remuneration for their work in detecting criminal corruption offences), the

payments established for undercover agents by departmental regulations may, in this case, be combined with payments analogous to those paid to whistleblowers in criminal proceedings in accordance with the provisions of Article 130-1 of the Criminal Procedural Code of Ukraine¹, i.e. 10% of the monetary value of the subject of the corruption offence or of the damage caused to the state following the court's conviction, but not exceeding three thousand times the minimum wage established at the time the offence was committed. The procedure and conditions for such payment, as stipulated in the provisions of the aforementioned Article of the CPC of Ukraine, are entirely acceptable and logical for application to private OSINT specialists. Thus, pursuant to paragraph 1 of Part 2 of Article 130-1 of the CPC of Ukraine, information provided by a whistleblower to a law enforcement agency must be derived from their personal knowledge, including information obtained from third parties, and must not be contained in public reports, audit results, materials, studies, news reports, etc., from authorities or the media, unless the informant is the source of such information, and must not be known to the law enforcement agency from other sources. On the other hand, OSINT is conducted using open (public) sources. By processing this data, the analyst obtains new information. This information is the result of their analytical work, a conclusion to which they have arrived first. This conclusion is not a consequence of their knowledge, but the result of careful research. Therefore, such a private specialist deserves the specified remuneration. Consequently, the remuneration for the work of such specialists engaged in confidential cooperation must be regulated separately at the legislative level.

In relation to the above, the question arises as to the remuneration of individuals engaged in covert cooperation, as they have access to information regarding operational targets where corruption risks exist. These individuals form the social foundation for the direct covert detection of corruption offences (Human Intelligence). In fact, their work and its results are similar to the activities and results of whistleblowers in criminal proceedings. However, in contrast to whistleblowers, who do not possess such information initially, they, acting in accordance with agreements with an operational officer (detective), take steps to obtain it. In doing so, they often risk their lives and health. Therefore, similar to whistleblowers, they are entitled to appropriate remuneration if the information provided is effectively utilised within the framework of criminal proceedings. However, the issue of distinguishing the functions and status of whistleblowers and covert freelance operatives requires separate examination.

■ Conclusions

It is worth noting that detection of criminal corruption offences is one of the key and, at the same time, interrelated elements of the anti-corruption system, alongside the suppression of such offences, their investigation and the prevention of their commission. The effectiveness of this stage, as demonstrated by the practice of law enforcement agencies, largely determines the effectiveness of the state's entire anti-corruption policy. The existence of an effective system for detecting criminal corruption offences is, in essence, a significant tool for their prevention, as the potential offenders will be aware of the high probability of detection. In both academic and practical terms, the detection of corruption-related criminal offences should be understood as a proactive activity conducted by authorised bodies, aimed at seeking, obtaining and recording unknown information regarding the commission of a completed corruption-related criminal offence previously, an attempt to commit such an offence, or preparations for its commission. In this context, the means of such activity comprise everything that serves to achieve the relevant result, i.e. the acquisition of factual information capable of indicating the presence of signs of a corruption offence. Among such methods, it is methodologically sound to distinguish between legal and social approaches – which involve the use of human intelligence – as well as information and analytical approaches, which are based on the processing and interpretation of existing datasets.

At the same time, as an analysis of existing legislation and its application shows, the modern system for detecting criminal offences relating to corruption requires further improvement. In particular, there is a need to enshrine in law the powers of operational units of law enforcement agencies to, on initiative – that is, without prior authorisation by a court or prosecutor – collect preliminary information regarding the preparation or commission of corruption-related criminal offences before the initiation of an operational-investigative case and the commencement of criminal proceedings. It is worth noting that such information gathering should be conducted using any permissible methods and means, including covert ones, provided that they do not restrict human rights or constitute an intrusion into private life. It is advisable to define the probability of risks of the preparation or commission of corruption-related criminal offences as the basis for conducting such activities. Furthermore, a pressing issue is the legal legitimisation of the use of covert cooperation to obtain primary information at specific sites with heightened corruption risks, which

¹ Criminal Procedural Code of Ukraine. (2013, April). Retrieved from <https://zakon.rada.gov.ua/laws/main/4651-17?lang=en#Text>.

in operational practice is usually referred to as operational support. At the same time, the range of actions that undercover agents may undertake in the course of such operational activities requires regulatory clarification, in particular, the definition of the scope of operational and investigative measures aimed at detecting corruption offences. An equally relevant issue is the introduction of a system of financial incentives for undercover agents who have assisted in exposing corruption offences, by analogy with the reward mechanisms provided for whistleblowers. Prospects for further research in this area, in turn, relate to the drafting of regulatory acts necessary for the practical implementation of the proposals outlined, as well as to a more in-depth analysis of the issues surrounding the legal regulation of

the institution of whistleblowers and the search for effective solutions to these issues.

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■ Conflict of Interest

None.

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Аналіз системи засобів виявлення корупційних кримінальних правопорушень і визначення напрямів її вдосконалення

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■ **Анотація.** Корупційна злочинність є чинником, який перешкоджає розвитку громадянського суспільства, підриває демократичні цінності, сприяє правовому нігілізму та поширенню інших видів кримінальних правопорушень. Тому дієва протидія корупційним злочинам, зокрема їх ефективне виявлення, є запорукою сталого розвитку держави, забезпечення її безпеки, що стає надзвичайно актуальним у разі необхідності відстоювати суверенітет, відображаючи зовнішню збройну агресію. Мета статті полягала у визначенні сучасного стану системи інституціональних, соціальних та інформаційно-аналітичних засобів виявлення корупційних кримінальних правопорушень, виявлення проблем у цій сфері та розробленні шляхів їх розв'язання. Методологія охоплювала використання логіко-юридичного та системно-структурного методів, за допомогою яких було проаналізовано положення низки законів, підзаконних нормативно-правових актів, а також практику їх реалізації. Крім того, використано метод експертних оцінок, результати якого проаналізовано разом з висновками останніх наукових досліджень у галузі оперативно-розшукової, кримінальної процесуальної, розвідувальної та контррозвідувальної діяльності. За результатами дослідження було запропоновано кроки з удосконалення правового регулювання системи засобів виявлення корупційних кримінальних правопорушень. До таких кроків віднесено: надання оперативним підрозділам широкого спектру повноважень й інструментів з одержання первинної інформації, що можуть бути використані до моменту заведення оперативно-розшукової справи; нормативне визначення можливостей оперативних підрозділів із залучення конфідентів з числа працівників підприємств, установ, організацій з корупційними ризиками для оперативного обслуговування цих об'єктів (з метою виявлення корупційних злочинів); встановлення переліку та змісту дій, до яких можуть вдатися зазначені конфіденти для збирання необхідної інформації; унормування оплати праці конфідентів на рівні з винагородою, що передбачена законом для викривачів. Практична значущість роботи полягає в можливості використання її результатів для вдосконалення чинного законодавства та підзаконних нормативно-правових актів щодо протидії злочинності й запобігання корупції

■ **Ключові слова:** корупція; злочинність; кримінальна розвідка; оперативно-розшукова діяльність; досудове розслідування; пошукові заходи; національна безпека