

The State Bureau of Investigation as subject of countering criminal offenses in the field of official activity

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■ **Abstract.** The relevance of the study is determined by the necessity to eliminate normative inconsistencies and improve the effectiveness of criminal prosecution in cases related to official activities, amid the reform of the pre-trial investigation system in Ukraine. The study covers the period from 2021 to 2024. This approach made it possible to establish the relationship between the institutional effectiveness of different pre-trial investigation bodies and identify the current problem areas of jurisdictional delimitation. The purpose of the study was to assess the institutional capacity of the State Bureau of Investigation (SBI) in countering criminal offenses of an official nature. The methodological basis was a sequential combination of statistical analysis, normative-legal evaluation of current regulations, and institutional modeling of interactions between criminal justice bodies. The results of the quantitative analysis demonstrated that the majority of criminal proceedings under the jurisdiction of the SBI concerned abuse of power (3,955 cases in 2021) and official negligence (1,894 cases in 2024). The highest conviction rate was observed in cases of unlawful benefit receipt (99 verdicts in 2021), while the lowest was in cases of exceeding power (8 verdicts in 2024). A comparative analysis with the National Police data showed that in 2025, the highest share of closed proceedings was under Article 367 of the Criminal Code of Ukraine (“official negligence”) (527 cases), confirming difficulties in proving intent and qualifying actions. The results showed the presence of institutional contradictions in defining the competence of pre-trial investigation bodies and conflicts between the provisions of the Criminal Procedure Code of Ukraine and special laws. The issue of jurisdictional overlap between the SBI, the National Anti-Corruption Bureau of Ukraine, the Security Service of Ukraine, and the National Police remains problematic, complicating the separation of powers and delaying the investigation process. This necessitates the improvement of normative regulation and optimisation of procedures for documenting official crimes. The results of the study can be used by criminal justice bodies, scientific institutions, and higher education institutions in the development of educational and law enforcement programs

■ **Keywords:** investigation; investigative units; procedural guidance; official crimes; corruption offenses; abuse of official position; European standards

■ Introduction

The need for a clear understanding of the legal status of the State Bureau of Investigation (SBI) in Ukraine emerged during the transformation of criminal justice institutions, which occurred as a result of the reform of pre-trial investigation bodies, including the

abolition of the prosecutorial investigation functions, the creation of the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialised Anti-Corruption Prosecutor’s Office (SAPO), the launch of the SBI’s activities, and subsequent legislative

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changes aimed at clarifying its status and jurisdiction. Changes in the architecture of state governance, the growing public demand for enhanced effectiveness in responding to offenses in public administration, and the functional rethinking of the role of specialised anti-corruption bodies necessitated a review and specification of the SBI's powers.

In the study by O.Y. Amelin (2022), the conceptual mission of the prosecutor's office as a guarantor of public legitimacy in criminal prosecution was highlighted, gaining particular relevance in the context of the transformation of the national justice system. It was argued that the prosecutor's involvement goes beyond procedural guidance, encompassing the formation of the content of the accusation and ensuring a balance between the repressive and human rights functions of the state. It was substantiated that the quality of prosecutorial supervision significantly influences the stability of the criminal procedural model in cases of abuse in the sphere of public administration. These conclusions are directly related to the SBI's activities, as the effectiveness of its powers in cases of official crimes largely depends on the level of coordination with prosecution bodies, which provide procedural guidance and define the balance between the autonomy of investigations and guarantees of legality. In S.M. Yefremiy's (2021) publication, the legal status of law enforcement personnel as subjects of criminal responsibility was justified, emphasising the need for functional differentiation of powers when qualifying criminal offenses. These conclusions are of direct relevance to the SBI, as a significant number of cases concerning law enforcement officers fall under its jurisdiction, and a clear definition of the status of law enforcement personnel and the scope of their responsibility is key to avoiding conflicts in qualification and preventing jurisdictional duplication.

The work of N. Nosevych (2024) laid the foundation for considering the SBI as a subject in the formation of the state's criminological policy, which not only carries out investigative functions but also plays a preventive role capable of transforming law enforcement practices in the field of official offenses. In R.Yu. Kurepin's (2022) thesis, the SBI was understood as an integrated element of law enforcement architecture, capable of adapting its institutional model to the conditions of public administration amid instability. In the study by I. Litvinova & Y. Ryepina (2022), the legal parameters of the SBI's operation were systematised, including institutional and organisational aspects of its formation, as well as its normative basis in the context of the constitutional model of the separation of powers. The analysis conducted by M.S. Korejo *et al.* (2021) revealed issues of legal certainty in countering money laundering. The authors focused on the difficulty of forming a universal definition of the

concept of "money laundering", which complicates law enforcement and creates risks for the effectiveness of criminal justice bodies. Given the specific jurisdiction of the SBI, these conclusions highlight the importance of clear normative differentiation of concepts and legal categories in the field of official crimes, which allows for avoiding conflicts in the investigation process and increases the evidentiary robustness of proceedings. In the publication by W.M.W. Hashim & M.M. Hussain (2021), the legal nature of offenses in the field of official activities was examined, with an evaluation from the perspective of criminal liability in Malaysia. The authors justified the need for the systematisation of criminal offenses related to abuse of official powers and consistent jurisdictional separation between different entities. These provisions are applicable to the Ukrainian context, as the SBI faces similar issues regarding jurisdictional duplication and ambiguity in criteria for assigning cases to its jurisdiction.

In the collective study by A. Babenko *et al.* (2024), the challenges faced by the SBI in preventing offenses during armed conflict were analysed, particularly concerning procedural guarantees and maintaining the functional independence of investigative units. The directions for improving personnel support, methodological assistance, and inter-institutional coordination were identified. In the study by O.V. Sachko & O.V. Khoroshun (2024), the role of the SBI as a structural element in the public safety system was clarified, performing a bridging function between control, oversight, and law enforcement institutions. N. Shmilo's (2024) publication is of comparative significance: by analysing the administrative-legal models of the SBI and the Federal Bureau of Investigation (FBI), a typology of functional models of specialised bodies in different legal systems was proposed. The comparative approach allowed for the identification of the legal individuality of the Ukrainian SBI and the directions for potential unification in line with international standards.

In the analysed scientific sources, the focus was on individual aspects of pre-trial investigation bodies' activities, but the impact of the SBI's institutional architecture on the quality and effectiveness of investigations related to official activities was not comprehensively addressed. The issue of coordinating the mechanisms of interaction between the SBI and the NABU, the SAPO, and other criminal justice bodies remained unregulated, significantly complicating the separation of functional competences. The purpose of this study was to analyse the implementation features of the SBI's powers in countering criminal offenses related to official activities and to identify institutional barriers limiting its effectiveness. To achieve this goal, the following tasks were set: to conduct a quantitative analysis of the results

of criminal proceedings under the SBI's jurisdiction, by types of offenses and stages of procedural completion; to identify institutional barriers limiting the SBI's powers in official crimes; and to characterise the normative contradictions between the provisions of the Criminal Procedure Code of Ukraine (CPC) and the Law of Ukraine No. 794-VIII "On the State Bureau of Investigation"¹ in terms of jurisdiction and procedural interaction.

■ Materials and Methods

The research belongs to the applied interdisciplinary legal studies with a focus on institutional analysis, determined by the need to assess the structural and normative foundations of the functioning of the SBI amidst the transformational dynamics of criminal justice in Ukraine. The choice of an institutional approach was driven by the nature of the issue related to organisational autonomy, jurisdictional delimitation of powers, and the normative consistency of regulation. The chronological scope of the study covers the period from 2021 to 2025, which corresponds to the current stage of institutional changes in the activities of the SBI, the revision of legislative support, and the development of new formats of interaction between pre-trial investigation bodies and the prosecution. This time frame allowed for the identification of the most representative changes in the field of criminal prosecution of official offenses after the structural update of the system.

Empirical data was collected using official reports from the State Bureau of Investigation (2022; 2023; 2024; 2025) of Ukraine, including annual analytical reports from 2021 to 2024, as well as statistical reports from the Office of the Prosecutor General (n.d.). An additional source of quantitative data was the open Crime Data Lab database (n.d.), which provided detailed information on the dynamics of criminal proceedings under various articles of the Criminal Procedure Code of Ukraine² (Article 364 – abuse of power or official position, Article 365 – exceeding

power or official duties by a law enforcement officer, Article 367 – official negligence, Article 368 – unlawful benefit receipt) in 2021-2024. Furthermore, to qualitatively illustrate the identified patterns, judicial practice and academic research were analysed, specifically works dedicated to procedural aspects of appointing and replacing prosecutors in criminal proceedings related to official misconduct, as well as Case No. 275/271/17³, which revealed violations of jurisdictional requirements after the creation of the NABU and showed the direct impact of proper procedural guidance and correct jurisdictional delimitation on the legality and effectiveness of criminal proceedings (Amelin, 2024).

The normative-legal framework was also processed, including provisions from the Criminal Code of Ukraine (CCU)⁴, Law of Ukraine No. 1698-VII "On the National Anti-Corruption Bureau of Ukraine"⁵, Law of Ukraine No. 2229-XII "On the Security Service of Ukraine"⁶, Law of Ukraine No. 580-VIII "On the National Police"⁷ and Law of Ukraine No. 1697-VII "On the Prosecutor's Office"⁸. The inclusion of these acts enabled the normative-functional verification of the competences of law enforcement agencies. This data set provided the opportunity to identify statistical patterns and structural contradictions. A comparative-legal analysis method was applied to identify normative contradictions between the Criminal Procedure Code of Ukraine and Law of Ukraine No. 794-VII⁹.

The systemic analysis method was used to study the internal organisational structure of the SBI in relation to the powers of its functional divisions. The application of this method allowed for the characterisation of interactions between investigative, analytical, operational, and administrative components within specific cases. This method also facilitated the creation of a normative-functional projection for the reform of the provisions of the Criminal Procedure Code of Ukraine¹⁰ and Law of Ukraine No. 794-VII¹¹ according to Council of Europe Committee

¹ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

² Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

³ Judgment of the Appeal Court of Zhytomyr in Case No. 275/271/17. (2025, July). Retrieved from <https://reyestr.court.gov.ua/Review/128777882>.

⁴ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/2341-14#Text>.

⁵ 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>.

⁶ Law of Ukraine No. 2229-XII "On the Security Service of Ukraine". (1992, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2229-12>.

⁷ Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19>.

⁸ Law of Ukraine No. 1697-VII "On the Prosecutor's Office". (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1697-18>.

⁹ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

¹⁰ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

¹¹ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

of Ministers Recommendation Rec(2000)19 of the Committee of Ministers to Member States on the Role of Public Prosecution in the Criminal Justice System¹ regarding the organisational autonomy of investigative bodies. This approach allowed for the integration of the results of comparative, systemic, and modeling analysis with quantitative monitoring data. The integration of case-study analysis of court decisions enabled the identification of specific procedural risks related to untimely investigative actions and violations of jurisdictional rules. This provided an opportunity to assess the institutional capacity of the SBI in terms of three main parameters: legal certainty, procedural effectiveness, and organisational independence.

■ Results

Legal status of the SBI in the system of counter-acting official misconducts. The SBI holds a key position in the structure of pre-trial investigation bodies in Ukraine, ensuring a response to criminal offenses in the field of official activities committed by individuals with powers of authority. The Law of Ukraine No. 794-VII² establishes its legal status as a state law enforcement agency authorised to conduct pre-trial investigations into offenses committed by senior officials. In the Criminal Procedure Code of Ukraine³, these functions are detailed in Articles 38, 39, and 216, which define procedural principles, the jurisdiction of criminal proceedings, and the scope of procedural guidance.

Although the SBI is not part of the prosecutor's office system, its activities are carried out in close connection with the function of procedural guidance, which is performed by authorised prosecutors. This model assumes a balance between the institutional autonomy of the SBI and its subordination in the procedural sphere. Consequently, the legal status of the SBI acquires a comprehensive administrative-legal nature, combining elements of operational response, independent investigation, and internal accountability within criminal proceedings. Unlike other law enforcement agencies, the SBI ensures the implementation of pre-trial investigations in cases involving judges, prosecutors, law enforcement officers, and individuals in particularly responsible positions, as defined by Part 4 of Article 216 of the Criminal Procedure Code of Ukraine⁴.

The functional intersection of jurisdiction between the SBI, the NABU, and the SBU is clearly defined in the legislation. Thus, the jurisdiction of the SBI is regulated by Article 216 of the Criminal Procedure Code of Ukraine⁵ and Law of Ukraine No. 794-VII⁶; the jurisdiction of NABU is defined by Law of Ukraine No. 1698-VII⁷, which assigns to its competence crimes related to corruption by senior officials; while the SBU investigates crimes against national security according to Law of Ukraine No. 2229-XII⁸. To systematise this information, Table 1 provides a comparative overview of the legal status, jurisdiction, and organisational independence of the SBI, NABU, SBU, police, and prosecution bodies.

Table 1. Comparative legal characteristics of the powers of the SBI, NABU, SBU, Police, and Prosecutor's Office in the field of official offenses

Criterion/body	SBI	NABU	Security Service of Ukraine (SBU)	National Police of Ukraine	Prosecutor's Office
Normative base	Law of Ukraine No. 794-VII ⁹ , Criminal Procedure Code of Ukraine ¹⁰	Law of Ukraine No. 1698-VII ¹¹ , Criminal Procedure Code of Ukraine ¹²	Law of Ukraine No. 2229-XII ¹³ , Criminal Procedure Code of Ukraine ¹⁴	Law of Ukraine No. 580-VIII ¹⁵ , Criminal Procedure Code of Ukraine ¹⁶	Law of Ukraine No. 1697-VII ¹⁷ , Criminal Procedure Code of Ukraine ¹⁸

¹ Council of Europe Committee of Ministers Recommendation Rec(2000)19 of the Committee of Ministers to Member States on the Role of Public Prosecution in the Criminal Justice System. (2000, October). Retrieved from <https://rm.coe.int/16804be55a>.

² Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://surl.li/qahslm>.

³ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

⁴ Ibidem, 2012.

⁵ Ibidem, 2012.

⁶ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://surl.li/kkeyla>.

⁷ 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>.

⁸ Law of Ukraine No. 2229-XII "On the Security Service of Ukraine". (1992, March). Retrieved from <https://surl.li/efdwxn>.

⁹ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://surl.li/cvweqp>.

¹⁰ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

¹¹ 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>.

¹² Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

¹³ Law of Ukraine No. 2229-XII "On the Security Service of Ukraine". (1992, March). Retrieved from <https://surl.li/uvwbzy>.

¹⁴ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

¹⁵ Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/580-19>.

¹⁶ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

¹⁷ Law of Ukraine No. 1697-VII "On the Prosecutor's Office". (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1697-18>.

¹⁸ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

Table 1. Continued

Criterion/body	SBI	NABU	Security Service of Ukraine (SBU)	National Police of Ukraine	Prosecutor's Office
Subject specialisation	Official crimes by officials, judges, law enforcement officers	Serious and especially serious corruption crimes by senior officials	National security crimes, terrorism, espionage	General criminal offenses, official negligence	Procedural guidance, public prosecution
Jurisdiction (Article 216 of CPC)	Senior officials, judges, law enforcement officers	Individuals under Part 1 of Article 3 Law of Ukraine No. 1700-VII "On Prevention of Corruption" ¹	Crimes against national security	Other official and non-official persons	All criminal proceedings
Procedural status	Pre-trial investigation body	Pre-trial investigation body	Pre-trial investigation body	Pre-trial investigation body	Procedural guidance and public prosecution body
Independence/subordination	Organisationally independent, under the procedural guidance of a prosecutor	Separate audit and appointment procedure, procedural independence	Part of the state security system, accountable to the President	Subordinate to the Ministry of Internal Affairs	Accountable to the General Prosecutor
Key limitations	Operates within defined competence, but the scope of powers in this area is limited by the tasks of pre-trial investigation.	Limited subject composition of cases	Only in crimes related to security	Does not investigate cases involving senior officials	Does not conduct pre-trial investigations (since 2020)

Note: table compiled based on current legislation as of 2025

Source: compiled by the author

The defining element of the legal status of the SBI is its jurisdiction, which determines the specific functional load of the body within the criminal justice system. According to Part 4 of Article 216 of the Criminal Procedure Code of Ukraine² the SBI's jurisdiction includes criminal offenses committed by judges, law enforcement officers (except for NABU officers regarding crimes defined in Articles 364-370 of the CCU), as well as individuals in particularly responsible positions, including members of the Cabinet of Ministers of Ukraine or heads of central executive authorities. Meanwhile, Part 5 of this same Article establishes that crimes defined in Articles 364-370 of the CCU, committed by employees of NABU, fall under NABU's jurisdiction. This distribution of competences forms the legal boundary between the institutions, but in practice, it often encounters conflicts. For instance, crimes related to corruption by high-ranking officials may fall under the jurisdiction of both the SBI (Part 4 of Article 216 of the CPC of Ukraine, concerning individuals in particularly responsible positions) and NABU (Part 5 of Article 216 of the CPC of Ukraine, related to corruption offenses). Similarly, offenses that threaten national security require jurisdictional determination between the SBI and the SBU. Therefore, additional clarification is needed to avoid

jurisdictional conflicts and increase the effectiveness of pre-trial investigations.

The institutional model of the SBI also provides for close interaction with the prosecution bodies, which is carried out within the implementation of the procedural guidance function. Despite the SBI's legislative organisational independence, its investigators' activities are under the control of a prosecutor, who initiates or approves suspicion notices, agrees on key procedural decisions, and submits the indictment to the court. Thus, the SBI performs the function of direct pre-trial investigation, while the prosecutor's office executes the procedural guidance and public prosecution function. This model of function separation creates a balance between the autonomy of the pre-trial investigation and the necessity of prosecutorial supervision, which must be carried out in compliance with the principle of non-interference within the legally defined competence. In theoretical terms, this relationship forms the basis for conceptualising procedural partnership between pre-trial investigation bodies and oversight institutions.

Within the public-law approach, there arises the need to define criteria under which the SBI can be qualified as a specialised subject counteracting official crimes. Unlike other agencies in the fight against corruption, organised, or economic crimes, the

¹ Law of Ukraine No. 1700-VII "On Prevention of Corruption". (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/1700-18#Text>.

² Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

Bureau performs not only investigative but also institutional functions in ensuring the implementation of the state anti-criminal policy concerning public entities' responsibility. This status imposes increased requirements for institutional integrity, independence, and procedural effectiveness. The set of features of the legal status of the SBI, including normative autonomy, procedural accountability, and specialisation in investigating offenses committed by individuals performing public functions, indicates its central role in ensuring law and order at a high institutional level. Further development of legislation in this area should aim at resolving conflicts, harmonising the provisions of the Criminal Procedure Code of Ukraine¹ and the relevant law on the SBI, and ensuring the compliance of national law enforcement mechanisms with European standards of police independence.

The powers of the SBI in criminal proceedings regarding crimes in the field of official activity: Theoretical and practical analysis. Trends in official crimes in Ukraine require a detailed study of their statistical dynamics, as these offenses directly affect the level of trust in government bodies and the effectiveness of public administration. Special attention in academic research is given to crimes outlined in Chapter XVII of the CCU², as they reflect the characteristic problems of the functioning of the state apparatus and point to weaknesses in the

criminal justice system. Assessing the quantitative and qualitative parameters of such offenses allows not only tracking their spread but also determining the level of procedural effectiveness at each stage of investigation and court proceedings. This, in turn, creates the basis for developing scientifically grounded proposals for improving law enforcement practices.

To provide a comprehensive understanding of this issue, Table 2 presents summary statistics on crimes under Articles 364, 365, 367 and 368 of the CCU³, for the period 2021-2024. The data summarises the results of the activities of all pre-trial investigation bodies authorised to conduct proceedings in cases of this category (the SBI, the National Police of Ukraine, the Economic Security Bureau of Ukraine, the SBU and the NABU). Table 2 shows not only the total number of recorded proceedings, but also indicators relating to their procedural completion: cases referred to court, number of persons found guilty, cases of exemption from punishment and imposition of actual imprisonment. This approach allows us to assess not only the extent of official crimes, but also the effectiveness of law enforcement agencies in documenting them and bringing them to trial. The inclusion of long-term dynamics makes it possible to track consistent trends and identify weaknesses in the criminal procedural model of responding to offences in the sphere of official activities.

Table 2. Dynamics of criminal proceedings under specific articles of Section XVII of the Criminal Code of Ukraine from 2021-2024

Article of the criminal code	Year	Recorded Cases	Sent to Court	Convicted	Exempt from Punishment	Actual Imprisonment
364 (Abuse of Power or Official Position)	2021	3,955	183	4	2	0
	2022	2,214	160	3	0	1
	2023	2,983	634	5	1	1
	2024	2,345	188	9	0	0
365 (Exceeding Power or Official Duties by a Law Enforcement Officer)	2021	1,918	26	3	2	1
	2022	1,082	13	2	2	0
	2023	1,256	75	12	5	6
	2024	1,193	13	8	4	3
367 (Official Negligence)	2021	1,978	250	26	16	0
	2022	1,239	161	41	29	1
	2023	1,784	240	53	42	2
	2024	1,894	247	35	23	1
368 (Receiving Unlawful Benefit)	2021	1,556	255	99	2	9
	2022	988	121	65	3	5
	2023	1,403	237	92	9	10
	2024	1,640	365	80	2	4

Source: compiled by the author based on Crime Data Lab (n.d.)

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

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

³ Ibidem, 2001.

The analysis of the data presented above reveals several key trends. Firstly, the highest number of recorded cases are found under Articles 364 and 367 of the CCU¹; however, the actual number of convictions in these cases remains relatively low, indicating difficulties in gathering evidence and proving guilt. Secondly, crimes under Article 365 show a similar trend: despite having over a thousand cases annually, the number of actual punishments in the form of imprisonment is minimal. Thirdly, the most effective cases are those concerning the receipt of unlawful benefits (Article 368), which show the highest number of convictions and a significant share of actual imprisonment sentences, indicating stronger evidence density and greater societal harm associated with these offenses. Fourthly, there is a clear imbalance between the scale of registered criminal offenses and their procedural completion, highlighting systemic barriers in investigating official misconducts. Consequently, improving the effectiveness of criminal prosecution in this area requires the enhancement of methodological approaches to proving guilt, as well as the clarification of legislative norms regulating responsibility for official misconducts.

Analysis of the annual reports of the State Bureau of Investigation (2022; 2023; 2024; 2025) from 2021-2024 shows the consistent development of issues related to official crimes in criminal proceedings and reveals institutional limitations in implementing jurisdiction. In 2021, the majority of cases involved Articles 364 and 367 of the CCU. However, only a small portion of these cases were concluded with indictments, indicating challenges in proving intent and problems with proper documentation of official activities. The SBI emphasised the high closure rate of cases, which raised doubts about the effectiveness of mechanisms for holding public officials accountable. The 2022 report confirmed the persistence of this trend: the majority of cases were related to official negligence, while the actual procedural completion remained minimal (State Bureau of Investigation, 2023). The highest effectiveness was observed in corruption-related crimes, particularly under Article 368 of the CCU, which indicated a relatively better evidence base for cases involving unlawful benefits. At the same time, cases under Article 365 (exceeding authority) showed a noticeable imbalance between the number of registered cases and convictions. This further confirmed the low effectiveness of this norm, which remains challenging for law enforcement due to unclear boundaries between criminal and disciplinary liability. In 2023, the official report from the State

Bureau of Investigation (2024) attempted to explain the causes of low effectiveness. Key factors included personnel instability, insufficient material and technical resources, and jurisdictional duplication with other law enforcement agencies (NABU, SBU, National Police). These issues complicated the evidence-gathering function and diverted resources to investigating high-profile cases, while a significant portion of cases was closed. Therefore, the report emphasised the institutional nature of these difficulties, which cannot be overcome by investigative practice alone, but require changes in management approaches and inter-institutional coordination. Finally, in 2024, the situation was further influenced by martial law (State Bureau of Investigation, 2025). The number of cases related to official negligence sharply increased due to increased pressure on government bodies and decision-making in crisis conditions. At the same time, the effectiveness under Article 365 remained critically low, with only a few cases leading to convictions. Conversely, cases under Article 368 showed relatively higher evidentiary effectiveness. Notably, this report marked the first clear indication of a strategic direction for improvement: the digitalisation of processes, standardisation of evidentiary procedures, and harmonisation of jurisdictional regulation, which indicated the gradual formation of a concept for institutional strengthening of the SBI.

The relevance of studying the investigation practices of criminal proceedings by various pre-trial investigation bodies is driven by the need to clarify the effectiveness of jurisdictional implementation and proper documentation of official misconducts. Under martial law and institutional transformations, the criminal justice system faces additional challenges, concerning both the evidentiary base and the normative delineation of competencies. Therefore, the analysis of cases investigated by the National Police and the Bureau of Economic Security becomes particularly significant, as it enables the evaluation of the effectiveness of inter-institutional interaction and the identification of problem areas in law enforcement. To illustrate this, Table 3 provides data on criminal proceedings under specific articles of Section XVII of the CCU² (364, 365, 367, 368), investigated by the National Police and the Bureau of Economic Security from January to July 2025 (Office of the Prosecutor General, n.d.). Table 3 reflects the number of indictments sent to court and the number of closed criminal proceedings, allowing for a comparison of procedural effectiveness. Analytical assessment for each Article identifies key problems and patterns that arise when documenting these offenses.

¹ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/2341-14#Text>.

² Ibidem, 2001.

Table 3. Criminal proceedings under specific articles of the Criminal Code of Ukraine, investigated by the National Police of Ukraine and the Bureau of Economic Security of Ukraine (January-July 2025)

Pre-trial investigation body	Article of the Criminal Code and offense	Number of indictments sent to court	Number of closed criminal proceedings	Analytical assessment
National Police of Ukraine	Article 364 – Abuse of Power or Official Position	152	1,220	One of the most common types of official crimes; the high share of closed cases indicates difficulties in proving intent and qualification.
	Article 365 – Exceeding Power or Official Duties	1	34	A small number of indictments; the difficulty lies in proving the exceeding of powers, leading to the closure of a significant portion of cases.
	Article 367 – Official Negligence	442	527	A significant number of registered cases, but a high level of closures due to problems establishing the causal link between actions and consequences.
	Article 368 – Receiving Unlawful Benefit	1,702	843	A category with relatively more indictments; indicates a better evidence base and the priority of fighting corruption.
Bureau of Economic Security of Ukraine	Article 364 – Abuse of Power or Official Position	9	20	The Bureau’s competence covers offenses with a pronounced economic nature; however, the effectiveness of procedural completion remains low.

Note: BEB – Bureau of Economic Security. “Indictments” – cases where the pre-trial investigation was completed with an indictment sent to court; “Closed Proceedings” – cases closed according to Article 284 of the CPC of Ukraine

Source: compiled by the author based on Office of the Prosecutor General (n.d.)

The data in Table 3 demonstrate significant differences in the dynamics of procedural completion of cases under various articles of the CCU¹. The majority of cases involve crimes related to unlawful benefits (Article 368), where a relatively high level of indictments is observed, indicating a better evidence base and societal priority for these cases. Meanwhile, Articles 364 and 367 show the highest levels of case closures, reflecting systemic difficulties in proving intent and establishing causal links. The exceptionally low level of effectiveness is observed in cases under Article 365, where isolated indictments contrast with dozens of closed cases, confirming the challenges in proving the exceeding of authority. The Bureau of Economic Security’s work in investigating abuse of power highlighted the need for specialisation in economic crimes; however, the large proportion of closed cases casts doubt on the effectiveness of this approach. Ultimately, the structure of the indicators suggests the need to strengthen methodological approaches in investigating official crimes and harmonise the regulation of jurisdiction.

Moreover, to qualitatively illustrate the identified patterns, judicial practices and academic research were analysed, including works on procedural aspects of appointing and replacing prosecutors in

criminal proceedings concerning official misconduct (Amelin, 2024). The results of this analysis confirmed that proper procedural guidance directly influences the effectiveness of pre-trial investigations. It was found that criteria for appointing or replacing a prosecutor (objective – complexity of the case, public resonance; subjective – specialisation, experience, workload) determine the quality of jurisdiction implementation, the timeliness of procedural decisions, and the effectiveness of public prosecution. Optimising the procedural appointment of prosecutors is an important prerequisite for eliminating risks of overlapping functions between various pre-trial investigation bodies and ensuring a unified criminal process logic.

In the analytical context, particular attention is drawn to the coordination of operational support and adherence to jurisdictional rules. An illustrative example is Case No. 275/271/17² (Part 4 of Article 368 of the CCU), where the Zhytomyr Court of Appeal ruled that the investigation of an official crime was conducted by prosecution bodies, which lost their relevant powers after NABU was established. As a result, the collected evidence was deemed inadmissible, and the criminal case was closed. Similar cases confirm that violations of jurisdictional requirements

¹ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/2341-14#Text>.

² Judgment of the Appeal Court of Zhytomyr in Case No. 275/271/17. (2025, July). Retrieved from. <https://reyestr.court.gov.ua/Review/128777882>.

have direct consequences for the legality of the evidence process and the final outcomes of the investigation. Therefore, improving normative regulation of inter-institutional cooperation, including through the digitalisation of data exchange, standardisation of qualification approaches, and algorithmisation of jurisdictional procedures, is a key direction for improving the effectiveness of criminal prosecution in official crimes.

Thus, the formulated provisions substantiate the need for a systematic assessment of organisational mechanisms of inter-institutional interaction as part of the law enforcement capacity of the SBI in the field of official crimes. Further exploration of this aspect will deepen the analysis of the effectiveness of coordination between pre-trial investigation bodies in cases involving individuals with powers of authority.

Results of the SBI and Prosecutor's Office interaction in official crimes cases (based on punishment statistics). The established procedural interaction between the SBI and the prosecution bodies is considered one of the key factors in ensuring the

proper functioning of criminal proceedings mechanisms in cases involving official crimes. Coordinated decision-making at the pre-trial investigation stage increases responsiveness to offenses, minimises the risk of losing evidence, and helps maintain legal clarity and consistency in the evidence process. The need for such cooperation is heightened in complex cases that require the use of coercive procedural measures, the involvement of operational units, or involve jurisdictional issues.

For a deeper assessment of the effectiveness of investigations into official crimes, it is useful to analyse not only the quantitative indicators of case transfers but also the results of their judicial review. The statistics of imposed real punishments are of particular importance as they reflect the final result of interaction between investigative bodies and procedural leaders. Table 4 presents data on the imposition of real punishments under Articles 364, 365, 367, 368 CCU¹ from 2021-2024, allowing tracking the dynamics of applying real punishments based on the crime composition.

Table 4. Imposition of real punishments under Articles 364, 365, 367, 368 of the Criminal Code of Ukraine (2021-2024)

Year	Article of the Criminal Code of Ukraine	Imposition of real punishment					
		Imprisonment	Arrest	Fine	Restriction of liberty	Corrective labour	Service restrictions for military personnel
2021	Article 364	0	2	0	0	0	0
	Article 365	1	0	0	0	0	0
	Article 367	0	0	8	1	1	0
	Article 368	9	6	82	0	0	0
2022	Article 364	1	2	0	0	0	0
	Article 365	1	0	10	1	0	0
	Article 367	0	0	0	0	0	0
	Article 368	5	4	53	0	0	0
2023	Article 364	1	1	1	0	0	1
	Article 365	6	0	1	0	0	0
	Article 367	2	0	9	0	0	0
	Article 368	10	1	52	0	0	0
2024	Article 364	0	2	0	0	0	1
	Article 365	3	0	1	0	0	0
	Article 367	1	0	11	0	0	0
	Article 368	4	0	73	0	0	0

Source: compiled by the author based on Crime Data Lab (n.d.)

Analysis of Table 4 shows the uneven application of real punishments for specific articles of Section XVII of the CCU². The highest number of imprisonment cases are recorded for offenses related to exceeding authority (Article 365) and receiving unlawful benefits (Article 368), which is explained by the high level of public danger of these actions and the concentration of evidence in these cases. On the other hand, in cases of official negligence (Article 367)

and abuse of power (Article 364), the dominant practice is the use of fines or milder types of punishment (arrest, corrective labor), reflecting the difficulty in proving intent and establishing a direct causal link between the actions of officials and the negative consequences. Notably, there is a steady increase in fines under Article 368 of the CCU from 2021-2024, indicating a trend towards replacing actual imprisonment with financial sanctions. Overall, the dynamics

¹ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/2341-14#Text>.

² Ibidem, 2001.

confirm the imbalance between the volume of detected crimes and the severity of imposed punishments, emphasising the need for the unification of punishment practices and strengthening procedural interaction between the SBI, prosecutors, and courts.

At the same time, an important aspect remains the nature of the interaction between the SBI and prosecution bodies when making key procedural decisions. Although the law provides for the possibility of creating joint investigative groups and coordination mechanisms, their practical application remains limited. In most proceedings, a vertical decision-making model is maintained, with the prosecutor playing the leading role, while the SBI functions as a pre-trial investigation body. This creates an imbalance between the autonomy of investigators and the supervisory function of the prosecutor, limiting the potential for horizontal interaction and joint planning of investigations in official crimes cases.

Given this, strategic cooperation between law enforcement bodies remains underdeveloped. There is a lack of a centralised information platform that would enable comprehensive monitoring of official crimes and risk prediction. In this context, the development of digital tools to support joint decision-making and enhance the analytical capacity of the SBI in evidence forecasting, digital support for proceedings, and standardisation of investigative actions is a key task.

Proposals for improving the legislative and institutional regulation of the SBI's activities in the field of official crimes. One of the key challenges in regulating the SBI's activities in counteracting official offenses is the presence of normative contradictions between the provisions of the Criminal Procedure Code of Ukraine¹ and Law of Ukraine No. 794-VIII². The analysis indicates the fragmentary and non-systematic regulation of certain aspects of jurisdiction, procedural interaction with the prosecutor, the scope of investigators' functional rights, and the elements of organisational autonomy of the SBI. This disharmony reduces procedural certainty, increases the likelihood of jurisdictional conflicts, and complicates the practical implementation of powers at the pre-trial investigation stage.

To identify the most problematic areas of normative gaps between the Criminal Procedure Code of Ukraine No. 794-VIII³ it is advisable to provide a comprehensive summary of the relevant legal provisions, noting the nature of the identified gaps and formulating a direction for overcoming them. This approach will not only systematise contradictions but also allow the use of these findings within legislative initiatives to improve criminal procedural regulation. For this purpose, Table 5 presents the structure of the normative intersection of these acts, identifies critical points of legal tension, and suggests conceptual models for their resolution.

Table 5. Contradictions between the provisions of the Criminal Procedure Code of Ukraine and the Law "On the State Bureau of Investigation" in the field of investigating official crimes and proposals for their elimination

Category of the problem	Article of the CPC / Law "On the SBI"	Nature of the contradiction/gap	Proposed direction of changes
Jurisdiction	Article 216 Criminal Procedure Code of Ukraine ⁴ vs Article 7 Law of Ukraine No. 794-VIII ⁵	Lack of clear criteria for the division of competence between the SBI, NABU, SBU, and the National Police in cases involving both official and corruption offenses	Clarification of Article 216 of the Criminal Procedure Code of Ukraine by establishing a unified algorithm for resolving jurisdictional disputes between pre-trial investigation bodies without creating a separate section of the Code.
Investigative powers	Article 40 Criminal Procedure Code of Ukraine ⁶ vs Article 7 Law of Ukraine No. 794-VIII ⁷	Lack of an agreed list of rights of investigators and procedural guarantees of their independence	Amendments to Article 40 of the CPC to include guarantees of functional autonomy for investigators.
Procedural interaction	Article 36 Criminal Procedure Code of Ukraine ⁸ vs Article 7 Law of Ukraine No. 794-VIII ⁹	Lack of a formalised procedure for agreeing on joint investigative actions with the prosecutor	Establishment of a procedure for joint investigation planning in the CPC.

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

² Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

³ Ibidem, 2015.

⁴ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

⁵ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

⁶ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

⁷ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

⁸ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

⁹ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

Table 5. Continued

Category of the problem	Article of the CPC / Law "On the SBI"	Nature of the contradiction/gap	Proposed direction of changes
Notification of suspicion	Article 276 Criminal Procedure Code of Ukraine ¹ vs Article 7 Law of Ukraine No. 794-VIII ²	Lack of a defined procedure for agreeing on the transfer of a criminal case between pre-trial investigation bodies before notification of suspicion	Clarification in Article 276 of the CPC of the procedure for agreeing with the prosecutor on the decision to transfer a criminal case to another pre-trial investigation body before the notification of suspicion.
Operational autonomy	Not in the CPC /Article 7 Law of Ukraine No. 794-VIII ³	The law only contains a declarative provision about organisational independence	Enhancement of the provisions in the Law "On the SBI" that detail the implementation of SBI's operational support and harmonise it with the general provisions of the Law of Ukraine No. 2135-XII "On Operational and Investigative Activities" ⁴ and Law of Ukraine No. 580-VIII ⁵

Note: identified contradictions are grouped by key elements: jurisdiction, powers, interaction, guarantees, and functional autonomy

Source: compiled by the author

Table 5 demonstrates five key clusters of normative inconsistencies that objectively limit the implementation of the functions of the SBI within pre-trial investigation. The most pronounced problems are found in the area of jurisdiction, particularly in cases that combine features of official and corruption offenses, which complicates the identification of the competent body and requires a clear algorithm for resolving jurisdictional disputes between pre-trial investigation bodies. The powers of the SBI investigators, as established in the relevant law, partially do not correspond with the provisions of the Criminal Procedure Code of Ukraine, which reduces the predictability of law enforcement and complicates judicial review of procedural actions. The insufficient regulation of the procedural interaction mechanism with the prosecutor's office causes fragmentation in its implementation and dependence on the individual practices of separate investigators and prosecutors.

The institutional capacity of the SBI in the field of combating official offenses is determined not only by the availability of normative powers but also by the ability to implement them in an inter-agency environment, which is characterised by the distribution of powers and the interdependence of investigative actions. The analysis of the SBI's operational practice from 2021 to 2024 allowed for the identification of several internal institutional barriers that have a systemic nature and negatively affect the effectiveness of investigations. These include issues related to staffing, limited analytical support, duplication of powers with neighboring bodies, as well as difficulties in organising operational support. The identification of cause-and-effect relationships between these limitations and the effectiveness of the cases allowed for their structuring in the comparative format of Table 6, which can serve as the basis for further organisational changes.

Table 6. Typical institutional barriers in the SBI's work, their consequences, and proposals for elimination

Institutional limitation	Consequences for the SBI practice	Proposals for elimination
Need to improve cooperation between investigators and operational units of the SBI to ensure comprehensive support of criminal proceedings	Difficulty in coordinating operational support between various structural divisions during pre-trial investigation	Optimisation of normative regulation for the activities of the SBI's operational-analytical departments and strengthening their cooperation with other structural divisions
Limited access to analytical and informational resources	Low level of evidential substantiation in complex cases	Implementation of an automated risk-analysis system in cooperation with the Prosecutor General's Office
Duplication of functions with other agencies (NABU, SBU)	Jurisdictional conflicts, delays in decision-making, procedural competition	Development of an interagency regulation for cooperation and a unified algorithm for determining jurisdiction

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

² Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

³ Ibidem, 2015.

⁴ Law of Ukraine No. 2135-XII "On Operational and Investigative Activities". (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#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>.

Table 6. Continued

Institutional limitation	Consequences for the SBI practice	Proposals for elimination
Lack of a unified educational-methodological center	Uneven training of investigators and absence of a system for upgrading qualifications	Creation of a permanent educational center at the SBI with the involvement of academics and practitioners
Insufficient digital infrastructure	Difficulty in digital exchanges with other bodies, delays in transmitting materials	Integration of the SBI into a unified criminal justice information platform (eJustice)

Source: compiled by the author based on Criminal Procedure Code of Ukraine¹, Law of Ukraine No. 794-VIII², Law of Ukraine No. 1697-VII³

Table 6 shows a wide range of organisational and functional factors that affect the effectiveness of the SBI's activities in the context of combating offenses in the public sector. The current operational support system allows for comprehensive recording of events that suggest criminal activity but needs further improvement in its interaction with investigative units. Developing the analytical direction of the SBI's work will help create more substantiated investigative versions and improve the accuracy of legal qualifications. Jurisdictional conflicts with NABU and SBU continue to create risks of overlapping procedural actions and delays in investigations, requiring normative regulation of jurisdictional issues. At the same time, ensuring the appropriate level of professional training of staff and digital integration remains crucial for creating a unified approach to investigations and improving inter-institutional communication. Expanding the analytical and digital capabilities of the SBI will contribute to enhancing its institutional autonomy and strengthening its role in the criminal justice system. Regarding the activities of prosecution bodies, the priority area of improvement should be ensuring continuous oversight within criminal proceedings, particularly in cases involving high-ranking officials. Using public tools to track prosecutor rotations in high-profile cases will promote procedural transparency and increase trust in the institution of procedural guidance. Moreover, forming a system of effectiveness indicators for prosecutor supervision – particularly based on the timeliness of decision approvals, the justification of suspicions, and the share of convictions – will allow for empirical monitoring of the quality of supervision.

The academic community is increasingly calling for improvements in forensic methods used in investigating abuses of power. Developing analytical models to establish intent within administrative activities, assessing official risks, and forming algorithms

to verify managerial decisions as potential offenses are promising directions for interdisciplinary research. These developments should be adapted to the practical needs of pre-trial investigation bodies and integrated into professional training systems. In this context, law school curricula need updating to reflect current challenges. Integrating educational modules focused on investigating official misconduct, procedural ethics, the typology of public servants' behavior, legal evaluations of managerial actions, and the use of digital evidence will contribute to forming practice-oriented competence in graduates. Involving experts with practical experience in the SBI and prosecution will ensure a closer connection between theory and professional practice. Thus, the modernisation of the legislative and organisational model of the SBI in combating corruption offenses should be carried out within a comprehensive state strategy for legal transformation. Reforming this body should be viewed as part of a broader process of institutional renewal within the criminal justice sector, aiming to harmonise autonomy, accountability, and effectiveness. The directions proposed in the study should be synchronised with national anti-corruption policies and the processes of adapting international standards in law enforcement.

■ Discussion

The analysis of the legal framework revealed several inconsistencies between the provisions of the Criminal Procedure Code of Ukraine⁴ and Law of Ukraine No. 794-VIII⁵, which limited the effective functioning of the pre-trial investigation body in cases of official crimes. The absence of a clear jurisdictional algorithm created a foundation for overlapping investigative powers between the SBI, NABU, SBU, and other law enforcement agencies, complicating cases involving multiple categories of public officials from different departments. On an empirical level,

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

² Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

³ Law of Ukraine No. 1697-VII "On the Prosecutor's Office". (2014, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1697-18>.

⁴ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

⁵ Law of Ukraine No. 794-VIII "On the State Bureau of Investigation". (2015, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19>.

there was a predominant occurrence of cases being closed before the completion of pre-trial investigations, particularly under Articles 364, 365, and 367 of the CCU¹. This trend could be attributed to limited evidentiary capabilities as well as procedural obstacles. The identified trends regarding the transfer of criminal cases to other investigative bodies highlight gaps in institutional division of powers and insufficient normative detail regarding jurisdiction in cases involving corruption-related offenses. Moreover, the internal structure of the SBI provides an adequate level of operational support, which is implemented through the activities of the Main Operational Directorate, the Internal Control Department, and the operational units of the SBI's territorial offices, which support each other within criminal cases. Thus, the issue may not be a lack of autonomy but the need for further improvement of the normative support for the interaction between the central apparatus and territorial subdivisions. The combination of these circumstances calls for a revision of current regulations to eliminate fragmentation, simplify procedures, and enhance institutional effectiveness within the SBI's function.

The assessment of the implementation of procedural leadership in criminal proceedings for official crimes, based on statistical data, showed a significant level of closure of criminal cases under Articles 364, 365, and 367 of the CCU before their submission to court, indicating deep-rooted problems in the system of evidence gathering. A comparison of the results with A. Hendricks' (2021) research allowed the identification of similar barriers in several jurisdictions related to the inefficiency of tools for documenting offenses committed by public officials. The study emphasised difficulties in documenting misconduct by law enforcement personnel at the early stages of proceedings, which contributed to evading accountability. Similarly, the analysis of Ukrainian practices confirmed that a significant proportion of closed cases within the SBI were due to procedural flaws, aligning with A. Hendricks' conclusions regarding the vulnerability of response mechanisms to imperfect legal support.

A particular focus in academic literature has been placed on the issue of re-notification of suspicion after the court cancels the previous decision, especially in cases where such a notification is made without updating the evidence base. In the work of R. Lubis & H. Sulaiaman (2024), this practice is considered as violating the principle of legal certainty and conflicting with the criteria of proper procedural regulation. Summarising the approaches presented, it indicates the need for normative clarification of the procedures for re-notification of suspicion

and strengthening the prosecutor's supervision over compliance with pre-trial investigation standards.

The analysis of the functional characteristics of the current model for proceeding with official crime cases revealed institutional dysfunctions related to the imperfect delineation of powers between bodies conducting pre-trial investigations and the limited level of procedural autonomy within the SBI. These issues were especially relevant in the context of investigating actions involving individuals in higher levels of public power or those with political sensitivity. Similar challenges were highlighted in A. Raza *et al.* (2021) study on transformative processes in Pakistan's criminal-legal environment. The authors noted that weak normative stability, limited participation of prosecutorial bodies in pre-trial case oversight, and lack of transparent procedural standards negatively affected the effectiveness of law enforcement. The results obtained within the Ukrainian context confirmed the relevance of these conclusions: the deficit in procedural control, the vagueness in defining jurisdictional competence, and the fragmentation of institutional architecture hindered the proper use of legal means in investigating official crimes.

The issue of interaction between investigators and prosecutors in criminal cases related to public service has become more pronounced amid growing societal attention to cases of official corruption. In the study by S. Lal *et al.* (2023), an analytical assessment was made of the impact of the prosecutor's role on the effectiveness of justice system functions, particularly within Pakistan's criminal justice system. The authors concluded that the insufficient level of procedural leadership and the passive position of prosecutors contributed to an increase in acquittals and a decline in public trust in justice institutions. The empirical data collected in this study aligned with these conclusions, as a lack of involvement by prosecutors in forming the evidence base was also observed, as evidenced by the prevalence of case closures for official offenses.

The evaluation of the level of digitalisation in anti-corruption investigation processes identified shortcomings in the infrastructure supporting investigative activities. In F. Odilla's (2023) study, the introduction of algorithmic solutions in the fight against corruption was analysed, and it was found that the effectiveness of such technologies directly depended on the level of digital integration of institutions. The authors emphasised that in the absence of legal oversight and inter-agency coordination, the implementation of digital solutions was limited. The findings of this study, which showed insufficient access for the SBI to centralised analytical platforms, coincided with F. Odilla's conclusions about the risks

¹ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/en/2341-14#Text>.

of fragmented digital infrastructure in the area of corruption prevention. In C. Lum *et al.* (2021), the effectiveness of response by nine police agencies to citizen calls was analysed, and it was established that the lack of clear resource allocation algorithms, staff shortages, and insufficient planning reduced the quality of initial responses. Comparing these conclusions with the internal organisation of the SBI revealed similar problems, particularly the insufficient integration of operational-analytical groups into the structure of investigative units, which complicates ensuring the continuity of the investigative process in the face of limited time resources.

The interaction between the SBI and other criminal justice institutions remained complicated due to overlapping powers, the absence of standardised algorithms for joint actions, and the lack of alignment in digital infrastructure. In G. Onyango's (2025) study, the main social barriers to the implementation of joint inter-agency projects in the public sector were identified, including low levels of inter-institutional trust, differing objectives, and procedural misalignment. Identical factors were identified in the conducted study, confirming the need for the development of agreed-upon procedures for partnership interaction in anti-corruption criminal cases. The analysis of the institutional foundations for combating abuse of power confirmed the need for the functioning of an anti-corruption body within a stable legal environment and guaranteed investigative autonomy. This position was confirmed in M. Marona & F. Kerche's study (2021), which analysed the transformation of the anti-corruption institutional architecture in the context of the implementation of "Operation Lava Jato". The study substantiated that the ability of investigative bodies to uncover large-scale official abuses directly depended on the combination of a normatively regulated mandate and organisational independence. The empirical data gathered in this study confirmed the relevance of this thesis, as the influence of the SBI's limited autonomy and unclear procedural powers on the effectiveness of investigating complex criminal cases was recorded.

An evaluation of procedural difficulties in anti-corruption cases revealed systemic delays related to misaligned procedures and excessive requirements for evidence justification. J. Huang *et al.* (2024) presented a methodological approach to resolving the dilemma between material and procedural law in transnational anti-corruption regulation. The authors emphasised the need to balance the effectiveness of prosecution with the adherence to standards of evidence. The findings of this study regarding the duration of investigations and the difficulties in forming evidence bases for official crimes were consistent with the stated position. The

evaluation of the effectiveness of procedural and organisational changes introduced within the reform revealed the limited impact of normative innovations on the effectiveness of anti-corruption activities. In Z. Guo's (2023) study, the consequences of the adoption of the Oversight Law in China were analysed, pointing out the formalism of reforms without actual provision of functional independence for empowered bodies. The author concluded that without autonomy in investigative actions, trust in anti-corruption policy remained limited. A similar trend was observed in this research: the structural changes introduced within the SBI's organisation did not provide the expected effect due to the preservation of hierarchical dependence and the limited tools for independent response.

J.W.C. Lee's (2023) study analysed the impact of an anti-corruption body's institutional status on its functional independence. The author noted that bodies integrated into the executive branch structure had reduced capabilities for prosecuting high-ranking officials. Comparing these conclusions with the characteristics of the SBI's activities pointed to organisational limitations, particularly in staffing policies and procedural leadership, which may limit the ability to effectively investigate politically sensitive cases. In N. Ardiansyah *et al.* (2025) study, the legal-political paradox that arose in Indonesia due to the transfer of jurisdiction for abuse of power cases to administrative courts was studied. The authors concluded that the unclear separation between political control and judicial oversight reduced the effectiveness of holding individuals accountable. These conclusions provide grounds for critically evaluating Ukrainian practices of judicial oversight over the SBI's actions, particularly in cases involving abuse of power. The analysis of institutional responsibility in investigating offenses related to abuse of office confirmed the need for normative clarity in determining the competence of pre-trial investigation bodies. In S. Biswas's (2024) study, dedicated to evaluating the law on the prevention of land offenses in Bangladesh, it was emphasised that legal certainty is a fundamental condition for the effectiveness of law enforcement. The study revealed that, in the national practice of the SBI, the uncertainty in criminal law formulations hindered the establishment of intent and the fact of harm, especially in the context of official crimes.

Summarising the results regarding the interaction between the SBI and prosecutor's offices highlighted a lack of cohesion in implementing procedural leadership, which affected the consistency of pre-trial investigations. In W. Wu & X. Lin's (2024) study, the reform of prosecutorial powers in China was analysed, particularly the expansion of its jurisdiction beyond classical criminal prosecution. The authors emphasised that the effectiveness of cooperation

depended on a balanced relationship between the prosecutor's autonomy and the mechanisms of procedural control. A similar problem was observed in the study, where difficulties in defining jurisdiction between the SBI and the prosecutor's office hindered the implementation of oversight functions. In the area of responding to complex offenses, limitations associated with the fragmentation of the institutional structure were identified. In the study by P. Suwanakart *et al.* (2025), the consequences of the lack of unified procedures for interaction between law enforcement agencies, which in Thailand led to duplication of functions and delays in proceedings, were analysed. Comparing these conclusions with Ukrainian judicial practices revealed similar challenges in the functioning of the SBI, particularly due to the parallel exercise of powers by the NABU and the SBU in cases requiring clear jurisdictional separation.

Conceptual risks of politicising law enforcement procedures were highlighted in S. Bian's (2023) study, where the concept of "official violations" was suggested as a tool for selective prosecution in a non-transparent oversight system. The study found that in the SBI's practice, in politically sensitive cases, ambiguous legal constructs were used, allowing for changes in qualifications and influencing the volume of the evidence base, thus reducing the objectivity of the process. Aspects of procedural autonomy of investigative bodies were related to S. Ruggeri's (2021) analytical positions, who, in his research on the prosecution institute, emphasised the need to separate investigative and supervisory functions. The study revealed that insufficient organisational independence within the SBI, staffing limitations, and limited access to analytical resources negatively impacted the full execution of investigative powers. These findings aligned with the need to review the institutional subordination model in the direction of strengthening functional independence.

The summary of the conducted analysis confirmed that the effectiveness of the SBI's activities in criminal proceedings related to official duties was determined by the level of normative certainty, institutional autonomy, coordination with other criminal justice bodies, and the ability to adapt to the challenges of digitalisation. The identified problems – ranging from vague jurisdictions and limited access to analytical resources to procedural fragmentation and political influence risks – pointed to the need for a comprehensive update of the organisational-legal model for the SBI's functioning to ensure effective law enforcement in the face of increasingly complex official offenses.

■ Conclusions

This study provided a comprehensive assessment of the SBI's institutional capacity in combating

criminal offenses related to official duties, considering statistical, legal, and procedural aspects from 2021 to 2024. A generalised classification of institutional barriers that limited the full implementation of the SBI's powers was proposed, including overlapping jurisdictions, insufficient operational autonomy, and a lack of analytical support.

Based on the data presented in Table 2, it was established that the largest number of criminal cases related to abuse of power and official negligence. The most effective cases in terms of guilty verdicts were those regarding unlawful benefits, indicating relative evidentiary stability in this category. In contrast, cases of abuse of power remained ineffective, while cases of official negligence were marked by a high rate of closure. In all the analysed categories of offenses, there was a significant portion of cases being forwarded for jurisdictional determination, indicating unresolved institutional contradictions in the pre-trial investigation system. This trend negatively affected procedural predictability and investigation timelines. The results outlined typical formats for the SBI's organisational interaction with the prosecutor's office, anti-corruption bodies, and internal security units, highlighting the need for unification of procedures and algorithmisation of jurisdictional decisions.

It is recommended to strengthen the methodological support for investigating official offenses by developing unified protocols for documenting the actions of public officials, as well as creating a mechanism for independent analytical support during pre-trial investigations. Normative elimination of overlapping jurisdiction between the SBI, the NABU, and police units is also advisable. Key limitations of the study include limited access to the full dataset of closed criminal cases and the lack of open information regarding operational-search activities in cases with official characteristics. Some of the statistical data was fragmented due to differences in classification approaches at the inter-agency level. This limited the ability to fully compare with other specialised structures across countries. Future research should focus on comparative analysis of the effectiveness of anti-corruption and criminal prosecution institutions in Central and Eastern European countries to identify universal models of organisational optimisation.

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Державне бюро розслідувань як суб'єкт протидії кримінальним правопорушенням у сфері службової діяльності

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■ **Анотація.** Актуальність дослідження зумовлена необхідністю усунення нормативних неузгодженостей і підвищення ефективності реалізації кримінального переслідування у справах, пов'язаних зі службовою діяльністю, в умовах реформування системи досудового розслідування в Україні. Дослідження охоплює період 2021–2024 років. Такий підхід дав змогу встановити співвідношення інституційної ефективності різних органів досудового розслідування та виявити актуальні проблемні зони юрисдикційного розмежування. Метою дослідження було оцінювання інституційної спроможності Державного бюро розслідувань у контексті протидії кримінальним правопорушенням службового характеру. Методологічну основу становила послідовна комбінація аналізу статистичних показників, нормативно-правової оцінки чинного регулювання та інституційного моделювання взаємодії між органами кримінальної юстиції. Результати кількісного аналізу продемонстрували, що найбільше кримінальних проваджень, підслідних Державному бюро розслідувань, стосувалися зловживання владою (3,955 2021 року) та службової недбалості (1,894 2024 року). Найвищу результативність у частині обвинувальних вироків мали справи про одержання неправомірної вигоди (99 вироків 2021 року), найменшу – провадження щодо перевищення влади (8 вироків 2024 року). Порівняльний аналіз із даними Національної поліції засвідчив, що 2025 року саме за статтею 367 Кримінального кодексу України («службова недбалість») найбільшою є частка закритих проваджень (527 справ), що підтверджує наявність складнощів у доказуванні умислу та кваліфікації діянь. Отримані результати виявили інституційні суперечності у визначенні компетенції органів досудового розслідування та колізій між положеннями Кримінального процесуального кодексу України та спеціальними законами. Проблемним залишається дублювання юрисдикції між Державним бюро розслідувань, Національним антикорупційним бюро України, Службою безпеки України й органами Національної поліції, що ускладнює розмежування повноважень і затягує процес розслідування. Це зумовлює необхідність удосконалення нормативного регулювання та оптимізації процедур документування службових злочинів. Результати дослідження можуть бути використані органами кримінальної юстиції, науковими установами та закладами вищої освіти під час розроблення освітніх і правозастосовних програм

■ **Ключові слова:** розслідування; слідчі підрозділи; процесуальне керівництво; службові злочини; корупційні правопорушення; зловживання службовим становищем; європейські стандарти