

судочинства. Це потрібно для реалізації таких основоположних принципів демократичного суспільства, як доступ до правосуддя (як один із ключових принципів законодавчого забезпечення прав) та свобод людини у демократичній державі.

Дана наукова робота містить аналіз досвіду використання інноваційних технологій в електронних системах офіційних органів системи кримінальної юстиції у контексті розгляду застосування різноманітних інформаційних програм, що ґрунтуються на моделях та способах отримання та збереження інформації; аналіз ефективності стратегічних елементів програм; порівняння методів комплексного підходу до впровадження інноваційних процесів організації, застосування та контролю в електронному кримінальному судочинстві у різних країнах.

За результатами дослідження встановлено основні напрямки для впровадження системи сучасного та ефективного електронного кримінального судочинства в Україні.

Ключові слова: електронне кримінальне судочинство, цифровізація системи кримінального судочинства, алгоритмізація електронного кримінального судочинства, електронні системи органів кримінальної юстиції.

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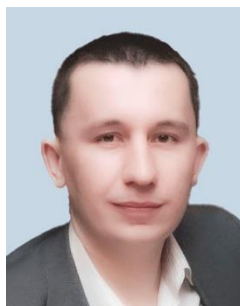
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THEORETICAL AND METHODOLOGICAL FUNDAMENTALS IN FORMATION OF ECONOMIC SECURITY IN THE FIELD OF PUBLIC PROCUREMENT

Abstract. This article defines measures aimed at forming economic security in the field of public procurement in Ukraine. It was established that despite the large number of publications related to the study of anti-corruption in the field of public procurement, the impact of such activities on the national economy of Ukraine and the economic security of Ukraine as a whole have not been studied. It is given the classification of measures to prevent corruption in the field of public procurement, the impact of such measures on the formation of economic security in the field of public procurement in Ukraine is determined.

According to the results of the study it is established that: 1) the entrepreneur and representatives of customers in most cases add 20 to 40 % of “kickbacks” to the value of the procurement before the procurement procedure, which further affects their cost, which in turn

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directly affects not only on the financial condition of state structures and enterprises, but also on the functioning of the national economy as a whole; 2) the most promising areas of prevention of corruption in the field of public procurement, both in Ukraine and in some countries, are: improving the legal regulation of public procurement procedures; organizational and legal support of public and state control in the field of public procurement; strengthening measures of responsibility for violations related to public procurement; 3) the development of an effective mechanism for combating corruption in the field of public procurement is not only a promising area for stabilizing the economy of Ukraine, but it also will create real preconditions for its development.

The proposed measures and proposals to prevent corruption in the field of public procurement can be used during further research on this issue, as well as in the process of forming a strategy of economic security in the field of public procurement.

Keywords: public procurement, economic security, corruption, economic crimes

Introduction. One of the postulates of economics is that financial and monetary circulation is a kind of system of market economy and economic relations. Accordingly, the money supply, which provides the filling / spending of the state budget, should be recognized as a guarantee of viability and sustainable development of the country. Meanwhile, every sixth economic crime detected in Ukraine is related to encroachment on state or local budgets. Therefore, criminal encroachments on state (budget) funds are a direct threat to the economic security of the state. The sphere of public procurement is a functionally oriented element of national security, built into the mechanism of the budget sector of the economy, resource-economic and financial support of public administration (Melnychuk, 2013).

Thus, according to the Security Service of Ukraine, from 50 to 75 % of budget allocations during the public procurement procedure are spent with numerous violations. Due to corrupt agreements in the field of public procurement, losses amount is up to 10-15 % (35-52.5 billion UAH) of the expenditure part of the state budget annually.

The study of the experience of law enforcement agencies of Ukraine and the analysis of criminogenic processes in our country give reason to believe that the most common and socially dangerous illegal acts are offenses committed during public procurement. In recent years, the field of public procurement has increasingly attracted the attention of organized criminal groups and corrupt bureaucrats, who have begun to use them as a tool for rapid and unpunished criminal enrichment. It has become almost the norm for individual officials to break into the open competition with the state, actually, replacing it.

The prevention of offenses during public procurement has acquired not only economic, but also social and political national character. This situation leads to the weakening of social and legal control over the situation in the country, the connection of the executive and legislative branches with criminal structures, their penetration into the sphere of government, etc. (Vasilinchuk, & Slivenko, 2014).

The critical situation with corruption in the country as a whole and in the field of public procurement, in particular, has recently become the object of active action by state institutions, public organizations and attracts the attention of the general public and individual professionals. This situation has been formed for a long time, and the need for change in this area has been declared for a long time both at the level of individual government agencies and at the international level (Golovanenko, 2016). The current situation in the field of

public procurement is further aggravated by the fact that today the prevention of crimes in the field of public procurement by is not provided by the law enforcement agencies at the proper level (Darahan, Boiko, Rohalska, Soldatenko, & Lytvynov, 2021).

Today in Ukraine there are processes aimed at restoring the Ukrainian economy. According to the World Bank's economic review for Ukraine, the Ukrainian economy has not been growing for two years. Stabilization of the macroeconomic situation should be accompanied by the implementation of structural reforms to restore economic growth.

In more detail, the reforms proposed by the World Bank for Ukraine were covered in a special note "Roadmap for urgent macroeconomic and structural reforms". According to this document, the priority measure should be macroeconomic stabilization and restoration of the normal functioning of the banking system.

Equally important are measures to improve the quality and transparency of governance, as, among other things, these measures will help increase budget efficiency, reduce losses from corruption and improve the quality of public services.

Rapid reforms will send the right signals to society and potential investors that the government is serious about fighting corruption. This will support it in implementing important reforms such as the restructuring of the gas sector, changes in the public procurement system and deregulation. These measures will reduce fiscal and quasi-fiscal deficits, increase budget revenues and help the private sector to start economic growth, as enlightened in the note.

Analysis of recent research and publications. The analysis of special and legal literature testifies to episodic and partial attempts to study the issue of combating corruption during public procurement as one of the mechanisms for ensuring economic security in the field of public procurement.

In particular, such scientists as L. Belkin, O. Bondarchuk, Yu. Ivashchuk, V. Kozak, O. Krytenko, N. Lakomska, O. Melnykov, S. Nahachevskii, A. Olefir, I. Savko, O. Taranenko, A. Cherni and others.

Some issues concerning the mechanisms of ensuring economic security in the field of public procurement have also been actively studied by foreign authors.

In particular, M. Matto and H. Athumani studied the issue of non-compliance with the requirements of documentation in public procurement in Tanzania (Matto, Athumani, 2018). Besides, Sun T. and Sales L. J. studied the issue of predicting violations of public procurement rules through the use of neural networks (Sun, Sales, 2018).

Pi Jiancai studied the issue of favoritism in the field of public procurement (Jiancai, 2021).

Cesi B. and Lorusso M. investigated the issues of conspiracies in public procurement and the role of subcontracting in such relations (Cesi, Lorusso, 2020). Regis Signor, Peter E. D. Love and Lavagnon A. Ika studied the criminal conspiracies in the procurement of infrastructure projects (Signor, Love, Ika, 2020).

Borowiec A. studied some issues related to corruption in public procurement in Poland (Borowiec, 2019). Also, Toeba T. studied the corruption in public procurement in Lesotho (Toeba, 2018). Azarenkova G., Buriachenko

A. and Zhyber T. studied the issues of anti-corruption efficiency in public procurement (Azarenkova, Buriachenko, & Zhyber, 2020).

Melnikov V. V. and Karelin I. N. studied the use of the state contractual system of the Russian Federation as a mechanism of proactive economic policy (Melnikov, & Karelin, 2021).

P. Samolysov, S. Belova, A. Tsviliy-Buklanova, V. Gaponenko and N. Artemyev studied the issue of legal liability in public procurement (Samolysov, Belova, Tsviliy-Buklanova, Gaponenko, Artemyev, 2020).

Despite the large number of publications related to the study of anti-corruption issues in the field of public procurement, the impact of such activities on the national economy of Ukraine and the economic security of Ukraine as a whole has not been studied.

The purpose of the article is to identify measures aimed at forming economic security in the field of public procurement in Ukraine.

Formulation of the main material. Analysis of national legislation, publications of research and the results of law enforcement activities of law enforcement agencies of Ukraine shows that the opacity and ineffectiveness of mechanisms for monitoring the procurement process leads to the use of corruption schemes to embezzle budget funds, legalize and misappropriate them by dishonest officials to the “shadowing” of the national economy (Skalozub, 2015).

In the scientific literature, security issues of public procurement are considered mainly through the prism of economic security. The main criteria of economic security in the field of public procurement include: the ability of the public procurement market to function and ensure national interests; the ability to counteract the negative phenomena and offenses in the field of public procurement; the opportunity to “adjust” the sphere of public procurement so as to create conditions for the normal functioning of the socio-economic system of the country as a whole; the existence of an effective system of control over the development of relations in the field of public procurement by public entities to ensure economic security (Goltsunov, 2009).

The fight against corruption in the field of public procurement is quite relevant, because the amount of lost public funds is enormous. As the Head of the Accounting Chamber of Ukraine Valentyn Symonenko stated at a press conference in 2009: “With the volume of purchases for the current year in the amount of UAH 200 billion, today, due to the lack of a competitive transparent system, we are losing about UAH 35-40 billion”. The head of the Accounting Chamber also noted that up to 20 % of all concluded public procurement agreements are elementary “kickbacks”. The situation does not change over the time. This situation, of course, negatively affects the economy of the country, generally hindering its development (Darahan, 2016).

At the same time, Ukraine is no exception, the same problems arise in other countries. For example, in the Russian Federation, losses from the total amount of public procurement at the federal, regional and municipal levels, according to experts, amount to more than 300 billion rubles a year. In Kazakhstan, the losses from corruption crimes in the field of public procurement amount to more than a billion tenge per year.

This state of affairs gives a common task for all countries of the world –

to overcome corruption in public procurement. Therefore, one of the first tasks aimed at restoring and stabilizing the economy of Ukraine, which is supported by the leadership and the international community, is to overcome corruption in public procurement (Darahan, 2015).

Despite this state of affairs, the world community has not yet developed an effective mechanism for combating corruption crimes and offenses in this area.

Taking into consideration the fact of the criminogenic impact on public procurement, it is advisable to classify security threats into separate types:

1) direct threats (criminal acts of economic and official nature and related offenses in the field of public procurement);

2) indirect threats (“background” phenomena of crime, in particular destructive processes of social and economic nature, which are manifested in the budget sphere);

3) self-threats (victim behavior of participants in public procurement) (Melnichuk, 2013).

In the sphere of public procurement the increase of the risk of criminogenic threats from potential to real is a consequence of a number of circumstances:

1) powers related to the decision to purchase goods and services are usually vested in senior officials, the least burdened by public scrutiny;

2) criminal activity of officials working in this field often takes organized forms;

3) the inflow of financial resources to the state budget decreases sharply;

4) the sphere of the shadow economy is expanding, destroying the system of competition;

5) the costs of businesses that are passed on to consumers due to higher prices and tariffs are increasing;

6) the system of functioning of the state is disrupted in terms of the implementation of very important programs for society, such as social and economic, political and military programs (Skosyrskaya, 2011).

In the scientific literature, the main economic consequences of crime in the field of public procurement include:

– growth of the shadow economy;

– destruction of market competition mechanisms;

– reduction of tax revenues to the budget;

– inefficient spending and embezzlement of budget funds;

– loss of trust of market participants to state power (Darahan, 2015).

Thus, it can be argued that offenses in the field of public procurement lead to extremely negative social and economic consequences (Skalozub, 2015).

Due to the presence of a corruption component in the field of public procurement, there is an urgent need to determine the main measures to prevent corruption in this area. In order to more effectively apply and implement them, in our opinion, such measures should be classified in certain areas, each of which performs a separate function to achieve a common goal – to prevent corruption in public procurement in Ukraine (Darahan, 2016).

As a basis for the classification of measures to prevent corruption in the field of public procurement, we took the directions of such classification,

proposed by E.S. Moldova, which she provided in order to classify measures to prevent and combat corruption in the civil service (Moldovan, 2010).

1. Adaptive: bringing the organization of public procurement in Ukraine in line with the recommendations and standards of the European Union member states.

Based on the analysis of the Association Agreement between Ukraine, on the one hand, and the European Union and its Member States on the other hand, it can be seen that in the case of Ukraine's association with the EU, the following changes will take place in the public procurement system:

– the parties of the agreement recognize that laws, regulations, procedures and practices relating to public procurement should not be prepared, adopted or applied to foreign or domestic goods and services, or to foreign or domestic suppliers in such a way as to protect national goods or services or national suppliers and must not discriminate among foreign goods or services or among foreign suppliers. This rule, in our opinion, may adversely affect the ability to support the national producer. One cannot disagree with the opinion of A. O. Olefir regarding the fact that such an approach eliminates the strategic prospects for the formation of the same resources (Olefir, 2014);

– each Party shall promote the increase of imports from developing countries, within the preparation and application of laws, regulations and procedures affecting public procurement. Also it might be taken into account the particular problems of less developed countries among those countries in the lower stages of economic development. This article of the agreement, in our opinion, will have a positive impact on imports of goods from Ukraine, as Ukraine belongs to the developing countries;

– public procurement will be based on the principles of non-discrimination, equal treatment, transparency and proportionality. Today, all these principles are defined by the law “On Public Procurement”, but the main principle of procurement is not their legislative enshrinement, but direct compliance, which today is not provided in all cases;

– the Parties will strengthen cooperation by exchanging experiences and information related to their best practices and regulatory framework. These changes, in our opinion, will help bring the regulatory framework of public procurement in Ukraine to a qualitatively new level.

Based on the above, it can be concluded that the impact of globalization in the context of European integration of Ukraine, related to the reform of the public procurement system, will lead to the following positive changes:

- increasing competition;
- reducing the level of corruption;
- improving the efficiency of distribution of public resources;
- increasing the transparency of decision-making at the governmental level;
- opening of Ukrainian enterprises access to foreign state tender procurements;
- increasing the quality of purchased goods (works, services);
- cheapening of purchased goods (works, services), which will affect the savings of public funds;
- bringing regulatory and legal regulation of public procurement to a qualitatively new level.

However, in our opinion, most of these changes can negatively affect the

development of the Ukrainian economy in the absence of statutory provisions for the protection of national producers (Darahan, 2016).

2. Ensuring transparency:

– ensuring the principle of openness and transparency at all stages of procurement. In our opinion, the “Standard for Openness and Transparency of Public Procurement” developed and proposed by the representatives of Transparency International Ukraine is appropriate;

– development and implementation of a system of public control over the implementation of public procurement (Article 7 of the Law of Ukraine “On Public Procurement”). In our opinion, the basis for the development of such a mechanism could be the adoption of the Law of Ukraine “On Public (Civil) Control”, which would create not only legal but also factual preconditions for intensifying and uniting public efforts to combat corruption in public sector of procurement in Ukraine.

3. Punitive measures: the creation of a system of effective counteraction to corruption, in which the commission of illegal acts in the field of public procurement entails the inevitable responsibility of those responsible for their commission. Today, such liability is provided only by the Code of Ukraine on Administrative Offenses, namely Art. 164-14 “Violation of the legislation on the procurement of goods, works and services for public funds”. We agree with the opinion of M. Dovgan regarding the fact that the provisions of the Code of Ukraine on Administrative Offenses should be supplemented by Article 188 as follows: “Failure to comply with legal requirements of the authorized body in the field of public procurement to provide information” (Dovgan, 2013), as liability for such actions is not provided by Art. 164-14, which negatively affects the level of information support of anti-corruption measures in the field of public procurement.

4. Organizational and managerial:

– reducing the number of applications for the negotiated procurement procedure (per participant). A significant number of scientists and experts are inclined to believe that giving customers the right to independently purchase goods, works and services at public expense from one participant leads to a corruption component in this area;

– increasing the number of competitive procedures (open bidding, limited participation bidding, competitive dialogue, etc.);

– granting the right to public activists, within the framework of public control, to check the results of public procurement;

– to introduce for the controlling bodies a checklist of signs that indicate the possibility of a conspiracy between the bidder and their customer;

– training on the organization and implementation of procurement by authorized persons. At present, the law only contains a rule that indicates the possibility of such training and is not mandatory.

5. Legal:

– introduction of normative and legal acts, which will define in detail the practical aspects of public procurement, leaving almost no room for maneuver for customers;

– involvement of specialists from other countries in the implementation of legislative processes, in order to provide the government with proposals for

transparent reform of public procurement;

– consolidation at the legislative level of the rationing of state needs (for the purchase of luxury items) (Darahan, 2014);

– introduction of a register of unscrupulous participants in public procurement (Darahan, 2014);

– supplementation of the Criminal Code of Ukraine with a norm that provides for criminal liability for violation of legislation in the field of public procurement;

– approval of the interdepartmental plan of joint actions of the Prosecutor General's Office of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, the State Audit Service of Ukraine and the Antimonopoly Committee of Ukraine for Combating Crimes and Other Offenses in Public Procurement.

6. Preventive: Prevention of social preconditions of corruption and elimination of the reasons for committing acts of corruption.

Introduction of a system of measures to prevent persons who have been prosecuted in accordance with the law for committing a corruption offense in the field of public procurement or convicted of a crime related to violation of the procurement procedure, or another crime committed for selfish motives, a criminal record from which is not removed or not repaid in the manner prescribed by law (Darahan, 2014).

The Law of Ukraine "On Prevention of Corruption" introduces a new preventive measure to prevent corruption, such as special verification of information about persons applying for positions related to the functions of the state or local government. However, this inspection does not apply to those responsible for organizing and conducting the auction. In addition, as practice shows, courts, when considering cases of economic crimes, do not always use such additional statutory punishment as deprivation of the right to hold certain positions or engage in certain activities. This becomes especially relevant when considering crimes committed during public procurement, because after conviction such persons can again be authorized persons or perform the functions of receiving goods (works, services). After all, the current legislation governing the implementation of public procurement does not provide for the above restrictions on such persons.

In order to avoid such facts, in our opinion, Part 7 of Art. 11 of the Law of Ukraine "On Public Procurement" should be worded as follows:

7. The authorized person carries out his activity on the basis of the employment agreement (contract) concluded with the customer or the administrative decision of the customer and the relevant provision. The authorized person must have a higher education, usually legal or economic education. In case of determination of several authorized persons, the division of their powers and responsibilities is determined by the decision of the customer.

The following may not be appointed or appointed by authorized persons:

– officials and representatives of the participants, members of their families, as well as people's deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea and deputies of the city, district in the city, district, regional council;

– a person who has been prosecuted under the law for committing a corruption offense in the field of public procurement or convicted of a crime related to violation of the procurement procedure, or another crime committed for selfish motives, whose criminal record has not been removed or expunged in established by law. Verification of such persons is carried out in the manner prescribed by Article 11 of the Law of Ukraine “On Principles of Prevention and Counteraction to Corruption” (appear in italics – V. V.);

– introduction of a register of unscrupulous participants in public procurement;
– enshrining at the legislative level the need for training on the organization and implementation of procurement by authorized persons.

To this end, paragraph 4 of Part 2 of Art. 11 of the Law of Ukraine “On Public Procurement” should be worded as follows:

8. “Authorized persons are obliged to undergo training on the organization and implementation of public procurement, including remote online” (appear in italics – V. V.).

7. Social and economic:

– ensuring fair and adequate remuneration of authorized persons;
– introduction of a system of measures to protect the labor interests of authorized persons and persons who accept the ordered goods (works, services) in case of pressure on them by management.

The proposed system of measures aimed at preventing corruption in the field of public procurement in Ukraine. It does not claim to be perfect and may change based on specific social or economic needs at certain stages of social and economic development of the state. In addition, the proposed measures and proposals to prevent corruption in the field of public procurement can be used in further research on this issue, as well as in the process of forming a strategy of economic security in the field of public procurement.

The most acceptable and effective measures aimed at stabilizing and developing the economy of Ukraine, in our opinion, are: enshrining in the Criminal Code of Ukraine a rule that provides for the liability of authorized persons for violations of public procurement legislation; development and implementation of a system of public control over the implementation of public procurement; enshrining at the legislative level a mechanism that will minimize corruption risks during the negotiated procurement procedure (procurement from one participant).

Let’s consider in detail each of these measures and their possible impact on the level of corruption in public procurement.

The first measure it is proposed is to enshrine a rule in the Criminal Code of Ukraine that provides for the liability of authorized persons for violations of public procurement legislation.

Of course, the establishment of criminal liability for violations of public procurement legislation will not completely change the current situation in the field of public procurement, but such an establishment will significantly reduce corruption in this area, which, in turn, will increase its economic security.

The second measure we propose is the development and implementation of a system of public control over the implementation of public procurement.

In the modern period of rapid development of society, an increasing role in the activities of operational units is given to information and analytical work,

extraction, processing, analysis and use of operational and investigative information, the volume of which is constantly growing. Law enforcement and regulatory agencies around the world are working to streamline incoming information, automate its processing and use in combating crime. But, as practice shows, not all the extracted information can be automatically processed using information technology. The leading role in its processing is still given to people, especially when it comes to latent processes operating in the economy. However, the resources of law enforcement and regulatory agencies in the fight against crime are not limitless. Interacting closely with each other, they combine their efforts, exchange both new and already processed information, while solving their specific tasks. Today, more and more importance is paid to the issue of impersonal involvement of citizens, members of public organizations, public and anonymous provision of information about possible offenses by individuals and legal entities involved in procurement of goods, works and services, as well as initial analysis of processes in this area (Shynkevich, 2017).

The development and implementation of organizational and legal bases for public participation in the prevention of corruption in the field of public procurement is gaining special importance today. This is due to a number of factors:

- The Constitution of Ukraine guarantees the citizens of Ukraine the right to information and their participation in the management of public affairs, ensuring openness in the formation and implementation of stable, clear economic and social policies, obtaining reliable information on the activities of public authorities and local governments;

- the field of public procurement is one of the areas most affected by corruption and without public participation it is extremely difficult to combat corruption in this area;

- without the support of public organizations, the state is simply not able to ensure quality control over public procurement, as such activities involve the involvement of a large number of different types of specialists.

We support the opinion of Yu. Kovalchuk that the basis for the development of such a mechanism could be the adoption of the Law of Ukraine “On Public (Civil) Control”, which would create not only legal but also factual preconditions for intensifying and uniting public efforts to combat corruption in the field public procurement in Ukraine (Kovalchuk, 2014). Development and implementation of a well-established mechanism for public control in the field of public procurement will allow:

- to reduce the level of corruption in the field of public procurement;

- significantly reduce the cost of public funds for the purchase of goods, works and services;

- significantly increase the number of public organizations whose activities will be aimed at exercising control in the field of public procurement, which in turn will undoubtedly affect the amount of processed information related to public procurement;

- to receive a permanent free source of information on violations related to public procurement;

- to involve public organizations in the development and implementation of plans and programs aimed at combating corruption in the field of public

procurement;

– to intensify the interest of law enforcement agencies in the fight against corruption in the field of public procurement (Darahan, 2014).

The third measure we propose is to enshrine at the legislative level a mechanism that will minimize corruption risks during the negotiated procurement procedure (procurement from one participant).

In general, the analysis of Art. 40 of the Law of Ukraine “On Public Procurement” indicates that the legislator did not fully take into account the shortcomings of the previous law. In our opinion, the provisions of this norm require changes in order to prevent possible corruption risks. First of all, based on the provisions of paragraph 2. Part 2 of Art. 40, which regulates the conditions of application of the negotiated procurement procedure, it is unclear how the decision to negotiate with a particular participant (participants) in the absence of competition for technical reasons.

In order to avoid abuse of the provisions of this provision, in our opinion, this paragraph of the law should be worded as follows: if the works, goods or services can be performed, supplied or provided only by a particular entity in one of the following cases:

– the subject of the purchase is to create or purchase a work of art or artistic performance;

– concluding a procurement contract with the winner of an architectural or artistic competition;

– lack of competition for technical reasons, which must be documented by the customer. The implementation of the negotiated procurement procedure in these cases is carried out on the basis of the relevant certificate of the Antimonopoly Committee of Ukraine or its relevant territorial branch” (appear in italic – V.V.);

– there is a need to protect intellectual property rights;

– concluding a contract with a supplier of “last resort” for the supply of electricity or natural gas.

Secondly, in order to substantiate the decision to apply such a procedure, the bidder refers to the documents confirming the existence of conditions for the application of the procurement procedure. The vagueness of the norm in this case can lead to absurd cases that have already taken place during the justification of the procurement procedure from one participant, which can also be used by attackers. First of all, this applies to procurement in case of urgent need for procurement in connection with the emergence of special economic or social circumstances that make it impossible for customers to meet deadlines for tender procedures.

In our opinion, the proposed amendments to the Law of Ukraine “On Public Procurement” will allow minimizing corruption risks during the negotiated procurement procedure (procurement from one participant).

Conclusions. To sum up, we can conclude that the implementation of the proposed system of anti-corruption measures in Ukraine aimed at creating economic security in public procurement. Besides, it will have a positive impact on stabilizing the national economy and remove this area from the list of those that undermine the national security of Ukraine.

Based on the analysis of these data, we can draw the following

conclusions:

– entrepreneur and customer representatives in most cases to the value of the subject of procurement before the procurement procedure add from 20 to 40 % of “kickbacks”, which further affects their cost, which in turn directly affects not only the financial condition of government agencies and enterprises, but also on the functioning of the national economy as a whole;

– the most promising areas for preventing corruption in the field of public procurement, both in Ukraine and in some countries around the world, are: improving the legal regulation of public procurement procedures; organizational and legal support of public and state control in the field of public procurement; strengthening measures of responsibility for violations related to public procurement;

– the development of an effective mechanism for combating corruption in the field of public procurement is not only a promising area for stabilizing the economy of Ukraine, but will also create real preconditions for its development.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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ТЕОРЕТИКО-МЕТОДОЛОГІЧНІ ЗАСАДИ ФОРМУВАННЯ ЕКОНОМІЧНОЇ БЕЗПЕКИ У СФЕРІ ДЕРЖАВНИХ ЗАКУПІВЕЛЬ

Анотація. У статті визначено заходи, направлені на формування економічної безпеки у сфері державних закупівель в Україні. Встановлено, що незважаючи на досить велику кількість публікацій, пов'язаних із вивченням проблем протидії корупційним проявам у сфері державних закупівель, питання впливу такої діяльності на національну економіку України та економічну безпеку України в цілому не вивчалися. Надано класифікацію заходів запобігання корупції у сфері державних закупівель, визначено вплив таких заходів на формування економічної безпеки у сфері державних закупівель в Україні.

За результатами дослідження встановлено, що: 1) підприємець і представники замовників у більшості випадків до вартості предмета закупівлі ще до проведення процедури закупівлі додають від 20 до 40 % «відкатів», що в подальшому впливає на їх собівартість, що в свою чергу, прямо впливає не тільки на фінансовий стан державних структур і підприємств, а й на функціонування національної економіки в цілому; 2) найбільш перспективними напрямками попередження корупції у сфері державних закупівель, як в Україні, так і в деяких країнах світу, є: удосконалення нормативно-правового регулювання процедур здійснення державної закупівлі; організаційно-правове забезпечення громадського та державного контролю у сфері державних закупівель; посилення заходів відповідальності за порушення, пов'язані з проведенням державних закупівель; 3) вироблення ефективного механізму протидії корупції у сфері державних закупівель є не тільки перспективним напрямком стабілізації економіки України, а й створить реальні передумови для її розвитку.

Ключові слова: державні закупівлі, економічна безпека, корупція, економічні злочини

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