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Activities of Transnational Organized Criminal Groups Detrimental to Critical Infrastructure Objects: Providing Qualification to Reduce Negative Impact on Sustainable Societal Development

By Oleg Khoronovskyi[1], Oleksii Drozd[2], Serhii Minchenko[3], Yurii But[4], Dmytro Bulatin[5]

ABSTRACT:
The purpose of the Article is to conduct legal assessment of the activities of transnational organized criminal groups detrimental to critical infrastructure objects from the perspective of criminal law and administrative law qualification to reduce their negative impact on sustainable societal development. Methodology. The following methods are used in the research: logical, dialectical, monographic, dogmatic, normative analyses, system and structural, statistical method, legal modelling. Findings. It is noted that a mandatory stage of the criminal law qualification of such activities is the determination of a foreign element. The correct establishment of all subjective and objective signs of such criminal offenses is one of the main prerequisites for developing theoretical provisions of the methodology for their investigation. Regarding administrative law qualification, it is noted that it is an element of the law enforcement activities of state authorities. It includes the choice of legal norm applicable in a specific case. In this event, the ascertainment of a number of circumstances is mandatory. Practical Implications. It is summarized that a properly conducted legal assessment of the transnational organized criminal groups' activities detrimental to CIOs allows to achieve substantial results in their prevention and investigation, as well as reduce negative impact on socio-economic progress of the society.

Keywords: critical infrastructure objects, criminal law qualification, administrative law qualification, evaluation, legal assessment, transnational organized crime, societal development

1. Introduction

Under modern conditions, the issue of combating crime effectiveness is of great interest not only to theoretical scientists, but also to practitioners, who direct efforts to fight this negative phenomenon. At the same time, one of the significant problems remains the low level of effectiveness of the activities of bodies authorized to fight it, which requires the use of effective measures that would neutralize its spread. A significant factor in this process, in

[1]Candidate of Legal Sciences, Doctoral Student of the National Academy of the State Security Service of Ukraine, Ukraine, ORCID: https://orcid.org/0000-0001-9448-1180
[2]Doctor of Law, Professor, Honored Worker of Science and Technology of Ukraine, Professor of the Police Law Department National Academy of Internal Affairs, Ukraine. ORCID: https://orcid.org/0000-0002-4514-6594
[3]Doctor of Legal Sciences, Professor, Deputy Director of the Legal Support Department of the Ministry of Economy of Ukraine, Ukraine, ORCID: https://orcid.org/0000-0002-3448-3376
[4]Candidate of Legal Sciences, Doctoral Student of the Scientific Institute of Public Law, Ukraine, ORCID: https://orcid.org/0009-0004-9092-1504
[5]Ph.D in Law, Inspector of the Department of Mass and Security Events of the Department of Preventive Activities ofthe Main Directorate of the National Police in Kharkiv Region, ORCID: https://orcid.org/0000-0002-0200-2822

our opinion, is the correct and complete legal assessment of phenomena, facts, and events in the course of law enforcement activities.

S. Vilnianskyi first used the term «evaluative concepts» in legal literature, as early as 1956; however, perhaps due to the scholar's bold innovation, legal experts did not pay due attention to it (Vilnianskyi, 1956). This term and the category «evaluation» in law became widespread only in 1963, with the V. Kudryavtsev's publication «Theoretical Foundations of Crime Qualification».

The concept of «evaluation» has several independent but interrelated meanings. Firstly, to evaluate something means to determine its price; secondly, to establish its quality, measure, level; thirdly, it means an expressed opinion about its value or significance (Busel, 2005, p. 871). Considering the above, evaluation primarily lies in determining the significance of a particular object or process and is used when establishing the value relationship between a subject and an object. However, in the scientific literature there is also another content of its understanding, namely when a certain object is related to the selected model.

In legal theory and practice, the concept of legal evaluation is traditionally associated with the process of legal, particularly criminal and legal or administrative and legal, qualification. The word «qualification» comes from two Latin words – *qualis* (quality, what by quality) and *facio* (I do). Thus, in a literal translation, "qualification" means the determination of quality.

The term «qualification» is used in legal sciences when it is necessary to evaluate a specific human act, i.e., to determine the belonging of any phenomenon by its qualitative characteristics to a certain type or category. According to the theory of law, legal qualification is a legal assessment of the entire set of factual circumstances of a case by assigning a specific case to the scope of certain legal norms, involves determining the branch and institute of law, as well as establishing the rule that applies to this case (Petryshyn & Pohrebniak, 2014, p. 267).

As is known, the essence of the phenomenon of legal qualification is manifested in the unity of its two interrelated aspects: qualification as a certain logical process of cognizing the legal essence of an unlawful act committed in real life, which takes place during the activities of authorized state bodies; qualification as a final judgment obtained as a result of the cognitive process, which has a legal assessment of the committed offense and is expressed in determining the legal norm (rules) – indicating the article, its part, or paragraph of the legislation that provides for liability for the committed act (Tararuhin, 1995, p. 8).

Besides, there is an opinion that it would be incorrect to limit the consideration of legal evaluation solely from the perspective of the general theory of legal qualification of factual circumstances, since evaluative activity in the mechanism of legal regulation is determined not only by its direct connection with the forms of implementation of legal norms, including the application of law, but also takes place in other spheres of socio-legal practice: legal evaluation in the law-making process, in any separate act of justice, in the practice of investigating offenses, in the activities of experts (application of special knowledge as a type of legal evaluation), in the interpretation of legal norms, and other spheres (Navrotskyi, 2009, p. 82).

Providing a proper legal assessment and legal qualification of the activities of transnational organized criminal groups to the detriment of critical infrastructure facilities is a key not only to effective prevention and investigation of such crimes, but also to preventing negative social effects, since disruption of the functioning of such facilities may harm vital public interests (human life and health, the environment, the work of public authorities, the interests of partner states, etc.) Indeed, critical infrastructure facilities are strategically important enterprises and

institutions necessary for the functioning of the country's society and economy. In Ukraine, this type of assets includes enterprises and institutions of various forms of ownership operating in the following industries: energy; chemical; food; transportation; financial and banking; information technology and telecommunications; utilities: water, heat, and gas supply; healthcare, etc. Disrupting sustainable operation of one or a number of critical infrastructure objects may cause emergencies and/or have a negative impact on the state of environmental, energy, economic, financial security, the state of defense capability of the state, and disrupt the system of its management.

Taking into account the above, we will consider the legal evaluation of the activities of transnational organized criminal groups detrimental to critical infrastructure objects (CIO) from the perspective of criminal law and administrative law qualification.

2. Methodology

The integrity of any research endeavor rests upon the application of scientific methods, which serve to guarantee the objectivity and dependability of the resultant data. The distinct attributes of each methodological approach facilitate a more profound examination of diverse dimensions within the selected subject area. The methods chosen for this study provided a framework for the research process, delineating the stages and sequence of tasks, and substantiating the reliability and authenticity of the outcomes. This, in turn, allows for the translation of research findings into practical applications and their utilization in real-world contexts. The methodological underpinnings of this research consist of a system of general and special scientific methods and approaches, ensuring the study's objectivity and a complete investigation of the work's subject. In light of the specific characteristics of the research topic, the subsequent methods were applied:

Logical and dialectical methods were applied for determining aspects to be addressed for conducting criminal law and administrative law qualification of the activities of transnational organized criminal groups detrimental to critical infrastructure objects.

Monographic, as well as dogmatic methods contributed to the examination of the concept of «evaluation», «qualification», «criminal offence», «stages of the criminal law assessment» in the works by domestic and foreign scientists.

Normative analyses method helped to examine to content of Ukrainian legal instruments governing the issue under consideration (Criminal Code of Ukraine, Laws of Ukraine «On Prevention and Counteraction to Legalization (Laundering) of Criminal Proceeds, Terrorist Financing and Financing of Proliferation of Weapons of Mass Destruction» and «On Currency and Currency Transactions», etc.)

System and structural methods were used when identifying the features of criminal offence of a transnational nature; the cases of presence of foreign element in criminal procedural relations; the advantages of properly conducted legal assessment of the transnational organized criminal groups' activities detrimental to CIOs for their successful investigation.

The application of statistical method assisted in studying the data by the Prosecutor General's Office concerning implementing sanctions against entities cooperating with Russian Federation, as well as the number of organized groups and criminal organizations against which criminal proceedings have been investigated.

Legal modelling method contributed to formulating conclusions flowing from the conducted research.

3. Results and discussion

Let's first decide on the criminal law qualification, as, in our opinion, it is the main operational and service activities of the Security Service of Ukraine (SBU). Its result determines the main ways of realizing the obtained operational information, in particular: the necessity of initiating counterintelligence and/or operational-investigative cases, the sufficiency and expediency of submitting materials on identified signs of criminal offenses to pre-trial investigation bodies, informing relevant authorities, conducting preventive measures, etc.

In the scientific literature, there is a fairly common view on the recognition of the dual aspect of criminal law assessment of the committed act. Thus, the term «criminal offence» is considered by scientists in two meanings: 1) to denote a certain process of activity of the relevant entities in assessing and establishing the legal nature of the committed act, correspondence between the factual and legal features of the infringement; 2) to establish the result of such activity, which lies in determining the criminal-legal norm (article, part of an article) of the criminal law providing for liability for the committed act (Us, 2014, p. 172).

That is why scientists traditionally focus attention on the stages of the acts' criminal law assessment: 1) firstly, establishing all factual (objective and subjective) circumstances of the committed act of criminal law significance; 2) secondly, establishing the criminal-legal norm (article, part, paragraph of an article of the Criminal Code of Ukraine) that most fully and accurately provides for liability for the act committed; 3) thirdly, ascertaining the correspondence of the signs of the committed act (factual circumstances of the case) to the signs of the elements of the crime provided for by the norm of criminal law, and consolidating such a conclusion in the relevant procedural document (Us, 2016, pp. 443–445). At the same time, it should be recognized that the issue of the number of such stages and their essence (content) has not received a unanimous solution in criminal-legal doctrine.

The issue of methods for solving and investigating crimes committed by transnational criminal organizations is specific, both in terms of typical investigative situations and the methods for resolving them. Along with traditional sources of investigation methods (scientific recommendations, criminal procedure norms, regulatory acts of law enforcement agencies), international agreements serve as sources for this methodology.

The following methods are distinguished for solving and investigating crimes committed by members of transnational criminal organizations:

- information and analytical work methods;
- extradition;
- international tactical operations;
- investigative actions;
- international assignments (letters rogatory).

Currently, significant differences in the criminal procedure legislation of various states create considerable problems during the pre-trial investigation and judicial review stages of transnational crimes. To enhance the effectiveness of international cooperation among law enforcement agencies, we believe the following measures should be taken:

1) mutual recognition of evidence. The practice of mutual recognition of evidence should be expanded to include not only the conclusions of expert examinations but also the results of investigative (search) actions conducted in other jurisdictions.
2) unification of requirements. Unified international standards and requirements for the collection, recording, and presentation of evidence in transnational cases should be developed.
3) establishment of international tribunals. To effectively counter organized crime and adjudicate cases that span the territory of several states, it is advisable to consider the establishment of specialized international tribunals. Such tribunals could operate under the auspices of the United Nations or other intergovernmental organizations, particularly the European Union. (2).

Criminal offenses in the sphere of economic activity, provided for in Section VII of the Criminal Code of Ukraine, most fully correspond to the content of the concept «criminality detrimental to the critical infrastructure objects (CIO)», since the interpretation of this term and its application in law enforcement practice quite clearly defines the essence of such criminal behavior in various spheres of economic activity used in CI sectors. In addition, the economic significance of CIOs is reflected in the form of causing losses both to the object itself and to the State as a whole, which is a mandatory element of the objective side of most elements of economic criminal offenses.

Section VII of the Criminal Code of Ukraine includes 35 elements of criminal offenses in the sphere of economic activity (Law no 2341-III, 2005). Most of them have not obtained an officially declared transnational characteristics in the Unified Register of Pre-trial Investigations, but in fact, they are characterized as such. At the same time, taking into account the typical schemes of criminal activity, which are currently used by transnational organized criminal groups to the detriment of CIOs, as well as the statistical data by the Prosecutor General's Office on the number of registered criminal proceedings during 2020–2024 (based on criminal offenses for which more than 100 pre-trial investigations were conducted per year) (Prosecutor General's Office, 2025(a)), we can state that the main efforts of criminals are directed at committing criminal offenses provided for by the following articles of the Criminal Code of Ukraine: 199 «Manufacture, storage, acquisition, transportation, sending, import into Ukraine with intent to sell, or sale of counterfeit money, state securities, state lottery tickets, excise tax stamps, or holographic protective elements»; 200 «Unlawful acts involving payment transfer documents, payment cards, and other means of access to bank accounts, electronic money, and equipment for their production»; 203-2 «Unlawful gambling or lottery operations»; 204 «Illegal manufacture, storage, sale, or transportation with intent to sell of excisable goods»; 205-1 «Forgery of documents submitted for the state registration of legal entities and individual entrepreneurs»; 209 «Legalization (laundering) of property obtained through criminal means»; 212 «Evasion of taxes, duties (mandatory payments)»; 229 «Unlawful use of a trademark, service mark, registered trade name, or appellation of origin» (Law no 2341-III, 2005).

Considering that the aforementioned criminal offenses do not fall under the jurisdiction of the SBU, it should be noted that detectives of the Economic Security Bureau of Ukraine (ESBU) conducted pre-trial investigations in dozens of criminal proceedings submitted to the Unified Register of Pre-trial Investigations under the aforementioned articles of the Criminal Code of Ukraine based on materials precisely from the operational units of the SBU (during 2022–2024).

We can state that the absolute majority of criminal proceedings, in which the organized groups and criminal organizations activities are investigated, are recorded by the law enforcement agencies' operational units. This indicates that the latest system of overt and covert search and counter-intelligence activities aimed at searching for and recording factual data on these offences is being conducted effectively. We can state that a certain part of the materials regarding the organized groups and criminal organizations activities (approximately 8–9% of total) was obtained precisely by the operational units of the SBU, which participate in combating organized crime (Law no 3341-XII, 1996).

The statistics of the Attorney-General's Office on the number of organized groups and criminal organizations prosecuted are also noteworthy, specifically:

- in 2020, the total number is 377, of which: detected by operational law enforcement units – 344 (28 – security agencies); with corrupt connections – 33; with transnational connections – 11; in the budgetary area – 28; in the banking sector – 4; in the financial and credit system (without banks) – 4; in land law – 4; in fuel and energy complex – 1; in agriculture – 1; in forestry – 6; in mining and quarrying – 2; in processing industry – 7; in construction – 3; in other economic activities – 25;
- in 2021, the total number was 499, of which: 455 were detected by operational units of law enforcement agencies (37 – by security agencies); 57 with corrupt connections; 11 with transnational connections; 44 in the budgetary industry; 2 in the bank system; 5 in the financial and credit system (excluding banks); 1 in the sphere of privatizing; 9 in the sphere of land legal relations; 7 in the fuel and energy complex; 4 in agriculture; 12 in forestry; 8 in the mining industry and quarrying; 6 in the processing industry; 36 in other types of economic activity;
- in 2022, the total number was 395, of which: 360 were detected by operational units of law enforcement agencies (30 – by security agencies); 36 with corrupt connections; 11 with transnational connections; 32 in the budgetary domain; 1 in the banking sector; 7 in the financial and credit system (excluding banks); 9 in the sphere of land-related rights; 1 in the energy sector; 12 in forestry; 3 in the processing industry; 36 in other types of economic activity;
- in 2023, the total number was 465, of which: 431 were detected by operational units of law enforcement agencies (41 by security agencies); 34 with corrupt connections; 11 with transnational connections; 35 in the budgetary scope; 3 in the financial system; 1 in the financial and credit system (excluding banks); 2 in the sphere of privatization; 10 in the sphere of land legal relations; 1 in the energy sector; 3 in agriculture; 11 in forestry; 7 in the mining industry and quarrying; 8 in the processing industry; 39 in other types of economic activity
- in 2024, the total number was 663, of which: 614 were detected by operational units of law enforcement agencies (32 by security agencies); 46 with corrupt connections; 12 with transnational connections; 58 in the budgetary realm; 3 in the banking sector; 7 in the financial and credit system (excluding banks); 1 in the sphere of privatization; 16 in the sphere of land legal relations; 6 in the fuel and energy complex; 4 in agriculture; 17 in forestry; 7 in the mining industry and quarrying; 11 in the processing industry; 75 in other types of economic activity (Prosecutor General's Office, 2025(b)).

At the same time, as the operational and investigative practice shows, in the process of investigating the above-mentioned criminal offenses, in most cases, data are constantly obtained that indicate their transnational nature (participation in criminal schemes of foreign citizens and companies, circulation of goods, money and information across the frontier, etc.).

However, investigators and prosecutors rarely qualify such actions in the context of an organized group and/or criminal organization, which does not reflect the real picture of the identified transnational organized crime groups.

As practice indicates, when qualifying a crime committed in complicity, certain difficulties are noted in determining the form of complicity. Moreover, most crimes committed in complicity are qualified as committed by a group of individuals or by prior conspiracy, and only a fraction of them are qualified as committed by an organized group. Not all participants in group crimes, especially organized ones, are always identified – thus, mainly perpetrators and accomplices are brought to criminal responsibility, less often instigators and organizers.

In addition, there are frequent facts of unsubstantiated qualification of the act committed as a qualifying circumstance provided for by sections of the articles of the CCU Special Part, if there are signs, requiring qualification of the committed act with reference to article 28 of this legal act. In our view, this may indicate a misunderstanding by practitioners of the mandatory and specific features inherent in each form of complicity. These circumstances necessitate additional theoretical and practical elaboration of the mandatory and specific signs of forms of participation in a crime, necessary for the legal assessment of committed as perpetrated by organized group or criminal organization.

To address the complexities of accomplice liability, we propose to adopt a classification developed within criminal law theory. This framework categorizes individuals involved in criminal activity as follows:

1) direct perpetrators and primary organizers. This group includes individuals who directly commit the criminal act as defined in the Special Part of the Criminal Code of Ukraine. It encompasses those who execute the offense, the primary organizers of the criminal act, and individuals who played minor roles within that specific act;

2) indirect contributors to the objective side of criminal activity. This category covers individuals who are not direct perpetrators but participated in the broader "criminal activity." This includes organizers of criminal groups, as well as those performing secondary functions within the criminal enterprise, such as security, financial, or logistical roles;

3) instigators and aiders/abettors. These are individuals who facilitate the objective side of the crime through incitement or by providing assistance.

This classification system for participants in an organized criminal group helps differentiate between core group members and those who merely aid or instigate the crime. It also clarifies the distinction between aiders/instigators and individuals who performed minor roles within the criminal act itself (as opposed to the broader criminal activity) (Nikiforov, 2008, p. 330).

For easier understanding, we provide this information in the form of the table:

Table 1:

Category	Description	Key Distinctions
Direct perpetrators primary organizers	Individuals who directly con the criminal act as defined in Special Part of the Criminal C of Ukraine. This includes:	Focus on the specific criminal act itself.
	- those who execute the offens	Includes minor roles within that specific act.

Category	Description	Key Distinctions
	- the primary organizers of criminal act.	
Indirect contributor criminal activity	Individuals who are not d perpetrators but participate in broader "criminal activity." covers:	Focus on the broader criminal enterprise/acti
	- organizers of criminal groups	Involves performing secondary functions security, financial, logistical roles) that support overall activity, not necessarily the direct act.
	- those performing secon functions within the crim enterprise (e.g., security, finan logistical roles).	
Instigators aiders/abettors	Individuals who facilitate objective side of the crime by:	Their role is to enable or prompt the crime.
	Inciting others to commit it.	Differentiated from individuals performing m roles within the criminal act or contributin broader criminal activity by their direct causa supportive link to the execution of the offense
	Providing assistance to perpetrators.	

The issue of the rules for qualifying the actions of members of a criminal organization also deserves special consideration. The fact is that a criminal organization acts only as a constitutive element of the crimes provided for in Article 255 of the Criminal Code of Ukraine «Establishing, Leading and Participating in a Criminal Community or Organization» and is not provided for in any of the elements of crimes as an aggravating circumstance. This circumstance greatly complicates the qualification of members of a criminal organization when they commit a crime whose elements do not contain such a sign. In practice, there are cases of crimes committed as part of a criminal organization, and individual members of such criminal organizations may not directly participate in the execution of the objective side of the elements of the respective crimes.

According to Art. 67 of the CCU, committing offense being a part of an organized group is a circumstance that aggravates punishment. The procedure for liability and the rules for qualifying the actions of members of a criminal organization in similar cases are not regulated. The norm of Art. 30 of the named act concerns the basis of criminal liability of the organizers and members of a criminal organization (the organizer of an organized group or criminal organization is criminally responsible for all crimes committed by such group or organization, if these crimes were part of his intent. The other members are criminally responsible for the crimes prepared or committed with their participation, regardless of the role of each in these crimes). If certain articles of the CCU Special Part contained the aggravating circumstance «committing offense by a criminal organization» then this norm would be appropriate. Currently, however, it is not functional; the words «criminal organization» can be excluded from Article 30, and then it will be applied only to an organized group (Khavroniuk, 2006).

The practice indicates that Art. 255 of the CCU providing for liability only for the very criminal organization establishment, is applied in isolated cases in the economic area and only in conjunction with other articles of the Special Part providing for liability for specific types of serious or particularly serious crimes committed in this form of complicity. Such a situation does not correspond to the task of effectively combating organized crime detrimental to CIOs and does not contribute to the individualization of punishment in accordance with the social danger of the crime and the perpetrator.

Considering that the aforementioned criminal offenses can be both domestic and transnational, the issue of determining the limits of their classification as transnational ones becomes relevant. In general, it is worth noting that to determine the criminal offence committed by transnational organized crime, attention should be paid to: a) the citizenship of the perpetrator: for each individual country, committed criminal offense is transnational if it is committed by a foreigner; b) the dynamics of the criminal offense: national crime mainly has static characteristics, the main one being the attachment of most criminals to their places of permanent residence. In turn, transnational crime is manifested in constant movement and dynamics: persons committing transnational criminal offenses may move from one country to another without having permanent place of residence; c) the organized nature of transnational crime: transnational crime in modern conditions exists mainly as transnational criminal groups; d) professionalism of transnational crime is considered as a high level of latency and possession of criminal skills; e) systematic activity performed on an ongoing basis as a way of obtaining income (Popko, 2019, p. 109).

Besides, there is an opinion that, unlike national, domestic crime, which is a set of crimes, the phenomenon of committing crimes of a transnational nature is both a process and a product of the functioning, primarily, of large and small associations of criminals operating at the transnational level. Therefore, it is noted that this phenomenon primarily consists not of crimes, but of a special category of persons who commit them – the actors of the crime (Bilenchuk et al., 2011, pp. 17–18).

These allegations are noteworthy; however, if we link the core of the phenomena of transnational criminal offences exclusively to the subjects of commission and consider it in the context of the activities of transnational armed groups, this, in our opinion, is not quite correct, if one considers it from the perspective of criminal procedure. This, in particular, does not provide a forensic understanding of a transnational criminal offense, does not reveal those of its signs important for the forensic examination of these criminal offenses, their detection, and investigation.

According to A. Bossard (1990), «crime can be transnational based on its character, meaning an offense that crosses at least one border before, during, or after its commission. Some of such crimes are transnational by nature. In some other cases, the transnational character arises due to the perpetrator's activities».

The opinion of B. Yarovyi (2006), who notes that a crime is transnational if individual elements of its composition (object, objective side: act, consequences, subject of criminal encroachment, subject) are located within more than one state, is also noteworthy. In our view, the understanding of a criminal offence of a transnational nature should not be based neither on its subject, state or individual, nor on international acts defining certain act as a crime, but features underlining its «transnationality».

Such features are clearly defined in the United Nations Convention against Transnational Organized Crime (UNTOC). Specifically, a crime qualifies as transnational if it is committed across multiple countries; if its preparation or control occurs in a different state from where it is executed; if it involves an organized criminal group operating internationally; or if its commission in one state produces substantial effects in another. The common thread in these provisions is the presence of a "foreign element," which serves as the cornerstone for the international legal definition of a transnational criminal offense. The provisions of the Convention outline the international legal criteria for a transnational crime. In our view, the key feature that defines transnationality is the presence of a "foreign element."

We consider the commission of an act in the territory of several States, the occurrence of consequences abroad or the foreign citizenship of the subject to be the signs of transnationality of the crime itself. At the level of criminal proceedings, the foreign element manifests when the object or subject of the legal relations is located outside the country, procedural actions are conducted abroad, a legally significant fact occurred on foreign territory, or the norms of foreign or international law are applied. It is important to note that such a procedural foreign element can either define the transnational nature of the crime from the outset or emerge during the investigation process.

Thus, the forensic concept of "transnational crimes" unites all acts whose characteristics include at least one of the aforementioned foreign elements, regardless of the subject of the crime or the specifics of the legal regulation.

Considering that the criminal law qualification of a criminal act is a primary and integral component of criminal procedural activity, the transnationality of an offense can also be determined by the foreign element during the investigation of a specific criminal proceeding. A "foreign element" exists in criminal procedural relations when a key aspect of the case extends beyond the domestic jurisdiction. This can occur if the object of the proceedings is located abroad, if a party to the relations is a foreign entity (such as a non-resident individual, foreign state, or international organization), or if the procedural actions themselves are carried out in another country. A foreign element is also present if the initiating legal fact takes place abroad or if the case requires the application of international or foreign law to regulate the procedural relationship (Halunko et al., 2018).

The presence of a foreign element in criminal procedural relations can be both a prerequisite for defining a criminal offense as transnational and a completely logical component of investigating such a criminal offense. Therefore, we can conclude that the mandatory stage of criminal law qualification of the activities of transnational organized criminal groups detrimental to the critical infrastructure objects is the determination of a foreign element. The correct establishment of all subjective and objective signs of such criminal offenses is one of the main prerequisites for developing theoretical provisions of the methodology for their investigation and, accordingly, improving the activities of law enforcement agencies in combating crime in general.

Regarding administrative law qualification, it has to be stressed that it is an element of the law enforcement activities of State authorities. It includes the choice of a legal norm is applicable in a specific case. In this event, the ascertainment of a number of circumstances is mandatory. Firstly, there must be a similarity of the legally significant features of the actual event to the features of the particular rule applied. Secondly, it is necessary to conclude that the event in question should not be assessed from the perspective of other branches of law (in this case

primarily criminal law). And, thirdly, it is mandatory to formally enshrine in the law enforcement documents a finding on the imposition of a specific rule (rules) of administrative legislation in the law enforcement documents.

In this case, it is important for the SBU officers performing measures to counter the activities of transnational OCGs detrimental to CIOs to correctly qualify illegal acts under specific legal rules providing for the application of administrative legal sanctions for violations of legislation and to timely inform State authorities endowered with law enforcement functions in the relevant sphere of legal relations about the detected facts to take appropriate response measures.

Therefore, let us consider some of the regulatory legal acts that are part of the system of administrative legislation and may establish administrative-legal sanctions against members of transnational OCGs, as well as business entities controlled by them, which carry out activities detrimental to CIOs.

The first, and in our opinion, the most universal in this sphere, is the Law no 361-IX, the primary objective of which is to protect the rights and legitimate interests of citizens, society, and the State, while also ensuring national security. This is achieved by defining a legal mechanism for preventing and counteracting the legalization (laundering) of criminal proceeds, terrorism financing, and the financing of the proliferation of weapons of mass destruction (hereinafter – in the sphere of prevention and counteraction) (Law no 361-IX, 2019).

Article 32 of this Law establishes liability for primary financial monitoring entities and their officials who violate legislative requirements in the sphere of prevention and counteraction. These measures include a written warning, license revocation, an order to remove a responsible official from office, or the imposition of a fine. Alternatively, authorities can conclude a written agreement with the entity, obligating it to pay a monetary sum and take corrective actions to prevent future breaches and enhance its risk management system. The law specifies that for any single violation, only one of these measures may be applied.

The Law defines primary financial monitoring entities broadly, encompassing not only the traditional financial sector but also a range of other professions and businesses. The scope includes banks, insurers, credit unions, payment systems, and professional stock market participants. It also covers postal operators, foreign financial service branches, and commodity exchanges. Beyond the financial sphere, the law designates a special category of entities, including legal and accounting professionals, notaries, real estate agents, and dealers in precious metals. Furthermore, the definition extends to modern and specific sectors, such as providers of virtual asset services and operators of lotteries and gambling (Law no 361-IX, 2019). Therefore, we can conclude that most CIOs will have the status of a primary financial monitoring entity and may be subject to enforcement measures for violating legislative requirements in the sphere of prevention and counteraction.

A special place in the sphere of applying administrative-legal sanctions for violations of legislation on currency transactions, the conduct of which is an integral component of the implementation of typical criminal schemes of transnational OCGs at the present stage, is occupied by the Law of Ukraine «On Currency and Currency Transactions», which defines the framework establishing the legal basis for currency transactions, currency regulation, and currency supervision. It defines the rights and obligations of both the actors involved in

currency transactions and the authorized institutions. Furthermore, it sets forth the liability for any violations of the currency legislation. (Law no 2473-VIII, 2018).
Article 13 of this Law establishes liability for the breach of the payment period by residents, defined by this Article, which entails the charging of a penalty for each day of delay. The penalty is calculated at a rate of 0.3 percent of the value of the unreceived funds or undelivered goods under the contract. The amount is calculated in the national currency. If the contract is in a foreign currency, the value will be converted to the national currency at the exchange rate set by the National Bank of Ukraine on the date the debt arose. The total accrued penalty cannot exceed the total value of the unreceived funds or undelivered goods (Law no 2473-VIII, 2018).
For violations of currency law (except those under Article 13), the following penalties apply based on the entity type (Law no 2473-VIII, 2018):

Table 2: Penalties for violations of currency law (except those under Article 13),

№	Entity	Applicable Enforcement Measures
1.	Banks	Measures stipulated in the Law «On Banks a Banking Activity»
2.	Authorized Institutions (non-bank	• Written warning • Restriction or suspension currency transactions • Financial penalties • Suspensi or revocation of license
3.	Other Legal Entities	Financial penalties
4.	Individuals & Officials	Penalties as defined by the Code of Ukraine Administrative Offenses

The Law of Ukraine «On Protection of Economic Competition», which defines the types of violations of legislation on the economic competition protection and liability in case of their commission, is essential for investment attractiveness of the state and preventing the use of "unfair" business rules in CI sectors. Thus, the activities of transnational OCGs detrimental to CIOs may be accompanied by breaching legislation on the economic competition protection as anti-competitive concerted actions (especially during public procurement), for which the law provides for a fine of up to 10% of the business entity's income from the previous reporting year. However, if the illegally obtained profit is greater than this 10% threshold, the fine can be increased to as much as three times the amount of that illicit profit, which may be calculated by estimation (Law no 2210-III, 2001).
With the outbreak of war on the territory of our country, applying constraint measures (sanctions) against legal persons whose activities create threats to Ukraine's sovereignty, integrity and independence and assist the Putin regime in occupying our State, has become a key focus. In this regard, the provisions of the Law of Ukraine "On Sanctions" have become particularly relevant in the context of the SBU's counteraction to the activities of transnational OCGs detrimental to CIOs. According to this Law, sanctions may be applied on the grounds that a foreign state, foreign legal or natural person, or other entity has engaged in actions that create real or potential threats to the national interests, national security, sovereignty, and territorial integrity of Ukraine. Additional grounds include actions that promote terrorist activities, violate human and civil rights and freedoms, harm the interests of society and the state, or lead to adverse outcomes such as the occupation of territory, the expropriation or restriction of property rights, the causing of property losses, the creation of obstacles to

sustainable economic development, and the prevention of the full exercise of rights and freedoms by the citizens of Ukraine. (Law no 1644-VII, 2014).

Among the sanctions that can be applied to members of transnational organized criminal groups and legal entities used by them in illegal activities, the Law defines the following: 1) assets blocking is a measure that temporarily prevents a person from accessing, managing, or transferring any property they own; 2) restrictions on trade transactions; 3) restriction, partial or complete cessation of transit of resources, flights and transportation through the territory of Ukraine; 4) preventing the withdrawal of capital from Ukraine; 5) suspending the performance of economic and financial obligations; 6) cancelling or suspending licenses and other permits required for a certain type of business activity, in particular, cancelling or suspending special subsoil use permits; 7) the ban on the participation in privatization, leasing of state property by residents of a foreign state and persons directly or indirectly controlled by residents of a foreign state or acting in their interests; 8) the ban on the use of radiofrequency resources of Ukraine; 9) restricting or terminating the provision of telecommunication services and the use of public telecommunication networks; 10) prohibition on public and defense procurement of goods, works, and services from: legal entities that are state-owned by a foreign state; legal entities in which a foreign state holds a share of the authorized capital; other economic entities selling goods, works, and services originating from a foreign state that is subject to sanctions under this Law; 11) prohibition or restriction on the entry of: foreign non-military vessels and warships into the territorial sea, internal waters, and ports of Ukraine; foreign aircraft into the airspace of Ukraine or their landing on Ukrainian territory. (Law no 1644-VII, 2014).

Since January 31, 2024, the State Register of Sanctions – an information and communication system ensuring free public access to current and reliable information regarding all entities subject to restrictive measures in Ukraine, has been operating in Ukraine. The data in the Register is transparent, available and regularly updated. The sources of information for the Register are the decisions of the National Security and Defense Council of Ukraine (NSDCU), as well as court decisions on sanctions. The Register is maintained by the NSDCU Office. The website allows to obtain an extract with the relevant data in electronic form. The Register is available in Ukrainian and English. Since February 24, 2022, Ukraine has adopted more than 60 presidential decrees implementing the NSDCU decisions on imposing sanctions. As of today, Ukraine's sanctions have been applied to 11031 individuals and 7708 legal entities. There are also separate decisions on sectoral sanctions (Ministry of Foreign Affairs of Ukraine, 2025).

Specifically, sanctions have been applied to entities that:

Entities are being sanctioned or identified for their involvement in a range of activities supporting Russia's aggression against Ukraine. These activities include:

supporting the Russian military: developing, producing, and supplying weapons, military equipment, electronic components, software, and high-tech machinery for the Russian armed forces and its defense-industrial complex, including items used in combat operations against Ukraine. This also extends to providing information protection and security systems for Russia's defense and security forces;

facilitating sanctioned supplies: supplying sanctioned components, including dual-use items, that are subsequently used by Russia to produce weapons and ammunition;

illicit economic activities in occupied territories: conducting illegal economic activities in temporarily occupied Ukrainian territories, particularly those that support the functioning of occupation authorities and security forces;
legitimizing annexation of Ukrainian territories: participating in efforts to legitimize Russia's annexation of Ukrainian territories (Kherson, Zaporizhzhia, "LNR/DNR," and Crimea) by adopting decisions, forming new entities, and organizing «referendums on accession»;
propaganda and justification of aggression: justifying and glorifying Russia's armed aggression against Ukraine and the occupation of its territories. This includes promoting Russian propaganda narratives that deny Ukraine's sovereignty, independence, and the existence of the Ukrainian people as a nation, while also promoting ideas of Russian dominance. They also participate in pro-war events;
abduction and deportation of children: direct participation in the Russian-organized mechanism for the mass abduction, illegal deportation, and forced transfer of children from temporarily occupied territories to Russia;
influencing Russian politics and economy: active participation in Russian political life, significantly influencing media, and being ultimate beneficiaries of businesses holding monopoly positions in critical sectors (finance, industry, energy, logistics, communication, science, technology). These are system-forming enterprises vital for financing Russia's long-term military actions in Ukraine;
involvement with Rosatom and Zaporizhzhia NPP: engagement in the activities of the Russian state corporation "Rosatom," which illegally seized control of the Zaporizhzhia Nuclear Power Plant; supporting Wagner Group: being involved in the management and functioning of the criminal organization created by Ye. Prigozhin (under the supervision of the Russian Ministry of Defense), whose members are actively involved in Russia's military aggression against Ukraine; maintaining Russia’s financial system: ensuring the functioning of Russia's financial-banking system amidst its military aggression against Ukraine;
funding aggression through Ukrainian assets: owning assets in Ukraine, with the income from these assets used to support Russia's aggressive actions;
participating in judicial violence: participating in a mechanism of conscious and deliberate violence orchestrated by Russia through the adoption of judicial decisions, including those that knowingly violate human and civil rights and freedoms guaranteed by international treaties.

As a result of applying the aforementioned sanctions, the Ministry of Justice of Ukraine has filed a number of relevant lawsuits, which have been satisfied by the High Anti-Corruption Court, and 25 decisions have been made to confiscate into state revenue the assets of 29 sanctioned entities (25 individuals and 4 legal entities). In particular, the assets of Russian oligarchs S. Chemezov, O. Deripaska, Y. Giner, A. Rotenberg, M. Shelkov, V. Yevtushenkov, and former President of Ukraine V. Yanukovych have been confiscated into state revenue, and assets worth almost UAH 190 billion have been seized within criminal proceedings. This specifically targets corporate rights and real estate belonging to companies ultimately owned by major Russian corporations such as Rosneft, Gazprom, Rosatom, RusAl, Rostec, Tatneft, HMS Group, and others. (Interfax-Ukraine News Agency, 2023).

It can be stated that most of implemented sanction proposals were triggered precisely by the SBU, as the body authorized to directly submit proposals to the National Security and Defense Council of Ukraine. It should be noted that in the implementation of typical criminal schemes, as a rule, there are systematic violations in the areas of prevention and opposition to currency,

banking, anti-competition and sanctions legislation. Thus, the targets of the measures of influence by the relevant public authorities will be the participants of transnational organized crime and legal entities whose profiles are used in illegal activities.

In turn, SBU units, upon receiving data on the aforementioned violations of legislation, must inform the authorized state authorities to take response measures in fulfillment of the duties defined in the Law of Ukraine «On the Security Service of Ukraine» namely: to perform information and analytical functions crucial for enabling Ukrainian state authorities and administration to effectively manage both domestic and international affairs. This encompasses supporting defense initiatives, driving socio-economic advancement, fostering scientific and technical innovation, tackling ecological issues, and resolving other matters vital to Ukraine's national security; to carry out counterintelligence support for the defense complex, energy, transport, communications, as well as important objects of other economic sectors; crime prevention in the sphere of state security (Law no 2229-XII, 1992).

To sum up, we note that a properly conducted legal assessment of the transnational organized criminal groups' activities detrimental to CIOs, allows: to structure large arrays of operational information; to orient personnel towards countering the most systemic and priority threats to CIOs; to determine their nature, ways of their minimization and neutralization; to create a system for early detection of threats to critical infrastructure; to optimize operational and service activities by saving and rationally deploying forces and means; to quickly and adequately respond to such offenses in order to prevent the very causes and conditions negatively effecting the socio-economic progress of society.

4. Conclusions

As the result of the research, legal evaluation of transnational organized criminal groups activities detrimental to critical infrastructure objects has been examined from the perspective of criminal and legal and administrative and legal qualification.

It is noted that a mandatory stage of the criminal law qualification of such activities is identifying foreign element. Proper definition of all subjective and objective features of such criminal offenses is one of the main prerequisites for developing theoretical provisions of the methodology for their investigation and, accordingly, improving the methods of fighting crime by law enforcement agencies.

The presence of a foreign (international) element in a crime introduces specific complexities in criminal procedural activities, largely due to issues of jurisdiction. This means that criminal procedural matters involving an international component can lead to conflicts. These conflicts can be jurisdictional, arising from clashes between different systems of authority concerning the criminalization, investigation, resolution of criminal cases, and the punishment of offenders. They can also be conflicts of law, involving discrepancies between criminal and criminal procedural legislation.

Consequently, criminalistic methodologies for investigating crimes with a foreign element are now recognized as a distinct category. We believe these can be effectively grouped under the concept of "methodology for investigating transnational crimes" (or, more precisely, "criminalistic methodology for investigating transnational crimes"). This "methodology for investigating transnational crimes" can be understood as a purely theoretical concept. Its purpose is to categorize and highlight the unique characteristics of investigating crimes

involving an international dimension. In our view, the methodology for investigating transnational crimes can also be considered a "group methodology for crime investigation." This means it provides a comprehensive set of methodological recommendations for investigators on how to organize and conduct investigations of crimes where the defining criminalistic characteristic is the presence of a foreign element.

It is established that criminal offenses committed by transnational OCGs are characterized by the existence of foreign element in criminal process (during the investigation of a specific criminal proceeding) on the following terms: the object of criminal procedural relations remains outside the country where the criminal proceeding is being investigated (on the territory of a foreign state or international territory); one of the subjects of criminal procedural relations is a non-resident individual, a foreign state (foreign state body), a non-resident legal entity, an international organization; the actual content of procedural relations is realized outside the country; the legal fact that gives rise to, changes in or terminates criminal procedure takes place outside the country where the authorities conduct the proceedings; rules of international law or norms of foreign law are applied to regulate criminal procedural legal relations. Most of these criminal offenses do not have an officially declared transnational character in the Unified Register of Pre-trial Investigations, but in fact, they are characterized as such.

Regarding administrative law qualification, it is stated that it is an element of the law enforcement activities of State authorities. It includes the choice of legal norm applicable in a specific case. In this event, the ascertainment of a number of circumstances is mandatory.

Firstly, there must be a similarity of the legally significant features of the actual event to the features of the particular rule applied. Secondly, it is necessary to conclude that the event in question should not be assessed from the perspective of other branches of law (in this case primarily criminal law). And, thirdly, it is mandatory to formally enshrine in the law enforcement documents a conclusion on the application of a specific rule (norms) of administrative legislation in the law enforcement documents.

It is summarized that a properly conducted legal evaluation of the transnational organized criminal groups' activities detrimental to CIOs allows: to structure large arrays of operational information; to orient personnel towards countering the most systemic and priority threats to CIOs; to determine their character, ways of their minimization and neutralization; to create a system for early detection of risks to critical infrastructure; to optimize operational and service activities by saving and rationally deploying forces and means; to quickly and adequately respond to such offenses in order to prevent the very causes and conditions negatively effecting the socio-economic progress of society.

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