

Protection in the agro-industrial complex of all forms of property from criminal encroachments (the degree of its criminalization and measures of operational and investigative counteraction)

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Abstract: This article deals with topical issues of effective regulation of agriculture, the development of a set of operational–search and other measures aimed at protecting and protecting the budget funds allocated by the state for the development of the agro–industrial complex.

1 Introduction

In the state program for the development and regulation of agricultural markets of agricultural products, raw materials and foodstuffs of the Russian Federation there is no protection of these funds due to the presence in the system deeply hidden schemes (methods) prepare and commit crimes, a special role is played by economic and corruption. The need for such security is dictated by some intensification of the activities of criminal groups that operate in this area. The urgency of developing a set of operational–search and other measures coordinated to protect the budget funds allocated by the state for the development of the agro-industrial complex is due to the need to decriminalize it and minimize the damage caused.

The purpose of the study: to develop scientifically based approaches to the development of a set of operational search and other measures to protect budget funds allocated for the further development of the agro-industrial complex from criminal encroachments.

At present the need to increase the effectiveness of the measures taken is objectively dictated by the instability of the criminal situation in this area.

2 Methodology.

Research methods: general scientific, including formal–logical (analysis, synthesis, generalization, hypotheses), private scientific (observation, questioning, interviewing, content analysis of documents).

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3 Results of the research

Results and key conclusions: timely knowledge of the regularities of the system of operational-search tracking of the state of preservation of budget funds at the stage of their development in the field under consideration and determination on this basis of the optimal set of measures aimed at improving its effectiveness. The scientific justification of such a complex, which is its content, is due to the need to minimize the impact of negative factors on the criminalization of the agro-industrial complex. The sources of threats to the economic security of this sphere should be identified in a timely manner for a comprehensive study and analysis of economic and corruption related crimes. It is also necessary to obtain objective and reliable knowledge about their state, intensity (level), structure and dynamics, as well as about the causal complex of crime, which will allow you to develop a reasonable idea and recommendations for its elimination. In addition, we consider it expedient to form an organizational and legal mechanism for continuous operational and investigative monitoring of the state of the criminal situation in this area, which meets the realities of today.

4 Discussion of results

Experts state that no theft is complete without the use of one day firms. Of course, this fact obliges the economic security and anticorruption units (hereinafter referred to as ESAU) to take this into account as one of the essential features when carrying out their search work in the field of agriculture. The Constitution establishes the right of ownership of land which can be in private, state, municipal and other forms of ownership (the Article 9).

Currently, the successful implementation of these provisions is largely facilitated by the adopted State Program for the Development of Agriculture and regulation of markets for agricultural products, raw materials and food. Experts in the field of the theory of operative and search activity (hereinafter – OSA) has long been proven that the development of measures to prevent and detect corruption and economic crime must be preceded by a thorough study and analysis of the economic situation of agriculture legal regulation, as well as the status of the operational situation prevailing in objects called sectors of the economy.

Adhering to this we note that the economic situation today is characterized by:

1. crop production;
2. provision of mineral fertilizers;
3. technical support;
4. provision of special materials;
5. lending for seasonal field work;
6. animal husbandry;
7. financial support for manufacturers;
8. the state of the food and processing industry [1].

Today the agro-industrial complex is one of the backbone sectors of the Russian economy. Its place in the structure of the economy is primarily determined by the fact that: it provides food and contributes to solving problems related to food security, which is directed by the Food Security Doctrine of the Russian Federation, approved by Presidential Decree N 20 of January 21, 2020; it also provides raw materials for industry; it is a multi-industry system that includes more than 60 industries; The industry under consideration is not only the production sphere, large-scale commercial agricultural producers, but also the habitat of a significant part of the country's population; it is a socially significant sector of the economy and the most important structural element of the national economy. All taken together indicates that the agro-industrial complex is a vital branch of the country's economy [2].

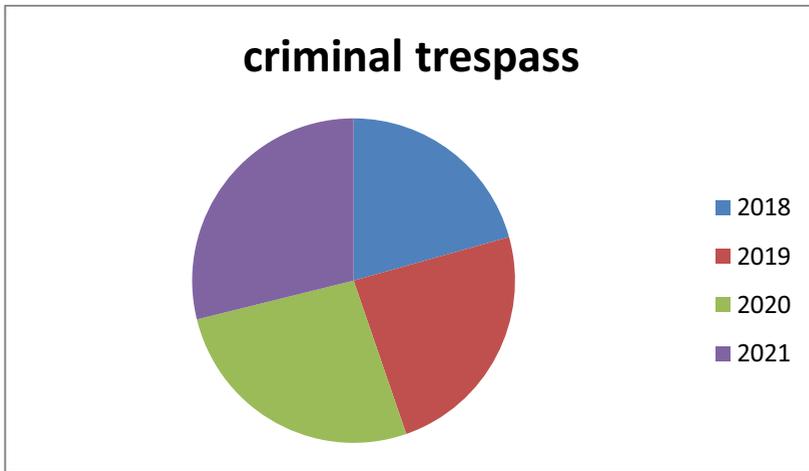


Fig. 1. The number of criminal attacks in the agro-industrial complex for the period 2018-2021

In particular, the problem of food security involving the incoming bringing all sectors of the APC system to this state, which provided food independence, availability of food products for the population corresponding to the mandatory requirements and the ongoing development of the agricultural sector. As for the structure of the agro-industrial complex, it should be noted that today there are many opinions among scientists of economic theory. We will not go into the discussion but only note that the prevailing point of view is that the structure of the agro-industrial complex is presented as a model consisting of three spheres. According to the Forbes rating 20 agricultural holdings today own 8 million hectares of land in Russia. In the area Miratorg is the leader with 1 million hectares, and in terms of cost – N. I. Tkachev Agrocomplex with 649 thousand hectares (68.5 billion rubles).

As you know, producers of agricultural products are very risky economic activities which, as a rule, depends on the climatic conditions of the area. So, for example, frosts or droughts can destroy the crop of agricultural producers. That is why manufacturers need financial assistance from the state. Studying the issue of protecting the property of agricultural producers and their economic interests from illegal encroachments, we set out to identify and present in a generalized form a set of circumstances that determine the objective need for operational and investigative support of the economic security of the agro-industrial complex in modern conditions. This need is due to: – the existence of a high probability due to the lack of a modern reliable system of control over the expenditure of budget funds, especially at the stage of their development, illegal use, up to criminal possession of them in the interests of a separate group of people.

From year to year the size of investments aimed at improving the sustainability of the development of the agro-industrial complex is growing. In particular, the main sources of support for the implementation of the State Program are the federal budget, the budgets of state extra budgetary funds, the consolidated budgets of the subjects of the Russian Federation and legal entities.

Meanwhile, it should be noted that for the implementation of modernization and the transition to innovative development, agricultural producers do not have a sufficient level of income, and also have limited access to the market for agricultural producers in the conditions of increasing monopolization of retail chains.

This problem continues to worsen measures taken on a national scale (including law enforcement) to ensure conditions for expanding production, import substitution and

increasing requirements for the safety of agricultural products. Experts note that organized crime associated with the creation of underground production, the use of trademarks of well-known manufacturers, logistics that allow you to deliver counterfeit goods to the market, falls into the attention of law enforcement agencies very rarely.

Thus, according to the Rosselkhozadzor data for 2018–2019, the share of counterfeit products in Russia reaches 24 %. For example, shops with fake dairy products are closed across the country on a monthly basis. Falsification is taken seriously as a social, environmental, cultural, economic and political problem that forms the daily struggle, as well as an increase in agricultural exports, according to the saturation of the domestic market [3].

Unfortunately, the balance of exports and imports has not yet been reached. At the same time, there is a risk of harming the interests of agricultural producers due to the sharp aggravation of global competition [4]; – minimizing the impact of illegal entrepreneurship, shadow processes and corruption in the agricultural sector on its sustainable and dynamic development; – providing state support for lending to rural farms with limited agricultural activities (farmers, farmers, etc.) [5]. The state directs solid financial resources to this, and their targeted spending today needs close attention from the same employees of the ESAU divisions that serve the objects of the industry in question.

Statistical analysis of the criminogenic situation in the agro–industrial complex indicates its instability, despite the fact that in the agricultural sector of the economy, if we speak in terms of numbers, there is a tendency to reduce the number of economic crimes detected by employees of the internal affairs bodies and their ESAU.

Thus, in 2015, 1,137 crimes of this type were registered, in 2016 – 1,413, in 2017 – 1,486, in 2018 – 1,252, in 2019 – 1,192 [8]. This oscillation can be explained primarily by a series of changes to the criminal, criminal–procedural and investigative legislation, investigative practices, and departmental performance units Bipc. Therefore, it is difficult to agree with the opinion of individual researchers who claim that there is a real decrease in criminal acts at these facilities. It seems to us that this should be followed by painstaking operational and investigative work associated with a deep study and analysis of the state of the internal affairs bodies' hordes and their EBiPK units for the prevention and detection of not only economic crimes, but also corruption. The main thing is the timely identification and elimination of a set of factors that affect its effectiveness. Speaking about the criminalization of relations in the economic sphere, I would like to emphasize once again the danger of embezzlement of budget funds as one of the threats to the national security of the country. Not only their prevalence, but also the damage caused by them, largely indicate this [6].

As for the agribusiness sector, since 2015, the number of revealed facts of economic crimes has sharply decreased. Thus, in 2019 this indicator decreased by almost five times, while it should be taken into account that property crimes committed in the field of agriculture are characterized by high latency, a high degree of organization and the presence of stable corruption links with officials of executive authorities.

It is necessary to strengthen state control over agricultural producers claiming to receive budget funds, as well as to improve the professionalism of law enforcement officers involved in the investigation of criminal cases of crimes against property committed in the field of agriculture [7,8].

As we have already noted, one of the most important branches of the agro-industrial complex is the agricultural sector of the economy which needs its economic support. In developing the concept of operational search of economic security, it is important to take into account the following conceptual properties of the provisions: – the results of the comprehensive analysis of the state of financial and economic activities allows us to quantitatively clarify the structure and functions of the specified sector of the economy, and is essential for the sustainable development of human society, property rights and agricultural produce, serve as the initial basis for the development of this concept; – its components could

serve as the developed standard models of ensuring security in the time and territorial sections. In addition, a strategic planning document could serve as a concept (strategy), which would reflect the goals, objectives and main directions of this type of activity in the legal literature is often called monitoring the state of the emerging operational situation [9].

State social and economic policy in the field of ensuring the security of the agro-industrial complex of the country. Comprehensive study and analysis of normative legal acts, law enforcement, and crime situation in agriculture has allowed us to formulate a set of conditions conducive to the transition to innovative model of operatively–search of economic security of agro–industrial complex, including: – monitoring of budget implementation in the agricultural sector The number of employees of the EBiPK divisions and the tightening of extra procedural inspections of business activities [10].

Moreover, as the analysis of practice, the close interaction with the state authorities in the sphere of development of agriculture and regulation of markets agriproduct is a necessary prerequisite to extend the range of sources of relevant information quickly; – stimulation as needed through additional funding to innovative development of operational police [11].

In relation to the problem considered in this article, this is the construction of a system for monitoring budget funds at all stages of distribution. Development of indicators (indicators) that reflect the results of the activities of law enforcement agencies authorized to implement OSA, participating in the implementation of the State Program. They will be used to assess their contribution to its implementation. We believe that it is important in this regard to work out the issue of defining indicators (indicators) by means of indices.

However, it is necessary to think about establishing predictive values of indicators (indicators); – coordination and control over HORDES of the internal Affairs agencies and subdivisions of Bipc serving APC; – close interaction with Federal Executive authorities, Executive authorities of constituent entities of the Russian Federation, local authorities, public associations and other organisations. With their help, you can get information about the results of the departmental audit of the financial and economic activities of certain branches of the agro–industrial complex, which deserve prompt attention. As you know, in the system of internal affairs bodies, the main service for organizing the OSA for the prevention and disclosure of economic and corruption crimes in the agro–industrial complex is the EBiPK units. The performance indicators were determined using a literature resource and further analyzed using a quantitative approach.

The current study can help managers and regulators understand the relationship between operational and human resource factors and operational performance in an agri–food supply environment [12, 13].

This article, along with other issues, focuses on the consideration of the main directions of their activities. Based on the conducted sample study, these areas of activity are conditionally divided into three blocks:

- operational–search prevention and detection of crimes committed in an organized form;
- operational and investigative anti–corruption measures;
- timely detection and suppression of crimes at the stage of budget funds development.

Let's look at them in more detail. Operative and search prevention and detection of crimes committed in an organized form presuppose: Under the operational–search prevention of economic and corruption crimes in the field of agriculture, we understand the conduct of various operational–search activities by the internal affairs bodies and their ESAU for preventive purposes – adoption of measures to improve the efficiency of operational and investigative work to counter organized groups and criminal communities, criminal formations of an economic orientation, their separation and withdrawal from their control of objects of this branch of the economy.

Under close their attention are areas such as the implementation of the State program, the technical and technological modernization, irrigation of agricultural lands, import

substitution, land relations; – increasing the efficiency of intra–and interagency cooperation in the detection and suppression of criminal activities of organized criminal groups, elected its sphere of influence APC; – implementation of operational–search and preventive measures at the objects of the agro–industrial complex to neutralize organized groups and criminal communities, identify corruption links; – adoption of additional measures aimed at combating crimes related to criminal bankruptcies of agricultural enterprises; – optimization of forms of international cooperation in combating transnational organized crime in the field of budget development; – development, based on the analysis of the operational situation and law enforcement practice, of methodological recommendations for the fight against organized crime of an economic orientation in the field of agriculture.

Operational and search counteraction to corruption provides: – implementation of a set of organizational and practical measures to identify crimes related to abuse of official position (illegal seizure of a part of a land plot with a large cadastral value); – strengthening of interaction with interested law enforcement and regulatory authorities by improving the forms and methods of combating corruption crimes; – taking into account, along with many other factors, the fact that many entrepreneurs (taking into account the instability of the national currency) consider the purchase of land plots, including agricultural land, as an investment. As a result, the land is not used for its intended purpose or is transferred to another category in violation of the law. Given the mass nature of this phenomenon, the damage caused to the country's economic interests is estimated at billions of rubles.

One of the elements of coordination is the interaction of operational police units; – ensuring effective interaction of operational search units of the police with the bodies of preliminary investigation in order to timely document the illegal activities of officials suspected of committing crimes of economic and corruption orientation in the field of agriculture. Timely detection and suppression of crimes at the stage of budget development means: – constant monitoring and analysis of negative processes in the field of agriculture, taking into account the development of budget funds within the framework of the State Program. Based on its results, joint activities of law enforcement and supervisory authorities should be built on a systematic, planned basis. Coordination is understood as bringing in order in accordance (concepts, actions, etc.) [14].

Collaboration is a coordinated, cooperative activities of the tasks of the authorities to prevent the Commission of crimes of corruption and economic; – organization of effective protection of budgetary funds for the implementation of programs; – operational control over the targeted spending of budget funds allocated for the elimination of consequences of natural disasters, including large–scale flooding of farmland; development as necessary joint measures for the identification, suppression and disclosure of attacks on the budget allocated for the development of these sectors of the economy and social sphere of the Russian Federation to priority activities and working meetings with representatives of law enforcement and investigative authorities, public authorities and administration and other regulatory authorities; – provision of methodological assistance to EBiPK units and dissemination of positive experience in identifying and documenting economic crimes in the field of agriculture by developing methodological recommendations with an optimal algorithm for detecting crimes related to the theft of budget funds allocated for the construction, reconstruction and repair of agricultural enterprises; – draft Interdepartmental Plan for the identification, prevention and Suppression of Economic and Corruption–related Crimes in the field of agriculture; – creation of integrated databases and conditions for effective information interaction with law enforcement and control and supervisory authorities (the Accounting Chamber, the Federal Treasury, the control and audit departments of the ministries of Finance of the subjects of the Russian Federation, the Ministry of Agriculture of the Russian Federation, AO «Rosselkhozbank», PAO Sberbank); – operational tracking by joint efforts of Rosfinmonitoring of dubious financial transactions

and transactions in order to prevent illegal «capital flight» abroad; – formation, if necessary, of interdepartmental working groups from among representatives of law enforcement agencies to work out problematic issues of mutual interest; – organization of international cooperation with the CIS member states in the field of combating economic and corruption crimes at agricultural facilities.

By implementing these and other measures in the framework of the above-mentioned areas, the leaders of the police and units of Bipc special attention is paid to the intensification of the fight against the most significant crimes in the field of agriculture related to the category of grave and especially grave crimes committed in especially large size. Speaking of the budgetary funds, not to touch upon issues related to the disclosure of economic and corruption crimes: identifying units of Bipc through the use of investigative powers, resources and events to establish and verify data confirming the illegal activities of these individuals, the possibility of using the obtained data as evidence during the investigation in the criminal case.

The results of testing the extended operational staff of divisions of Bipc versions usually go to one of the tactical situations which provides the subsequent implementation of targeted documentation of criminal action check the entities.

Thus, based on the above, we will formulate the most typical operational and tactical situations for the agro-industrial complex. These situations, in our opinion, are primarily related to obtaining operationally relevant information:

- crimes related to the theft of budget funds allocated for the payment of subsidies to support livestock breeding;
- waste of budget funds;
- illegal receipt of compensation for part of the insurance cost.

The identification of the most typical situations ensures the concentration of the main efforts of the EBiPK units in the main direction – documenting the facts of embezzlement of budget funds and their misuse committed at the agribusiness facilities by an organized group. In the course of an operational-tactical situation, operative and search measures are taken, i.e. the set of actions carried out by the employees of the EBiPK of the internal affairs bodies in accordance with the norms of the federal laws «On Police» and «On Operational and Investigative Activities» in order to combat economic and corruption crimes at the objects of the agro-industrial complex. The corresponding list of these actions largely depends on the nature of the illegal acts committed and the method used in this case [15].

Thus, we came to the following conclusion. First, the huge state financial resources, commodity and material values, the lion's share of agricultural land, which is in state and municipal ownership, as well as other resources make the agro-industrial complex and its agricultural sector in dire need of market relations to protect the economic interests of the state and its property from criminal encroachments. In addition, the economic activity carried out in this complex is accompanied by its further criminalization.

Second, the degree of criminalization of economic relations in agriculture depends on many factors, including financial investments, operating in the framework of the State program of development of agriculture and poorly monitored for today, this is especially true of the process of implementation (there is no current system of operative-investigative ensuring economic security of agricultural sector).

5 Conclusions

Currently, the task of developing such a system is not only for practitioners but also for scientists in the field of operative and search activities theory. Third, the adoption of a set of legal measures aimed at stabilizing the operational situation in this area of the economy involves the solution of three interrelated tasks:

- 1) implementation of in–depth monitoring of the criminal situation at the agribusiness facilities;
- 2) optimization of the use of forces and means of operational police units on the basis of monitoring the criminal situation;
- 3) creation of organizational and legal bases of information interaction of operational divisions of the bodies carrying out operative and search activities.

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