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SCIENTIFIC SUPPORT AGAINST CRIMINAL OFFENCES IN THE FIELD OF WATER USE

Abstract. Purpose. The purpose of the article is to determine the problem of scientific development of counteraction to criminal offences in the field of water use. **Results.** The article discusses one of the most important challenges facing humanity in the context of increased anthropogenic impact on natural objects, namely the problem of clean water. In Ukraine, this problem is exacerbated by the fact that the country, compared to European countries, is one of the least water-supplied, where water use is mostly irrational. It is emphasised that the unsatisfactory state of water resources, their pollution, negatively affect public health, increase the level of general morbidity, in particular, infectious and cancerous diseases. Therefore, the protection of water resources from pollution is dictated by the requirements of Ukraine's national security. The Strategy of State Environmental Policy of Ukraine for the period up to 2030 prioritises improving water quality and water resources management, preventing groundwater pollution, and completely stopping the discharge of untreated and insufficiently treated wastewater into water bodies and ensuring that the degree of wastewater treatment meets the established norms and standards. It is noted that the current methods of investigating criminal offences related to water pollution cannot be considered as fully meeting the requirements of the practice against crime in this field. Therefore, today, special law enforcement protection is required in the water use sector, where criminal encroachments have recently become widespread. **Conclusions.** It is concluded that one of the priority areas of activity of the operational units of the criminal police is the ongoing counteraction to criminal offences in the field of water use. However, an analysis of the operational situation in the field of compliance with water legislation in the course of water use reveals that this sector of the economy is still one of the most attractive for criminal enrichment of officials and other persons. This is primarily due to the high level of corruption, the critical scale of water misuse and non-compliance with water legislation.

Key words: counteraction, criminal offence, water use, water resources, pollution, water bodies.

1. Introduction

It should be noted that all water bodies throughout Ukraine are the national heritage of its people and the natural basis for economic development and social well-being. Moreover, water bodies, together with the adjacent territories, have health, recreational and aesthetic value, and are an important element of the natural landscape and an environment for the habitat, reproduction and development of aquatic bioresources.

Nowadays, the population of Ukraine is facing a threat in the form of criminal encroachment on water protection, rational use, reproduction and rehabilitation. The high level of water crime is holding back the pace of overall economic growth. In addition, the tendencies of qualitative changes in water-related crime towards intellectualisation, organisation, technical equipment, corruption and protection continue to grow. The exceptional social and economic significance of water supply and sewerage ser-

vices for the vital activity of the population, as well as the economic specificities of the formation and development of the water use sector, limit the possibility of applying market mechanisms for its regulation.

The problem of scientific development of operative-search counteraction to criminal offences in the field of water use has not been left without attention of researchers. The issues of criminal offences in the field of water use have been studied by: V.K. Barvenko, I.V. Berdnik, S.M. Bortnyk, O.K. Halytska, O.I. Holysh, A.S. Yevstihnieiev, L.H. Kozliuk, S.V. Murykhin, V.O. Oderii, A.V. Pastukh, H.S. Polishchuk, M.V. Stashchak, Yu.A. Turlova, N.S. Shevchenko, V.V. Shenderyk, A.M. Shulha, and others.

2. Development of legal and regulatory framework for environmental protection

The problem of environmental protection has been evolving for many decades. It is driven

by the rapid development of scientific and technological progress, as well as the overall growth of the world's population. At all stages of its development, man has been closely connected with the world around him – the environment. In recent years, due to the formation of a highly industrialised society, the negative impact of humans on the environment has increased dramatically, and the volume of such interference has grown significantly. It has become more diverse in its forms and is already threatening to become a global danger to humans themselves [14].

The Constitution of Ukraine enshrines the state's obligation to ensure environmental safety and maintain ecological balance in Ukraine, overcome the the aftermath of the Chornobyl catastrophe, the catastrophe of global scale, and preserve the gene pool of the Ukrainian people. However, successful implementation of these constitutional provisions is possible only if adequate efforts are made by both individuals and the entire society. Legal protection of the environment plays a significant role in ensuring a safe environment for people. The problem of protecting the environment from deterioration, including legal liability for pollution or damage to land as the most important component of the environment, became much more acute and widespread in the mid-twentieth century. It was at this time that, on the basis of scientific and technological progress, the intensity of land use increased immeasurably and man-made impacts began to reveal the negative environmental consequences (Shulha, 2004).

Nowadays, the population of Ukraine is facing a threat expressed in the form of criminal encroachment on the protection, rational use, reproduction and rehabilitation of water bodies. In particular, the ongoing deep systemic crisis in the water and wastewater sector is holding back the pace of overall economic growth that has been observed in Ukraine in recent years. The exceptional social and economic significance of water supply and sewerage services for the vital activity of the region, as well as the economic specificities of the formation and development of the sub-sector, limit the possibility of applying market mechanisms to regulate their activities (Halytska, 2019, pp. 156-157).

One of the priority areas of activity of the operational units of the criminal police is the ongoing counteraction to criminal offences in the field of water use. However, the analysis of the operational situation in the field of compliance with water legislation in the course of water use shows that this sector of the economy is still one of the most attractive for criminal enrichment of officials and other persons. This is primarily due to the high level of corruption,

the critical scale of water misuse, and non-compliance with water legislation (Ievstihnieiev, 2019, pp. 134-135).

It should be noted that, due to its general characteristics, the issue of combating criminal offences in the field of water use by operational units of the criminal police has been fragmentarily considered in scientific works that dealt with the detection, prevention and investigation of offences in various sectors of the economy.

The concept of "water use" is a part of the state's economy and this industry functions in the sphere of interests of the entire population and affects the vital activities of citizens (Halytska, 2021, pp. 101-102).

The development of Ukraine's water sector shall meet modern socio-economic and environmental requirements. Environmental requirements for the development of the water sector in Ukraine should ensure the protection of water sources, rational use of water resources, preservation of biodiversity; improve safety in the use of toxic chemicals and address the problem of waste. The economic requirements include not only the implementation of measures aimed at improving the territorial and sectoral structure and technologies of water use; providing quality drinking water and preserving public health; promotion of regional development on the basis of sustainability; development of international cooperation in the field of water use and protection, but also high-quality and effective activities by operational units of the criminal police against criminal offences in the field of water use (Turlova, 2018, pp. 185-187).

According to the Strategy of State Environmental Policy of Ukraine, our country is one of the least water-supplied countries in Europe, and water use in the country is mostly irrational. Toxic, microbiological and biogenic pollution is causing a deterioration in the ecological state of river basins, as well as coastal waters and territorial waters of the Black and Azov Seas. It should be noted that the Black Sea estuaries, most of which belong to the nature reserve fund and are unique recreational resources, are in the unsatisfactory condition. In many regions, groundwater in Ukraine does not meet the established requirements for water supply sources in terms of quality, which is primarily due to anthropogenic pollution, and its intensive use leads to the depletion of groundwater horizons (Law of Ukraine On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period Until 2030, 2019).

3. The state of scientific support against criminal offences in the field of water use

The main sources of water pollution are discharges from industrial facilities, inadequate water disposal infrastructure and treatment

facilities, non-compliance with water protection zones, and the washing and drainage of toxic substances from agricultural land. The main substances that cause pollution are heavy metal, nitrogen and phosphorus compounds, oil products, phenols, sulphates, and surfactants. Recently, pollution by medical waste and microplastics has been increasing, which is currently uncontrolled (Halytska, 2020, pp. 220-221).

Water pollution leads to the emergence of various diseases of the population, a decrease in the overall resistance of the body and, as a result, an increase in the overall morbidity rate, in particular, infectious and cancerous diseases. The system of public administration in the field of water protection requires urgent reform and transition to integrated water resources management based on the basin principle.

In the context of our topic, the literature review on the issues of detecting and documenting the facts of obtaining illegal benefits and corruption by operational units of the criminal police, in particular at water facilities, reveal that A.V. Pastukh, studies the investigation of crimes related to violations of environmental safety rules (Pastukh, 2023); S.V. Murykhin studies the punishment for environmental crimes in Ukraine (Murykhin, 2020). However, they focus only fragmentary on detecting, preventing and investigating the receipt of unlawful benefits by an official in the field of water use.

Despite the existence of a large number of scientific papers, none of them addresses the issue of misuse of new technologies to document criminal schemes in the field of water use, as well as the counteraction of criminal police operational units to criminal offences in the field of water use (Berdnik, 2020, p. 27).

With regard to the dissertation studies that are most relevant to the issue we have chosen, V.K. Barvenko should be underlined with his focus on the initial stage of investigation of violations of water protection rules and marine pollution, which reveals only the general information model of this issue, but does not concern the counteraction to crimes in the field of water use (Barvenko, 2019).

In his scientific work, H.S. Polishchuk studies the criminological characteristics and prevention of crimes against the environment (Polishchuk, 2006).

Considering monographs that are of great importance for operational units of the criminal police in combating criminal offences in the field of water use, it is worth paying attention to the monograph by V.O. Oderii *Theory and practice of investigation of crimes against the environment*, in which the author analyses the essence, tasks, legal grounds and other key

issues of operative-search activities, their place and role in the system of branched state legal means, prevention, detection and investigation of criminal offences (Oderii, 2015).

In the monograph *Theory and practice of operational and investigative counteraction to crimes in the field of water use* by O.I. Holysh, S.M. Bortnyk, M.V. Stashchak, V.V. Shendryk, the authors highlight the main problems of operative-search characteristics of organised economic crime: concepts and features of economic and organised crime and their impact on the organisation of counteraction to this type of crime by means of operative-search activities; operationally significant elements of the structure and infrastructure of organised economic crime (Holysh, Bortnyk, Stashchak, Shendryk, 2016).

4. Conclusions

To sum up, one of the priority areas of activity of the operational units of the criminal police is the ongoing counteraction to criminal offences in the field of water use. However, an analysis of the operational situation in the field of compliance with water legislation in the course of water use reveals that this sector of the economy is still one of the most attractive for criminal enrichment of officials and other persons. This is primarily due to the high level of corruption, the critical scale of water misuse and non-compliance with water legislation.

The article shows that the Strategy of State Environmental Policy of Ukraine for the period up to 2030 prioritises improving water quality and water resources management, preventing groundwater pollution, and completely stopping the discharge of untreated and insufficiently treated wastewater into water bodies and ensuring that the degree of wastewater treatment meets the established norms and standards.

Therefore, one of the most important challenges facing humanity in the context of increased anthropogenic impact on natural objects, namely the problem of clean water. In Ukraine, this problem is exacerbated by the fact that the country, compared to European countries, is one of the least water-supplied, where water use is mostly irrational. Nowadays, the water use requires special law enforcement protection, as criminal encroachments in this field have recently become widespread.

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НАУКОВЕ ЗАБЕЗПЕЧЕННЯ ПРОТИДІЇ КРИМІНАЛЬНИМ ПРАВОПОРУШЕННЯМ У СФЕРІ ВОДОКОРИСТУВАННЯ

Анотація. Мета. Метою статті є визначення проблеми генезису наукової розробленості забезпечення протидії кримінальним правопорушенням у сфері водокористування. **Результати.** В статті розглядається одна з найважливіших проблем, що стоїть перед людством в умовах посиленого антропогенного впливу на природні об'єкти, а саме проблема чистої води. В Україні ця проблема посилюється тим, що країна, порівняно з європейськими державами, є однією з найменш водозабезпечених, де водокористування здійснюється здебільшого нераціонально. Наголошено, що незадовільний стан водних ресурсів, їх забруднення, негативно впливають на здоров'я населення, підвищують рівень загальної захворюваності, зокрема на інфекційні та онкологічні захворювання. Тому охорона водних ресурсів від забруднення диктується вимогами національної безпеки України. У Стратегії державної екологічної політики України на період до 2030 року до її першочергових завдань віднесено покращення якості води та управління водними ресурсами, запобігання забрудненню підземних вод, а також повне припинення скидання у водні об'єкти неочищених та недостатньо очищених стічних вод і забезпечення відповідності ступеня очищення стічних вод установлен-

ним нормативам та стандартам. Зазначено, що зараз існуючі методики розслідування кримінальних правопорушень, пов'язаних із забрудненням водних об'єктів, не можуть розглядатися як такі, що повною мірою відповідають вимогам практики протидії злочинності у цій сфері. Отже, нині особливого правоохоронного захисту потребує сфера водокористування, злочинні посягання щодо якої останнім часом набули значного поширення. **Висновки.** Зроблено висновок, що одним із пріоритетних напрямків діяльності оперативних підрозділів кримінальної поліції є постійна протидія кримінальним правопорушенням у сфері водокористування. Проте аналіз оперативної обстановки у сфері дотримання водного законодавства під час водокористування свідчить про те, що даний сектор економіки все ще залишається одним із найпривабливіших для кримінального збагачення службових та інших осіб. Це, насамперед, пов'язано з високим рівнем корупції, критичними масштабами нецільового забору води та недотриманням законодавства у сфері водокористування.

Ключові слова: протидія, кримінальне правопорушення, водокористування, водні ресурси, забруднення, водні об'єкти.