

forest guard, and also other organs that carry out law enforcement or law-enforcement function . Thus, for qualification of act after part. From a part 364 Criminal Code must be set, that: a) crime is perfect the worker of law enforcement authority; 6) this worker is an official person; б) a perfect by him act contains the signs of objective and subjective parties of crime, envisaged century 364 Criminal Code

List of references

1. The Criminal Code of Ukraine. Criminal Procedure Code of Ukraine. K .: Yurinkom Inter, 2005. 478 p.
2. Babanin S. V. Grounds for criminalization. Scientific herald of Dnipropetrovsk state. un-th o affairs 2012. No. 4. p. 327-333.

Kryshevych Olha,
*Professor of the Department of Criminal
Law of the National Academy of Internal
Affairs, PhD in Law, Associate Professor*

THE ESSENCE OF FINANCIAL FRAUD IN COMMERCIAL BANKS

Financial fraud is a carefully concealed process of losing financial security and the entire financial position of a commercial bank, which can be a reason for its bankruptcy. In Ukraine there is no systematic accounting of financial fraud in commercial banks by its typical designs. Available studies on such financial fraud cases are only fragmentary, since they depend on the subject of the accumulation of fragmentary information and the purposeful processing of such information in accordance with its authority. The distinction between lists, classifications and typologies of financial fraud does not allow organizing measures to detect, counteract and prevent it with sufficient accuracy, without exhaustion of a commercial bank by unnecessary or insufficient measures of struggle. We divide the main tools used in the schemes of theft of funds from commercial banks and the methods of theft: the main tools for theft of funds in commercial banks: 1) «garbage» securities (stocks, bills); 2) debt obligations of enterprises with signs of fictitiousness; 3) transfer of claim right; 4) converting cash into cash; the most common ways of stealing money from banking institutions are: a) issuing bank loans to borrowers affiliated with the owners of

commercial banks; b) the issuance by banks of credit institutions to enterprises with signs of fictitiousness; c) withdrawal of property from bail by transferring ownership of a third party; d) withdrawal of funds through correspondent accounts with foreign banks. The most common types of fraud that resulted in loss of financial resources in commercial banks: 1) artificial bankruptcy of legal entities - borrowers of commercial banks; 2) loans secured by «technical» securities;

3) withdrawal of cash by placement on correspondent accounts in foreign banks with a dubious reputation; 4) placement of assets in the temporarily occupied territory (AR of Crimea) and in the zone of ATO; 5) nothing and security agreements.

This, the typology of financial fraud is the systematization of the basic structures of financial fraud in domestic commercial banks, which led to the loss of cash, as well as those constructions that have contributed or have become the cause of bankruptcies of Ukrainian banking institutions. A typology of subjects of financial fraud in a commercial bank in the implementation of consumer lending, within which distinguish: sources of external fraud - 1) organized crime groups; 2) «black (gray)» brokers; 3) single crooks; as well as sources of internal fraud: a) Bank employees who are interested in increased lending; b) bank employees who have ties with criminal groups. Financial fraud in Ukrainian commercial banks is considered as separate crimes, which are its elements: 1) false entrepreneurship; 2) legalization (laundering) of proceeds from crime; 3) fraud with financial resources; 4) falsification of documents, seals, stamps and forms, as well as the use of forged documents, seals, stamps; 5) appropriation, embezzlement or possession of property by abuse of office; 6) official forgery; 7) fraud; 8) illegal actions with transfer documents, payment cards and other means of access to bank accounts, equipment for their production; 9) acceptance of a proposal, promise or receipt of an unlawful benefit by an official; 10) commercial bribery / bribery of an official of a legal entity of private law, regardless of the organizational and legal form; 11) illegal enrichment; 12) abuse of influence, etc.

The instrument of financial fraud in a commercial bank is not limited to transactions, services and products of a commercial bank associated with the movement of financial resources (movement of

funds on bank accounts), acquisition of financial claims or performance of financial obligations. The toolkit should be distinguished according to the directions of application: 1) taking over the object of financial fraud; 2) concealment of financial fraud; 3) legalization of the resulting financial fraud. The tool for taking over the object of financial fraud in a commercial bank is: 1) forged (false) documentation and reporting, in particular, bank documents that certify unfinished financial relations, etc.; 2) counterfeit financial values (forging bank notes, bank metals, securities, etc.); 3) the use of malicious software and hardware that allows you to receive confidential and sensitive information, commit unauthorized payments and receive cash, etc.; 4) deliberate delay in the execution of financial transactions; 5) the use of the received financial resources not for the intended purpose; 6) provision / taking of poor-quality provision for fulfillment of financial obligations; 7) the use of price manipulations; 8) not reflected in the accounting of financial transactions; 9) forced consumption of banking products; 10) false selling / acquiring assets; 11) the acquisition of «trash» assets (those that do not have market value), etc. The tool for hiding financial fraud in a commercial bank is: 1) the destruction of electronic and material media; 2) imitation of force majeure circumstances and other man-made and man-made phenomena; 3) imitation of normal economic activity, which led to financial losses; 4) manipulation of the content of electronic and material media; 5) falsification of accounting and financial reporting; 6) service falsification; 7) involvement of fictitious and false individuals; 8) bankruptcy and liquidation, etc. Instruments for legalization of cash received as a result of financial fraud in a commercial bank are: 1) imitation of the acquisition of financial resources in debt; 2) imitating the acquisition of cash as a result of economic activity; 3) the acquisition of funds in free form; 4) obtaining property for rent, etc.

In addition to the above structures of financial fraud, account should be taken of the threatening spread of financial fraud in commercial banks, which is associated with ATMs and payment cards. A fraudulent innovation is masking the attraction of financial resources from depositors with the involvement of a non-bank financial institution with the subsequent seizure of financial resources and the deprivation of depositors of funds and legal rights to state

compensation for their deposits. The withdrawal of funds from a commercial bank is one of the most severe financial fraud, since it is realized not only due to subordination (excess of powers by the fraudsters), but also psychological.

List of references

1. Науково-практичний коментар Кримінального кодексу України / Д. С. Азаров, В. К. Грищук, А. В. Савченко [та ін.] ; за заг. ред. О. М. Джужі, А. В. Савченка, В. В. Чернея. К. : Юрінком Інтер, 2017. 1064 с.

2. Подосенков Н. С. Риски мошенничества в торговом финансировании. *Управление финансовыми рисками*. 2015. № 4 (44). С. 270–277.

3. Шевченко А. М. Зловживання та махінації на ринку фінансових послуг: методи боротьби, засоби протидії. *Глобальні та національні проблеми економіки*. 2015. № 7. С. 767–771.

Kubareva Olga,

*Senior Teacher of the Department of Criminal
Process of the National Academy of Internal
Affairs, PhD in Law*

ENGLISH IN LEGAL PRACTICE AS A REQUIREMENT OF TODAY

Today in the modern world, English has gained the status of an international language and is the most common means of communication. In this context, the priority is the study of English by specialists from different fields of activity, since in today's world, English is becoming an increasingly important tool for global communication, especially professional, research and scientific.

Unfortunately, in Ukraine the level of foreign language skills among lawyers is low. At the same time, in the labor market, employers increasingly prefer to work with lawyers who are fluent in English. This enables not only to provide legal services in the language of the client, but also to constantly improve the professional and business level through participation in various conferences, seminars, as well as during foreign internships. Consequently, a modern lawyer should be not only a specialist in a certain area of jurisprudence, a professional, have certain personal characteristics, but also able to communicate fluently in foreign languages on professional topics, both with foreign colleagues and with ordinary citizens.

Free proficiency in English is good for legal practitioners in criminal justice. In particular, this relates to mutual legal assistance in criminal