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CLASSIFICATION AND CONCEPTUAL REFLECTION OF THE STRUCTURAL COMPONENTS FOR COMMITTING RAIDING PROCESS

In the course of the study, it was found that previous researchers did not consider transactions as potential means of the raiding process. As a result, it was not formed a systematic view of the structural components of raiding. Accordingly, the concepts proposed by the researchers are not able to fully and adequately reflect the objectively existing phenomenon of raiding, to ensure its proper qualification, prevention and counteraction.

Meanwhile, this study reveals of the fact, that legitimate types of transaction reorganizing business entities (hereinafter BE), their liquidation and alienation (mergers, takeover, division, separation, transformation, bankruptcy, purchase, sale of SG, etc.), raiders began to use as means of committing raiding. In such cases, these legitimate transactions began to turn into pseudo-legitimate ones (pseudo-merger, pseudo-accession, pseudo-division, pseudo-separation, pseudo-transformation, pseudo-liquidation, pseudo-liquidation, pseudo-alienation of BE). That is, pseudo-legitimate transactions are derived from economic legitimate transactions. Transformation of the latter into pseudo-legitimate transactions – means of raiding, occurs at the level of content of technologically and legally significant raiding features. Accordingly, pseudo-legitimate transactions began to differ from legitimate ones in its essence, as it acquired criminogenic, naturally latent content. That is, pseudo-legitimate transactions went beyond the subject of commercial and civil law and naturally fell into the scope (subject) of the criminological block of sciences studying. At the same time, it should be noted that previous researchers could not see the difference between legitimate and

pseudo-legitimate transactions, because transactions as a means of committing raids have not been systematically investigated. That is why they have such “scientific” conclusions – raiding, it is: “activity within the legal sphere”, “raiding, it is a lawful process of market relations”, “illegal activity of organized criminal groups.., – and at the same time – legal or semi-legal entrepreneurial activity”, or “acquisition of enterprises”, is a means of establishing control over business, which takes place exclusively within the law [2–3, (9–14 of Article 4 №] [(12)]]. The concepts of “structural components of raiding”, “legitimate and pseudo-legitimate transactions”, “mechanism of transformation of legitimate transactions into pseudo-legitimate transactions”, “means of raiding”, “concepts of types and subtypes of pseudo-legitimate transactions”, “stages of the process of raiding” and a set of proposed other concepts, that have been developed in the course of this study, eliminates the above “scientific” confusion of predecessor researchers. The concepts proposed in this paper adequately and fully reflect the technological and legally significant features of the raiding process and can be used to effectively identify, document, prevent and counteract the raider takeover of enterprises.

Keywords: “unspoken” and “behind-the-scenes” documentation of raiding; economic legitimate transactions; pseudolegitimate criminogenic transactions; mechanism of transformation of legitimate economic transactions into pseudo-legitimate criminogenic transactions; means of committing raiding.

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