

ПРАВОВАЯ ХАРАКТЕРИСТИКА РЕЙДЕРСТВА И МЕХАНИЗМОВ ПРОТИВОДЕЙСТВИЯ

В статье проанализированы основные способы совершения общественно опасных деяний, связанных с противоправным захватом предприятий различной организационно-правовой формы собственности, разработке механизмов противодействия рейдерским атакам. В частности, исследованы научные подходы к определению рейдерства, освещены определяющие проблемы и пути их преодоления. Проанализированы виды рейдерства, признаки, их различия и особенности проявления каждого из них. На основе исследования теоретико-методологических и прикладных аспектов борьбы с рейдерскими угрозами разработан действенный и эффективный механизм противодействия.

Ключевые слова: рейдерство, противоправный захват, угроза, противодействие рейдерству, бизнес, безопасность.

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LEGAL CHARACTERISTICS OF RAIDING AND MECHANISM OF COUNTERACTION

Problem setting. The article deals with the problem of raiding and its manifestations in the domestic business and the development of mechanisms to counteract raider attacks.

Based on the study of theoretical and methodological and applied aspects of combating threats raider develop effective and efficient mechanism of anti-raiding, which is part of the strategy of economic security.

Target of research. General research and analysis of legal problems connected with forceful unlawful seizure of enterprises of various organizational and legal forms.

Analysis of resent researches and publications. Issues of raiding, its significance and influence were considered by such leading scholars as Valassk E. V., Mazur I. I., Varnalij S. S., Makarov O. I., Bondarenko M. V., Smytiuk A.V. and other.

Article's main body. At the moment, there are frequent cases of socially dangerous actions connected with the forceful misconduct of enterprises of various organizational and legal forms, which are commonly referred to as "raider attacks". Raider is a person who attacks an enemy in their territory.

There are 3 main main type so fraiding:

- 1) «white» sort of raider attacks, when raiders capitalize on the loopholes of the opaque Ukrainian financial regulation system and confusing tax system, but do not violate law by doing this;
- 2) «gray» raider attacks;
- 3) «black» raider attacks, where raiders' instruments also include the use of physical violence, threatening, bullying, supplemented by forgery of documents, files, company records and signatures.

There are other types of raider attacks such as «hard», «soft» and «intellectual raiding».

The raider hijacking is carried out as follows:

– by falsifying documents or a court decision (in most cases unlawful), the state registrar makes information on the ownership of the property (corporate rights, property management rights) to another person, and information on the beneficial owner is deleted;

– by the physical capture of an object under the guise of realization by the owner of his legal authority;

– a formal resale by the raiders of the entrained object to the "bona fide" buyer or the whole chain of such "bona fide" purchasers.

Realization of a raider attack starts from the collection and analysis of information about the subject.

Conclusions and prospects for the development. At the enterprise level, in case the owner (owners) noticed the planning of a raider attack, it is necessary: to protect the important documents of the enterprise, to strengthen internal control among the participants and shareholders; Attract public and law enforcement attention to a raider attack.

Keywords: security, raider attacks, economic security, threat, raiding, counter raiding strategy of economic security.

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