

# Modern Problems of Countering Certain Types of Criminal Offenses

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## ABSTRACT

The article analyzes the current state of criminal activity and the corresponding needs of judicial and law enforcement agencies to provide necessary counteraction. Based on the conducted sociological research, generalization of statistical data, correlations were revealed between the needs of the practice of countering certain types of criminal offenses and the available proposals of authorized subjects on scientific and methodological support for crime investigation activities. It has been established that in general, the existing scientific and methodological support for countering certain types of criminal offenses meets the requirements of law enforcement practice regarding methods of investigating crimes. Along with this, it is proved that judicial and law enforcement agencies now need modern methods of investigating crimes against the foundations of national security and crimes against the environment. Taking into account the identified relationships, the function of forensic sciences has been proposed in order to introduce scientific developments and practical forensic recommendations for the investigation of certain types of criminal offenses into the educational process, the directions for implementing this task have been outlined.

**Keywords:** *criminal activity, countering the investigation of crimes, scientific and methodological support, forensic sciences.*

## 1. INTRODUCTION

The phenomenon of crime is a reflection of the crisis of civilization, the reverse side of positive geopolitical realities. Crime accompanies global problems of society in the field of economy, politics, ecology, provision of resources and food, energy, and demography. First of all, we are talking about the complex global socio-economic situation, challenges in the energy sector, threats to the national security of many states through cyber-attacks, natural and artificially created migration processes, conducting military operations to establish influence on certain disputed territories, expanding the scale of transnational crime; low level of use of analytical tools in countering crime and predicting relevant threats and other factors. All this leads to an increase in the crime rate, which, on the one hand, continues to be a source of super profits for the leaders of organized crime, and on the other - provides an opportunity for illegal influence and implementation of illegal goals of the leaders of individual countries and

officials with ambitious needs and significant financial resources.

At the beginning of the XXI century, the tools of the criminal world include informational (psychological) influence on certain segments of the population. Achieving strategic goals (military, political, economic) of individual states (their leaders) occurs through information war – the process of suggestive influence on groups of people using specially prepared communication technologies and information materials [1-8].

In the situation of reducing the effectiveness of countering crime, it is advisable to improve legal mechanisms for detecting, exposing and preventing crimes, develop new technical and scientific-methodological support for the activities of judicial and law enforcement agencies, *and this is what our empirical research is aimed at* [9-10].

## 2. LITERATURE REVIEW

Within the scientific research sphere, the issues of countering crime were considered in a combination of two aspects: the study of criminal activity as anti-social, illegal human activity, and determination of the most effective measures of the state to counteract it. Without resorting to an in-depth analysis of theoretical sources, it seems advisable to focus on several important aspects of this problem.

In particular, Zhuravel V. A. examines the processes of occurrence of traces of criminal activity. In his opinion, there should be important natural connections in the mechanism of formation of traces of offenders, which should be used by law enforcement agencies during the investigation: 1) dependence between the criminal's personality and his behavior; 2) dependence between the behavior of the criminal and the victim's personality; 3) dependence of criminal activity and its elements on the conditions in which the offender lives; 4) reflection, repeatability and constancy of elements of criminal activity in the material world; 5) peculiarities of perception of the circumstances of a criminal event by a criminal, an eyewitness, a victim [11].

Bakhin V. P. with colleagues state that forensic sciences should study everything that reflects and characterizes the life and functioning of criminal groups, teams and individual criminals under the guise of any traces of this activity [12].

Along with this, Tishchenko V. V. with the coauthors interprets criminal activity in a broad sense as a system of actions to prepare, commit and conceal a single crime or several crimes; in a narrow sense – as a systematic commission of a series of similar crimes, designed for a long life period. In the latter case, it is inherent in organized criminal groups, individual professional criminals [13]. These signs should be taken into account by forensic science.

Instead, Danshyn M. V. notes that criminal activity covers actions related to the preparation, commission of a crime, countering its detection and investigation [14].

So, despite numerous studies, the analysis of the problems of criminal activity, countering it and certain types of criminal offenses requires further detail in the technical, tactical and, most importantly, scientific and methodological aspect. The formation of scientific and methodological support for countering modern crime remains an insufficiently studied topic that needs to be considered taking into account predictive trends in its development, which has led to our interest in this problem.

## 3. METHODOLOGY

The research methods were chosen taking into account the research goal and the need for a

comprehensive study of the state of crime in Ukraine, scientific and methodological support for law enforcement agencies to counteract certain types of criminal offenses. Hence, to ensure the comprehensive and complete character of implementation of empirical research, we used both general scientific and special scientific methods and techniques of scientific research.

1) method of analysis – to obtain knowledge of structural connections in criminal activity, study of its most common modern forms;

2) comparative method made it possible to correlate the indicators of disclosure of certain types of crimes and the proposals of authorized subjects of scientific and methodological support regarding the priority of developing certain types of criminal offenses;

3) forecasting method – to predict future priority areas of scientific and methodological support for countering crime based on the analysis of crime trends in the near past and its current state, systematically evaluated information on the quantitative characteristics of crime detection;

4) sociological methods (interviewing, questionnaires) – to study the proposals of authorized subjects of scientific and methodological support regarding the priority of developing certain types of criminal offenses;

5) mathematical methods – to summarize the results of studying the practice of countering crime, interviewing employees of judicial and law enforcement agencies and teachers of law higher education institutions.

The empirical basis of the study was the statistical data of the Prosecutor General Office for 2016-2020, as well as the results of a survey of 460 people, including: 140 investigators of the National Police of Ukraine, 90 forensic experts of the Expert service of the Ministry of Internal Affairs of Ukraine, 80 judges of district courts and 150 teachers of the National Academy of Internal Affairs, Kharkiv National University of Internal Affairs and Lviv State University of Internal Affairs). The study covers the period from 2016 to 2021, processing and interpretation of the results were carried out in 2021 on the basis of the research laboratory on the problems of forensic support and forensic expertise of the National Academy of Internal Affairs (Kyiv, Ukraine).

### *Ethical considerations*

The study was carried out in accordance with the requirements of the regulations on academic integrity at the National Academy of Internal Affairs, which was developed on the basis of Ukrainian and international experience in ethical rulemaking. This document was approved by the Academic Council of the National Academy of Internal Affairs (protocol No. 5 of 27.03.2018) and put into effect by order of the rector of

the Academy (Order No. 422 of 30.03.2018). Prior consent to participate in the study was obtained from all respondents.

#### 4. RESULTS

Some of the legal sciences study the preparation of scientific and methodological support for countering crime, among which the leading place is occupied by criminalistics and forensic expertise, which are combined by the concept of forensic sciences.

Promising areas of development of forensic sciences are related to its tasks at the present stage, which are determined by the social function of this science – to contribute with their techniques, methods and means to countering crime. The overall task of forensic sciences is to assist judicial and law enforcement agencies in countering crime, complete and timely technical and forensic support and follow-up of crime investigations. Forensic Sciences provide for the activities of pre-trial investigation bodies, the court, accompanies the process of forensic examination with scientifically based means, techniques and methods of countering crime [15-17].

Special tasks of forensic sciences are:

A) research of patterns that make up the subject of forensic sciences study;

B) development of technical means, tactics and methodological recommendations for the collection, research and use of evidence;

C) improvement of the tactical and methodological foundations of pre-trial and judicial investigation, basics of forensic expertise;

D) improvement of forensic methods of crime prevention;

E) study of the possibility of using foreign experience in countering crime [1, 11].

Methods of collecting information from material or ideal traces are always associated with the cognitive operations of the relevant subjects. With this in mind, forensic sciences should provide its own means and methods for performing tasks related to obtaining information from any source for all subjects of law enforcement activities. In addition, there is such an independent task of forensic sciences as the study of forensic aspects of criminal activity [12].

In order to reflect the understanding of employees involved in the development and implementation of scientific and methodological support for combating crime, we conducted an empirical study by interviewing, using specially designed questionnaires, the investigators of the National Police, forensic experts, judges and teachers of law higher education institutions in Ukraine (Table 1).

**Table 1.** Results of a survey of investigators, forensic experts, judges, teachers of law higher education institutions on certain issues of combating crime (in %)

Questions	Investigators	Forensic experts	Judges	Teachers	Average indicator
<b>What elements form the structure of criminal activity:</b>					
purpose of engaging in criminal activity;	51.4	39.1	63.4	68.1	55.5
object targeted by criminal activity;	62.7	34.8	62.7	51.4	52.9
subject (s) of criminal activity;	74.3	39.1	62.1	74.6	62.5
means of achieving the goal;	54.3	43.5	55.6	53.2	51.6
result of criminal activity;	40.0	30.4	37.1	64.3	42.9
mechanism of criminal activity	57.1	52.2	48.2	79.8	59.3
<b>What elements form the structure of investigation of criminal offenses:</b>					
knowledge of the circumstances of the crime event;	62.9	76.9	79.1	78.2	74.3
search for sources of information about the circumstances of the crime;	62.9	61.5	68.3	74.5	67.0
recording the received information and its sources;	77.1	80.8	86.2	69.7	78.4
overcoming opposition to the investigation	17.1	15.4	24.8	30.3	21.9

So, the respondents correctly understand criminal activity and its constituent elements: the subject, mechanism of activity, purpose, object of influence, means of achieving the goal and result. Differences in the percentage of elements of criminal activity among the respondents surveyed are explained by the specifics of their official activities. In particular, forensic experts first of all find out the mechanism of committing a crime (52,2%), directly examine the means provided for examination (43,5%), and the issues of determining the object to which criminal activity is directed (that is, the qualification of the committed act) relate to expert research the least (34,8%). In the methodology of investigation of certain types of criminal offenses, the order of actions of authorized officials looks like this: recording information and its sources; event cognizing; searching for other sources of information about the circumstances of the crime; overcoming opposition to the investigation, and so on.

It should also be noted that in modern conditions, forensic sciences are designed to develop the latest tools, techniques and methods aimed at countering organized and transnational crime, corruption, human trafficking, drug trafficking, terrorist financing and other criminal manifestations. A separate area in criminalistics should be the protection of information sources and information security problems.

The actual problems of criminalistics that require scientific and methodological development and implementation in practice include: investigation of crimes committed in emergency situations, wartime; research of the latest criminal technologies, features of the course of criminal situations in virtual space; creation of methods for the formation, correction and use of forensic thinking; development of a mechanism for implementing theoretical forensic knowledge in investigative practice; effective forensic prevention of crimes [18-21].

Forensic sciences perform a predictive function, namely, formulation of a reliable forecast of existing and emergence of unknown objects, phenomena, processes, patterns that relate to or will relate to the subject of study of forensic sciences. This is implemented through a number of tasks: A) identifying areas of practice and research activities, phenomena and processes that require forecasting; B) selecting methods for forecasting and establishing the range of knowledge on which the predictive conclusion will be based; C) establishing opportunities to eliminate negative factors or create positive conditions for improving law enforcement practice; D) studying forecasts made by other industries regarding common research objects or factors that may affect the level of crime.

In order to confirm these positions, we analyzed statistical data on the state of investigation of criminal

offenses in Ukraine for the period 2016-2020 [22]. In the course of analyzing the correlation relationships of the obtained indicators, the following features were identified. For 5 years, the average rate of disclosure of certain types of criminal offenses was: crimes against the foundations of national security of Ukraine – 34,2%; crimes against the established procedure for military service (war crimes) – 65,9%; organized criminal activity (creation of a criminal organization) – 43,8%; human trafficking or other illegal human transfer transaction – 57,4%; crimes in the sphere of trafficking in Narcotic Drugs, Psychotropic Substances, their analogues or precursors (drug crime) – 74,2%; crimes in the sphere of using computers, systems and computer networks and telecommunication networks (cybercrime) – 45,7%; illegal handling of weapons, military supplies or explosives – 75,8%; crimes against the environment – 27,6%.

Hence, as the analyzed indicators show, the highest percentage of crime detection has: illegal handling of weapons, military supplies or explosives (75,8%), drug crime (74,2%), war crimes (65,9%); the lowest percentage – crimes against the foundations of national security of Ukraine (34,2%) and crimes against the environment (27,6%).

According to the results of our survey among practitioners and teachers of law institutions of higher education, the priority of developing scientific and methodological support for the investigation of certain types of forensic offenses was determined as follows (Table 2).

The data obtained generally reveal an insufficient level of scientific and methodological support for the investigation of certain types of criminal offenses. We made intermediate conclusions based on a comparison of the percentage of crime detection and the opinions of practitioners and teachers on the need to develop scientific and methodological support for the investigation of certain types of criminal offenses. It is established that the needs of practice in providing methods for investigating crimes against the foundations of national security of Ukraine (only 34,2%) do not correspond to the views of practitioners and teachers regarding the priority of developing an appropriate forensic methodology (32,2%). This also applies to scientific and methodological support for the investigation of crimes against the environment (27,6% of disclosure and 41,0% of views on the priority of scientific support). At the same time, there is some “oversaturation” of scientifically based methods for investigating organized criminal activity in forensic sciences (52,8% of respondents continue to prefer the development of these methods). Other areas of scientific and methodological support for countering crime,

formed by law enforcement officers and teachers, generally correspond to the real state of crime detection.

The data obtained form promising directions for the development of forensic sciences and its component – methods of investigating certain types of criminal offenses.

Taking into account the need to improve the scientific and methodological support for countering crime, we propose a new approach to the system of forensic methodology as a section of forensic sciences.

The first component is a system of typical forensic knowledge about criminal activity, concentrated in the forensic characteristics of certain types of crimes. The second component reflects the system of typical forensic knowledge about investigative situations and their solution by tactical and technical techniques, means and methods. The third component includes forensic knowledge about situations of judicial investigation and their solution by tactical and technical techniques, means and methods.

**Table 2.** The results of a survey of investigators, forensic experts, judges, teachers of legal institutions of higher education on the priority of developing scientific and methodological support for the investigation of certain types of forensic offenses (in %)

Questions	Investigators	Forensic experts	Judges	Teachers	Average indicator
<b>Priority areas for the development of forensic methods (improvement, development and implementation of investigative methods in law enforcement practice)</b>					
crimes against the foundations of national security of Ukraine	25.7	21.7	44.2	37.2	32.2
war crimes	20.0	21.7	54.4	41.2	34.3
organized criminal activity	62.8	43.5	51.2	53.6	52.8
human trafficking	48.6	17.4	58.7	50.0	43.7
drug crimes	57.1	26.1	23.6	34.6	35.3
cybercrime	68.6	47.8	77.4	72.3	66.5
illegal trafficking of weapons and explosive materials	34.3	26.1	34.8	24.3	29.9
crimes against the environment	22.8	26.1	68.5	46.8	41.0

## 5. CONCLUSIONS

Thus, the main role in the preparation of scientific and methodological support for countering crime belongs to forensic sciences. This ensures its general purpose – to assist judicial and law enforcement agencies in countering crime, as well as to solve special tasks related to the development of methods for investigating certain types of criminal offenses.

Practitioners and teachers of legal institutions of higher education in general correctly understand the tasks of countering criminal activity and technologies for developing scientific and methodological support. Methods of investigation of certain types of criminal offenses are developed according to the structural and logical scheme of activities to counteract specific crimes: 1) recording information found at the scene; 2) mental modeling of the circumstances of the crime committed through information sources cognizing; 3) collecting other information to justify the version of what was

done; 4) taking measures to overcome the opposition to the investigation.

An important function of forensic sciences is to introduce scientific developments and practical forensic recommendations on the investigation of certain types of criminal offenses into the educational process. In particular: A) introduction of knowledge and recommendations into training courses, taking into account the needs of practice; B) adjustment of the educational process in order to align it with the level of recent scientific achievements and real needs of investigative and judicial practice; C) study and improve the possibilities of scientific research as an additional channel of information support for the practice of countering crime.

Our research has shown the priority of the needs of judicial and law enforcement agencies in the development of scientific and methodological support for the methods of investigating crimes against the

foundations of national security of Ukraine and crimes against the environment. Instead, the issue of the methodology for investigating organized criminal

activity requires only periodic review, taking into account the high latency of these types of crimes.

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