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PROSPECTIVE DIRECTIONS FOR THE FORMATION OF THE STRUCTURE OF THE METHODS OF INVESTIGATING SELF-INTERESTED AND VIOLENT CRIMES COMMITTED BY MINORS

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Annotation. Concepts and structural elements of the forensic method of crime investigation are considered. The role of operational investigative support in criminal proceedings is shown and a conclusion about the need to include it as a separate element in the structure of crime investigation methodology is made. It is proposed to include a list of the following structural elements in the investigation methodology of self-interested and violent crimes committed by minors: forensic classification and characteristics of crimes; identification of signs of a criminal offense and circumstances to be established at the primary stage of the investigation; typical investigative situations, versions and investigation planning; peculiarities of conducting investigative (search) actions and tactical operations; organizational and tactical features of the interaction of the investigator with the operational units during the operational and detective support of covert investigative (search) actions (discovery of evidentiary information, overcoming opposition to the investigation, ensuring the protection and safety of persons participating in criminal proceedings, searching for wanted persons); coordination activities of law enforcement agencies with state bodies, organizations, public associations and mass media regarding the prevention of criminal offenses. It was emphasized that the operational investigative support of criminal proceedings plays an important role when overcoming opposition to the investigation and organizing the safety of court and law enforcement officials, persons who provide assistance, contribute to investigative activities, persons participating in criminal proceedings, and their family members and close relatives of these persons.

It was concluded that separate methods of investigating self-interested and violent crimes committed by minors should be formed taking into account their classification. At the same time, it is worth focusing attention on those

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categories of self-interested and violent crimes that are most often committed by minors. To do this, it is necessary to analyze the judicial and investigative practice and find out what problems arise during their investigation. The formation of separate methods of investigating self-interested and violent crimes should be based on the information established in the basic method. During the development of separate methods of investigation of self-interested and violent crimes committed by minors, it is necessary to use the forensic classification of the specified crimes not only according to the criminal law criterion, but also according to the criminalistic one.

Key words: minors, self-interested and violent crimes, investigation method, criminal proceedings, forensic science, operational investigative activity.

Formulation of the problem. Forensic methodology is an important and integral tool for pre-trial investigation bodies, as it develops the most rational and optimal methods of investigating certain types of criminal offenses. In order for it to fully fulfill the task assigned to it, its structure in terms of the integration of criminal and legal sciences must be logical and correspond to the main methodological principles. In this regard, we consider the question of the structure of the investigation methodology of certain groups (types) of crimes to be important and relevant.

Analysis of recent research and publications. The general provisions of forensic methodology, including issues related to the content of the structure of crime investigation methodology, were repeatedly the subject of research in the works of R.S. Belkin, V.D. Bernaz, V.V. Biriukov, A.F. Volobuev, V.G. Honcharenko, V.A. Zhuravel, V.O. Maliarova, O.V. Pchelina, R.L. Stepaniuk, S.S. Chaplynskyi, V.M. Shevchuk, V.Yu. Shepitko, A.P. Sheremet, B.V. Shchur and others. However, despite a number of important developments in the outlined area, many aspects raise a number of questions. In particular, there is no ambiguity in the approaches to the structuring of individual forensic methods and phasing of the investigation process in general, including self-interested and violent crimes committed by minors. The content of the structure ambiguously interprets the issues of operational investigative support of criminal proceedings, interaction during the organization and conduct of covert investigative (search) actions, as well as investigative work of the investigator. Therefore, we consider it extremely important to define the structure of the methodology of investigation of self-interested and violent crimes committed by minors, to reveal the essence of operational investigative support of criminal proceedings and its role in the investigation of crimes in modern conditions.

The methodological basis for the implementation of the task should be considered modern scientific research of well-known criminologists and specialists in the field of the theory of operational investigative activity, who adhere to a similar position. In connection with the above, we consider it expedient to first examine the views widespread in scientific circles on the structure of individual forensic methods of crime investigation, as well as to determine the possibilities of using the forces and means of operational investigative activity at the stage of pre-trial investigation.

Formation of goals. The purpose of the publication is determined by the need to conduct an analysis of scientific views on the methodology of crime investigation and to propose structural elements of the methodology of investigating self-interested and violent crimes committed by minors.

Presentation of the main research material. It is necessary to note that the content of the structure of the crime investigation methodology was gradually supplemented with new elements in accordance with the conditions in which the peculiarities of procedural activity, legislative regulation and the criminogenic situation were formed. Back in the 90s, A.F. Volobuev proposed to distinguish the following elements in the structure of separate methods of crime investigation: forensic characteristics of crimes of a particular type (group); the opening of criminal proceedings and the initial stage of the investigation; further stage of the investigation; peculiarities of carrying out individual investigative actions; preventive actions of the investigator during the investigation of crimes of a certain type or group [Volobuev, 1996, p. 24].

Subsequently, some scientists (V.D. Bernaz, V.V. Biriukov, as well as A.F. Volobuev) began to believe that the forensic technique should reflect the peculiarities (specificity) of criminal activity (its mechanism) and forensic activity, and its content - reflect a system of scientific provisions and practical recommendations based on them regarding the investigation of certain types of crimes. At the same time, the structure of individual methods remained typical and reflected the constituent parts of the object and subject of forensic methods [2, p. 373].

Other scientists constantly drew attention to the presence of an operational investigative aspect in the structure of the methodology of crime investigation, which was manifested in the issues of the interaction of the investigator with operational units during organizational and operational investigative measures, as well as ensuring the coordination of the actions of law enforcement agencies. In this context, V.Yu. Shepitko gives the structure of a separate forensic methodology in the form of: forensic characteristics of crimes; forensic issues of opening criminal proceedings; typical investigative situations at the stage of crime detection, stages of its investigation; investigative versions, circumstances to be established; organization and planning of the investigation; initial investigative actions, organizational and operative investigative measures; tactical features of individual investigative actions and their complexes; ensuring coordination of actions of law enforcement agencies during the investigation and interaction with other state bodies and public associations; forensic preventive measures [3, p. 186-187].

This point of view is held by A.P. Sheremet, who notes that a separate methodology constitutes a system of provisions and scientific recommendations that determine the procedure of the investigator's activity during the investigation of a particular type of crime. For each type of crime there are schemes, algorithms of activity that are suitable for the investigation of any type of crime. Such activity algorithms are called the structure of a separate methodology, which includes the forensic characteristics of this type of crime, the circumstances that must be established, the specifics of the opening of

criminal proceedings, primary investigative actions and operational investigative measures, typical investigative situations, typical versions and planning; tactics of individual investigative actions; preventive investigative actions [Sheremet, 2009, p. 335].

B.V. Shchur includes sets of investigative (search) actions and operational investigative measures not only at the initial stage of crime investigation, but also corresponding sets of investigative actions and operational investigative measures at the next stage of the investigation to the structure of forensic methodology. He structured separate forensic methods as follows: forensic characteristics of crimes; circumstances to be ascertained; preliminary actions of the investigator before the opening of criminal proceedings; typical investigative situations and a system of versions of the initial stage of crime investigation; intermediate tasks and their corresponding sets of investigative (search) actions and operational investigative measures of the initial stage of crime investigation; typical investigative situations and the system of versions of the next stage of crime investigation; intermediate tasks and their respective complexes of investigative actions and operational investigative measures of the next stage of crime investigation; measures to eliminate opposition to the investigation of crimes; preventive activity of the investigator [Shchur, 2010, p. 139–140].

In further scientific studies, attention began to be paid not only to the tactics of conducting initial investigative actions and accompanying operational investigative measures, but also to the need to overcome opposition to the investigation. This point of view is held by V.O. Maliarova, who includes the following elements in the structure of the crime investigation methodology: extensive forensic characteristics of crimes; description of typical investigative situations and formation of typical investigative programs depending on these situations at the initial and subsequent stages of the investigation; a description of the tactics of conducting initial investigative actions and accompanying operational investigative measures; features of identifying signs of crimes, organization of interaction, planning of investigation, preventive activities of the investigator, as well as overcoming opposition to the investigation, etc. [Maliarova, 2013, p. 381].

R.L. Stepaniuk's opinion is correct that the structuring of any knowledge system is an integral process for optimizing its cognitive function. The structuring of forensic methods also ensures their functional purpose. Therefore, the statement that the essence of a single approach to the structuring of a separate forensic methodology harms the "possibilities of practical implementation of scientific recommendations" [Stepaniuk, 2012, p. 105]. R.L. Stepaniuk states: "The demand of the present time is that recommendations on the specifics of the tactics of covert investigative (search) actions should become an integral part of individual forensic methods. As you know, these questions have been developed for many years in the science of operational investigative activities. Today, it is necessary, firstly, to integrate relevant knowledge into forensic science, and secondly, to further develop the main provisions. Nowadays, it is already difficult to imagine the methodology of investigation of complex

categories of crimes without highlighting the specifics of conducting covert investigative (search) actions and tactical operations, which are part of them” [Stepaniuk, 2016, p. 242].

Other scientists also take this position. For example, V.G. Honcharenko includes a number of elements related to operational investigative activities in the structure of the investigation methodology, in particular, the specifics of detecting one or another type of crime and the interaction of the investigator with the bodies that conduct operational investigative activities. He notes that the typical elements of a separate method of investigating crimes are: forensic characteristics of crimes of a particular type; circumstances to be proven; typical investigative situations that arise at different stages of the investigation, version and planning; peculiarities of detection of this or that type of crime (in particular, peculiarities of initiation of a case and investigation); the initial stage of the investigation, the tactics of conducting initial investigative actions and operational investigative measures; the next stage of the investigation, the tactics of conducting individual investigative actions at this stage of the investigation; peculiarities of the interaction of the investigator with the bodies that carry out operational investigative actions; peculiarities of the investigator’s use of special knowledge in the investigation; features of crime prevention [9, p. 367].

In modern conditions, the statement is made that the following elements should be included in the structure of the investigation of crimes: features of identifying signs of a criminal offense and initiation of criminal proceedings, as well as features of the tactics of conducting individual investigative (search) actions, covert investigative (search) actions and security measures. This position is taken by V.M. Shevchuk, who believes that a structurally separate forensic technique should consist of the following elements (blocks): 1) forensic characteristics of a criminal offense; 2) circumstances to be ascertained; 3) peculiarities of identifying signs of a criminal offense and initiation of criminal proceedings; 4) typical investigative situations and investigative versions of the initial stage of the investigation and the program of actions of the investigator regarding their resolution and verification; 5) typical investigative situations and investigative versions of the next stage of the investigation and the investigator’s action plan for their resolution; 6) organization and planning of the investigation, interaction of the investigator with other subjects of criminal proceedings; 7) peculiarities of the tactics of conducting individual investigative (search) actions, covert investigative (search) actions and security measures; 8) forensic prevention measures of certain types and groups of criminal offenses [Shevchuk, 2020, p. 361-362].

The analysis of the above-mentioned positions indicates that some scientists distinguish the features of crime detection, the interaction of the investigator with the bodies that carry out operational investigative measures and covert investigative (search) actions, the organization of overcoming opposition to the investigation and other elements that belong to the operational investigative support of criminal proceedings. In our opinion, this approach is innovative, is of certain scientific and practical interest, has the right to exist, but requires

additional study, detailed analysis, scientific justification and verification of its effectiveness in practice. Therefore, the processes of integration and differentiation of criminal and legal sciences show that the further development of the method of detection and investigation of crimes is connected with the application of new approaches in the use of forces and means of operational investigative activities in the process of investigating crimes. Supporting this position, we consider it necessary to provide an additional explanation. It is important to note that recently in scientific studies and special legal literature, more attention began to be paid to the issues of operational investigative support of criminal justice [11; 12; 13].

Scientists consider operational investigative support of criminal proceedings as a complex of legal and organizational tactical measures that determine the relationship and mutual influence of investigative and operational investigative units of law enforcement agencies for the purpose of a comprehensive, complete and objective investigation of the circumstances of criminal proceedings [Pcholkin, 2012, p. 133–141]. Sharing the content of these views, it seems expedient to determine the place and role of operational investigative support in the structure of the crime investigation methodology.

We believe that the role of operational investigative support of criminal justice is determined by the need to use the forces and means of operational investigative activity in the process of conducting operational investigative measures and covert investigative (search) actions, which are aimed at creating optimal conditions for: the implementation of a full and objective process proving; overcoming or neutralizing opposition to the investigation; performing the function of protection (security) of participants in the criminal process; guaranteeing the implementation of the principle of inevitability of the responsibility of the guilty for the committed crime. It is worth noting that operational investigative support of evidence for certain types of latent crimes begins at the early stages of identifying their signs and persons preparing to commit them. It is implemented by carrying out a complex of operational investigative measures even within the limits of operational investigative cases in accordance with the requirements of Art. 9 of the Law of Ukraine «On Operational Investigative Activities», that is, in the process of identifying and documenting material traces, information carriers, on which traces of a crime remained [14]. Documentation, according to its purpose and content, solves tasks that coincide with the institution of criminal procedural evidence. It creates optimal conditions for the further process of proof after the decision to open criminal proceedings has been made. The effectiveness of criminal procedural evidence also depends significantly on the completeness and reliability of documentation. It is from this that the stage of operational investigative support of procedural evidence in criminal proceedings begins. We draw special attention to the fact that in order to obtain evidence and neutralize the opposition of the criminal environment at the stage of pre-trial investigation and trial, investigators and operatives have the right to use covert investigative (search) actions provided for in Chapter 21 of the Criminal Procedural Code. The Criminal Procedural Code of Ukraine provides for the

implementation of the following operational investigative measures, which have already been tested in practice, as covert investigative (search) actions: controlled supply; control and operational procurement; special investigative experiment; simulating a crime scene, etc. In addition, the investigator is granted by the right to inspect publicly inaccessible places, housing or other possessions of a person, establish the location of a radioelectronic device, observe a person, thing or place and conduct audio- and videomonitoring, etc. At the stage of criminal proceedings, the legislator made it possible to use the agency method of obtaining information.

Art. 275 of the Criminal Procedural Code of Ukraine provides for the possibility of using information obtained as a result of confidential cooperation with other persons, as well as the involvement of these persons in conducting covert investigative (search) actions. In addition, Art. 272 of the Criminal Procedural Code of Ukraine states that during the pre-trial investigation of serious or particularly serious crimes, information, things and documents that are important for the pre-trial investigation may be obtained by a person who, in accordance with the law, performs a special task, participating in an organized group or criminal organization, or a member of the specified group or organization who cooperates with pre-trial investigation authorities on a confidential basis [15].

An important role is played by operational investigative support of criminal proceedings in the process of overcoming opposition to the investigation and during the organization of the safety of court and law enforcement officials, persons who provide assistance and facilitate operational investigative activities, persons participating in criminal proceedings, their family members and close relatives of these persons. Naturally, for the successful implementation of these issues, investigator and operational units use the entire arsenal of forces and means of operational investigative activity. In connection with the above, we believe that the forensic technique should reflect the peculiarities (specificity) of obtaining evidence with the use of forces and means of operational investigative activity, in particular, in the process of conducting covert investigative (search) actions.

Thus, the demonstrated role of operational investigative support in criminal proceedings allows us to conclude that it is necessary to include it as a separate element in the structure of crime investigation methods. Therefore, we propose to highlight the following structural elements in the method of investigation of self-interested and violent crimes committed by minors: forensic classification and characteristics of crimes; identification of signs of a criminal offense and circumstances to be established at the primary stage of the investigation; typical investigative situations, versions and investigation planning; peculiarities of conducting investigative (search) actions and tactical operations; organizational and tactical features of the interaction of the investigator with the operational units during the operational and detective support of covert investigative (search) actions (discovery of evidentiary information, overcoming opposition to the investigation, ensuring the protection and safety of persons participating in criminal proceedings, searching for wanted persons); coordination activities of

law enforcement agencies with state bodies, organizations, public associations and mass media regarding the prevention of criminal offenses.

The proposed structure of the methodology of self-interested and violent crimes committed by minors plays an indicative role for the investigator (operative officer, prosecutor, detective). It indicates the direction of the investigation, the general requirements for criminal proceedings and the problems that can be encountered during the pre-trial investigation. Including, it covers a significant amount of crimes that should be included in the category of self-interested and violent. Accordingly, all juvenile crimes, although they are connected by common features, in particular, the person of the criminal, self-interested motive and violent nature of actions, but are quite diverse. This, without a doubt, complicates activities related to their detection and investigation. On the other hand, specific recommendations regarding the peculiarities of the investigation are provided by forensic methods of a lower level of generalization, because «self-interested and violent crimes committed by minors» is a generalized term. Therefore, along with the group, often complex method of investigating self-interested and violent crimes committed by minors, separate (species, subspecies) methods can and, moreover, should be developed. That is why it is expedient to form not only basic methods of investigation of self-interested and violent crimes committed by minors, but also separate forensic methods that will have a clarifying and detailed nature. In the context of the above, we consider it necessary to highlight directions for the formation of separate methods of investigation of self-interested and violent crimes committed by minors: methods of investigation of robberies committed by minors; method of investigating brigandages committed by minors; method of investigation of extortion committed by minors; the method of investigation of murders committed by minors for self-interested motives; the method of investigating the theft, appropriation, extortion of firearms, ammunition, explosives or radioactive materials or their fraudulent possession by minors; the method of investigation of theft, appropriation, extortion of narcotic drugs, psychotropic substances or their analogues or possession of them by means of fraud committed by minors; methods of investigating banditry committed by minors; method of investigating illegal possession of vehicles committed by minors.

Of course, the given list of the main promising directions for the formation of separate methods of investigating self-interested and violent crimes committed by minors is not exhaustive. It can be clarified and supplemented depending on changes in the criminal legislation of Ukraine, as well as procedural regulation of investigative activity.

Conclusions. Separate methods of investigating self-interested and violent crimes committed by minors should be formed taking into account their classification. At the same time, it is worth focusing attention on those categories of self-interested and violent crimes that are most often committed by minors. To do this, it is necessary to analyze the judicial and investigative practice and find out what problems arise during their investigation. The formation of separate methods of investigating self-interested and violent

crimes should be based on the information established in the basic method. Separate forensic methods should detail and complement it. During the development of separate methods of investigation of self-interested and violent crimes committed by minors, it is necessary to use the forensic classification of the specified crimes not only according to the criminal law criterion, but also according to the forensic one. Otherwise, not all forensic signs of self-interested and violent crimes will be taken into account and will be reflected in forensic recommendations regarding the planning, organization and implementation of criminal proceedings.

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