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Secção I

Investigação Científica*

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Criminalistic methodics of crime investigation: Current problems and promising research areas

Métodos de investigação de crimes: Problemas actuais e áreas de investigação promissoras

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ABSTRACT: The relevance of this study is to examine the sphere of criminalistic methodics of crime investigation, as the last section of criminalistic science, and to consider the problems of this sphere and the prospects for its improvement and reform. The purpose of this research is to examine the scope of criminalistic methodics of crime investigation and to study the main problems and prospects for improving the methodics of investigation of committed acts in accordance with the current criminal activity in Ukraine. The methods used to study this subject include dialectical, legal recognition, formal legal, hermeneutical, logical-legal, structural-functional, etc. The results of this study are the characteristics of the following section of criminalistic science –criminalistic methodics of crime investigation, the main problems of this area, the means and methods of improving the methods of investigation of committed acts for effective detection of crimes and impartial consideration of a criminal case. In the course of the research, the "criminalistic methodics of crime investigation" was defined; a distinction was made between the "criminalistic methodics" and "criminalistic methodics of crime investigation"; the essence, tasks, and functions of the criminalistic methodics of crime investigation were determined; problems and prospects for improving criminalistic methodics of investigation of crimes committed were identified. The provisions that are enshrined in this study are of practical value primarily for participants in criminal proceedings for the full and comprehensive protection of their procedural rights and impartial and objective consideration of their case, for law enforcement agencies, investigators, defence counsels, judges, and prosecutors whose activities are related to the investigation and consideration of a criminal case.

KEYWORDS: pre-trial investigation; criminal proceedings; unlawful activity; the structure of criminalistic methodics; criminal activity.

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RESUMO: O interesse deste estudo é examinar a esfera dos métodos de investigação forense da criminalidade, como a última secção da ciência forense, e considerar os problemas desta esfera e as perspectivas de melhoria e reforma. O objectivo desta investigação é examinar o âmbito dos métodos forenses de investigação criminal e estudar os principais problemas e perspectivas de melhoria dos métodos de investigação criminal em conformidade com a actual actividade criminosa na Ucrânia. Os métodos utilizados para estudar este tópico são: dialéctica, reconhecimento legal, legal formal, hermenêutico, logico-jurídico, estrutural-funcional, etc. Os resultados deste estudo são as características da secção seguinte da ciência criminal - o método de investigação criminal, os principais problemas desta área, os meios e métodos de aperfeiçoamento dos métodos de investigação de actos cometidos para a detecção eficaz de crimes e o exame imparcial de um caso criminal. No decurso da investigação, foi definido o "método forense de investigação criminal"; foi feita uma distinção entre o "método forense" e o "método forense de investigação criminal"; foi determinada a essência, tarefas e funções do método forense de investigação criminal; foram identificados os problemas e perspectivas de melhoria do método forense de investigação criminal. As disposições consagradas neste estudo são de valor prático principalmente para os participantes em processos penais para a plena protecção dos seus direitos processuais e o exame imparcial e objectivo do seu caso, para departamentos policiais, investigadores, advogados de defesa, juízes e procuradores cujas actividades estão ligadas à investigação e exame de um processo penal.

PALAVRAS-CHAVE: investigação pré-julgamento; procedimento criminal; actividade ilegal; estrutura dos métodos criminosos; actividade criminosa.

Introduction

The commission of a crime is an individual phenomenon, therefore, its cognition differs and is represented by its specific and inherent features. Therewith, the unlawful activity and the means and methods of investigation have similar characteristics, thus, it is advisable to develop standard methodics for investigating crimes that are homogeneous in criminalistic characteristics. Investigation of crimes is the activity of specially authorised subjects, the essence of which is aimed at establishing and forming an evidence base in accordance with the procedure established by law for obtaining them. At the present stage of development of legislation in Ukraine, the reform of the law enforcement and the judicial sphere is being implemented to improve the effectiveness of law enforcement agencies, which are primarily aimed at creating a high-quality system for protecting fundamental human rights,

countering criminal offences, and introducing measures to counter and combat crime⁶⁷⁸⁹¹⁰.

The changes that are currently taking place in Ukraine, namely changes in the economic and socio-political sphere, on the one hand, positively influence the development of the state, on the other hand, negatively affect the development of society and the life of citizens, primarily due to a decrease in the level of social security, manifestations of cruelty and aggression, growth of unemployment among the population, an increase in armament and violence in society¹¹. The development and improvement of criminalistic methodics for investigating crimes are primarily necessary for participants in criminal proceedings to protect their procedural rights and implement their criminal procedural functions, also, for a comprehensive, complete, and objective study and establishment of all the circumstances of the case. The spread of the COVID-19 had a great impact on people's consciousness and behaviour, which created an emergency situation of a global (worldwide) scale. According to a study by the World Health Organisation, the spread of coronavirus infection has increased the level of regional and international crime. Under such conditions, new criminal acts appeared, the commission of crimes by organised groups using the latest technologies increased, which to a certain extent affected new trends, characteristics, and features of committing crimes¹².

Since the spread of the COVID-19, the rate of committing street crimes has sharply decreased, but the level of committing cybercrimes has increased. Cases of fraud related to the spread of false information about the coronavirus, which are aimed at provoking panic among the population and called "indofemia" (rapid and uncontrolled spread of unverified information), have

⁶ ALEKSEYCHUK, V. A separate criminalistic methodics of trial in criminal proceedings: essence and tasks. *Problems of Legality*, 2019, vol. 130, pp. 169-179.

⁷ SCHUR, B.. The current state and prospects for the development of criminalistic methodics. *Criminal Procedure and Criminalistics*, 2014, vol. 1, pp. 208-216.

⁸ ZHURAVEL V.A. Crime mechanism as a category of criminalistics. *Journal of the National Academy of Legal Sciences of Ukraine*, 2020, vol. 27, n. 3, pp. 142-154.

⁹ STEPANIUK, R. Problems of criminalistics methodics in terms of reforming criminal justice in Ukraine. *Current Issues of Criminal Justice*, 2016, vol. 1, n. 12, pp. 236-245.

¹⁰ BAKHIN, V. *Criminalistics. Problems and opinions (1962–2002)*. Kyiv: Labor Protection, 2002, p. 82.

¹¹ SCHUR, B.. The current state and prospects for the development of criminalistic methodics. *Criminal Procedure and Criminalistics*, 2014, vol. 1, pp. 208-216.

¹² ZHURAVEL V.A. Crime mechanism as a category of criminalistics. *Journal of the National Academy of Legal Sciences of Ukraine*, 2020, vol. 27, n. 3, pp. 142-154.

increased¹³. Under the conditions of the spread of crime, countering the commission of criminal acts has set new tasks for criminalistic science, to identify and develop new means and techniques to combat crimes. From the above, the priority task of criminalistic science is to develop new and effective methods of combating crime, which would be aimed at optimising the activities of law enforcement agencies.

V.P. Bakhin noted that the current state of crime and the conditions for combating it pose a number of new problems for criminalistic science, which need to be solved immediately. The most important and urgent problems include the ones in the field of criminalistic methodics of investigation since in this area scientific developments and research on improving the field lag behind the present situation, therefore, there is a problem of their application in practice, which leads to a deterioration in the state of effective crime investigation¹⁴¹⁵¹⁶¹⁷¹⁸.

The problems in the field of criminalistic methodics of crime investigation are associated with the lack of methods that would facilitate the investigation of new crimes, with the lack of criminalistic methodics of investigating criminal manifestations which are continuously changing¹⁹²⁰²¹²²²³.

¹³ STEPANIUK, R. Problems of criminalistics methodics in terms of reforming criminal justice in Ukraine. *Current Issues of Criminal Justice*, 2016, vol. 1, n. 12, pp. 236-245.

¹⁴ ACKERMANN, V., KURAPKA, V., MALEWSKI, H., and SHEPITKO, V. Creation of a unified European Criminalist Space: The Activity of Public Organizations for Strengthening International Relations. *Kriminalistik*, 2020, vol. 6, pp. 355-363.

¹⁵ ZHURAVEL, V. Criminalistics' language: Concept-terminological apparatus formation. *Journal of the National Academy of Legal Sciences of Ukraine*, 2020, vol. 27, n. 1, pp. 162-176.

¹⁶ TISHCHENKO, V. *The concept, objectives and content of criminalistic tactics*. Odessa: Helvetica Publishing House, 2017, p. 411.

¹⁷ VOZGRIN, I. The concept and content of criminalistic methodics of investigation of crimes. In: O. Korshunova, A. Stepanov. *Course of criminalistics. Criminalistics technique: methodics of investigating crimes against personality, public safety and public order* St. Petersburg: Publishing House "Legal Center Press", 2014, pp. 11-52.

¹⁸ SHEPITKO, V. Problems of typization of certain criminalistic methodics. *Scientific works of NU OYUA*, 2017, vol. 19, pp. 445-451.

¹⁹ SHEVCHUK, V.M. Methodological problems of the conceptual framework development for innovation studies in forensic science. *Journal of the National Academy of Legal Sciences of Ukraine*, 2020, vol. 27, n. 2, pp. 170-183.

²⁰ BERNAZ, P. The structure of the criminalistic characteristics of the crime. *South Ukrainian Law Journal*, 2017, vol. 3, pp. 11-14.

²¹ YAREMCHUK, V.O. The use of medical knowledge in the crime investigation. *Wiadomosci lekarskie*, 2019, vol. 72, n. 1, pp. 103-106.

²² KORZH, V. Problems of development of criminalistic in terms of implementation of criminal procedural legislation. *Theoretical Aspects of the Organization of pre-Trial Investigation*. Kharkiv: KHNUA, 2017, pp. 47-52.

²³ KOLODINA, A. Heuristic approach to the methodics of investigation: Current issues. *Scientific Bulletin of Public and Private Law*, 2019, vol. 3, n. 2, pp. 142-149.

In this study, the authors have solved the problems that are related to the improvement, development, and adaptation of criminalistic methodics of crime investigation to the modern criminal activity in Ukraine. The main purpose of the study is to examine criminalistic methodics of crime investigation, characterise this section of criminalistic science, identify the main problems and areas for improving this field of scientific knowledge.

The main objectives of research on this subject are:

- formulate “criminalistic methodics for investigating a crime”;
- determine the essence, purpose, main tasks and functions of the methodics for investigating unlawful activity;
- investigate the basic principles of criminalistic methodics of crime investigation;
- highlight the main problems that arise in the field of building and implementing a criminalistic methodics for investigating criminal offences;
- identify the main promising areas for improving and developing methodics of crime investigation.

Materials and Methods

Among the research methods of this study, general theoretical and special legal methods of scientific knowledge can be distinguished. In accordance with certain purposes and objectives, the study uses a set of research methods of modern epistemology. Upon using the methods of synthesis and theoretical analysis, an examination of studies in the field of forensic methods of crime investigation was conducted. The dialectical method forms the basis of the study since it is used to comprehend all the processes of research activity on the stated subject. This research method is a theoretical and practical study of the issue of improving the methodics of investigation of committed criminal acts, it is also used to examine the concept, content, and importance of criminalistic methodics of investigation of crimes for effective uncovering of crimes, solution of the case, and maximum protection of the rights of participants in the process.

The logical and legal method allowed formulating proposals for improving the conceptual and categorical apparatus and identifying the main principles that are enshrined in the field of criminalistic methodics of crime investigation.

The formal legal method analysed the legal nature and structural elements included in the criminalistic methodics for investigating crimes; the systematic method determined the range of problems studied and developed proposals for their solution. Sociological and statistical methods are used to study the opinions of employees of investigative units of the National Police of Ukraine on problematic issues that arise during the application of existing and development of new methodics of crime investigation. For a more complete and effective study of the stated subject, the following methods were used: hermeneutical, to cover the essence of “crime investigation methodics” and the possibility of determining the essence and features of this concept in practice; analysis, which allowed dividing the object of research into its components for their independent study, connecting individual legal phenomena that were the subject of analysis into a logically structured legal reality; analogies, through the establishment of similarity in some features of legal phenomena and in legal relations, upon using this method, knowledge about objects and phenomena is achieved on the basis that they have similarities with others.

As effective methods of research of criminalistic methodics of investigation of crimes the axiomatic method, the task of which is to build a scientific theory, in which some statements (axioms) are accepted without evidence and then used to obtain the rest of knowledge according to certain logical rules; system-structural, which covered the “criminalistic methodics of investigation of crime”, considered the procedure for improving methodics of investigation of crimes; formalisation, which reflects meaningful knowledge in a known sign-symbol content; system analysis, theoretical generalisation, induction and deduction, used to generalise the theoretical foundations of determining problems prospects for the development and updating of criminalistic methodics for investigating unlawful activity should also be considered. Furthermore, for a more detailed study, the semantic method was used as a tool for clarifying the content of the main concepts of research through the semantic side of language units, the theoretical and predictive method, which allowed formulating conclusions and proposals, the means of their implementation, and became the basis for determining the expediency and prospects of the given proposals.

To examine the problems of the given subject, the author used studies in the field of criminalistic methodics of crime investigation²⁴²⁵²⁶²⁷. The main studies that were used in research are the studies by V. Ackermann²⁸, V. Alekseychuk²⁹, V. Bakhin³⁰, P. Bernaz³¹, V. Zhuravel³², A. Kolodina³³, V. Korzh³⁴, V. Kurapka and H. Malewski³⁵, R. Stepaniuk³⁶, V. Tyshchenko³⁷, V. Shevchuk³⁸, V. Shepitko³⁹, B. Shchur⁴⁰, etc.

²⁴ KLECHANOVSKIY, I.S. The value of a heuristic approach in building a criminalistic methodics of investigating a threat or violence against a defense counsel or a person's representative in connection with activities related to the provision of legal assistance. *State and Regions. Series: Law*, 2021, vol. 1, n. 71, pp. 150-154.

²⁵ LADEN, A. Outline of a theory of reasonable deliberation. *Canadian Journal of Philosophy*, 2015, vol. 30, no. 4, pp. 551-580.

²⁶ TISHCHENKO, V. Current status and some problems of criminalistic investigation techniques. *Bulletin of the Southern Regional Center of the National Academy of Legal Sciences of Ukraine*, 2014, vol. 1, pp. 170-180.

²⁷ ZHURAVEL, V. Modern concepts of formation of separate criminalistic methodics of investigation of crimes. *Bulletin of Academy of Right Sciences of Ukraine*, 2013, vol. 2, n. 49, pp. 177-187.

²⁸ ACKERMANN, V., KURAPKA, V., MALEWSKI, H., and SHEPITKO, V. Creation of a unified European Criminalist Space: The Activity of Public Organizations for Strengthening International Relations. *Kriminalistik*, 2020, vol. 6, pp. 355-363.

²⁹ ALEKSEYCHUK, V. A separate criminalistic methodics of trial in criminal proceedings: essence and tasks. *Problems of Legality*, 2019, vol. 130, pp. 169-179.

³⁰ BAKHIN, V. *Criminalistics. Problems and opinions (1962–2002)*. Kyiv: Labor Protection, 2002, p. 82

³¹ BERNAZ, P. The structure of the criminalistic characteristics of the crime. *South Ukrainian Law Journal*, 2017, vol. 3, pp. 11-14.

³² ZHURAVEL, V. Modern concepts of formation of separate criminalistic methodics of investigation of crimes. *Bulletin of Academy of Right Sciences of Ukraine*, 2013, vol. 2, n. 49, pp. 177-187.

³³ KOLODINA, A. Heuristic approach to the methodics of investigation: Current issues. *Scientific Bulletin of Public and Private Law*, 2019, vol. 3, n. 2, pp. 142-149.

³⁴ KORZH, V. Problems of development of criminalistic in terms of implementation of criminal procedural legislation. *Theoretical Aspects of the Organization of pre-Trial Investigation*. Kharkiv: KHNUIA, 2017, pp. 47-52.

³⁵ ACKERMANN, V., KURAPKA, V., MALEWSKI, H., and SHEPITKO, V. Creation of a unified European Criminalist Space: The Activity of Public Organizations for Strengthening International Relations. *Kriminalistik*, 2020, vol. 6, pp. 355-363.

³⁶ STEPANIUK, R. Problems of criminalistics methodics in terms of reforming criminal justice in Ukraine. *Current Issues of Criminal Justice*, 2016, vol. 1, n. 12, pp. 236-245.

³⁷ TISHCHENKO, V. Current status and some problems of criminalistic investigation techniques. *Bulletin of the Southern Regional Center of the National Academy of Legal Sciences of Ukraine*, 2014, vol. 1, pp. 170-180.

³⁸ SHEVCHUK, V.M. Methodological problems of the conceptual framework development for innovation studies in forensic science. *Journal of the National Academy of Legal Sciences of Ukraine*, 2020, vol. 27, n. 2, pp. 170-183.

³⁹ SHEPITKO, V. Problems of typization of certain criminalistic methodics. *Scientific works of NU OYUA*, 2017, vol. 19, pp. 445-451.

⁴⁰ SHCHUR, B. The current state and prospects for the development of criminalistic methodics. *Criminal Procedure and Criminalistics*, 2014, vol. 1, pp. 208-216.

Results and Discussion

One of the central places in modern criminalistic science is occupied by the study of criminalistic methodics of crime investigation. Firstly, this is due to the need to improve the system of detection and investigation of crimes, the effectiveness and productivity of solving criminal offences. Despite the reform of the criminal procedure legislation and the adoption of the new Criminal Procedure Code of Ukraine in 2012, there were no considerable changes in the field of criminalistic methodics of investigating crimes. The above can be explained to a certain extent by the imperfection of the code of criminal procedure as a legal regulation, which in turn leads to difficulties in its application in practice. For example, the absence in the Criminal Procedure Code of Ukraine of specific terms of pre-trial investigation or problems with searches, non-return of property, and indefinite criminal investigations. Another disadvantage is the lack of a separate clear rule of law prescribing the prosecutor's obligation to renew the pre-trial investigation and to extend it if the deadline has passed since the indictment was returned to him.

The criminalistic method of crime investigation appeared due to the differentiation and integration of scientific knowledge, it combines the whole set of criminalistic tactics and technologies that are necessary for effective crime investigation. Some researchers, in particular O. M. Vasyliiev, consider criminalistic methodics to be the last, final section of criminalistic science. In addition, A. V. Shmonin, in this regard, noted that there are reasons to consider the emergence of a new stage in the development of criminalistic methodics for investigating crimes, which are the final section of criminalistic science⁴¹.

At present, the criminalistic methodics of crime investigation has risen to a new level of development, since it explains the selectivity associated with investigating unlawful activity and determining not only the «external» and «internal» factors of crime but also the systemic unity that appears when combining the object and subject of knowledge. The development of this phenomenon should be combined with the emergence of criminalistic technology and general criminalistic theory.

⁴¹ TISHCHENKO, V. *The concept, objectives and content of criminalistic tactics*. Odessa: Helvetica Publishing House, 2017, p. 411.

I. A. Vozghryn, in the study “The concept and content of criminalistic methodics of investigation of crimes”, identified five stages in the development of criminalistic methodics of investigation of crimes:

1. Pre-forensic. This stage is characterised by the emergence of criminalistic methodics for investigating crimes.

2. Development of criminalistic methodics of crime investigation. This stage of development began in the period of early criminalistics.

3. During the third stage of the development of criminalistic methodics, the criminalistic methodics as an independent part of criminalistic science was strengthened.

4. At this stage, new criminalistic methodics for investigating crimes have also been developed.

5. This stage of development began in the 1970s and continues to this day. At this stage, there is an improvement in criminalistic methodics of investigating crimes, which are associated with the transformation of the general theory of criminalistic science⁴².

In science, there are at least two definitions of "methodics":

- 1) the doctrine of methods and means used to comprehend the object;
- 2) a set of all methods used for cognition of phenomena or objects.

In a general sense, the object of criminalistic science is, on the one hand, criminal activity, on the other hand, the activities of law enforcement agencies in the investigation of crimes. Therefore, the methodics of crime investigation should be considered recommendations that are used in the investigation and detection of crimes, that is, how to identify, collect, investigate, and evaluate evidentiary information or how and in what sequence to conduct investigative (search) actions, what tactics should be used in the detection, solution, and investigation of crimes to achieve an effective result.

The criminalistic methodics of crime investigation in criminalistic science is a separate branch called “methodics for investigating certain types of crimes (or criminalistic methodics)”. The criminalistic methodics of crime investigation

⁴² VOZGRIN, I. The concept and content of criminalistic methodics of investigation of crimes. In: O. Korshunova, A. Stepanov. *Course of criminalistics. Criminalistics technique: methodics of investigating crimes against personality, public safety and public order* St. Petersburg: Publishing House “Legal Center Press”, 2014, pp. 11-52.

is a branch of criminalistic science, which includes a set of scientific provisions based on which recommendations are developed regarding the organisation and investigation of a crime, countering and preventing unlawful activity. “Criminalistic methodics of crime investigation” should not be identified with “criminalistic methodics”, since these two concepts are considered as general and separate. The criminalistic methodics includes the criminalistic methodics for investigating crimes, that is, the latter acts as a substructural system of the former.

According to criminalistic science, criminalistic methodics includes two concepts: criminalistic “methodics for investigating crimes” and “criminalistic methodics for judicial review of criminal offences”. The essence of criminalistic methodics consists in the development of techniques and recommendations for the relevant subjects of pre-trial investigation and judicial consideration of criminal offences, that is, the addressees of such methodological and criminalistic recommendations are an investigator (detective), a prosecutor, an intelligence officer, a judge (court), an investigative judge, a specialist, a forensic expert, a defence counsel, and other subjects of criminal proceedings.

The main objectives of the criminalistic methodics for investigating crimes are:

- to develop recommendations to law enforcement agencies to assist them in performing their activities related to the investigation of crimes;
- to generalise experience in solving and investigating crimes and based on this development of recommendations for further prevention of unlawful activity;
- to characterise “crime” and “criminality”;
- to identify patterns that manifest themselves during the commission of crimes;
- to create methodological recommendations for the investigation of committed crimes.

The sources of development of the criminalistic methodics for investigating crimes are investigative, intelligence-gathering, and judicial practice, law, and scientific provisions.

Criminalistic methodics of crime investigation should perform a number of functions, among which are: 1) cognitive-pragmatic; 2) educational; 3) descriptive-informational; 4) prognostic-heuristic. The main role is played by the cognitive-pragmatic function since it contributes to an effective and optimal investigation of unlawful activity⁴³. A criminalistic methodics of investigating crimes is a certain “template” using which the crime is solved. Thus, based on the above, the criminalistic methodics of crime investigation is the last, final section of criminalistic science, which is a set of scientific provisions and recommendations that ensures the effectiveness of activities related to the investigation of crime and prevention and counteraction of unlawful activity.

One of the modern problems in the effective investigation and detection of crimes is the problems of forming, developing, and improving certain criminalistic methodics of crime investigation. Solving this problem is an important prerequisite for the development of criminalistic doctrine. Trends in the development of criminalistic science in general and in criminalistic methodics of crime investigation as one of the branches of criminalistic science require expanding the boundaries of research in this field⁴⁴. A debatable problem of the criminalistic methodics for investigating a crime is the definition of the structural elements of a separate criminalistic methodics. Increasingly, when identifying the criminalistic methodics used to investigate crimes, the following is considered: 1) the tactics of conducting individual investigative (search) actions; 2) the criminalistic characteristics of unlawful activity; 2) the initial and subsequent stages of crime investigation. According to the author, this approach solves only the descriptive-informational function⁴⁵.

Currently, in science, there are still debatable issues and problems in the field of criminalistic methodics of crime investigation, namely:

- structure of the methodics for investigating the committed crime;
- classification of criminalistic methodics for investigating crimes by purpose;

⁴³ SHEPITKO, V. Problems of typization of certain criminalistic methodics. *Scientific works of NU OYUA*, 2017, vol. 19, pp. 445-451.

⁴⁴ SHEVCHUK, V.M. Methodological problems of the conceptual framework development for innovation studies in forensic science. *Journal of the National Academy of Legal Sciences of Ukraine*, 2020, vol. 27, n. 2, pp. 170-183.

⁴⁵ BERNAZ, P. The structure of the criminalistic characteristics of the crime. *South Ukrainian Law Journal*, 2017, vol. 3, pp. 11-14.

- issues of staging the investigation process under the current Criminal Procedure Code of Ukraine;
- problems that arise during the development of methodics for considering a criminal case;
- inclusion in criminalistic methodics of crime investigation of the features of the use of covert (investigative) actions.

The criminalistic doctrine draws attention to the fact that the problem of determining the main structural elements included in the methodics of crime investigation becomes important when improving criminalistic methodics and adapting them to the modern realities of committing criminal acts. To date, criminalistic science lacks a general approach to the structural elements of the criminalistic methodics for investigating crimes, which decreases the effectiveness of investigation and detection of crimes. The criminalistic literature defines a list of structural elements that should be included in the criminalistic methodics for investigating crimes, namely:

- 1) criminalistic characteristics of a criminal offence;
- 2) circumstances to be clarified;
- 3) features of identifying signs of a crime and initiating criminal proceedings;
- 4) typical investigative situations and investigative versions of the initial stage of the investigation, the investigator's action programme to resolve and verify them;
- 5) typical investigative situations and investigative versions of the next stage of the investigation, the investigator's action programme to resolve and verify them;
- 6) organisation and planning of the investigation, the interaction of the investigator with other subjects of criminal proceedings;
- 7) specific features of the conduct of certain investigative (search) actions, covert investigative (search) actions, and security measures;
- 8) organisation, planning, and implementation of tactical operations and tactical combinations;
- 9) countering the investigation and means to overcome it;

10) preventive actions of the investigator (criminalistic prevention of criminal offences)⁴⁶.

Regarding the classification of criminalistic methodics of investigating crimes by purpose, there are a number of opinions on this issue, which can be summarised as two main approaches⁴⁷⁴⁸⁴⁹⁵⁰⁵¹. According to the first approach to classifying investigative techniques, this classification can only be complex and contain different levels. According to the second approach, the classification of methodics of investigation of crimes should be universal and include simple, basic, complex, and group methodics of investigation of committed criminal offences. The authors of this study are proponents of the second classification approach.

It is also possible to distinguish criminalistic methodics of investigating crimes depending on their relationship to the articles of criminal law: specific and sub-specific (classified according to a certain article of the Criminal Code of Ukraine or a separate part of it); interspecific (classified according to several articles of the Criminal Code of Ukraine); extra-specific (classified only according to the forensic criterion).

The reform and improvement of criminalistic methodics of crime investigation require studying and investigating the issue of staging the investigation process under the current Criminal Procedure Code of Ukraine. The analysis of the criminal procedural legislation of Ukraine allows distinguishing “procedural” and “non-procedural” approaches to applying further and final (initial and subsequent) stages of investigation of unlawful activity. Modern realities in the field of criminal activity require an integral part of

⁴⁶ YAREMCHUK, V.O. The use of medical knowledge in the crime investigation. *Wiadomosci lekarskie*, 2019, vol. 72, n. 1, pp. 103-106.

⁴⁷ KORZH, V. Problems of development of criminalistic in terms of implementation of criminal procedural legislation. *Theoretical Aspects of the Organization of pre-Trial Investigation*. Kharkiv: KHNUUA, 2017, pp. 47-52.

⁴⁸ KOLODINA, A. Heuristic approach to the methodics of investigation: Current issues. *Scientific Bulletin of Public and Private Law*, 2019, vol. 3, n. 2, pp. 142-149.

⁴⁹ KLECHANOVSKIY, I.S. The value of a heuristic approach in building a criminalistic methodics of investigating a threat or violence against a defense counsel or a person’s representative in connection with activities related to the provision of legal assistance. *State and Regions. Series: Law*, 2021, vol. 1, n. 71, pp. 150-154.

⁵⁰ LADEN, A. Outline of a theory of reasonable deliberation. *Canadian Journal of Philosophy*, 2015, vol. 30, no. 4, pp. 551-580.

⁵¹ TISHCHENKO, V. Current status and some problems of criminalistic investigation techniques. *Bulletin of the Southern Regional Center of the National Academy of Legal Sciences of Ukraine*, 2014, vol. 1, pp. 170-180.

criminalistic methodics of investigating crimes to be recommendations for the use of tactics of secret investigative (search) actions. This issue has been studied by researchers for many years. As an example of studying and applying this provision, there is the criminalistic methodics of investigating crimes in the field of corruption, for the solution of which secret investigative (search) actions and tactical operations should be used.

V. A. Zhuravel notes that the basis for improving and modernising criminalistic methodics of crime investigation should be to increase the role of cognitive function in the characterisation of certain types of crimes by identifying correlations between the elements of the methodics for investigating committed crimes⁵². In addition, criminalistic science often associates the creation and improvement of criminalistic methodics with the need to study and establish the criminalistic characteristics of the committed crime.

One of the prospects for improving the criminalistic methodics of investigating criminal acts is also the improvement and introduction of changes in the criminal and criminal procedure legislation since the introduction of such changes will lead to the development of new methodics and their adaptation to modern realities, which in turn will allow for more effective and productive activities to investigate and disclose criminal activities. Furthermore, due to the crime growth in Ukraine and the emergence of new types of crimes, it is advisable to develop new methodics for investigating crimes, in particular crimes in the field of national security, health protection, crimes committed during emergencies, crimes related to the export (shipment) of anti-epidemic goods across the customs border of Ukraine, crimes that are committed in the field of smuggling of anti-epidemic goods, which is quite relevant under the conditions of the COVID-19 spread.

The approaches of criminalistic researchers to improve criminalistic methodics of crime investigation are quite interesting and productive. B. V. Shchur notes that to introduce prospects for improving criminalistic methodics of crime investigation, it is necessary to adhere to two areas: 1) develop separate methodological recommendations that would have a commonality, that

⁵² ZHURAVEL, V. Modern concepts of formation of separate criminalistic methodics of investigation of crimes. *Bulletin of Academy of Right Sciences of Ukraine*, 2013, vol. 2, n. 49, pp. 177-187.

is, they extend to several types of crimes that are committed in specific conditions and by persons who have certain common features; 2) improve existing methodics of crime investigation, develop new, and adapt them to modern types of crime. The list of new types of crimes includes crimes that are committed using computer networks, crimes in the field of ecology, crimes in the field of economic security, etc.⁵³.

The growth of crime in the modern world requires effective counteraction and fight against crime by law enforcement agencies. The implementation of such activities requires the development and improvement of recommendations (forensic methods) for investigating crimes. The necessary attention, when studying criminalistic methodics, is paid to studying and highlighting the principles, basic principles that serve as prerequisites for the effective implementation of crime investigations. The study of the role of principles in developing and improving criminalistic methodics for investigating crimes is primarily due to the fact that subjects investigating the unlawful activity experience difficulties in applying methodics for investigating crimes in practice because of their imperfection and obsolescence, which in turn leads to their ineffective implementation in practice. In this case, the principles are a factor that leads to the solution of the above problems and contributes to the development of criminalistic methodics for investigating crimes of various levels⁵⁴. Based on the above, it can be confidently stated that the study of the purpose, system, essence, and content of criminalistic methodics of crime investigation is largely studied using scientific principles that are the basis for the development of criminalistic methodics.

The principles used to study criminalistic methodics of crime investigation are inextricably linked with the general principles of criminalistic science. Accordingly, the principles of criminalistic science are the main conditions that are aimed at epistemological cognition of criminalistic research, which can be considered as a single process of scientific cognition. At the first stage of the study of any phenomenon, the origin and development of this phenomenon

⁵³ SHCHUR, B. The current state and prospects for the development of criminalistic methodics. *Criminal Procedure and Criminalistics*, 2014, vol. 1, pp. 208-216.

⁵⁴ TISHCHENKO, V. *Theoretical and practical bases of methods of investigation of crimes*. Odessa: Phoenix, 2015, p. 260.

should be considered, since no phenomenon can be studied separately from the history of its development. The principles of criminalistic science are not an exception along with the principles of criminalistic methodics for investigating crimes.

The principles of criminalistic science were first mentioned in 1935-1936 in the first textbook on criminalistic science. This textbook contained a chapter titled "Basic principles of criminalistic science", yet this chapter did not contain a clear list of principles and their content, the authors of the textbooks considered the initial foundations of criminalistic science as principles. In the future, the issue of principles was not given due attention and no research was conducted in this area, only in 1974, A.Ia. Ginzburg published a paper that was devoted to the problem of defining the principles of criminalistic science and contained the title "principles of Soviet criminalistic science", in which he noted that there is no clear position and common views in defining the system of principles.

In this work, A.Ia. Ginzburg considered the principles of criminalistic science as the main provisions expressing the totality of knowledge and practical importance of criminalistic science⁵⁵. He also noted that the system of principles consists of three links: general principles of criminalistic science, special principles, and separate principles of criminalistic science. O. O. Eksarkhopulo defines the principles of criminalistic science as the main provisions that ensure the effective use of techniques, methods, and means of working with evidence⁵⁶. Thus, at the present stage of the development of criminalistic science, the principles of criminalistic science should be considered the fundamental principles and provisions that characterise the system of knowledge of criminalistic science in general and guiding ideas for using the acquired knowledge in practice.

The principles of the criminalistic methodics for investigating crimes are the main provisions and principles based on which scientific cognition of the relevant object of criminalistic science takes place to obtain the necessary

⁵⁵ GINZBURG, A. *Principles of Soviet criminalistics*. Karaganda: Karaganda Publishing House, 1974, p. 79.

⁵⁶ EXARCHOPULO, A. *Fundamentals of criminalistic theory*. Saint-Petersburg: SPbU, 1992, p. 244.

knowledge to be used in the development of methodics for investigating crimes. Principles of criminalistic methodics of crime investigation can be divided into three types: principles that are aimed at applying criminalistic methodics; principles of criminalistic methodics as one of the branches of criminalistic science; principles of developing a separate criminalistic methodics of crime investigation. The principles by which cognition, research, and improvement of criminalistic methodics of crime investigation are carried out include the principle of covering all circumstances to be established during the investigation of a certain type (group) of crimes; the principle of considering the criminalistic classification of crimes; the principle of typification and differentiation of crime investigation activities; the principle of compliance of theoretical provisions of the investigation methodology with the requirements of the practice of fighting crime; the principle of typification and differentiation of criminal acts, etc.

The study of these principles is primarily due to the current state (regularity) of the development of criminal practice. The following should be particularly highlighted: combining in criminal activity several crimes from different parts of the Criminal Code of Ukraine, which in turn leads to the development of new and specific methodics of investigation of crimes; the identification of a specific subject or group of subjects of criminal activity; differences that are manifested in technologies, methods of committing the same crime, for example, premeditated murder with different qualifying features, which stimulates the development of new methodics of investigation of crime; the entering of different crimes in the system of criminal activity which are assigned to the same qualification group within the Criminal Code of Ukraine.

The principle of compliance of the theoretical provisions of the investigation methodology with the requirements of the practice of combating crime – the introduction and implementation of this principle is aimed at updating and improving criminalistic methodics for investigating crimes due to the emergence of new methodics of committing unlawful activity; the development of methodics for investigating crimes committed in the field of innovative

technologies⁵⁷⁵⁸⁵⁹⁶⁰. There is an example of the development and implementation of methodics for investigating crimes through the use of computer technologies; the implementation of research aimed at creating theoretical provisions, which ensures the performance of practical activities; the solution of errors in activities related to the investigation of crimes; the development of interspecific criminalistic methodics for investigating crimes.

The principle of typification and differentiation of crime investigation activities. The need to distinguish this principle is due to the prominence of typical tasks of crime investigation in criminalistic methodics; the development of a specific model of differentiation of investigation in crime investigation methodics, which depend on changes in the investigative situation. The principle of considering forensic classification of crimes.

One of the main grounds for classifying crimes is human activity in a particular field. V. O. Obratsov noted that “human activity is a «section of» social reality”⁶¹. The development of effective methodics of investigating crimes depends on the sphere in which the relevant criminal offences are committed. The principle of covering all circumstances to be established during the investigation of a certain type (group) of crimes. To improve and develop new criminalistic methodics for investigating crimes, it is essential to clarify the range of circumstances to be established during the pre-trial investigation⁶²⁶³⁶⁴.

⁵⁷ SHEVCHUK, V., SHEVCHUK O., ZUY V., and CHUB O. Legal regulation of procurement of narcotic drugs in Ukraine with involvement of international specialized organizations. *Georgian Medical News*, 2018, vol. 11, n. 284, pp. 143-149.

⁵⁸ SHEVCHUK, O., LYSODYED, O., BORYSENKO, I., BULULUKOV, O., and BABAIEVA, O. Legal support of the patient's right to innovation in health. *European Journal of Sustainable Development*, 2020, vol. 9, n. 4, pp. 337-350.

⁵⁹ SHEVCHUK V., SHEVCHUK O., MATYUKHINA N., and ZATENATSKYI D. Testing of drugs in the implementation of customs control in Ukraine: legal aspects. *Georgian Medical News*, 2020, vol. 1, n. 298, pp. 165-169.

⁶⁰ SHEPITKO, V., SHEPITKO, M., SIMAKOVA-YEFREMIAN, E., and KOLOMIITSEV, A. The determination of the bullet velocity after ricochet using computer modeling. *AFTE Journal*, 2020, vol. 52, n. 2, pp. 98-102.

⁶¹ OBRAZTSOV, V. *Criminalistic classification of crimes*. Krasnoyarsk: Krasnoyarsk Publishing House, 2003, p. 176.

⁶² KOLODINA, A. *Principles of criminalistic methodics in crime investigation*. Odessa: Odessa Law National University, 2016, p. 214.

⁶³ VAPNIARCHUK, V.V., ZHURAVEL, V.A., TROFYMENKO, V.M., and KARPENKO, M.O. The essence of the philosophical category truth: Criminal procedural aspect. *Astra Salvensis*, 2020, vol. 2, pp. 273-290.

⁶⁴ VAPNIARCHUK, V.V., KAPLINA, O.V., SHUMYLO, M.Y., and TUMANYANC, A.R. Proof in the Science of the Criminal Process in Ukraine: Conceptual Approaches to Understanding the Essence. *International Journal of Offender Therapy and Comparative Criminology*, 2021, vol. 65, n. 2-3, pp. 205-220.

Conclusions

One of the main roles in criminalistic science is played by the study of problems of criminalistic methodics of crime investigation, which are enshrined in a separate section of criminalistic science. The priority of this field of criminalistic science is determined by the need to improve the system of detection and investigation of crimes, the effectiveness and productivity of solving criminal offences. The criminalistic methodics of crime investigation is the last, final section of criminalistic science, which is a set of scientific provisions and recommendations that ensure the effective implementation of activities related to the investigation of a crime and the prevention of unlawful activity.

In addition, to improve the scope of criminalistic methodics of investigation of crimes, a set of principles of the methodics of investigation of unlawful activity was identified, namely: the principle of covering all circumstances to be established during the investigation of a certain type (group) of crimes; the principle of considering the criminalistic classification of crimes; the principle of typification and differentiation of crime investigation activities; the principle of compliance of the theoretical provisions of the investigation methodics with the requirements of the practice of fighting crime; the principle of typification and differentiation of criminal acts.

The problems in the field of criminalistic methodics of investigation of committed crimes that require further reform and improvement are the structure of the methodology of investigation of the committed crime; classification of criminalistic methodics of investigation of crimes by purpose; issues of staging the investigation process under the current Criminal Procedure Code of Ukraine; problems that arise during the development of methods of criminal proceedings; inclusion in criminalistic methodics of crime investigation of the features of the use of covert (investigative) actions.

The modern criminal situation in Ukraine requires improvement and development of new methodics of crime investigation. Considering the above, it can be stated that it would be appropriate to improve the theoretical foundations of the last section of criminalistic science and to amend the criminal procedure legislation of Ukraine in the field of conducting activities to investigate committed criminal acts.

Therefore, the prospects for reforming and improving criminalistic methodics of crime investigation are the development of research aimed at updating criminalistic methodics of crime investigation and adapting them to the present realities, the research should suggest ideas about the structure of the investigation methodology, the classification of such criminalistic methodics, the development of complex criminalistic methodics of crime investigation, and the use of secret investigative actions during the solution of a criminal offence.

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