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Prevention and overcoming of counteraction to the investigation of crimes committed against participants in criminal proceedings

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Abstract

The study is devoted to the scientific analysis of the prevention and overcoming of resistance to the investigation of crimes committed against participants in the criminal process. It was concluded that the systematic implementation of scientific recommendations, which are based on the provisions of criminology, criminal process and psychology, will help to increase the effectiveness of activities in the specified area. Arguments are presented in favor of granting operational units the right to immediately initiate and conduct visual surveillance of persons who were discovered in the process of secret investigative actions (search), with the aim of obtaining more information about their personal data and evidence of their involvement in committing or preparing a crime against participants in criminal proceedings. The focus is on the increased effectiveness of victimological prevention and individual prevention of crimes of the studied category. The appropriateness of the use of Ukraine, taking into account the national specifics of the world's best practices to overcome countermeasures and prevent crimes against

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participants in criminal proceedings, in particular, the system of early prevention and security measures, is justified.

Keywords: participants in criminal proceedings; criminological research; prevention countermeasures; victimization; security measures.

Prevencción y superación de contramedidas a la investigación de delitos cometidos contra participantes en procesos penales

Resumen

El estudio está dedicado al análisis científico de la prevención y superación de la resistencia a la investigación de los delitos cometidos contra los participantes en el proceso penal. Se concluyó que la aplicación sistemática de recomendaciones científicas, que se basan en las disposiciones de la criminología, el proceso penal y la psicología, ayudarán a aumentar la eficacia de las actividades en el área especificada. Se presentan argumentos a favor de otorgar a las unidades operativas el derecho a iniciar y realizar inmediatamente la vigilancia visual de las personas que fueron descubiertas en el proceso de acciones secretas de investigación (búsqueda), con el objetivo de obtener más información sobre sus datos personales y pruebas de su participación en cometer o preparar un delito contra los participantes en un proceso penal. La atención se centra en la mayor eficacia de la prevención victimológica y la prevención individual de los delitos de la categoría estudiada. La conveniencia del uso de Ucrania, teniendo en cuenta las especificidades nacionales de las mejores prácticas del mundo para superar las contramedidas y prevenir los delitos contra los participantes en los procesos penales, en particular, el sistema de prevención temprana y medidas de seguridad, está justificada.

Palabras clave: participantes en el proceso penal; investigación criminológica; contramedidas de prevención; victimización; medidas de seguridad.

Introduction

Participants in criminal proceedings are often physically and psychologically influenced in order to change their testimony or refuse to testify. Also, as practice shows, post-criminal action can also be carried

out with the aim of stopping assistance with justice, out of revenge, etc. Therefore, the intentions and behavior of the participants in the criminal process, created for the purpose of exposing a person in the commission of a criminal offense, are the cause of illegal influence on them.

At the same time, the accomplices of the crime themselves, who have the procedural status of suspects and accused persons, may also find themselves in the role of persons who are potentially at risk of post-criminal influence in case of their active behavior, which is contrary to the interests of other accomplices of the crime.

Cases are not excluded when authorized subjects of criminal proceedings - investigators, prosecutors, the court, as well as those involved in it - defense lawyers, legal representatives, witnesses - become the objects of criminal encroachment. It is traditionally believed that threats aimed at these objects, namely: life, health, property, exert the most effective psychological influence on a person, as a result of which he may refuse to assist justice.

The objects of threat can also be the reputation of a person, the possibility of career growth, life, health, property of his close relatives, relatives and close people. One of the means of effective counteraction to criminal activity, among others, is the timely response of law enforcement agencies to illegal actions against participants in criminal proceedings (Brusnitsyn, 2002: 40), as well as the prevention of such crimes.

The social danger of crimes against participants in the criminal process lies, in particular, in the fact that crimes of this category significantly undermine the authority of bodies that ensure not only law enforcement and the judiciary, but also the state in general, generating public distrust in the ability of state institutions to effectively resist crime. As a result, a negative assessment of the activities of law enforcement agencies and their condemnation is born in people's legal consciousness.

This leads to the development of a system of effective measures to prevent and overcome opposition to the investigation of crimes committed against participants in criminal proceedings, possibly as a result of the analysis and formulation of the main determinants of such criminal offenses. In our opinion, the concept of preventing and countering the investigation of crimes against participants in criminal proceedings, based on scientifically based theoretical provisions and conclusions, should determine the organizational and legal mechanisms for their detection and termination, offer a set of practical recommendations for the effective prevention of such illegal acts.

The main participants in the activity of prevention and overcoming of opposition to the investigation of crimes committed against participants in criminal proceedings are the authorized subjects of the criminal process,

state and municipal bodies, public associations and organizations, as well as citizens.

1. Methodology of the study

The methodological toolkit of research in the chosen direction contains a number of general scientific and special legal methods, in particular: dialectical, formal-legal, system-structural, methods of analogy, analysis, synthesis, classification, statistical, sociological, comparative-legal. The scientific interpretation of the categories «antidote» and «prevention» was carried out taking into account the basics of dialectics. The application of the systemic structural method made it possible to investigate the peculiarities of preventing and overcoming opposition to the investigation of crimes committed against participants in criminal proceedings.

The method of classification in combination with the use of the main cognitive philosophical categories: general and separate, structure and elements created the prerequisites for the formation of the author's approach to the development of levels and methods of prevention and counteraction of the specified crimes. The use of the formal legal method became the basis for the formation of practical recommendations aimed at increasing the effectiveness of the investigation of crimes and preventing negative effects on the participants of the criminal process.

The application of methods of structural-functional and system analysis made it possible to describe and explain the theoretical model of the system of combating crime against participants in criminal proceedings with defined external and internal, i.e. hierarchical and coordination, connections, to highlight and determine the main directions of countermeasures. The detection of the level of effectiveness of the investigation of crimes of this category, the preventive activity of the authorized entities became possible thanks to the application of statistical and sociological methods, as well as empirical data.

The search for ways to improve the prevention and countermeasures against the investigation of crimes committed against participants in criminal proceedings with the use of foreign experience was carried out using the comparative legal method, methods of analogy, analysis and synthesis.

2. Analysis of recent research

The issue of preventing and overcoming opposition to the investigation of crimes committed against participants in criminal proceedings has been

repeatedly considered by Ukrainian and foreign scientists. However, the achievements of scientists did not cover the solution of modern problems of prevention and overcoming opposition to the investigation of such crimes, because in recent years Ukraine has undergone many transformations, which indirectly affected the effectiveness of prevention and investigation of crimes committed against participants in criminal proceedings.

In particular, law enforcement bodies were reformed, their system was restructured, new bodies and subdivisions were created, new normative legal acts were adopted, changes were made to existing ones, etc. The above testifies to the relevance of the chosen topic, the necessity and timeliness of research on issues of prevention and overcoming opposition to the investigation of crimes committed against participants in criminal proceedings.

3. Results and discussion

3.1. Counteraction to the investigation of crimes committed against participants in criminal proceedings and ways to overcome it

Modern criminal activity is characterized by active opposition both in the process of pre-trial investigation and in the administration of justice in general, it is characterized by scale, systematicity and professionalism, it is a system of techniques, methods and means of preventing the achievement of the tasks of criminal justice and, in the end, the fight against crime (Aleksandrenko, 2004: 14-15).

Resistance to the investigation in the doctrine is considered as a peculiar type of criminal activity aimed at preventing the establishment of the circumstances of the crime and the guilt of the persons who committed it. The choice of countermeasures will depend on the cause-and-effect, spatio-temporal connections between the method of committing and concealing the crime (Shehavgov, 2003: 16).

In a generalized form, opposition to the investigation of crimes against participants in criminal proceedings can be characterized as a set of intentional illegal and other actions or inaction of the subjects of the crime, or other persons interested in it, aimed at preventing the establishment of the circumstances of a criminal offense by the subject of the investigation in his detection activities, disclosure and investigation of a crime event.

According to the level of complexity, countermeasures can be divided into simple and complex, which depends on the set of techniques used. Typical methods of combating single-act crimes include several methods. However,

organized criminal groups are characterized by complex countermeasures, which may contain up to 10 techniques, both one-time and long-term.

Since the essence of countermeasures is expressed in obstructing the investigation (for example, in the influence of criminals and other persons on witnesses and victims with the aim of the latter committing actions «beneficial» to criminals, etc.), this phenomenon can be present at all stages of pre-trial investigation and court proceedings. However, opposition to the investigation is not always sufficiently manifested.

The presence of pre-trial investigation bodies in the conditions of opposition to the investigation and tactical risk determines the need to make balanced, timely decisions, which must be made from the standpoint of evaluating the validity of the choice, as well as taking into account the possible risks and consequences of the decision. At the same time, the investigative body must skillfully and timely apply both tactical techniques and their combination, quickly and adequately respond to changes in the investigative situation.

This, in our opinion, will reduce the number of hasty, unfounded decisions, and, as a result, will reduce the occurrence of negative consequences, in particular, such as manifestations of opposition to the investigation.

Taking into account the typical characteristics of victims of criminal offenses, it is appropriate to note that these persons are the most vulnerable objects to their influence, in the formation and implementation of methods of countermeasures against the detection and investigation of crimes of the specified category.

In our opinion, when detecting countermeasures, it is necessary to strive to determine the main signs that characterize it, separating it from secondary ones. The difficulty of identifying the main signs of resistance is that it is usually carried out hidden from the outside observer. The subjects of opposition deliberately mask their activity, preventing its reflection in objective reality in any way.

Since signs of countermeasures can appear with varying degrees of certainty in different situations and under different conditions, it is necessary to determine favorable moments for detecting such signs. The investigator's knowledge of the typical methods of the considered types of resistance by its specific subjects will, first of all, have cognitive value and ultimately enrich the arsenal of possibilities for their neutralization.

Typical components of various forms of opposition to the investigation of criminal offenses against participants in criminal proceedings can be: various forms of mental and physical violence; bribe; blackmail; destruction of material evidence and other sources of evidentiary information; concealment of evidentiary information.

From a scientific point of view, it is worth paying attention to the typical behavior of suspects during investigative (search) actions with them. According to the results of the study of criminal proceedings, it was found that during the interrogation of suspects or other persons who try to provide false information, the following are typical: putting forward and defending a false alibi; giving false or partially true statements during interrogations; slandering other persons to confuse or delay the investigation; self-talk by a person who is not guilty or partially guilty, but forced to take all the blame due to bribery, threats or blackmail; psychological influence and attempts at covert intimidation and threats against another interrogate during the simultaneous interrogation of two or more already interrogated persons; simulation of diseases, mental disorders in order to avoid punishment; attempts by interested persons to steal or destroy physical evidence, materials of criminal proceedings.

Depending on certain situational circumstances, at certain stages of the pre-trial investigation, other forms of opposition to the investigation may be applied by interested parties. Actions by relatives or close friends of the suspect aimed at bribing or blackmailing a participant in criminal proceedings, an employee of a law enforcement agency, various threats directly to him or family members can be typical.

Analyzing the typical methods of counteracting the investigation of crimes against participants in criminal proceedings, it is appropriate to note that at the current stage of development, forensic tactics are able to effectively resist forms of countermeasures, which is an objective component of its overcoming. Its subjective component should be the professional awareness of the investigator, perfect compliance with the provisions of the law, ethical and psychological principles, prevention of corruption and abuse or other violations in official activities.

It is quite correct to think that the maximum analysis and specification of methods of its implementation is most important for the development of means of tactical overcoming of opposition to the investigation (Belkin and Averyanova, 1997: 130). And therefore, within the limits of a complex, unfavorable conflict investigation situation, it is advisable for the investigator to apply an effective functional method of criminology - diagnostic, to analyze the properties, condition, features, weaknesses and contradictions of opposing persons, and in the future to use optimal methods of overcoming opposition.

First of all, it is advisable to apply legal means of persuasion and warning about criminal liability for illegal acts against justice, provided for in Articles 384, 385, 386, 387 of the Criminal Code of Ukraine (in the future – CPC of Ukraine).

In addition to clarifying the legal consequences regarding the behavior of specific individuals, the following tactical methods of influencing them during interrogations can be no less effective: establishing effective psychological contact; clarification of the reasons and motives of false statements; use of positive qualities, emotional tension of the person; announcement of incriminating statements, expert opinions; use of the factor of suddenness (Ignatiev, 2004); repeated interrogation with a limited range of questions, their detailing and clarifications, establishment of contradictions and their deliberate nature (Aleksandrenko, 2004: 8).

If the interrogated person presents an alibi, it will be effective to conduct an interrogation together. Another investigator or operative will have the opportunity, under favorable conditions, to quickly leave for the purpose of questioning the persons referred to by the suspect, inspecting the area, objects and documents that may contain signs of references in accordance with the alibi or perform other actions possible under specific circumstances.

Also, within the scope of activities related to countering the investigation of crimes against participants in criminal proceedings, operatives in order to fulfill the tasks of criminal proceedings must be able, on legal grounds, by their own decision, to document such actions and take measures to establish them by conducting surveillance on them in publicly accessible places using photography, video recording and special technical means for surveillance.

To this end, the CPC of Ukraine should define the right of operational units to immediately start and conduct visual surveillance of unidentified (unknown) persons who were discovered in the process of secret investigative (search) actions, with the aim of further obtaining their personal data and (or) evidence of their involvement in committing or preparing a crime.

3.2. Prevention of crimes against participants in criminal proceedings

The criminological analysis of crime problems regarding the participants in criminal proceedings compared to the analysis of general criminal crime is somewhat more complicated due to the multifactorial structure of the determination of these crimes, and the assessment of the real level of such crimes is complicated by the high level of its latency.

According to some researchers, crimes against participants in criminal proceedings are characterized by: a relatively defined circle of persons capable of being the subjects of crimes; the conditioning of crimes by situational factors manifested in connection with involvement in criminal procedural activities; specific motivation of criminal behavior; purposeful selection of victims of assault; high level of latency; negative social

consequences that go beyond harming individual individuals and beyond specific criminal proceedings; the possibility of achieving high efficiency in social prevention.

In general, prevention should be understood as an activity that prevents the commission of criminal offenses, prevents their commission. To prevent means: «to prevent something from happening in advance, to turn it away» (New Explanatory Dictionary of the Ukrainian Language, 2001: 89). Prevention is the activity of the state (in the form of its bodies) and society, aimed at keeping crime at a minimum level by neutralizing its causes and conditions, as well as at preventing and stopping specific criminal offenses (Ivanov and Dzhuzha, 2006).

Crime prevention is a set of various types of activities and measures in the state, aimed at improving social relations with the aim of eliminating negative phenomena and processes that generate crime or contribute to it, as well as preventing the commission of crimes at various stages of criminal behavior.

General social crime prevention is the effective and legitimate functioning of all institutions of society and the state, which is not specifically aimed at combating crime, but indirectly affects the factors of its existence and reproduction, as a result of which the number of criminal offenses is minimized (Kutz, 2015; Lavrov, 2003: 103; Huzela *et al.*, 2022: 2947).

At first glance, it may seem that at this level of opposition, its subject and object coincide, but a more detailed analysis of the situation indicates only a terminological coincidence of the mentioned phenomena. In reality, not all of society, but only its legal institutions and socioeconomic individuals (law-abiding citizens) participates in combating crime at the specified level as a subject.

In the aspect of general social resistance to crimes committed against participants in criminal proceedings, let's pay attention to foreign experience. Until now, the international community has developed documents that, as a whole, determine the standards for national legislation in order to solve the most important issues of criminal proceedings. Separate acts are devoted to issues of legal security of the subjects of the criminal process and in this sense deserve close attention (Martynenko, 2005: 222).

Thus, the Universal Declaration of Human Rights of 1948, as well as the International Covenant on Civil and Political Rights oblige the member states of the United Nations to provide effective legal protection from the court to a person whose rights and freedoms have been violated, in particular, by means of a search new opportunities and means of judicial protection, taking into account national specifics.

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by UN General Assembly Resolution 40/34 of 29 November 1985, states that victims of crime, and often their families, witnesses and others who assist them, are unfairly treated damages, personal injury or damage to their property.

Its provisions establish the fair treatment of victims of crimes, the development of justice mechanisms that would be more responsive to the needs and interests of victims, ensuring their safety, as well as the safety of families and witnesses of the prosecution, protection from intimidation and revenge, respect for rights and freedoms, minimizing inconvenience , related to participation in the process.

Documents adopted at the World Conference on Organized Transnational Crime in 1999 recognized the need for strategic measures to protect law enforcement officers, witnesses and victims. At the same time, they especially emphasized that witness protection measures play a main role in the fight against crime and should become an integral part of state policies in this area.

Recommendations Rec (2005) of the Committee of Ministers of the Council of Europe to member states on the protection of witnesses and persons who cooperate with the justice system propose to establish severe sanctions for the commission of crimes aimed at intimidation of witnesses.

At the same time, the term «witness» refers not only to a participant in criminal proceedings who is questioned as a witness, but also to any person who has information and whose testimony is taken into account by a judicial body during the prosecution. The term «intimidation» in the Recommendations is interpreted as any direct, indirect or potential threat to a witness, which may create an obstacle for him to fulfill his civil duty related to giving evidence (Recommendation REC, 2005: 9).

In turn, the legislators of the United States of America and the developed democratic countries of Europe realized the need to establish criminal law and other measures for the protection of witnesses and victims much earlier than the domestic legislator and, starting from the middle of the last century, purposefully improved the relevant legislative framework. Many such legislative provisions can be fully adapted to Ukrainian conditions.

So, general social resistance to crimes against participants in criminal proceedings is manifested through a system of measures of a political, ideological, economic, organizational nature, aimed at the development of the economy, raising the standard of living of citizens, which thereby solve the task of preventing crimes of this category.

Special criminological crime prevention is closely related to general social prevention of criminal offenses against participants in criminal

proceedings, however, unlike general social, it has a direct goal and is aimed at identifying and eliminating (blocking, neutralizing) determinants of crime, which is its characteristic feature and the main feature. In contrast to general social special criminological prevention of crimes, it is a system of criminological and organizational and legal measures directly aimed at combating crime, which are mainly carried out by specially authorized bodies.

A characteristic feature of such a warning is the creation and implementation of multifaceted programs to prevent its manifestations at the national, regional, and local levels and the implementation of other measures specifically aimed at this. Along with this, special criminological prevention includes both the prevention of intended and those that are being prepared, as well as the termination of initiated criminal offenses. In addition, as noted by K. Ruban, the main difference between special criminological prevention measures and general social ones is that their action has a tactical rather than a strategic direction (Ruban, 2012).

Thus, the purpose of special criminological measures to prevent crimes against participants in criminal proceedings is to solve limited tasks, that is, to overcome the specific reasons and conditions for their commission.

Each of the participants in criminal proceedings is in one way or another subject to (may be subject to) criminal influences. On the one hand, this is due to their personal qualities (gender, age, physical development, psychological characteristics, etc.).

On the other hand, the involvement of these persons in the sphere of the criminal process significantly increases the degree of their victimhood, since the possession of specific rights and obligations separates the participants in the criminal proceedings from the circle of ordinary citizens.

An integral component of special criminological measures to prevent crimes against participants in criminal proceedings is general social prevention of victimization of subjects involved in criminal proceedings, which, in our opinion, includes two aspects: 1) analysis and scientific justification of the reasons for victimization of participants criminal proceedings, as well as conditions that contribute to their commission; 2) development on the basis of the conducted analysis of methods and means aimed at eliminating and ensuring the neutralization of factors contributing to victim behavior.

Victimological prevention of criminal offenses against participants in criminal proceedings at the special criminological level is ensured by actions within the following directions: identification of the causes and conditions that act as grounds for committing such criminal offenses, if they are related to the person and behavior of the victims, and elimination of these causes and conditions or their neutralization; monitoring of

persons who, due to their personal characteristics or behavior, may become victims of such crimes, and carrying out work with them aimed at activating their protective reactions, helping to ensure their personal and property safety; prevention and termination of specific criminal offenses with the involvement of the potential victim's defense capabilities, and the use of the so-called «from the victim» tactics in the organization of preventive work.

In particular, in Ukraine there is a special normative legal act that regulates the mentioned issue, the Law of Ukraine «On ensuring the safety of persons participating in criminal proceedings», which the legislator includes as security measures: personal protection; protection of housing and property through fire and security alarm equipment; change of apartment phone numbers and state license plates of vehicles; issuance of special means of individual protection and notification of danger; use of technical means of monitoring and listening to telephone and other conversations.

Visual observation in case of danger to life and health of persons taken under protection; visual surveillance in the event of a threat of violence or other illegal acts against persons taken under protection; replacement of documents and change of appearance; change of place of work or study; relocation to another place of residence; placement in a pre-school educational institution or an institution of the social protection bodies of the population; ensuring the confidentiality of personal information; closed court proceedings (On Ensuring the Safety of Persons Participating in Criminal Proceedings: Law Of Ukraine, 1993).

In addition, in Part 2 of Art. 7 of the Law indicates the possibility of applying other security measures, taking into account the nature and degree of danger to life, health, housing and property of persons taken under protection, that is, the list of such measures is open.

In this regard, D. Rivman and V. Ustinov emphasized the dependence of crime prevention on a number of circumstances, for example, the formal possibility of isolating the actors of a conflict situation, the availability of state bodies: «Forces and means for the timely termination of criminal developments» (Rivman and Ustinov, 1998: 185). One of the effective options may be the development of legal grounds for police action to distance (isolation) the victim and the guilty person, control and response by the police on the further behavior of the guilty person.

This experience of preventing secondary victimization has been implemented in a number of foreign countries. For example, in the Federal Republic of Germany, in the field of combating violence in the domestic sphere, the sources of police law of various federal states provide for the possibility of applying such measures of police influence as: removal from the apartment (house) of the person from whom the danger comes; banning

access to the apartment (house) and banning contact with such a person (Zemlyakov and Zemlyakova, 2011).

Taking into account the above, we consider it possible to pay attention to the following areas of prevention of secondary victimization of victims as participants in criminal proceedings: studying the determinants of committing crimes related to secondary victimization; elucidation of the mechanism of victimization in connection with unqualified actions of investigative bodies; identification of persons who, under certain conditions, may become victims of crimes; implementation of specific and well-grounded actions of investigative bodies to ensure the safety of such persons and minimize the risk of becoming victims of crimes; formation of professional and ethical standards of behavior of investigative bodies and responsibility for the results of their powers.

In contrast to special criminology, scientists consider individual crime prevention as a type of crime prevention against a specific person. Considering the main characteristics of the person who committed (may commit) a crime against the participants in the criminal proceedings, the corrective influence should be aimed at: the behavior and lifestyle of the person; personal characteristics of a person, which have criminological significance, as they characterize the deformation of his behavior; criminologically significant psychophysiological characteristics of a person (to the extent of his propensity for correction, change, treatment); the environment as a set of conditions for the unfavorable formation of the personality and its life activities in everyday life (primarily in the family), during study, work and leisure, in microsocial groups, including deviant ones; long-term adverse living conditions that are criminogenic in nature.

Individual warning is provided by such basic methods as persuasion and enforcement. The method of persuasion includes: interpretation, which is expressed in the explanation to the person to whom the preventive measure is applied about the content of the violations and mistakes committed by him; condemnation of illegal behavior; exerting an influence on the consciousness of the person to be prevented in order to form in him the desire to avoid actions that may provoke the commission of a criminal offense.

In turn, the method of law enforcement makes it possible to apply measures of disciplinary or public influence to the prevented person, and in some cases – to initiate the issue of bringing such a person to other types of responsibility provided by law.

The essence of the prevention of criminal offenses against participants in criminal proceedings at the individual level is to combat criminal offenses by the efforts of criminal justice bodies exclusively within the framework of procedural proceedings based on the fact of committing a

specific offense. At the same time, the criminal justice authorities can apply preventive measures against potential criminal manifestations and before the commission of a criminal offense, for example, conducting preventive conversations with persons prone to offenses, etc. By implementing it, these bodies realize their general «law enforcement» potential.

At the individual level of criminal offenses in relation to participants in criminal proceedings, victimological prevention should also be organized in the following areas: timely identification of persons who are deeply depressed, irritable, dissatisfied with themselves and the environment, strong emotional outbursts, desire for self-discovery; search and neutralization of factors creating conflict situations. These situations are distinguished by the degree of their development and the time of realization of negative moments in them (potential situations, conditionally real situations, real situations), by scale (macro- and micro-situations).

In conclusion, we note that each of the specified levels of crime prevention against participants in criminal proceedings is characterized by the presence of a relatively autonomous, but identical mechanism for its implementation, and the structure of prevention at all three levels constitutes the content of combating crime in general.

Conclusions

Systematic application of the scientific recommendations proposed in the article, which are based on the provisions of criminology, criminology, criminal process and psychology, will contribute to effective prevention and overcoming of opposition to the investigation of crimes committed against participants in criminal proceedings. Of great importance in this process will be the conduct by the subject of a pre-trial investigation of preventive measures of an individual and general nature, as well as methods tested in criminological and forensic science.

The theoretical model of combating crimes against participants in criminal proceedings is a model of a system of specific measures of the most significant measures built on the basis of a set of generalized scientific knowledge with the aim of identifying, stopping, and preventing illegal influence on participants in criminal proceedings, recommended for use in the practical activity of primarily authorized subjects criminal process (investigator, investigator, prosecutor, judge).

The Criminal Procedure Law should define the right of operative units to immediately start and conduct visual surveillance of unidentified (unknown) persons who were discovered in the process of secret investigative (search) actions, with the aim of further obtaining their personal data and (or)

evidence of their involvement in the crime or preparation of a crime against participants in criminal proceedings.

The complex of proposals aimed at improving the system of prevention of crimes against participants in criminal proceedings contains three levels: general social, special and individual. The most significant and effective in the prevention of crimes of the researched category is an individual warning, which can have a «point» focus on potential criminals, as well as on objective circumstances favorable to crimes. An important area of countermeasures against participants in criminal proceedings is victimological prevention.

Studying the modern practice of combating crimes against participants in criminal proceedings shows that it is mainly reactive in nature and aimed at stopping the threats that have already been manifested against witnesses and victims. The system of early prevention of such crimes in Ukraine is insufficiently effective. In view of this, it is worth taking advantage of the positive experience of neighboring countries in Europe and the USA, which can be used in Ukraine, taking into account its national specifics.

Prevention of crimes against participants in criminal proceedings can be effective only in the case of comprehensive application of general social, special and individual measures, carried out by specialized and non-specialized state and non-state entities, provided that their activities are coordinated, focused primarily on ensuring the safety of citizens involved in the investigation procedure, early detection of threats to their safety and timely neutralization of relevant threats.

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