shows that PSC is the most relevant for Ukraine. However, the potential of PSC is not limited to issues of criminal psychology. The basic and additional parameters included in such a scale have the potential for application in the penal law and criminology, for the purpose of improving the well-being of convicts.

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TACTICAL MEANS OF INVESTIGATION OF UNAUTHORIZED OCCUPATION OF LAND AND UNAUTHORIZED CONSTRUCTION AND THEIR PLACE IN THE SYSTEM OF CRIMINALISTICS

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Abstract: Problems of formation of the scientific concept of tactical means of investigation of unauthorized occupation of the land and unauthorized construction, in particular, establishment of their place in system of criminalistics are investigated. It’s substantiated that tactical means of investigation of unauthorized occupation of land and unauthorized construction are the optimal set of interrelated non-procedural actions (measures), tactics, combinations, operations, recommendations, which are related to determining the behavior of the subjects of investigation and decision tactical tasks of a specific type of criminal offense. It’s proved that the precondition for the active development and implementation of tools in investigative practice was that the realities of socio-economic transformations in Ukraine, led to the emergence of new types of criminal activity and improved ways of its implementation.

Introduction. In the general system of fight against crime the most important role is given to criminalistic tactics, after all it’s receptions, methods, means make a basis of the maintenance of investigation [1]. Raising the question of the importance of criminalistic tactics in combating criminal acts, due to the strategic stock of specific
tools, is a very promising area, both for criminalistic science and for investigative and judicial practice. In this sense, the key aspect is that the content of criminalistic tactics consists of certain means [2; 3], which, being a multifunctional and effective system, serve as a basis that allows to successfully and effectively investigate criminal offenses.

The beginning of the formation of the theoretical foundations of criminalistic tactics is associated with the research of V.O. Konovalova’s, who concluded that the system of scientific tools and methods or tactical tools and methods is an element of the subject of tactics [4]. In this regard, it should be borne in mind that the concept of "means" as an element of tactical activity is mandatory in defining the subject of criminalistic science in general and including criminalistic tactics [5].

At the same time, the precondition for active development and implementation of tools in investigative practice was that the realities of socio-economic transformations in Ukraine, the formation of the private sector, changes in economic relations influenced the development of criminal business, the emergence of a new type of "intellectual" criminal activities and methods of its implementation [6]. As a result, the use of the latest methods and "technologies" of committing crimes poses important tasks for criminalistics, aimed at forming and offering the practice of combating crime adequate scientific means, techniques and methods. In this regard, it is important to form a kind of toolkit of criminalistic tactics, its means [7], having the ability to significantly optimize and organize the process of investigating criminal proceedings.

**Results and discussions.** The analysis of special literature shows that the challenges facing criminalistic science and investigative practice require prompt response, urgent action, including the development of a system of tools that combine the achievements of applied and basic sciences, modern scientific concepts and based on qualitative empirical research. Because, in the criminalistic doctrine it is correctly stated that the task of criminalistics is to assist law enforcement agencies in the fight against crime, full and timely criminalistic support and investigation and prevention of crimes, as well as the development of modern methods, techniques, tools to improve pre-trial investigation. This task can be realized on the basis of comprehensive use of the achievements of modern science and technology [8; 9].

Nevertheless, it is obvious that improving the efficiency of investigative bodies primarily depends on the quality of criminalistic methods, techniques and means of pre-trial investigation [10]. Therefore, in today’s conditions the problem of developing criminalistic recommendations for the effective use of the latest innovative advances in science and technology in the pre-trial investigation and trial and their adaptation to modern conditions of professional participants in criminal proceedings is relevant [11].

This once again proves that the development and use of tools as a specific tool of criminalistic tactics in the activities of professional participants in criminal proceedings (investigators, NABU detectives, SBI), is one of the priorities of criminalistics at the present stage and the urgent need for practice. After all, in the course of the investigation, tasks of various scales and degrees of complexity are solved, constantly connected with the collection and verification of evidence, which determines the choice and application of appropriate procedural and criminalistic means of tactical and strategic nature [12]. In addition, the criminal procedure law is not able to answer the question: how, in what way, by what means and methods to carry out investigative actions in these conditions. Such answers are provided by criminalistics, offering the investigator an arsenal of tools, techniques, methods of investigative actions, thus filling the procedural form with real content [13].
However, most of the problems that the tactical means of investigating the unauthorized occupation of land and unauthorized construction remain undeveloped and are debatable. In particular, today, there is an inconsistent position on the relationship between criminalistic tactics and tactical means of investigation, study their relationship, identify commonalities and differences, and as a consequence, clarify the place of each of these categories in the system of criminalistic tactics.

This necessitates the need to give reasoned answers to these questions, based on fundamental methodological principles, taking into account modern scientific concepts, by conducting an in-depth analysis of the proposed definitions, namely "criminalistic tactics" and "tactical means of investigating unauthorized land occupation and unauthorized construction". Because, an important methodological task of any scientific research is not only the formulation of the definition of the concept, but also a clear differentiation from different similar in meaning definitions. Otherwise, if significant differences in related concepts are not established, the statements about the truth of the statements made in the wording become unproven [14].

First of all, the starting point of scientific research is to clarify the essence of the concept of "means", the understanding of which will affect the course and results of further theoretical developments. Arguing for this view, it should be noted that the most common elements of the structure of any activity are the purpose, conditions, means, subject and object of influence [15]. In particular, deserves attention the position of M.V. Saltevsky, who proposes to understand the essence of the "means" to analyze its synonymous terms: method, way, device, tool. Reception and method − the concept of how to reveal the intellectual and functional side of the means of activity. In turn, devices and tools − means of action (tools of labor), indicating the material side of the activity. Given the above, in his opinion, the means of activity − are techniques, methods, tools, devices, tools by which the subject exerts influence on the subject of work in order to learn and transform it [5].

In our opinion, such a generalized definition is quite fair, as the investigation of crimes is a procedural activity of the subjects of pre-trial investigation (investigators, detectives, etc.), in addition, the complexity and diversity of tactical tasks arising during the investigation requires the investigator tactical means of solving them [16, c. 265]. In this sense, we can agree with V.O. Konovalova, who points out that the cognitive nature of the activities carried out by the investigator, in psychological terms is extremely complex. This is mainly due to the fact that such activities require not only a variety of solutions to mental problems of different plans, but also the organization of their practical implementation [17].

Developing this idea, we can say that obtaining the desired results from the investigation of criminal proceedings, seems possible due to the optimal combination of mental activity of the investigator with the implementation in practice of the relevant tools developed by criminalistic science [18]. However, the quality of this process is largely due to the level of training and the actual activities of the investigator, who individually perceives, learns and implements the goals and tools developed by science. Moreover, the means enable the subject of activity (in this case, the subject of investigation) to solve such tasks that he cannot solve, using only his own qualities − physical and mental. That is, the use of various means increases the subject's own capabilities [14].

A separate scientific interest for further theoretical-methodological research is the analysis of tactical means of investigating the unauthorized occupation of land and unauthorized construction. Because, in the special literature, it is rightly stated that most issues related to the system of means of investigating crimes, the concept and systematics of investigative actions, tactics and combinations are debatable, and in some cases insufficiently developed [19]. Given the above, the question of
researching the concept of tactical means of investigating this crime and determining their relationship with the means of criminalistic tactics, is quite relevant. After all, the current state of development of criminalistic tactics allows not only to study these categories separately, but also to establish interdependencies and connections between them.

When starting to study the tactical means of investigating the unauthorized occupation of land and unauthorized construction, it is necessary to proceed from what constitute the means of investigation in general. So, A.V. Shmonin points out that the means of investigation - the most diverse element of typical technologies for investigating crimes, which consist of: techniques (their complexes), the situation of the investigation (place, time, etc.), organizational measures (including investigation planning), criminalistic techniques, some criminalistic techniques and other structural elements [20]. In our opinion, this provision fairly broadly reflects the essence of the means of investigation, as it contains in its meaning means of various directions that help investigators in clarifying the circumstances of criminal proceedings.

In particular, O.O. Cheburenkov in his research uses the concept of "criminalistic tools of investigation" and emphasizes the need to classify them in order to better clarify their nature, to study the mechanism of influence and patterns that determine the effectiveness of a particular tool of investigation, as well as to determine their optimal ways of using. In this aspect, it is important to develop a sufficiently extensive classification system of criminalistic investigative tools, which combines tools of different directions (technical, tactical, methodological, etc.). Considering the various grounds for classifying criminalistic tools, we should pay attention to their division depending on the content, among which the scientist identifies tactical (tactical-criminalistic) tools − techniques and recommendations for organizing and planning the investigation as a whole, conducting individual investigative actions, solving other tactical tasks, tactical complexes, etc. [21].

The above once again proves that of particular scientific interest in solving this problem are precisely the tactical means of investigation. In this regard, S.Yu. Yakushin rightly notes that the tactical tool in the investigation of a crime is a procedural and organizational-tactical form of implementation of optimal and permissible individual methods of action or line of conduct of the investigator, as well as sets of investigative actions and operational-investigative measures [22]. In this context, tactical means of investigation include various tactics, as well as tactical complexes or complex tactical means − tactical combinations and tactical operations [23].

The system of tactical means of investigating crimes is developed through scientific generalizations and analysis of investigative practice and must comply with the law. However, their specific list is conditional and is determined by the criteria of differences. At the same time, in the theory of criminalistics and in the practice of investigation of crimes the most widespread were such tactical means as: 1) tactics; 2) tactical combinations; 3) investigative actions; 4) tactical operations; 5) use of the activities of inquiry bodies, other state bodies, officials, specialists; 6) public involvement in solving tactical tasks [16]. It should be noted that certain provisions of this approach are controversial.

We mean the expediency of involving the public as a tactical means of investigation, because in criminalistic theory such an issue remains unresolved. In this regard, V.O. Konovalova points out that public involvement in the investigation of crimes should be carried out within the limits that exclude the possibility of transferring investigative functions to members of the public. Public participation in the investigation should be understood and carried out only as an assistance to the investigating authorities in the performance of their duties. Another interpretation of
this issue may entail a violation of criminal procedure law and citizens rights [24]. However, at the first stage of the investigation, the investigator almost always seeks help from the public to obtain information about the crime. Because the use of the public reduces the cost of all kinds of resources in the pursuit of the desired results [25].

In addition, some provisions of the special forensic literature indicate that the system of tactical means of investigation includes: 1) investigative actions; 2) tactical reception; 3) tactical combination; 4) tactical operation; 5) investigative tactics; 6) tactics of interaction; 7) tactical recommendation; 8) tactical rules. In particular, investigative tactics are a system of tactical tools and tactical decisions that are selected and implemented by the investigator. Investigation tactics should provide optimal conditions and provide the most rational means of detecting, recording, retrieving, investigating and using evidence. Investigation tactics are aimed at solving intermediate, local tasks at a certain stage of the investigation, the solution of which leads to the gradual solution of strategic tasks of the investigation in general [12].

Thus, the tactical means of investigating the unauthorized occupation of land and unauthorized construction – is the optimal set of interrelated single-purpose non-procedural actions (measures), tactics, combinations, operations, recommendations, which are related to determining the behavior of the subjects of investigation and solving tactical tasks, the application of which is aimed at improving the quality and efficiency of investigation and prevention of such crimes. At the same time, in our opinion, the tactical means of investigating this crime are characterized by the following features: objectivity, purposefulness, subjectivity, demand and tried and tested, determinism.

Conclusions. Thus, the modern realities of the development of social relations lead to an aggravation of the situation with a rapid increase in modified forms of crime, the emergence of new types of criminals who acquire new traits, skills and abilities. As a result, criminalistic science and investigative practice face important challenges in taking all possible measures to combat modern crime. In this sense, the very introduction of criminalistic tactics into investigative activities can provide the investigation process with adequate techniques, methods and means of combating various criminal acts.

At the same time, tactical means of investigating unauthorized occupation of land and unauthorized construction provide professional participants in criminal proceedings with specialized tools that have the ability to effectively address the tactical challenges that arise in the investigation of this crime. As this crime has a high level of public danger, as it encroaches on the subjective rights and legitimate interests of both citizens and the state or local community in person, their respective bodies, it requires prompt response from the subjects of pre-trial investigation. Thus, the studied concepts of "criminalistic tactics" and "tactical means of investigating the unauthorized occupation of land and unauthorized construction" form an effective mechanism for obtaining evidence, solving tactical, strategic tasks and combating crime in general.

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