

Modern Problems and Main Aspects of Criminal Law Fight Against Hooliganism

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The paper explores current issues and main aspects of such an unlawful phenomenon as hooliganism. The author examines its historical development and the problems it creates for modern society. The research aims to identify the factors that contribute to the spread of hooliganism from its inception to the present day. Both legislative and social aspects of hooliganism are considered. This paper explores the changes in the social, cultural and economic spheres that give rise to hooliganism and contribute to its existence in many countries. The research also assesses effectiveness of current legal systems in preventing hooliganism, pointing out important shortcomings and problems in the methods used by the authorities. Socio-economic changes, cultural influences and social perspectives are explored, and a detailed understanding of why hooliganism persists despite legal initiatives to suppress it is provided. This study attempts to bridge the gap between legal concepts and actual implementation by taking an interdisciplinary approach and providing policy suggestions that improve ability of the judicial system to stop hooliganism. Results emphasize the need for improved criminal justice system cooperation, targeted social action and adapted laws, especially for young people considered to be at risk. To achieve the set goal, the following scientific methods were used: analysis, synthesis, statistical analysis, generalization, etc.

Keywords: hooliganism; criminal justice; sociocultural dynamics; expert provision of hooliganism investigation; legal reform; youth at risk.

Research Problem Formulation

Hooliganism, once considered a rare and isolated form of public wrongdoing, is a persistent and complex problem for modern civilizations. The author aims to explore historical origins and contemporary forms of hooliganism, looking at how it has changed over the years and what elements preserve its existence nowadays.

Article Purpose

An in-depth analysis of the provisions on hooliganism is proposed, including a study of both the legal and social aspects. Hooliganism is closely related to cultural processes and is a problem not only in terms of compliance with laws. The research examines past events that contributed to the growth of hooliganism and how they have been transformed in modern times through changes in the social, political and cultural fields¹.

Research is based on an assessment of how current law enforcement system is able to counteract hooliganism. Hooliganism remains a serious obstacle, despite a number of legislative initiatives and preventive measures, raising concerns about the suitability of existing legal structures and procedures for enforcement. The research examines how social, cultural, and financial elements contribute to bullying, recognizing that it is a problem that is firmly entrenched in society, not just a legal one. This research offers an original perspective that bridges the gap between theoretical understanding and practical implemen-

tation by combining legal considerations with sociocultural observations².

Objectives of the study are: 1) Study how hooliganism has evolved historically and the state of this phenomenon in our time as an illegal activity; 2) Assess how effectively the criminal justice system is suited to dealing with hooliganism; 3) Investigate the socio-cultural elements that contribute to the continued existence of hooliganism in modern society; 4) Make policy proposals to improve the judicial system and the strategy for preventing hooliganism.

Research questions are as follows: 1) What are the main historical reasons that contributed to the growth of hooliganism, and how have they changed in the modern world? 2) What obstacles need to be overcome in order for the current preventive tactics of criminal law to be successful in reducing hooliganism? 3) What role do monetary, cultural and social considerations play in the continued existence of hooliganism? 4) How can political reforms strengthen the ability to reinforce and prevent hooliganism?

Research paper differs in that it involves a deep approach to understanding hooliganism from both a historical and a modern point of view. The research provides a deep understanding of the facts that motivate hooliganism and the difficulties faced by the law enforcement community in combating it, combining legal considerations with socio-cultural views. This research attempts to present an integrated approach that will bridge the divide between theory and application, providing useful information for policymakers, law enforcement officers, and social service

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- 1 Kossakowski R. Where are the hooligans? Dimensions of football fandom in Poland. *International Review for the Sociology of Sport*. 2015. Art. 52(6):681–703. DOI: [10.1177/1012690215612458](https://doi.org/10.1177/1012690215612458) (date accessed: 08.09.2024).
 - 2 Harcourt B. E., & Ludwig J. Broken Windows: New Evidence from New York City and a Five-city Social Experiment. *The University of Chicago Law Review*. 2006. Vol. 73. Is. 1. Pp. 271–320. URL: <https://chicagounbound.uchicago.edu/ucirev/vol73/iss1/14/> (date accessed: 08.09.2024).

providers. This contrasts with previous researches that have often separated out legislative or cultural issues.

Research Methods

To achieve the set goal, the following scientific methods were used: analysis, synthesis, statistical analysis, generalization, etc.

Analysis of Essential Researches and Publications

Significant contribution to the development of special knowledge was made by such well-known scientists as A. Szczekala³, V. Bakhin, V. Kuzmichov, Ye. Lukianchykov, P. Nesterenko, M. Salteviskyi, O. Filippov, M. Shcherbakovskiy et al. Research on specific expertise use during investigation of hooliganism was carried out by M. Bushkevych, Yu. Vilenskyi, V. Zakharevskiy, A. Kuznietsov, Ye. Ovcharenko. However, their work did not pay enough attention to problematic situations during the investigation of hooliganism with the use of explosive devices, aerosols, etc. It would be appropriate to note that our study showed the difference in the dynamics of the application of special knowledge, which were indicated in the researches of mentioned authors. In our opinion, it is caused by social, political and economic changes in society in recent decades⁴.

In science, there are different versions of etymology of the *hooliganism* term. In particular, M. Naklovych, having studied

the literary sources of English authors, points to two versions of the etymological origin of this concept⁵. The first version, let us call it American, comes from the name of one of the American Indian tribes that roamed between Texas and California. With this American Indian tribe, European settlers in North America had to struggle for a particularly long time. Therefore, *hooligans* began to be understood as people who struggle with culture, have a tendency to mock culture and for the most part do not understand it⁶. French scientists note the aggressiveness, cruelty, and deep immorality inherent in hooligans, calling them *Apache* from the name of this American Indian tribe.

Hooliganism concept in US criminal law corresponds to the term: *disorderly conduct: hooliganism, breach of peace*. The authors of the authoritative US legal dictionary Black's Law Dictionary provide the following definitions of the above terms. *Disorderly conduct* means behavior aimed at disrupting public order, violating public morality or threatening public safety. *Breach of peace* is a criminal act that provokes a public disturbance or participates in a public disturbance, especially by making loud noise⁷.

The second version is of English origin. However, it has certain variations: 1) according to some scholars, the *hooliganism* word comes from the English word *hooligan*, which since 1890 has been used to refer exclusively to daring street brawlers rapists from Scientific Herald of Uzhhorod University, 2012, 143 eastern quarter of London;

3 Szczekala A. Chuligański charakter czynu. *Prokuratura i Prawo*. 2008. Nr. 6. S. 76–89. URL: <https://polona.pl/item-view/408eb57c-99ad-454f-93a0-4eb0bc2693a5?page=NaN> (date accessed: 08.09.2024).

4 Єфімов М. М. Використання спеціальних знань під час розслідування хуліганства. *Право і суспільство*. 2012. № 3. С. 229–233. URL: http://nbuv.gov.ua/UJRN/Pis_2012_3_51 (date accessed: 08.09.2024).

5 Наклович М. Л. Кримінально-правова боротьба з хуліганством. Львів, 1974. С. 38–43.

6 Налуцишин В. В. Кримінальна відповідальність за хуліганство (ст. 296 КК України): монографія. Харків, 2009. С. 18.

7 Garner B. A. Black's Law Dictionary. 11th ed. Thomson Reuters, 2019. P. 292, 183.

2) the word is derived from the name of the Irish family of criminals Hooligan, who lived in London in the late eighteenth century⁸; 3) the word is derived from the name of the Irishman Holly, who organized several gangs that terrorized others; 4) the *hooligan* word is derived from the name of the Holigen brothers, who lived in Scotland in the late eighteenth century. They were people of the underworld, characterized by barbarism and extreme violence. According to another version, the term was also associated with the name of the Saint Petersburg mayor Von Val, who in 1892 took harsh measures against organized groups of rapists, whom he called *hooligans* in his order⁹.

Elements of hooliganism can occur in other criminal law when they are accompanied by an act of violence or a threat during legitimate public events (Art. 143, 145, 146 of the Criminal Code of the Netherlands). At the same time, there is no special rule that would provide for criminal liability for hooliganism. In these cases, we are talking about hooligan actions inherent in one or another corpus delicti¹⁰.

However, if we turn to the Danish Criminal Code, then in section 15: *Crimes against public peace and order* there is a crime that, by its signs, may fall under the concept of *hooliganism*. For example, according to § 134a, any participants in street scandals or other serious disturbance of public

peace and order, if they act by agreement or jointly, are subject to simple detention or imprisonment for a term not exceeding six months¹¹. Consequently, it can be assumed that the act considered in the form of street scandals and violations of public peace, as well as public order is hooliganism.

In the Swedish Criminal Code, section 16, that combines crimes against public order, is of interest to Art. 16, which provides for liability against a person who makes noise in public places or publicly behaves in a way that causes public outrage. This person is sentenced to punishment for behavior that violates the social order¹².

If we turn to Criminal Code of Turkey, then, at first glance, section 5 entitled *Crimes against public order* (Art. 311–314) is of interest. At the same time, this section does not contain hooliganism. However, let us pay attention to crimes directed against public morality, covered by section 3 (Art. 567–577), where there are norms similar in some respects to hooliganism. For example, in Art. 571 states that a person who appears in a public place in a state of intoxication, which disturbs people or causes a scandal and if he is drunk (Art. 572) insults someone and disturbs people's rest, then in the first case is punishable by light imprisonment for a term of not less than 15 days and according to Art. 572: light imprisonment for a term of not less than two months¹³. At the same time, Art. 576

8 Berresford Ellis P. Irish Hooligan of Southwark / Irish Identity. URL: <http://www.irishidentity.com/extras/mad/stories/hooligan.htm> (date accessed: 08.09.2024).

9 Коржанський М. Й. Кваліфікація злочинів : навч. посіб. 2-ге вид. Київ, 2002. С. 5.

10 Wetboek van Strafrecht van Nederlandse. 03.03.1881. URL: <https://wetten.overheid.nl/BWBR0001854/2024-01-01> (date accessed: 08.09.2024).

11 The Denmark Criminal Code. Order No. 909 of September 27, 2005, as amended by Act Nos. 1389 and 1400 of December 21, 2005 / \$Legislationline. URL: https://legislationline.org/sites/default/files/documents/39/Denmark_Criminal_Code_am2005_en.pdf (date accessed: 08.09.2024).

12 Brottsbalk (1962:700) i Sverige. 1962-12-21. URL: [https://www.lotin.se/Fallor/Pdf/Brottsbalken_\(1962_700\).pdf](https://www.lotin.se/Fallor/Pdf/Brottsbalken_(1962_700).pdf) (date accessed: 08.09.2024).

13 Criminal Code of the Republic of Turkey (2004) (English). Law Nr. 5237. Passed On 26.09.2004. (Official Gazette No. 25611 date 12.10.2004) / \$Legislationline. URL: <https://legislationline.org/taxonomy/term/14182> (date accessed: 08.09.2024).

of the Turkish Criminal Code provides for perpetrator responsibility for indecent exposure of himself in full or in part in a public place in front of people, as well as insulting public morals by word or song or in any other way.

The issue of criminal liability for hooliganism is also vaguely resolved in the Criminal Code of Austria, when it comes to section 20, which includes criminal acts against social peace. For example, § 274 establishes liability for public disorder related to the violent actions of a group of persons. Based on the content of criminal law norm, we should hardly talk about hooliganism here, when it comes to deliberate participation in a gathering of a group of people, which is created in order to commit a serious murder, serious bodily injury or serious damage to property under its influence¹⁴. Certainly, the analyzed crime most likely affects public peace when a group of persons commits various violent crimes.

The issue of liability for violation of public peace related to violent actions of a group of persons (§ 125) in the Criminal Code of Federal Republic of Germany is resolved. According to this paragraph, responsibility is provided for violent actions against people, as well as destructive actions against things and threats of violent actions jointly by a group of people who threaten public safety¹⁵.

In Poland, on May 22, 1958, the first law was issued to combat hooliganism, which provided for increased criminal liability

of the guilty. This law was included in the subsequent Criminal Code of April 19, 1969¹⁶. The current definition of hooliganism in the Polish Criminal Code (in Section XIV: *Explanation of Legislative Expressions*, Art. 115) offenses are called *hooliganism* if they meet the criteria described in §21 of this article: A crime of a hooligan nature is an offense that consists in encroaching on freedom, honor or physical integrity, on public safety, on the activities of state institutions or local self-government bodies, on public order or in the intentional destruction, damage or rendering unfit for using someone else's property, if the culprit acts publicly and without a reason or with a deliberate trifle, thus demonstrating a clear disregard for law and order.

Offense qualification of an as *hooligan* one usually makes the imposed punishment mandatory or prevents its mitigation or suspension (Art. 57a, Art. 58, Art. 59, Art. 69). Convicts for hooliganism are usually not granted amnesty.

According to Art. 296 of the Criminal Code of Ukraine, it is a criminal offense to commit *hooliganism*, namely: a gross violation of public order on the grounds of obvious disrespect for society, accompanied by special audacity or exceptional cynicism¹⁷.

According to the content of the first part of Art. 296 of Criminal Code of Ukraine, a gross violation of public order for reasons of obvious disrespect for society should be recognized as such a violation accompanied by special audacity or exceptional

14 Gesamte Rechtsvorschrift für Strafgesetzbuch, Fassung vom 05.02.2020 / Ibid. URL: https://legislationline.org/sites/default/files/documents/32/Austria_CC_1974_am122019_de.pdf (date accessed: 08.09.2024).

15 Strafgesetzbuch (StGB) von Deutschland. Ausfertigungsdatum: 15.05.1871 / Ibid. URL: https://legislationline.org/sites/default/files/documents/77/Germany_CC%20am2019_de.pdf (date accessed: 08.09.2024).

16 The Criminal Code z dnia 6 czerwca 1997 r. (Dz.U. tłum. gb Nr 88, poz. 553). URL: [https://sherloc.unodc.org/cld/uploads/res/uncac/LegalLibrary/Poland/Laws/Criminal%20Code%20\(Poland\).pdf](https://sherloc.unodc.org/cld/uploads/res/uncac/LegalLibrary/Poland/Laws/Criminal%20Code%20(Poland).pdf) (date accessed: 08.09.2024).

17 Кримінальний кодекс України від 05.04.2001 р. № 2341-III (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 08.09.2024).

cynicism. This concept is developed by judicial practice and contains special signs of hooliganism that allow to distinguish it from minor hooliganism (Art. 173 of the Code of Ukraine on Administrative Offenses)¹⁸.

Thus, in particular, a criminal violation of public order can be recognized as committed with special audacity:

- 1) that indicates obvious disrespect for society and is accompanied, for example, by violence with infliction of bodily harm or abuse of a person, beating or stabbing a person, torture of a person;
- 2) acts for a long time and stubbornly does not stop;
- 3) is associated with destruction or damage of someone else's property, disruption of a mass event (concert, meeting, election, prom, etc.), violation of people's night rest, temporary suspension of the normal activities of an enterprise, institution, organization or public transport, etc. (paragraph 5 of the Resolution of the Plenum of the Supreme Court of Ukraine: *On Judicial Practice in Hooliganism Cases* № 10 dated on December 22, 2006¹⁹).

According to the Criminal Code of the Republic of Azerbaijan (approved by the Law of Republic of Azerbaijan № 787-IQ dated on December 30, 1999) (as amended on February 23, 2024)²⁰ Hooliganism (Art. 221): there are deliberate actions that grossly violate obvious disrespect for so-

ciety, accompanied by the use of violence against persons or the threat of its use, as well as the destruction or damage to other people's property. Qualifying signs: commission by a group of persons or repeatedly; associated with resistance to a representative of the authorities or another person who performs duties to protect public order or stops the violation of public order; with the use of weapons or objects used as weapons, if this was accompanied by the use of violence against the victim, or destruction or damage to other people's property.

The Code of Republic of Azerbaijan on Administrative Guilt in Chapter 22: *Administrative Guilt that Infringes on Public Order, Public Security and Public Morality* provides the following definition of petty hooliganism: "Petty hooliganism, that is, actions that violate public order, but are not accompanied by the use of violence against individuals, destruction or damage to other people's property" (Art. 296). Art. 296-1 singles out auto hooliganism, that is, the deliberate actions of the driver of a vehicle, which demonstratively violate public order and peace of the population, expressing obvious disrespect for society, accompanied by a prolonged violation of traffic rules in various ways²¹.

Dynamics of hooliganism cost the fate of thousands of people who bore the burden of voluntaristic judicial practice. Perhaps that is why in the vast majority of other countries there is no such crime. English "hooligan" has become an exclusively

18 Кодекс України про адміністративні правопорушення від 07.12.1984 р. № 8073-X (зі змін та допов.). URL: <https://zakon.rada.gov.ua/laws/show/80731-10#Text> (date accessed: 08.09.2024).

19 Про судову практику у справах про хуліганство : Постанова Пленуму Верхов. Суду України від 22.12.2006 р. № 10. URL: <https://zakon.rada.gov.ua/laws/show/va010700-06#Text> (date accessed: 08.09.2024).

20 Criminal Code of the Republic of Azerbaijan (This Code was approved by the Law No. 787-IQ of the Republic of Azerbaijan dated December 30, 1999). URL: <https://e-qanun.az/framework/46947> (date accessed: 08.09.2024).

21 Code of Administrative Offenses of the Republic of Azerbaijan (This Code was approved by Law No. 96-VQ of the Republic of Azerbaijan dated December 29, 2015). URL: <https://e-qanun.az/framework/46960> (date accessed: 08.09.2024).

Soviet and Russian concept. It is vague and eclectic.

Main Content Presentation

Forensic examination is an independent and most common form of use of special knowledge during the investigation of hooliganism, and the expert's conclusion is, in turn, the most important source of evidence.

The most common examinations in the investigation of hooliganism are fingerprint, forensic, forensic biological, trace evidence, ballistic examinations.

Forensic medical examination in cases of hooliganism related to beating, causing bodily harm is carried out to clarify issues that require knowledge in the field of forensic medicine. The objects of forensic research are not only the victim and the suspect, but also their clothing and other material evidence with traces of blood, muscle and other cells of the human body, secretions. This research determines the following list of circumstances: 1. What injuries does the victim have? 2. What are their nature, quantity, prescription and localization? 3. What are the properties of the object (weapon) that caused the damage? 4. Is it possible to cause damage with a specific object (weapon)? 5. What is the mechanism of damage formation (type of traumatic effect)? 6. What is the direction of the traumatic force from which the injury occurred in the victim? 7. What was the relationship between the victim and the attacker at the time of the injury?

According to research, this examination in investigation of hooliganism was used in more than 60 % of cases. Such a large number is explained by the fact that during the commission of hooliganism as a result of physical contact, the victim or offender may receive bodily injuries. This forensic examination has an important ev-

identary value in the investigation of this category of cases, since its results can expose the false suspect testimony.

The subject matter of this forensic examination is of great importance. In practice, in most cases (96 %), this examination is conducted only in relation to the victim. However, while committing this act, it is necessary to conduct an examination of both parties at once, because it is not clear what status they will have at the end of the investigation. And the moment of using a forensic medical examination may be missed.

It is advisable to prescribe a forensic biological examination of material evidence to establish the type of the test substance, group and typical signs of blood, hair, saliva, sperm, urine and other objects. This type of expertise is used in a fairly small number of cases. But with the development of science and technology, their number inadvertently increases, because in most cases there is physical contact of the bully with the subject of the crime or the victim. With the help of forensic biological examination, many controversial issues can be resolved during the investigation. Most likely, such a low level of their conduct is explained by the specifics of the detection, seizure and fixation of material evidence of this category.

Forensic trace evidence analysis is appointed if it is necessary to study the traces found at the scene, as well as to establish the whole in its parts, when, for example, a part of an object is found at the scene, and the person who committed the hooligan actions has found similar parts and there are reasons to believe that they previously constituted a single whole. Bullies usually do not worry about destroying fingerprints at the scene, so a fingerprint examination gives positive results.

Research on firearms is carried out in connection with the establishment of the

fact of attribution of objects to firearms, ammunition; the fact of serviceability (malfunction) of a particular copy of a firearm and the suitability of the weapon for the production of shots; the method of manufacturing the weapon or the fact of changing its condition; type, model, brand, caliber of the weapon; individual identity of weapon; identity of ammunition; belonging of parts of the weapon to its specific copy; elements of the mechanism of a criminal event in cases committed with the use of firearms and ammunition.

Forensic ballistic examination is appointed in the investigation of hooliganism, during which firearms were used. When investigating violent crimes, as K.D. Pol points out, research on firearms should always be given special attention²². After all, research on firearms, traces left after their use, contains data necessary for the reconstruction of the mechanism of a criminal act, information about the identity of the offender, etc.

This forensic examination in cases of hooliganism is carried out in cases where it becomes necessary to find out whether the object seized from the suspect is a weapon; whether the victim has been injured by this object. It is also necessary not to forget that when detecting a weapon and before the examination, it should be examined in detail in order to find traces that can themselves be the objects of research (fingerprints, blood, hair, etc.²³). After all, as noted above, traces of blood, hair can be the object of forensic biological examination of material evidence.

Importance of forensic ballistics follows from the disposition of Part 4 of Art. 296 of the Criminal Code of Ukraine. It is necessary in many cases, even those not related to bodily harm. For example, during

football matches, fans may use various explosive or incendiary devices (fireworks, "flares", etc.). Sometimes they do not have too dangerous consequences, but when this device explodes among the fan section, a large number of bodily injuries and other socially dangerous consequences result. Moreover, their use is mostly not motivated by bodily harm, but rather by hooliganism. That is why when law enforcement officers seize such items, it is imperative to order an examination.

The issue of examination of cold weapons is problematic. In cases of hooliganism, it often happens that a police officer, during an inspection, detention, etc., seizes an object from a suspect that can presumably be assessed as a bladed weapon. However, prior to the initiation of a criminal case, the examination of this item cannot be carried out, therefore, in most cases, *preliminary inspection* is carried out. In turn, after the initiation of a criminal case, the issuance of a resolution on the examination of this subject and its conduct, is of a formal nature. We put forward a proposal for possibility of expert examination of the above subjects before the initiation of a criminal case. In cases of hooliganism, these examinations are of great importance, because often there are cases of the use of brass knuckles, bats, knives, etc.

While proving the motive of national or racial hatred or enmity in the form of production of various examinations, the main emphasis should be placed on the production of forensic psychological or complex psychological and psychiatric examination. The task of the examination of this kind is to determine "cause of human behavior in a particular situation, lack of appropriate response or the response of an inadequate situation".

22 Pohl K. D. Handbuch der Naturwissenschaftlichen Kriminalistik. Heidelberg, 1981. S. 142.

23 Тертишник В.М. Настільна книга слідчого. Зразки правничих документів. Київ, 2024. 448 с.

Forensic mental state examination (MSE) is appointed to determine the mental state of the accused in the presence of data that raise doubts about his sanity. The mental state of a person, as pointed out by P. Turin, affects a whole range of criminal and procedural manifestations of the subject: the very fact of the crime, its nature, the circumstances of the commission. Judgment, as well as guilt and responsibility, is the central methodological category of law both in terms of its fundamental theoretical solution, and in terms of its practical value and applied significance for the observance of human rights and freedoms²⁴. Research on criminal cases initiated on the basis of Art. 296 of the Criminal Code of Ukraine found that this examination took place in 18 % of cases.

As mentioned above, 95 % of the accused committed hooligan acts while intoxicated, and many of them abused alcoholic beverages systematically for a long time. That is why, as noted by the Supreme Court of Ukraine, forensic drug examinations are conducted in criminal cases of the specified category²⁵. These examinations are mostly carried out when the crime was committed by a person under the influence of alcohol. But in order to appoint such an examination, it is not necessary that the person was detained in a state of alcohol intoxication and that he was examined for the presence of a state of alcohol or drug intoxication.

Handwriting Analysis is carried out to identify the identity of the hooligan based on his handwriting. The need to conduct it arises in those cases when hooliganism

manifested itself in the writing and distribution of obscene texts. Various obscene inscriptions, letters and telegrams with threats directed by the hooligan to the victim can be removed from the scene of the incident by research objects.

Forensic chemical examination is appointed if there is a need to investigate the composition of the substance used by hooligans to commit a crime, for example, powders, paints, acids. Such a case is problematic in terms of applying the two foregoing examinations. An obscene inscription was made on the wall of the house, fence or other place. The question arises about the possibility of conducting handwriting and forensic chemical examination.

In this case, there are no doubts about conducting a forensic chemical examination. During its conduct, such issues as establishing composition of substance with which the inscription was made, determining the group affiliation of the paint can (if it was found at the scene), establishing the group affiliation of the substance and the paint can (if it was removed from suspect) and others.

When assigning any examination in cases of hooliganism, the correct wording of the questions comes to the fore. As M. Shcherbakovskyi correctly notes, it requires high professional skills from the investigator, inquirer, and judge. Its insufficiency can be compensated in the appointment of forensic examination through the involvement of experts as knowledgeable persons to assist in the form of advice in the correct formulation of questions (determination of the

24 Тюрин П. Психология между буквой и духом закона (теория и практика юридической психологии). Рига, 2012. 252 с. ; Види судово-психологічних експертиз / ДУ «ІСП МОЗ України» : офіц. сайт. URL: <https://cmhmda.org.ua/sudovo-ekspertna-diyalnist-instytutu-sudovoyi-psyhiatriyi/sudovo-psyhologichna-ekspertyza/vydy-sudovo-psyhologichnyh-ekspertyz/> (date accessed: 08.09.2024).

25 Постанова ВС щодо хуліганства із застосуванням зброї чи предмета для нанесення тілесних ушкоджень / Судова влада України : офіц. сайт. 13.09.2018. URL: <https://supreme.court.gov.ua/supreme/pres-centr/news/554532/> (date accessed: 08.09.2024).

subject of examination), the list of necessary objects²⁶. In other words, effective conduct of the examination depends on correctness of the questions.

Questions should be specific and clear, which do not allow double interpretation. In the methodical and reference literature on forensic examination, there are lists of questions that can be put to the decision of forensic examination²⁷. However, the study of expert and investigative practice shows that the existence of such guides does not in itself solve the problem of the correct formulation of questions. When choosing the necessary questions from such lists, the investigator does not always take into account what objects are at his disposal, does not always understand what task should be set before the expert in a particular situation.

Certainly, before finally formulating a list of questions to the expert, the investigator must first determine the task that he poses to the expert. After that, it is necessary to analyze what objects he has at his disposal, whether these objects are enough to solve the tasks, if possible, to fill the identified deficiency. Only after that, taking into account the type of expertise to be appointed, to formulate a question to the expert.

Certainly, one cannot ignore the objects of expert research. According to the conducted research, in hooliganism cases, they were: items that are material evidence – in 30 % of cases; tools that were means of committing a crime 19 %; traces removed during the inspection of the scene 9 %.

It is necessary to place the questions in a logical sequence, taking into account that the answers to the first questions can determine the answers to the following ones. In addition, the questions should not go beyond the competence of the specialty of a specific profile or a specific expert.

Thus, expert conclusion is the most common form of specific expertise application in hooliganism investigation and in some cases is of key importance for an objective and comprehensive investigation of crimes of this category.

Theoretical framework

According to Merton's Strain Theory, hooliganism may be a reaction to people's frustration – especially those from lower socioeconomic backgrounds – when they are failing to accomplish social objectives through legal methods. The concept highlights how estrangement can result in aberrant conduct and offers a basis for comprehending the societal and economic origins of hooliganism²⁸. Based on Becker's Labeling Theory, societal classifications that designate particular acts as abnormal are what cause deviation rather than any intrinsic trait in an action. In keeping with Becker's idea, once someone is called a "hooligan," they could internalize this identity and go on to engage in more deviant activity as if it were a self-fulfilling prophecy²⁹.

In his book, Garland examines how crime control tactics have changed in contemporary countries, emphasizing the growing use of penal as well as welfare-based

26 Щербаковський М. Г. Про недопустимість призначення судової експертизи для рішення правових питань. *Форум права*. 2010. № 4. С. 985. URL: http://nbuv.gov.ua/UJRN/FP_index.htm_2010_4_159 (date accessed: 08.09.2024).

27 Кулик Я. О. Проблеми призначення судової експертизи у кримінальному провадженні. *ЛогоΣ.Online*. 2020. № 16. EOI: 10.11232/2663-4139.16.68 (date accessed: 08.09.2024).

28 Merton R. K. Social Structure and Anomie. *American Sociological Review*. 1938. Vol. 3. No. 5. Pp. 672–682. URL: <https://www.jstor.org/stable/2084686> (date accessed: 08.09.2024).

29 Becker H. S. *Outsiders: Studies in the Sociology of Deviance*. New York : Free Press Glencoe, 1963. 224 p.

policies by authorities to combat crime, especially hooliganism. Garland's research emphasizes the value of a well-rounded strategy that combines police measures to quell hooligan activity with preventative programs aimed at fostering youth growth³⁰. As covered in the book of John Braithwaite's notion of Reintegrative Shaming proposes that governmental actions should prioritize humiliating those who commit crimes while simultaneously assisting in the reconciliation of criminals into the community. Braithwaite claims that by promoting civic engagement and lowering recurrence through recovery and support to society, this strategy can be successful in decreasing hooliganism³¹.

Methodology

Markov Chains and Predictive Modeling are used in this study to examine and stop hooliganism. Motivated by the research of academics such as Richard Berk and David Farrington, forecasting calculates the probability of hooligan occurrences through the use of numerous danger factors³². First, historical information on socioeconomic characteristics, criminal histories, and community involvement is gathered. Next, the likelihood of a hooligan incident is pre-

dicted using linear modelling; the predictive power of the model is evaluated using measures like accuracy and the Area Under the Curve (AUC). This method enhances safeguards by identifying high-risk regions³³.

Additionally, the research uses Markov Chains to describe the evolution of prospective hooligans into criminals, based on Andrey Markov's technique and concepts such as George Kelling's as well as Wilson's *Broken Windows Theory*³⁴. The Markov Chain concept calculates the likelihood that a person would move between different states, such as serial criminals and kids at danger. This research provides a fresh paradigm for analyzing and preventing hooliganism by fusing mathematical methods with social and legislative viewpoints. This will help legislators build determined, solid policies³⁵.

Legal Framework and Historical Context

Hooliganism became "popular" in the mid-1900s as a social problem. It was seen as a symptom of chaos and social deterioration³⁶. At that time, lawyers, scholars, and social workers began to pay more attention to the problem. In response, the communist judicial system adopted special legislation,

30 Garland D. *The Culture of Control: Crime and Social Order in Contemporary Society*. University of Chicago Press, 2001. 336 p.

31 Braithwaite J. *Crime, Shame and Reintegration*. Cambridge University Press, 1989. 234 p. DOI: [10.1017/CBO9780511804618](https://doi.org/10.1017/CBO9780511804618) (date accessed: 08.09.2024).

32 Maronna R. A. Richard Berk: Statistical learning from a regression perspective. *Statistical Papers*. 2011. Art. 52(4):981–982. DOI: [10.1007/s00362-010-0313-x](https://doi.org/10.1007/s00362-010-0313-x) (date accessed: 08.09.2024).

33 Zara G. "Farrington, David P.: The Integrated Cognitive Antisocial Potential Theory". In: Cullen F. T. & Wilcox P. (Eds.). *Encyclopedia of Criminological Theory*. Thousand Oaks, CA : Sage Publications, 2010. Pp. 313–322. URL: https://www.researchgate.net/publication/311208605_Zara_G_2010_Farrington_David_P.The_Integrated_Cognitive_Antisocial_Potential_Theory_In_F_T_Cullen_P_Wilcox_Eds_Encyclopedia_of_Criminological_Theory_pp_313-322_Thousand_Oaks_CA_Sage_Publication (date accessed: 08.09.2024).

34 Pearson G. *Hooligan: A History of Respectable Fears*. London : Macmillan Press, 1983. 283 p.

35 Tigani S., Ouzzif M., & Hasbi A. Markov chains and linear model-based hybrid prediction algorithm for cognitive agents. *International Journal of Intelligent Systems Design and Computing*. 2017. Art. 1(1/2):28. DOI: [10.1504/IJISDC.2017.082845](https://doi.org/10.1504/IJISDC.2017.082845) (date accessed: 08.09.2024).

36 Cohen A. K. *Delinquent Boys: The Culture of the Gang*. Glencoe ; IL : Free Press, 1955. 198 p.

such as the 1958 Fundamentals of Criminal Law of the USSR and the Union Republics, and the 1960 Criminal Code of the Ukrainian SSR, which broadly characterized hooliganism and applied severe penalties to discourage such activities³⁷. These legislative actions were part of a larger plan to maintain the social framework and strengthen the power of the state. The legal response to hooliganism has changed, especially in Western countries such as the United States and the United Kingdom. For example, hooliganism was addressed in the 1936 Public Order Act in the United Kingdom, which was originally designed to stop political radicalism³⁸.

The 2021 Euro Cup championship between Italy and England provided a striking example of the prevalence of hooliganism in real life and via the internet. Alongside the aggressive disputes outside Wembley Stadium, there was a well-organized internet operation that targeted players with racist taunts during the match³⁹. Officials responded by enacting laws that prohibited stadiums, made seizures, and closely monitored social networking sites. But the episode brought to light the increasing difficulties in combating hooliganism, which

now exists in both the online and offline realms and necessitates a more all-encompassing strategy from the judicial and criminal justice sectors⁴⁰.

Contemporary Issues in Hooliganism Prevention

Substantial study on the social elements influencing hooliganism was conducted concurrently with these legal reforms, with a special emphasis on the culture of adolescents, relationships within families, and juvenile criminal behavior. It was becoming more widely accepted in both the Soviet Union and the West that teenage criminality was a sign of more serious mature hooliganism⁴¹. While the West frequently placed greater emphasis on comprehending the larger cultural and social impacts on young conduct, the Soviet Union had a more organized strategy to dealing with juvenile criminals, stressing restoration and re-education through the legal system⁴².

In the current era, hooliganism has changed significantly, adapting to the intricacies of current society, cultural backgrounds, and technological breakthroughs. These days, it includes not only acts of physical assault but also disruptions in

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- 37 Armstrong T. A., & Boutwell B. B. Low Resting Heart Rate and Rational Choice: Integrating Biological Correlates of Crime in Criminological Theories. *Journal of Criminal Justice*. 2012. Vol. 40. Is. 1. Pp. 31–39. DOI: [10.1016/j.jcrimjus.2011.11.001](https://doi.org/10.1016/j.jcrimjus.2011.11.001) (date accessed: 08.09.2024).
- 38 Ranstorp M. The Root Causes of Violent Extremism. The Basics. RAN Practitioners. 2024. 12 p. URL: https://home-affairs.ec.europa.eu/document/download/63770ad9-8c0b-44c4-a568-254bb22a8009_en?filename=ran_root_causes_of_violent_extremism_ranstorp_meines_july_2024.pdf&prefLang=de (date accessed: 08.09.2024).
- 39 Gelder K. *Subcultures: Cultural Histories and Social Practice*. London : Routledge, 2007. 188 p. URL: https://www.academia.edu/29530845/Subcultures_Cultural_Histories_and_Social_Practice_Routledge_2007_ (date accessed: 08.09.2024).
- 40 Ex Post Paper. Learning from adjacent fields: The relation between extremism and hooliganism. Study visit to Warsaw (PL). RAN Centre of Excellence, 2018. 12 p. URL: https://home-affairs.ec.europa.eu/document/download/cf539884-5f8f-4df3-a623-d1434959c622_en (date accessed: 08.09.2024).
- 41 Gross R. *Psychology: The Science of Mind and Behaviour*. 7th ed. London : Hodder Education, 2015. 1000 p.
- 42 Hawkins J. D. Science, Social Work, Prevention: Finding the Intersections. *Social Work Research*. 2006. Vol. 30. Is. 3. Pp. 137–152. DOI: [10.1093/swr/30.3.137](https://doi.org/10.1093/swr/30.3.137) (date accessed: 08.09.2024).

public spaces and the internet, where fresh varieties of hooliganism have surfaced. These comprise electronic coercion, coordinated attacks via the internet, and online bullying – collectively referred to as *digital hooliganism*. Such virtual acts can be just as damaging as conventional hooliganism, if not more so, because of the anonymity the internet affords, which gives people the confidence to behave obnoxious without worrying about facing repercussions right away⁴³.

This change has been made possible by the increasing accessibility of electronic means of communication, which enable people or groups to plan, mobilize, and carry out disruptive actions at a never-before-seen pace and scope. Protective measures are made more difficult by the fact that contemporary hooligans can organize internet initiatives, ruin incidents, or disseminate disinformation across borders around the world. Even if online hooliganism is on increase, classic forms – especially in sports – remain a serious threat⁴⁴.

Challenges and Future Directions

We can improve the transition chances by employing behavioral investigations, data on crimes, and professional opinions, according to a more plausible situation. Based on typical transitions seen in cultures experiencing medium to substantial amounts of social and economic anxiety, we are going to presume that likelihoods represent these shifts.

Let's define the states as follows: S1 – Law-abiding Citizen; S2 – At-Risk Youth; S3 – First-time Offender; S4 – Repeat Of-

fender; S5 – Habitual Criminal. Let's summarize the above in the form of a table.

Population distribution (per 1000 people)

	S1	S2	S3	S4	S5
S1	0.85	0.10	0.03	0.01	0.01
S2	0.20	0.50	0.20	0.05	0.05
S3	0.10	0.15	0.50	0.15	0.10
S4	0.05	0.05	0.20	0.50	0.20
S5	0.01	0.01	0.05	0.10	0.83

According to statistics, the approximate distribution on 1000 people will have following numbers: S1 (Law-abiding Citizen) – 800 people, S2 (At-Risk Youth) – 150 people, S3 (First-time Offender) – 30 people, S4 (Repeat Offender) – 15 people, S5 (Habitual Criminal) – 5 people.

Initial State Distribution = [800, 150, 30, 15, 5].

We want to conduct multiple iterations in order to track the community's evolution throughout time. To obtain the pattern of distribution for the period of time that follows, the transition matrix must be multiplied by the present-day dispersion.

$$S1' = (0.85 \times 800) + (0.20 \times 150) + (0.10 \times 30) + (0.05 \times 15) + (0.01 \times 5) = 713.8$$

$$S2' = (0.10 \times 800) + (0.50 \times 150) + (0.15 \times 30) + (0.05 \times 15) + (0.01 \times 5) = 160.3$$

$$S3' = (0.03 \times 800) + (0.20 \times 150) + (0.60 \times 30) + (0.20 \times 15) + (0.03 \times 5) = 75.15$$

$$S4' = (0.01 \times 800) + (0.05 \times 150) + (0.10 \times 30) + (0.60 \times 15) + (0.10 \times 5) = 28$$

$$S5' = (0.01 \times 800) + (0.05 \times 150) + (0.05 \times 30) + (0.10 \times 15) + (0.85 \times 5) = 22.75$$

43 Jusko P., & Weihe H.-J. W. Football Hooliganism as a Socio-Political Phenomenon: Motivation, Manifestations, and Prevention Strategies. *Annales Universitatis Mariae Curie-Skłodowska. Sectio J, Paedagogia-Psychologia*. 2024. Vol. 37. Is. 1. Pp. 207–216. DOI: 10.17951/j.2024.37.1.207-216 (date accessed: 08.09.2024).

44 Tsoukala A. *Football Hooliganism in Europe: Security and Civil Liberties in the Balance*. Basingstoke, UK : Palgrave Macmillan, 2009. 179 p. DOI: 10.1057/9780230594661 (date accessed: 08.09.2024).

New State Distribution = [713.8, 160.3, 75.15, 28, 22.75]

Let's plot the changes in graph.

S1: Somewhat declines but still makes up the vast majority of the population.

S2: Varies, with some people moving up to S3 or back down to S1.

S3 and S4: As certain S1 and S2 people turn into perpetrators, they expand over the years.

S5: Slowly rises as a tiny fraction of S4 people advance to this level.

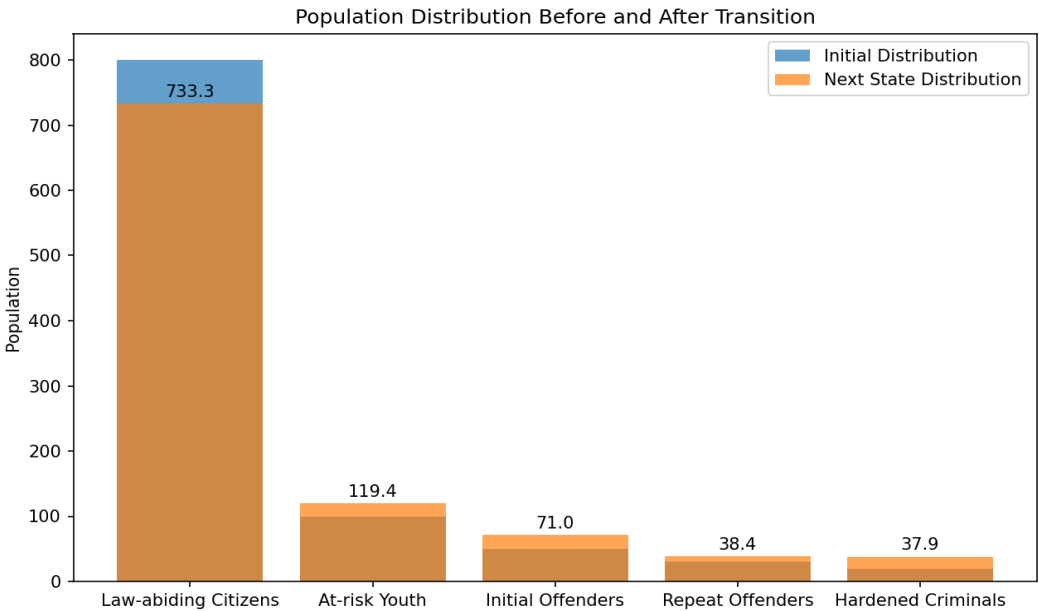


Fig. Population distribution before and after transition

Conclusions

Summing up, we note that in the investigation of cases of hooliganism, forensic medical examinations of victims and forensic psychiatric examinations of the accused are mainly prescribed. As for forensic biological examinations of evidence substances, chemical and forensic examinations, they are appointed very rarely. This situation is explained mainly by the underestimation of the role and importance of these examinations in the investigation of hooli-

gan acts and the lack of awareness of investigators about the achievements of expert practice.

The Markov Chain method used to the predictive model offers important new insights into the dynamics of hooliganism and how to prevent it. According to the estimates, the majority of the population continues to fall into the group of law-abiding citizens ($S1' = 713.8$), but a sizable portion also belongs to the young at-risk ($S2' = 160.3$) and first-time offender categories ($S3' = 75.15$). Nonetheless,

the existence of recurrent transgressors ($S4' = 28$) and seasoned lawbreakers ($S5' = 22.75$) underscores continuous difficulties in successfully containing the rise in criminal activity.

In order to keep young people who are at danger from turning into violent criminals, the strategy emphasizes the value of prompt assistance at the S2 stage. On the other hand, problems stem from uneven application of the law and the requirement for precise legal descriptions. More stringent controls are suggested by the model, which also alerts users to possible rises in the S4 and S5 classifications. To preserve public confidence, these policies must strike a balance between speech rights and security for the public. Officials are being urged to track web activity and strengthen international collaboration in response to the growing prevalence of internet networks used to coordinate hooliganism.

The current legal framework has to be updated with accurate descriptions to ensure uniform implementation of the law in every relevant jurisdiction. Coordinating efforts across government, community groups, and the judiciary are essential to a cohesive preventative plan. Collaboration facilitates the exchange of assets and enhances the efficacy of preventive measures. To tackle the fundamental causes of hazardous behavior and stop it from escalating into greater offenses, funding youth-focused preventive efforts is crucial. Courses can have a bigger effect if they are tailored to the requirements of the local population. AI and predicting technology should be used by law enforcement as well to identify and stop organized hooliganism, especially online. These technology developments enable early danger identification and quick responses, successfully combating and preventing hooliganism by striking a balance between public safety and freedom of speech.

Сучасні проблеми й основні аспекти кримінально-правової протидії хуліганству

Самір Ільяс огли Гадіров

Досліджено сучасні проблеми й основні аспекти такого протиправного явища, як хуліганство, і протидії йому. Проведено аналіз історичного розвитку хуліганства та проблем, яких воно завдає сучасному суспільству. Виявлено чинники, які спричиняють поширення хуліганства від моменту його виникнення до сьогодні. Розглянуто законодавчі й соціальні аспекти хуліганства. Окреслено зміни в соціальній, економічній і культурній сферах, через які хуліганство доволі поширено в багатьох країнах. Піддано оцінюванню ефективність чинних правових систем у запобіганні хуліганству, зазначено важливі недоліки та проблеми застосовуваних владою методів. Досліджено соціально-економічні зміни, культурні впливи й соціальні перспективи, а також наведено докладне пояснення того, чому хуліганство продовжує існувати, незважаючи на правові ініціативи, спрямовані на запобігання йому. Метою цієї наукової праці є усунути бар'єри між правовими концепціями та фактичною їх реалізацією за допомогою застосування міждисциплінарного підходу, а також надати пропозиції для підвищення здатності судової системи протидіяти хуліганству. Наголошено на необхідності посилити співпрацю в системі кримінального правосуддя, запровадити цілеспрямовані соціальні заходи й адаптувати закони з метою профілактики хуліганства, особливо серед молоді, яка перебуває у групі ризику. Для досягнення поставленої мети застосовано такі наукові методи: аналіз, синтез, статистичний аналіз, узагальнення та ін.

Ключові слова: хуліганство; кримінальне судочинство; соціокультурна

динаміка; експертне забезпечення розслідування хуліганства; правова реформа; молодь групи ризику.

Фінансування

Це дослідження не отримало жодного спеціального гранту від фінансових установ у державному, комерційному або некомерційному секторах.

Відмова від відповідальності

Засновники не грали жодної ролі у розробленні дослідження, добиранні й аналізуванні даних, рішенні про публікацію або підготовку рукопису.

Учасники

Автор зробив свій внесок винятково в інтелектуальну дискусію, що є основою цього документа, дослідження судової практики, написання та редагування, і бере на себе відповідальність за її зміст і тлумачення.

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Автор заявляє, що у нього відсутній конфлікт інтересів.

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