

Countering Investigation as a Substantive Component of Topic of Criminalistics

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This article purpose is to determine the specifics and directions of cognition of such a phenomenon as countering investigation, in the context of formation of a separate forensic doctrine of such resistance and its neutralization (overcoming). Achievement of the set goal was facilitated by the use of a number of general scientific, special and philosophical methods (dialectical, modeling, system-structural analysis, comparative analysis, etc.). Understanding that criminalistics as a science studies regularities of the mechanism of committing criminal offenses, specifics of emergence and preservation of information about them in reality and digital space, as well as the methods of obtaining, analyzing, evaluating and applying this information while proving, made possible to substantiate the need to expand the system of its individual teachings and theories. Taking into account specifics of the topic of criminalistics, importance of post-criminal activity of subjects of criminal offenses as one of its important components is substantiated. It is emphasized that implementation of various forms of countering investigation by criminals has long actualized the need to single out the forensic doctrine of countering investigation and its neutralization. It is proven that (despite significant scientific achievements) a number of issues on

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the raised issues still do not have a single concept, and terminological apparatus remains contradictory and inconsistent. It is found that multiplicity of statements, conclusions and hypotheses within the limits of this topic requires systematic research. An approach to solving this issue is proposed by developing the fundamental principles of the forensic doctrine of countering investigation, however, final algorithm for its solution has not been formed. Prospects for further research are outlined that provide for development, improvement and verification of key provisions of the doctrine of countering investigation and its neutralization (taking into account requests and issues of law enforcement activities).

Keywords: criminalistics; pre-trial investigation; forensic doctrine; theory; countering investigation; object and topic of criminalistics; investigative activity; post-criminal activity.

Research Problem Formulation

Rapid increase in the crime level, its complication and improvement of methods of committing criminal offenses necessitate development of effective strategies for the security and defense sector, improvement of typical algorithms of work. This sets the task for lawyers and scientific community to modernize law enforcement activities, introduce new methods of combating crime and update forensic recommendations for investigation of criminal offenses.

One of leading aspects of modern criminal investigation practice is countering attempts by interested parties to influence the procedure of criminal proceedings. Effective neutralization of such actions is an important component of ensuring justice and upholding the rule of law. Solving any scientific or practical problem requires a thorough analysis of previous methods and their generalization. Such a methodological approach makes possible to determine optimal directions of further research and develop effective recommendations for improving activities of State bodies. Legal science,

aimed at strengthening law enforcement practice, aims to develop effective mechanisms for protecting the rights and legitimate interests of citizens, as well as their restoration in the event of illegal actions by individuals, institutions or organizations. This is especially relevant, since according to the Constitution of Ukraine and a number of international legal treaties ensuring human rights and freedoms is one of the fundamental duties of the State.

Scholars have repeatedly attempted to comprehend and systematize typical forms of countering investigations, as well as to identify effective methods of neutralizing them. At the same time, the research conducted has not been systematized to date. Different theoretical approaches and practical issues find different, sometimes contradictory, proposals for their solution. There is no consensus on whether counteraction can be realized in the form of inaction; whether certain actions of the suspect should be recognized as counteraction or as the exercise of his right to defense; whether those actions that have signs of independent criminal offenses should be considered a form of counteraction; whether it is advisable to distinguish

actions taken as a way to conceal a crime in the structure of counteraction to the investigation, etc. Thus, the outlined issues are complex, and therefore should acquire the status of an independent subject of research.

Article Purpose

Determine specifics and directions of knowledge of such a phenomenon as counteraction to the investigation, in the context of formation of a separate forensic doctrine on countering investigation and its neutralization (overcoming).

Research Methods

Implementation of the stated goal was ensured through the use of a complex of methods of scientific knowledge, that contributed to the systematic analysis of the regularities of committing criminal offenses, mechanisms of obtaining information about, as well as research on counteraction to investigation and its neutralization. The dialectical method made possible to consider criminalistics as a developing system of scientific knowledge, identify the regularities of formation, preservation and application of information about criminal offenses. With its help, relationship between the mechanism of criminal activity, post-criminal behavior of the subjects of offenses and the need to isolate an independent forensic doctrine about countering investigation was studied. The system-structural method provided the opportunity to consider criminalistics as a holistic system, which components are knowledge of the mechanism of committing criminal offenses, methods of obtaining and analyzing information, as well as means of its application in proving. This method made possible to substantiate that

post-criminal activities of crime subjects are a separate important aspect of forensic researches.

Formal-logical method contributed to clarification of the terminological apparatus, identification of contradictions in terms and clarification of the need for their coordination within the boundaries of forensic science. Method of comparative analysis made possible to compare different approaches to defining the subject of forensic science, identifying its components, and evaluating existing hypotheses regarding the post-criminal activities of criminals. This justified the need for further concept development of countering investigation and determining its place in the forensic system. Modeling method contributed to construction of theoretical constructs regarding the mechanism of countering investigation and its neutralization. Thanks to this method, conceptual foundations of the future forensic science doctrine of countering investigation were proposed and the directions of its further development were determined.

Analysis of Essential Researches and Publications

Countering investigation involves creation of artificial obstacles to the legitimate activities of the bodies of pre-trial investigation, inquiry, judicial bodies, as well as other persons who contribute to administration of justice. Analysis of historical sources and scientific research devoted to development of legislation in the field of protection and ensuring the administration of justice, implementation of criminal law functions of and criminal procedure, indicates that some forms of such countering have existed for a long time. In particular, already in the days of the Ancient World, cases of concealment of crimes,

pressure on witnesses and victims are mentioned that can be considered as early forms of interference in investigation procedure.

The scientific community began to make attempts to scientifically comprehend such a phenomenon as countering investigation in the second half of the twentieth century. At that time, fruitful work on this topic was carried out by V. Bakhin, V. Bernaz, V. Honcharenko, A. Ishchenko, N. Karpov, V. Konovalova, V. Korzh, V. Kuzmichov, V. Lysychenko, F. Sokyran, V. Tertyshnik, M. Shumylo, et al. Contribution of these scientists lies primarily in understanding essence of countering investigation, its typical forms and methods of neutralizing the countering.

In a number of monographic studies of the 2000s, achievements of scientists have become more systematic. One of the first thorough studies of independent Ukraine devoted to countering the investigation is the work of R. Shekhavtsov where the author considered typical forms and methods of countering the investigation of crimes and identified the means of overcoming them based on the analysis of materials of criminal cases of extortion committed by organized groups and criminal organizations¹.

In research by V. Vartsaba: *Investigation of crimes of organized criminal groups (tactical and psychological foundations)* the psychological aspects of the criminal activity of a group of individuals are considered, the internal relationships and features of the hierarchical structure of various criminal groups² are investigated. Further development of research in this area is associated with the work of O. Aleksandrenko, who thoroughly analyzed the forensic aspects of overcoming contraction of investigation, emphasizing feasibility of integrated approach and the use of the latest methods in neutralizing the countering investigation³. Another significant research in this area was the dissertation of B. Shchur, devoted to the regularities of tactical support of the work of law enforcement agencies in overcoming resistance from organized criminal groups⁴.

A significant contribution to development of scientific approaches to overcoming counteraction to investigation was made by K. Hutnik. Her research highlights the provisions and recommendations for neutralizing resistance carried out in conditions of social tension and social protest by persons interested in destabilizing the situation⁵. V. Trepak's research paper examines the issue of overcoming

- 1 Шехавцов Р. М. Форми та способи протидії розслідуванню злочинів та засоби їх подолання (за матеріалами кримінальних справ про вимагання, вчинені організованими групами, злочинними організаціями) : дис. ... канд. юрид. наук. Київ, 2003. 238 с. URL: <https://uacademic.info/ua/document/0404U000411> (дата звернення: 10.02.2025).
- 2 Варцаба В. М. Розслідування злочинів організованих злочинних груп (тактико-психологічні основи) : дис. ... канд. юрид. наук. Харків, 2003. 181 с. URL: <https://uacademic.info/ua/document/0404U000656> (дата звернення: 10.02.2025).
- 3 Александренко О. В. Криміналістичні проблеми подолання протидії розслідуванню : автореф. дис. ... канд. юрид. наук. Київ, 2004. 20 с. URL: <https://dspace.nlu.edu.ua/jspui/handle/123456789/13980> (дата звернення: 10.02.2025).
- 4 Щур Б. В. Тактика усунення протидії розслідуванню злочинів, що вчиняються організованими злочинним групами : дис. ... канд. юрид. наук. Харків, 2005. 195 с. URL: <https://uacademic.info/ua/document/0405U000648> (дата звернення: 10.02.2025).
- 5 Гутнік К. В. Розслідування злочинів в умовах протидії, яка чиниться з використанням соціальної напруги : автореф. дис. ... канд. юрид. наук. Харків, 2010. 20 с.

contraction by means of operational and investigative activities ⁶.

In 2014 (due to emergence of separatist movements and the growth of illegal arms trafficking), the proportion of crimes significantly increased. Accordingly, the counteraction to the detection and investigation of criminal offenses by criminal groups has significantly intensified and intensified. New challenges required improving methods for overcoming such opposition. Thus, research paper by O. Romtsiv examines specifics of overcoming counteraction during investigation of official crimes ⁷. M. Chesakova's research is devoted to overcoming countering investigation at the stage of pre-trial investigation, which the scientist considers as a socially dangerous factor capable of changing the course of the investigation in favor of interested parties ⁸. The issue of opposition to the judicial examination of criminal proceedings was thoroughly investigated by R. Mudretskyi: he emphasized that opposition to trial can manifest itself both in illegal actions or inaction of the participants in the trial and in deliberate creation of negative external circumstances that impede fair proceedings and adoption of a lawful decision ⁹.

V. Piddubnyi's dissertation research is devoted to countering investigation of economic crimes. He considers it not only as an element of criminal activity, but as an independent social phenomenon consisting in the use of active offensive actions aimed at complicating or disrupting investigation and trial ¹⁰.

V. Pletenets made an important contribution to systematic analysis of forensic support for overcoming counteraction to pre-trial investigation, who determined the legal and organizational principles of forensic support for overcoming the counteraction to the investigation, developed the concept of tactical and forensic support and outlined effective ways to overcome this phenomenon ¹¹. Consequently, scientific interest in the issue of countering investigation remains high, and modern research is aimed at developing effective methods for its detection and neutralization. At the same time, these best practices are mainly aimed at implementing the praxeological function of forensic science that has led to some descriptiveness in the definition of conceptual concepts and theories of forensic doctrine of countering investigation and its neutralization.

- 6 Трепак В. М. Розкриття та розслідування хабарництва, вчинюваного суддями, та подолання протидії засобами оперативно-розшукової діяльності : автореф. дис. ... канд. юрид. наук. Київ, 2011. 19 с.
- 7 Ромців О. І. Особливості подолання протидії під час розслідування злочинів у сфері службової діяльності : дис. ... канд. юрид. наук. Львів, 2016. 226 с. URL: <https://lpnu.ua/sites/default/files/2020/dissertation/1817/disromtsivoi.pdf> (дата звернення: 10.02.2025).
- 8 Чесакова М. С. Протидія розслідуванню злочинів та шляхи її подолання на стадії досудового розслідування : автореф. дис. ... канд. юрид. наук. Харків, 2019. 23 с. URL: <https://uacademic.info.ua/document/0419U005608> (дата звернення: 10.02.2025).
- 9 Мудрецький Р. В. Подолання протидії судовому розгляду у кримінальних провадженнях : дис. ... канд. юрид. наук. Кривий Ріг, 2019. 263 с. URL: <https://uacademic.info.ua/document/0420U100095> (дата звернення: 10.02.2025).
- 10 Піддубний В. В. Подолання протидії розслідуванню злочинів економічної спрямованості : дис. ... канд. юрид. наук. Харків, 2020. 260 с. URL: <https://uacademic.info.ua/document/0420U100568> (дата звернення: 10.02.2025).
- 11 Плетенець В. М. Теоретичні та праксеологічні засади подолання протидії досудовому розслідуванню : монографія. Одеса, 2020. 424 с. URL: <https://er.dduvs.edu.ua/handle/123456789/6404> (дата звернення: 10.02.2025).

Main Content Presentation

A number of above mentioned research papers indicate that there are reasonable grounds for formation of an independent forensic doctrine of countering investigation of crimes and its neutralization (overcoming). Various aspects of countering investigation have already been researched in the context of studying the methods of committing and concealing crimes, negative circumstances, investigative situations and search methods. At the same time, these works cover only certain aspects of this phenomenon. Despite existence of clearly defined subject areas, none of the existing theories comprehensively reflects the patterns of counteraction to investigations and mechanisms for its overcoming. They do not provide a unified theoretical basis for integrating and systematizing new knowledge in this area. As V. Lysychenko and R. Shekhavtsov rightly emphasize, the need to form a new separate forensic theory is closely related to the definition of its structure and content, the general scientific principles of systematization of substantiated provisions into a comprehensive system of knowledge about the phenomena of objective reality, methods of their obtaining¹².

In turn (according to V. Pletenets' approach), the development of concept of counteraction to pre-trial investigation not only expands the scientific understanding of this phenomenon, but creates real opportunities for its practical applica-

tion. This direction of scientific research creates the need to continuously improve methods of neutralizing counteraction that makes possible to effectively counteract it with the use of modern measures of prevention, detection and neutralization. Therefore, as the scientist notes, the development of a theory of forensic support for overcoming counteraction to pre-trial investigation will be an important step in improving methods of crime investigation. Its implementation will help law enforcement agencies to effectively overcome criminal opposition at every stage of the investigation, which is critical in combating crime in general¹³. It is well known that a scientific theory is recognized as sound if its application contributes to the achievement of positive practical results. Given the number of cases of prosecution for interference with activities of law enforcement and judicial authorities, misleading the court and other law enforcement agencies in connection with concealment of a crime defined as separate forms of counteraction to the investigation, we can state that this theory contributes to the realization of the pragmatic goal of using forensic knowledge in criminal procedure.

Forensic science is a system of scientific provisions aimed at studying the patterns of the mechanism of committing criminal offenses, the process of occurrence and preservation of information about them, as well as ways of obtaining, analyzing, evaluating and applying this information. It develops effective methods,

12 Лисиченко В. К., Шехавцов Р. М. Проблеми теорії та практики подолання протидії розслідуванню окремих різновидів злочинів, вчинених організованими групами, злочинними організаціями : монографія. Вид. 2-ге, перероб. і допов. Луганськ, 2012. 342 с. URL: https://dspace.lvduvs.edu.ua/bitstream/1234567890/246/1/Shekhavtsov_monograf.pdf (дата звернення: 10.02.2025).

13 Плетенець В. М. Знач. твір. URL: <https://er.dduvs.edu.ua/handle/123456789/6404> (дата звернення: 10.02.2025).

techniques and means aimed at organizing the search and analytical activities of authorized persons within the framework of proof in criminal proceedings ¹⁴.

The subject of forensic science is quite broad. In this regard, we consider V. Zhuravel's proposal to distinguish three levels of interrelated patterns in the structure of its subject to be appropriate:

- 1) mechanism of criminal and illegal activities;
- 2) formation of information about the mechanism of criminal and illegal activity and its reflection in relevant sources;
- 3) obtaining, researching, evaluating and applying information on the mechanism of criminal and illegal activity, its consequences for evidence ¹⁵.

As for the third level of regularities, among such regularities, the scientist distinguishes connections and dependencies between the nature of post-criminal behavior and the volume of evidence obtained. The researcher argues that relationship between nature of a person's behavior after committing a criminal offense and the volume of evidence is an important factor that determines the speed and effectiveness of subsequent pre-trial investigation. Actions taken by a person after the implementation of criminal intent can both facilitate investigation and significantly complicate it. If post-criminal behavior is neutral or even positive, this facilitates implementation of the tasks of criminal proceedings and establishment of the truth, or at least does not create additional obstacles to the investigation.

On the other hand, the opposite behavior can distract the investigator, forcing him to perform a number of additional tactical tasks while performing the duties assigned to him by criminal procedural law. The greatest threat to ensuring the fulfillment of the tasks of criminal proceedings is negative post-criminal behavior consisting in conscious opposition to the investigation. Destruction of material evidence, tools and means of committing a criminal offense, unlawful influence on investigators, bribery or intimidation of victims and witnesses significantly complicate and sometimes even make impossible collecting evidentiary information and its objective assessment ¹⁶. It is these patterns that should become the basis of the forensic doctrine of opposition to the investigation and its neutralization.

The basis of any science is theoretical concepts that form a holistic system of knowledge. A theory is an ordered set of ideas, inferences, and propositions aimed at explaining certain phenomena. It does not reflect reality directly, but is its generalized idealized model. Theory takes the form of an integrated system of knowledge, where separate concepts, hypotheses and laws are combined into a single conceptual structure.

The following requirements apply to new theories:

- compliance with real research object;
- possibility of replacing empirical research with theoretical conclusions;
- comprehensive coverage and full explanation of the phenomenon under research;

14 Журавель В. А. Закономірності, що вивчає криміналістика. *Вісник Національної академії правових наук України*. 2023. Т. 30. № 1. С. 227–249. DOI: [10.31359/1993-0909-2023-30-1-227](https://doi.org/10.31359/1993-0909-2023-30-1-227) (дата звернення: 10.02.2025).

15 Там само.

16 Там само.

- disclosure of relationships between individual elements;
- internal logical consistency and confirmation by empirical data ¹⁷.

Currently, theoretical foundations of criminalistics are understood as a complex of scientific concepts, principles, methods and categories that determine the subject of this science. The main components of theoretical foundations of criminalistics are:

- introduction to general theory of criminalistics, key provisions on the subject, tasks, purpose, principles of development and place among the legal sciences;
- forensic doctrines about research methods.

Criminalistics is represented by general and special forensic theories. V. Markus among them proposes to distinguish:

- general theories (study patterns of mechanism of crime; peculiarities of the emergence, collection, research and evaluation of evidence; language of criminalistics and of research methods);
- special (separate) theories (methods of solving crimes; general and specific signs of crimes; forensic identification and diagnostics; mechanisms of committing and concealing crimes; planning and building forensic versions; research on trace formation processes; registration of forensic objects; search methods, detention, search and sei-

zure, inspection of the scene of the crime, interrogation and specific expertise application) ¹⁸.

Scientific literature highlights other approaches to understanding forensic theories. According to V. Zhuravel, scientific teachings in the structure of criminalistics relate to scientific search, object, subject, nature, interscientific relations, system of science, language (conceptual and terminological apparatus) and methods. Among forensic teachings of the general scientific level, the researcher identifies the doctrine of the crime mechanism emergence, existence and disappearance of information about the mechanism of crime (forensic forensics), knowledge of the crime mechanism. At the same time, forensic teachings of a separate scientific level include the following theories: 1) forensic forecasting; 2) forensic diagnostics; 3) forensic prevention theory; 4) forensic classification of crimes; 5) forensic characterization of crimes; 6) situations in forensics, forensic situationology; 7) systems of investigative (detective) actions, tactical operations; 8) tactical decisions, mechanism for their solution; 9) recording of evidentiary information; 10) doctrine of formalization of investigative activities ¹⁹.

In our opinion, separate place in the system of forensic students of a separate scientific level should be occupied by the doctrine of counteraction to the investigation and its neutralization. We see the system of general theoretical provisions of this particular doctrine as follows:

17 Стефанюк Г. В. Теорія і методика наукових досліджень: опорні конспекти лекцій, глосарій, самостійна робота : навч.-метод. посіб. для студ. ден. і заоч. форм навч. спец. 014 «Середня освіта (Історія)». Івано-Франківськ, 2018. С. 20. URL: <https://surl.li/dhfgmm> (дата звернення: 10.02.2025).

18 Маркус В. О. Криміналістика : навч. посіб. Київ, 2007. 558 с. URL: <https://law.sspu.edu.ua/files/documents/books/library/17/markus.pdf> (дата звернення: 10.02.2025).

19 Журавель В. А. Загальна теорія криміналістики: генеза та сучасний стан : монографія. Харків, 2021. 448 с.

- determination of its object and subject;
- analyzing the relationship of this concept with other forensic theories that have similar content are crucial;
- outline goals and objectives solved within this theory;
- defining the functions it performs in criminalistics;
- development of methodological framework that allows to investigate manifestations of countering investigation and ways to its neutralization²⁰.

It is important that some steps have already been taken in the scientific literature to promote the concept of expanding the system of separate forensic science doctrines. A significant contribution to this issue was made by V. Lysychenko and R. Shekhavtsov, who proposed a system of doctrine of countering investigation and ways to overcome it. In their opinion, it should be represented by the following four elements:

- 1) *theoretical foundations of the doctrine*. The object of the doctrine of countering investigation is the actual manifestations of counteraction, implemented in specific forms and methods of preventing clarification of the objective truth. Such actions may include manipulation of evidence, influence on participants in the trial, use of corruption mechanisms, etc. The process of overcoming this counteraction that involves interaction of investigative bodies with interested persons and the use of tactical methods of detecting,

neutralizing and preventing illegal influence, is studied. The topic of the doctrine is counteraction regularities: forms and means of counteraction to the investigation; connection between material and other traces of criminal offenses, correlations between the method of counteraction and the traces it leaves; the influence of forensic methods of neutralizing counteraction to the investigation on the structure and development of counteraction methods, that in turn necessitates adaptation of investigation methods;

- 2) *system of concepts* explaining the phenomenon of counteraction to investigation and methods of its overcoming;
- 3) *classification of forms and methods* of counteraction to the pre-trial investigation, which will cover typical mechanisms for concealing criminal activity, traces of such counteraction and ways of their fixing;
- 4) *legal and forensic methods* of neutralization (overcoming) counteraction (including tactics for detecting, preventing and eliminating illegal influence on investigation procedure)²¹.

Thus, mentioned scientists have proposed significant development within the scope of our research. The provisions developed by them once again indicate the need for a comprehensive study of countering investigation that should include the analysis of tactical techniques, mechanisms for concealing criminal activity and the development of effective measures to

20 Лисиченко В. К., Шехавцов Р. М. Зазнач. твір. URL: https://dspace.lvduvs.edu.ua/bitstream/1234567890/246/1/Shekhavtsov_monograf.pdf (дата звернення: 10.02.2025).

21 Там само. С. 266–268. URL: https://dspace.lvduvs.edu.ua/bitstream/1234567890/246/1/Shekhavtsov_monograf.pdf (дата звернення: 10.02.2025).

overcome them. At the same time, some aspects outlined by them require revision and improvement. At the current stage of development of the criminal justice system, it is necessary to analyze the problem of overcoming counteraction to the trial, systematize those theoretical provisions that relate to counteraction to the investigation of individual groups of criminal offenses, assess the practical significance of this doctrine, etc. Currently, scientists pay significant attention to determining the legal and organizational means of overcoming counteraction to the investigation of individual groups of criminal offenses²², but a logical question arises: is there a need to study them in the context of individual groups of criminal offenses, because in essence they do not undergo significant changes?

In our opinion, the methodological apparatus remains imperfect. First of all, this applies to the concepts of *principles, forms of counteraction, methods of counteraction, methods of overcoming counteraction and means of overcoming counteraction*. Despite quite significant theoretical achievements, there is no unanimity of scientists in the understanding of conceptual aspects, among which: forms of counteraction; specifics of criminal legal assessment of such forms; essence of such a form as crime concealment, etc.

Conclusions

Criminalistics is a science, which system of provisions is represented by laws on the mechanism of committing criminal offenses, on peculiarities of occurrence and methods of obtaining, analyzing and evaluating information about these offenses, as well as on the fixation, preservation and application of information obtained while investigating and evidence.

Among regularities of obtaining, researching, evaluating and applying information about the mechanism of criminal and illegal activity, its consequences for proving, which are an independent level of regularities that personify the topic of criminalistics, an important place is occupied by the post-criminal activity of subjects of criminal offenses. The active forms of resistance carried out by them indicate the urgent need to single out resistance to the investigation and its neutralization as an independent forensic doctrine. Despite significant scientific achievements, a number of issues raised problem still do not have a single concept and terminological apparatus is contradictory and inconsistent. Plurality of statements, conclusions and hypotheses within the limits of this topic require systematic research. We emphasize only a certain approach to solving this problem, development of

22 Пчеліна О. В. Протидія розслідуванню злочинів у сфері службової діяльності та шляхи її подолання. *Молодий вчений*. 2016. № 4 (31). С. 628—632. URL: <http://dSPACE.univd.edu.ua/xmlui/handle/123456789/1805> (дата звернення: 10.02.2025); Савчук Т. І. Щодо протидії розслідуванню корупційних злочинів. *Процесуальне та техніко-криміналістичне забезпечення досудового розслідування* : мат-ли наук.-практ. конф. (Харків, 28.11.2019). Харків, 2019. С. 147—150. URL: https://univd.edu.ua/general/publishing/konf/28_11_2019/pdf/52.pdf (дата звернення: 10.02.2025); Федосова О. В. Оперативно-розшукове забезпечення подолання протидії виявленню і розслідуванню злочинів, що вчиняються за участю неповнолітніх. *Держава та регіони. Серія: Право*. 2020. № 3 (69). Т. 3. С. 181—187. DOI: 10.32840/1813-338X-2020.3.3.30 (дата звернення: 10.02.2025); Богданюк Р. Правові засади та організаційні засоби подолання протидії під час розслідування кримінальних правопорушень у сфері господарської діяльності. *Архів кримінології та судових наук*. 2024. № 2 (10). С. 169—176. DOI: 10.32353/acfs.10.2024.14 (дата звернення: 10.02.2025).

fundamental principles of the aforementioned doctrine, while not proposing a final algorithm for its solution. We see prospects for further research in development, improvement and verification of a number of provisions, taking into account requests and issues of law enforcement activities.

Протидія розслідуванню як змістовний компонент предмета криміналістики

Олександр Таркан

Мета статті — визначити особливості й напрями пізнання такого явища, як протидія розслідуванню, у контексті формування окремого криміналістичного вчення про таку протидію та її нейтралізацію (подолання). Досягненню поставленої мети сприяло застосування низки загальнонаукових, спеціальних і філософських методів (діалектичного, моделювання, системно-структурного аналізу, порівняльного аналізу та ін.). Розуміння того, що криміналістика як наука вивчає закономірності механізму вчинення кримінальних правопорушень, особливості виникнення та збереження інформації про них у реальності й цифровому просторі, а також способи отримання, аналізу, оцінювання та застосування цієї інформації в процесі доказування, дало змогу обґрунтувати потребу в розширенні системи її окремих учень і теорій. З урахуванням особливостей предмета криміналістики обґрунтовано значення післякримінальної діяльності суб'єктів кримінальних правопорушень як одного з важливих її складових. Наголошено, що реалізація різноманітних форм протидії розслідуванню з боку злочинців уже давно актуалізувала потребу виокремити криміналістичне вчення про протидію розслідуванню та її нейтралізацію. Доведено, що (попри вагомий науковий доробок) низка питань за

порушеною проблематикою до сьогодні не має єдиної концепції, а термінологічний апарат залишається суперечливим і неузгодженим. З'ясовано, що множинність тверджень, умовиводів і гіпотез у межах цієї теми потребує системного дослідження. Запропоновано підхід до розв'язання цієї проблеми шляхом розроблення фундаментальних засад криміналістичного вчення про протидію розслідуванню, проте не сформовано остаточного алгоритму її розв'язання. Окреслено перспективи подальших досліджень, які передбачають розроблення, удосконалення й верифікацію ключових положень учення про протидію розслідуванню та її нейтралізацію (із урахуванням запитів і проблем правозастосовної діяльності).

Ключові слова: криміналістика; судове розслідування; криміналістичне вчення; теорія; протидія розслідуванню; об'єкт і предмет криміналістики; слідча діяльність; післякримінальна діяльність.

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