

Specifics of Detection and Neutralization of Counteraction at the Initial Stage of Investigation

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The purpose of this article is to reveal specifics of identifying signs of a criminal offense and neutralizing counteraction at the initial stage of the pre-trial investigation. Methodological research basis is a set of general scientific, special and philosophical methods of cognition, in particular dialectical, system-structural, functional-activity, comparative-legal one, as well as modeling, analysis and synthesis. It is generalized that initial stage of the pre-trial investigation is the most vulnerable to various forms of counteraction that is due to information uncertainty, time shortage and the need to make operational procedural decisions. It is determined that counteraction has a multi-level nature: it is implemented by influencing collecting evidence procedure, making procedural decisions and interpreting data obtained (by using manipulations with information, using procedurally permissible and extra-procedural mechanisms, behavioral strategies and institutional influence and other means aimed at complicating establishment of circumstances of criminal offense). It is substantiated that detection of signs of a criminal offense and neutralization of counteraction are interrelated procedures that operate within the framework of a single mechanism for forensic support of investigation. It is found that information counteraction (providing false information, initiating attachment of documents with dubious evidentiary value, involving unreliable informed persons), procedurally legalized forms of influence (appealing proce-

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dural decisions, manipulating procedural mechanisms), as well as institutional counteraction (impact on conducting forensic examinations) can significantly change the direction of evidentiary activity and increase the risk of making erroneous procedural decisions. It is proven that initial stage of the pre-trial investigation should be considered as an information-conflict space, within which framework evidence subject not only carries out cognitive activity, but counteracts active influence of interested persons. It was noted that timely diagnostics of manifestations of resistance, critical assessment of sources of information and the use of forensic tactical tools are the main conditions for ensuring investigation effectiveness and compliance with the principle of reasonableness of the terms of criminal proceedings.

Keywords: *pre-trial investigation; initial stage; counteraction; neutralization of counteraction; detection of crime signs.*

Research Problem Formulation

The current stage of development of criminal justice in Ukraine is characterized by numerous reforms, some of which continue to this day. This applies to activities of pre-trial investigation bodies, the prosecutor's office, the judiciary and others. Crime situation is also aggravated, as evidenced by the increase in the number of recorded criminal offenses. Thus, according to the Office of the Prosecutor General of Ukraine, in 2021, information was registered about 321,443 criminal offenses, in 2022 – about 362,636, in 2023 – about 475,595, in 2024 – about 492,479, in 2025 – about 608,101¹. It should be noted these indicators do not cover data on socially dangerous acts committed in the territory of the temporarily occupied territories and the zone of active hostilities, where victims do not report such facts to law enforcement agencies.

Simultaneously with increase in the number of manifestations of delinquent behavior, the mechanisms for committing criminal offenses are complicated, level of their latency increases and forms of counteraction to legitimate activities of the security forces in general and pre-trial investigation bodies in particular are diversified.

Transformation of forms of criminal activity is accompanied by improvement of ways to counteract its exposure. Increase in the level of organized crime, the use of information technologies, expansion of communication opportunities and availability of corruption links lead to the emergence of complex multilevel mechanisms of influence on the process of proof. In these conditions, counteraction to the investigation ceases to be only a fragmentary reaction of the offender to investigation actions, but acquires signs of systematic activity formed at the stage

1 Про зареєстровані кримінальні правопорушення та результати їх досудового розслідування. 2013—2024 роки / Офіс Генпрокурора : офіц. сайт. URL: <https://www.gp.gov.ua/ua/posts/2013-2024-roki-pro-zareyestrovani-kriminalni-pravoporushennya-ta-rezultati-yih-dosudovogo-rozsliduvannya> (date accessed: 11.02.2026).

of preparation or commission of a criminal offense and is actively implemented at the initial stages of criminal proceedings.

Practice of pre-trial investigation indicates that counteraction often occurs before entering information into the Unified Register of Pre-Trial Investigations ² (hereinafter referred to as URPTI) or immediately after the opening of criminal proceedings. Stakeholders use various means of concealing the offense, destroying or distorting evidentiary information, influencing participants in criminal proceedings, using gaps in legal regulation or organizational shortcomings of investigative activities. As a result of such counteraction, it becomes more difficult to establish circumstances of the event, the quality of evidence decreases, the duration of the investigation increases and the risk of procedurally vulnerable decisions increases.

Particular complexity is detecting signs of a crime and overcoming counteraction is interrelated: actions aimed at documenting criminally significant information are simultaneously means of neutralizing counteraction and active forms of obstruction, on the contrary, are able to hide the actual manifestations of the offense. It is the initial stage of the investigation that is most sensitive to such an impact, since the investigator acts in conditions of lack of information, time constraints and the need for prompt decision-making.

Therefore, initial stage occupies a special place both in the structure of the pre-trial investigation and in the neutralization of counteraction, since it is at this stage that the signs of a criminal offense are identified, the primary system of evidence is formed, investigative versions and directions for further search and cognitive activity of investigators and detectives are

determined. At the same time, this stage is characterized by a shortage of information, high dynamics of procedural decisions and increased vulnerability of evidentiary information to external influence. According to modern research, counteraction often becomes a correlation factor already in identifying and opening criminal proceedings, which significantly complicates the clarification of objective truth.

Therefore, there is an urgent need for comprehensive research on the patterns of identifying signs of a criminal offense and determining effective, lawful and practically oriented mechanisms for neutralizing counteraction at the initial stage of a pre-trial investigation, as this will increase efficiency of criminal proceedings and ensure the fulfillment of its tasks.

Article Purpose

Identify the specifics of typical forms of counteraction to investigation that take place at the stages of registration of a criminal offense and the initial stage of investigation.

Research Methods

For achieving the goal, a set of general scientific, special and philosophical methods of cognition was used, which provided a comprehensive analysis of the peculiarities of counteraction at the initial stage of the pre-trial investigation, clarification of its impact on the detection of signs of a criminal offense and the adoption of certain procedural decisions, as well as substantiation of organizational, tactical and procedural approaches to neutralizing the relevant manifestations.

Dialectical method has become the theoretical basis for considering the counter-

² ЄРДР : вебсайт. URL: <https://erdr.gp.gov.ua/> (date accessed: 12.02.2026).

action and activity of the subject of evidence as dynamic, interdependent and contradictory processes that are formed in the conditions of conflict of interest and information uncertainty of the initial investigation stage. It made possible to trace the patterns of the evolution of counteraction (from fragmented actions to systemic mechanisms) and explain its correlation with transformation of criminal activity and the reform of criminal justice.

System-structural analysis helped in determining structure of counteraction at the initial stage and the interrelations between its main elements: subjects, motives, methods, objects of influence (evidence, participants in the process, procedural decisions), as well as consequences for the evidence and the timing of the investigation. Due to this, counteraction is substantiated as a multi-level phenomenon that affects the procedural and forensic investigation component at the same time.

Functional-activity approach was useful for interpreting counteraction as a purposeful activity (procedural, informational, institutional, behavioral ones) that has its own logic, tactical variability and phasing. This made possible to reveal counteraction not only as a set of individual actions, but as a strategy for influencing mechanism of evidence and decision-making.

Simulation method was used to reconstruct typical investigative situations of the initial stage, in which counteraction is most intense (entering information into the Unified Register of Pre-Trial Investigations; review of the scene; resolving issue of seizure of temporarily seized property; obtaining testimony; initiating the inclusion of “consulting conclusions”; conducting forensic examinations; initiating interrogation of persons with doubtful awareness). Modeling helped to assess the risks and identify possible algorithms for

neutralizing counteraction within each situation.

Methods of analysis and synthesis contributed to processing of scientific sources, generalization of the conclusions of forensic research and the identification of typical signs of counteraction at the early stages of criminal proceedings. The analysis provided a detailed description of the manifestations of counteraction (procedurally legalized, informational, institutional) and synthesis provided the formation of generalized provisions on relationship between the detection of signs of a crime and the neutralization of counteraction as a single system of forensic support for investigation.

Comparative legal method was used to correlate procedural mechanisms with the practice of their application in conflict investigative situations (in particular, regarding the seizure of property, appealing procedural decisions, attaching documents, appointing and conducting examinations). It made possible to argue that certain procedural tools under certain conditions can be used not to exercise the right, but as a means of influencing evidence and investigation terms.

Formal legal method provided an analysis of normative regulation of procedural decisions related to preservation of evidence and property, the appointment of examinations and the exercise of rights of participants in criminal proceedings. Its application ensured the correctness of conclusions on the procedural limits of permissible behavior and the definition of criteria by which formally lawful actions can acquire counteraction.

Applied methodological complex helped to systematically investigate the problems of counteraction at the initial stage of pre-trial investigation, clarify its main manifestations, reveal influence

mechanisms of on evidence and procedural decisions, as well as to create the basis for the formation of practice-oriented recommendations for the timely detection and neutralization of counteraction.

Analysis of Essential Researches and Publications

Analysis of scientific sources and law enforcement practice shows that the prob-

lem of countering the investigation was most often investigated in the context of general issues of forensic tactics or certain types of crimes. Comprehensive monograph researches within the framework of this issue were carried out by O. Aleksandrenko ³, R. Bohdaniuk ⁴, V. Vartsaba ⁵, I. Hrytsiuk ⁶, K. Hutnik ⁷, V. Lysychenko and R. Shekhavtsov ⁸, R. Mudretskyi ⁹, V. Pid-dubnyi ¹⁰, V. Pletenets ¹¹, Yu. Popelniuk ¹²,

- 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> (date accessed: 10.02.2026).
- 4 Богданюк Р. І. Подолання протидії виявленню та розслідуванню кримінальних правопорушень у сфері господарської діяльності : дис. ... д-ра філос. в галузі права. Харків, 2025. 237 с. URL: <https://www.uacademic.info/ua/document/0825U001351> (date accessed: 10.02.2026).
- 5 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> (date accessed: 10.02.2026).
- 6 Грицюк І. В. Протидія розслідуванню злочинів у сфері оподаткування : дис. ... канд. юрид. наук. Ірпінь, 2012. 259 с. URL: <https://uacademic.info/ua/document/0412U004215> (date accessed: 10.02.2026).
- 7 Гутнік К. В. Розслідування злочинів в умовах протидії, яка чиниться з використанням соціальної напруги : автореф. дис. ... канд. юрид. наук. Харків, 2010. 20 с.
- 8 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. та допов. Луганськ, 2012. 342 с. URL: https://dspace.lvduvs.edu.ua/bitstream/1234567890/246/1/Shekhavtsov_monograf.pdf (date accessed: 10.02.2026) ; 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> (date accessed: 10.02.2026).
- 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> (date accessed: 10.02.2026).
- 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> (date accessed: 10.02.2026).
- 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> (date accessed: 10.02.2026).
- 12 Попельнюк Ю. П. Подолання протидії виявленню та розслідуванню корисливо-насильницьких кримінальних правопорушень : дис. ... д-ра філос. в галузі права. Харків, 2025. 237 с. URL: https://drive.google.com/file/d/1_Rc7DxlEkbIBZuZP8UzgIfs93GjtSsSV/view (date accessed: 10.02.2026).

O. Romtsiv¹³, V. Trepak¹⁴, M. Chesakova¹⁵, B. Shchur¹⁶ et al. In their works, attention is focused on the formation of theoretical foundations for overcoming counteraction, determining its forms, methods of detection and subjective composition, etc.

Important place in the context of determining specifics of initial investigation stage and forms of counteraction to such activities is occupied by the studies of O. Romtsiv and Yu. Popelniuk. The authors substantiate the relationship between the procedure for identifying signs of a criminal offense and overcoming counteraction at the early stages of criminal proceedings and emphasize that initial investigation stage is the most vulnerable to the influence of interested parties, since it is during this period that the initial investigative versions are formed and further directions for collecting evidence are determined¹⁷.

Significant contribution to the development of the problem of counteraction at the stages of identifying signs of criminally unlawful activity was also made by

R. Bohdaniuk, V. Piddubnyi, V. Pletenets M. Chesakova. They consider counteraction as a multi-component forensic phenomenon, manifested in the concealment of traces of a crime, distortion of evidentiary information, influence on participants in criminal proceedings and the use of procedural mechanisms to complicate the investigation. Although the above-mentioned authors mainly study counteraction within the framework of pre-trial investigation in general, the greatest intensity of such manifestations is characteristic of the initial stage, when the investigator acts in conditions of information deficit and uncertainty¹⁸.

In researches by B. Shchur and V. Vart-saba, considerable attention is paid to the tactical aspects of overcoming resistance and the role of tactical operations in ensuring the effectiveness of the investigation. The authors note the connection between the forensic characteristics of criminal activity and the choice of means of neutralizing resistance, which indirectly indicates the importance of early detection of

- 13 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> (date accessed: 10.02.2026).
- 14 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.
- 15 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> (date accessed: 10.02.2026).
- 16 Щур Б. В. Тактика усунення протидії розслідуванню злочинів, що вчиняються організованими злочинними групами : дис. ... канд. юрид. наук. Харків, 2005. 195 с. URL: <https://uacademic.info/ua/document/0405U000648> (date accessed: 10.02.2026).
- 17 Ромців О. І. Зазнач. твір. URL: <https://lpnu.ua/sites/default/files/2020/dissertation/1817/disromtsivoi.pdf> (date accessed: 10.02.2026) ; Попельнюк Ю. П. Зазнач. твір. URL: https://drive.google.com/file/d/1_Rc7DxlEkIBZuZP8UzgIfS93GjtSsSV/view (date accessed: 10.02.2026).
- 18 Богданюк Р. І. Зазнач. твір. URL: <https://www.uacademic.info/ua/document/0825U001351> (date accessed: 10.02.2026) ; Піддубний В. В. Зазнач. твір. URL: <https://uacademic.info/ua/document/0420U100568> (date accessed: 10.02.2026) ; Плетенець В. М. Зазнач. твір. URL: <https://er.dduvs.edu.ua/handle/123456789/6404> (date accessed: 10.02.2026) ; Чесакова М. С. Зазнач. твір. URL: <https://uacademic.info/ua/document/0419U005608> (date accessed: 10.02.2026).

its signs. In particular, in works devoted to the investigation of crimes committed by organized groups, the idea is traced that resistance is often planned at the stage of preparation for the commission of a crime and implemented using complex mechanisms of influence on evidentiary information¹⁹.

I. Hrytsiuk's research, devoted to countering the investigation of crimes in the field of taxation, focuses on practical aspects of investigative situations and tactical decisions in countering conditions. The author justifies the need to take into account the specifics of the information environment of the investigation, which is especially relevant at the initial stage, when the grounds for making procedural decisions are formed²⁰.

Of particular interest are researches by R. Mudretskyi. Despite a slightly different subject of study (the stage of trial), the author demonstrates the heredity of countermeasure mechanisms that allows to conclude: informational and procedural errors that occurred during the initial stage of the pre-trial investigation can affect the subsequent stages of criminal proceedings²¹.

In general, analysis of research papers allows us to assert that most researchers recognize the increased vulnerability of the initial stage of pre-trial investigation to various forms of counteraction. At the same time, existing researches are mostly focused either on the general characteristics of counteraction, or on its individual manifestations within certain categories

of crimes. Insufficient attention is paid to a comprehensive understanding of relationship between the process of identifying signs of a criminal offense and neutralizing counteraction at the initial stage of the investigation necessitating further development of scientific approaches in this direction.

This issue is of particular relevance in the context of the reform of criminal procedural legislation and the strengthening of requirements for ensuring a balance between guarantees of the rights of participants in criminal proceedings and the effectiveness of the activities of pre-trial investigation bodies. In modern conditions, resistance to investigation is increasingly identified as a factor in violating this balance that complicates proving and affects the timeliness of identifying signs of a criminal offense. Insufficient level of scientific study of the relationship between the processes of identifying signs of a crime and neutralizing resistance determines the need to form a holistic forensic approach to studying the initial investigation stage as a special information-conflict space, within the boundaries of which the further results of criminal proceedings are determined.

Main Content Presentation

The initial stage of the pre-trial investigation is a critically important stage of criminal proceedings, since it is during this period that the signs of a criminal offense are recorded, investigative versions

19 Щур Б. В. Зазнач. твір. URL: <https://uacademic.info/ua/document/0405U000648> (date accessed: 10.02.2026) ; Варцаба В. М. Зазнач. твір. URL: <https://uacademic.info/ua/document/0404U000656> (date accessed: 10.02.2026).

20 Грицюк І. В. Зазнач. твір. URL: <https://uacademic.info/ua/document/0412U004215> (date accessed: 10.02.2026).

21 Мудрецький Р. В. Зазнач. твір. URL: <https://uacademic.info/ua/document/0420U100095> (date accessed: 10.02.2026).

are formed, information about the event of a criminal offense is collected, and the main procedural decisions are made that determine further prospects of criminal proceedings. At the same time, an analysis of modern law enforcement practice and scientific research shows that this stage is the most vulnerable to various forms of counteraction, since it is characterized by information uncertainty, shortage of time and the need for a prompt response to received data and events that will occur with the participation of subjects interested in investigation results.

Any form of counteraction to pre-trial investigation directly affects the possibility of timely and well-founded adoption of procedural decisions, which necessitates the need to take it into account at the initial stages of criminal procedural activity. Various manifestations of opposition are especially common at the stage of making a decision to enter information into URP-TI, since it is at this time that the procedural prerequisite for further evidentiary activity is formed.

Typical example is situations when individual subjects impede the conduct of urgent investigative (detective) action in the form of an inspection of the scene of the incident, which, strictly speaking, most often begins the pre-trial investigation.

If such actions are of an open nature, then, if there are sufficient grounds, they can be qualified as resistance to law enforcement officers²² or interference with their lawful activities²³.

Significance of this action is due to the fact that it is during its conduct that traces of a criminal offense and other objects of the material world that may contain forensically significant information are detected and seized. Such objects often acquire the status of temporarily seized property, and their further study requires ensuring a procedural regime of preservation and inviolability.

In this regard, one of the main procedural decisions of the investigator is to file a motion to seize temporarily seized property in accordance with the provisions of the Criminal Procedure Code of Ukraine²⁴. The purpose of such a decision is to ensure the possibility of further use of the objects as sources of evidentiary information, conduct forensic examinations and recognize them as material evidence, therefore, prevent their loss, destruction or change in properties.

Countermeasures are embodied in attempts to conceal information about a criminal offense, provide altered or false information, or create artificial obstacles to the proper legal assessment of information received that directly affects the

22 Вирок Борисп. міськрайсуду Київ. обл. від 25.05.2020 р. Справа № 359/3394/20. Провадж. № 1-кп/359/505/2020 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/89492361> (date accessed: 12.02.2026).

23 Вирок Володимир. райсуду Рівнен. обл. від 22.01.2024 р. Справа № 556/95/24. Провадж. № 1-кп/556/90/2024 / Там само. URL: <https://reyestr.court.gov.ua/Review/116512173> (date accessed: 12.02.2026) ; Вирок Ленін. райсуду м. Кіровограда від 18.09.2020 р. Справа № 405/2608/20. Провадж. № 1-кп/405/162/20 / Там само. URL: <https://reyestr.court.gov.ua/Review/91649655> (date accessed: 12.02.2026) ; Вирок Зарічн. райсуду Рівнен. обл. від 28.01.2020 р. Справа № 561/1112/19. Провадж. № 1-кп/561/18/2020 / Там само. URL: <https://reyestr.court.gov.ua/Review/87195083> (date accessed: 12.02.2026) ; Вирок Борисп. міськрайсуду ... URL: <https://reyestr.court.gov.ua/Review/89492361> (date accessed: 12.02.2026).

24 Кримінальний процесуальний кодекс України від 13.04.2012 р. № 4651-VI (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 12.02.2026).

completeness and objectivity of the procedural decisions made.

It is at this stage that forms of resistance to the investigation are often detected, which are procedurally legal in nature, but can be aimed at creating obstacles to effective evidence. In particular, owner of temporarily seized property or his representatives may initiate applications for its immediate return, challenge the legality of the seizure, and also object to the imposition of an arrest during the trial of the relevant motion of the prosecution. Reasoning behind such applications can be based both on legal grounds and on deliberate manipulation of unreliable information in order to make impossible to use the seized objects in evidence.

V. Tarasenko rightly notes that an important element of effective counteraction to crime is the timely seizure of property, since it is during the time between its seizure and the adoption of a court decision that there are risks of concealment, damage or alienation of such property. The author draws attention to the fact that the current procedure does not always ensure the proper efficiency of the application of this measure, which creates the prerequisites for the loss of evidentiary potential or the impossibility of further compensation for damage to victims. Therefore, the scientist proposes to expand the powers of subjects of criminal proceedings in urgent cases, providing for the possibility of applying preliminary seizure of property by the investigator in agreement with the prosecutor or directly by the prosecutor in proceedings concerning serious or especially serious crimes. In the author's opinion, such a temporary measure should be applied until the moment of obtaining ju-

dicial control and obliging the prosecutor to apply to examining magistrate within a certain period to confirm seizure legality²⁵.

In this context, opposition manifests itself not only as direct obstruction of investigative activities, but also as an attempt to influence the process of making procedural decisions through the use of procedural mechanisms that indicates its complex and multi-level nature. Thereby the effectiveness of the investigator's activities at the initial stage of the investigation largely depends on the ability to timely identify such manifestations, assess them from the standpoint of forensic tactics and choose adequate organizational and procedural methods for their neutralization.

The analysis confirms that the initial stage of the pre-trial investigation is a space of increased information conflict, within which procedures of identifying signs of a criminal offense and overcoming resistance function as interconnected elements of a single mechanism for forensic investigation support.

Another manifestation of opposition to the pre-trial investigation is the provision by persons interested in its results of false information concerning the subject of evidence. Such behavior has a pronounced informational nature and is aimed at forming in the investigator a false idea of circumstances of the criminal offense, its participants or commission mechanism. As a result, there is a risk of making erroneous tactical decisions, changing the direction of evidentiary activities and spending procedural time on verifying unreliable information.

Investigative situation in which the interrogated person provides false testi-

25 Тарасенко В. Є. Окремі проблеми арешту майна та відшкодування матеріальних збитків у кримінальному провадженні. *Південноукраїнський правничий часопис*. 2023. № 1. С. 114—117. DOI: [10.32850/sulj.2023.1.20](https://doi.org/10.32850/sulj.2023.1.20) (date accessed: 12.02.2026).

mony is quite complex and is caused by a complex of reasons (in particular, opposing interests and goals of the participants in the criminal proceedings, as well as informational uncertainty regarding the further actions of the parties that causes a high level of conflict in the investigation process). In such conditions, investigator is forced to act not only as a subject of cognitive activity, but also as a participant in a dynamic process of counteraction, within the limits of which it is necessary to predict and neutralize potential manifestations of counteraction. Formation of a counteraction situation is due to a combination of objective and subjective elements. Objective elements include the evidence available in the investigation and its information content, information about the implemented or possible influence on the sources of evidentiary information, possibility of procedurally recording manifestations of counteraction and using them in evidence, as well as the organizational and material and technical capabilities of law enforcement agencies to detect, prevent and neutralize such actions. Subjective ones are primarily related to characteristics of the participants in the criminal proceedings. They include characteristics of the counteraction subject (individual participant, group of persons, organized formation, official, etc.), his motivation, level of legal awareness and life experience that determine dynamics and methods of counteraction. At the same time, the personal and professional characteristics of the subject of evidence become important, level of his training, experience in conflict investigative situations, ability to adapt tactical solutions to resistance conditions. Special place in the

structure of such a situation is occupied by the nature of the relationship between the parties. Depending on the degree of conflict, there can be both fierce rivalry that makes impossible to have an effective psychological impact on the person who resists and less conflict forms of interaction allowing the use of tactical techniques aimed at reducing the level of resistance and its cessation in general ²⁶. Therefore, such counteraction is quite possible to neutralize, but it is important to detect it in a timely manner.

Reporting false information concerning the subject of evidence most often occurs during investigative (search) actions, within the framework of which the main sources of evidentiary information are formed, in particular during interrogation, presentation of a person or objects for identification, conducting an investigative experiment and other procedural measures. A feature of such manifestations of resistance is that they are implemented in a formally legal procedural form that complicates the timely identification of their destructive orientation. An interested person can deliberately distort individual circumstances, change the sequence of events, underestimate or exaggerate the significance of certain facts and also create imaginary cause-and-effect relationships that do not correspond to the real picture of the event. Such actions affect the course of the pre-trial investigation by shifting the emphasis of the investigator's search and cognitive activities, which often leads to additional verification measures, repeated investigative (search) actions, correction of investigative versions, etc. As a result, adoption of lawful and justified procedural decisions is delayed, the

26 Лозинська Ю. І., Шехавцов Р. М. Достовірність показань свідка та її з'ясування у кримінальному провадженні : монографія. Львів, 2020. С. 99—100. URI: <http://dspace.lvduvs.edu.ua/handle/1234567890/3481> (date accessed: 12.02.2026).

formation of a complete and logically consistent system of evidence is complicated, and the prerequisites are created for violating the principle of reasonableness of the terms of criminal proceedings.

From forensic point of view, reporting false information should be considered as a form of information counteraction, which is implemented through the impact on the cognitive component of the investigator's activities. In such conditions, the methods of assessing the reliability of the information received, comparing the testimony with the material traces of the event, analyzing the behavioral characteristics of trial participants and the use of tactics aimed at identifying contradictions in reported information are of particular importance.

Thus, the counteraction implemented by means of false information during investigative (search) actions is a significant factor that affects the effectiveness of the pre-trial investigation, as it is able to change its direction, complicate the process of proof and adversely affect the completeness and timeliness of procedural decisions.

Another common manifestation of opposition to the pre-trial investigation is the initiation by persons interested in the results of criminal proceedings of petitions to attach documents to the case files of the proceedings that externally have signs of evidentiary information, but in fact can serve as an influence on the course of the investigation. Such documents often contain information that seems to relate to criminal offense circumstance, but are aimed at forming an alternative interpretation of events and creating doubts about existence of a criminal offense.

Among such content, a special place is occupied by the conclusions of specialists or consulting opinions of persons posi-

tioned as experts, in which they note that certain circumstances are not related to the event of a criminal offense, do not contain criminally significant signs or generally refute the fact of the presence of signs of a crime. Formally, such documents can be submitted as a source of additional information, but their peculiarity is the lack of procedural status of forensic examination and guarantees of objectivity provided for by the criminal procedural legislation.

Unlike expert conclusions obtained in the manner prescribed by law, advisory opinions are not accompanied by procedural guarantees of independence and do not entail criminal liability for providing knowingly false information. It creates an opportunity to use them as a tool of information influence on the investigator, changing the directions of the investigation, initiating additional checks or delaying the process of making procedural decisions.

From forensic point of view, submission of such documents can be considered as a form of intellectual (information) counteraction, implemented by creating an alternative information field around the event of a criminal offense. As a result, investigator is forced to spend additional resources assessing the reliability and admissibility of the materials submitted that potentially negatively affects the terms of the pre-trial investigation and the completeness of establishing case circumstances.

Thus, initiation of attachment to the materials of the proceedings of documents with doubtful evidentiary value can be aimed not so much at the implementation of the procedural rights of the party, as at creating obstacles to effectiveness of the investigation and complicating the further consideration of the case on the merits. In this context, these actions can be considered as a form of counteraction to

the pre-trial investigation requiring timely forensic assessment and proper procedural response.

In the context of further pre-trial investigation, special attention should be paid to the appointment and conduct of forensic examinations that become an important means of obtaining procedural sources of evidence in cases where the resolution of certain issues goes beyond the professional competence of investigator and requires specific expertise use. In view of this, the results of expert research are often crucial for establishing the circumstances of a criminal offense and making further procedural decisions.

At the same time, practice shows that the institution of forensic examination can become an object of opposition to the pre-trial investigation by persons interested in its results. One of the most dangerous forms of such counteraction is the entry of these persons into illegal agreements with the entities entrusted with conducting expert research. As a result of obtaining an unlawful benefit or satisfying another unlawful interest, individual experts can carry out actions aimed at complicating or disrupting the proof.

Such counteraction may be embodied in deliberate delay in conducting expert research, filing unreasonable requests for the provision of additional samples or documents, as well as in drawing up biased conclusions that do not correspond to the facts of the case, or reports on impossibility of conducting an examination (in the absence of reasonable grounds for this). Such behavior not only slows down the course of the pre-trial investigation, but also creates risks of making erroneous procedural decisions, since the expert's conclusion is traditionally perceived as a source of specific expertise with a high level of trust.

From standpoint of forensic science, such actions should be considered as a form of institutional counteraction, implemented through the use of the procedural mechanism of forensic examination to influence the results of the investigation. Peculiarity of this form is that it combines external legality of procedural procedures with the potential manipulation of their content that greatly complicates timely detection of unlawful influence.

In this regard, it is important to ensure procedural control over the timing of expert research, proper verification of validity of experts' petitions, as well as a critical assessment of findings in conjunction with other evidence. This makes it possible to minimize the risks of using the institute of forensic examination as a tool to counteract the investigation.

Thus, interfering in conducting forensic examinations as one of the ways of influencing experts or manipulating the procedure for their appointment can be considered as one of the most difficult forms of counteraction to the pre-trial investigation, since it directly affects the quality of evidence and the timing of legal and substantiated procedural decisions.

One of the common modern forms of counteraction to the pre-trial investigation is the initiation by the defense of interrogation of persons who allegedly know criminal offense circumstances, but in fact their awareness is not confirmed by objective data. In practice, investigations of such persons are sometimes involved solely for the purpose of forming an alternative version of events or creating an information background that contradicts the actual case circumstances.

Peculiarity of this form of counteraction is that it is implemented within the procedurally permissible tools of the defense, by filing a petition for the interrogation

of witnesses or interrogating previously interrogated persons. However, in lack of a real connection between such persons and the event of a criminal offense, their participation may be aimed at disorienting the investigation, creating artificial contradictions in the system of collected evidence and postponing the adoption of procedural decisions.

Witnesses who are not actually eyewitnesses of a criminal offense may provide pre-agreed or partially fictitious information, which complicates the verification of the reliability of information and requires additional investigative (search) actions. As a result, the tactical direction of the investigation changes, the scope of verification measures increases, and there is a risk of delaying pre-trial investigation.

From a forensic point of view, such behavior can be considered as a form of information and behavioral counteraction aimed at influencing the process of proof by artificially expanding the range of sources of information that have no real evidentiary value. In these circumstances, careful verification of the sources of information, comparison of testimony with material evidence and analysis of possible links between such witnesses and stakeholders becomes especially important.

Thus, initiation of interrogation of persons who do not have reliable information about the event of a criminal offense is one of the modern forms of counteraction to the pre-trial investigation, since it is aimed at changing information environment of criminal proceedings and influencing the process of making procedural decisions.

Conclusions

The research suggests that opposition to pre-trial investigation in modern condi-

tions has become systematic, multilevel in nature and is increasingly manifested at the initial stages of the investigation before the entry of information into the Unified Register of Pre-Trial Investigations or immediately after the registration of criminal proceedings. Complication of mechanisms of criminal and illegal activities, the growth of organized crime, technologization of ways of committing offenses and the existence of corruption ties create increased risks of influence on the evidence environment and the process of making procedural decisions that requires a rethinking of the initial stage of the investigation as an information and conflict space.

The initial stage peculiarity is its dual function: on the *one hand*, it is the stage of identifying signs of a criminal offense, the formation of a primary system of evidence and investigative versions and on the *other hand*, the stage at which counteraction most intensively affects the quality of evidence and the validity of procedural decisions. In this context, the detection of signs of a crime and the neutralization of counteraction are inextricably linked: actions to collect and fix evidence are often neutralizing, while counteraction can mask or distort the very manifestations of the offense.

It is substantiated that one of the most common forms of counteraction at the initial stage is the influence on the adoption of procedural decisions through the use of time and procedural features of the criminal procedural law.

Information counteraction is a determining factor in destabilizing the initial stage of the investigation, since it is implemented in the form of reporting (providing) false information (in particular, testimony) regarding the subject of evidence during investigative (search) actions (interrogation, identification, investigative

experiment, etc.). In such situations, the investigator is forced to act in conditions of conflict interaction, predict the behavior of the party to counteraction and check the reliability of information in comparison with material traces, other evidence and behavioral indicators. Timely detection of false testimony and tactical adaptation of the actions of the subject of evidence are necessary conditions for neutralizing this form of counteraction and ensuring reasonableness of the terms of criminal proceedings.

It was found out that a separate type of information (intellectual) counteraction is the initiation of attachment to the materials of the proceedings of documents with external signs of evidence (consulting opinions of “experts”, opinions of specialists, etc.), which are not obtained in a procedurally determined manner and are not provided with guarantees of objectivity. The submission of such content can form an alternative information field, complicate proof, provoke additional checks and postpone the adoption of procedural decisions, which requires an increased critical assessment of their admissibility and evidentiary value from the investigator.

It is substantiated that the most dangerous manifestations of counteraction are associated with institutional influence on the mechanism of forensic examination: delaying the terms of research, unreasonable requests for additional materials, drawing up biased conclusions or reports about impossibility of conducting examination without proper grounds.

Another modern form of information and behavioral counteraction is the initiation by the defense of the interrogation of persons who are allegedly aware of the circumstances of the event, but in fact have no real connection with. The involvement of such persons can be aimed at creating

artificial contradictions, forming alternative versions and increasing the volume of verification measures that negatively affects the tactical direction of the investigation and increases the risks of delaying investigation.

For summarizing the above: counteraction at the initial stage of the pre-trial investigation primarily affects three inter-related components: 1) process of making primary procedural decisions; 2) sources of evidence and its preservation; 3) mechanisms for interpreting evidence and forming investigative versions. It makes possible to consider the initial stage as a zone of the greatest information conflict, where effectiveness of criminal proceedings depends on the ability of the investigator to simultaneously identify signs of a criminal offense and neutralize counteraction through the integrated use of organizational, tactical and procedural means.

Особливості виявлення та нейтралізації протидії на початковому етапі розслідування

Олександр Таркан

Мета статті — розкрити особливості виявлення ознак кримінального правопорушення та нейтралізації протидії на початковому етапі досудового розслідування. Методологічну основу дослідження становить сукупність загальнонаукових, спеціальних і філософських методів пізнання, зокрема діалектичного, системно-структурного, функціонально-діяльнісного, порівняльно-правового, а також моделювання, аналізу й синтезу. Узагальнено, що початковий етап досудового розслідування є найбільш вразливим до різних форм протидії, що зумовлено інформаційною невизначеністю, дефіцитом часу та необхідністю приймати оперативні процесуальні рішення. Визначено, що протидія має

багаторівневий характер: її реалізують, впливаючи на процес збирання доказів, прийняття процесуальних рішень та інтерпретацію отриманих даних (застосуванням маніпуляцій з інформацією, користуванням процесуально допустимими й позапроцесуальними механізмами, поведінковими стратегіями й інституційним впливом та іншими засобами, спрямованими на ускладнення встановлення обставин кримінального правопорушення). Обґрунтовано, що виявлення ознак кримінального правопорушення та нейтралізація протидії є взаємопов'язаними процесами, які функціонують у межах єдиного механізму криміналістичного забезпечення розслідування. З'ясовано, що інформаційна протидія (надання неправдивих відомостей, ініціювання долучення документів із сумнівною доказовою цінністю, залучення недостовірно поінформованих осіб), процесуально легалізовані форми впливу (оскарження процесуальних рішень, маніпулювання процесуальними механізмами), а також інституційна протидія (вплив на проведення судових експертиз) здатні істотно змінювати напрям доказової діяльності й підвищувати ризик прийняття помилкових процесуальних рішень. Доведено, що початковий етап досудового розслідування доцільно розглядати як інформаційно-конфліктний простір, у межах якого суб'єкт доказування не лише здійснює пізнавальну діяльність, а й протидіє активному впливу зацікавлених осіб. Зауважено, що своєчасна діагностика виявів протидії, критичне оцінювання джерел інформації та застосування криміналістичних тактичних засобів є основними умовами забезпечення ефективності розслідування і дотримання принципу розумності строків кримінального провадження.

Ключові слова: досудове розслідування; початковий етап; протидія; нейтралізація протидії; виявлення ознак злочину.

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