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ORGANIZATION AND PLANNING OF THE PROCESS OF INVESTIGATION OF ROAD ACCIDENTS IN THE REPUBLIC OF MOLDOVA

Abstract. The objectives of this study are determined by the social relations that appear in connection with the performance by specialized bodies in the investigation of road accidents. Thus, the general object of the research is the national and international doctrine in the criminal-procedure and forensic aspect of road accident investigation and especially the organization and planning of these processes.

Keywords: *investigation, road accident, responsibility, social relations, organization, planning, vehicle*

Introduction. Considered as the main tactical tool in the detection and investigation of crimes, the organization of criminal prosecution serves to achieve the goal of the criminal process: the protection of the individual, society, and the state from a criminal offense that should be punished according to his guilt and no innocent person can be held criminally liable. - by determining the directions and scope of the investigation necessary to clarify all the facts incriminated by law.

Main part. According to Larin A., “the organization of an investigation means rational selection, preparation of the means available to the criminal prosecution officer, creation and use of optimal conditions for ensuring and achieving the trial’s goals”.

Ishchenko E. (2006, p. 127) emphasizes that the planning of a criminal investigation is a process consisting of several stages, which include obtaining primary data; setting the objectives of the investigation by involving investigative actions and special investigative measures; clarification of the timing and sequence of planned activities; drawing up a research plan.

To achieve these goals, the criminal prosecution officer, the prosecutor must be a good manager. Pop Sh. (2011, p. 43) again notes that the interaction

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between people gives rise to the entry into the action of intersubjective relations (communication, intercognition, social-affective or subordinate relations, dependence, etc.), which, when organized and hierarchized, give rise to a multitude of informal structures; in addition, the interaction between people leads to the emergence of collective mental structures (relationships, opinions, beliefs, mentalities, prejudices, etc.), positively or negatively affecting not only group life, but also the productivity of group or organizational work.

According to the provisions of the Code of Criminal Procedure of the Republic of Moldova, criminal prosecution has limited content and strict implementation. According to the legislative provisions, a criminal investigation is an obligatory stage in most criminal cases when the criminal process is presented in a typical form (Osoianu T., Andronache A., & Orîndaş V., 2005, p. 7).

Referring to the opinions expressed in the literature, we see that from a forensic point of view, the organization of a criminal investigation includes:

1. Coordination of the work of anti-crime agencies, the creation of groups of criminal prosecution officers, operational workers, and specialists in various fields of science, technology and art.
2. Creation of conditions for work, equipping the premises with the necessary equipment for performing official duties.
3. Ensuring contact with specialists and experts involved in research activities to apply their knowledge in the investigation of a criminal case.
4. Creation of the necessary conditions for a collective investigation, the formation of groups, provided for by law and often used in practice, but causing several organizational issues related to determining the scope of activities of the members of these groups, organizing dialogue and cooperation (Karneeva, L., & Galkin, I., 1965, p. 18).

According to Berkeshan V., the planning of a criminal investigation and its organization aims to carry out high-quality activities and correlate all the measures and actions taken to verify the circumstances that preceded, accompanied, and followed the crime under investigation (2002, p. 89).

Stancu E. noted that the organization and planning of a criminal investigation are important. The main argument supporting this thesis can be derived from analyzing the content of criminal prosecution planning, which is a process of transition from practical thinking to concrete actions of the prosecution from beginning to end (2010, p. 398).

From the previous, we conclude that the planning of criminal prosecution is a complex thought process, the essence of which is to determine the direction of criminal prosecution, tasks, methods, and ways to solve them following the requirements of the current legislation.

Thus, the planning of a criminal investigation is also a creative activity, as can be seen, and accommodates balanced experience, the ability to

systematize the available information, as well as the persistent application of various knowledge, including forensic, from the person conducting the criminal prosecution.

The purpose of planning is not only to organize the activities that will be carried out in the framework of criminal prosecution but also to provide a scientific basis for a criminal prosecution, orienting the activity towards the established goal. Thus, planning is not a research method since it does not serve as a means of establishing the truth. At the same time, the planning of a criminal investigation is only a way of organizing a criminal investigation.

According to the scientist Samoshina Z. G., the following tasks can be distinguished in the process of research: general (related directly to those set out in the criminal procedure law); specific (which are the object of the test); specific (due to the peculiarities and originality of the stages of the investigation of a crime); individual (associated with the commission of criminal prosecution) (Ed. Yablokova N., 2001, p. 53).

In our opinion, if we talk about the tasks of the forensic methodology for investigating different categories of crimes, they can be divided into general and special.

General tasks are usually clearly defined and remain unchanged during the investigation, while special tasks can be specified and modified depending on the nature of the act and other circumstances.

Among the general tasks of forensic methodology are:

- ensuring the systemic activity in the fight against road accidents;
- assistance to law enforcement agencies in order to establish the truth in criminal cases;

Special tasks include:

- a careful study from a forensic point of view of the phenomenon of a traffic accident;
- study and generalization of the positive practice of investigating criminal cases in order to prevent traffic accidents;
- highlighting some legal norms for organizing and conducting an investigation of road accidents;
- development of scientific, methodological recommendations for the organization, research, and prevention of road accidents.

Indeed, planning accurately represents the intended end, anticipating the most appropriate means to achieve the intended end. In the absence of careful planning, the activities of the criminal prosecution officer are deprived of perspective and guidance (Ciopraga A., & Iacobuță I., 2001, p. 210).

At the same time, planning avoids wasting time, resources, and money on establishing external circumstances in relation to the case and ultimately ensures the efficiency and speed that should characterize a criminal investigation. By providing an overview of all aspects and actions that must be performed in a given case, planning creates the preconditions that give the

criminal investigation a complete and multilateral character (Ciopraga A., 1996, p. 13).

The importance of planning a criminal investigation is to ensure (Bercheșan V., 2002, p. 89):

- strict observance of both the provisions and the rules established by the forensic methodology;
- high-quality research and its correct focus;
- full clarification of all the circumstances of the commission of crimes, including by extending the investigation;
- giving organization to all activities, which will entail an increase in the initiative of the criminal prosecution authorities;
- the use of all methods, procedures, and scientific and technical means for the use of traces found both during the production of investigative actions on the spot and during other operational-search activities;
- observance of the rights granted by law to all persons participating in criminal proceedings;
- implementation of the principle of efficiency in practice, saving time and effort;
- constant self-control of the persons conducting the investigation, as well as quality control tools in the course of investigative actions.

In addition to the abovementioned rules, Kyrzhan L. (2005, p. 490) notes that the planning of criminal investigations also ensures the prevention of other crimes.

It is easy to see that the purpose of planning is subject to rules based on certain principles. On this occasion, the author Stancu E. stated: “In order to provide real scientific support for a criminal investigation, both in general and in each specific case, planning must be carried out according to certain basic rules and certain principles (2010, p. 152).

In support of the idea that there are three principles of planning an accident investigation: legality, individuality, and dynamism, according to many authors, the above principles are the general rules on which the organization and planning of a traffic accident investigation are based.

The authors Averyanova T., Belkin R., Rossinskaya E., indicate, in addition to these principles, also the principle of reality. This principle is important because these planned activities must not only be carried out but also take place at a predetermined time. At the same time, the reality principle presupposes the argumentation of conditionality and reality (2010, p. 463-464).

Scientist Ishchenko E. (Stancu E., 2010, p. 127) notes that there is also the principle of specificity, which involves specifying the tasks that need to be solved in the investigation process, setting deadlines and responsibilities.

The author Yablokov N. argues that, in addition to the principles listed above, there is also the principle of hypotheticality, arising from the objective legitimacy of the process of investigating a crime, manifested in the collection

and storage of the information in question, and a hypothetical explanation of the identified circumstances. (2001, p. 54).

Studying judicial practice in addition to these principles, I considered it appropriate to mention some principles that stand out and are equally important in organizing and planning an investigation of an accident, such as objectivity, efficiency, ensuring the safety of participants, fairness, duty. These principles can greatly facilitate the investigation of traffic accidents.

At the same time, the planning of any forensic activity is possible only under certain conditions, such as:

- the presence of a minimum of information;
- correct assessment of the situation in order to achieve the set goals;
- a clear and consistent relationship between individual plans.

Usually, any planning is targeted and highlights the following functions:

- simulation function;
- organizational and managerial function;
- scheduling sequence function.

Planning is the link between the purpose and objectives of criminal prosecution, on the one hand, and how they are carried out through specific actions, on the other hand. This element materializes for the purpose of criminal investigation, versions, and issues to be clarified, available methods and means. The full establishment of the crime and guilt of the perpetrator in a particular criminal case requires the determination of the goals or directions of the investigation based on the currently available results in question (Stancu E., 2002, p. 350).

As you know, in the process of investigating crimes and traffic accidents, there are three stages of research: initial, subsequent, and final.

Yablokov N. claims that at the initial stage, data on the circumstances of the case and in relation to the perpetrator are first identified and collected and then studied, especially those that may disappear over time. At the next stage, an accusation is usually brought forward, the accused is heard, and the problems that exist during the investigation of a particular case are resolved. In the final stage, the remaining unresolved issues are resolved, an indictment is drawn up, and other actions are taken to complete the criminal investigation (2001, p. 53). We agree with this interpretation and further strive to highlight the difficulties we face at the initial stage.

Successful research at the initial stage has a number of difficulties:

- a) lack of useful information and, at the same time, an excess of neutral and meaningless data (rumors) and disinformation;
- b) various forms of resistance to criminals and persons close to them to measures of investigation and prosecution;
- c) time constraint justified by the need to complete a large amount of work in a very short comparative time;

d) the complexity of organizing the interaction of the criminal prosecution body with other participants;

e) the absence in many cases of situations of a detailed investigation plan.

The above, but at the same time, other difficulties make it difficult for criminal prosecution officers to make optimal decisions at the initial stage of the investigation. In this regard, its characteristic features are the decisive importance of versions, the great role of the reflexive method and the rational use of the factor of surprise in the tactics of the primary actions of criminal prosecution, the increase in the level of interaction between operational workers, criminal prosecution workers, the formation of various operational-investigative groups.

Planning a criminal investigation summarizes several elements that are closely related to each other, which gives the plan a unified character.

Traditionally, the planning of any criminal case includes the following elements:

1. Setting planning tasks at different points in the study;
2. Development based on known factual data at a certain moment of possible objective versions.
3. Clarify the range of problems and facts that need to be established to check all the developed versions.
4. Definition of activities, the implementation of which is aimed at solving the above problems, as well as any of these tasks (Ciopraga, A., & Iacobuță, I. 2001, p. 212).
5. Establishing the timing and sequence of investigative actions.

The content and procedure for planning a particular case are determined by the volume and nature of the information at the disposal of the criminal prosecution authority at one time or another during the investigation.

In the process of investigating traffic accidents, an important role is given to the research plan. Studying the judicial practice of the Republic of Moldova on the investigation of traffic accidents, I found the following standard plan: a plan for a specific criminal case. Analyzing the literature, some scientists identify several types of plans that must be in the materials for the investigation of traffic accidents, such as a work plan for a certain period, a work plan for a specific investigative action, an action plan for interaction with other services. Lack of such planning often leads to a number of difficulties listed above.

Another important tactical element in developing a criminal investigation plan is choosing the right time to develop the plan. Premature preparation at a time when there is only brief information about the fact can lead the investigation in the wrong direction, which will affect both the quality of the investigation of the criminal case and the effectiveness of the measures taken, which will lead to a loss of time. Furthermore, planning at a later stage of a criminal investigation can lead to negative consequences for the conduct of a

criminal investigation, expressed in the non-fulfillment of certain activities or their implementation with delay.

The investigation plan for a specific case should include:

1. Initial and subsequent criminal-search measures and special investigative measures, the need for which is due to the nature of the act.

2. Versions are an important component of any plan, whether they relate to the act as a whole, the conditions or elements of the crime, or minor points.

3. The volume of circumstances to be proved, as well as criminal-search measures and special investigative measures, with the help of which the subject of evidence can be established (Mircea, I., 1999, p. 225).

Yablokov N. notes that the form of the plan can be commemorative, written, and graphic. With regard to the memorable form, he argues that we must regard it with certain skepticism since it can only exist as an intermediate form until the plan is drawn up in written or graphic form. The graphic form can be made using various geometric shapes, which are used less often due to the more complex execution technique. However, scientists claim that the plan's most common form is written (2001, p. 55).

Scientists Chopraga A., Yakobutse I. (2001, p. 214), Stancu E., Moise A. (2013, p. 185) also argue that several aspects determine the form of the plan. However, we will definitely mention at least two conditions: to be written and include planning elements. Only in this way is it possible to record all the details, the omission of which could harm the further development of the investigation.

The written form is dictated by the need to streamline, summarize and systematize a large amount of data, available information, as a rule, in any case of a certain complexity and which could not be stored in the memory of the body leading the criminal prosecution for a more or less long time, without the risk of loss and distortion. At the same time, such a plan will allow the judicial authority to monitor the progress of the investigation, check the planned activities, as well as those whose implementation will be necessary at some point (Chopraga A., & Yakobutse I., 2001, p. 214).

Planning at the initial stage of an investigation is usually characterized by a lack of information. It is important at this stage that we plan to carry out those criminal proceedings and special search activities that cannot be postponed and that will provide information that can expand the evidence base. In the case of an investigation of traffic accidents, it is necessary and necessary to plan investigative actions, such as field investigation, interrogation of eyewitnesses and other witnesses, victims, and drivers of vehicles involved in the incident. In the foreground, the tasks of these criminal procedural actions, their sequence, and the organization of their execution should be determined.

The setting of tasks at the initial stage of the investigation involves clarifying those issues that are to be clarified, the establishment of the time and place where the action will take place, the circle of participants, and the necessary technical and forensic means. In addition to these tasks, the following tasks should be clarified at this stage, such as: determining sources of evidence, detecting, fixing, researching, and summarizing evidence, establishing the causes and conditions that contributed to the traffic accident, etc. When planning activities at the initial stage of the investigation, it will be necessary to take into account the interaction of the criminal prosecution body with the bodies carrying out special search activities since, at this stage, there are often situations of searching for a vehicle and a driver who left the scene of an accident, other persons involved in an accident, unidentified eyewitnesses, etc.

In modern conditions of investigating certain categories of road accidents, it may be necessary to solve such problems as ensuring the safety of victims and eyewitnesses. This task is organizational and should be included in the research plan in particular.

Planning the next stage of the study is due not only to the collection of evidence but also to its systematization and evaluation. The position of the suspect, the accused, and the defense plays a special role in planning this stage. In the next stage, the principle of dynamism plays an exceptional role. At this stage, the plan is drawn up within limits established by the data available to the investigator, indicating as the case is supplemented with new materials.

Planning at the final stage of the investigation is determined by achieving all the objectives of the study, i.e., the truth in question is established. At this stage, the following actions are planned:

- bringing the materials of the case to the attention of the accused and the defense counsel;
- aimed at resolving the claims brought by the accused and his defense counsel;
- aimed at resolving the requirements presented by the head of the criminal prosecution body or the prosecutor;
- additional actions carried out by the criminal prosecution officer himself.

In the case of complex traffic accidents, it is often necessary to supplement the plan with various schemes, which will greatly facilitate the systematization of the particularly impressive material available in such cases.

Conclusions. In conclusion, we note that planning activity is often a necessary condition for solving a certain problem and therefore must be

understood and carried out in a dynamic and not fixed way, i.e., always the plan must be correlated with data obtained in the prosecution process.

Conflict of Interest and other Ethics Statements

The author declare no conflict of interest.

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Ліліан ЛУЧІН

**ОРГАНІЗАЦІЯ ТА ПЛАНУВАННЯ ПРОЦЕСУ РОЗСЛІДУВАННЯ
ДОРОЖНЬО-ТРАНСПОРТНИХ ПРИГОД В РЕСПУБЛІЦІ МОЛДОВА**

Анотація. Завдання даного дослідження визначаються суспільними відносинами, які виникають у зв'язку з виконанням спеціалізованими органами розслідування дорожньо-транспортних пригод. Таким чином, загальним об'єктом дослідження є національна та міжнародна доктрина у кримінально-процесуальному та криміналістичному аспекті розслідування дорожньо-транспортних пригод та особливо організації та планування цих процесів.

Ключові слова: розслідування, ДТП, відповідальність, соціальні відносини, організація, планування, транспортний засіб.

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**LEGISLATIVE SUPPORT ENFORCEMENT
OF COURT JUDGMENTS IN UKRAINE**

Abstract: The article is devoted to the study of normative – legal support of enforcement of court decisions through the prism of law enforcement practice.

Emphasis is placed on the elements of a developing democratic society, which is open to change, implementation and enforcement of court decisions used by citizens, where an important role is given to the legislation on the implementation of the rules of enforcement proceedings.

The changes taking place in Ukrainian society arouse high activity and the desire of people to take a direct part in solving problems that concern their common interests, including the use of the right to peaceful assembly. However, despite the importance of this type of political rights, the constitutional provisions on the protection of citizens' rights to a fair trial and enforcement of a court decision, which are still not properly specified in current legislation, are often limited or even violated.

The need to amend procedural legislation taking into account the latest advances in science; the presence of different positions of scientists on the understanding of the essence and content of legal relations at the stage of implementation of the decision; negative practice of execution of judicial acts in Ukraine, which leads to the appeal of

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