

STAN NAUKOWEJ PROBLEMY ROZWOJU PRZECIWDZIAŁANIA UDZIAŁU NIELETNICH W DZIAŁALNOŚĆ PRZESTĘPCZĄ I JEJ METODOLOGIA BADANIA

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Streszczenie. W tym artykule dotyczy stanu badań naukowych w takim kierunku działalności instytucji państwowych i publicznych, jak przeciwdziałanie zaangażowaniu nieletnich w działalność przestępczą. Nacisk kładzie się na fakt, że nowej wiedzy nie można uzyskać bez korzystania z wcześniejszych osiągnięć i wiedzy uzyskanej w wyniku ich postępowania. Ustalono, że takie podejście pozwoli na kompleksowe spojrzenie na możliwości zwiększenia skuteczności przeciwdziałania i dochodzenia przestępstw przewidzianych w art. 304 kodeksu karnego Ukrainy i innych powiązanych przestępstw. Za pomocą metod empirycznych, ogólnych, żydowskich i specjalnych stwierdzono, że większość badań naukowych na ten temat poświęcona jest prawu karnemu i kryminologicznym problemom przeciwdziałania zaangażowaniu nieletnich w działalność przestępczą, a ostatnie zmiany w zakresie poszukiwań operacyjnych i kryminalistycznych przeciwdziałania tej przestępczości prawie nie istniały. Stosując podejścia terminologiczne i historyczne, ustalono, że rozwój międzynarodowych instytucji prawnych w celu ochrony praw dziecka, nowe koncepcje działalności organów ścigania i organów sądowych w celu wdrożenia podstawowych dokumentów mających na celu ochronę dzieci w obcych krajach stały się podstawą aktywnego rozwoju instytutu karnego dla nieletnich na Ukrainie. Zwrócono uwagę na kluczowe metody i podejścia do badań naukowych w tej dziedzinie.

Słowa kluczowe: badania naukowe, stan badań, jednostki operacyjne, nieletni, przeciwdziałanie nieletnim udziałom w działalności przestępczej, metodologia.

THE STATE OF SCIENTIFIC ELABORATION OF PROBLEMS OF COUNTERACTION TO INVOLVEMENT OF MINORS IN CRIMINAL ACTIVITY AND THE METHODOLOGY OF ITS STUDY

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Abstract. In the article the questions of the state of research in this area of activity state and public institutions, opposing the involvement of minors in criminal activity. The attention is focused on what new knowledge is impossible to obtain without using previous designs and knowledge that was obtained as a result of their conduct. Determined that this approach will allow to develop a comprehensive idea of the possibilities of increasing the efficiency of prevention and investigation of crimes under article 304 of the criminal code of Ukraine and other related crimes. Using empirical, zagalnego, heuristica and special methods found that the majority of research on this topic is devoted to criminal law and criminology combating the involvement of minors in criminal activity, and the latest developments in investigative and forensic combat this crime almost not carried out. With the help of a terminological and historical

approaches revealed that the development of international legal institutions to protect the rights of the child, a new concept of law enforcement agencies and judicial authorities on the implementation of fundamental documents aimed at protection of children in foreign countries have become the basis for active development of the institution of criminal juvenile justice in Ukraine. Attention is drawn to the key methods and approaches of scientific research in this direction.

Keywords: research, state research, operational units, juvenile, opposition to the involvement of minors in criminal activity, methodology.

СТАН НАУКОВОЇ РОЗРОБЛЕНОСТІ ПРОБЛЕМИ ПРОТИДІЇ ВТЯГНЕННЮ НЕПОВНОЛІТНІХ У ЗЛОЧИННУ ДІЯЛЬНІСТЬ ТА МЕТОДОЛОГІЯ ЇЇ ДОСЛІДЖЕННЯ

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Анотація. У статті розглянуто питання стану наукових досліджень у такому напрямі діяльності державних та громадських інституцій як протидія втягненню неповнолітніх у злочинну діяльність. Акцентовано увагу на тому, що нове знання неможливо отримати не послуговуючись попередніми розробками і знаннями, що були отримані внаслідок їх проведення. Визначено, що такий підхід дасть змогу сформуванню комплексне уявлення про можливості підвищення ефективності протидії та розслідування злочинів, передбачених ст. 304 КК України й інших супутніх злочинів. Із застосуванням емпіричних, загальнологічних, евристичних та спеціальних методів констатовано, що більшість наукових досліджень на цю тему присвячено кримінально-правовим та кримінологічним проблемам протидії втягненню неповнолітніх у злочинну діяльність, а новітніх розробок щодо оперативно-розшукової та криміналістичної протидії даному злочину майже не проводилося. За допомогою термінологічного та історичного підходів встановлено, що розвиток міжнародних правових інституцій щодо захисту прав дитини, нові концепції діяльності правоохоронних та судових органів з реалізації основоположних документів спрямованих на захист дитинства в іноземних державах стали основою для активного становлення інституту кримінальної ювенальної юстиції в Україні. Звернено увагу на ключові методи та підходи наукового дослідження в даному напрямі.

Ключові слова: наукові дослідження, стан дослідження, оперативні підрозділи, неповнолітні, протидія втягненню неповнолітніх у злочинну діяльність, методологія.

Scientific research - is the study of a particular object, phenomenon or object in order to reveal the laws of its origin and development, which is the basis of the formation of new scientific knowledge. Scientific research is carried out in order to obtain a scientific result. The scientific result is new knowledge gained in the course of fundamental or applied scientific research and recorded on the carriers of scientific information in the form of scientific report, scientific work, scientific report, scientific report on research work, monographic research, scientific discovery, etc. (Zatserkovny VI., 2017, p. 30). So, the scientific result, new knowledge can not be obtained without using previous developments and knowledge gained as a result of their conduct.

The specificity of counteracting the involvement of minors in criminal activity as one of the priority areas for the formation of law-conscious citizens and the protection of children from criminal influence can not be limited to narrow or exclusive knowledge in the field of criminal justice. The scope and diversity of the knowledge of the objective and

subjective processes taking place in society and the unlawful relations which children are involved in and which are associated with these processes determine the professionalism of the operational officer of the criminal police in counteracting the criminal influence on them. Indeed, in this area of law enforcement, the operational units of the criminal police are among the main actors. According to some scholars, the results of the implementation of the doctrinal theoretical provisions on ensuring human rights (Onishchenko N., 2013, pp. 176-193) depend on the legal and actual content of their activities.

Therefore, according to the researchers, one of the important ways to improve the operative-search theory is its integration with related scientific knowledge, which will facilitate the effective solution of the practical tasks of operational-search activity (Kushpit VP, 2016, p. 467).

A meaningful analysis of the state of scientific research on the problems of counteracting the involvement of minors in criminal activity, as well as the investigation of crimes related to juvenile delinquency, the definition of the possibilities of using certain provisions of operational search and forensic methods and recommendations that were developed earlier in the modern operational and investigative practice, as well as finding out the state of modern scientific research in this area. This will enable to form a comprehensive view of the possibilities of increasing the effectiveness of counteraction and investigation of crimes provided for in Art. 304 of the Criminal Code of Ukraine and other related crimes through the use of available techniques and recommendations, as well as identify problems that need to be addressed in the light of the current state and needs of law enforcement practice.

As A. Kolodiy rightly observes, an important methodological component of the scientific search for effective ways of forming a civil society in Ukraine, the development of a social and legal state is the study of law-enforcement, law-enforcement and right-realization activities of various actors (Kolodiy A., 2013, p. 271). It is in this context that we are interested in the activities of the units of the criminal police, in the first place the criminal investigation as one of the operational measures to counteract the involvement of minors in criminal activity from the point of view of doctrinal theoretical positions and modern legal and practical, practical realities.

The crime that we are investigating is stipulated in Art. 304 and is placed in the section XII of the Criminal Code of Ukraine entitled "Crimes against public order and morality". Obviously, the legislator deliberately, analyzing the rules of the laws on criminal liability of European countries, referred to the article "Involvement of minors in criminal activity" to the section, which is intended to protect one of the most important social values, to secure the foundations of formation in a genuinely civil, legal and high moral society.

Most of the research on this topic is devoted to criminal-legal and criminological problems of counteracting the involvement of minors in criminal activity, developed theoretical positions, in which it is not just described individual elements of the legal structure of the crime of the foreseen article. 304 of the Criminal Code of Ukraine and the special norms of this part of the crime stipulated by other articles, but also describes the features of each of the components of such crimes, proved the necessity of transformation of the national legislation to ensure proper criminal-legal protection of childhood as a socially significant category, the creation of new institutions, etc.

One of the most striking developments in this area among Ukrainian scientists was initiated in the dissertation study "Criminological problems in preventing criminal

attacks on the moral and physical development of minors" (2002) V.V. Vitvitskaya, who was concerned with the formation of a minor, considered them through the prism of criminal influence on children. The purpose of the dissertation work was to identify the problems of criminological prevention of crimes that encroach on the moral and physical development of minors, the formulation of proposals and recommendations for improving the directions and ways to increase the effectiveness of preventive activities of the state and criminal law protection of the rights and interests of minors, the development of criminological characteristics of crimes against minors and persons who committed them. As a result of the study, a solution to the discussion issues in the field of the theory and practice of prevention of this group of crimes, proposals were made for improving the effectiveness of criminal-law norms and preventive action of the subjects of prophylaxis (Vytvitskaya V.V., 2002, pp. 5-6).

Somewhat wider, concerning the process of counteraction to the investigated crime, came in his scientific research "Criminal-legal and criminological aspects of combating the involvement of minors in criminal or other anti-social activities" (2004) I.O. Topolskova Part of the purpose of the study was to develop scientifically substantiated recommendations for improving the effectiveness of the system of criminal-legal and criminological measures to counteract the involvement of minors in criminal or other anti-social activities. The expediency of the division of the criminal-law norm of art. 304 of the Criminal Code of Ukraine on two: art. 304 of the Criminal Code «Involvement of a minor in committing a crime» and Article 304-1 of the Criminal Code «Involvement of a minor in committing antisocial activities», differentiating the responsibility for involving a minor in committing a crime and involving a minor in committing antisocial activities. In the opinion of the dissertation, an important role is played by factors such as the historical process of forming the territorial community of people, the cultural gene pool of the population of a separate region (Tolpolskova IO, 2004, 2-11). In general, we support the author's opinion on the division of norms in Art. 304 taking into account the different levels of social danger. However, the legislator has not approached the qualitative reconstruction of this article for 15 years, and in 2008, within the framework of the reforms of juvenile justice, only heightened the sanctions of the norms defined in art. 304 of the Criminal Code of Ukraine and added special subjects (family members).

The advantage of criminal law aspects of counteracting the involvement of minors in criminal activity in his study was given by V.V. Dzunza In the comparative aspect, the scientist considered the objective and subjective features of the crimes set forth in the general and special norms of the Criminal Code of Ukraine and the countries of the near abroad regarding the responsibility for the involvement of minors, and the shortcomings of these norms were identified. For the first time, taking into account objective and subjective features of special norms on responsibility for the involvement of minors in anti-social actions, their imperfections and contradictions are established, especially those which are foreseen at the level of qualifying sign of certain crimes, and it is concluded that they need to be excluded from the Criminal Code. the Code of Ukraine and the concentration of signs of all these acts in the general norm - art. 304 of the Criminal Code, which will allow to obtain the law of accuracy, logical completeness and instability, as well as to provide uniform for all types of involvement of juvenile qualifying attributes of the crime and optimal sanctions (Dzundza VV, 2005, p. 4).

The development of international legal institutions for the protection of the rights of the child, new concepts of the activities of law enforcement and judicial bodies on the implementation of the basic documents aimed at protecting childhood in foreign countries have forced Ukraine to take on the wave of active reforms of juvenile justice. Thus, on April 8, 2008, by the decree of the president of Ukraine, the Concept of reforming of criminal justice in Ukraine was approved (Decree of the President of Ukraine, 2008), where the partly mentioned was also about juvenile justice. At the same time, the significant theoretical positions and foundations of juvenile justice, and the activation of the state's actions in protecting children's rights are highlighted in their scientific research "Juvenile Law of Ukraine: Genesis and Contemporary Status" (2008) N. M. Krestovsky The urgency of the topic of the dissertation is determined by the need for a theoretical understanding: childhood as a special legal phenomenon; value-normative regulation of the juvenile sphere of civil society, legal status of the child in Ukraine; participation of children in the legal life of a modern society; improvement of the legal regulation of child protection and child-friendly relations; the constitution of a new scientific discipline related to the study of norms, institutions and actions of juvenile law. Conceptual is the presentation of the theoretical model of a special type of offense - juvenile misconduct - an unlawful act, punishable only in the case of the child's commission, and also the theoretical model of a new type of legal responsibility - juvenile liability (Krestovsky N.M., 2008, pp. 5-10).

In paragraph 4.8. "Protection of the rights of children who have committed a crime" of the National Program "National Action Plan for the Implementation of the UN Convention on the Rights of the Child" for the period up to 2016, approved by the Law of Ukraine of March 5, 2009, established the need for an adequate juvenile justice system in the framework of judicial reform systems for the improvement of national legislation in the field of children's rights protection, improvement of preventive and preventive work aimed at preventing children from committing crimes and other offenses, An effective system for the rehabilitation of juvenile offenders (Law of Ukraine on the national program "National Action Plan for the Implementation of the UN Convention on the Rights of the Child for the period up to 2016" ", 2009). This gave impetus to new research on ensuring protection of children from unlawful influence, their involvement in criminal or anti-social activities.

During 2010-2015, there has been a partial decline in scientific activity regarding the development of substantive provisions and methods of counteracting and investigating such crimes as involving juveniles in criminal activities. This situation is partly due to factors such as the socio-political exacerbation in the state caused by the authorities' reluctance to establish European legal values, the restructuring of state institutions, the provision of a free European legal nature, reforms and transformations of the police as the main subject of law and order in the state, cyclic reforms and liquidations of separate structures and their subdivisions, armed aggression on the part of the Russian Federation. All this gave rise to some short-term uncertainty, lively discussions and conflicts both in the scientific environment and among the subjects of law enforcement.

As a result of the Ministry of Internal Affairs's reform, the units of the criminal police for children's affairs were eliminated, which partly led to gaps in the police's activities to counteract the involvement of minors in criminal activity by operational means. Despite the emergence in the eastern regions of our state of illegal armed

formations, terrorist and separatist groups that actively pursued and continue to carry out propaganda work and involve the children of Ukraine in areas beyond its control to commit crimes against humanity, conduct of hostilities, engage in terrorism, prostitution and committing hundreds of other crimes of a general criminal nature, the state authorities did not create a new subdivision, either within the Ministry of Internal Affairs or in the SBU, which would oppose this direction. After all, the proper state of the organization and provision of juvenile criminal justice is characterized primarily by the opportunities and measures that were used to prevent the child from becoming a criminal, preventing her conflict with the law. The newly created juvenile police units in the police can not provide even the level that was sometimes achieved by the CMSA units through operational capabilities. However, in recent scientific studies, this issue is not really covered.

And more recently, the refinement, additions, transformations and bringing to the modern realities of existing scientific achievements concerning this problem are going on. Scientific research, which has raised a number of problematic issues of operational detection and due process of investigation of crimes against public morals covered by the above-mentioned Section XII of the Criminal Code of Ukraine "Crimes against public order and morality", which also includes Art. 304, a dissertation V.Yu. Mosyazhenko "Operative-search and forensic detection and investigation of crimes in the field of public morality" (2015). The author solved the scientific task, the content of which consisted in the development of modern methodological, organizational and tactical foundations of operational search and forensic provision of detection and pre-trial investigation of crimes in the field of public morality. However, from the point of view of the mentioned National Program for the year 2016, the study did not adequately study the problem of moral health of children, and in particular the crime stipulated by Art. 304 of the Criminal Code of Ukraine. However, in substantiating the relevance of the work, the author notes that the previous destruction of ideological dogmas and moral values has been reflected in the spread of crimes related to: the circulation of information that propagates the cult of violence and cruelty, racial, national or religious intolerance and discrimination, as well as pornography ; the formation or retention of places of deportation and bribery, pimping, or the involvement of persons in prostitution. Such a state of affairs has the greatest impact on youth, children and family values, affects the image of our state, as Ukraine occupies a leading position in negative ratings on prostitution, the spread of pornography, including childhood, cruelty and violence, etc. (Mosyazhenko V.Yu., 2015, pp. 5-16).

Deepened criminal law protection of childhood, normal physical, mental and moral-spiritual development of children, investigated I.O. Bandurka in the work "Criminal-legal protection of childhood in Ukraine" (2016). The purpose of the dissertation research was the new solution of the theoretical and applied problem of criminal-legal protection of childhood in Ukraine, as well as the development of new mechanisms for improving the current legislation and practice of its application in this area. As for the direct punishment of minors who committed a crime, it is important to understand that imprisonment or its restriction is connected with the isolation of the convicted person from the ordinary environment and results in a weakening and, sometimes, loss of socially useful links, a significant restriction performed social roles. As a result, the personality of the convicted person is subject to change, and is far from always the best. The concept of criminal legal protection of childhood in Ukraine is

proposed, which is based on the comprehensive criminal-law and criminological description of crimes against children and child crime, the system of counteraction to them taking into account the international experience of such activity (*Bandurka I.O., 2016, pp. 2-26*).

One of the latest researches on the issue of counteracting the involvement of minors in criminal activity was "Criminological characteristic and prevention of juvenile involvement in criminal activity" (2018), which O.M. Sitnik The purpose of the study is to form a comprehensive criminological characteristic of juvenile involvement in criminal activity (Article 304 of the Criminal Code of Ukraine) and to develop scientifically grounded recommendations on prevention of these crimes on this basis. Knowledge about the system of non-jurisdiction and jurisdictional measures of special-criminological prevention of juvenile involvement in criminal and other anti-social activities, based on which is dominant non-repressive influence on the basic determinants of crimes stipulated in art. 304 of the Criminal Code of Ukraine, in conjunction with law-making in the field of counteraction to crime, effective enforcement activities of the National Police, prosecutors, probation bodies, penal institutions in co-operation with the court, other actors for the prevention of crimes. Among the main organizational and managerial factors involved in juvenile delinquency in criminal and other anti-social activities is the negative role of depriving juvenile preventive units of the powers to carry out operational-search activities, preserving the practice of covering offenses against registration, undeveloped mechanisms of juvenile justice, etc. (*Sitnik O. M., 2018, pp. 2-10*).

The concept of juvenile involvement in criminal activity as a crime, its criminological aspects and criminal-legal characteristics are an important foundation for the scientific knowledge necessary for use within our research, but besides, we are interested in operational-search and forensic methods, characteristics and other provisions in this in the direction of ensuring the proper counteraction to operative and investigative capabilities, and not only preventive measures. As we see, these criminal offenses are generally accepted by scholars as anti-moral and anti-social. They exist as caused by objective reality, but legislation does not accumulate them in one section of the Criminal Code of Ukraine, thus envisaging their special composition, which also gives rise to the curiosity of the study as representatives of the science of criminal law, criminology, and researchers of various aspects of counteracting crimes in this the field of operational search and forensic means.

A comprehensive analysis of the above studies, as well as the work of other scholars in this area, will provide an opportunity to formulate a proper understanding of the concept of involvement of a minor in criminal activity, to investigate the problem of counteracting this crime by operational and investigative capabilities and, taking into account the practical needs, to formulate relevant provisions.

The theoretical positions should take into account the transformational processes of crime, innovations in the mechanisms of committing the crime under investigation, using modern technologies, the current state of regulatory regulation and determining the necessary positions for its improvement, in order to achieve the objectives of operational and investigative activities and criminal justice in general. It is necessary to determine the priorities of scientific research regarding the qualitative change in the activity of separately operating unit of the criminal police and the activity legal unison with other units and bodies and the construction of relevant concepts.

Thus, the researchers note that within the philosophy and theory of law, science of the criminal process and the ODI, the content and interrelation of the activities of investigative and operational units of law enforcement agencies are investigated. At the same time, when investigating the activity (separate aspects of the activity) of specific law enforcement bodies (their units or officials), scholars for the most part do not resort to an analysis of its content from the standpoint of philosophy, doctrinal provisions of the theory of law, the ORD and the criminal process (*Sukhorada I.O., 2014, p. 97*).

At the same time, the philosophical level of methodology is the most general methods and principles of scientific knowledge, which is an instrument of finding the truth not only for the very scientific knowledge, but also performing a regulatory function in relation to the philosophy itself and its teachings. The servicing task of this level in both cases is to establish the most probable directions of the formation and evolution of scientific research, as well as possible destruction of systems that are formal or have no prototypes.

Therefore, some scholars point out that philosophy can not interfere with the concrete process of the scientist's activity at the empirical and theoretical levels of scientific knowledge, but it largely influences the choice and interpretation of the basic principles of the archetypal level, which depend on the prevailing in this historical epoch of philosophical attitudes. And the archetypal level of scientific knowledge, as the author points out, is the part of concrete scientific knowledge, where the most constructive union of philosophy with specific sciences is possible (*Danylyan O.G., Dzoban O.P., 2017, p. 257*).

Some researchers point out that the process of knowledge as the basis of any scientific research is complex and requires a conceptual approach based on a certain methodology, the application of certain methods. It is the desire to develop methods capable of qualitatively verifying theoretical hypotheses, as well as determining the criteria for assessing the objectivity of the new knowledge received and has caused a meticulous attitude to the methodology and methods of scientific research (*Zatserkovny V.I., 2017, p. 63*).

The theory of operative-search activity is a kind of process of cognition of objective reality, the dialectical reflection of objects and phenomena of the material world in the minds of people, and other laws, which consist in the field of counteracting crimes. By the cognitive essence, it practically does not differ from other sciences, since it is based on the application of a set of methods of scientific research (situational approach, system-structural analysis, conflict interaction, etc.). Unconditional is the recognition of the supremacy of the general dialectical method (*Kushpit V.P., 2016, p. 468*).

The content of the subject of our scientific research, the logical methods of finding and studying the laws of the existence of the process, which we aim to study, encourage the distribution of scientific knowledge in the form of theories, concepts, paradigms and tactics on independent lines. These directions according to philosophical doctrine should be correlated as "general", "special", "single". Extrapolating this provision to our study as part of the general, it is necessary to analyze the categories that serve as the basis for the formation of substantiated provisions, which is: the theory of counteraction to crime, its concepts and components; the concept, content and legal basis of the operational units of the criminal police; the mechanisms of such an offense as the involvement of minors in criminal activity. That is, the study of these categories is

conditioned by the need for their analysis and synthesis of results to clarify the essence of the mechanisms of activity in this direction.

All of this is a prerequisite for a special study by our intelligence organization to counteract the involvement of minors in criminal activity at its various stages, including interaction with other actors and proper information provision of this activity.

And in the end, the study of the unit as a specific and inherent only to this object - is a tactic of detection, documentation of the involvement of minors in various forms of criminal activity, as well as the implementation of collected development materials.

Consequently, during our scientific research, it is necessary to distinguish the object of research from among others, and in the future to draw attention to the similarity with such objects, which is also part of the mechanism of counteracting crime and ensuring the proper legal order in the state.

However, as noted by the researchers, without a scientific understanding of the content of the operational units it is impossible to determine their role in ensuring constitutional guarantees, the place in the mechanism of the state (in particular, in the context of the conceptual framework for improving the system of law enforcement agencies), to resolve legal, organizational, tactical and other Problems (*Sukhorada I.O., 2014, p. 97*).

To this end, it is necessary to apply a comprehensive research methodology, since, along with commonly used scientific methods, the essence of the phenomena and processes occurring in law-enforcement activity, and especially in the secreted operational part thereof, is to be revealed.

The methodological approach is a form of attracting research resources to the law as a philosophical and meta-scientific plan, as well as other sciences (*Kellman MS, 2011, p. 245*).

That is why methodology is sometimes also understood as a certain system of methods used in the process of cognition within a particular science (*Danylyan O.G., Dzoban O.P., 2017, p. 231*). This opinion is adhered to and MS Kellman, noting that the method of legal science is one and the same applies to both the general theory of law, as well as branch sciences and applied legal disciplines. Other cases that in researches carried out within the framework of the general theory of law or branch disciplines, due to different research tasks and goals may be dominated by either philosophical or general scientific, or some "law" methods. At the same time, the core of the method of any legal science is its own methods of jurisprudence, legal means of knowledge of law (*Kellman MS, 2011, p. 245*).

V.P. Kuspit correctly asserts that in the methodology of operative-search activity general science and special methods of related sciences are modified, acquiring specific features characteristic of the subject of operational-search activity (*Kushpit V.P., 2016, p. 471*).

R. Descartes in his work "Reflections on the method" identified so-called "rules for the direction of reason and the search for truth in the sciences." Actually, these are elementary norms of the activity of the mind, which are known from the ancient times in the form of rules (formal) logic. The main merit of Descartes is precisely that he formulated them as rules of cognitive activity and this laid the foundation for the development of scientific methodology. There are three rules for Descartes:

1) the dismemberment of the heavy, not solvable in the general case of problems, into separate tasks that can be solved;

2) the transition from the less complex to the more complex, from the proven to the unproven, and not vice versa (in the logic it is a prohibition to determine through the unknown);

3) preventing the loss of logical chains in reasoning (Zatserkovny V.I., 2017, p. 53).

However, such a dismemberment at this stage of the evolution of scientific research is considered as a characteristic of the universal maternal method, which is part of the general scientific methods.

At the same time there is a need for objective analysis as a principle of scientific research. It gives rise to the need to use methods that help to allocate maximum of objective knowledge, following "sound logic", and as a result to make a reliable justification provided by evidence. In this way, the truthfulness of the investigated facts, which holds ethics in science, is achieved. Leveling the objectivity of the research leads to distortion of its results, unreliability of conclusions and questions the process of scientific research.

One of the popularized fundamental methods of cognition, which did not go away and our study, is a synergistic approach. The essence of the synergistic (synergistic) approach is to study the processes of self-organization and the formation of new orderly structures. It is implemented in the study of systems of various nature: physical, biological, social, cognitive, informational, ecological, and others. The subject of synergetics is the mechanisms of spontaneous formation and preservation of complex systems, in particular those which are in a state of stable equilibrium with the external environment. In the field of its study come the nonlinear effects of the evolution of systems of any type, crises and bifurcations - unstable phase of existence, which predict the plurality of scenarios of further development. The synergetic approach demonstrates how and why chaos can be considered as a factor in creation, the constructive mechanism of evolution, as a new organization can develop with the chaos itself (Zatserkovny VI, 2017, pp. 59-60).

Man has a tendency to the truth. In this context, the relevance of the problem is to find a scientific method that would allow reliable and reliable results of research. Possessing such a method, one could make objective and substantiated conclusions that would deserve attention (Zatserkovny VI, 2017, p. 63).

As a **conclusion**, I would like to note that in the general concept of the problem of counteracting the involvement of minors in criminal activities (taking into account the special rules establishing the responsibility for the crime), the criminal-law, criminological means have been sufficiently developed, which is not to say about the operational-search and forensic sphere. Nevertheless, changes in the legal regulation of the criminal process in general and operational activities, in particular, the reformation of certain law-enforcement agencies and their units, the emergence of a new trend in crime for involving minors in criminal activity with the use of information technologies, the impact on children in the eastern regions of Ukraine in the connection with the armed aggression of the Russian Federation led to the emergence of practical problems requiring theoretical reflection and the definition of concrete solutions. Therefore, the definition of these problems should be based on the study of practical activities, for the application of scientifically grounded provisions (tools) to them and the formation of a doctrinal understanding of the concepts related to the content of the study. Accordingly, these processes can not take place without a critical analysis of the results of scientific

research of specialists in the criminal process, criminalistics, operative and investigative activities, which developed general, special and unitary questions of counteraction to the crimes we are investigating.

The solution of these problems involves the comprehensive use of general scientific (empirical - observation, comparison, experiment, empirical and theoretical - abstraction, analysis and synthesis, induction and deduction, modeling, generalization, theoretical - analogy, axiomatic method, extrapolation, idealization, historical method, system approach, systematization, classification, typology, formalization, definition, description, interpretation) and special methods of legal science, in particular: historical and legal; system-structural; comparative legal; logical and legal; dogmatic; statistical sociological simulation and so on.

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