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**INTERACTION OF PROCEDURAL SUBJECTS REGARDING
CRIMES INVESTIGATION**

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INVESTIGATIONS

PhD in Law thesis summary

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CONCEPTUAL REFERENCES OF RESEARCH

The actuality of the topic. Nowadays, when any contemporary state represented by the law enforcement bodies proclaims itself as a guarantor of fundamental human rights and freedoms, studying of the interaction mechanism of all subjects involved in the criminal matters investigations becomes an urgency, first of all, for prosecutors, law enforcement officers and investigators in order to achieve the purpose of criminal proceeding.

The interaction of procedural subjects during the investigation of criminal cases didn't find an explicit legal regulation, this issue provoked contradictory discussions both in doctrine and practice. Growing importance of interaction became one of the key factors in reforming of national criminal law, so this study and application of the rich potential of all actors involved in crime research is an indispensable element in achieving of fair trial's aims. Research of the interaction between different bodies, institutions acquires a major importance from the perspective of reforming the justice sector in the Republic of Moldova.

For the national doctrine it is particularly important to determine the legal nature of the interaction between procedural subjects. At the same time, the Republic of Moldova does not exist a complex scientific paper that should determine the concept, legal nature, place and role of the interaction, it's premises, methods and practical effects in criminal proceedings.

For the above reasons, it's absolutely necessary to realize a substantial research of the defining characteristics regarding institution of interaction, to investigate the normative basis of this subject, to compare them with existing practice and formulate proposals to improve the internal regulatory framework related to the research theme.

In this context, we consider that it becomes of current scientific interest to study the interaction subject, as well as the practical aspects regarding its applicability in the criminal process, premises, principles and effects of interaction implementation in the activity of criminal investigation bodies. In order to ensure the legal protection of the values guaranteed by the European Convention of Human Rights and Fundamental Freedoms, in our view, a special role is played by multilateral research on the applicability of interaction in accordance to doctrine.

This paper is a pioneering one and presents as such a source for the deep study in the scientific environment of the topic regarding interaction in the investigation of criminal cases, having, due to this fact, a considerable theoretical-applied value. Analyzing both the doctrinal sources, the departmental normative acts, as well as the national jurisprudence, we realized significant proposals, aimed for determination and normative regulation of this institution. Studying of this institution could increase professional diligence and responsibility of official

subjects involved at various stages in the criminal process. Taking into account that fact, in the research were presented *lex ferenda* proposals, so the conclusions and recommendations become important in terms of continuous improvement of the national legislation.

Description of the research situation and identification of the research problem. The interaction within the crime investigation deserves an increased theoretical-practical interest of the doctrinaires and practitioners from the Republic of Moldova, as well as from the Council of Europe member states. In recent years, most legal systems in the European space, primarily in Eastern Europe, have improved major institutional changes, by rule of law orders establishing based on democratic values, where person's fundamental rights and freedoms occupies a primordial place.

At the same time, in the scientific criminalistics literature and in the theory of special investigation activity, the concept of interaction between various bodies and institutions of law hasn't been developed yet. Many authors and practitioners understand this institution differently.

Therefore, as the scientific-methodological basis of this thesis we used current scientific papers published in the Republic of Moldova, Romania, Russian Federation, France, Great Britain, other European countries. The practical side of the sources used was supported by the decisions of the Constitutional Court of the Republic of Moldova, the jurisprudence of national courts of all levels, decisions of the Supreme Courte of Justice plenum and ECHR precedents.

As conclusions, among the most important theorists who have researched the problems of interaction in the criminal process in the Republic of Moldova are M. Gheorghită, S. Doraș, Ig. Dolea, D. Roman, Iu. Sedlețchi, T. Vizdoaga. The studies of renowned national authors constitute mainly the scientific-theoretical basis of the thesis. Meanings founded in their studies allowed us to determine some issues regarding identification of the concept and legal nature of interaction in crime research, its place in the legal system of the Republic of Moldova.

In terms of scientific papers on interaction published in countries other than the Republic of Moldova, we can certainly say that this institution is a subject of extensive research conducted by specialists in the field. Among these we will mention with priority the studies of Russian, French, Romanian researchers etc.

Substantial scientific importance for our study represents the studies of the authors P. Albu, V. Păvăleanu, G. Olteanu, O. Lixandru, R. Teslovan, M. Bohlander, N. Iablokov, Z. Navickiene, A. Prisekhin, A. Belkin, V. Yarovenko, K. Goryainova, G. Ovcinski, K. Galahov, V. Jerdev, L. Plesneva, A. Kuznetsov, I. Danilkin, L. Drapkin, A. Puțova, A. Savkin, N. Amenițkaya, A. Stepakov, A. Golovin, A. Bastrâkin, O. Tankevichi, I. Krîlov, S. Voloceai and others.

The purpose and objectives of the thesis. The purpose of the thesis is to expose a various research from a theoretical-normative point of view together with evaluation of practical efficiency of doctrinal provisions and the legislative regulations in the field of interaction institution.

In order to achieve the proposed goal, we have outlined the following objectives of the thesis: analyzing of existing doctrinal concepts and theses exposed in the national law literature and abroad regarding the institution of interaction; analysis of the normative acts directed to establishing the content of the of interaction of procedural subjects in the investigation of criminal cases concept; studying of practice of criminal investigation bodies in the field of interaction with other institutions during criminal cases prosecution; practical measures identification for interaction implementation in accordance to the procedural legislation and criminalistics recommendations; scientific argumentation of legal nature of the interaction; systematization of the objective premises for the interaction application at the preliminary stage and during the criminal case investigation; research and specification of the national procedural norms in compared aspect to the high standards based on the positive practice of the criminal investigation bodies; unprecedented classification of the stages, procedural and tactical-organizational forms of the interaction; establishing of the perspectives and ways to improve the interaction by formulating *lex ferenda* recommendations.

Research of the theoretical-applied problems is also a big part of the thesis objective, as well as the study of methodological aspects regarding the interaction within the crime investigation, being revealed some major aspects that were investigated only superficially, even has been totally neglected in the doctrine.

The scientific research methodology. The methodological and scientific bases of the thesis are expressed in the fundamental achievements of criminalistics science, the theory of special investigation activity, criminal procedural law, criminal law, European Union law and other legal sciences. We present a complex analysis of the criminal prosecution practices, European Court of Human Rights jurisprudence, which contain standards of high practical value for participants in the criminal proceedings. In order to complete and substantiate theoretical concepts, statistics data, official reports, we have also studied criminal cases assigned according to the competence for managing the criminal investigation to criminal investigation bodies and prosecutor's offices from the Republic of Moldova. As well, this paper contains the analysis of the practice created by national bodies of law, thus acquiring a practical aspect.

The research object was investigated at an advanced level. The study had as research sources over 120 textbooks and monographs, results of specialized studies, published in over 30 scientific articles, statistics, national judicial practice and the ECtHR precedents. The theoretical foundation of the investigations is composed due to works of local authors: M. Gheorghiuță, S. Doraș, Ig. Dolea, D. Roman, Iu. Sedlețchi, T. Vizdoagă and others.

The scientific works of these well-known authors constitute the theoretical basis of the thesis, the concepts found in their studies contributed to determine problems in identifying the

legal nature of the interaction, determining its place in criminal proceedings, interpreting terms and notions, identifying deficiencies suffered by the departmental regulatory framework in the field. The theoretical basis of the research is also composed by the works of foreign authors.

The normative basis of the paper is provided by the Code of Criminal Procedure of the Republic of Moldova; Law on special investigation activity; Law on the police and the status of the police officer; Law on the status of the criminal investigation officer; Law on the Public Prosecutor's Service; Law on preventing and combating organized crime; Law on the ratification of the Cooperation Agreement between the Republic of Moldova and Eurojust, drawn up in The Hague on July 10, 2014; other organic laws, interdepartmental normative acts.

During research of the thesis topic elaboration of the conclusions, we have consulted with specialists in the field of criminal procedural law, criminal law, employees of law enforcement bodies, magistrates, university professors, thus collected information being of inestimable value for the thesis.

The empirical basis of the paper is composed of the investigation of criminal cases and materials of criminal proceedings managed by the Prosecutor's Office of Chisinau, the Anticorruption Prosecutor's Office, PCCOCS, subdivisions of the General Police Inspectorate.

The practical side of the paper is supported by factual data. Thus, over 1000 criminal cases were analyzed managed by criminal investigation officers and prosecutors of different levels; the materials of over 400 criminal proceedings refused to initiate the criminal investigation, the emphasis being placed on the investigation of the existing practice in the interaction compartment. Also, we have studied the materials of the rogatory letters requests, extradition requests with the related materials, the decisions of the courts of first instance, the Courts of Appeal and the Criminal College of the Supreme Court of Justice, as well as the results of specialized studies from the Republic of Moldova.

Main methods used during the research are:

- the logical method, with the help of which the standards included in the content of normative acts were deduced, the causes and conditions of interaction of the different institutions were highlighted and the measures for its implementation in the activity of the participants during criminal process were elaborated;

- the analytical method, concerning analysis of different concepts, meanings, notions and legal regulations of the interaction in the investigation of crimes;

- the descriptive method, on its basis different concepts of interaction were described, the legislative aspects of the interaction and the mandatory nature of this process;

- sociological method – was carried out by researching the procedural documents completed at the stage of criminal prosecution, court decisions, studying the complaints of citizens;

- historical method – based on the analysis of the stages and dynamics regarding implementation of the interaction during investigation of criminal cases;
- the method of observing related to researches of doctrinaires and practitioners which have contributed to the study interaction applicability;
- the method of comparing the forensic, sociological, criminal procedural concepts, from the point of view related to the theory of the special activity of investigations to determine the concept of interaction, by comparing the different notions with apparently similar legal significance;
- the method of synthesis of the obtained data and the formulation of conclusions based on the performed research.

In order to ensure the human rights in a uniform manner, in the conditions of respecting the confidentiality of personal data, it was given in the abbreviated manner (person's name / surname) exemplified in this study.

The scientific novelty and originality of the study. For the first time, the study contains a complex research of the theoretical-legislative aspects regarding interaction problem. The thesis formulates conclusions and recommendations that can provide a scientific basis for legislative changes, developing new directions for the development of prosecution activity and forensic tactics in relation to the functional elements of the interaction of procedural subjects.

At the current stage in the local doctrine, there is no monographic work that has as object of study the institution of the procedural subjects interaction within the examination of criminal cases.

Also, the criminal proceeding legislation of the Republic of Moldova does not explicitly regulate the concept of the interaction of criminal investigation body with other law enforcements, institutions for the investigation of crimes. As a result, the exhaustive normative basis of the institution of interaction was not established. This state of matter requires the rigorous improvement of the normative regulations regarding procedural subjects interaction during criminal matters investigations.

The scientific novelty of the study and the results obtained are based on the fact that through the research we have made a doctrinal approach to the notion, object, tasks, conditions and characteristics of the interaction as a complex theoretical-practical issue. For the first time in the national doctrine, the subject was researched in a complex way at independent level.

The scientific novelty of the study persists in the following reasons:

- the interaction during criminal cases investigation was studied separately at the level of autonomous concept;
- the rules and principles of its applicability are highlighted and examined;
- it is demonstrated that, by its legal nature, interaction in the investigation of criminal cases is a separate institution of criminalistics tactics;

- high standards of interaction are analyzed in view of their direct applicability;
- a multi-aspect examination of the interaction applicability at different stages of the criminal process was carried out;
- it was explored useful mechanisms that can contribute to increasing efficiency and reasoning in the application of interaction by criminal process participants.

Without any doubts, it is the first paper that investigates institution of interaction, which has not been explored till in the scientific and practical sphere.

The theoretical significance of the paper. Resides in a comprehensive study of the most important doctrinal, normative and practical issues regarding interaction in crime research. Also, the study is an impetus for new research in the field.

The theoretical importance of the thesis lies in the fact that various aspects of the interaction in the criminal process are fully highlighted, which allowed the formulation of proposals to improve the legislation in force, succeeding in systematizing the various views on promoting and implementing interaction in the discretionary and dispositive activity of the participants with the attributions in the sphere of crime investigation. The thesis addresses several scientific concepts that can be used in the activity of legislation, as well as teaching material at law schools and in the daily work of specialists in law enforcement bodies.

The paper proposes consolidation of practical mechanisms for achieving the interaction within the criminal process through the conceptual and normative doctrinal confirmation of the obligatory and inevitable character of efficient investigations.

The scientific value of the thesis consists in the lack of a theoretical-applicative basis in the interaction department in the investigation of criminal cases, and the ignorance of the concept by practitioners, in the absence of appropriate methodological support, leads to decreased work efficiency investigation of crimes, seriously prejudices the quality of criminal investigations.

The applicative value of the paper. Consists in gathering a set of recommendations and observations of major importance for practitioners, which allow law enforcement officials to use them successfully in their daily work, achieving major performance in the area of crime detection and referral of perpetrators to criminal justice.

The thorough analysis of the vicious practices existing in the contemporary activity of the representatives of the criminal investigation bodies in the interaction chapter allowed the identification of pressing problems and formulation of objections, practical recommendations that can be used both in daily activity and during elaboration of the legal normative acts.

Main scientific results submitted for support. Conceptual finalization of scientific ideas and complex solution of the problems of interaction between all law enforcement bodies in the investigation of crimes, highlighting all aspects of criminal proceedings related to this institution,

which determines the practical utility of this activity in the activity of law enforcement agencies in Moldova.

The thesis examines contemporary studies and scientific papers on the practice of investigating different categories of crimes in the Republic of Moldova, being well delimited and defined notions of interaction, their place and role in both criminal proceedings and forensic science. The author examined the theories and conceptions, studied the aspects and practical modalities regarding the interaction within the crime investigation. In order to complete and substantiate the theoretical provisions, the statistical data, the materials of the criminal cases, the dispositive acts adopted by the criminal investigation officers, the prosecutors and the national judges were studied and analyzed.

The paper contains the analysis of the premises, particularities and effects of the interaction both in the criminal investigation phase and in the stage preceding the criminal trial, addresses the impact of effective interaction on solving criminal cases, consequently acquiring a very important and current scientific-practical aspect. A special place is occupied by the study of the premises of the interaction and the stages of this activity in the criminal process of the Republic of Moldova.

Following these researches, a synthesis was made of the ideas, notions and conceptions of many specialists in the field, dedicated to the interaction in the activity of official subjects, who exercising their duties contribute to the administration of criminal justice in the Republic of Moldova.

In order to improve the normative acts which regulates the institution and to eliminate the established problems, to create the normative premises for the uniform and efficient application of the interaction by procedural subjects regarding investigation of criminal cases, the following proposals of *lex ferenda* were formulated:

1. Completing the content of the article 254 of the Code of Criminal procedure by introducing paragraph (3);
2. Completion of the content of the article art.52 par.(1) point.10) Code of criminal procedure with the phrase “and investigation officers”;
3. Repeal of paragraph (4) of art.4 of Law no.333 of 10.11.2006 on the status of the criminal investigation officer;
4. Completing the content of art.3 of Law no.3 of 25.02.2016 on the Prosecutor's Office with paragraph (8);
5. Completion of the content of art.3 of Law no.333 of 10.11.2006 on the status of the criminal investigation officer with paragraph (8);
6. Full review of the Interdepartmental Order of the Prosecutor General, the Minister of Internal Affairs, the Director of the National Anticorruption Center and the Director General of

the Customs Service no.121/254/286-0/95, July 18, 2008, whose provisions are outdated and do not meet the requirements stipulated in the legislation of the Republic of Moldova, adjusting it to the content of the Code of Criminal Procedure and the Law no.59 of 29.03.2012 on the special activity of investigations.

Implementation of scientific results. This aspect was amply demonstrated by the practical implementation in the interaction activity of the Prosecutor's Office of Chisinau, Anticorruption Prosecutors Office, PCCOCS with the subdivisions of the Police of Chisinau, National Anticorruption Centre, ANP, SIS, expert institutions, law enforcement agencies from other states. The issues and tasks outlined were systematically discussed at national conferences, symposiums and scientific meetings with international connotations.

Approval of results. The analysis of the researched materials and formulated conclusions were reflected in 16 scientific sources. For example, the article "Interaction in the criminal process in the phase preceding the criminal prosecution stage" was published in 2017 in the Scientific Bulletin of the State University "Bogdan Petriceicu Hasdeu" from Cahul; the article "Principles of interaction in the investigation of criminal cases" was published in 2017 in the "National Law Review"; the paper "The normative basis of interaction in crime research" appears in 2018 in the "Journal of the National Institute of Justice"; in 2018, the article "Realizing the interaction at the initiative of the investigative body" was published in the magazine "Law and Life".

During the international symposium "Strategies for education" that took place in Romania, or. Iași, on May 31, 2018 and November 4, 2018, the author has defended the scientific articles entitled "Implementing the institution of interaction in the practice of criminal prosecution bodies" and "Interacting at the initiative of the prosecutor in the investigation of crimes", later published by PIM Publishing Edition, or. Iasi.

During 2018, in the collection of the papers of the National Scientific Conference with international participation "State, security and human rights in the conditions of the information society" appear the publication entitled "Guaranteeing the right to a process fair in terms of conducting complex criminal investigation investigations in the conditions of the information society".

In 2019, within the national conferences with international participation "Integration through research and innovation", from November 7-8, 2019; of the anniversary scientific conference with international participation "Realities and perspectives of national legal education", Moldova, Chisinau, from 1-2 October 2019, were presented and supported several papers related to the scientific field researched with the titles: "Theoretical approaches to the concept of interaction in investigation of criminal cases"; "Theoretical-practical reflections on the interaction in the investigation of criminal cases".

The paper “Interaction of procedural subjects in the investigation of criminal cases” was published in 2020 at the “Journal of Actual Scientific Research in the Modern World” from Pereiaslav, Ukraine.

Thesis publications. The analysis of the researched materials and formulated conclusions were reflected in 16 scientific sources, 11 articles, 5 scientific communication materials published in scientific editions.

The volume and structure of the thesis. The thesis is presented in accordance with expected objectives in order of conducting scientific research. It includes: list of abbreviations, annotation in three languages, introduction, three chapters including the basic content of the research, general conclusions and recommendations, bibliography of 225 titles, 164 pages main content.

Keywords: interaction, cooperation, criminal proceeding, criminal investigation body of law, investigator, prosecution, prosecutor, special investigation measures.

CONTENT OF THE THESIS

Chapter 1. The analysis of the situation in the field of procedural subject’s interaction in the investigation of criminal cases is devoted to research of domestic and foreign literature in order to determine the degree of research regarding object of investigations in scientific papers published in Moldova and abroad.

This section of the paper mentions the idea that the interaction in the investigation of criminal cases has not been widely studied in the national criminalistics literature. Currently, the importance of this subject has acquired a special significance both in doctrine and in practice.

Over the years, the number of complaints about crimes committed is constantly increasing, and the standards enshrined in national law and the practice of courts of international jurisdiction motivates representatives of criminal investigation bodies to conduct comprehensive, objective investigations. We consider that it is absolutely necessary to conduct a substantial investigation of the defining characteristics of the interaction concept in the investigation of criminal cases.

In *Chapter 1*, we conducted the research of the normative basis in the subject matter, overlapping the achievements of criminalistics science with existing practice and formulating proposals for harmonizing national regulatory legal acts related to the object of research.

In the contemporary world, it has become important to study the interaction of different institutions, departments, ministries, but also the practical aspects of its implementation internationally, the premises, principles, rules and effects of interaction in the activity of the criminal investigation body.

In order to achieve all objectives and tasks set before us during this research, we have analyzed local and foreign literature, which allowed us to address relevant, current, sometimes controversial ideas related to the interaction within crime investigation.

In order to preserve the logic of the research and taking into account the fact that Chapter 2 of this thesis deals in detail with concept of interaction and its legal nature, in the first section of the paper we have presented some conclusions and observations on the literature used to develop the thesis theme.

At the national level, a substantial contribution to the perception of the interaction concept in the crime investigation was made by professor M. Gheorghiuță, by publishing the monography *Criminalistica*¹, published in our country in 1995. A remarkable scientific-practical significance noted in this source is the argumentation of the essence regarding concept of interaction as an institution of criminalistics tactics in the criminal process from the Republic of Moldova.

In this paper, prof. M. Gheorghiuță defines the interaction as an activity based on law or departmental normative acts, coordinated by the purpose, place and time of performing the actions of special investigation bodies, administratively independent of each other, as well as representatives of other organizations, enterprises, which is expressed in the rational combination of the means and methods that can serve to reach a common result, to fulfill the task of detecting, stopping and discovering the crime².

In this order of ideas, the objectives of the research are to study the matter of state in the field of interaction and activities carried out in order to effectively implement this concept; inter-institutional measures taken to ensure the efficient nature of the investigation of crimes; the dynamics of the interaction of different bodies at different stages of the criminal process, the factors that influenced this process; were made, first of all, having as a doctrinal landmark, the scientific reflections of the author M. Gheorghiuță in the sphere of interaction.

In 1999 appears the work entitled *Criminalistics*³ published by the author S. Doroș, it contains reflections on the significance of interaction in criminal proceedings. In this publication, the author concludes that the gathering of the resources, forces and specialized intelligence available for the criminal investigation body and prosecution enforcements, functionally and administratively autonomous, is able to increase significantly the efficiency of their activity and, consequently, the capacity to combat the criminal phenomenon⁴.

¹ GHEORHIȚĂ, M. *Criminalistica*. Chișinău: Museum, 1995. 144 p. ISBN 5-7790-0159-6.

² *Ibidem.*, p.112.

³ DORAȘ, S. *Criminalistica*. Chișinău: Tipogr. Centrală, 1999. 273 p.

⁴ *Ibidem*, p.37.

We have repeatedly appealed to the ideas of the nominated authors to solve some problems we faced in the elaboration of the thesis, so these scientific materials are the most significant and valuable works on criminalistics in the Republic of Moldova and which were the basis for determining the legal nature of the interaction in the national law system.

The paper Treaty of Criminalistics, published in 2017 by prof. M. Gheorghiuță promotes the hypothesis that the interaction of the criminal investigation officer with other institutions is one of the main elements of success in the fight against organized crime⁵.

A special contribution, in the sense of promoting the thesis hypothesis, presents theoretical achievements of authors Ig. Dolea, D. Roman, Iu. Sedlețchi, T. Vizdoaga reflected in the work Criminal procedural law⁶.

Arguing the place of interaction in the system of legal sciences, N. Iablokov remarks that the content of methods and means of interaction is researched and developed by criminalistics and the theory of special investigation activity, which attributes to this institution the multidisciplinary nature⁷.

At the same time, we support opinion mentioned by author A. Belkin, that determination of interaction's need bases on available evidence and other data, following the analysis of research situations and the state of the investigation process⁸.

In order to accomplish the research tasks, were studied the papers published in the Republic of Moldova corresponding to the topic of the thesis, were collected and analyzed the information on the factual data on the cases investigated by criminal investigation bodies of different levels.

Thanks to scientific materials published abroad, we were able to perceive the existing premises in the European space related to the need and opportunity to implement interaction of procedural subjects in crime research, we have also formed a clear vision regarding legal nature and historiography of creating this concept in the field of criminalistics tactics.

Therefore, analyzing the doctrinal meanings regarding the purpose, essence, obligatory conditions and elements of procedural interaction, we concluded that the interaction in the investigation of criminal cases could be defined as procedural activity, based on legislation and departmental norms, acquiring procedural and tactical forms. It should be planned and coordinated by its subjects according to the tasks formulated, the purpose, the place and the time of accomplishment.

⁵ GHEORHIȚĂ, M. *Tratat de criminalistică*. Chișinău: Tipografia Centrală, 2017.

⁶ DOLEA, Ig., ROMAN, D., SEDLEȚCHI, Iu., VIZDOAGĂ, T. ș.a. *Drept procesual penal*. Chișinău: Tipogr. Centrală, 2009.

⁷ ЯБЛОКОВ, Н. *Криминалистика*. Москва: ЮРИСТЪ, 2001, с.362.

⁸ БЕЛКИН, А. и др. *Курс криминалистики. Общая часть*. Москва: Юристъ, 2000, с.493.

After studying the situation in the field of doctrinal research of the concept of interaction, we concluded that:

1. At the current stage in the local doctrine, there are no fundamental researches that would have as object of study the institution of the interaction of the procedural subjects within the criminal investigation;

2. The doctrinal approach of the notion, object, tasks, conditions and particularities of the interaction presents a complex theoretical-practical subject.

The finality of the study carried out in *Chapter 1* of the thesis by researching the opinions expressed by local and foreign doctrine, shows that currently for the national doctrine is particularly relevant to determine and finalize the criminal and tactical-criminalistic aspects of the interaction of procedural subjects as an effective tool regarding accomplishing the goals of the criminal process.

The research conducted in *Chapter 1* that concerns analysis of the situation in the field of interaction in the investigation of criminal cases allowed us to demonstrate that currently, the criminal procedure legislation of the Republic of Moldova does not explicitly regulate the concept of interaction of the criminal investigation body with other institutions.

Starting from the existing omissions in the local scientific works on the institution of interaction, this thesis aims to administer factual materials and theoretical knowledge absolutely new, from the perspective of practical utility.

The content of *Chapter 1* highlights the various aspects of the problem of interaction, in the investigation of criminal cases, due to thorough study and comparative analysis of a number of papers, scientific articles, monographs, scientific conference materials, statistical reports. The scientific side and the theoretical conclusions of the study focus mainly on the well-known publications and papers from the Republic of Moldova. The analysis of the works published in the republic allowed us to formulate a series of conclusions, subsequently approached, in the content of other compartments of the thesis:

1. For the national doctrine, it is particularly current to determine and finalize the procedural-criminal and tactical-criminalistics aspects of the institution of interaction as an effective tool for carrying out the tasks of the criminal process;

2. The interaction can be defined as the procedural activity and forensic tactics based on the legislation in force and the normative acts of departmental or interdepartmental order coordinated by the subjects of this activity according to the formulated tasks, place and time of accomplishment;

3. This activity is carried out with a strict delimitation of the competences of the respective subjects and contributes to the correct investigation of criminal cases (full detection and

ascertainment of the circumstances of committing serious, particularly serious and exceptionally serious crimes, identification and detention of perpetrators, etc.). aimed at preventing and combating crime in the near future.

Chapter 2. General considerations on interaction during criminal cases investigation comprises of five paragraphs.

In paragraph 2.1. - *The concept of interaction and its legal nature* - are analyzed the notion, meanings and conceptions of interaction during investigation of criminal cases. The paragraph determines legal nature of the interaction as an institution of forensic tactics in criminal proceedings.

Although the interaction in the investigation of criminal cases has not been widely mentioned in the local forensic literature, lately, this subject has acquired a special significance both in doctrine and in practice. The growing importance of studying this subject is evident in the context that, over the years, the number of registered complaints about crimes committed is constantly increasing. The application from the first moments of the criminal process of the rich potential of all public institutions is an indispensable element in the equitable and efficient accomplishment of the criminal process objectives.

This section of the thesis contains:

- analysis of the normative framework for establishing the content regarding concept of the interaction of procedural subjects within the investigation of criminal cases;
- the scientific substantiation of the legal nature of the interaction and displaying of the reasons for its application.

The scientific study of the interaction, within the investigation of criminal cases, acquires a major importance from the perspective of streamlining the activity of law enforcement bodies in the context of reforming the justice sector in the Republic of Moldova.

As S. Doraş concludes, one of the indispensable conditions for the fast discovery and investigation in all aspects of criminal matters consist in the organization of a useful collaboration of the criminal prosecution bodies with other state structures invested by law to contribute to the fight against crimes, especially investigation services of Ministry of Internal Affairs, Customs Service, National Anticorruption Centre and Intelligence Service. Collaboration of these bodies, as a specific form of interaction, during the common activity regarding discovering and investigation of crimes, imposes a demand to correlate resources and working methods of the mentioned structures, to connect all competencies they have⁹.

⁹ DORAŞ, S. *Op cit.*, p.36.

In this context, conclude that it becomes current and important to study interaction between different institutions, departments, ministries, as well as practical aspects of its implementation in the criminal process, the premises, principles, rules and effects of interaction in the activity of the criminal investigation bodies of law.

In the specialized doctrine, there are several opinions regarding the concept of interaction, as well as its legal nature. For the first time in the local literature, the notion of interaction in the investigation of criminal cases appears in the Criminalistics paper, being approached by Prof. M. Gheorghiu. He defines interaction as a activity based on law or departmental normative acts, coordinated by the purpose, place and time of special measures, investigations¹⁰.

Summarizing the elements of interaction within the criminal process, M. Gheorghiu highlighted the following conditions of the interaction: strict legislative basis of the activity of the different representatives of the special, legal bodies, etc.; their cooperation and coordination of the purpose, place, time, other circumstances necessary to obtain a result; full independence of the subjects in terms of service obligations; strict delimitation of service functions and fulfillment of own obligations¹¹.

Criminal procedural law does not expressly establish the concept of interaction. Therefore, we came up with proposals for *lex ferenda* for this compartment.

In order to create the normative premises for the uniform and efficient application and interpretation of the institution regarding interaction, we proposed that the foundation of this process should be based on the following amendments of *lex ferenda*:

1. Completing the content of Article 254 of the Code of Criminal Procedure by introducing paragraph (3) which will have the following structure “Criminal investigation bodies carry out their activity, interacting with investigative bodies and other procedural subjects, respecting the principle of legality, the fundamental human rights, with the strict delimitation of the attributions of each one, in the conditions of independence in choosing the methods and means of accomplishing the tasks according to the law. The investigating officer is personally responsible for the complete execution and within the term established by law, criminal investigators orders, written instructions or the ordinances of the prosecutor and the conclusions of the court”.

2. Completing of the content of the article of art.52 par. (1) point.10) Code of criminal procedure with the phrase “and investigating officers”, attributing the following content: “orders the criminal investigation by a group of criminal investigation officers and investigating officers”.

3. Repeal of paragraph (4) of art. 4 of Law no. 333 of 10.11.2006 on the status of the criminal investigation officer, for the reasons indicated in the content of the thesis.

¹⁰ GHEORHIȚĂ, M. *Op.cit.*, p.112.

¹¹ GHEORHIȚĂ, M. *Op.cit.*, p.97.

Paragraph 2.2. - *The premises of the interaction* - includes the research on the historical, economic, social, legal, positive and negative, general and particular premises regarding the implementation of the interaction within the investigation of criminal cases.

In paragraph 2.2. of Chapter II we insist on the idea that the premises of the interaction in the criminal process represent the starting points, the basic causes both of normative order and of factual nature that determine the validity of its performance. The normative premises are first of all the ratification of the international agreements that regulate the order of cooperation of the law enforcement bodies from the Republic of Moldova with the regional authorities and the competent bodies from other states, the adoption of the new Code of Criminal Procedure in 2003.

It is well known that the activity of criminal prosecution bodies in criminal proceedings must be carried out in such a way that only persons who are guilty of committing crimes are convicted, the guilt of which has been established by the independent and impartial court in criminal proceedings.

In the targeted section of the paper we explain that the objective premises, or factual circumstances, that determine the interaction in the criminal process are of a positive and negative nature.

By analyzing premises of the interaction of the criminal investigation body with the investigation body, we concluded that:

- the normative framework that regulates the activity of the investigation officer has to establish the interaction of this subject with other bodies;

- one of the positive premises of the interaction follows from the principle of the lack of mutual subordination of the criminal matters investigation bodies and the special investigation officers, each of them exercising different attributions, using different methods and procedures.

In the targeted section of the paper, we explain that the objective premises, or factual circumstances, that determine the interaction in the criminal process are of a positive and negative nature. The category of negative premises refers to the imposing number of complaints about the commission of crimes and criminal cases, the identification by subjects with control functions, the ECtHR of system problems in the justice sector of the Republic of Moldova. The positive premises are: streamlining the activity of detecting and preventing crimes, reforming the justice sector by increasing the quality of decisions taken and measures taken, raising the level of professionalism and professional diligence of justice workers, police, prosecutors, penitentiaries staff, magistrates, abuses in the field of crime prevention and control.

In terms of the interaction of the investigative body, which takes into account the practice of investigating criminal cases in relation to the existing regulatory legal acts, we conclude that:

1. The profile legislation stipulating the activity of the criminal investigation bodies requires immediately changes regarding the regulation of the interaction of this subject with other bodies.

2. In the context of the reform of criminal justice sector, we consider that the local criminal procedural legislation requires implementation and adjustment of some essential transformations, imposed, first of all, by the criminogenic situation that exists in the country. Secondly, this state of affairs requires the strict improvement of the normative acts regarding the interaction of the procedural subjects in the investigation and examination of criminal cases.

Approaching the subject, we established that the need for interaction results from the lack of mutual subordination of the subjects concerned the system of law enforcement bodies. Each of them are invested with different attributions, and in their activity, they use different legal, tactical-organizational levers and methods that allow them to achieve a common goal.

In paragraph 2.3. - *Forms of interaction in the investigation of crimes* - the normative and tactical-organizational forms of this activity are treated, recorded both in the legal and departmental normative acts, as well as those resulting from the positive practice of the criminal investigation bodies.

According to the classification set out in the local doctrine by professor M. Gheorghiuță, in collaboration with the criminal investigation officer with the special services, the following forms of interaction were established:

1. mutual and timely information on criminal events and the results of investigations;
2. joint planning or coordination of criminal investigation;
3. the participation of the investigating officers in carrying out the investigation actions;
4. directing and fulfilling delegations, rogatory commissions¹².

Researcher N. Iablokov, highlights the following main forms of interaction:

1. The reciprocal exchange of information between the subjects of the interaction.
2. Joint composition of the plans of criminal prosecution actions.
3. The assistance provided to the criminal investigation officer in carrying out the criminal investigation actions.
4. Execution of the written indications of the criminal matters investigation officer, carrying out in particular the concrete criminal investigation actions.
5. Joint analysis, assessment of the results of criminal prosecutions and special investigation activities on the crime under investigation and adoption of joint decisions following the analysis performed.

¹² GHEORHIȚĂ, M. *Op.cit.*, p.99.

6. Taking measures to stop crimes at the stage of preparation and carrying out prophylactic activities¹³.

Analyzing the practice of criminal prosecution bodies, we have shown that the following types of extra-procedural interaction are most often applicable:

- joint analysis of the materials of the criminal case;
- execution of non-procedural instructions;
- mutual exchange of information;
- assistance and participation of the above-mentioned subjects in tactical combinations;
- providing legal assistance to the investigative body, in order not to admit the occurrence of situations that may affect the legality of some procedural actions.

In paragraph 2.4. - *The principles and rules of conducting the interaction by the subjects of the criminal process* - are identified, researched and systematized the principles and rules to be followed in order to effectively and uniformly conduct the interaction.

Respecting the basic principles of interaction in criminal proceedings, procedural subjects contribute to the obligation of the state to guarantee the right of the injured party and society as a whole, that the circumstances of the act will be fully ascertained and the guilty person will be punished. The need to comply with the obligation to end the existence of a prejudicial situation, to repair the negative consequences of the wrongful act, as well as the purpose of general prevention, are also primary causes that determine the rationale for implementing and respecting principles of interaction of the prosecuting body with other institutions in criminal proceedings. Last but not least, the observance of the principles of interaction contributes to the removal of personal obstacles, which appear between the subjects involved in this activity¹⁴.

We completely supported the opinion expressed in the local criminalistics literature that the most important principles of organizing the interaction of criminal investigation teams and departmental and interdepartmental investigations are:

1. the role of head of the criminal investigation officer;
2. the access of the criminal investigation officer to the information obtained through special investigations at some primary phases of preparation of tactical operations;
3. taking the decisions specifically by the criminal investigation officer regarding the place, time and character of the tactical operation;
4. establishing the composition of the criminal investigation group;
5. sufficient technical-material assurance of the activity of the criminal investigation group;

¹³ ЯБЛЮКОВ, Н. *Op.cit.*, p.200.

¹⁴ OGANESAN, A. Principiile interacțiunii în cadrul cercetării cauzelor penale. În: *Revista Națională de Drept*, 2017, nr.9., p.49.

6. criminalistics insurance aimed at the broad participation of forensic specialists in carrying out tactical operations with the fulfillment, first of all, of the tasks assigned by criminal investigation officers and investigating officers in order to carry out expertise and special investigations, as well as providing the necessary information on forensic evidence¹⁵.

One principle that finds a broad approach in the forensic literature is - the interest of the parties in achieving the goal, the manifestation of the initiative, the timely information of the subjects of the interaction about the data that have become known and that are important for the discovery and investigation of the crime, as well as the keeping of the secret character of the special investigation activity¹⁶.

In the content of paragraph 2.4. there is evidence that the practical importance of respecting the principles of interaction lies in the fact that the failure of criminal justice bodies to achieve the purpose of criminal proceedings is, in some cases, determined by ignorance by participants in criminal proceedings of methods of investigating certain categories of offenses. The lack of experience and the insufficiency of the technical means, but also of their unwillingness to comply in their activity with the standards that underlie their interaction with other institutions.

Chapter 3. Peculiarities of interaction at different stages of the criminal investigation, contains two paragraphs.

In paragraph 3.1. the stages of the interaction in the activity of the criminal investigation bodies are analyzed. This section contains the research of the practical aspects of interaction in the activity of the subjects of criminal investigation and the elaboration of practical solutions, which will significantly increase the quality of procedural procedures, tactical operations, and special investigative measures by implementing the interaction.

Taking into account the nature and purpose of the thesis, we investigated only the most important aspects of the interaction of the criminal investigation body with other institutions at different stages of the criminal process.

This subject was examined through the prism of both organizational and criminal prosecution procedures and actions, related to the different phases of the criminal process. So, the interaction was analyzed starting with the moment of notifying the criminal investigation body about the commission of the crime and consequently starting the criminal investigation, until its completion, drawing up the indictment and sending the criminal case to the competent court.

Further revealing the subject studied, we analyzed the stages of interaction in the investigation of criminal cases.

¹⁵ GHEORHIȚĂ, M. Sistemul de cercetare a criminalității organizate. În: *Revista Națională de Drept*, 2001, nr.4.,p.20.ISSN 1811-0770, p.20.

¹⁶ КОРШУНОВА, О., СТЕПАКОВА, А. *Курс криминалистики*. СПб., Юридический Центр Пресс, 2004, p.494.

In this section of the paper we explained that according to the positive practice of detecting crimes, the interaction can be achieved until the start, during the exercise and after the end of the criminal investigation, including the trial phase depending on the solution adopted in order of art.291 Code of criminal procedure.

We fully supported the opinion of the scientist N. Iablokov, who approaches in the following way the stages of interaction in the investigation of criminal cases, highlighting four stages of this activity:

- the first stage coincides with the phase of starting the criminal investigation and involves, first of all, the administration of the pertinent materials and their verification;
- the second stage coincides with the incipient stage of the criminal investigation;
- the third stage coincides with the stage of the criminal investigation, when the accusation of the accused is submitted; the person is interrogated as an accused; the arguments of the accused are verified; additional samples are collected;
- the fourth stage coincides with the end of the criminal investigation¹⁷.

Analyzing the procedural tasks that appear before the criminal investigation body from the moment of notification about the commission of the crime and until the beginning of the criminal investigation, we conclude that, the need for interaction appears in different situations.

First of all, the organization and conduct of investigations from the moment of receiving the information about the commission of the crime without the suspect. The initiative in organizing the interaction comes from the guard unit of the subdivision of the internal affairs body. Namely the task force, which travels on the spot, appears as the primary form of interaction.

It usually includes the criminal investigation officer, the investigating officers, the forensic specialist, the forensic doctor and, if necessary, the dog kennel with the police dog. Their primary task is the qualitative investigation of the crime scene, the prompt use of the data obtained in order to identify and detain the person who committed the crime.

Moreover, if the role of the prosecutor as head of the criminal investigation appears from the moment it begins, then until the adoption of the solution in the order of art.274 Code of Criminal Procedure, the criminal investigation officer enjoys full autonomy.

However, this rule does not exclude the possibility of the criminal investigation officer to coordinate certain procedural activities with the prosecutor responsible in the field in exercising controls on compliance with legal provisions by police officers at the stage of registration and examination of notifications of crimes and other incidents.

¹⁷ ЯБЛОКОВ, Н. *Op.cit.*, p.201.

The performance of the work of law enforcement bodies can be seen as being achieved at an appropriate level only when the investigation of the crime takes place with complex, rational use and in strict accordance with the law of available means and resources of intellectual, professional and technical-material¹⁸.

The prosecutor must thoroughly verify all the factual circumstances found, being aware that in practice there are various issues, including administrative ones, which have a negative impact on the impartial and objective examination of complaints about crimes.

The importance of the prosecutor's interaction with the investigative body is conditioned by a series of objective factors, among which are attested: the unity of purposes, which resides in the fight against crime; lack of administrative and procedural subordination leading to diversion and the directions for carrying out the tasks performed; the total difference in the methods of carrying out the procedural actions and the special measures of investigations, which has a negative effect on the legal terms and the obtained results¹⁹.

Active implementation of crime investigation interaction can increase the degree of responsibility and diligence of the subjects involved in the criminal investigation phase.

The emergence of new forms in the realization of the institutions of the criminal process is related to the permanent development of stable criminal structures, the attack on specific categories of social relations. This fact forces state agents to find ways to control antisocial phenomena. In this sense, borrowing good practices from other jurisdictions provides many opportunities to maintain order in society, reducing the general state of crime in the state.

In this section of the thesis we presented the proposals of *lex ferenda*, regarding:

1. Completing the content of art.3 of Law no.3 of 25.02.2016 on the Prosecutor's Office with paragraph (8);

2. Completion of the content of art.3 of Law no. 333 of 10.11.2006 on the status of the criminal investigation officer with paragraph (8).

Paragraph 3.2. *Interaction in international legal aid in criminal matters* - contains an in-depth analysis of the practical ways to interact in criminal case research, using both the classic ways of legal aid in criminal matters and non-procedural forms of interaction between subjects in different jurisdictions.

¹⁸ OGANESEAN, A. Baza normativă a interacțiunii în cercetarea infracțiunilor. În: *Revista Institutului Național al Justiției*, 2018, nr.3, p.17.

¹⁹ OGANESEAN, A. Взаимодействие процессуальных субъектов при расследовании уголовных дел. В: *Актуальные научные исследования в современном мире*, 2020. Украина, Переяслав, No.11(7), с.177.

The spread of organized crime abroad has led governments to actively cooperate in identifying criminal manifestations and the best ways to combat them with the involvement of all available resources and reserves to varying degrees by states.

Interaction as a form of international legal assistance in criminal matters is widely implemented both in the context of the administration of evidence related to criminal cases, which have as object of investigation especially the acts committed on the territory of national jurisdictions, and global criminal manifestations, especially in the field of illicit trafficking. drugs, human beings, weapons, money laundering, smuggling, terrorist financing.

Arguing the importance of interaction as a form of international legal assistance, we supported the conclusion of the author P. Albu as, states must strive, when justified, to create special research cells and equip them for in-depth knowledge of structural features and methods of functioning of organized criminal groups. States must also strive to provide training and resources to the members of these cells necessary, so that they can focus their efforts on gathering and analyzing information on transnational organized crime²⁰.

Based on the above, we conclude that prosecutors need to be constantly trained on the importance of implementing international mechanisms in the field of conducting effective investigations, which meet the requirements enshrined in international standards. In carrying out the tasks stipulated in national law, procedural subjects must use all the means provided by the regulatory framework in order to guarantee respect for the rights and freedoms of litigants in the context of the procedures approached.

In this regard, it is necessary to organize and carry out effective measures to raise the level of professional training of prosecuting officers and investigating officers on the whole dimension of the criminal process related to international legal assistance in criminal matters.

Only the correct and efficient capitalization of the potential of the employed personnel can generate the obtaining of remarkable results and create, as a whole, an impeccable image of the law enforcement bodies.

In this section of the thesis we demonstrated that the interaction as a form of international legal assistance in criminal matters is widely implemented both in the context of the administration of evidence related to criminal cases, which have as object of investigation especially acts committed in concrete states and global criminal manifestations, especially in the field of illicit drug trafficking, human beings, weapons, money laundering, smuggling, terrorist financing.

²⁰ ALBU, P. *Crima organizată în perioada de tranziție – o amenințare majoră la adresa securității internaționale*. București: Editura Ministerului Internelor și reformei administrative, 2007, p.373.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

Currently, the interaction of procedural subjects in the investigation of crimes must become a stable instrument of cooperation. The interaction is carried out according to the standards established by the European Convention for the Protection of Human Rights and Fundamental Freedoms and the national ones.

Although the institution of interaction in the investigation of criminal cases refers to the general theses of forensic tactics, only some principles, methods and mechanisms of this activity are found in criminal procedure law, special investigation theory, forensic medicine, forensic theory, forensic psychology, criminology, etc., which positions it as a multidisciplinary institution. Respecting the basic principles of interaction in criminal prosecution, procedural subjects contribute to achieving the purpose of criminal proceedings.

Following the investigation, the *following results were obtained*:

- analysis of existing doctrinal concepts and theses in the literature in the country and abroad regarding the institution of interaction of the subjects of the criminal process;
- analysis of the normative framework for establishing the content of the concept of the interaction of the procedural subjects within the investigation of criminal cases;
- studying the practice of criminal investigation bodies in the field of interaction with other institutions in the investigation of criminal cases;
- identifying the practical way of carrying out the interaction in relation to the legislation in force and the forensic recommendations;
- the scientific substantiation of the legal nature of the interaction and the display of the reasons for its application;
- systematization of the objective premises of the application of the interaction at the preliminary stage and within the investigation of the criminal case;
- research and specification of the national procedural norms that regulate the interaction of the procedural subjects in aspect compared to the positive practice of the criminal investigation bodies for the investigation of different categories of crimes;
- classification of stages, procedural and tactical-organizational forms of interaction;
- establishing the perspectives and ways to improve the interaction by formulating the recommendations of *lex ferenda*.

Carrying out an analysis of the issues regarding the essence, purpose, mandatory conditions, stages and particularities of the interaction of procedural subjects in the investigation of criminal cases in relation to the national and international normative framework, forensic science recommendations, the *following conclusions* were formulated:

1. At the current stage in the local doctrine, there are no fundamental researches that would have as object of study the institution of the interaction of the procedural subjects within the criminal investigation;

2. The doctrinal approach of the notion, object, tasks, conditions and particularities of the interaction presents a complex theoretical-practical subject;

3. For the national doctrine, it is particularly current to determine and finalize the procedural-criminal and tactical-criminalistic aspects of the institution of interaction as an effective tool for carrying out the tasks of the criminal process;

4. The interaction can be defined as the procedural activity and forensic tactics based on the legislation in force and the normative acts of departmental or interdepartmental order coordinated by the subjects of this activity according to the formulated tasks, place and time of accomplishment;

5. The given activity is carried out with a strict delimitation of the competences of the respective subjects and contributes to the correct investigation of the criminal cases (the circumstances of committing serious, particularly serious and exceptionally serious crimes, the identification and detention of perpetrators, etc.), and is aimed at preventing and combating crime in the near future;

6. At present, the procedural-criminal legislation of the Republic of Moldova does not explicitly regulate the concept of the interaction of the criminal investigation body with other bodies, institutions for the investigation of crimes. As a result, the exhaustive normative basis of the institution of interaction is not established;

7. The profile legislation stipulating the activity of the criminal investigation body immediately requires changes regarding the regulation of the interaction of this subject with other bodies, institutions;

8. In the context of the reform of the criminal justice sector, we consider that the local criminal procedural legislation requires the implementation and adjustment of some essential transformations, imposed, first of all, by the criminogenic situation that exists in the country. Secondly, this state of affairs requires the strict improvement of the normative framework regarding the interaction of the procedural subjects in the investigation and examination of criminal cases;

9. At the moment, although we have a rich doctrinal patrimony in the field of criminology and criminal procedure, the achievements of these sciences aimed at defining and approaching the concept of interaction are not unitary and definitive, they refer only to general theses, without taking the form of a fundamental study;

10. The theoretical novelty proposed in this thesis refers, first of all, to the legal regulation of the institution of interaction, the unitary systematization of the standards for the realization of the interaction within the criminal process;

11. One of the positive premises of the interaction follows from the principle of the lack of mutual subordination of the criminal investigation bodies and special investigation bodies, each of them exercising different attributions, using different legal methods and procedures, tactical-organizational combinations, which only cumulatively lead to crime discovery;

12. Strict observance of the principles of interaction is an inevitable solution in the context of gaps, the elimination of conflict situations that have a negative impact on the performance of the tasks of the criminal process;

13. The criminal procedural legislation does not explicitly regulate the concept of interaction in the investigation of criminal cases, but the departmental normative framework denotes its obligatory character in cases of serious, particularly and exceptionally serious crimes;

14. In the activity of some procedural subjects there is still the practice of unnecessary realization of the forms of interaction by them, by addressing the requests, indications, without concrete purpose on the investigated case;

15. The legislator does not stipulate the limits of the interaction and does not regulate the obligation of the criminal investigation body to appeal to this institution. The use of this institution by the subjects

procedural investigation into criminal cases is an optional measure, which can be carried out at the discretion of the criminal investigation body only in certain cases;

16. The legislation governing the activity of the investigating officer shall regulate his rights and obligations in his interaction with other bodies. The procedural regulation of the status of the investigating officer will increase the degree of responsibility of this subject in equal measure with the criminal investigation officer;

17. Art.4 paragraph (4) of Law no.333 of 10.11.2006 on the status of the criminal investigation officer contradicts art.1 paragraph (2) of the same law, does not correspond to the legal rigors provided by art.253 paragraph (1) Code of Criminal Procedure, and under the prism of the general rule stipulated in art. 2 paragraph (4) Code of Criminal Procedure, the non-compliance of this norm with the provisions of the criminal procedural law shall be attested;

18. It is necessary to adjust the provisions of the departmental and interdepartmental acts that regulate to some extent the interaction with other bodies, to the provisions of the legislation in force, the corresponding international agreements and treaties, as well as to the advantageous practice regarding the use of the institution of interaction. criminal;

19. The provisions of the Interdepartmental Order of the Prosecutor General, the Minister of Internal Affairs, the Director of the National Anticorruption Center and the Director General of the Customs Service no. 121/254 / 286-0 / 95 of July 18, 2008 are obsolete and do not meet the requirements of the Republic of Moldova. therefore, it is necessary to adjust it to the content of the Code of Criminal Procedure and Law no. 59 of 29.03.2012 on the special activity of investigations;

20. The establishment of the mechanism for training criminal investigation officers in preliminary investigations, which precedes the registration of the notification of crimes, presents a first stage of the interaction of procedural subjects, which contributes to the qualitative administration of evidence, preservation of evidence;

21. Intensify the control of the prosecutor's office over the activity of the investigative and other investigative bodies, by verifying the way of examining the information about crimes, the objective and justified assessment of the data recorded in the reports of the workers of these bodies and establishing a permanent control mechanism. special investigation and search files of persons is responsible for verifying compliance with the law by the investigative and special investigation bodies.

The current scientific problem solved is to conceptualize the institution of interaction of procedural subjects in the investigation of criminal cases, based on the results obtained from the investigation, with the identification of imperfections in the regulatory framework in this area, respectively and to ensure the active use of interaction in the investigation of criminal cases, which establishes the perspectives and ways to improve and streamline the given institution.

In order to improve the normative framework that regulates the institution and to eliminate the established problems, in order to create the normative premises for the uniform and efficient application of the interaction by the procedural subjects to the investigation of criminal cases, the following proposals of lege ferenda were formulated:

1. Completing the content of Article 254 of the Code of Criminal Procedure by introducing paragraph (3) which will have the following content: “Criminal investigation bodies carry out their activity, interacting with investigative bodies and other procedural subjects, respecting the principle of legality, rights and the fundamental freedoms of man, with the strict delimitation of the attributions of each one, in the conditions of independence in choosing the methods and means of accomplishing the tasks incumbent on them according to the law. The investigating officer is personally responsible for the complete execution and within the term established by law of the provisions of the criminal investigation officer, the written instructions or the ordinances of the prosecutor and the conclusions of the court”.

2. Completion of the content of Article 52 paragraph (1) point 10) Code of Criminal Procedure with the phrase "and investigating officers", attributing the following content: "orders the conduct of criminal prosecution by a group of prosecuting officers and investigating officers".

3. Repeal of paragraph (4) of art.4 of Law no. 333 of 10.11.2006 on the status of the criminal investigation officer, for the reasons indicated above.

4. Completing the content of art.3 of Law no.3 of 25.02.2016 on the Prosecutor's Office with paragraph 8 in the following wording: "In his activity, the prosecutor interacts on his own initiative with criminal prosecution bodies and other responsible state authorities or international institutions, ensuring the mutual exchange of information and conducting effective investigations in order to promote good practices in the field of criminal justice".

5. Completion of the content of art.3 of Law no.333 of 10.11.2006 on the status of the criminal investigation officer with paragraph 8 in the following formula: "The criminal investigation officer carries out the criminal investigation personally or within the criminal investigation groups, elaborating jointly with bodies carrying out special investigative work investigative versions and procedural action plans, jointly ensuring dynamic and effective interaction with other bodies, based on the principles of independence and strict delimitation of the competences of each subject, actively contributing to multilateral and objective investigation of wrongdoing, unmasking in time of the persons involved in their commission and their liability according to the law".

6. Full review of the content of the Interdepartmental Order of the Prosecutor General, the Minister of Internal Affairs, the Director of the National Anticorruption Center and the Director General of the Customs Service no.121/254/ 86-0/95 of July 18, 2008, adjusting it to the criminal procedural legislation, by:

- the amendment of point 20) of the Instruction on how to receive, register, record and examine notifications and other information about crimes, attributing the following content: "the term for examining notifications related to crimes is regulated by criminal procedural legislation. The head of the criminal investigation body ensures the observance of the reasonable term at their examination, establishing, depending on the complexity of the case, by resolution, fixed terms, which can be extended motivated. In case of ordering the solution provided by art.274 paragraph (4) of the Criminal Procedure Code, the head of the criminal investigation body ensures the submission to the prosecutor of the documents drawn up with the proposal not to start the criminal investigation at least 5 days before the expiration of the term specified in paragraph (1)";

- the replacement in the content of point 25) of the nominated Instruction of the phrase "Law on the operative activity of investigations" with the name "Law no. 59 of 29.03.2012 on the special activity of investigations and other organic laws";

- the amendment of point 27) of the Instruction referred to above in the following formula: “the term for examining other information about crimes and incidents, complaints and anonymous denunciations, which requires an additional control, is 30 days. The head of the respective body ensures the observance of the reasonable term at their examination, establishing, depending on the complexity of the case, by resolution, fixed terms, which can be extended motivated. In exceptional cases, when the object of the examination is of increased complexity and its research requires interaction with other bodies, the head of that body may set a longer period for the completion of investigations, which shall not exceed 60 days”;

- the introduction of paragraph (6) in point 25) of the analyzed Instruction, having the following content: “the collaborator of the body examining other information about crimes conducts investigations, interacting with the criminal investigation bodies created within State, Prosecutor's Office, specialists from different fields, state control bodies, other public institutions and private entities”;

- the completion of point 40) with paragraph (6) which will instruct the head of the criminal investigation body to ensure weekly the presentation to the prosecutor of the data regarding the registration and full evidence of the notifications and other information regarding the crimes;

- the introduction of a new point 47) which will expressly stipulate that the MIA bodies transmit daily to the responsible prosecutor the operative summaries, at the same time, ensuring the access to the Registers provided by this Instruction and the special nomenclature files.

The *implementation of the recommendations* submitted in the paper has a number of advantages, such as:

- improving the normative framework regarding the institution of the interaction of procedural subjects in the investigation of criminal cases;

- finalizing the local doctrinal content of the interaction and removing the difficulties of interpreting it;

- the significant reduction of the problems in the practical activity of the criminal investigation and special investigation bodies at the interaction compartment, as the improved normative framework will exhaustively regulate the institution of the interaction of the procedural subjects;

- streamlining the investigation of criminal cases by actively using the interaction of the respective subjects;

The *perspective research plan* on the topic of the paper derives from the results obtained from the study conducted on the occasion of the elaboration of the thesis given by the doctor of law. The following can be cataloged here:

- conducting in-depth statistical research on the share of criminal cases in which the interaction of procedural subjects was used in the investigation of criminal cases, its forms, terms and results obtained;
- deepening the research in terms of knowledge of the existing doctrines in the developed countries of the institution of interaction;
- analysis of the advantageous practice of using the institution of interaction in other states;
- research and determination of directions and non-procedural forms of interaction of procedural subjects in the investigation of criminal cases.

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ADNOTARE

OGANESEAN Armen. „Interacțiunea subiecților procesuali în cadrul cercetării cauzelor penale”. Teză de doctor în drept. Școala Doctorală Științe Juridice a Universității de Stat din Moldova. Chișinău, 2021.

Structura tezei: introducere, trei capitole, concluzii generale și recomandări, bibliografie din 225 de titluri, 164 de pagini text de bază. Rezultatele obținute sunt publicate în 16 lucrări științifice.

Cuvinte-cheie: interacțiune, cooperare, cercetare, organ de urmărire penală, ofițer de investigații, proces penal, procuror, activitatea specială de investigație.

Domeniul cercetării: Drept procesual penal.Criminalistică.

Scopul și obiectivele lucrării: scopul tezei este realizarea unei cercetări multiaspectuale sub aspect teoretico-normativ cu evaluarea eficienței practice a prevederilor doctrinare și reglementării legislative a instituției interacțiunii.

Pentru atingerea scopului propus au fost trasate următoarele obiective: analiza conceptelor și tezelor doctrinare existente în literatura de specialitate din țară și de peste hotare referitor la instituția interacțiunii; analiza cadrului normativ pentru stabilirea conținutului conceptului interacțiunii subiecților procesuali în cadrul cercetării cauzelor penale; studierea practicii organelor de urmărire penală în domeniul interacțiunii cu alte instituții în cadrul cercetării cauzelor penale; identificarea modului de realizare practică a interacțiunii în raport cu legislația în vigoare și recomandările criminalistice; fundamentarea științifică a naturii juridice a interacțiunii și etalarea raționamentelor de aplicare a acesteia; sistematizarea premiselor obiective ale aplicării interacțiunii la etapa premergătoare și în cadrul cercetării cauzei penale; cercetarea și precizarea normelor procesuale naționale în aspect comparat cu standardele cuprinse în practica pozitivă a organelor de urmărire penală; clasificarea inedită a etapelor, formelor procesuale și tactico-organizatorice ale interacțiunii; stabilirea perspectivelor și căilor de perfecționare a interacțiunii prin formularea recomandărilor *de lege ferenda*.

Noutatea și originalitatea științifică: pentru prima dată prin studiul efectuat a fost realizată o cercetare complexă a aspectelor teoretico-legislative ale problemei interacțiunii. În lucrare sunt formulate concluzii și recomandări care pot constitui un fundament științific pentru modificări legislative, fiind elaborate direcțiile noi aferente dezvoltării instituției urmăririi penale și tacticii criminalistice în raport cu elementele funcționale ale interacțiunii subiecților procesuali.

Rezultatele obținute vor contribui la soluționarea unei probleme științifice importante: definitivarea conceptuală a ideilor științifice și rezolvarea complexă a problemelor interacțiunii tuturor organelor de drept în cadrul cercetării infracțiunilor, fiind evidențiate toate aspectele de ordin procesual-penal aferente acestei instituții, ceea ce determină utilitatea practică a acestei activități în cadrul activității organelor de drept în Republica Moldova.

Semnificația teoretică a tezei: rezidă într-un studiu amplu a celor mai importante probleme de ordin normativ, doctrinar și practic ale interacțiunii în cadrul cercetării infracțiunilor. De asemenea, studiul efectuat constituie un imbold pentru noi cercetări în domeniul nominalizat.

Valoarea aplicativă a tezei: totalitatea concluziilor, observațiilor și propunerilor formulate în urma studiului realizat este de o utilitate distinctă pentru reprezentanții organelor de drept din Republica Moldova, fiind menite să eficientizeze activitatea zilnică a acestora la investigarea infracțiunilor, în anumite cazuri apelând la instituția interacțiunii.

ANNOTATION

OGANESEAN Armen. „Interaction of procedural subjects regarding criminal matters investigation”. PhD thesis in law. Doctoral School of Law Science from Moldova State University. Chisinau, 2021.

The structure of thesis: introduction, three chapters, general conclusions and recommendations, bibliography of 225 titles, 164 pages of basic text. The results obtained during the scientific research were published in 16 papers.

Key-words: interaction, cooperation, criminal proceeding, criminal investigation body of law, investigator, prosecution, prosecutor, special investigation measures.

Research field: Criminal procedure law. Criminalistics.

Thesis purposes and objectives: the main thesis purpose is realization of complex investigation in the legal and theoretical field, both evaluation of practical efficiency of doctrinal recommendations and legal norms regarding interaction institution.

PhD thesis regardssuch objectives as: investigation of theoretical concepts, examination of interaction between different law enforcement units; its significance and practical applicability in criminal proceedings; study of legislation and international acts in this sphere; definition and identification of knowledge, in the field of interaction during the crime investigations, which can bring for practitioners a deep understanding of practical aspects of activity of other bodies of law and enhance cooperation in their practice; analyse of law gaps and identification of proposals regarding practical interaction improvement. The main objectives of thesis also are: to define the interaction regarding crimes investigation concept; to determine principles, mechanisms, general and special conditions of interaction, to investigate importance of the interaction in national criminal procedure; to establish the concept of interaction in criminal proceedings; to analyze the dynamics and practical conditions of its application; to determine the peculiarities of interaction application by different participants of criminal proceedings; to elaborate practical recommendations and *lex ferenda* proposals which could be useful for justice sector.

The scientific novelty and originality of research: for the first time by that research we realised a study of theoretical and legislative aspects of interaction regarding crimes investigation problem. IThe thesis contains conclusions and recommendations which can provide a scientific basis for legislative reforms. PhD thesis contribute for development of national crime’s investigations activity and practical criminalistic’s institutions in accordance to interaction of procedural subjects.

The results which will contribute to resolution of an important scientific problem: conceptual definition of scientific problems and major solutions of interactions issues of all bodies of law and special enforcement units regarding crimes investigation, was realized during research in combination with analyse of legal aspects of this activity. It is of an invaluable practical importance for law units from the Republic of Moldova.

Theoretical significance of the thesis: this thesis studies most important legal, doctrinal and practical problems within interaction regarding crimes investigation. Also, the study is an important theoretical source for practical activity and a ground for new studies in the sphere of efficient investigations in criminal proceedings.

Applied value of the thesis: all conclusions and recommendations realized during the research and confirmed in the thesis represents a major value for practitioners who have to deal with crimes investigation in the Republic of Moldova. It should make their activity more efficient in the criminal matters prosecution sphere.

АННОТАЦИЯ

ОГАНЕСЯН Армен. „Взаимодействие процессуальных субъектов при расследовании уголовных дел”. Диссертация на соискание учёной степени доктор права. Докторская Школа Юридических Наук Молдавского Государственного Университета. Кишинэу, 2021.

Структура диссертации: введение, три главы, 164 страниц основного текста, общие выводы и рекомендации, библиография из 225 наименований. Полученные результаты опубликованы в 16 научных работах.

Ключевые слова: взаимодействие, сотрудничество, следствие, орган следствия, розыскной офицер, уголовный процесс, прокурор, розыскная деятельность.

Предмет исследования: Уголовно-процессуальное право. Криминалистика.

Цель и задачи исследования: глубокое изучение самых актуальных теоретико-практических вопросов взаимодействия, разработка научно обоснованных рекомендаций по практике расследования преступлений и предложений по реформированию законодательства.

Для решение поставленной цели были выдвинуты следующие задачи: изучение научных исследований и работ по вопросу взаимодействия; анализ процесса взаимодействия структур осуществляющих следственную деятельность; определение концепции данного института с формулированием предложений по улучшению законодательства; определение перспективы и путей совершенствования взаимодействия правоохранительных органов и прокуратуры путём анализа законодательства; обозначение тактики определённых следственных действий, теоретическое обоснование процесса организации расследования для разработки эффективных правовых и организационных мер и рекомендаций по организационно-тактическим принципам следственных мероприятий с целью оптимизации и улучшения функционирования системы правосудия в целом.

Новизна и научная оригинальность: впервые произведено глубокое практическое изучение проблемы, анализ теоретических источников, способствующих определению в научной работе новых направлений развития института взаимодействия, включая правовую базу, криминалистическую тактику и основы взаимодействия правоохранительных органов для эффективного расследования преступлений.

Полученные результаты способствуют решению важнейшей научной проблемы: концептуальные идеи и способы комплексного решения проблемы взаимодействия всех правовых структур, на основании криминалистической науки и уголовно-процессуальном праве, проверенные на практике, способствующие эффективной деятельности правоохранительных служб Республики Молдова при раскрытии преступлений.

Теоретическая значимость: был произведён комплексный анализ взаимодействия правоохранительных органов при выявлении и расследовании преступлений. Новейшее исследование является первостепенным для новых разработок в указанной сфере.

Прикладная ценность: выводы и предложения исследования, приведенные в работе, предназначены для использования в практической деятельности при организации повседневного взаимодействия всех правоохранительных структур Республики Молдова по расследованию преступлений.

OGANESEAN, Armen

**INTERACTION OF PROCEDURAL SUBJECTS REGARDING
CRIMES INVESTIGATION**

SPECIALITY 554.04 – CRIMINALISTICS, FORENSTIC SCIENCE, SPECIAL
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