

DOI 10.36074/20.11.2020.v4.07

## TASKS OF CRIMINALISTIC SCIENCE IN THE FIELD OF ENSURING BUSINESS SECURITY

---

ORCID ID: 0000-0001-8058-3071

Viktor Shevchuk

Honored Lawyer of Ukraine,  
Doctor of Legal Sciences, Professor, Professor of Criminalistics  
Yaroslav Mudryi National Law University

UKRAINE

---

**Abstract.** *Current problems of criminalistic security of business and entrepreneurial activity as a new direction in criminalistics are studied. It is noted that in today's realities there is a need for the formation and development of the theory of criminalistic security of entrepreneurial activity and business, an integral part of which is criminalistic information security. It's substantiated that the question of the need to solve the problems of criminalistics in the field of protection of business from illegal criminal prosecution, which are quite relevant and need to be addressed as soon as possible, is quite acute. The most relevant areas of criminalistic business security, which will determine the need for further research in this area of knowledge.*

**Formulation of the problem.** Today, the problems of ensuring the safety of entrepreneurial activity and business in the legal literature is given special attention, because the state of security in doing business is a vital condition for the normal operation of any business entity, regardless of its form of ownership. The urgency of the study of this issue is due primarily to the needs of practice in the field of business protection and finds expression both in the practical implementation of business objects of technical and organizational measures aimed at ensuring the safety of their work, and in developing theoretical and methodological justifications areas of knowledge and practical recommendations [1; 2; 3]. Recently, a number of studies have been conducted on this issue [4; 5; 6], in this regard, we can talk about the emergence of a new doctrine - the criminalistic theory of security of entrepreneurial activity and business, which has its own subject, principles, tasks, objects and a pronounced applied nature. We are talking about the application of criminalistic knowledge outside the criminal process, which is formed within the subject of criminalistics in terms of developing preventive measures and is considered as one of the areas of criminalistic prevention [7; 8]. Therefore, today the development of problems of criminalistic security of entrepreneurial business in Ukraine is one of the priorities of criminalistics and the urgent need for practice.

**Presenting main material.** Recently, the doctrine of criminalistics has been widely discussed about the possibility of going beyond the traditional ideas about the subject of this science and in what form it should happen [9; 10; 11]. Today, the question is debatable: should we talk about replenishing the system of certain criminalistic theories with new ones, in particular, through the creative use of the achievements of basic and applied sciences. In addition, the issue of the need to develop ways and forms of using criminalistic tools, techniques and methods in civil, administrative and arbitration proceedings, that is to say "the actual criminalistics in law enforcement" or the further expansion of the application of criminalistic knowledge, going beyond the judiciary and raising the question of the application of

---

criminalistic knowledge in various types of legal activity.

The current state and trends in the development of criminalistic knowledge in today's realities require the expansion of the study of criminalistics and its further development taking into account changes in criminal procedure legislation and the transformation of modern crime. At the same time, in this case, in our opinion, it is necessary to take into account the remarks of V.A. Zhuravel, who notes that indeed, in recent years the scope of criminalistic knowledge has expanded significantly and now is not limited to criminal offenses, but extends to public relations legal regulation. But the scope of certain criminalistic knowledge (tools, techniques, recommendations) and the subject of research in criminalistic science - are different things, between them can not be equated and on this basis to argue that criminalistics examines the patterns of information about any legal phenomenon in society. Criminalistics still has a dual object of study - criminal activity and its consequences and activities for the detection and investigation of criminal offenses, the trial of criminal proceedings (cases) [12, c. 228].

In our opinion, it is necessary to be quite careful in expanding the scope of criminalistics, taking into account its subject and object. Therefore, the improvement of the system and structure of criminalistics should be carried out taking into account the existing scientific paradigms regarding its subject and object, as the system of science is in some way structured knowledge about the subject and object they study. It is obvious that the main role in law enforcement is played by knowledge of the relevant norms and branches of law. However, as evidenced by the practice of law enforcement, it is essential to know the possibilities of other legal non-branch sciences, which develop modern technologies for finding and working with any legal facts, in particular, such a science is criminalistics, which in contrast to legal sciences, studying certain branches of law and certain types of legal relations, criminalistics considers the investigation of the event as a holistic system, covering its substantive, procedural and factual nature and requires for its analysis the use of the fullness of general and specialized scientific knowledge [13; 14; 15].

Today, criminalistics has a fairly large arsenal of technical means, tactics and guidelines needed for quality investigation and prevention of criminal and other offenses and, moreover, that can be applied in judicial and legal practice, as well as in activities that is outside the scope of direct proceedings. Criminalistics develops tools, techniques and methods for detecting, terminating, disclosing and investigating criminal and other offenses both within criminal and other types of proceedings and outside them, including various types of legal practices. The process of formalizing evidentiary information is currently underway [16], which applies not only to criminal proceedings, but is aimed at continuous improvement of the arsenal of criminalistic technologies to work with any legally relevant information, the possibilities of criminalistics in law enforcement have increased even more [17; 18], including business security.

It's worth noting that the tasks of modern criminalistics are constantly changing under the influence of various circumstances, global threats, information influences and various epidemics. Philosophy and ideology of criminalistics, founded in his time by G. Gross [19, c. 8], represents an ideal model for solving all basic problems of law enforcement: collection and use of various sources of information (technology), analysis of the interaction of business entities (tactics), organization and management of processes and strategies, investigations (methods). The founder of criminalistics drew attention to the practical value of scientific developments and their applied nature.

Criminalistics doctrine has repeatedly raised the question of criminalistic

---

scientists to expand the application of criminalistic knowledge, justify the application of criminalistic methods in various legal fields, in particular, in the judiciary in criminal and civil, administrative and arbitration proceedings, and advocacy, notary, etc. Moreover, the modern development of criminalistics provides opportunities to use its knowledge not only in the field of justice, but also its tools and methods have been in demand in various spheres of life and activity that are far from the administration of justice [20; 21; 22]. Therefore, today criminalistics is a developed field of knowledge, which has a huge arsenal of technical, tactical and methodological tools of investigation and trial, which can form theories and teachings that can be widely used in the judiciary and in general in various fields of human activity.

In modern conditions, with the development of market relations, the bases of application of methods and means of criminalistics, the function of which is purely preventive, are becoming in great demand. Their purpose is to assist in complying with legal requirements in various judicial and non-judicial spheres of public relations, such as business security and entrepreneurial activities. Criminalistics today should focus on servicing the professional activities of specialists in various legal and other professions. Identification, consolidation, research and evaluation of evidence and other indicative (auxiliary) information in other (non-criminal) proceedings, as well as in the field of business security inevitably requires and will require the use of criminalistic tools and modern criminalistic capabilities.

Today it's obvious that doing business is often dangerous for the life, health and financial situation of participants in this activity. Entrepreneur, the activities of his company (firm), property are exposed to constant danger from both traditional (ordinary) threats, and especially intensified in modern conditions of organized crime. The presence of various risks and threats in such activities is several orders of magnitude greater than in other activities, as it is often accompanied by pressure from law enforcement, crime, various threats, terrorist acts, accidents, conflicts, often leading to financial, material, information losses and deaths.

In addition to this, in the world and in business there is a constant information struggle, which is conducted both openly and secretly. Such a struggle is waged between states, enterprises and firms for zones of influence, for markets, for property, for the protection of their own interests, etc. And in this struggle are widely used methods and means of information confrontation and counteraction [23; 24]. Today, almost every large company (firm) collects information about its competitors, partners and contractors and at the same time is the object of close study by private intelligence services.

In view of the above, today among the priority tasks of criminalistics are of particular importance the problems of application of criminalistic knowledge in the field of business security, which necessitates special training of highly professional lawyers in this field of knowledge. There is an urgent need to teach students (students, cadets) the basics of such counteraction, while using special criminalistic techniques, tools and methods. To solve such problems, it is necessary to offer appropriate special programs, on the basis of which appropriate special courses are developed. For example, on the basis of a master's program to carry out training on "Criminalistic security of entrepreneurial business and activity"

In this regard, promising areas of research and possible special courses for masters of law may be: "Technical and criminalistic means of information protection"; "Criminalistic tools and methods of counteracting raider seizures"; "Criminalistic security of document circulation"; "Criminalistic staffing"; "Criminalistic support of business intelligence"; "Criminalistic support of internal investigations"; "Tactics of

negotiating with the counterparty"; "Criminalistic support for the organization of computer security of business structures"; "Tactics of interaction of business structures with law enforcement and regulatory authorities"; "Tactics of protection against illegal actions of government officials"; "Domestic and foreign experience in protecting business from illegal actions".

These topics can be promising areas of research in criminalistics, the main purpose of which is to develop and form a system of knowledge, skills and abilities to provide criminalistic tools and methods of protection and successful business and entrepreneurial activity. For example, in the *field of property security of business structures*, criminalistics develops and applies systems of dactyloscopic and biometric identification, video surveillance, sound recording; methods of internal review and methods of protection against various types of internal fraud (misappropriation of money, theft of cash, securities, abuse of power); provides information retrieval and analytical activities in the conduct of business intelligence, including measures to protect against industrial espionage.

*Criminalistic support of information security* should include protection of communications, information processing facilities; issues of detection, prevention and cessation of encroachments in the field of information constituting a trade secret from leaks through technical channels; main directions of information systems protection; data protection on paper, where it is necessary to present such aspects of criminalistic document science as forgery of document details both in traditional ways and with the use of modern computer technologies, and ways of its recognition; means and technologies of protection of requisites of documents against forgery (signatures, seals, letterhead, etc.) and ways of their improvement; document flow (regulatory support and requirements to it, features of work with confidential documents).

Of particular importance in modern conditions is the *criminalistic security of work with personnel*, which includes the study of the procedure for checking the candidate for the position; tactics of interviewing him when hiring, the use of a polygraph to determine the reliability of persons selected for work, etc. As practice shows, one of the significant risk factors in ensuring the economic security of business structures is their staff. Therefore, the means and methods of criminalistic crime prevention in these areas should be widely used.

Of particular importance for the protection of business is the conduct of internal investigations of conflict situations in the enterprise, the company, which is usually carried out on their own, and the features of their conduct based on methods of investigating crimes against property (theft, fraud, abuse of power, etc.) [25; 26; 27; 28]. As we can see, there is a fact of borrowing tools and methods studied and created by one science - criminalistics, which are widely used in other areas of "illegal" practice. It is seen that along with the borrowing and adaptation of such criminalistic knowledge should be their theoretical understanding, generalization and adaptation to certain realities, which allows us to talk about the formation of a new scientific direction in criminalistics, related to business law, economics, on the one hand and criminalistics - on the other [29; 30]. Criminalistics, in turn, expands its scope, extending to business and in general to the non-judicial sphere of public relations, thereby enriching with new knowledge.

**Conclusions.** In view of the above, in our opinion, in today's realities the following areas are of particular importance: 1) the task of criminalistics in the field of business security and business, protection from criminal prosecution, needs a solution as soon as possible; 2) one of the important areas of such activities is

criminalistic security of property of business structures and protection against industrial espionage, which involves the use of dactyloscopic and biometric identification, video surveillance, sound recording, information retrieval and analytical activities; 33) there is a need to develop theoretical and applied foundations for the use of criminalistic knowledge is inextricably linked with criminalistic document science, which is expressed in the use of various means of protecting documents from forgery and thus provides one of the important aspects of information security of entrepreneurial activity; 4) theoretical and practical foundations of the situational approach to solving the problems of investigation and trial, developed in criminalistics, can be successfully used in any legal and other law enforcement activities, including in the field of business security (activity); 5) criminalistic security in work with personnel, the main directions of which are the verification of candidates for positions, tactical bases of interviewing candidates when hiring, including the use of polygraph, graphological diagnostics and other areas of advanced research in this field of knowledge, is also gaining special importance taking into account the best domestic and foreign experience and the best world practices.

In modern realities, the theoretical and applied bases of application of methods and means of criminalistics, including the preventive function in the field of business security and entrepreneurial activity, are in great demand [31]. It is seen that their purpose is to assist in compliance with legal requirements in various judicial and non-judicial spheres of public relations, including criminalistic security of business and business in our country, protection from criminal prosecution of entrepreneurs (businessmen), as the problem of combating unjustified criminal prosecution is really quite relevant today and needs to be resolved as soon as possible. Thus, in today's realities, a very promising area of research in criminalistic doctrine now is the need to form and further develop the criminalistic theory of support security entrepreneurial activity and business in Ukraine, part of which is criminalistic information security.

### References:

- [1] Шепітько, В. Ю. (2018). Завдання криміналістики в умовах глобальних загроз та еволюційних перетворень злочинності. *Криміналістика і судовба експертиза: наука, обучение, практика: матеріали науково-практичної конференції Міжнародного конгресу криміналістів* (м. Одеса, 13-15 вересня 2018 р.); у 2 Т. Т.1. Одеса : Юридична література, 14-26.
- [2] Шевчук, В. М. (2020). Актуальні проблеми криміналістики у сучасних умовах. *Korszerű műszerek és algoritmusai tapasztalati és elméleti tudományos kutatási: tudományos művek gyűjteménye a nemzetközi tudományos-gyakorlati konferencia anyagával* (Hang 3), Szeptember 18, 2020. Budapest, Magyarország: Európean Scientific Platforme, 90-96.
- [3] Шевчук, В. М. (2017). Проблеми вдосконалення науково-технічного забезпечення слідчої діяльності. *Питання боротьби зі злочинністю: зб. наук. пр. / ред. кол. : В. І. Борисов та ін. X. (33)*, 108-122.
- [4] Гамза, В. А., Ткачук, І. Б. (2019). Безопасность коммерческого банка: организационно-правовые и криминалистические проблемы : монография — М : Изд-ль Шумилова И И , 2002, 268 с.
- [5] Жижина, М. В. (2016). Криминалистическое обеспечение безопасности предпринимательской деятельности — новое направление в развитии науки (содержание, задачи, принципы, система). *Безопасность бизнеса*,(1), 25-30.
- [6] Шевчук, В. М. (2020). Проблеми криміналістичного забезпечення безпеки підприємницької діяльності та бізнесу. *Scientific Collection «InterConf», (34): with the Proceedings of the 6th International Scientific and Practical Conference «International Forum: Problems and Scientific Solutions»* (November 6-8, 2020) in Melbourne, Australia, 429-441.
- [7] Жижина, М. В., Комиссарова, Я. В., Васильева, О. Н. (2018). Криминалистическое обеспечение безопасности предпринимательской деятельности : научно-практич. пособие. М. : Проспект, 2018. 192 с.
- [8] Шевчук, В. М. (2002). Вопросы криминалистической профилактики преступлений. *Роль и значение*

- деятельности Р.С. Белкина в становлении современной криминалистики: научн.-практич. конф. (к 80-летию со дня рождения Р.С. Белкина). М.: Академия Управления МВД РФ, 2002, 179-186.
- [9] Шевчук, В. М. (2002). Криміналістична профілактика злочинів та її роль у побудові методики розслідування: дискусійні проблеми. *Вісник Академії правових наук України*. № 2 (29), 2002, 173 -180.
- [10] Журавель, В. А. (2004). Деякі проблеми інтеграції та диференціації знань у криміналістиці. *Вісник Національної академії правових наук України*. 2004. № 1 (36), 191–198.
- [11] Шевчук, В. М. (2019). Сучасний стан та тенденції розвитку криміналістики: актуальні проблеми сьогодення. *Проблеми законності*, 146, 234–246.
- [12] Shevchuk, V. (2019). Criminalistic methodology and practical directoin of study. *Scientific ahievements of modern society: abstracts of the 4th International scientific and practical conference*. Cognum Publishing House (December 4-6, 2019). Liverpool, United Kingdom, 932- 939.
- [13] Журавель, В. А. (2013). Міжнаукові зв'язки криміналістики. *Вісник Національної академії правових наук України*. 2013. № 3 (74), 227–237.
- [14] Шевчук, В. М. (2019). Інноваційні напрямки розвитку криміналістики. *Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці* : матеріали міжнар. «круглого столу» (м. Харків, 12 груд. 2019 р.). Харків : Право, 142-147.
- [15] Shevchuk, V. (2020). Innovations in criminalistic and practice of their implementation in law enforcement activity. *Modern science: problems and innovations. Abstracts of the 2nd International scientific and practical conference*. SSPG Publish (May 3-5, 2020). Stockholm, Sweden, 903-913.
- [16] Коновалова, В.О. (2018). Нові тенденції розвитку криміналістики. *Криминалистика и судебная экспертиза: наука, обучение, практика*: матеріали науково-практ. конференції Міжнародного конгресу криміналістів (м. Одеса, 13-15 вересня 2018 р.); у 2 т. Т.1, 55-64.
- [17] Шевчук, В. М. (2013). Проблеми формалізації криміналістичних знань та їх застосування у слідчій діяльності. *Учёные записки Таврического национального университета имени В. И. Вернадского*. Серия: Юридические науки. Т. 26, № 2/2. Симферополь, С. 368-374.
- [18] Шепітько, В. Ю. (2013). Сучасний стан та розвиток криміналістики. *Правова доктрина України*: у 5 т. Х.: Право, 2013. Т. 5: Кримінально-правові науки в Україні: стан, проблеми та шляхи розвитку. 1240 с.
- [19] Шевчук, В. М. (2020). Інноваційні засади криміналістичного забезпечення діяльності органів правопорядку: постановка проблеми. *Paradigmatic view on the concept of world science: Collection of scientific papers «ΛΟΓΟΣ» with Proceedings of the International Scientific Conference (Vol. 2), August 21, 2020*. Toronto, Canada: European Scientific Platform, 139-144. <https://doi.org/10.36074/21.08.2020.v2.51>.
- [20] Gross, H. (1902). *Gesammelte Kriminalistische Aufsätze*. Leipzig: F. C. W. Vogel. Bd. I. 1902. VIII. 432 p.
- [21] Юсупов, В. (2018). Сучасні напрями розвитку криміналістики в Україні. *Підприємництво, господарство і право*, 3, 163.
- [22] Шевчук, В.М. (2020). Інноваційні криміналістичні продукти у правозастосовній діяльності : поняття, ознаки та проблеми впровадження у практику. *Наукові праці Національного університету «Одеська юридична академія»*. Одеса : «Гельветика». Том XXVI, 139-155.
- [23] Shevchuk, V. (2020). Criminalistic innovation: modern problems of formation and prospects for research. *Perspectives of world science and education: abstracts of VIII International Scientific and Practical Conference*. CPN Publishing Group (April 22-24, 2020). Osaka, Japan, 158-168.
- [24] Шепітько, В. Ю. (2012). Криминалистика XXI века: предмет познания, задачи и тенденции в новых условиях. *Современное состояние и развитие криминалистики* : сб. науч. тр. Харьков : Апостиль, 43–45.
- [25] Shevchuk, V. (2020). Innovations in criminalistic technique: problems of creation and application. *Scientific Collection «InterConf», (31): with the Proceedings of the 7th International Scientific and Practical Conference «Science and Practice: Implementation to Modern Society» (October 6-8, 2020)*. Manchester, Great Britain: Peal Press Ltd., 94-104.
- [26] Шевчук, В.М. (2020). Сучасні наукові концепції формування типової структури окремої криміналістичної методики. *Юридичний науковий електронний журнал*. № 4. 2020, 359-365.
- [27] Шевчук, В.М. (2020). Структура окремої криміналістичної методики: сучасні наукові підходи та перспективи досліджень. *Вчені записки Таврійського національного університету імені В. І. Вернадського*. Серія: Юридичні науки. Том 31 (70) № 4. 2020, 5-20.
- [28] Шевчук, В.М. (2020). Проблеми формування та удосконалення окремих криміналістичних методик.

- Challenges in Science of Nowadays: Proceedings of the 5th International Scientific and Practical Conference* (July 16-18, 2020). Washington, USA: EnDeavours Publisher, 2020,117-127.
- [29] Кендзерска, Г. (2013). Меандры криминалистики XXI века. *Криминалистика и судебная экспертиза: наука, обучение, практика*. Ч. II. Vilnius: Charkovas, 45-58.
- [30] Шевчук, В. М. (2020). Криміналістика: традиції, новації, перспективи : добірка наук. пр. / Віктор Шевчук; упоряд.: Н.А. Чмутова. Харків: Право, 2020.1280 с. [http://library.nlu.edu.ua/POLN\\_TEXT/POSIBNIKI\\_2020/Kriminalistika\\_Shevchuk\\_2020.pdf](http://library.nlu.edu.ua/POLN_TEXT/POSIBNIKI_2020/Kriminalistika_Shevchuk_2020.pdf)
- [31] Шепітько, В. Ю. (2019). Інновації в криміналістиці як віддзеркалення розвитку науки. *Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці : матеріали міжнар. «круглого столу»* (Харків, 12 груд. 2019 р.),147–150.

# ΛΟΓΟ



ARTA GÂNDIRII ȘTIINȚIFICE

COLECȚIE DE LUCRĂRI ȘTIINȚIFICE

CU MATERIALE CONFERINȚEI ȘTIINȚIFICE ȘI PRACTICE INTERNAȚIONALE

## MODALITĂȚI CONCEPTUALE DE DEZVOLTARE A ȘTIINȚEI MODERNE

20 NOIEMBRIE 2020 • BUCUREȘTI, ROMÂNIA 

### VOLUMUL 4



DOI 10.36074/20.11.2020.v4  
ISBN 978-606-8274-23-2





EUROPEAN  
SCIENTIFIC  
PLATFORM

# ΛΟΓΟΣ

COLECȚIE DE LUCRĂRI ȘTIINȚIFICE

CU MATERIALE CONFERINȚEI ȘTIINȚIFICE  
ȘI PRACTICE INTERNAȚIONALE

**«MODALITĂȚI CONCEPTUALE DE  
DEZVOLTARE A ȘTIINȚEI MODERNE»**

20 NOIEMBRIE 2020

**VOLUMUL 4**

București • România

E  
S  
P

UDC 001(08)  
M 78

<https://doi.org/10.36074/20.11.2020.v4>



*Șeful al comitetului de organizare: Holdenblat M.*

*Editor: Bilous T.*

*Designer: Bondarenko I.*

**M 78 Modalități conceptuale de dezvoltare a științei moderne:** colecție de lucrări științifice «ΛΟΓΟΣ» cu materiale conferinței științifice și practice internaționale (Vol. 4), 20 noiembrie 2020. București, România: Platforma europeană a științei.

ISBN 978-606-8274-23-2 («PrintXpert», România)

DOI 10.36074/20.11.2020.v4

Lucrările participanților la conferinței științifice și practice internaționale «Modalități conceptuale de dezvoltare a științei moderne», care a avut loc la Budapesta pe 20 noiembrie 2020 sunt prezentate în colecție de lucrări științifice.



*Conferința este inclusă în catalogul Conferințelor științifice internaționale; aprobată de ResearchBib și UKRISTEI (Certificat № 451 din 5 octombrie 2020); este certificată de Euro Science Certification Group (Certificat № 22188 din 24 octombrie 2020).*

*Materiale conferinței sunt disponibile publicului în condiții Creative Commons Attribution 4.0 International License (CC BY 4.0).*



*Descrieri bibliografice ale materiale conferinței sunt indexate în CrossRef, ORCID, Google Scholar, ResearchGate, OpenAIRE și OUCI.*

UDC 001 (08)

© Participanții la această conferință, 2020  
© Colecție de lucrări științifice «ΛΟΓΟΣ», 2020  
© Platforma europeană a științei, 2020

ISBN 978-606-8274-23-2