

DOI: <https://doi.org/10.34069/AI/2024.74.02.23>

How to Cite:

Luhovyi, V., Drozd, V., Hahach, V., Oliinyk, S., & Frantovskyi, Y. (2024). Forensic aspect of international cooperation against transnational criminal groups. *Amazonia Investiga*, 13(74), 276-285. <https://doi.org/10.34069/AI/2024.74.02.23>

## Forensic aspect of international cooperation against transnational criminal groups

### Криміналістичний аспект міжнародного співробітництва в рамках боротьби з транснаціональними організованими злочинними угрупованнями

Received: January 6, 2024

Accepted: February 27, 2024

Written by:

**Luhovyi Viktor<sup>1</sup>** <https://orcid.org/0009-0007-7276-2994>**Drozd Vitalii<sup>2</sup>** <https://orcid.org/0009-0008-9941-9624>**Hahach Vitalii<sup>3</sup>** <https://orcid.org/0009-0000-7933-0712>**Oliinyk Serhii<sup>4</sup>** <https://orcid.org/0009-0001-0466-0853>**Frantovskyi Yevhenii<sup>5</sup>** <https://orcid.org/0009-0007-6966-3135>

#### Abstract

The aim of the article is to study legal regulation and determine the forensic aspect of international cooperation during the investigation of crimes committed by transnational organized criminal groups. Methodology. The following methods were used in the course of the research: dialectical, method of theoretical analysis and synthesis, systemic and structural, formal and logical, comparative and legal method, summarization. Research results. Attention is focused on the fact that international cooperation is a necessary condition for the investigation of certain types of crimes committed by transnational organized groups. The need for all countries of the world to coordinate and improve their legal basis for effective cooperation both in the investigation of criminal offenses and in their prevention is stressed. Practical meaning. It is noted that there are two structural subdivisions in the system of the Ministry of Internal Affairs of Ukraine, which are entrusted with the responsibility of coordinating international cooperation with law enforcement agencies of

#### Анотація

Метою статті є опрацювання правового регулювання та визначення криміналістичного аспекту міжнародного співробітництва під час розслідування злочинів, вчинених транснаціональними організованими злочинними угрупованнями. Методологія. У ході дослідження використовувалися такі методи: діалектичний, метод теоретичного аналізу та синтезу, системно-структурний, формально-логічний, порівняльно-правовий метод, резюмування. Результати дослідження. Акцентовано увагу на тому, що міжнародне співробітництво є необхідною умовою для розслідування окремих видів злочинів, вчинених транснаціональними організованими угрупованнями. Зауважено на необхідності всіх країн світу координувати та вдосконалювати власні нормативно-правові акти для ефективної співпраці як з приводу розслідування кримінальних правопорушень, так і стосовно запобігання їх вчиненню. Практичне значення. Зазначено, що в системі МВС України існує два структурні підрозділи,

<sup>1</sup> Candidate of Legal Sciences, Doctoral Student of the National Academy of Internal Affairs (Kyiv, Ukraine).

<sup>2</sup> Candidate of Legal Sciences, Doctoral Student of the Scientific Institute of Public Law (Kyiv, Ukraine).

<sup>3</sup> Candidate of Legal Sciences, Doctoral Student of the Scientific Institute of Public Law (Kyiv, Ukraine).

<sup>4</sup> Candidate of Legal Sciences, Senior Research Fellow of the Scientific Institute of Public Law (Kyiv, Ukraine).

<sup>5</sup> Candidate of Legal Sciences, Senior Research Fellow of the Scientific Institute of Public Law (Kyiv, Ukraine).



other countries on issues of combating and investigating criminal offenses. Value/originality. Based on the analysis of the cited works, the forms of international cooperation during the investigation of offences committed by transnational organized criminal groups are determined.

**Keywords:** transnational organized criminal group, offenses, crime, international cooperation, investigation.

## Introduction

Recently, crime has become international in nature. Organized criminal groups are increasingly crossing borders, creating analogues of transnational companies engaged in criminal activity. There is a tendency to include Ukrainian organized crime in transnational criminal structures. Therefore, criminal situation in Ukraine has recently been characterized extremely negatively. There is a fairly steady trend towards changing the structure and nature of crime. Its organization is being strengthened, which requires the adoption of urgent legislative and organizational management measures.

International cooperation is a necessary condition for the investigation of certain types of criminal offenses. Crimes committed by transnational organized groups clearly fall under this category, since these groups commit illegal acts in various countries (drug trafficking, sex tourism, terrorism, trade in weapons and ammunition, cybercrime, etc.). All these crimes are characterized by a large spread not only in neighboring States, with which we share a common border, but also within the countries even on other continents. The commission of criminal offenses of a certain category is investigated and regulated by the legal instruments of the respective countries, as well as of international organizations and structures. In view of the above, we need to investigate this issue in connection with the specifics of our research.

One of the main tasks to be solved by science in the indicated direction is the actualization of scientific and methodical support for the fight against crime, increasing its effectiveness by introducing the latest scientific research and best practices into the activities of law enforcement agencies. Therefore, it is necessary to focus on

на які покладено обов'язок щодо координування міжнародного співробітництва з правоохоронними органами інших країн з питань протидії та розслідування кримінальних правопорушень. Цінність/оригінальність. На підставі аналізу наведених праць визначено форми міжнародного співробітництва під час розслідування злочинів, вчинених транснаціональними організованими злочинними угрупованнями.

**Ключові слова:** транснаціональне організоване злочинне угруповання, кримінальні правопорушення, злочин, міжнародне співробітництво, розслідування.

the forensic aspect of this problem. This is because of the forensic profile of organized crime is generally grounded on the data of scientific generalization, which can be laid as a basis for the forensic understanding of the essence and features of organized criminal activity, means, methods and tactics to combat it.

Consequently, the purpose of this article is to study legal regulation and determine the forensic aspect of international cooperation during the investigation of crimes committed by transnational organized criminal groups. Through this analysis, we seek to identify the challenges and opportunities presented by international cooperation in this area, as well as propose recommendations to strengthen it and improve its effectiveness. The results of this study are expected to be useful to researchers, legal professionals and law enforcement officials working to combat transnational organized crime.

## Methodology

The methodological basis for the research is a system of general scientific and special scientific methods and approaches that provided an objective analysis of the subject matter under study. Taking into account the specifics of the topic, the purpose and objectives of the article, the following methods were used:

Dialectical method was applied to conduct a full and comprehensive study of the international cooperation when investigating crimes committed by transnational organized groups.

The method of theoretical analysis and synthesis (induction, deduction, comparison, analogy, abstraction, classification) helped to examine

scientific views on the problem of transnational organized crime, as well as the forms of international cooperation to combat it.

Systemic and structural method was used to identify the structural subdivisions of the law enforcement system of Ukraine entrusted with the responsibility of coordinating international cooperation with the relevant agencies of other countries in matters of combating and investigating criminal offenses.

Formal and logical method made it possible to interpret and distinguish the main concepts of the phenomenon under study.

With the help of comparative and legal method the provisions of the international legal instruments governing international cooperation in combating and preventing organized crime, as well as the rules of Ukrainian legislation on this matter were examined.

Summarization method was helpful in highlighting the forms of international cooperation during the investigation of crimes committed by transnational organized criminal groups.

Therefore, the article uses general scientific and special scientific methods that ensure the reliability of the obtained results and conclusions.

### Literature review

Transnational crime is the object of research in a number of branch legal sciences (in criminal law, criminology, international law, etc.). The issues of international cooperation in the direction of combating and preventing transnational crime have remained insufficiently studied for a long time, and the focus on the issue began at the end of the 20<sup>th</sup> century. This is primarily due to the intensification of international relations between the countries of the world, the intensification of migration and globalization processes, which contributed to the further transformation and evolution of organized crime, associated with the spread of its activities beyond the borders of Ukraine.

The first publication related to the concept of international crime dates to 1974 and was presented in the work by Kale entitled "International police communications" (1974), where it is stressed that police mutual assistance and cooperation play a vital role in providing reliable means of communication for the police

forces of different countries. There is a need for a universal international organization to be available to the police forces of different countries to prevent and uncover international crime.

The concept of transnational crime appeared in 1982 and belongs to Lopez-Rey M., who used it in the work "Crime, criminal justice, and criminology: An inventory" (1982). It states that the deficit of criminal justice and criminology makes existing crime more successful and feasible. According to the author, "criminology, as well as criminal policy, "must understand" that national, international and transnational crime become more interconnected and to effectively implement and «rescue» criminal policy something radical should be done.

Skulysh and Hlushkov (2012) noted that transnational organized crime should be understood as a qualitatively new form of national organized crime development, one of the highest levels of criminal evolution, which actors are persistent criminal organizations, whose sphere of influence and activity in the form of criminal business extends to several States, a group of neighboring States, a region, a continent or the world community. According to the authors, there is no single model of transnational organized crime in the world. The actors of this type of crime, which include criminal organizations, operate in different regions of the world, have their own specific specialization, use different methods, techniques, tactics of activity, have different quantitative and ethnic composition, etc., but they are united by a single common goal – acquisition of extremely high profit from engaging in criminal activity, which can be combined with seemingly legitimate activities.

A significant contribution to highlighting problematic issues related to theoretical and applied problems of combating organized crime in European countries was made by Shostko (2010). The author states that "the international community does not have a unified approach to the definition of the term "organized crime". There are a lot of alternative approaches to this issue, but there is no comprehensive theory that reconciles different points of view regarding the understanding of this concept. Conditionally, the author divides all theoretical models into local, or ethnic, hierarchical, entrepreneurial (with such a variety as the bureaucratic-corporate model)". In addition, she highlights essential criminological features of organized crime.

The research by Filippov (2019) is devoted to the comprehensive study of criminological principles of combating cross-border crimes, where scientific problems related to overcoming the fragmentation of scientific explanation, phenomena in combating cross-border crime and the development of modern conceptual approaches to combating cross-border crime are solved.

A national monographic study "Transnational Crime: A Forensic Analysis" by Bilenchuk et al. (2011) deserves special attention. In this work the authors focus on the essence of the forensic concept of "transnational crime", distinguish its signs, characterize the methodology of its investigation, outline the foundations of its forensic characteristics, perform forensic analysis of modern transnational organized crime, as well as factors, properties, features and trends of its development. The authors pay special attention to the general characteristics of organized criminal groups in the countries of the European Union and organized criminal groups of the CIS countries, as well as the peculiarities of their criminal activities.

The monographic study by Zelinskaya "International offences and international crime" (2006), which is dedicated to countering transnational organized crime, is also worthy of note. This complex interdisciplinary study thoroughly outlines the differences in the essence of the concepts of "international crime", "international offence" and "transnational crime". The defining feature of this monograph is presenting the concept of transnational criminal law and the view on the issue of combating transnational organized crime from the perspective of international criminal law.

Besides, the work proposes the international legal standards of criminalization of certain types of transnational offenses, such as corruption, laundering of proceeds of crime, human trafficking, smuggling of migrants, illicit manufacturing of and trafficking in firearms etc.

The author believes that "over time, the concept of international crime evolves, changes, is filled with new meaning, becomes transnational; crimes under international law constitute only a part of international crime, the second part of which consists of crimes belonging to the category of transnational".

In this study, cross-border crime is investigated as an open social system that mediates a destructive phenomenon, which in its

manifestation – statistical aggregation of crimes committed in a given territory in a given period of time – is relatively massive and historically volatile, and whose parameters characterize the dynamic balance of social institutions and personal activity in cross-border relations.

All scientific publications, which are of significant scientific development in the investigation of the problem of international cooperation in the prevention and counteraction of transnational crime can be grouped according to the following characteristics:

- studies devoted to issues of a general theoretical nature, i.e. the concepts of "crime" and "organized crime";
- research devoted to the concept of "ethnic crime", "transnational crime", "transnational organized crime", "international crime";
- works devoted to issues of international cooperation in the field of transnational crime prevention and counteraction (including by the types of transnational crimes).

Recognizing the above-mentioned achievements in the study of this issue, it is worth noting that the degree of development of issues of international cooperation in countermeasures and prevention transnational organized crime has not yet been sufficiently explored. The object of study by most scholars is combating specific forms of transnational and cross-border crime; however, comprehensive studies in the field of international cooperation in the fight against transnational crime have not been carried out yet. The development of an effective mechanism of international cooperation in fighting and preventing transnational crime in Ukraine is complicated by the relative novelty and insufficient study of this socially dangerous phenomenon, which creates obstacles to the implementation of proven experience in the activities of the relevant State institutions of Ukraine.

## Results and discussion

On a separate category of criminal offences (namely, against morality), Yefimov (2021, p. 147) expressed quite correct opinion that their transnational character makes it possible for them to be committed in different countries of the world. "Sex tourism", human trafficking, child pornography, the cult of cruelty – all these acts "find" people willing to commit them in different countries of the world. Therefore, Ukraine needs to cooperate fruitfully with various foreign

institutions in terms of both the investigation of the specified category of acts and with regard to the prevention of crime in general. After all, under such conditions, international cooperation in the field of law enforcement, the involvement of the best specialists of domestic and foreign structures in law enforcement activities, as well as the exchange of experience between them are mandatory requirements to prevent various illegal manifestations. In other words, the scientist directly pointed to the mandatory international cooperation between different countries, which we definitely support.

Matviychuk (2011, p. 270) states that the existence and well-being of an individual today depends on whether we will be able to adhere to the principles of long-term development defined by the international community. For this, Ukraine should make great efforts and demonstrate readiness for cooperation in such areas as increasing international security, rational, economical use, protection, reproduction and improvement of global common natural resources, solving energy problems (maximum involvement of alternative energy types, increasing reliability and safety existing), protection of flora and fauna. The initiatives of the public, legislative and executive authorities come up against the lack of incentives and executive discipline on the local level. Besides, the solution to these problems is negatively affected by the lack of perfect legislative acts and mechanisms for the implementation of existing ones. The time demands that even the greatest conservatives abandon the practice of maintaining social and ecological stability through old approaches and legal prescriptions and move more actively toward the development and environmental protection. Clearly, there are great differences between the countries regarding the above-mentioned issues, especially concerning the profits, organizational traditions, management experience, etc. Therefore, only the executive and legislative powers of the countries (each in their own way) can most effectively use the positive international experience and make the necessary changes in the legislation. That is, the researcher suggests that all countries of the world coordinate and improve their own legal instruments for effective cooperation both regarding the investigation of criminal offenses and their prevention.

A separate group of scientists (Drizhchanyi, Pavlychenko, & Umanskyi), having worked out a number of legal acts relevant at the time of their research (1998), expressed the following

opinion: “The Council of Europe in its activities paid great attention to the creation of an effective mechanism for providing international legal assistance; in particular, a number of European conventions on criminal matters were drafted and opened for signature. Ukraine joined six of them, which define the following types of international legal assistance in criminal proceedings:

extradition of offenders;  
 providing assistance in criminal prosecution, in particular, the transfer of items, documents relevant to the proceedings, service of documents and court orders on attendance of witnesses and persons prosecuted;  
 transfer of proceedings in criminal cases;  
 transfer of convicted persons to serve their sentence, etc.

With regard to the legal regulation of international cooperation, for example, Par. a), Art. 2 of the United Nations Convention Against Transnational Organized Crime (United Nations Office On Drugs And Crime, 2004), which was ratified by the Verkhovna Rada of Ukraine on February 04, 2004, formulated the concept of an organized criminal group as a structurally organized group consisting of three or more persons that exists during a certain period of time and acts in concert to commit one or more serious crimes or crimes recognized as such in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Besides, Part 1, Art. 5 of the said Convention defines the criminalization of participation in an organized criminal group, namely the main forms of interaction of its members: leadership, assistance, incitement, facilitation or giving advice regarding a serious crime committed with the participation of an organized criminal group.

Part 3, Art. 18 discloses that mutual legal assistance under this article may be requested for any of the following purposes: obtaining witness statements or statements from individuals; service of court documents; search and seizure; inspection of objects and areas; provision of information, physical evidence and expert assessments; providing originals or certified copies of relevant documents and materials, including government, banking, financial, corporate or commercial ones; identification or tracing of proceeds of crime, property, instrumentalities of crime or other objects for evidentiary purposes; facilitating the voluntary appearance of the persons concerned to the bodies of the requesting Member State; provision



of any other type of assistance that does not contradict the domestic legislation of the requested participating State. That is, Ukraine, as a founding Member of the United Nations, can and should provide any of the above measures.

At the same time, Clause 1, Art. 6 of the Convention on Mutual Assistance in Criminal Matters (Council of Europe, 1959) between the Member States of the European Union, which, unfortunately, has not yet been ratified by our country, indicates the following provisions: "Requests for mutual assistance and unplanned exchanges of information referred to in Article 7 shall be made in writing or in any method allowing for a written record under conditions that allow the receiving member State to establish its authenticity. Such requests shall be made directly between the judicial authorities vested with territorial jurisdiction to initiate and execute them, and shall be returned through the same channels, unless otherwise specified in this Article".

In this regard Burkal (2019, p. 246) correctly points out that it is expedient to identify priority areas of activity for preventing and countering the legalization of illegal income guided by international experience: strengthening control over currency transactions, especially of an international nature; improvement of cooperation mechanisms of banks, law enforcement agencies and specialized international institutions and organizations; development of a system of specialization and coordination of the activities of the authorities in the formulation and implementation of the strategy for combating transnational economic crime; creation of new mechanisms for monitoring and identification of persons spotted in connection with transnational organized criminal groups; development of the legal framework for the interaction of domestic law enforcement agencies with foreign ones, as well as with the specialized international organizations". That is, the author emphasizes many possible measures that must be implemented to increase the effectiveness of cooperation between different States in the context of counteraction and investigation of criminal offenses committed by transnational organized criminal groups.

We also share the position of the authors (Chaplynskyi et al., 2023, p. 477), who indicate that the implementation of the powers entrusted to the Ministry of Internal Affairs regarding the formulation of State policy on the problems of international cooperation, as well as the control over its implementation by the constituent

elements of the apparatus of the Ministry of Internal Affairs, is implemented by the Department of International cooperation and European integration of the Ministry of Internal Affairs. Concerning the cooperation of operational units to combat crime with investigative bodies of foreign countries, it is implemented by the Department of International Police Cooperation of the National Police of Ukraine. In other words, there are two structural subdivisions, which are entrusted with the responsibility of coordinating international cooperation with the law enforcement agencies of other countries on countermeasures and investigations of criminal offenses in the system of the Ministry of Internal Affairs of Ukraine.

In turn, in her dissertation study, Leshukova (2004) worked out the relationship between the terms "legal aid" and "cooperation in the fight against crime" and defined legal assistance in criminal cases as a form of cooperation between the States in the fight against crime, which lies in performing, on the basis of reciprocity, actions permissible under national laws and international agreements, which contribute to the detection of crimes, their investigation and trial, as well as ensuring the execution of sentences and other decisions of judicial bodies. The author noted that the legal basis for providing legal aid as one of the elements of international cooperation in criminal matters consists of: 1) international intergovernmental agreements (bilateral and multilateral): pacts, conventions, treaties, agreements; 2) intergovernmental agreements on specific issues related to cooperation in the fight against crime; 3) interdepartmental contracts (agreements) on the same issues. These documents have common characteristics and features, which allows them to be systematized according to the form, name and actor of conclusion of international agreements. Besides, the legal basis for international cooperation in criminal matters should also include national legislation on the provision of international legal assistance and unwritten norms (customs, traditions) of international law (international courtesy, reciprocity, etc.

Regarding the forms of international cooperation in countering transnational organized crime, for example, Sidorov and Zdorovko (2017, p. 66) distinguish among them the following:

- 1) adoption of pre-agreed measures to establish at the international legal level criminalization of certain socially dangerous acts (treaty-based criminalization of

- international crimes and crimes of an international nature);
- 2) development and conclusion of international agreements, adoption of other international legal instruments as a legal basis for the activity of States, international organizations and their bodies in the field of fighting crime;
  - 3) adoption of documents governing the exercise of powers by States within the concluded international agreements, the procedure for the implementation of international justice, as well as the cooperation of states in the fight against crime;
  - 4) creation and formation on a contractual and other international legal basis of international organizations and other bodies performing their activities in the field of combating crime;
  - 5) cooperation regarding crime prevention that are being prepared or committed, in particular, by conducting, if necessary, operational and investigative measures (special investigations regarding the terminology of international agreements);
  - 6) provision of mutual legal assistance in the field of criminal justice (extradition, criminal prosecution at the request of foreign States or transfer of jurisdiction, cooperation with international criminal justice agencies);
  - 7) the activities of international organizations and bodies (bodies of international criminal justice) on the administration of justice for committed transnational crimes, the implementation of criminal prosecution of perpetrators.

Currently, one of the characteristic illegal acts committed by transnational organized criminal groups is cybercrime. For most of them, V.V. Popko and E.V. Popko (2021, p. 279) highlight the following features:

increased secrecy of the commission of the crime, which is ensured by the specificity of the network information space (developed mechanisms of anonymity, complexity of the infrastructure, etc.);  
 the transnational nature of network crimes, in which the offender, the object of crime, the victim may be located in the territories of different states;  
 special preparation of criminals, intellectual nature of criminal activity;  
 non-standard, complex, multifaceted and frequently updated methods of committing crimes and special means used;

the possibility of committing a crime in an automated mode in several places at the same time;  
 multi-episode nature of criminal acts with a large number of victims;  
 lack of awareness among victims of criminal influence;  
 the remote nature of criminal acts in the absence of physical contact between the criminal and the victim;  
 inability to prevent and suppress this type of crime by ordinary means.

Cybercrime is the set of offences for which a criminal prohibition is provided, which are committed in cyberspace, where the main direct objects of criminal encroachment are the constitutional rights and freedoms of an individual and a citizen, as well as social relations in the spheres of computer information and information technologies, economic activity, State power, etc. Cybercrimes are directed against the confidentiality, integrity and availability of computer systems, networks and computer data and their misuse. This is violation of social relations in the sphere of safe creation, storage, processing and transmission of computer information protected by law, with the aim of causing economic, political, moral, ideological, cultural and other harm to the person, the State and the world as a whole.

In light of the above, we consider it necessary to cite the Yvonne and Majid, eds (2009, p. 10), who noted that the changes caused by the Internet cannot simply be quantified by studying penetration rates and the number of users. The authors pointed out that significant qualitative changes have occurred in the short life of the Internet that have changed the nature of online interactions and activities. In particular, the researchers determined that early users were constrained by a combination of factors, including limited computing power (especially in the case of personal computers), limited communication bandwidth (mainly using the copper wire technology of existing telecommunications networks designed for telephony) and basic computer software. At the moment, all of these restrictions are a thing of the past, is developing tremendously.

Regarding the implementation of positive foreign experience in crime prevention, Kolodiazhnyi (2017, p. 204) suggests applying the following aspects in domestic law-making and law-enforcement practice:

- 1) strengthening the effectiveness of the preventive activities of law enforcement agencies through the participation of citizens in arresting criminals and offenders, maintaining law and order, providing information about committed crimes;
- 2) economic benefits of fiscal saving through the use of free assistance of citizens in crime prevention;
- 3) optimization of time, forces and resources of police officers to focus their attention from secondary to more critical operational law enforcement issues;
- 4) deepening the interaction of various social institutions and crime prevention actors;
- 5) increasing citizens' trust in state authorities in general and law enforcement agencies in particular.

For his part, Burkal (2019, p. 212) offers the following forms of international cooperation, such as: extradition of criminals; mutual legal assistance; transfer of criminal proceedings to another country; transfer of convicts; cooperation for the purpose of confiscation to deprive traffickers of property acquired by criminal means; interaction between law enforcement agencies, including information exchange and cooperation in conducting investigations; joint investigations; cooperation in the use of special investigative methods.

Tsymbal (2005, p. 16), having studied the current legal acts on international cooperation and taking into account the dynamic state of economic relations development, as well as population migration and the spread of transnational crime, highlighted such forms as exchange of information on violations of tax legislation by legal entities and individuals on the territories of Ukraine and beyond; provision of duly certified copies of documents related to the taxation of legal entities and individuals; exchange of information about national tax systems, changes and amendments to tax legislation; development of methodological recommendations for combating tax offenses; exchange of experience regarding the creation and functioning of information systems used in the practice of investigating crimes in the field of taxation; interaction on the implementation of measures aimed at prevention, detection and investigation of these crimes; conducting international scientific and practical conferences and seminars on combating tax offenses; implementation of coordination on the issues that arose in the process of cooperation.

Pashkovskyy (2003, pp. 10) emphasizes that international cooperation is a consequence of the following factors: it is activity provided for by national criminal procedural legislation, international legal instruments (treaties, conventions, pacts, protocols, regulations, agreements, etc.), signed by Ukraine, related to the implementation of procedural actions to establish a certain status for criminal proceedings actors: collection, verification of evidence; search and seizure of property; provision of information about foreign and international law and the practice of its application; ensuring the protection and representation of the interests of foreigners, foreign states and legal entities, international organizations in criminal proceedings.

We also consider the position of Chornous (2017, p. 245) to be quite correct and logical, who, after carefully working out the provisions of international treaties and the Criminal Procedure Code of Ukraine (Law of Ukraine No. 4651-VI, 2012), defined the following forms of international cooperation:

- 1) international legal assistance (Articles 541 (Par. 1), 542, 551 – 560 of the Criminal Procedure Code of Ukraine);
- 2) surrender of a person (extradition) (Article 541 (Par. 2), 573 – 575, 589 – 594 of the Criminal Procedure Code of Ukraine);
- 3) taking over criminal proceedings (Article 541 (Par. 3), 595 – 599 of the Criminal Procedure Code of Ukraine).

Based on the analysis of the cited works, we identified the following forms of international cooperation during the investigation of crimes committed by transnational organized criminal groups:

- mutual exchange of information on the activities of transnational organized criminal groups and their members;
- mutual legal assistance during the investigation and trial of materials on crimes committed by transnational organized criminal groups, through the implementation of separate procedural actions;
- extradition of offenders to an international body or State for criminal prosecution;
- prevention of offences covered by relevant treaties between States;
- joint participation in training of law enforcement officials, as well as the provision of relevant scientific and technical means and material and technical assistance to the specified bodies.



## Conclusions

Summing up, we note that international cooperation is a necessary condition for the investigation of certain types of crimes committed by transnational organized groups. Currently, the basis of the legal regulation of the mentioned activity is the United Nations Convention against Transnational Organized Crime, which was ratified by the Verkhovna Rada of Ukraine on February 4, 2004, and the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, adopted on May 29, 2000. Based on the analysis of the cited works, the following forms of international cooperation were determined during the investigation of crimes committed by transnational organized criminal groups: mutual exchange of information on the activities of transnational organized criminal groups and their participants; mutual legal assistance during the investigation and trial of materials on crimes committed by transnational organized criminal groups through the implementation of separate procedural actions; extradition of offenders to an international body or state for criminal prosecution; prevention of crimes for which relevant agreements have been concluded between states; joint participation in the training of authorized persons of law enforcement agencies, as well as the provision of relevant scientific and technical means and material and technical assistance to the specified bodies.

## Bibliographic references

- Bilenchuk, P.D., Kofanov, A.V., Kobylanskyi, O.L., & Paniotov, E.K. (2011). *Transnational crime: a forensic analysis*. Monograph. Kyiv: KIY. <https://acortar.link/AeUkZE>
- Burkal, V. (2019). *Countering Transnational Organized Crime in the Economy*. (PhD Dissertation). University of the State Fiscal Service of Ukraine, Irpin, Ukraine. <https://acortar.link/smEzS9>
- Chaplynskyi, K., Yefimov, M., Pletenets, V., Harashchuk, D., & Demchenko, I. (2023). Features of interaction between law enforcement agencies during the investigation of criminal offenses according to international standards. *Cuestiones Politicas*, 41(76), 469-481. <https://doi.org/10.46398/cuestpol.4176.27>
- Chornous, Yu. (2017). Criminal provision of crime investigation: scientific basis and implementation directions (pp. 220 – 222). *In the collection: Modern trends in the development of Criminology and Criminal Procedure of the Scientific and Practical Conference*. Kharkiv National University of Internal Affairs, Kharkiv, Ukraine. [https://www.univd.edu.ua/general/publishing/konf/08\\_11\\_2017/pdf/103.pdf](https://www.univd.edu.ua/general/publishing/konf/08_11_2017/pdf/103.pdf)
- Council of Europe (1959). *European Convention on Mutual Assistance in Criminal Matters*. European Treaty Series No. 30. <https://rm.coe.int/16800656ce>
- Drizhchanyi, V., Pavlychenko, O., & Umanskyi, O. (1998). *International cooperation of Ukraine in the legal sphere: Collection of international documents*. Kharkiv: "Folio".
- Filippov, S. (2019). *Criminological principles of cross-border crime counteracting*. (Doctoral Dissertation). Bogdan Khmelnytsky National Academy of the State Border Guard Service of Ukraine, Khmelnytsky, Ukraine; Dnipropetrovsk State University of Internal Affairs, Dnipro, Ukraine. <https://acortar.link/k3ssIR>
- Kale, R.S. (1974). International police communications. *IETE Journal of Research*, 10(20), 504-506. <https://doi.org/10.1080/03772063.1974.11487461>
- Kolodiazhnyi, M. (2017). *Contemporary foreign experience of public influence on crime: monograph*. Kharkiv: Pravo. <https://acortar.link/3rNy0n>
- Law of Ukraine No. 4651-VI. Criminal Procedure Code of Ukraine. *Bulletin of the Verkhovna Rada of Ukraine, Kyiv, Ukraine*, April 13, 2012. Recovered from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>
- Leshukova, I. (2004). *Procedural features of international cooperation of Ukrainian law enforcement in crime investigation*. (PhD Dissertation Abstract). National University of Internal Affairs, Kharkiv, Ukraine. <https://acortar.link/nei1Of>
- Lopez-Rey, M. (1982). Crime, criminal justice, and criminology: An inventory. *Federal Probation*, 46(2), 12-17. <https://acortar.link/I45zJz>
- Matviychuk, V. (2011). *Theoretical and applied problems of criminal and legal protection of the natural environment: monograph*. Kyiv: National Academy of Management. <https://acortar.link/NzmIcx>
- Pashkovskyy, M. (2003). *Particularities of proof in criminal cases connected with international legal assistance*. (PhD Dissertation Abstract). Taras Shevchenko National University of Kyiv, Kyiv, Ukraine. <https://acortar.link/Sg0EeU>



- Popko, V., & Popko, E. (2021). International legal regulation of transnational cybercrime in cyberspace. *Scientific Bulletin of the Uzhhorod National University, Law Series*, 66, 276-283. <https://acortar.link/x4ebd0>
- Shostko, O.Yu. (2010). *Theoretical and applied problems of combating organized crime in European countries*. (Published PhD Dissertation). Yaroslav Mudryi National Law Academy. Kharkiv, Ukraine. <http://surl.li/svqqa>
- Sidorov, V., & Zdorovko, S. (2017). Globalization of the economy and transnational organized crime. *The Journal of V. N. Karazin Kharkiv National University. Series: International Relations. Economics. Country Studies. Tourism*, 6, 58-70. <https://acortar.link/OBEM0Z>
- Skulysh, E., & Hlushkov, V. (2012). The concept of transnational organized crime and its relationship with terrorism. *Law and society*, 2, 190-194. [http://pravoisuspilstvo.org.ua/archive/2012/2\\_2012/42.pdf](http://pravoisuspilstvo.org.ua/archive/2012/2_2012/42.pdf)
- Tsymbal, H. (2005). *Interaction as a condition for ensuring detection and investigation of tax crimes*. (PhD Dissertation Abstract). Kyiv National University of Internal Affairs. Kyiv, Ukraine. <https://mydisser.com/dfiles/17245257.doc>
- United Nations Office On Drugs And Crime (2004). *United Nations Convention Against Transnational Organized Crime and The Protocols Thereto*. NY: UN. <https://acortar.link/0tfjwv>
- Yefimov, M. (2021). The features of international cooperation in the fight against criminal offenses against morality. *Scientific journal "Visegrad Journal on Human Rights"*, 5, 147-151. [https://journal-vjhr.sk/wp-content/uploads/2021/12/VJHR\\_5\\_2021.pdf](https://journal-vjhr.sk/wp-content/uploads/2021/12/VJHR_5_2021.pdf)
- Yvonne, J., & Majid, Y. (2009). *Handbook of Internet Crime*. London: Routledge. <https://doi.org/10.4324/9781843929338>
- Zelinskaya, N.A. (2006). *International offences and international crime*: monograph. Odesa National Law Academy. Odesa: Legal literature.