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### **METHODOLOGY OF RESEARCH THE PROBLEMS OF USE THE PUBLIC BY CRIMINAL POLICE DIVISIONS DURING THE COUNTERACTION THE CRIME**

**Abstract.** The article deals with the definition of the methodological basis for the study of the problems of public use by criminal police units in combating crime. Based on the analysis and generalization of works of domestic and foreign scholars who developed the methodology of legal research, including in the theory of operational and investigative activities, the author stated their debatability and importance for learning about various aspects of public use by criminal police units in combating crime.

The author has noted that in the modern scientific literature, along with research methods, modern methodological approaches are involved in cognitive tools as a structural element of the methodology of general theory of law, as well as the principles of scientific knowledge as its basic system-forming element.

**Keywords:** *public, methodology, method, scientific knowledge, operative-search counteraction to crime.*

**Relevance of the study.** The result of the study of the problems of public use by criminal police units in combating crimes, first of all, depends on the adequacy of the chosen methodological tools (methodology), which will be used to carry out the cognitive process.

In legal doctrine, methodology is a complex and multifaceted problem, the solution of which is of decisive practical importance.

Therefore, the definition of tools that will be used to provide scientific knowledge of the problems of public use by criminal police units in combating crime is an extremely important issue that requires proper theoretical justification. Its successful solution will allow to form new system convincing knowledge, substantiate conclusions and offer recommendations for improving the implementation of activities in this area, as well as forms and means of their implementation.

**Recent publications review.** Issues of legal research methodology have been developed by both domestic and foreign scholars, in particular, S. Husaryev, I. Danshyn, A. Zelinsky, O. Kostenko, M. Kelman, D. Kerimov, R. Lukich, P. Rabinovych, O. Skakun, O. Tykhomyrov, Yu. Todyka, V. Fedorenko, O. Yarmysh and others. Significant scientific value in the context of the subject of our study are the works of E. Didorenko, I. Kozachenko, Ya. Kondratyev, O. Kyrychenko, O. Shevchenko, V. Shendryk, V. Khmelenkj and O. Yuhno, which highlighted the methodological foundations of scientific research on crime prevention by criminal police units.

The scientific literature on this issue notes the importance of preventive and preventive, including to a large extent - public activities, within the civilizational direction of transformational changes that occur in the fight against crime [1, p. 112]. However, the question of the methodological basis of the study of operational and investigative principles of public use in combating crime has remained out of the attention of scientists, which necessitates the intensification of scientific research in this area.

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**The article objective** is to determine the methodological basis for studying the problems of public use by criminal police units in combating crime.

**Basic content.** Given the available research on the methodology of legal research methodology, it should be noted that the concept of "methodology" is interpreted differently by scientists. In particular, R. Lukic defines it as a set of methods used in science or other fields of knowledge [2]. M. Kelman interprets this concept as the doctrine of the structure, logical organization, methods, means and forms of activity of the researcher in the process of cognition of the phenomena he studies [3, p. 44]. According to D. Kerimov, the methodology of law is a general scientific phenomenon that combines the whole set of principles, means and methods of cognition (worldview, philosophical methods of cognition and doctrine, general and private scientific concepts and methods), which are developed by all social sciences, including legal sciences, and are used in the process of cognition of the specifics of legal reality, its practical transformation [4, p. 15].

In the context of the theory of operational and investigative activities for the first time comprehensively considered the methodology of A. Alekseyev and G. Sinilov. Scientists have stated that the task of the theory of operational and investigative activities is to investigate the peculiarities of the application of general scientific methods and techniques for the study of operational and investigative problems [5]. Later D. Grebelsky stressed the justification and fruitfulness of the integrated use of the theory of operational and investigative activities of scientific methods of cognition, which are developed and applied in other fields of scientific knowledge (criminology, psychology, sociology, management theory, etc.) [6, p. 101].

Without going into the discussion about the interpretation of the concept of "methodology", we note that in the modern scientific literature, along with research methods to the cognitive tools involved modern methodological approaches as a structural element of legal methodology [7, p. 116]. Scientists see the source of their origin in the so-called interdisciplinary "methodological" translation, ie the development of new elements of methods of other sciences to update, improve the actual methods of jurisprudence [8, pp. 23-24].

No less important methodological function in the theory of operational and investigative activities are the principles of scientific knowledge. After all, using the principles of general scientific knowledge, the theory of operational and investigative activities can adapt those of them that "work" to obtain new scientific knowledge [9, pp. 13-14]. Indeed, the principles laid down in the methods and methodological approaches are designed to ensure the conceptuality of scientific research by its irrefutability [8, p. 25].

Thus, along with such components of the methodology of knowledge of the problems of public use by criminal police units in combating crime, as methods and methodology approaches, principles should be recognized as its basic system-forming element.

Undoubtedly, the central place in scientific methodology, including the theory of operational and investigative activities, is occupied by methods of scientific knowledge.

It should be noted that the analysis of the views of scientists on the structure of the methodology of legal science, including research on the problems of operational and investigative activities, showed that some scientists build it on three levels: 1) philosophical; 2) general science; 3) special-scientific (special-branch), others – on four: 1) methods that directly follow from the philosophical dialectical method as a general method of cognition; 2) general scientific methods; 3) methods of other sciences used by one science in the cognition of objects that belong to the subject of other sciences, but in part, in a certain perspective, is the subject of cognition of this science; 4) methods of a certain science, which are the result and part of the development of its own theory (theories) [1, p. 99], the third states that the methodology of operational and investigative activities consists of other levels: 1) general scientific methods used in all sciences in the study of social phenomena, similar in structure to operational and investigative legal relations; 2) branch (special) methods developed by branch scientific disciplines for the decision of the private specific problems, or methods of other branches of knowledge, modified and adapted to the decision of problems of the theory of ORD; 3) methods of scientific research of specific problems of operational and investigative activities [10, p. 61]; the fourth believe that it consists of only two levels: 1) dialectical; 2) general science [6, p. 102].

Without going into the discussion on this issue, let's just note that more balanced, in our opinion, is the position of Academician M. Kostytsky: when determining the methodology of a specific scientific research, it is not necessary to cover oneself with only one methodology, it can look like a "mosaic of methods" [11, p. 18].

The choice of methodology for studying the problems of public use by criminal police units in combating crime is primarily determined by the dominant paradigm of sociology at the present stage of legal science development, which focuses on clarifying the dependence of state and social phenomena and processes on the current state of development the civil society as a whole. It is also important to emphasize the important role of the researcher's worldview – human-centeredness in society and the state, in choosing the principles, approaches and methods of understanding the problems of public use by criminal police units in combating crime. It consists of three interdependent components:

- 1) general (civil) attitude of the researcher to the objects of knowledge;
- 2) special (professional) attitude of the researcher to the objects of knowledge (depending on the researcher's affiliation to one or another scientific school);
- 3) from the methods, techniques and tools used by the researcher in order to know a particular object [4, p. 25].

The conceptuality of scientific research on the problems of public use by criminal police units in combating crime will inevitably provide the following principles of knowledge of social phenomena, legal and other relations that arise in operational and investigative activities to combat crime, as objectivity, comprehensiveness, historicism, complexity, determinism, development, unity of theoretical and empirical, as well as theory and practice of operational and investigative activities.

Thus, the principle of objectivity requires a study of the use of the public by criminal police units in combating crime in their diversity, complexity and inconsistency, taking into account all true facts that correspond to objective reality, both positive and negative, regardless of their subjective perception and evaluation.

According to the principle of comprehensiveness and completeness, social phenomena, legal and other relations that arise in operational and investigative activities in the field of combating crime in public use should be studied not separately, but in their relationship and interaction with other phenomena (institutions). In particular, with state and legal phenomena, development of economy, politics, ideology, culture, science, technology, education, etc.

The principle of historicism will provide an opportunity to explore the problems of public use by criminal police units not only from the point of view of the present, but also taking into account the peculiarities of this activity in the past and predict possible directions of its development.

Guided by the principle of complexity, scientific research on this problem will be conducted not only from the standpoint of legal phenomena, but also from the standpoint of other social sciences, such as philosophy, sociology, psychology, public administration and others. The principle of determinism requires the establishment of causal links between the studied phenomena and the process of public use by criminal police units in combating crime, on the one hand, and the objective laws of crime and the formation of factual data about it, on the other hand. Adherence to this principle is the key to gaining new scientific knowledge to improve the practice of operational and investigative activities with public participation in combating crime, primarily to develop innovative organizational, legal and tactical principles for using its capabilities. In accordance with the principle of development, the process of developing theoretical and methodological, organizational, legal and tactical principles of public use by criminal police units in combating crime is considered in the dynamics of its changes under the influence of a set of internal and external determinants. The principle of unity of theoretical and empirical will ensure the integrity of the structure of this study, as well as the practical verification of cognitive problems.

Extremely important methodological role belongs to the principle of unity of theory and practice of operational and investigative activities, because the process of scientific knowledge is determined by the tasks and needs of practice. Practice is a source of new knowledge about the problems of public use by criminal police units in combating crime, the criterion of their truth, as well as the end result of knowledge.

It should be emphasized that an important role in the process of cognition belongs to such an element of methodology as the methodological approach (one of the main components of the paradigm, a set of interdependent scientific methods) [12, pp. 73-75]. The purpose of methodological approaches, scientists see in determining the frontal strategy of legal research, updating it with their goals and objectives in the case when there is a lack of their own methods and the need to use other methods – philosophical, scientific [8, p. 24].

Based on the complexity and versatility of the subject of research (theoretical and

applied principles of public use by criminal police units in combating crime), we believe that its methodological basis should be based on such methodological approaches as comprehensive (to ensure holistic, comprehensive and systematic study) and axiological which is based on the theory of natural human rights and its recognition of the highest social value).

The next structural element of the research methodology are methods of cognition, which, in the context of the subject of our study, can be defined as a set of techniques, methods and tools that are effective for understanding public use of criminal police units in combating crime, namely:

1) the dialectical method, which is based on the epistemological possibilities of the laws and categories of dialectics, reveals the objective laws of operational and investigative practice of using the public in combating crime. In particular, the law of transition from quantitative to qualitative changes characterizes the way of evolution of organizational, legal and tactical principles of this activity; the law of negation of objections provides an opportunity to predict changes in its legal regulation that occur as a result of the development of civil society and the development of the rule of law in Ukraine. Such categories of dialectics as "essence" and "phenomenon", etc., are crucial for clarifying the place of the public in the system of combating crime;

2) logical methods of analysis and synthesis, deduction and induction, abstraction allow to reveal the content of the conceptual and categorical apparatus in the field of public use by criminal police units, to formulate and substantiate intermediate and general conclusions, as well as logical-semantic analysis of its legal regulation. and development of proposals for their elimination, etc.;

3) system-structural method, the use of which is due to the complexity of the object of study - the public, which is also considered in the system of combating crime, reveals systemic links, dependencies, provides more complete and in-depth knowledge of their properties and qualities deep foundations of determination, functioning, social activity, etc.;

4) a special legal method ensures the disclosure of the content of legal provisions that establish the legal basis for the use of the public by criminal police units in combating crime;

5) the comparative method allows to identify similarities and differences in the legal regulation and organization of public use in combating crime in Ukraine and abroad;

6) the method of legal modeling, the use of which is due to the need to develop proposals for improving national legislation in the field of legal regulation of public use in combating crime;

7) sociological methods (surveys, study of documents, expert assessments) provide the necessary empirical data on this issue on the practical experience of public use by criminal police units in combating crime;

8) statistical methods (observation, grouping, generalization of indicators) are used to summarize the results and representation of data obtained during the study of empirical material.

**Conclusions.** The methodology of researching the problems of public use by criminal police units in combating crime should be understood as the above system of principles, approaches and methods of cognition, which, in our opinion, is the best for solving certain research problems.

#### *Conflict of Interest and other Ethics Statements*

The author declares no conflict of interest.

#### **References**

1. Zakalyuk A. P. Kurs suchasnoyi ukrayins'koyi kryminolohiyi [Course of modern Ukrainian criminology] : u 3 kn. Kn.1. Teoretychni zasady ta istoriya ukrayins'koyi kryminolohichnoyi nauky. Kyiv, In Yure. 2007. 424 p. [in Ukr.].

2. Lukych R. Metodolohyya prava [Methodology of law]: monohrafiya, per. s serbokhorvat. V. M. Kulystykova. M., Prohress. 1981. 304 p. [in Russ.].

3. Kel'man M. S. Metodolohyya suchasnoho pravoznavstva: stanovlennya ta osnovni napryamy rozvytku [Methodology of modern jurisprudence: formation and main directions of development] : dys. ... d-ra yur. nauk : 12.00.01. Nats. akad. vnutr. sprav. Kyiv, 2013. 449 p. . [in Ukr.].

4. Kerymov D. A. Metodolohyya prava. Predmet, funktsyy, problemy fylosofyy prava [Methodology of law. Subject, functions, problems of philosophy of law] : monohrafiya. Yzd. 3-e pererab. y dopol. M., SHA, 2003. 521 p. [in Russ.].

5. Alekseev A. Y., Synylov H. K. Aktual'nye problemy teoryy operativno-rozysknoy deyatel'nosti orhanov vnutrennykh del [Actual problems of the theory of operatively-search activity of law-enforcement bodies]: monohrafiya. M. 1973. 174 p. [in Russ.].

6. Operativno-rozysknaya deyatel'nost' [Operative-search activity]: uchebnyk, pod. red. K. K. Horyaynova, V. S. Ovchynskoho, H. K. Synylova. M., Infra-M. 2008. 832 p [in Russ.].
7. Kuchuk A. M. Aksiologichnyy pidkhid do doslidzhennya pravovykh yavlyshch [Axiological approach to the study of legal phenomena]. Pidpryyemnytstvo, gospodarstvo i pravo. 2016. No. 9. Pp. 116–120. [in Ukr.].
8. Skakun O. F. Metody, obshchiye (metodologicheskiye) podkhody i printsypy v yuridicheskikh issledovaniyakh [Methods, general (methodological) approaches and principles in legal research] . Metodolohichni problemy istoriko-pravovykh doslidzhen' : materialy KNKNIИ Mizhnar. istoriko-pravovoyi konf., 24-26 veres. 2010 r. Kyiv-Simferopol', Dolya. 2011. Pp. 19–27. [in Russ.].
9. Osnovy operativno-rozysknoy deyatel'nosti v Ukrainy (ponyatye, printsypy, pravovoe obespechenye) [Fundamentals of operational and investigative activities in Ukraine (concept, principles, legal support)] : ucheb. posob. É. A. Dydorenko y dr. Kyev, Tsentr uchebnoy lyteratury. 2007. 264 p. [in Russ.].
10. Klimov I. A., Sinilov G. K. Nekotoryye voprosy metodologii operativno-rozysknoy deyatel'nosti [Some questions of methodology of operative-search activity]. Vestnyk MU MVD. M., 2003. No 1. Pp. 58–62. [in Russ.].
11. Kostyts'kyu M. V. Filosofs'ko-pravovi pytannya metodolohiyi yurydychnoy nauky [Philosophical and legal issues of methodology of legal science]. Filosofs'ki ta metodolohichni problemy prava. 2011. No3. Pp. 13–27. [in Russ.].
12. Husaryev S. D., Tykhomyrov O. D. Yurydychna deontolohiya (osnovy yurydychnoy diyal'nosti) [Legal deontology (basics of legal activity)] : navch. posib. 3-tye vyd. pererob. i dopov. Kyiv, Znannya. 2008. 495 p. [in Ukr.].

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**Олександр ХРИСТОВ**  
**МЕТОДОЛОГІЯ ДОСЛІДЖЕННЯ ПРОБЛЕМ ВИКОРИСТАННЯ**  
**ГРОМАДСЬКОСТІ ПІДРОЗДІЛАМИ КРИМІНАЛЬНОЇ ПОЛІЦІЇ**  
**ПІД ЧАС ПРОТИДІЇ ЗЛОЧИННОСТІ**

**Анотація.** Стаття присвячена визначенню методологічних основ дослідження проблем використання громадськості підрозділами кримінальної поліції під час протидії злочинам. Автор за результатами проведеного аналізу та узагальнення праць вітчизняних і зарубіжних вчених, які розробляли питання методології правових досліджень, у тому числі в теорії оперативно-розшукової діяльності, констатував їх дискусійність і значимість для пізнання різних аспектів використання громадськості підрозділами кримінальної поліції під час протидії злочинності.

Зазначається, що у сучасній науковій літературі поряд із методами дослідження до пізнавального інструментарію залученні сучасні методологічні підходи як структурний елемент методології загальної теорії права, а також принципи наукового пізнання як її базовий системоутворюючий елемент.

Вибір автором методології дослідження проблем використання громадськості підрозділами кримінальної поліції під час протидії злочинам, насамперед, обумовлений парадигмою соціологізму, що орієнтує на з'ясування залежності державно-правових, а також соціально-правових явищ і процесів від сучасного стану розвитку громадянського суспільства в цілому, криміналізації населення, а також обумовлені світоглядною позицією людиноцентризму в суспільстві та державі.

Обґрунтовано висновок про те, що концептуальність наукового дослідження проблем використання громадськості підрозділами кримінальної поліції під час протидії злочинам своєю неспростовністю забезпечать такі принципи пізнання соціальних явищ, правових та інших відносин, які виникають у оперативно-розшуковій діяльності щодо протидії злочинності, як об'єктивність, всебічність й повнота, історизм, детермінізм, принцип діалектичного розвитку, єдності теорії та практики оперативно-розшукової діяльності тощо. З огляду на складність предмета дослідження обґрунтовано необхідність використання загальнонаукових формально-логічних методів аналізу та синтезу, індукції та дедукції, системно-структурного та моделювання; спеціально-юридичного, компаративістського, соціологічних, статистичних методів на основі комплексного та аксіологічного підходів тощо.

**Ключові слова:** громадськість, методологія, метод, наукове пізнання, оперативно-розшукова протидія злочинності.