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ANALYSIS OF THE CORRELATION BETWEEN THE CONCEPTS OF 'PREVENTION', 'WARNING', 'SUPPRESSION' AND 'PREVENTION OF CRIME'

ANÁLISE DA CORRELAÇÃO ENTRE OS CONCEITOS DE "PREVENÇÃO", "ALERTA", "SUPRESSÃO" E "PREVENÇÃO DE CRIMES"

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ABSTRACT

The article deals with the problem of resolving the concepts of 'prevention', 'warning', 'suppression' and 'prevention' of crimes within the framework of operational search activities (OSA). The authors focus on the fact that in modern legal science and law enforcement practice there is no single position on the content of these terms, which creates legal uncertainty in matters of preventive activities of operational units of internal affairs bodies. Based on the analysis of scientific works of Ukrainian and foreign researchers, the author highlights various approaches to the interpretation of the concepts characterising the activities of operational units for combating crime. The

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authors note that scholars use the terms ‘prevention’, ‘warning’ and ‘suppression’ interchangeably, but their essence has different emphases. For example, prevention involves the elimination of the causes and conditions of criminal behaviour, prevention covers measures to prevent a particular person from committing a crime, and suppression means active intervention of law enforcement agencies at the stage of implementation of the intent to commit a crime. With a view to eliminating theoretical knowledge, the article offers the author's own concept of the relationship between these concepts. It is based on the distinction between the stages of development of a criminal event, which allows for a more precise expansion of the role of each of the preventive measures within the framework of operational and investigative activities. also, three main stages of preventive activities are identified: preceding a crime (prevention), the stage of formation of a criminal intent (prevention, which is divided into prevention and termination) and post-facto response (detection and prosecution). Thus, the article contributes to the development of the theoretical foundations of criminal law prevention and operational and investigative activities.

Keywords: Operational and investigative activities; Crime prevention; Crime prevention; Crime prevention; Crime prevention.

RESUMO

O artigo trata do problema de resolver os conceitos de “prevenção”, “advertência”, “supressão” e “prevenção” de crimes dentro da estrutura das atividades de busca operacional (OSA). Os autores se concentram no fato de que na ciência jurídica moderna e na prática de aplicação da lei não há uma posição única sobre o conteúdo desses termos, o que cria incerteza jurídica em questões de atividades preventivas de unidades operacionais de órgãos de assuntos internos. Com base na análise de trabalhos científicos de pesquisadores ucranianos e estrangeiros, o autor destaca várias abordagens para a interpretação dos conceitos que caracterizam as atividades das unidades operacionais de combate ao crime. Os autores observam que os acadêmicos usam os termos “prevenção”, “alerta” e “supressão” de forma intercambiável, mas sua essência tem ênfases diferentes. Por exemplo, a prevenção envolve a eliminação das causas e condições do comportamento criminoso, a prevenção abrange medidas para evitar que uma determinada pessoa cometa um crime, e a supressão significa a intervenção ativa dos órgãos de aplicação da lei no estágio de implementação da intenção de cometer um crime. Com o objetivo de eliminar o conhecimento teórico, o artigo oferece o conceito do próprio autor sobre a relação entre esses conceitos. Ele se baseia na distinção entre os estágios de desenvolvimento de um evento criminoso, o que permite uma expansão mais precisa do papel de cada uma das medidas preventivas dentro da estrutura das atividades operacionais e investigativas. Além disso, são identificados três estágios principais das atividades preventivas: preceder um crime (prevenção), o estágio de formação de uma intenção criminosa (prevenção, que é dividida em prevenção e término) e resposta pós-fato (detecção e acusação). Assim, o artigo contribui para o desenvolvimento dos fundamentos teóricos da prevenção do direito penal e das atividades operacionais e investigativas.

Palavras-chave: Atividades operacionais e investigativas; Prevenção de crimes; Prevenção de crimes; Prevenção de crimes; Prevenção de crimes; Prevenção de crimes

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1 INTRODUCTION

Operative and Investigative Activities (OIA) serve as one of the key tools of law enforcement agencies in countering crime, including its prevention, detection, and interruption. Despite the long-standing history of operative and investigative work, the issue of clearly distinguishing the concepts of "prevention," "deterrence," "interruption," and "crime prevention" remains unresolved in academic discourse. The lack of a unified approach to defining these terms creates theoretical and practical challenges in formulating effective crime control strategies and regulating the activities of operational units within law enforcement agencies.

An additional challenge in the sphere of crime control has emerged with the onset of hybrid, and later, full-scale armed aggression by the Russian Federation against Ukraine. This development not only altered the requirements for safeguarding the nation's independence and territorial integrity, as well as the security of its population and critical infrastructure, but also influenced aspects of crime prevention and control. In this context, it is crucial to define the role of the Armed Forces of Ukraine in preventing crime under martial law.

According to the Constitution of Ukraine, one of the state's primary objectives is to ensure the safety of its citizens, safeguard the territorial integrity of the country, and protect the inviolability of fundamental rights and freedoms. To achieve this goal, Ukraine develops strategies across various sectors of societal life. Security strategies outline the main directions of state policy concerning the protection of human rights, civil liberties, and the legitimate interests of society and the state from criminal encroachments. According to the National Security Strategy of Ukraine titled "Human Security is National Security," crime poses a significant threat to the rights and freedoms of citizens, as well as to the legitimate interests of both society and the state. The inconsistency of reforms and widespread corruption hinder Ukraine's economic recovery, exacerbate its vulnerability to threats, and contribute to the growth of criminogenic processes.

Different academic schools and practitioners provide conflicting definitions of these concepts, complicating their legal codification and practical application. Some researchers treat "deterrence" and "prevention" as synonymous, while others highlight

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the fundamental differences between them. Similar debates revolve around the concepts of "interruption" and "crime prevention." The absence of clear definitions for these terms complicates the operations of law enforcement agencies and creates legal inconsistencies within the normative Framework

The issue of distinguishing the concepts of "prevention," "deterrence," "interruption," and "crime prevention" has been examined by both Ukrainian and foreign scholars, including O. M. Bandurska, I. G. Bohatyrov, E. Hladkova, V. Holina, O. M. Dzhuzha, V. M. Kuts, V. V. Lunyev, A. A. Mitrofanov, V. M. Popovych, A. F. Zelinskyi, among others. However, the problem of crime prevention in Ukraine under martial law remains insufficiently explored.

The purpose of this article is to study the definitions of "prevention," "deterrence," "interruption," and "crime prevention" within the Ukrainian legal framework during martial law.

Given this context, the article aims to analyze the relationship between the concepts of "prevention," "deterrence," "interruption," and "crime prevention," focusing on their distinctions and interconnections. The research is based on a review of scholarly perspectives, a comparative analysis of the terms, and an attempt to construct a scientifically grounded model of their relationship. Particular attention is devoted to the normative consolidation of these concepts in Ukrainian legislation and their application in operative and investigative practice, which allows for an assessment of their effectiveness under current criminal policy conditions.

2 METHODS

The methodological foundation of this research is based on general scientific and specialized cognitive methods, which ensure a comprehensive approach to analyzing the discussed concepts and their interrelation.

The comparative analysis method is applied to examine the similarities and differences between the concepts of "prevention," "deterrence," "interruption," and "crime prevention." This involves analyzing definitions proposed in academic literature, as well as assessing the legal frameworks in Ukraine and international practices in this area.

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The systematic approach is used to identify logical connections between the studied concepts, define their place within the structure of crime control measures, and establish the correlation between different stages of implementing operative and investigative measures.

The dialectical method enables the tracing of the evolution of these concepts and their transformation throughout the development of operative and investigative activities. Additionally, it facilitates the analysis of the impact that changes in criminal policy have on the legal regulation of these concepts.

The legal analysis method is employed to study legislative acts regulating operative and investigative activities, with a focus on the provisions of the Law of Ukraine on Operative and Investigative Activities and other relevant regulatory legal documents.

The empirical method is based on analyzing practical cases where operative and investigative measures were applied, as well as evaluating the results of surveys conducted among law enforcement officers regarding the effectiveness of preventive measures.

These methods together provide a comprehensive framework for examining the problem, revealing its theoretical and practical aspects. They also enable the formulation of recommendations for improving both the legislative framework and the practical application of operative and investigative activities.

3 RESULTS AND DISCUSSIONS

Despite the fact that practical detective work appeared somewhat earlier than investigative work, its theoretical and methodological basis, unlike the theoretical basis of investigation, actually began to develop only in the early twentieth century.

It should be noted that most of the scientific developments were directly addressed to detective officers, and mainly focused on describing how to apply the techniques and methods of forensic tactics and techniques in detective work. At all historical stages of development and formation, the main areas of detective work were considered to be the prevention and detection of crimes, search and detention of criminals, and they are still the main ones today, although scholars are trying to move away from using the term ‘crime solving’.

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Unfortunately, in the theory of ORD, scholars have not yet clearly defined the correlation between such concepts as 'prevention', 'warning', 'suppression', 'prevention' and 'crime detection'. There is still no coherent idea of the relationship between these definitions, and the features that distinguish them have not been finally defined. Although these features-criteria simultaneously link them, they are used side by side, defining similar tasks and duties of operational units of internal affairs agencies, which are specified in Articles 1 and 7 of the Law of Ukraine 'On Operational and Investigative Activity'.

With this in mind, we consider it necessary to analyse the main scientific views of scholars on the definition of these concepts and to build our own scientifically based model of the relationship between these concepts with the outline of their constituent elements, which is the purpose of the article.

There is also no unanimous opinion among the scientific community of criminologists regarding the concepts under consideration, since no scientific definition, of course, can be fully recognised as final while an alternative one exists. Criminologists equally use the terms 'prevention', 'prevention' and 'suppression'.

O.M. Bandurka, for example, takes crime prevention as a generic concept, and some authors generally consider prevention and suppression to be identical concepts. In particular, prevention is the implementation of economic, political, ideological, educational, legal and other measures to combat crime, activities to identify certain types and groups of crimes, specific criminals, to prevent the completion of crimes at different stages of development of criminal behaviour (Bandurka, O. M., 2002).

However, the dominant view among criminologists is that the concepts of 'prevention', 'deterrence' and 'suppression' of crimes are essentially different. Prevention means identifying persons who are trying to commit a crime and taking measures against them to stop their activities; prevention is understood as identifying and eliminating the causes and conditions of crime; suppression is identifying persons preparing to commit a crime and taking measures against them to prevent preparatory actions from developing into an attempted or completed crime (Smiyan, L. S., & Nikitin, Y. V. , 2010).

Y.Y. Kondratiev defines prevention as a set of measures carried out outside the framework and methods of the OAI (Kondratiev, Y. Y., 2004).

According to I.P. Kozachenko, prevention is a system of operational control and preventive influence on persons intending to commit a crime or preparing to commit a

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crime, and P.I. Ivanov understands prevention as a system of intelligence and search activities carried out by employees of the operational and investigative apparatus of internal affairs agencies using mainly special forces, means and methods in order to identify and eliminate the causes of crimes, conditions conducive to them, as well as persons preparing to commit a crime, taking measures against them, to prevent the development of preparatory actions into an attempt, and an attempt into a completed crime. In our opinion, this definition is very broad and absorbs the concepts of 'prevention', 'deterrence' and 'suppression' of a crime.

Another group of scholars considers prevention as a system of operative and investigative measures aimed at conducting additional verification of primary information about individuals and facts that are of operational interest. These measures also involve eliminating conditions that contribute to the commission of crimes, as well as applying preventive influence on individuals who, based on credible data, are likely to engage in criminal activities.

There are also viewpoints suggesting that prevention should be classified as either general or individual, with distinct definitions for each. Scholars define general prevention as a set of activities involving the extensive use of covert forces, tools, and methods, combined with overt measures aimed at detecting, studying, and neutralizing various negative factors, as well as eliminating conditions that facilitate the development of criminal intentions by organizers and instigators of crimes. Individual prevention, on the other hand, refers to a system of both overt and covert measures applied to specific individuals to prevent them from exerting negative influence on others.

It should be noted that the majority of Ukrainian scholars adhere to the views of a group of authors who consider prevention to be a collection of special measures implemented by law enforcement agencies to identify and eliminate both objective and subjective causes and conditions that contribute to the commission of crimes. This approach divides prevention into general and special categories. According to Y. Y. Kondratiev, the essence of prevention lies in the elimination and neutralization of the causes, conditions, circumstances, and factors associated with a potential offender. (Kondratiev, Y. Y., 2004).

Analyzing the research conducted by scholars who have studied the definition of "crime prevention," it can be concluded that most authors perceive the essence of prevention as the elimination of the conditions and causes that drive individuals toward

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committing crimes. Some researchers also emphasize the importance of identifying individuals who are likely to commit criminal acts in the future.

In both the theory and practice of operative and investigative activities (OIA), alongside the term "prevention," the concept of "deterrence" is widely used. Scholars attribute distinct characteristics to this term. For example, a group of researchers in the textbook "Operative and Investigative Activities of Law Enforcement Agencies" considers deterrence as one of the forms of OIA, aimed at identifying individuals and facts of operational interest, and placing it on par with operative development activities. The authors correctly point out that crime deterrence is based on laws and subordinate legal acts governing the use of operative and investigative resources, tools, and methods by law enforcement agencies to prevent potential crimes that are being planned, prepared, or attempted.

However, these researchers do not specify which specific means and methods are legally defined as deterrent measures. There are also scholars who emphasize the differences between the deterrent activities of criminal investigation units and other (non-operative) divisions of law enforcement agencies. The essence of this distinction lies in the fact that operational officers obtain information for deterrence through covert sources, utilizing the secret resources and methods available under OIA regulations. Therefore, deterrent activities carried out by these units must remain covert. In contrast, other divisions and departments within law enforcement typically receive information from open sources, meaning their deterrent activities should be conducted in an overt and transparent manner.

Y. Y. Kondratiev considers deterrence as a type of preventive activity, the essence of which lies in identifying individuals whose actions indicate an unlawful intention to commit a crime and who may potentially carry out such offenses. According to the author, "Deterrence holds a special place within the system of operative and investigative measures and has a preventive influence" (Kondratiev, Y. Y., 2004). Thus, deterrence is defined by Kondratiev as preventive action aimed at preventing crimes from occurring.

O. V. Kyrychenko defines deterrence as a legally regulated form of operative and investigative activity carried out by operational units. This activity consists of a comprehensive implementation of preventive measures and monitoring of individuals registered in operative and preventive records of the internal affairs agencies, with the aim of preventing crimes from being committed by these individuals. It also involves

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the study of factors influencing their criminal activity and the timely adoption of measures to neutralize the causes and conditions contributing to such behavior (Kyrychenko, O. V., 2012).

Thus, in the theory of operational and investigative activities (OIA), the term "prevention" generally refers to the activities of operational units aimed at individuals who are highly likely to commit a crime. Certain distinguishing features are highlighted by scholars when differentiating between the concepts of "prevention" and "interruption" of crimes (offenses).

For instance, a group of scholars holds the view that crime prevention refers to the identification of individuals who are at the stage of forming the intent to commit a crime and the implementation of measures aimed at preventing the realization of such intent (Rodrigues, L. C., Dagobi da Silva, R., Espinosa, S. M., & Riscarolli, V. 2024). Crime interruption, in their opinion, involves the identification of individuals attempting to commit a crime, that is, preventing the commission of a crime at the stage of attempted execution.

The objective of crime prevention (including the objective of interruption) involves the application of operational and investigative measures aimed at preventing the commission of unlawful acts or eliminating the causes and conditions conducive to their commission. The methods of interrupting crimes depend on specific circumstances and can vary significantly, including:

- Initiation of criminal proceedings;
- Apprehension at the crime scene;
- Application of preventive measures.

The very notion of crime interruption entails the use of operational and investigative measures directed at a specific individual or group of individuals to create conditions that hinder the continuation of an ongoing crime.

An interesting perspective, in our view, is offered by O. Klyuyev, who proposes that crime prevention should be understood as the adoption of necessary measures to prevent offenses, the identification of individuals attempting to commit an offense, and the implementation of specific actions aimed at preventing the realization of their unlawful intentions (Klyuyev, O., 2005).

According to Ya.Yu. Kondratiev, interruption is considered a stage of crime prevention that involves the use of operational capabilities to stop unlawful actions that have already commenced (Kondratiev, Y. Y., 2004).

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In the dictionaries of operational and investigative terms, prevention and interruption of crimes are regarded as forms of preemption. Prevention is aimed at identifying individuals who are planning or preparing to commit a crime and taking appropriate measures to prevent the transformation of criminal intent into unlawful activity, and preparatory actions into an actual crime. Activities related to the interruption of a crime are considered exclusively at the stage when the crime has already begun but has not yet been completed.

An analysis of the above-mentioned concepts shows that both prevention and interruption are also defined as specific types of activities. Prevention refers to actions aimed at stopping the realization of a criminal intent, while interruptionrefers to preventing the completion of a crime. Therefore, we adhere to the above-mentioned concept concerning the definitions of preemption, prevention, and interruption of crimes.

Thus, in the theory of operational and investigative activities (OIA), the term "preemption" generally refers to the activities of operational units aimed at individuals who are highly likely to commit a crime. Certain distinguishing features are outlined by scholars when differentiating between the concepts of "prevention" and "interruption" of crimes (offenses).

Summarizing the aforementioned theoretical and regulatory interpretations, we will attempt to formulate our own definitions of the concepts of prevention, preemption, deterrence, interruption, and detection of extortion, as these concepts define the primary tasks and responsibilities of the operational units of law enforcement agencies (LEAs), outline, and direct the focus of their activities.

Prevention of extortion is an area of activity (or duty) of the operational units of LEAs aimed at implementing specific methods and measures to identify and eliminate the causes and conditions, i.e., objective factors of reality, that may influence an individual by fostering the formation of a criminal mindset. It also involves identifying personal traits indicating a predisposition to committing extortion, with the purpose of conducting preventive psychological correction of consciousness.

Preemption of extortion is an area of activity (or duty) of the operational units of LEAs aimed at identifying individuals who intend to commit extortion and applying relevant operational and investigative measures to prevent the preparation or attempt to commit this crime (i.e., preventing the commission of incomplete crimes under Articles 14 and 15 of the Criminal Code of Ukraine).

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Deterrence of extortion is an area of activity (or duty) of the operational units of LEAs aimed at identifying individuals engaged in unfinished preparations (or attempting to prepare) to commit extortion. The goal is to apply specific operational and investigative methods and measures aimed at interrupting such actions or persuading the individual to voluntarily abandon their preparatory activities, as well as to prevent the realization of the intent to commit extortion.

Interruption of extortion is one of the areas of activity (or duty) of the operational units of LEAs, the essence of which lies in identifying individuals preparing for or attempting to commit extortion. The purpose is to apply operational and investigative methods and measures aimed at preventing preparatory actions from developing into an attempt and stopping the attempt from resulting in completed extortion.

Based on the definitions provided above, we will attempt to construct a unified logical model that reflects the relationship between these concepts and justify the criteria for its development. The first attempt to consolidate these tasks—prevention, preemption, deterrence, interruption, and detection of crimes—into a comprehensive model was made by Ya.Yu. Kondratiev. To achieve this, based on the object and subject of operational and investigative activities, he defined crime deterrence as the primary concept. Prevention, preemption, interruption, and detection are considered by him as stages or phases that constitute the content of the main direction of combating crime—crime deterrence (Kondratiev, Y. Y., 2004).

His work is of great significance, as it is intended to facilitate the understanding by the operational units of law enforcement agencies (LEAs) of the primary tasks related to prevention, preemption, and detection of crimes. However, we disagree with this approach to constructing the given model.

Firstly, Ya.Yu. Kondratiev defines the concept of crime deterrence as a general, overarching category that includes preemption, prevention, and interruption of crimes. In our view, crime deterrence is a rather narrow concept that cannot encompass the broader notions of preemption and prevention. We consider this perspective to be flawed because it is based on an incorrect selection of criteria or indicators on which the logic of constructing such a model is founded.

The logical criterion for differentiating the above-mentioned concepts should not be the object of operational and investigative activities (OIA) but rather the criminal event itself at any stage of its commission, as well as the application of measures whose relevance corresponds to a specific stage of the crime.

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We propose distinguishing three stages of a criminal event's development:

- the pre-crime stage – the period before the offense occurs;
- the occurrence and continuation stage – the period during which the crime is being committed;
- the post-crime stage – the period after the offense has been completed.

In other words, specific tasks or areas of activity (prevention, preemption, or detection) should be chosen depending on the stage in which the criminal event currently exists.

These stages will define the directions and tasks of the preventive work carried out by the operational units. At the pre-crime stage, efforts should focus on the prevention of extortion; at the occurrence and continuation stage, the focus should shift to the preemption of extortion; and at the post-crime stage, the focus should be on the detection of extortion and ensuring the protection of the interests of criminal justice.

Prevention should be carried out both before and at the moment when objective factors begin to influence an individual—that is, external causes, conditions, and circumstances that may push individuals predisposed to committing extortion toward forming the intent to commit the crime. Therefore, prevention must be aimed at eliminating these objective causes and conditions.

The task of preventing a specific crime becomes irrelevant once subjective factors come into play, and the individual's intent to commit extortion has been formed. In this case, preemption must take effect. Preemption consists of two forms, selected depending on the stage of the crime.

At the stage of intent formation, during the process of contemplating the commission of extortion, its purpose, methods, and strategies—up to the point when the individual begins to take active steps toward executing the intent—deterrenceshould be applied (Tutida, A. Y., Rossetto, C. R., Santos , R. C. dos, & Mazon , G. 2022). Deterrence aims to create obstacles that prevent the transformation of criminal intent into active behavior.

From the moment the individual starts taking active steps to implement their criminal intent, i.e., during the preparation phase, interruption must be applied. Interruption remains relevant until the crime is completed to prevent the realization of the criminal objective, i.e., stopping the crime during the preparation or attempt stage. Preemption loses its relevance once the extortion act is completed—specifically, when

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a demand accompanied by a threat has been made—since extortion is a formally completed crime.

As soon as the actual demand for the transfer of another person's property occurs, the final (third) post-crime stagebegins. Crimes that were not detected during the preparation or attempt stages can no longer be preempted. At this stage, detection of extortion must be applied, as it is focused on identifying the individual who has already committed the crime.

Thus, prevention, preemption, and detection are equivalent tasks, responsibilities, and areas of operational and investigative activities (OIA), applied according to the stage of the criminal event's development. Preemption consists of two stages—deterrence and interruption—depending on which stage the extortion process is currently in.

It should be noted that the preventive activity of LEA operational units should also be carried out while ensuring the protection of criminal justice interests. The directions of such activity may be borrowed from the preventive work of investigators:

1. Preventing crimes whose likelihood is conditioned by and causally connected to the crime under investigation.

2. Preventing crimes similar to the one already committed by other individuals, which is typically achieved by eliminating the causes and conditions that facilitated the crime.

3. Prevention of "virtual crimes", i.e., crimes that can only be committed under certain conditions (Safronov, S. O., 2002).

Preemption of extortion, as a direction of operational and investigative activities (OIA), should be considered through the lens of accomplishing several tasks:

- Identifying individuals who are predisposed to forming the intent to commit extortion;

- Detecting objective circumstances that contribute to the preparation or commission of extortion and eliminating these circumstances;

- Identifying individuals who have already formed the intent to commit extortion;

- Neutralizing the actions of individuals preparing for or attempting to commit extortion.

We propose distinguishing two primary tasks in the detection of extortion as a separate area of activity:

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- Identifying cases of latent extortion;
- Establishing and exposing individuals who have prepared for or attempted to commit extortion;
- Identifying and exposing individuals who have already committed extortion.

Unfortunately, the theoretical and legal provisions for the prevention and preemption of crimes, particularly extortion, by operational units of the law enforcement agencies (LEAs) of Ukraine remain largely unrealized in practice. One of the reasons for this issue is the imperfection of the current legislation. Notably, 79% of surveyed authorized officers confirmed this claim.

Considering this factor, we decided to examine this issue in greater detail, as it remains relevant for both the theory and practice of OIA. Analysis and generalization of empirical data revealed existing legal problems in the practical activities of LEA operational units in Ukraine, which prevent the full implementation of theoretical developments concerning the prevention and preemption of extortion. These problems include the following:

Despite the fact that preemption and interruption of crimes are tasks and responsibilities of units carrying out OIA (Articles 1 and 7 of the Law of Ukraine on Operational and Investigative Activities), certain imperative legal norms of this law prevent full implementation of OIA in all its forms and directions, particularly concerning the preventive measures mentioned above.

For example, according to Part 1, Article 8 of the Law on Operational and Investigative Activities, the special competence-related rights of OIA subjects can only be exercised if the grounds specified in Article 6 of the same law are present. Under Part 3, Article 6, conducting operational and investigative measures (OIM) without the grounds outlined in Part 1 of this article is prohibited. Furthermore, without opening an operational and investigative case (OIC), carrying out OIM is also prohibited (Part 3, Article 9 of the Law).

Moreover, the law requires that an OIC be initiated in each instance where grounds for conducting OIA exist (Part 1, Article 9). Therefore, to utilize the special rights of operational units and to recognize the legality of the OIA itself, two legal facts must first occur:

1. Factual events (i.e., the grounds for conducting OIA), the list of which is exhaustively defined by Part 1, Article 6of the Law on Operational and Investigative Activities;

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2. Legal actions (i.e., procedural and legal actions aimed at making a decision to initiate an OIC and formalizing this decision by drafting a ruling on opening the case).

In relation to this issue, according to departmental orders of the Ministry of Internal Affairs of Ukraine, a particular type of OIC can be initiated only if it is known that an individual is preparing to commit a crime or has already committed one.

How do these provisions of the Law and departmental orders correspond with the legal duty of operational units concerning crime prevention?

Firstly, the Law of Ukraine on Operational and Investigative Activities and the departmental order of the Ministry of Internal Affairs of Ukraine exclude the possibility of carrying out extortion prevention through the implementation of OIA measures. This is because all legal grounds for conducting OIA are, by their hypothetical content, criminalized—except for those mentioned in Paragraphs 2 and 3, Part 1, Article 6 of the Law on Operational and Investigative Activities and in cases of a person's disappearance.

Thus, according to the principles of constructing logical judgments:

- A crime becomes the legal ground for conducting OIA;
- The crime serves as the cause, while OIA becomes the consequence of the law enforcement response.

Under Paragraph 1, Part 1, Article 6 of the Law on Operational and Investigative Activities, a crime (in any legal understanding of the term—completed or uncompleted, ongoing or continuous, solved or unsolved) must precede the implementation of OIA measures.

Undoubtedly, the current state of legal regulation regarding the preventive activities of the operational units of the law enforcement agencies (LEAs) of Ukraine is illogical in relation to all theoretical concepts of crime prevention and absurd concerning the realities of practical application.

Secondly, despite the fact that the prevention of offenses, including crimes, is an obligation of the operational unit (Paragraph 1, Part 1, Article 7 of the Law on Operational and Investigative Activities), neither the Law nor the relevant Orders provide for specific operational and investigative measures (OIMs) or operational and tactical measures (OTMs) dedicated exclusively to crime prevention. As a result, operational units are limited in their powers to take preventive actions, as they are required to act within the scope of their authority according to the laws forming the

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legal foundation of OIA (Paragraph 1, Part 1, Article 7 of the Law on Operational and Investigative Activities).

Constitutional provisions also require that officers of operational units act in a manner prescribed by the Constitution and laws of Ukraine (Article 19 of the Constitution of Ukraine). Therefore, if the law does not provide explicit means for preventive or preemptive actions, such actions may be considered non-mandatory or even deemed unlawful.

Thirdly, the rights granted to operational units by law can only be exercised to fulfill the tasks of operational and investigative activities (Part 1, Article 8 of the Law on Operational and Investigative Activities). Unfortunately, the legislator did not include in the list of OIA tasks any references to crime prevention, preemption, or deterrence—only interruption is explicitly mentioned, as stated in Article 1 of the Law.

Thus, the Law on Operational and Investigative Activities contains two conflicting provisions, creating a legal contradiction and competition between norms:

- On the one hand, there is the duty of the operational unit to carry out the prevention of offenses (Paragraph 1, Part 1, Article 7 of the Law);
- On the other hand, the authority to exercise rights is granted solely for the performance of OIA tasks (Part 1, Article 8 of the Law), which do not include prevention, preemption, or deterrence in their content.

In conclusion, we find that the regulatory framework governing the preventive and preemptive activities of the operational units of the LEAs of Ukraine is largely declarative and remains an inadequately regulated issue.

None of the legal norms of the current legislation of Ukraine regulating crime prevention by LEAs, nor the existing theoretical developments in OIA regarding the detection of extortion, take into account the conceptual doctrine of criminal law concerning crimes with formal and truncated corpus delicti, specifically the doctrine concerning the moment of completion of such crimes.

In criminal law theory, a crime with a formal corpus delicti is considered completed once the act itself is committed, regardless of whether the consequences of that act occur. A crime with a formal corpus delicti is deemed completed from the moment the unlawful act is performed (Bazhanov, M. I., 1992).

Extortion is classified as a crime with a formal corpus delicti; it is considered completed from the moment the perpetrator makes a property-related demand, regardless of whether the intended goal has been achieved (Melnyk, N. I., &

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Khavroniuk, M. I., 2004). This is also stated in Paragraph 3, Section 8 of the Resolution of the Plenum of the Supreme Court of Ukraine No. 10 of November 6, 2009, titled "On Judicial Practice in Cases Concerning Crimes Against Property" (Melnyk, N. I., & Khavroniuk, M. I., 2004). Furthermore, simple extortion (i.e., without qualifying aggravating circumstances) is considered a crime with a truncated corpus delicti.

Due to this specific legal structure of the offense provided for in Part 1, Article 189 of the Criminal Code of Ukraine, the issues of prevention and preemption of extortion acquire a qualitatively different character. In essence, all preventive and preemptive activities of the operational units of the law enforcement agencies (LEAs) must shift toward earlier forms and directions of criminal prevention aimed at preventing the commission of verbal actions—namely, the demand for the transfer of someone else's property or rights over it.

If the perpetrator issues such demands in an ultimatum-like, threatening form, the crime is considered completed, and the concepts of preemption or interruption are no longer applicable. The actual transfer of property holds no significance for the legal qualification of the offense. Once the demand is made, the focus shifts to the detection of the crime or the prevention of its recurrence.

Therefore, existing theoretical recommendations prioritizing the recording of the transfer of property to the criminal are flawed, as they focus on documenting not the criminal act of extortion itself, but merely the separate fact of property transfer and receipt. Without evidence of the extortion attempt, the transfer alone does not constitute a crime.

According to our research, it has been established that criminals, in most cases, admit to receiving property and rarely deny this fact (78%). However, nearly all offenders (95%) deny or attempt to refute the fact of extortion, which necessitates additional operational and investigative measures (OIMs) and investigative actions. This complicates the process of proving guilt and often leads to either an acquittal or the termination of the criminal case during the inquiry or pretrial investigation stages.

Given these circumstances, we find it appropriate to revise the existing theoretical recommendations on recording criminal activities related to extortion in the departmental regulatory acts of the Ministry of Internal Affairs of Ukraine.

In this regard, we propose continuing theoretical developments and initiating the introduction of the concept of "unfinished preparation for a crime" into the operational and investigative theory of crime prevention. In our view, this would help define the

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directions and scope of tasks related to preventive and preemptive activities within OIA.

4 CONCLUSIONS

The analysis of scientific approaches and regulatory legal acts has established that the concepts of "prevention," "preemption," "deterrence," and "interruption" of crimes are not identical, although there is a certain logical connection between them. The main conclusions of this study are as follows: Crime prevention involves a system of measures aimed at eliminating social, economic, and psychological factors that contribute to criminal behavior. It can be general (at the societal level) or special (targeted at specific groups or individuals). Crime preemption includes activities aimed at individuals prone to committing crimes or at conditions that may contribute to their commission. At this stage, the operational work of law enforcement agencies plays a crucial role, involving special methods. Crime deterrence focuses on identifying individuals who are planning or engaging in preparatory actions for committing a crime, with the aim of preventing the realization of their intent. This is an active preventive activity involving the use of operational methods and special tools. Crime interruption is carried out during the commission of a crime or during an attempt when law enforcement agencies intervene to halt criminal actions through operational or procedural measures. Differentiating these concepts and establishing their legal definitions requires an improvement of Ukraine's legislation, particularly the Law of Ukraine on Operational and Investigative Activities, to clearly define the legal mechanisms for implementing prevention, preemption, deterrence, and interruption measures. The imperfections in the current legal framework significantly hinder the implementation of preventive measures by law enforcement agencies. Existing restrictions on conducting operational and investigative activities without opening an official operational and investigative case create legal conflicts that necessitate legislative amendments. Thus, an effective system of crime prevention and control requires not only the theoretical development of relevant concepts but also their practical implementation through clear legal regulation and ensuring the enforceability of law enforcement activities. Future research should focus on developing specific methodologies for applying preventive measures within the framework of operational

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and investigative activities, as well as harmonizing Ukraine's legislation with European standards in the field of crime control.

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