

UDC 342.9

DOI <https://doi.org/10.32849/2663-5313/2024.2.09>**Anatolii Kupriienko,***Postgraduate Student, Scientific Institute of Public Law, 2a, H. Kirpa street, Kyiv, Ukraine, postal code 03055, kupriienkoanatolii@ukr.net***ORCID:** [orcid.org/0000-0002-7783-3509](https://orcid.org/0000-0002-7783-3509)

Kupriienko, Anatolii (2024). Forms of cooperation between the units of the State Bureau of Investigation and pre-trial investigation bodies and the Military Law Enforcement Service in countering military criminal offenses. *Entrepreneurship, Economy and Law*, 2, 52–58, doi <https://doi.org/10.32849/2663-5313/2024.2.09>

## FORMS OF COOPERATION BETWEEN THE UNITS OF THE STATE BUREAU OF INVESTIGATION AND PRE-TRIAL INVESTIGATION BODIES AND THE MILITARY LAW ENFORCEMENT SERVICE IN COUNTERING MILITARY CRIMINAL OFFENSES

**Abstract. Purpose.** The purpose of this article is to identify the forms of cooperation between the units of the State Bureau of Investigation (SBI) and the pre-trial investigation bodies and the Military Law Enforcement Service in countering military criminal offenses. **Results.** Military criminal offenses are recognized as criminal offenses committed against the legally established procedure for performing or undergoing military service, committed by servicemen, as well as conscripts and reservists during training or assembly periods. It is emphasized that the term “cooperation” carries a significant semantic load. This is explained both by the complexity and multiplicity of meanings of the term, as well as by the diversity of perspectives from which it is studied. A common feature of nearly all definitions of the concept of “cooperation” is that authors interpret it as coordinated activity aimed at achieving a goal, performing tasks, or attaining a specific result. **Conclusions.** It is concluded that the forms of cooperation between operational units and pre-trial investigation bodies in countering military criminal offenses constitute a joint and coordinated activity based on legislative and subordinate regulatory acts (departmental instructions), under the guiding and organizing role of an operational officer. This cooperation involves a distribution of competence, functions, powers, and mutual responsibilities and is aimed at fulfilling the tasks of criminal justice. The forms of cooperation are differentiated depending on the objectives and tasks, the actors involved (operational unit officers, investigators), and the specific measures and actions taken. Based on the findings, the article proposes the development of an Instruction on Cooperation between the State Bureau of Investigation, pre-trial investigation bodies, and the Military Law Enforcement Service. This Instruction should stipulate that cooperation is carried out at both strategic and tactical levels. The strategic level includes the organization of the implementation of state policy in the field of combating military crimes, eliminating their causes and conditions, and improving the legal framework for combating military crimes. The tactical level encompasses the detection, documentation, suppression, solving, and investigation of military crimes.

**Key words:** State Bureau of Investigation, pre-trial investigation bodies, war crimes.

### 1. Introduction

Since the beginning of the full-scale invasion of Ukraine by the Russian Federation, servicemen of the Armed Forces of Ukraine have been defending our national borders. However, despite the conscientious and honest fulfillment of military duties by the overwhelming majority of military personnel, incidents of military criminal offenses committed by servicemen still occur within the Armed Forces of Ukraine.

Military criminal offenses are recognized as criminal acts against the legally established

procedure of performing or undergoing military service, committed by servicemen, as well as by conscripts and reservists during the period of military training or assembly.

In accordance with Article 5 of the Law of Ukraine *On the State Bureau of Investigation*, one of the key tasks of the State Bureau of Investigation (hereinafter – SBI) is to prevent, detect, suppress, solve, and investigate criminal offenses against the procedure of military service (Law of Ukraine *On the State Bureau of Investigation*, 2015).

According to official data, the majority of criminal proceedings investigated by the SBI concern military crimes.

Military crimes represent a particularly complex category of offenses due to the predominantly blanket nature of their legal norms. That is, in order to determine whether the elements of a criminal offense are present, it is necessary to refer to numerous regulatory acts that clarify relevant legal concepts.

Effective counteraction to military criminal offenses is only possible through the establishment of efficient cooperation between operational units and pre-trial investigation bodies.

In view of this, the issue of properly organizing effective cooperation between operational units and pre-trial investigation bodies in countering military criminal offenses is currently highly relevant and requires continuous attention and the implementation of practical measures for its improvement.

The theoretical foundation for the interaction of authorized units with other actors involved in countering military criminal offenses is formed by the scholarly works of domestic and foreign researchers in the fields of criminalistics, criminal procedure, and the theory of operational and investigative activities, in particular: V. I. Vasylynychuk, O. M. Dzhuzha, V. V. Topchii, S. R. Tagiyev, S. M. Kniaziev, D. Y. Nykyforchuk, V. L. Ortynskyi, M. A. Pohoretskyi, Ye. D. Skulysh, R. V. Osukhovskiy, O. O. Priadko, K. O. Chaplynskyi, O. V. Pchelina, S. S. Cherniavskiy, V. V. Shendryk, I. R. Shynkarenko, M. Ye. Shumylo, among others.

The works of these scholars have primarily focused on general theoretical issues of cooperation in countering criminal offenses.

At the same time, the problems of developing a conceptual approach to the forms of cooperation between operational units and pre-trial investigation bodies in the context of countering military criminal offenses, as well as ways to improve this cooperation in light of current legislative changes, remain outside the scope of the aforementioned and other studies.

The absence of an in-depth, comprehensive approach to studying these issues in the context of combating military criminal offenses has determined the relevance and the author's choice of the topic for this scientific article.

## 2. Specific Features of Defining the Concept of "Cooperation"

The cooperation of the State Bureau of Investigation (SBI) with other entities involved in countering military criminal offenses constitutes a form of organizing both operational and investigative activities and pre-trial investigations. Such cooperation is aimed at consolidating forces and resources

to optimize performance and ensure the most rapid achievement of common goals through coordinated efforts (Priadko, 2023).

An analysis of existing research shows that legal science has not yet developed a unified approach to defining the concepts of "cooperation," "collaboration," "coordination," "alignment," and "assistance." In philosophy, cooperation is viewed as a category reflecting the processes of mutual influence among various entities, their interdependence, changes in state, and the generation of one object by another.

Theoretical definitions of cooperation are largely based on the core principles of military science, where cooperation is seen as a specific process organized according to task, location, and timing with the aim of effectively utilizing available forces and means to achieve the required result in the performance of service (combat) duties.

The term "cooperation" implies "to act jointly," "to work together," "to collaborate," and it is grounded in law and subordinate regulations. Cooperation represents joint or coordinated actions by operational units among themselves and with other departments and services, carried out within their competence and directed toward detecting and preventing crimes, as well as neutralizing the causes and conditions that contribute to their commission (Kovalenko, Moisieiev, Tatsii, Shemshuchenko, 2010).

As noted by K. O. Chaplynskyi, the prompt solving and investigation of serious and especially grave crimes directly depends on proper cooperation between operational and investigative units. Such cooperation enables effective planning of initial investigative (search) and procedural actions, as well as operational search measures (Chaplynskyi, 2022).

In this regard, the position of V. I. Vasylynychuk is appropriate: errors in establishing proper cooperation result in the loss of relevance and often the accuracy of acquired information. As a consequence, investigative efforts may yield poor results (Vasylynychuk, 2014).

It is also worth agreeing with the opinion of O. V. Pchelina, who asserts that cooperation enables the optimization of activity by its participants, thereby ensuring the effectiveness of pre-trial investigation and judicial proceedings as a whole, as well as operational search and covert investigative (search) actions (Pchelina, 2015). It is one of the methods of combating crime that involves coordination and combination of the efforts of several persons, units, or agencies in accordance with the law in order to optimize pre-trial investigations of criminal offenses (Pchelina, 2020).

Upon analyzing the definitions of cooperation, it can be concluded that the term carries significant semantic weight. This is due to the complexity and polysemy of the term, as well as the wide range of contexts in which it is studied. A common feature of nearly all definitions of "cooperation" is that authors interpret it as coordinated activity aimed at achieving a goal, performing tasks, or attaining a result.

According to Article 7 of the Law of Ukraine *On Operational and Investigative Activities*, the units conducting operational and investigative work are required to cooperate with each other and with other law enforcement bodies, including relevant authorities of foreign states and international anti-terrorist organizations, for the purpose of prompt and full prevention, detection, and suppression of criminal offenses (*Law of Ukraine On Operational and Investigative Activities*, 1992).

Article 22 of the Law of Ukraine *On the State Bureau of Investigation* defines SBI's cooperation with other state authorities and the central executive authority. The staffing structures of the central offices of such bodies provide for positions whose official duties include cooperation with the State Bureau of Investigation (*Law of Ukraine On the State Bureau of Investigation*, 2015).

The Strategic Program of the State Bureau of Investigation for 2017–2022 highlighted, as a separate focus, SBI's cooperation with state authorities and law enforcement agencies in countering criminal offenses, including military crimes. Such cooperation should be based on the principles of the rule of law, legality, impartiality, and the independence of each body, in alignment with the objectives of criminal proceedings. It is to be implemented in the following forms: exchange of information; joint research activities; development of measures to achieve criminal justice objectives and minimize corruption risks within each agency; locating individuals evading investigation; recovery of assets obtained through criminal means; protection of law enforcement officers and participants in criminal proceedings; preparation of joint legal acts for effective cooperation; and other forms of cooperation not prohibited by current legislation (*Strategic Program of the State Bureau of Investigation for 2017–2022*, 2017).

### 3. Defining the Forms of Cooperation Between Units of the State Bureau of Investigation

One of the forms of cooperation between units of the State Bureau of Investigation (SBI) is the exchange of operational information

between the SBI and the National Anti-Corruption Bureau of Ukraine, the internal affairs bodies, the National Police of Ukraine, the Security Service of Ukraine, the Bureau of Economic Security of Ukraine, regarding joint operations, and other state authorities that, in accordance with the law, carry out operational and investigative activities. Such exchange is conducted upon written instruction of the heads of the respective units (*Law of Ukraine On the State Bureau of Investigation*, November 2015).

Taking into account that, pursuant to Part 3 of Article 216 of the Criminal Procedure Code of Ukraine, the units of the SBI have jurisdiction over criminal offenses "...against the established procedure for military service (military criminal offenses), except for offenses stipulated in Article 422 of the Criminal Code of Ukraine," the legislator did not define, in Article 22 of the Law of Ukraine *On the State Bureau of Investigation*, the mechanism for cooperation between the SBI and the Command of the Military Law Enforcement Service in the Armed Forces of Ukraine.

The Military Law Enforcement Service in the Armed Forces of Ukraine is a special law enforcement formation within the Armed Forces of Ukraine, established to ensure law and order and military discipline among servicemen of the Armed Forces of Ukraine in locations of military unit deployment, military educational institutions, establishments and organizations, military garrisons, as well as on the streets and in public places. Its tasks also include the prevention and suppression of criminal and other offenses within the Armed Forces of Ukraine; protection of the life, health, rights, and legal interests of servicemen, conscripts during training, and employees of the Armed Forces of Ukraine; safeguarding military property from theft and other unlawful encroachments; and participation in countering sabotage and terrorist acts at military facilities.

In accordance with Article 3 of the Law of Ukraine *On the Military Law Enforcement Service in the Armed Forces of Ukraine*, the core tasks of the Service include: identifying causes, preconditions, and circumstances of criminal and other offenses committed in military units and at military facilities; locating persons who have deserted or are absent without leave; preventing and suppressing criminal and other offenses in the Armed Forces of Ukraine; assisting, within its competence, operational and investigative bodies, pre-trial investigation authorities, courts, public authorities, local self-government bodies, military command bodies, enterprises, institutions, and organizations in the performance of their statutory duties.

Article 8 of the same Law tasks the Military Law Enforcement Service with a range of functions, including cooperation with military formations established under Ukrainian law, the National Police of Ukraine, and other law enforcement agencies. This includes the exchange of information with such agencies to detect offenses; and the execution, within the limits of its competence and in accordance with the law, of instructions from investigators and prosecutors, as well as court rulings and judges' resolutions (*Law of Ukraine On the Military Law Enforcement Service in the Armed Forces of Ukraine*, 2002).

Accordingly, the Military Law Enforcement Service is obliged to cooperate with law enforcement bodies, including the SBI units, in particular through the exchange of information to detect military criminal offenses.

Pursuant to Articles 9 and 25 of the Law of Ukraine *On the Prosecutor's Office*, Articles 5, 6, and 22 of the Law of Ukraine *On the State Bureau of Investigation*, Articles 7 and 8 of the Law of Ukraine *On the Military Law Enforcement Service in the Armed Forces of Ukraine*, and Clauses 3 and 4 of the *Regulations on the Ministry of Defence of Ukraine*, approved by Resolution of the Cabinet of Ministers of Ukraine No. 671 of November 26, 2014 (as amended by Resolution No. 730 of October 19, 2016), in order to ensure the exchange of information between the Prosecutor's Office, the State Bureau of Investigation, and the Military Law Enforcement Service in the Armed Forces of Ukraine, the Office of the Prosecutor General, the SBI, and the Ministry of Defence of Ukraine jointly adopted Order No. 25/60/99 of February 9, 2024 *On the Exchange of Information Between the Prosecutor's Office, the State Bureau of Investigation, and the Military Law Enforcement Service in the Armed Forces of Ukraine Regarding Offenses Committed by Servicemen, Employees of the Ministry of Defence of Ukraine, the Armed Forces of Ukraine, and the State Special Transport Service, Conscripts and Reservists During Military Assemblies, and the Conduct of Corresponding Verifications*.

According to this Order, and in line with Article 222 of the Criminal Procedure Code of Ukraine, and for the purpose of ensuring the fulfillment of criminal justice tasks within the scope of competence, the exchange of information concerning offenses committed by servicemen, employees of the Ministry of Defence of Ukraine, the Armed Forces of Ukraine, and the State Special Transport Service, as well as by conscripts and reservists during military assemblies, and the conduct

of corresponding verifications, shall be ensured in the manner defined by this Order.

Following the registration of information about criminal offenses under Articles 402, 403, 405, 407, 408, and 429 of the Criminal Code of Ukraine in the Unified Register of Pre-Trial Investigations, investigators, inquiry officers, heads of pre-trial investigation units of the State Bureau of Investigation, and prosecutors of specialized military defense prosecution offices are obliged to notify, in writing, the respective command authorities of the Military Law Enforcement Service in the Armed Forces of Ukraine.

By the 5th day of each month, the management bodies of the Military Law Enforcement Service in the Armed Forces of Ukraine must provide the head of the corresponding pre-trial investigation body of the SBI's territorial office with a reconciliation act in two copies. This act includes information on criminal offenses committed by servicemen, employees of the Ministry of Defence of Ukraine, the Armed Forces of Ukraine, and the State Special Transport Service, as well as conscripts and reservists during military assemblies, along with the results of their pre-trial investigations. (*Order of the Prosecutor General's Office, the State Bureau of Investigation, and the Ministry of Defence of Ukraine "On the exchange of information between the Prosecutor's Office, the State Bureau of Investigation, and the Military Law Enforcement Service of the Armed Forces of Ukraine regarding offenses committed by servicemen, employees of the Ministry of Defence of Ukraine, the Armed Forces of Ukraine and the State Special Transport Service, conscripts and reservists during military training, as well as conducting relevant reconciliations," 2024*).

According to V.V. Topchii, the choice of the form of cooperation depends on the nature of the investigative or operational-search situation arising during criminal proceedings or operational-search activities and is determined by the investigator, who initiates and exercises procedural control over it (Topchii, 2014).

In accordance with the Law of Ukraine *On Operational and Investigative Activities* (paras. 1 and 2 of Article 10), materials obtained through operational and investigative measures may serve as grounds and reasons for initiating pre-trial investigations and for obtaining factual data that may be used as evidence in criminal proceedings (*Law of Ukraine On Operational and Investigative Activities*, 1992).

During the investigation of military criminal offenses, the general goal is to fulfill the objectives of criminal proceedings as outlined in Article 2 of the Criminal Procedure Code of Ukraine. This overarching goal is

achieved through resolving intermediate, or so-called “tactical,” tasks—an operational and criminalistic term—which may include establishing specific circumstances of a crime, identifying the offender and/or accomplices, collecting sufficient evidence, etc.

It is evident that the authorized units tasked with countering military crimes do not operate in isolation. Therefore, in the course of their professional activities, they interact with other entities pursuing similar or related objectives, in particular operational units.

An analysis of practical experience reveals that one of the problematic areas in cooperation is the *internal* interaction between the operational and investigative units of the SBI. According to the requirements of the *Criminal Procedure Code of Ukraine*, there are specific limitations on the activities of operational unit staff at the pre-trial investigation stage. As stipulated in Article 41 of the CPC, they may conduct investigative (search) actions and covert investigative (search) actions only upon written instruction from an investigator, inquiry officer, or prosecutor (*Criminal Procedure Code of Ukraine*, 2012).

Moreover, the majority of operational-search measures (OSMs) and covert investigative actions (CIAs) are carried out directly by operational personnel upon instruction from an investigator or prosecutor. In some cases, the investigator merely forwards the information obtained by operational officers to the prosecutor without examining the collected materials. There are frequent instances when, in order to expedite the process, operational officers draft motions for conducting OSMs and CIAs on behalf of the investigator. Thus, it is reasonable to agree with the opinion of R.V. Osukhovskiy that the term “operational activity” today is no longer synonymous with “rapid” or “swift” (Osukhovskiy, 2022).

The statutory grounds for the interaction between the operational and investigative units of the State Bureau of Investigation (SBI) are as follows: a) the common purpose and objectives of the operational and investigative units; b) the equal legal force of procedural acts prepared by operational and investigative officers—namely, the protocols of procedural actions drawn up by operational personnel carry the same evidentiary value as those compiled by investigators; c) the need to utilize the capacities of operational units during the conduct of covert investigative (search) actions (CISAs).

S.M. Kniaziev provides an insightful interpretation by distinguishing the interaction between operational and investigative units

along the lines of their activities, namely: procedural and organizational (non-procedural) forms of cooperation (Kniaziev, 2019).

We support the view of scholars that the foundation of interaction between operational and investigative units of the SBI in the context of combating military criminal offenses lies in the norms of the *Criminal Procedure Code of Ukraine*, while other legislative and subordinate acts only detail certain aspects of such interaction.

An analysis of the CPC of Ukraine shows that the term *interaction* appears only in Article 571, “Establishment and Activities of Joint Investigation Teams.” However, interaction is implicitly addressed in other provisions of the CPC of Ukraine, including:

1. regulations on the execution of individual procedural actions upon request from competent authorities of foreign states within the framework of international cooperation (Article 4 and Chapter IX of the CPC of Ukraine);

2. during the exercise of procedural supervision over the pre-trial investigation by the prosecutor (Article 36 of the CPC);

3. when assigning the conduct of investigative (search) actions and CISAs to the relevant operational units (Articles 40, 40-1, and 41 of the CPC), among others (*Criminal Procedure Code of Ukraine*, 2012).

In the course of the study, it was found that the procedural forms of interaction (regulated by the *Law of Ukraine On Operational and Investigative Activities* and the CPC of Ukraine) include:

- providing assistance to the investigator in conducting investigative (search) and covert investigative (search) actions (Article 40 of the CPC);

- instructions and orders from the investigator regarding the performance of CISAs (Articles 40 and 246 of the CPC);

- documenting and transmitting the results of CISAs to the investigator or prosecutor (Article 252 of the CPC).

Such cooperation is conditioned upon the existence of legal grounds and preconditions for the conduct of these actions, namely:

- the inability to obtain information about a military criminal offense and the identity of the perpetrator by other means;

- the conduct of CISAs exclusively in serious or especially serious military crimes (although locating a radio-electronic device may also be allowed in other types of crimes);

- the conduct of CISAs based solely on a ruling of an investigating judge, except for locating a radio-electronic device, which may be initiated, in urgent cases, pursuant to



Article 250 of the CPC, based on a resolution by the investigator approved by the prosecutor.

Organizational (non-procedural) forms of interaction (those provided by departmental regulations) include:

- coordinated action within investigation task forces (ITFs);
- joint planning of covert investigative (search) actions;
- exchange of operationally significant information (including the use of criminalistics and operational records);
- joint use of forensic and operational-technical tools;
- consultations;
- coordination of covert investigative (search) actions;
- joint analysis of the causes and conditions contributing to the commission of the crime, and discussions of preventive measures;
- mutual support using available resources and personnel;
- exchange of professional experience;
- participation of operational and investigative unit heads in briefings and analyses of CISAs;
- joint issuance of analytical reviews and methodological recommendations based on the results of CISAs; – development of proposals for regulations aimed at improving cooperation between operational units and pre-trial investigation bodies in countering military criminal offenses.

#### 4. Conclusions

To summarize, the forms of interaction between operational units and pre-trial investigation bodies in combating military criminal offenses represent coordinated and joint activities based on legislative and subordinate regulatory acts (including departmental instructions). These activities are carried out under the guiding and organizational role of the operational officer and involve a clear distribution of competences, functions, powers, and mutual obligations. The ultimate aim is to achieve the objectives of criminal justice.

The forms of interaction are differentiated depending on the goals and tasks, the actors involved (operational unit personnel, investigators), and the specific measures and actions undertaken.

As a result of the study, it is proposed to develop a **Guideline on the Interaction between the State Bureau of Investigation, Pre-trial Investigation Bodies, and the Military Law Enforcement Service**, which would define interaction as being implemented at both **strategic** and **tactical** levels.

- The **strategic level** entails organizing the implementation of state policy in

the field of combating military crimes, eliminating the causes and conditions of their occurrence, and improving the legal framework for addressing military offenses.

- The **tactical level** includes the detection, documentation, prevention, solving, and investigation of military crimes.

#### References

- Chaplynskyi, K. O.** (2022). Problematic issues of interaction of investigative and operational units of the National Police of Ukraine during the investigation of criminal offenses. *Visnyk LDUVS im. E. O. Didorenka*, (4), 247–258. (in Ukrainian)
- Kniaziev, S. M.** (2019). Interaction of an investigator with an employee of an operational unit in criminal proceedings. *Pidpriemnytstvo, hospodarstvo i pravo*, (11), 295–301. (in Ukrainian)
- Kovalenko, V. V., Moisieiev, Ye. M., Tatsii, V. Ia., & Shemshuchenko, Yu. S.** (2010). *Mizhnarodna politseiska entsyklopediia* [International Police Encyclopedia]. Kyiv: Atika. (in Ukrainian)
- Criminal Procedure Code of Ukraine: Law of Ukraine No. 4651-VI of April 13, 2012.** (2012). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17> (in Ukrainian)
- Order of the Prosecutor General's Office, the State Bureau of Investigation, and the Ministry of Defense of Ukraine No. 25/60/99 of February 9, 2024** "On the exchange of information between the prosecutor's office, the State Bureau of Investigation and the Military Law Enforcement Service of the Armed Forces of Ukraine regarding offenses committed by servicemen, employees of the Ministry of Defense of Ukraine, the Armed Forces of Ukraine and the State Special Transport Service, conscripts and reservists during the training, as well as conducting relevant reconciliations." Retrieved from <https://zakon.rada.gov.ua/laws/show/v0025905-24#Text> (in Ukrainian)
- Osukhovskiy, R. V.** (2022). Directions for improving interaction when documenting the creation of paramilitary or armed formations not provided for by law. *Yurydychnyi naukovyi elektronnyi zhurnal*, (9), 518–522. (in Ukrainian)
- Pchelina, O. V.** (2015). On the concept and essence of interaction during the investigation of crimes in the field of official activity. *Jurnalul juridic national: teorie și practică*, (1), 167–172. (in Ukrainian)
- Pchelina, O. V.** (2020). Interaction of the investigator and forensic inspectors during the pre-trial investigation of criminal offenses. *Visnyk Chernivetskoho fakultetu Natsionalnoho universytetu "Odeska yurydychna akademiia"*, (1), 107–111. (in Ukrainian)
- Priadko, O. O.** (2023). The concept of interaction during the investigation of war crimes. *Teoretychni pytannia yurysprudentsii i problemy pravozastosuvannia: vyklyky XXI stolittia*, (1), 78–80. (in Ukrainian)
- Strategic Program of the State Bureau of Investigation for 2017–2022.** (2017). Retrieved from [https://dbr.gov.ua/sites/default/files/2018-04/program17-20\\_web.pdf](https://dbr.gov.ua/sites/default/files/2018-04/program17-20_web.pdf) (in Ukrainian)

Topchii, V. V. (2014). Interaction of pre-trial investigation bodies and operational units as part of investigative and operational groups. *Yurydychnyi visnyk*, (4), 138–143. (in Ukrainian)

Vasylynychuk, V. I. (2014). Interaction of operational units of the Ministry of Internal Affairs of Ukraine with law enforcement agencies of foreign states in the field of combating crimes related to human trafficking. *Naukovyi visnyk NAVS*, (3), 228–242. (in Ukrainian)

Law of Ukraine “On the State Bureau of Investigation” No. 794-VIII of November 12, 2015.

(2015). Retrieved from <https://zakon.rada.gov.ua/laws/show/794-19#Text> (in Ukrainian)

Law of Ukraine “On Operational and Investigative Activities” No. 2135-XII of February 18, 1992. (1992). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text> (in Ukrainian)

Law of Ukraine “On Military Law Enforcement Service in the Armed Forces of Ukraine” No. 3099-III of March 7, 2002. (2002). Retrieved from <https://zakon.rada.gov.ua/laws/show/3099-14#Text> (in Ukrainian)

**Анатолій Купрієнко,**

здобувач, Науково-дослідний інститут публічного права, вул. Г. Кірпи, 2а, Київ, Україна, індекс 03035, [kupriienkoanatolii@ukr.net](mailto:kupriienkoanatolii@ukr.net)

ORCID: [orcid.org/0000-0002-7783-3509](https://orcid.org/0000-0002-7783-3509)

## ФОРМИ ВЗАЄМОДІЇ ПІДРОЗДІЛІВ ДЕРЖАВНОГО БЮРО РОЗСЛІДУВАНЬ З ОРГАНАМИ ДОСУДОВОГО РОЗСЛІДУВАННЯ ТА ВІЙСЬКОВОЮ СЛУЖБОЮ ПРАВОПОРЯДКУ ПІД ЧАС ПРОТИДІЇ ВІЙСЬКОВИМ КРИМІНАЛЬНИМ ПРАВОПОРУШЕННЯМ

**Анотація. Мета.** Метою статті є визначення форм взаємодії підрозділів державного бюро розслідувань з органами досудового розслідування та військовою службою правопорядку під час протидії військовим кримінальним правопорушенням. **Результати.** Військовими кримінальними правопорушеннями визнаються кримінальні правопорушення проти встановленого законодавством порядку несення або проходження військової служби, вчинені військовослужбовцями, а також військовозобов'язаними та резервістами під час проходження зборів. Наголошено, що термін «взаємодія» несе дуже багато смислових навантажень. Це пояснюється як складністю та багатозначністю даного терміну, так і різноманітністю аспектів його вивчення. Спільною рисою майже всіх наведених визначень поняття «взаємодія» є те, що автори тлумачать взаємодію як узгоджену діяльність, спрямовану на досягнення мети, виконання завдань або досягнення результату. **Висновки.** Зроблено висновок, що форми взаємодії оперативних підрозділів з органами досудового розслідування під час протидії військовим кримінальним правопорушенням являє собою спільну узгоджену діяльність, засновану на законах і підзаконних нормативних актах (відомчих інструкціях), при керівній та організуючій ролі оперативного працівника, з розподілом компетенції, функцій, повноважень, взаємних обов'язків, яка направлена на вирішення завдань кримінального судочинства. Форми взаємодії диференційовані залежно від мети і завдань, суб'єктів (працівники оперативних підрозділів, слідчі) та конкретних заходів та дій. В процесі дослідження запропоновано розробити Інструкцію про взаємодію органів Державного бюро розслідувань з органами досудового розслідування та військовою службою правопорядку у якій визначити, що взаємодія здійснюється на стратегічному і тактичному напрямках. Стратегічний напрям передбачає організацію реалізації державної політики у сфері боротьби з військовими злочинами, усунення причин і умов їх існування, удосконалення правової бази боротьби з військовими злочинами. Тактичний включає в себе виявлення, документування, припинення, розкриття та розслідування військових злочинів.

**Ключові слова:** Державне бюро розслідувань, органи досудового розслідування, військові злочини.

*The article was submitted 11.11.2024*

*The article was revised 03.12.2024*

*The article was accepted 23.12.2024*