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## Promoting troubles in the investigation of human trafficking

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**Abstract:** This scientific article is aimed at clarifying the essence of the concept of investigation, all aspects of which are theoretically studied. In particular, the concept of investigative hypotheses, which is based on forensic scientists, focuses on the views expressed on the basis of their promotion. The author used the laws of philosophy and logic in expressing his views on the subject. In advancing the hypothesis, which is seen as a specific theory of forensic science, it has been shown that procedural or non-procedural factual information identified from the initial stage of the investigation to its logical conclusion serves. Based on the results of the study, the author proposed a theoretically based understanding of the concept of investigation.

**Keywords:** Hypothesis, crime, contemplation, conjecture, investigation, conjecture, fact, hypothesis, event, document, law, element.

### Introduction

The cognitive activity of the investigator in determining the truth in the crime under investigation is manifested in the processes of searching, thinking, imagining and speculating.

It is known that in the initial and subsequent stages of the investigation of crimes, the objects of knowledge are the facts that are not directly perceived due to the time limit of the event that occurred as a result of a socially dangerous act. It is also difficult to know, especially in the early stages of a criminal investigation, because:

- a) objective and subjective influences in determining the crime committed (weather conditions, intentional concealment of traces of crime and active resistance to the investigation);
- b) the absence of complete information on the incident at the scene of the crime;
- c) scattering and alternatives of factual information about the crime.

### Analysis of the relevant literature

It is these circumstances that are the barriers to cause-and-effect, time, and space in the way of perceiving an event. But the consciousness, which is able to know the objective truth to the extent that man himself perceives, breaks down and overcomes these obstacles. The subsequent restoration of truth depends primarily on thinking, which is, on the one hand, a means of knowing the facts and, on the other hand, a reflection of the material world in the human mind.

If we consider that the investigation is a process of knowing the realities of the past, the information about the facts at the beginning of the investigation is the starting point for advancing the hypotheses of the investigation through abstract thinking and manifests itself in the form of hypotheses about the past.

Mental activity is a mixture of elements of thinking based on the available facts about the event under investigation and ideas about the missing parts, connections and consequences of the event in the process of advancing the concept of investigation. In this case, the imagination is focused on the future, the results of this process of anticipation, without which it is impossible to imagine this activity. Therefore, forensic hypotheses are put forward at all stages of the investigation. A number of forensic scientists have focused their attention on this problem and tried to shed light on its theoretical content. Including: G. V. Artishevskiy, R.S.Belkin, A. N. Vasilev, L.Ya.Drapkin, E.P.Ishchenko, V. E.. Konovalova, K. M. Luzgin, Yan. Peshchak et al. (R.S. Belkina, 2001). We want to dwell on some of these and begin to scientifically substantiate our views on the subject.

The concept of investigation is not just a concept of the past. Assumption is the central part of the assumption. "Tusmol," they wrote. E.. Konovalova and V. D. Pchylkin, in the process of investigation, on the one hand, helps to gather the information necessary to advance it, on the other hand, develops the logic of the hypothesis with a system of hypotheses derived from it, and thus performs the function of cognition. it is a unity of action aimed at examining the results of thinking "(Konovalova V. E., 1984). Here, thinking itself represents the analysis, generalization,

systematization (systematization) of existing factual data that confirms the hypothesis put forward. At the same time, the concept of investigation is a means of knowing the objective truth, because it reflects the initial assessment of the available factual information. Based on this information, conclusions are drawn about the self-investigation of the crime and assumptions are made, and evidence is gathered to prove these assumptions.

In this case, the study of the laws of the process of knowing the objective truth is of great importance. On the basis of these laws, effective methods and techniques of crime investigation have been developed in criminology. One of these methods is that the investigator and the operative think in the form of hypotheses. In this regard, Yan. It is necessary to agree with Peshchak's opinion on this issue. He writes that as a specific method of investigative investigation, the facts and hitherto known facts about the forms and causes of the incident under investigation (or the incident in general), as well as the circumstances surrounding the incident and used to investigate old facts and search for new ones, consists of advancing and verifying all assumptions based on collected material (Jan., 1976).

The conceptual question of the content of the forensic concept and the definition of its concept, as well as the basis and timing of the promotion of these concepts, is controversial.

In our opinion, the authors are right to include in the content of the forensic hypothesis some facts, elements (components, connections) of the crime in general, which were not determined at the time of the investigation and necessary to determine the objective truth of the case. At the same time, some authors include this content in the definition of the concept of forensic hypothesis. Including, A. N. Vasilev understands the investigative hypothesis as the investigator's assumptions about the crime and some of its circumstances (A.N., 1976). G. V. According to Artishevsky, the concept of investigation is the widest generalization of the investigator's assumptions about the as yet legally significant circumstances of the incident under investigation, linking them to a single interpretation and aimed at fully disclosing the crimes (G.V., 1978). A. M. Larin thinks otherwise. According to him, "the concept of investigation is a unified idea put forward in order to determine the objective truth of a criminal case, acting as a model of the case under investigation, created by hypothesis, having an approximate value of available information, serving as an explanation of this information" A.M., 1976).

Although there are commonalities between the forensic hypothesis and the hypothesis, we find that A. M. We can't agree more of Larin identifying them. The reasons for this are:

a) It is known that "hypothesis" is derived from the Greek word hypothesis, which means basis, assumption, and refers to a scientific hypothesis that is put forward to explain an event and requires verification and factual evidence to be a reliable scientific theory. Tuzmol, on the other hand, is "a self-inflicted suspicion; guess, chama" (edited by A. Madvaliev, 1981). In criminology, one is one of several different statements or explanations of a particular fact or event. Consequently, it is of a variable nature and cannot be equated at all with a scientific category as a hypothesis.

b) it is not always necessary to take certain actions to confirm the hypothesis in practice. In order to verify the nature of the investigation, it is necessary to carry out the actions regulated by law and by-laws;

c) the hypothesis is widely used in all disciplines (exactly the sciences), while the hypothesis, in our opinion, has a practical direction and is applied more in the field of jurisprudence.

Thus, the hypothesis and the concept of investigation differ significantly from each other in terms of their structure, verification in practice, conditions of application.

In our opinion, the best definition is K. M. Luzgin gave. He described the concept of investigation as a reasonable assumption about the origin of a criminal event, some of its elements, or the facts on which it is evidence (I.M., 1973). While not evaluating the strengths and weaknesses of the above definitions, it should be noted that most authors define the hypothesis as an assumption based on unspecified facts about a crime or parts of it, facts related to the crime, and the objective truth of the case under investigation.

### **Research methodology**

The article uses scientific methods of knowledge such as historicity and logic, comparative analysis, analysis and synthesis, observation, inquiry.

### **Analysis and results**

All of the above allows us to consider the question of the basis and timing of the investigative hypothesis. We cannot say that the question of the basis of the propositions is indisputable, for so far some authors have taken a different approach to this problem. In our opinion, any available and known factual information of both procedural and non-procedural nature can serve as a basis for advancing forensic hypotheses. In this regard, A. M. Larin is of the exact opposite opinion. He believes that criminal procedural evidence, that is, factual information obtained only as a result of procedural actions and recorded in the relevant procedural documents, serves as a basis for advancing hypotheses (A.M., 1976).

Forensic hypotheses cannot be evidence in themselves and are not intended as evidence in the JPK either. They are assumptions about where and how these facts can be and how they can be found and reinforced.

Our assumptions can be confirmed by information obtained from criminal procedural sources. But this does not mean that they cannot be confirmed by information obtained from other sources (instant messages, rumors, unsigned letters, etc.), by other means and means. The whole point is that in the course of the investigation, the allegations must be duly formalized and, if necessary, corroborated as evidence in accordance with the requirements of the CPC.

The validity of forensic hypotheses depends primarily on the completeness of the available factual material and its reliability in the property.

The timing of the assumptions is determined by these rules. In our view, forensic hypotheses are to some extent not regulated by criminal procedure law, are not related to the duration of the investigation and the time of initiation of criminal proceedings, and their scope, especially at the initial stage, may be wider than the subject of proof. In addition, the fact that they can be verified through procedural and operational measures, the fact that the subject of the investigation itself is unclear at the time of the allegation, in practice, leads to the real state of affairs. That is, forensic hypotheses are put forward when there is a certain, even minimal amount of factual information about the event, regardless of whether a criminal case has been instituted or not. In our view, the allegations are true until the criminal case is instituted, i.e., as soon as the report of the crime is received, it is advanced (A.M., 1976). Of course, the assumptions can be further advanced.

Yan Peshchak, in support of A. Larin's view, divides the information base into two systems in order to advance the hypotheses. The first is a set of factual facts identified in a particular case, while the second is an information system consisting of concepts and assumptions about various crimes and their symptoms, formed on the basis of scientific generalization of their own experience and community experience (A.M., 1976). In this case, the first system of information serves as a basis for advancing investigative hypotheses, and the second for typical hypotheses. The forensic literature pays great attention to the problem of typical hypotheses and their importance in cognition.

### **Discussion of research results**

Typical hypotheses, like investigative hypotheses, play a significant role in determining the objective aspect of a criminal case. However, their significance in the cognitive process is limited because they provide only general explanations of the phenomenon being studied on the basis of minimal information. Therefore, at the initial stage of the investigation, due to the lack of information about the incident, typical assumptions specific to the type of crime under investigation are put forward. Such assumptions are made by the investigator on the basis of his professional knowledge and practical experience gained in the investigation of similar crimes.

It is known that the content of typical hypotheses can be represented by a model of the whole class of crimes, and investigative hypotheses - by a model of a particular crime, but the mechanism of their application is the same. It is based on logical methods such as analogy, comparison and detection. Typical assumptions are used not only in the initial investigation phase but also in its

later stages. During the investigation, the investigator compares all the attributes of typical assumptions with the identified factual data and on this basis puts forward qualitatively new, now accurate investigative assumptions.

As a result of our scientific and applied research, through the analysis of practical materials of human trafficking investigation, it has been shown that typical hypotheses are often used in the investigation of this category of criminal cases. However, as we can see from our study, the hypotheses put forward usually do not take into account the factual circumstances of the event under investigation or, conversely, they do not compare with the characteristics of typical hypotheses. As a result, various investigative allegations have not been put forward or have not been fully investigated.

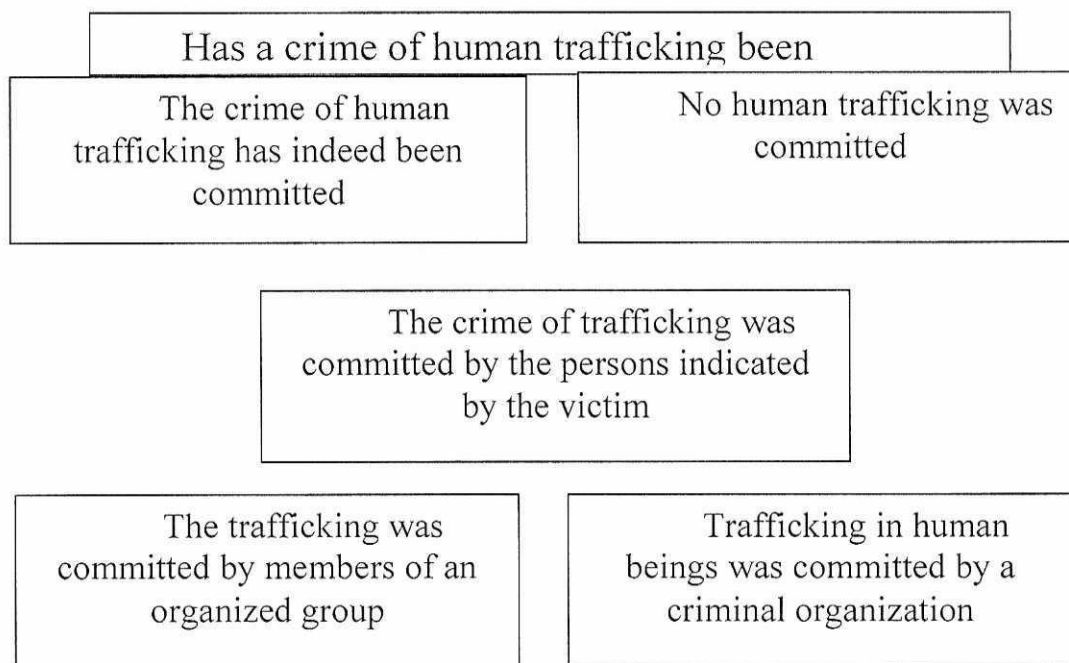
### Conclusions and suggestions

The analysis of case materials suggests that typical assumptions about the human trafficking incident under investigation were made at the time of receipt of the facts of these crimes, or at the time of the study of materials collected during search operations.

At the initial stage of the investigation, when the issue of instituting criminal proceedings is resolved, most of the facts of human trafficking, which are usually committed, are not known to the investigator, while the initial information available at that time is contradictory. Therefore, at this time, the investigator may have only conjectural assumptions that there was human trafficking. For example, the study raises the question of whether the investigator was hired on a contract basis or whether he or she was actually a victim of trafficking: whether the victim was in fact an illegal migrant, what were the objective and subjective factors influencing the victim, and whether she was a prostitute. whether one of the victim's body parts was transplanted, what were the reasons for this crime - whether the employment issues were not properly addressed, whether the victims were trying to earn a living? It is these presumptive comments by the investigator that provide the basis for making typical assumptions about the causes of human trafficking.

In order to use the typical concepts wisely in practice, we decided to describe them in the form of a drawing. (See Table 1).

1- Table



Promoting investigative hypotheses is a continuous process. It depends on the amount of information obtained at each stage of the investigation and the circumstances of the investigation



that have arisen. In the case under investigation, the concept of investigation is put forward not only on the basis of specific facts, elements of the event (motive, purpose, etc.), but also on the basis of the negative circumstances of human trafficking. For example, there are reports of human trafficking, but the victim is missing. Such a negative circumstance would be grounds for a clear investigative hypothesis that members of the criminal group had concealed the victim in order to conceal the traces of the crime.

We think it is appropriate to briefly consider the issue of planning a human trafficking investigation so that the problem under investigation is complete.

In our view, there is no doubt that in considering the relationship between investigation and planning, the investigation is based on planning and serves as the basis for the investigation in determining and conducting investigative measures to investigate the trafficking in human beings. But this does not mean that planning consists only in examining the hypotheses put forward. Indeed, it is broader in nature and encompasses a number of other aspects of the practical activities of the investigator or operative that have an organizational and technical character.

In our view, this human trafficking investigation plan should cover the following components (see Table 2).

No\№	Facts, circumstances and situations that need to be identified	Typical investigative hypotheses	Investigation and rapid action	Executor, term of execution	Note

In considering this problem, we propose the following definition of the concept of investigation based on our scientific and practical analysis.

An investigative hypothesis is a variable hypothesis based on facts and circumstances that has been put forward about the crime committed, its individual circumstances and elements.

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