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**METHODOLOGY OF INVESTIGATION OF CRIMES IN CASES
OF INTENTIONAL INSOLVENCY AND FICTITIOUS INSOLVENCY**

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INVESTIGATIONS**

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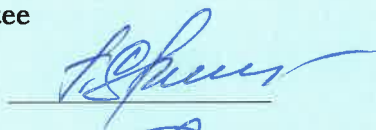
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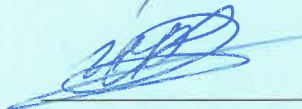
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CONCEPTUAL HIGHLIGHTS OF THE DISSERTATION

The actuality and importance of the topic addressed, framing the topic in the international, national, area concerns of the research collective and in the inter-and transdisciplinary context, presenting the results of previous research on the chosen topic. Stability of economic development and market relations is one of the basic goals of any state. The crisis situation in the economy at the end of the 1990s caused an increase in the number of bankrupt enterprises in all areas of economic activity. Under these conditions, crimes such as fictitious and intentional insolvency have become widespread. Moreover, the purpose proposed by the Insolvency Law would like to be a noble one – safeguarding “defective” economic agents by establishing the procedure for restructuring or cleaning the economic environment of such agents by applying bankruptcy. In such circumstances, unfortunately, it is the creditors who are forced to accept the consequences of completing the insolvency process through bankruptcy, as a result of which they no longer have any chance of recovering their claims. Some bad-faith entrepreneurs are tempted by such “advantages” offered by the Insolvency Law, and judicial practice shows us that there are people who use insolvency as a tool to enrich themselves at the expense of creditors. Even though illegal actions of provoking or staging insolvency are criminalized in the Criminal Code of the Republic of Moldova, in articles 252 and 253, under the forms of “intentional insolvency” and “fictitious insolvency”, we tend to believe that these remain *quite ineffective*. We believe that this is explained, rather, by the lack of tools, skills and knowledge of criminal prosecution bodies to detect and investigate the crimes in question. Regarding the issue of combating intentional insolvency and fictitious insolvency, forensic science has not recorded sufficient works in this area. To a certain extent, various legal, criminal and criminological aspects of this subject have been addressed, but special forensic research on this segment has practically not been undertaken. In the specialized literature, issues related to the methodology of investigating intentional insolvency and fictitious insolvency have been examined as premises for establishing a particular investigation methodology. All these circumstances justify the topicality of the topic chosen for research, the opportunity to analyse judicial practice regarding the investigation of crimes in the field of insolvency, in order to develop recommendations for resolving legal, organizational, tactical and methodological issues, which find application in the activity of criminal prosecution bodies and courts.

Regional and international organizations have also been concerned with the issue of insolvency for a very long time, recognizing the importance of this institution for the economic environment and trying to adjust the regulations in this area, as new circumstances and events arise. The European Union has developed a set of normative acts, which contain regulations on the purpose, mechanism and conditions for conducting insolvency

processes in the EU space, the attributions of the bodies responsible in this direction. Periodically, the European Commission publishes publications referring to the evolution of insolvency regulations, in which it illustrates the main concepts related to the regulatory framework in the field of insolvency and the economic relevance of their implementation. Globally, the most involved in monitoring the solvency and insolvency situation of companies, liquidity flow and lending levels are the World Bank and the International Monetary Fund. It is worth noting that international insurance companies are also concerned about the risk of insolvency. We can argue that, currently, the legal and criminal regulation in the field of insolvency does not keep pace, in some places, with the reality in the field of economic market relations, with the legal and civil regulation of property relations, with the problems in the field of entrepreneurial activity. The spread of this type of crime leaves a negative mark on the stabilization of market relations in the Republic of Moldova. They represent a criminal barrier that worsens the competitive environment, increases payment inefficiencies, and diminishes the evolution of diversified business areas. Together with many others, these factors negatively influence the economic foundation of the state, which is still unstable and very fragile.

The purpose of the paper is focused on identifying and analysing the specific methods and techniques used in investigating crimes of intentional insolvency and fictitious insolvency, considering the complexity of these crimes, their impact on the economy, as well as the challenges faced by criminal prosecution bodies in the process of investigating them and establishing the guilt of the perpetrators. The purpose of the paper also aims to evaluate the efficiency of existing legal instruments and procedures in this regard, propose solutions to improve the research and discovery of these crimes, as well as promote more efficient practices in preventing and combating them. To achieve this goal, we set out to achieve the following **research objectives**:

- analysis of legislation and doctrine in the field of insolvency, in order to establish the main aspects regarding the initiation and conduct of insolvency proceedings;
- identifying and exposing the basic elements of the forensic characteristic of the crime of intentional insolvency and fictitious insolvency;
- systematization and analysis of the spectrum of circumstances to be established in cases relating to the crimes of intentional insolvency and fictitious insolvency;
- studying basic and optional schemes regarding the provocation of insolvency by using insolvency proceedings for criminal purposes;
- exposure and analysis of the tactical and organizational particularities of the initial checks, in order to discover the facts of intentional insolvency and fictitious insolvency;
- characterization of the initial control acts, based on the results of criminal situations detected in the process of investigating the facts of in-

tentional insolvency and fictitious insolvency;

- outlining the particularities regarding the initiation of criminal prosecution in this category of cases and characterizing the analytical activity of the criminal prosecution officer at this stage of the investigation;

- revealing the peculiarities of developing criminal prosecution versions and identifying the basic directions of research planning in cases of fictitious insolvency and intentional insolvency;

- systematization of typical criminal prosecution situations and development of the algorithm of actions of the criminal prosecution officer and investigation officers in the process of discovering and investigating facts of intentional insolvency and fictitious insolvency;

- specifying the purpose and characterizing the ways of using specialized knowledge in the process of investigating insolvency crimes;

- analyse and specify the tactical particularities of carrying out criminal prosecution actions in the process of investigating crimes of intentional insolvency and fictitious insolvency;

- formulating conclusions and recommendations, in order to improve, refine and streamline the methodological framework for researching crimes of intentional insolvency and fictitious insolvency.

The object of the research is the methodological peculiarities of investigating the crimes of intentional insolvency and fictitious insolvency.

The research hypothesis is based on the fact that the application of an integrated and coherent methodology in the investigation of intentional insolvency and fictitious insolvency crimes contributes to a more efficient identification of these facts, reducing the risk of fraud and ensuring better protection of creditors' interests. However, a well-structured methodology, used in the investigation of intentional insolvency and fictitious insolvency crimes, could have a positive impact on streamlining the process of identifying, investigating and preventing fraud in this area.

The state of the research methodology and justification of the chosen research methods. The methodological basis of the doctoral thesis is constituted by the provisions of materialist dialectics, based on the application of comparative and systemic-structural methods. The theoretical basis of the research is represented by the works of researchers in the fields of criminal law, criminal procedure, civil law and forensics. The research methodology also includes studying national legislation, scientific publications, doctoral theses, methodological recommendations and informative materials related to the research topic. The normative-legal foundation is represented by multiple normative acts that regulate the insolvency process of economic activity subjects, as well as those that constitute the foundation of the activity of law enforcement bodies and those with control functions, as well as the results of the analysis of specialized literature. In particular, the Criminal Code of the Republic of Moldova, the Criminal Procedure Code of the Republic of Moldova, the Civil Code of the Republic of Moldova and the provi-

sions of the Insolvency Law No. 149/2012 served as the normative basis of the work. General theoretical concepts and forensic research methods are also used in the thesis.

Approval of results. The results of the investigations carried out were presented at national and international scientific conferences, including abroad, and reflected in scientific articles.

Publications on the topic of the thesis. 11 scientific papers were published on the topic of the doctoral thesis.

Thesis volume and structure: 257 pages of basic text including: introduction, four chapters, general conclusions and recommendations, bibliography of 306 titles; statement of responsibility; the author's CV.

Keywords: fictitious insolvency, intentional insolvency, criminal prosecution, evidentiary procedure, suspect, accused, special knowledge, expertise, planning.

CONTENT OF THE DISSERTATION

Chapter 1, entitled ***Analysis of the situation in the field of methodology for investigating crimes of intentional insolvency and fictitious insolvency***, informs us about the scientific materials developed on the topic of the doctoral thesis and published in the Republic of Moldova and other countries. Within this section, we have catalogued the scientific materials published on this topic, we have briefly analysed their content, highlighting the opinions, positions, and concepts relevant to the methodology of investigating crimes of intentional insolvency and fictitious insolvency.

The specificity and novelty of the work determined, in particular, an analysis of the works developed by researchers from the Republic of Moldova in the field of insolvency, from the perspective of criminal law and criminal procedure (Barbaneagra A., Brînză S., Stati V., Rusu V., Lebedinschi A., Levandovschi N., Reniță Gh., Selevestru I., Ursu V., Vlaicu V., Cioban N., Boșcăneanu M., Macovei Gh., etc.). This complex analysis will be useful for determining the degree of investigation of the subject of the doctoral thesis, for identifying important ideas presented by our specialists, but also for establishing doctrinal and practical gaps and strengthening our hope that the present study will contribute to enriching the specialized doctrine with new opinions and ideas. In the content of this chapter, attention was also focused on the examination of scientific materials on the research topic, published outside the Republic of Moldova, signed by authors from Romania, the Russian Federation and other states (Constantin R., Drăghici P., Ioniță M., Lazăr A., Sandu D., Scârdea F. M., Șaguna D. D., Voicu C., Boroi A., Coutihno C., Kappeler A., Turrini A., Davchenco T., Geldrop A. J., Kirshner J. A., Butyrskiy A., Barkauskas M., Bandurin V., Obraztsov V., Vlasov P., Evdokimov S., Zhuravlev S., Ivanov A., Lozhkina E., Muratov D., Pavlisov A. etc.). Finally, as a result of the analysis of the situation in the field of methodology for investigating crimes of intentional insolvency and fictitious insolvency, it was found that the regulation of the institution of insolvency has been improved over several centuries, depending on the historical, legal and economic evolution of states. However, despite this fact, we must note that, up to now, a specific methodology dedicated to investigating insolvency crimes has not been researched or developed in the Republic of Moldova. Also, the few works dedicated to the methodology of investigating these crimes, mostly published in other states, in the context of recent amendments and additions to criminal legislation, criminal procedure and national regulations on insolvency, require additional updates and in-depth studies, in order to adequately reflect the new legal and economic realities of the insolvency phenomenon, both in the Republic of Moldova and abroad.

In the Chapter 2, with the generic ***Crimes of intentional insolvency and fictitious insolvency: forensic characteristics and circumstances of their commission***, we focus on the forensic characteristics of the crimes of intentional

insolvency and fictitious insolvency, but also on the circumstances to be established in the process of their investigation, formulating a series of conclusions that arise from the research of these aspects. The forensic characteristic of the crime, according to Shurukhnov V. Gh., „represents its informational model. It consists of a system of data on the typical methods of preparation, commission and concealment of the crime, on the circumstances, instruments and means used in its commission, on the typical traces, the object of the crime, the personal characteristics of the perpetrators and victims”¹. In the opinion of researcher Gheorghita M., “the forensic characteristic is a dynamic notion, which presents a description of the traces, characteristics, signs of the concrete crime, of those elements that outline the phenomenon or some evidence, indications of the crime taken separately at a certain stage. This category sums up various qualitative and quantitative states of the specific crime, reflected in terms of traces and evidence (in the broad sense of the word)”². The vast majority of criminal researchers consider *the forensic characteristics of crimes* to be a benchmark, a support, and an important tool in the fight against crime. Author Gavlo V., for example, argues that “the existence of the forensic characteristic of crimes is justified from the point of view of developing the technique, tactics and methodology of discovering, investigating and preventing criminal acts. She represents the first structural informative component in the content of the crime investigation methodology”³. The following point is obvious: the forensic characteristic of insolvency-related crimes derives from the object of evidence in this category of cases. The basic structural elements of the forensic characteristic of insolvency crimes are distinguished by a certain diversity. The following basic elements are highlighted in the structure of the forensic characteristic of illegal insolvency: 1) the object of the crime; 2) the circumstances and conditions of the commission of the crime; 3) the person of the offender and his characteristics; 4) the methods of committing and concealing insolvency acts; 5) the circumstances that contributed to the commission of the act⁴.

Also in this chapter, we analysed and argued the need to fully establish the entire complex of general circumstances, which are to be clarified in the process of investigating the facts of fictitious insolvency and intentional insolvency. However, the establishment of the circumstances to be proven in a criminal case allows for the fair resolution of the criminal case and, in essence, to achieve in each, or concrete, the tasks of a fair trial⁵. The author Vlasov E. mentions the need to establish in full the entire complex of general

¹ SHURUKHNOV V. GH. *Forensics: Textbook*. Moscow: Published by EKSMO, 2005, p. 449-450.

² GHEORGHITĂ, M. *Treatise on forensics*. Chisinau, 2017, p. 732.

³ GAVLO, V. K. Typical forensic characteristics of crimes: has it become obsolete? In: *Forensic Science: Current Issues of Theory and Practice*. Rostov-on-Don, 2002, p. 74-75.

⁴ REZVAN, P. A. *Methodology for investigating criminal bankruptcies*: Dissertation of candidate of legal sciences. Volgograd, 2004, p. 44.

⁵ DOLEA, I., ROMAN, D., SEDLEȚCHI, Iu., VIZDOAGĂ, T. etc. *Criminal procedural law*. Chisinau, Cartier Juridic, 2005, p. 267.

circumstances, which are to be clarified in the process of investigating the facts of fictitious insolvency and intentional insolvency, trying to compile a list of them⁶. In turn, the author Poselskaya L. tries to differentiate the circumstances that are to be established and proven depending on the type of crime, related to insolvency, classifying, *de facto*, the ways of committing these crimes⁷. Researcher Serova E. lists the following circumstances, which are to be established in cases of criminal insolvency: signs of the organization's bankruptcy; stages of the bankruptcy procedure; who manages the enterprise; characteristics of the bankrupt organization; socially dangerous consequences resulting from the crime, related to insolvency; the methods of committing the crime; the perpetrator of the crime⁸. The author Vlasov R. examines a complex of circumstances of a general nature, which are to be clarified in the process of investigating any crimes in the field of insolvency and each type of crime in particular⁹. However, knowledge of the particularities of all the circumstances to be proven is the necessary condition for the efficient investigation of cases of fictitious insolvency and intentional insolvency¹⁰. Consequently, we managed to differentiate the circumstances to be established and proven depending on the type of crime related to insolvency, classifying, *de facto*, the ways of committing these crimes.

Chapter 3 – *The specifics and content of the methodological framework for investigating crimes of intentional insolvency and fictitious insolvency*

– elucidates the following moments related to the specifics of the methodology for investigating these criminal acts: highlighting some tactical and organizational aspects of the initial checks; notifying and initiating criminal prosecution in cases of intentional insolvency and fictitious insolvency; analysis of typical situations of investigating crimes of intentional insolvency and fictitious insolvency; planning the criminal prosecution; organizing and conducting the process of investigating intentional and fictitious insolvency at the initial and subsequent stages; applying specialized knowledge in investigating intentional and fictitious insolvency.

The timeliness and soundness of initiating criminal prosecution often depend on the checks that precede the order to initiate the trial or the

⁶ VLASOV, P. E. *Investigation of illegal bankruptcies and bankruptcy misconduct*. Dissertation of candidate of legal sciences. Moscow, 2004, p. 132-133.

⁷ POSELSKAYA, L. N. Investigation of criminal bankruptcies. In: *Forensic Science: Textbook for University Students*. / Edited by Volynsky A. F. and Lavrov V. P. Moscow, 2008, p. 740-741.

⁸ SEROVA, E. B. Methodology for investigating criminal bankruptcies. In: *Course of forensics: in 3 volumes. Volume 3. Forensic Methodology: Methodology for investigating crimes in the sphere of economics, bribery and computer crimes*. / Edited by Korshunova O. N. and Stepanov A. A. St. Petersburg, 2004, p. 393-396.

⁹ VLASOV, P. E. et al. Investigation of bankruptcy-related crimes. In: *Investigation of crimes in the economic sphere: Collection of methodological recommendations*. Moscow, 2005, p. 9-10.

¹⁰ PAVLISOV, A.N. *The initial stage of investigation of intentional bankruptcy of legal entities*. Dissertation of candidate of legal sciences. Krasnodar, 2007, p. 50-51.

refusal to initiate prosecution. The correct and timely initiation of criminal prosecution contributes to the rapid and complete discovery of crimes and the unmasking of guilty persons¹¹. In the opinion of the author Serova E., in the process of investigating crimes in the field of insolvency, it is necessary to be guided by the general provisions of the methodology for investigating economic crimes¹². Initial checks, in the opinion of the authors Grigoriev V. and. Prushinsky Yu., are carried out in the case of obtaining requests and information, in the order established by the criminal procedure law, in which it is indicated about the fact of committing the crime, the data presented being insufficient for the initiation of criminal prosecution¹³.

In the activity of criminal investigation bodies, at the stage of initiating criminal proceedings, there are certain tactical procedures of actions aimed at establishing the necessary and sufficient data for the legal and well-founded commencement of criminal proceedings¹⁴. The practical activity regarding the discovery, fixation and use of information regarding criminal insolvencies represents a complex of procedural and operational-investigative measures¹⁵, which is carried out in the process of interaction of procedural subjects within the investigation of criminal cases. The legislator does not provide for the limits of interaction and does not regulate the obligation of the criminal investigation body to appeal to this institution. The use of this institution by procedural subjects in the investigation of criminal cases is an optional measure, which can be carried out at the discretion of the criminal investigation body only in certain cases¹⁶. The commencement of criminal prosecution as a distinct procedural act marks the final limit of the verification phase of the notification to the criminal prosecution body, and on the other hand, marks the initial limit of the criminal prosecution phase. However, according to art. 274 Criminal Procedure Code of the Republic of Moldova, the conditions provided for by law must be cumulatively met¹⁷. The timely discovery of signs of any crime is the mandatory condition for investigating any fact. With reference to the crimes of fictitious insolvency and intentional insolvency, the process of identifying their signs has certain particularities¹⁸. A particularity of initiating criminal prosecution in

¹¹ STEPANOV, V.V. *Preliminary check of primary materials on the crime*. Saratov, 1972, p. 8.

¹² SEROVA, E. B. *Methodology of investigation of criminal bankruptcies*. Op. cit., p. 396.

¹³ GRIGORIEV, V. N., PRUSHINSKY, YU. V. *Initial actions upon receiving information about a crime (procedural and organizational-legal forms): Study guide*. Moscow, 2002, p. 66-67.

¹⁴ OVSYANNIKOV, V. A. *Grounds and motives for making criminal procedural decisions at the stage of initiating a criminal case*: Abstract of the dissertation of the candidate of legal sciences. Omsk, 2001, p. 16.

¹⁵ MURATOV, D. A. *Investigation of crimes committed using bankruptcy procedures*: Dissertation of the candidate of legal sciences. Nizhny Novgorod, 2004, p. 91-92.

¹⁶ OGANESEAN, A. *Interaction of procedural subjects in the investigation of criminal cases*: Monograph. Chisinau: LEXON Publishing House, 2022, p. 193.

¹⁷ OSOIANU, T. et al. *Criminal investigation: University course*. Chisinau: Cartea Militara Publishing House, 2021, p. 128.

¹⁸ PAVLISOV, A.N. *Initial stage of investigation of intentional bankruptcy of legal entities*. Op. cit., p. 52.

this category of cases is the specific grounds for making such a decision by the criminal investigation body¹⁹.

We also noted the following fact: the specialized literature mentions that representatives of criminal prosecution bodies may find themselves in a situation of establishing signs of criminal insolvency and, respectively, the need to make a decision on initiating criminal prosecution. In this sense, the author A. Nujdin delimits, as a minimum, the following two situations: 1) until the application to the court for the recognition of the enterprise as bankrupt; 2) in the process of preparing applications for the annulment of settlement agreements (compensation transactions) with the major creditor, which were concluded with the aim of concealing the factual insolvency and preventing the initiation of lawsuits by creditors²⁰. All these circumstances do not exhaust the diversity of tactical situations in which the criminal investigation body may find itself at the time of making the decision to initiate criminal prosecution²¹. Referring to the role of forensic versions in the investigation of crimes of intentional insolvency and fictitious insolvency, we noted that the version constitutes a probable explanation (hypothesis) of the act or its circumstances, developed following a process of logical analysis of the data available to the criminal investigation body at a certain stage of the investigation and through whose verification the determination of the truth is sought²². The entire version system can be presented in several blocks, specific to different stages of investigating the crimes of fictitious insolvency and intentional insolvency.

It is also relevant to note that the resolution of issues related to the investigation of crimes of fictitious insolvency and intentional insolvency is to be carried out according to the stages of this process²³. Based on the results of processing the versions, within the framework of various criminal prosecution situations, investigation planning is carried out²⁴. The directions for planning the investigation of facts of fictitious and intentional insolvency are: 1) planning to verify the quality and completeness of evidentiary information regarding the signs of the crime of fictitious insolvency and intentional insolvency, planning to verify the reliability of documentary information sources and applicants (petitioners); 2) planning work at the location

19 OSTAFCIUC, D. *Notification to the criminal investigation body*. Chisinau: Cartea Militara Publishing House, 2020, p. 9.

20 NUZHDIN, A. M. *Problems of methodology of disclosure and investigation of criminal bankruptcies*. Abstract of the dissertation of the candidate of legal sciences. Moscow, 1997, p. 29.

21 MURATOV, D. A. *Investigation of crimes committed using bankruptcy procedures*. Op. cit., p. 137.

22 DORAS, S. *Forensics*. Chisinau: Publishing House Cartea Juridica, 2011, p. 284.

23 RUSU, V., JANU, N. Initial investigation phase of fictitious insolvency and intentional insolvency. In: *Romanian Journal of Forensic Science*. Volume XXIV. No. 1, March, 2023, p. 49.

24 ISHCENKO, E. P. Planning and programming the investigation at the initial stage. In: *Versions and investigation planning*. Sverdlovsk, 1985, p. 76-83.

of the debtor organization, collecting organizational and constitutive documents and other documents related to the transfer of the debtor's assets; 3) planning the verification of the factual relationships of the debtor and the creditor with the assets they own (research of objects and installations, hearing of persons employed at the enterprise, research of technological documentation and finished products); 4) planning the work on verifying the causes of the debtor's insolvency (studying the nature and content of the contracts concluded by the enterprise and their actual execution, initiating documentary reviews, ordering economic expertise); 5) planning activities regarding the discovery of signs and investigation of other related crimes (including their disjunction), detected in connection with the verification of the causes of fictitious or intentional insolvency²⁵.

Planning is the most important aspect of organizing the investigation of criminal acts, ensuring that it is carried out in accordance with legal requirements, thoroughly, objectively and completely²⁶. The specifics of planning depend on the stages of research. Regarding the forensic assurance of the initial investigation phase of crimes of intentional insolvency and fictitious insolvency, certain activities related to the training and presentation of forensic knowledge regarding typical criminal prosecution situations, research planning and drawing up an indicative list of criminal prosecution actions are specific to them²⁷. *The initial stage* of the investigation of crimes begins from the moment the criminal prosecution is initiated and ends with the person being charged. The structure of this stage of research consists of the criminal prosecution situations, tactical means, including planning and developing criminal prosecution versions, and also the object of evidence²⁸. The main task at the initial phase of the investigation is to ensure the collection of accounting, tax and/or financial documents, electronic media, for their further investigation. The measures taken must be carried out by surprise for the suspected persons²⁹. The organization of criminal prosecution actions at the initial stage of investigating criminal insolvency facts is linked to a specific system of skilful tactical-offensive actions³⁰, oriented, primarily, towards accumulating additional information. *The moment of completion of the initial stage and the transition to the subsequent one* represents a question of fact, related to the placing of the person under accusation. At the

²⁵ MURATOV, D. A. *Investigation of crimes committed using bankruptcy procedures*. Op. cit., p. 141-142.

²⁶ DORAS, S. *Forensics*. Op. cit., p. 281-282.

²⁷ RUSU, V., JANU, N. *Initial investigation phase of fictitious insolvency and intentional insolvency*. Op. cit., p. 49.

²⁸ ROMANOVA, E.S. *Forensic support for the investigation of bankruptcy-related crimes*: Dissertation of the candidate of legal sciences. Moscow, 2009, p. 131.

²⁹ BUSUIOC, N. *Investigating tax evasion crimes: procedural and tactical-methodological framework*. Doctoral thesis in law. Chisinau, 2020, p. 175-176.

³⁰ TRANCHUK, L. I., FOMOV, S. V. *Identification of methods and signs of committing criminal bankruptcies*. In: *Bulletin of the Ministry of Internal Affairs of Russia*. 2001, № 2-3, p. 61.

subsequent stage of the investigation (actually, the second), a detailed verification of the validity of the accusation is carried out, all co-participants and all episodes of criminal activity are identified, the connections between the elements of the crime are studied, and all the circumstances that contributed to the commission of the crime are also clarified³¹. The subsequent stage depends, on the one hand, on the results of the investigative activities carried out in the initial stage, and, on the other hand, on the statements of the suspected and accused persons, on the position they take in relation to the accusation brought³². Namely, at the later stage of crime investigation, there is an urgent need to apply special methods of informational and analytical work³³. We also noted that the investigation of criminal cases related to criminal insolvencies is primarily related to proving economically unjustified decisions of the managers of bankrupt enterprises, which were taken based on personal or acquisitive interests. Precisely for this reason, in the process of initial checks and immediately after the start of the criminal investigation, the help of economists, auditors, specialists in the field of real estate, commodity experts, fund market analysts, etc. will be needed³⁴, that is, of the so-called specialized knowledge. The main forms of application of specialized forensic knowledge in the criminal process are judicial expertise, extrajudicial expertise, situational expertise of the crime scene, technical-scientific findings, providing assistance to competent bodies in the application of technical-forensic means in carrying out criminal prosecution actions³⁵, consultation with criminal investigation officers, audit, documentary reviews, financial control, fiscal control, inventory, etc.

The fourth chapter, with the generic ***The specifics of carrying out criminal prosecution actions in the investigation of intentional insolvency and fictitious insolvency crimes***, includes six paragraphs, five of which refer to the specifics and particularities of carrying out certain criminal prosecution actions in this category of criminal cases. We found that the qualitative implementation of the crime scene investigation, especially in non-obvious circumstances, guides the criminal investigation body to insist on obtaining a maximum volume of information about the circumstances and the perpetrator of the crime committed at an early stage of the criminal investigation process³⁶. In order for the scientific investigation of the crime scene to es-

31 ROMANOVA, E.S. *Forensic support for the investigation of bankruptcy-related crimes*: Op. cit., p. 148.

32 BUSUIOC, N. *Investigating tax evasion crimes: procedural and tactical-methodological framework*. Op. cit., p. 176.

33 GHEORGHITA, M. *Treatise on forensic methodology*. Chisinau: CEP USM, 2015, p. 70.

34 MURATOV, D. A. *Investigation of crimes committed using bankruptcy procedures*. Op. cit., p. 183.

35 CHIOTICI, D.-M. *The duties of the forensic specialist in on-site research activity*: The summary of the Doctoral thesis in Law. Chisinau, 2024, p. 26-27.

36 GOLUBENCO, Gh. *Traces of the crime. Theory and practice of on-site examination*. Chisinau: Garuda-Art Publishing House, 1999, p. 9.

establish with certainty the relationship between the act and the perpetrator, it must start from the idea that the criminal action is carried out through a system of elements (acts) subordinated to a main strategy or direction³⁷. In turn, the search is one of the most widespread criminal prosecution actions carried out in the process of investigating criminal insolvency acts³⁸. The purpose of this action is to detect and recover hidden official and unofficial documents³⁹. The discovery of evidence through a search cannot, in any case, be left to chance, without careful and rigorously prepared organization, especially in more complex cases⁴⁰. And seizure represents the most efficient and frequently encountered criminal prosecution action in the case of insolvency-related crimes, being carried out for the purpose of obtaining official documents⁴¹. The hearing is the most widespread and, at the same time, the most complicated criminal prosecution action carried out in the process of investigating criminal insolvency acts⁴². The administration of testimonial evidence strongly highlights the need to comply, in equal measure, with both procedural provisions and forensic tactical rules⁴³.

During the investigation of insolvency-related crimes, evidence is also based on data collected following the hearing of witnesses⁴⁴. Their identification is a mandatory condition for developing the hearing plan and its successful implementation⁴⁵. The hearing of suspected or accused persons usually takes place after the results of tax and audit controls have been obtained, after the hearing of witnesses, the carrying out of technical and scientific findings, and the necessary judicial expertise⁴⁶. In relation to insolvency crimes, confrontation is a means of fixing and re-verifying the information obtained in the process⁴⁷, but the need to present for recognition consists in establishing the person of the real organizer of the crime, especially in cases where he does not officially appear on the staff lists of the

³⁷ POPA, Gh., GAMENT N. *Forensics*: University course. Bucharest: Pro Universitaria Publishing House, 2014, p. 55.

³⁸ REZVAN, P. A. *Methodology for investigating criminal bankruptcies*. Op. cit., p. 132.

³⁹ LICA, F. I. *Forensic investigation of tax evasion crimes*: Doctor of Law Thesis. Chisinau, 2019, p. 170-171.

⁴⁰ STANCU, Em., MANEA, T. *Forensic Tactics (I)*. Bucharest: Universul Juridic, 2017, p. 148.

⁴¹ ROMANOVA, E.S. *Forensic support for the investigation of bankruptcy-related crimes*: Op. cit., p. 173.

⁴² REZVAN, P. A. *Methodology for investigating criminal bankruptcies*. Op. cit., p. 136.

⁴³ STANCU, Em. *Forensic Science Treatise*. 4th Edition. Bucharest: Legal Universe Publishing House, 2007, p. 375.

⁴⁴ ROMANOVA, E.S. *Forensic support for the investigation of bankruptcy-related crimes*: Op. cit., p. 179

⁴⁵ PAVLISOV, A.N. *Initial stage of investigation of intentional bankruptcy of legal entities*. Op. cit., p. 81.

⁴⁶ LICA, F. I. *Forensic research of tax evasion crimes*. Op. cit., p. 171.

⁴⁷ MURATOV, D. A. *Investigation of crimes committed using bankruptcy procedures*. Op. cit., p. 197-198.

debtor organization⁴⁸. Also in this chapter, we focus our attention, largely, on the specifics of ordering and conducting judicial expertise in the process of investigating facts of fictitious insolvency and intentional insolvency. However, contemporary forensics and expert studies actively contribute to the application of the achievements of technical and scientific progress, providing assistance to law enforcement agencies in investigating and discovering crimes, in unmasking guilty persons and establishing the real causes and conditions that contributed to the commission of crimes. For this reason, we are talking about a wide range of categories of forensic expertise, relevant for the investigation and discovery of crimes of intentional insolvency and fictitious insolvency: technical expertise of documents, graphoscopic expertise, accounting, economic and financial forensic expertise, marketing expertise, commodity expertise, polygraphic, technological and phonoscopic expertise, etc.

⁴⁸ ROMANOVA, E.S. *Forensic support for the investigation of bankruptcy-related crimes*: Op. cit., p. 185.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The results of the scientific research presented in the text of the doctoral thesis found relevance in the following: multiple components of the forensic characteristics of the crimes of fictitious insolvency and intentional insolvency were exposed (68, pp. 263-275; 70, pp. 190-195; 71, pp. 136-141; 77, pp. 125-131; Chapter 2); the circumstances to be established in the process of investigating insolvency crimes have been specified (78, pp. 141-154; Chapter 2, 3); an analysis of the historical evolution of regulations relating to insolvency-related crimes was carried out (73, pp. 196-201); the specifics of the notification and initiation of criminal prosecution in cases of fictitious insolvency and intentional insolvency were identified (Chapter 3); an analysis of typical situations of investigating the targeted crimes was carried out (138, pp. 141-154; 139, pp. 42-49; Chapter 3); the specifics of the organization and conduct of the investigation process of fictitious insolvency and intentional insolvency crimes were identified (138, pp. 141-154; 139, pp. 42-49; Chapter 3); the opportunity and conditions for applying specialized knowledge to the investigation of crimes of fictitious insolvency and intentional insolvency were highlighted and argued (Chapter 3); multiple problems and difficulties related to the issue of insolvency have been identified, in accordance with the new regulations and, respectively, in the European integration process (74, pp. 229-236; 75, pp. 179-184; the particularities of carrying out criminal prosecution actions in criminal cases relating to the crimes of fictitious insolvency and intentional insolvency, etc. were catalogued (Chapter 4); conclusions and recommendations were formulated regarding the materialization of an appropriate and viable methodology for investigating crimes of intentional insolvency and fictitious insolvency (Conclusions in Chapters 2, 3 and 4). Studying the specifics of the crimes of fictitious insolvency and intentional insolvency has convinced us of the urgent need to review and improve their investigation methodology through the wide-scale application of knowledge and regulations in the field of criminal law, criminal procedural law, forensics, judicial expertise and investigative-operative activity.

Researching the theoretical and practical aspects of the doctoral thesis topic allowed the elucidation of the following points: 1) Fictitious and intentional insolvency is achieved by evading legal procedures, regulated by the legal norms relating to insolvency. After accumulating debts to creditors, the interested parties evade legal bankruptcy procedures by falsifying certain debts to certain organizations through procedural and document falsifications; 2) Evidence in criminal cases regarding fictitious and intentional insolvency is obtained in two ways: a) proof of meeting the signs of the offense provided for by art. 252 and 253 of the Criminal Code of the Republic of Moldova; b) proving the fact of the staged insolvency; 3) Methodical schemes for investigating insolvency-related crimes must be oriented, first of all, towards identifying material assets belonging to debtors and obtaining

evidence regarding the attribution, involvement of the accused in creating or increasing the insolvency of the enterprise or organization in question; 4) For the purpose of efficiency, the investigation of criminal cases in this category can be carried out by a group of criminal investigation officers, with the training of investigation officers from the subdivisions that carry out special investigative activity; 5) The tactics of carrying out certain criminal prosecution actions have their own particularities, determined by the specifics of the legal regime of the debtor's assets, the particularities of the object of evidence and the methodology of investigating these criminal cases; 6) The methodology for investigating crimes of intentional insolvency and fictitious insolvency may include elements of complex particular methodologies, which go beyond the framework of forensic knowledge, strictly related to the investigation of crimes in the field of insolvency.

Following the research on the topic addressed during the development and defense of this doctoral thesis, **the important scientific problem** was solved, which lies in outlining the appropriate methodological framework and in improving the methods and techniques for investigating the crimes of intentional insolvency and fictitious insolvency, which is likely to ensure a faster and more precise identification of these crimes, to strengthen the efficiency of legal instruments in preventing, investigating and combating them, given the complexity of the phenomenon, the regulations and the economic and legal evolution in this field.

However, under these conditions and circumstances, the solution of **the important scientific problem** was demonstrated through the conclusions formulated in accordance with the research hypothesis, as follows:

1. The few works dedicated to the methodology of investigating crimes of intentional insolvency and fictitious insolvency, mostly published in other states, in the context of recent amendments and additions to criminal legislation, criminal procedure and national regulations on insolvency, require additional updates and in-depth studies, in order to adequately reflect the new legal and economic realities of the insolvency phenomenon, both in the Republic of Moldova and abroad.

2. The forensic characteristic of insolvency crimes constitutes an informational model of them, reflecting the initial information about the criminal insolvency, the traces of the crime, the condition and qualities of the object of the attack, the circumstances and methods of committing the act, the person of the offender and the causes or conditions that favoured their commission. The structural elements of the forensic characteristic of criminal insolvency are distinguished by their specificity, being influenced by the considerable volume of normative material and the principles of the mechanism for regulating economic relations in entrepreneurial activity.

3. In the case of insolvency crimes, the greatest difficulties arise in establishing the fact of the crime and the person's guilt. These difficulties are determined by two main aspects: on the one hand, crimes can only be

committed with direct intent, and on the other hand, insolvency is often explained by the perpetrator through certain risks of economic and financial activity, respectively through imprudent actions.

4. At the stage of initiating criminal prosecution, three categories of tasks specific to the methodology of investigating acts of fictitious and intentional insolvency are resolved, which refer to: a) the quality and completeness of the information obtained; b) the debtor's civil legal status and position, his connection with certain assets; c) qualitative assessment of the causes of the insolvency of the debtor enterprise.

5. From a methodological point of view, organizing the process of discovering and investigating insolvency crimes requires the development of tactical operations that include:

a) analysis of the initial information; b) application of specialized knowledge; c) studying sources of information (people, documents, material traces); d) hearing people in a timely and tactically correct manner; e) collaboration with operational-investigative subdivisions and other bodies.

6. The initial stage of investigating criminal insolvency involves developing a system of actions, tactically and methodologically justified, to accumulate additional information about the perpetrator regarding: non-fulfilment of obligations by other enterprises in which he has the status of manager or founder; the existence of debts to the enterprise and claims from creditors; the involvement of the perpetrator, his close relatives or friends as founders of other enterprises.

7. The content of the main activities and directions in the investigation of criminal insolvency acts includes: a) planning further criminal prosecution actions, based on the materials of the initial verification; b) monitoring the defendant's behaviour and attempts to resist criminal prosecution; c) organizing collaboration with bodies carrying out special investigative activity; d) the control of the execution of decisions by the criminal investigation officer; e) analysis of regulatory acts, as well as consultation with specialists.

8. The specifics of planning the investigation of intentional and fictitious insolvency vary depending on the stage of the investigation. During the initial stage of the investigations, planning should ensure: a) discovering, fixing and preserving material sources of evidence, as well as documents that can be destroyed; b) timely identification and hearing of witnesses who can provide truthful information; c) searching for people who have alienated the assets or funds of the bankrupt enterprise; d) conducting expert research to calculate the economic status and verify the correctness of data in accounting documents, in relation to the basic means of the enterprise; e) verification of suspects and objects based on forensic evidence, etc.

9. Planning the investigation of insolvency-related crimes, at a later stage, must take into account: strengthening the evidentiary base in relation to the accusation made; verifying the supporting arguments presented by the accused and verifying the versions regarding the involvement of the ac-

cused in committing other crimes.

10. The versions regarding the establishment of insolvency can be divided into four categories: a) versions regarding crimes in the preparation phase; b) versions regarding the commission of criminal acts up to the recognition of the enterprise as bankrupt; c) versions regarding the commission of crimes after establishing the insolvency of the enterprise; d) versions regarding the criminal acts committed during the competition procedure.

11. The entire complex of criminal prosecution actions in the investigation of insolvency crimes materializes in the following basic directions and within the limits of four typical tactical operations: a) establishing the full circle of persons involved in committing the crime or who possess information regarding unfavourable transactions; b) ensuring the preservation of documents of all legal entities involved in disadvantageous transactions; c) ensuring the preservation of assets held by the debtor and those transferred by him to other structures; d) establishing the defendant's lifestyle, his personal and professional relationships, as well as his experience in the field of entrepreneurship.

12. In most cases, the perpetrators (suspects, accused) are well informed about the evidence available to the criminal investigation body. Thus, it is not the stages subsequent to the commencement of the criminal investigation that are the most important, but the moment when the criminal investigation body obtains new evidence, when the suspects or accused are not prepared for this. Now, in these circumstances, we can talk about carrying out criminal prosecution actions on fresh traces.

13. The tactical particularities of questioning the suspect (accused) are determined by the procedures used by them to avoid criminal liability. These procedures are influenced by the possibilities of explaining and justifying its actions by invoking the risks of economic activity and loopholes in the law. The unmasking of the suspects' (accused's) arguments is possible only if the criminal content of the unprofitable transactions is established and new structures were created at the expense of the funds due to the creditors.

14. The development of the algorithm for criminal prosecution actions must be based on typical situations encountered in the later stage of the investigation of insolvency-related crimes. These situations can be classified, depending on the attitude of the accused towards the accusation, as follows: 1) The accused fully acknowledges his guilt in committing the insolvency-related crime and collaborates in the criminal investigation to establish the truth; 2) The accused partially admits his guilt, as a rule, he does not deny the act, but interprets it from his point of view; 3) The accused denies guilt, invoking arguments to justify his actions; 4) The accused refuses to make statements, and this situation can have two variants: a) the accused expresses a negative attitude towards the accusation; b) the accused refuses not only to make statements, but also to express his position on the essence of the accusation made.

Description of personal contributions, emphasizing their theoretical significance and practical value. Personal contributions were made in the exposition, research and analysis of the methodological framework for investigating the crimes of intentional insolvency and fictitious insolvency, a subject that, until now, has not been researched in the forensic doctrine of the Republic of Moldova nor in that of Romania. When studying this topic, we managed to obtain the following results: we analysed the situation at the doctrine level in the matter of investigating the crimes of intentional insolvency and fictitious insolvency; we researched and clarified the content of the forensic characteristic of the crimes of intentional insolvency and fictitious insolvency; we have identified the circle of circumstances to be established in the process of investigating the facts of intentional insolvency and fictitious insolvency; we have exposed the particularities of the notification and initiation of criminal prosecution in the case of crimes of intentional insolvency and fictitious insolvency; we analysed and assessed the efficiency of typical situations of investigating intentional and fictitious insolvency crimes, as well as the specifics of planning criminal prosecution in the case of these criminal acts; we highlighted the specifics of organizing and conducting the criminal insolvency investigation process within the initial and subsequent stages of criminal prosecution; we specified the mechanism, content and conditions for applying specialized knowledge in the process of investigating intentional insolvency and fictitious insolvency; we specified and determined the specifics of carrying out several follow-up actions in the process of investigating intentional insolvency and fictitious insolvency offenses; We have developed methodological and tactical proposals, related to the investigation of the targeted crimes, as well as recommendations *de lege ferenda*, which are intended to improve the methodological, tactical and procedural framework for investigating the criminal acts of intentional insolvency and fictitious insolvency. At the same time, we took into account the opinions of scholars in the field of forensics, special investigative activity, criminal law, as well as a diverse spectrum of their proposals, solutions and recommendations, in order to “build” a viable, productive and efficient methodology for investigating crimes of intentional insolvency and fictitious insolvency.

Scientific novelty and originality of the thesis is justified by the fact that, in its content, for the first time in the Republic of Moldova, based on judicial practice and the provisions of the law on insolvency, a complex of issues related to the detection, investigation and discovery of insolvency crimes was investigated. Relevant recommendations were also developed regarding the improvement of criminal prosecution practice regarding the investigation of these crimes. The work also includes a wide range of provisions regarding the methodological bases for investigating acts of intentional insolvency and fictitious insolvency.

The scientific novelty of the thesis is also determined by the insuf-

ficient study of the research object, by the insignificant number of papers on the subject in question. In the text of the work: a) is carried out complex research into the content of intentional and fictitious insolvency; b) are identified basic and additional criminal schemes of increasing insolvencies, as well as those relating to the alienation and concealment of assets; c) is presented and argued the methodology for investigating these categories of criminal acts. Theoretical proposals and methodological recommendations with a forensic specific nature represent complex information and an appropriate methodological basis for the development and implementation of actions, focused on intensifying the fight against intentional and fictitious insolvencies. The thesis also contains recommendations regarding working with documents in this category of criminal cases, establishing the particularities of carrying out control acts, reviews, different categories of judicial expertise, as well as the specifics of carrying out criminal prosecution actions, etc. These proposals and recommendations may be useful in the practice of criminal prosecution bodies and courts, and may be taken into account when improving the provisions of criminal law, criminal procedure, applied in the fight against insolvency crimes.

The legal and empirical basis of the research is constituted by: a) the provisions of the Criminal Procedure Code of the Republic of Moldova; b) the regulations of the Law of the Republic of Moldova “on judicial expertise”, No. 68 of 14.04.2016; c) certain articles of Law No. 59/2012 from 29.03.2012 on special investigative activity; d) the legal framework established by the Insolvency Law, No. 149 from 14.09.2012; e) the practice of criminal prosecution bodies and courts of the Republic of Moldova regarding the specifics of research (investigation) and examination of criminal cases relating to the crimes of intentional insolvency and fictitious insolvency.

The scientific basis of the doctoral thesis is represented by the research of well-known scholars in the field of forensics, criminal law, criminal procedural law, special investigative activity, judicial expertise, insolvency, civil law, authors of works that have had substantial relevance and a significant impact in reflecting the content and specifics of the methodology for investigating crimes of intentional insolvency and fictitious insolvency.

The theoretical significance and applicative value of the work. *The theoretical significance* of the research lies in the fact that the theoretical conclusions that have been formulated contain new interpretations and analyses of the problem of investigating insolvency-related crimes. In particular, the work is dedicated to researching the content aspect of criminal activity in this field, as well as developing an effective forensic methodology, which is currently lacking. However, this state of affairs leaves a negative imprint on the results of the research and discovery of crimes of intentional insolvency and fictitious insolvency. Thus, the theoretical importance of the research results lies in resolving the multiple issues and aspects that constitute the basis of the research methodology, in presenting concrete recommenda-

tions, focused on streamlining the process of investigating intentional insolvency and fictitious insolvency.

The applicative value of the results of this research is manifested in the fact that the theoretical provisions, conclusions and recommendations, reflected in the paper, can be applied: a) in criminal prosecution practice, in further scientific research aimed at developing and improving the methodology for investigating intentional insolvency and fictitious insolvency; b) in the development of scientific papers and methodological guidelines in the field of forensics; c) in improving legislation related to the prevention and combating of intentional insolvency and fictitious insolvency. The conclusions and recommendations formulated in the text of the doctoral thesis can contribute to optimizing the fight against insolvency crimes, can provide the necessary methodological assistance to representatives of criminal prosecution bodies. They can also be applied in the study process in legal educational institutions in the Republic of Moldova, for the professional training of representatives of law enforcement agencies, and can be taken into account when improving the provisions of criminal and criminal procedure legislation.

Data regarding approval of results. The scientific research conducted and cataloged during the development of this doctoral thesis was materialized in 11 publications, being found in specialized journals, published in the Republic of Moldova and Romania, in the materials of several national and international scientific conferences, also from the Republic of Moldova and other states, and, last but not least, in the framework of multiple scientific and practical events: 1) JANU N. *The problem of insolvency in the process of European integration*. In: The materials of the international conference of doctoral students with the generic “Promotion of social values in the context of European integration”, organized by the University of European Studies in Moldova, in partnership with the Danubius University in Galati on May 4, 2018; 2) JANU N. *Offenses discovered by the court administrator in insolvency proceedings*. In: Materials of the international conference „Knowledge-based society. Norms, values and contemporary landmarks”. 15th Edition, 7, Targoviste, Romania, June 8, 2019; 3) JANU N. *Insolvency in light of the new regulations*. In: Materials of the International Scientific Conference “Relevance and Quality of University Education: Competencies for the Present and the Future”, dedicated to the 75th anniversary of the founding of the “Alecu Russo” State University of Balti, October 8-9, 2020; 4) JANU N. *The consequences of changing the jurisdiction of insolvency courts. Theoretical-practical dimension*. In: Materials of the National Scientific-Practical Conference, with international participation „Insolvency: Problems, realities, perspectives”, organized by the MACOVEI ENACHI Law Firm, the Faculty of Law of USM, the National Insolvency Training Centre “Moldinsolv” and the Union of Authorized Administrators of Moldova, February 17-18, 2021; 5) JANU N. *Criminal liability for insolvency-related offenses in the criminal law of some states in the Anglo-Saxon legal system*. In: Materials of the International Conference

(with participation abroad) of students, master students and doctoral students in law, organized by „Lucian Blaga” University of Sibiu, June 3, 2021; 6) JANU N. *Features and content of the object of the crime of intentional insolvency and fictitious insolvency*. In: Materials of the Scientific Conference (with international participation) “Tradition and Innovation in Scientific Research”, organized by the “Alecru Russo” State University of Balti, 10th Edition, October 8, 2021; 7) JANU N. *Conceptual approaches regarding the objective side of the crime of intentional insolvency*. In: Materials of the Scientific Conference with international participation entitled “Avatars of the Legal Person”, organized by the “Alexandru Ioan Cuza” University of Iași, Romania, May 7, 2022; 8) JANU N. *Some methodological particularities regarding the investigation of insolvency crimes*. In: International Biennial Conference „Forensic Science and its Implications in the Development of Human Society” (FOSIDHUS), 2nd edition, organized by the “Alexandru Ioan Cuza” University of Iași, Romania, May 28, 2022; 9) JANU N. *Research and legal classification of insolvency-related crimes in the Republic of Moldova*. In: Materials of the International Scientific Conference “Prospects and Problems of Integration in the European Space of Research and Education” of June 7, 2018 organized by the Cahul State University “Bogdan Petriceicu Hasdeu”, June 7, 2018; 10) JANU N. *Qualification of economic crimes*. In: Materials of the scientific conference of doctoral students. “Contemporary trends in the development of science: visions of young researchers”, 8th edition. Chisinau, June 10, 2019; 11) JANU N. *Historical evolution of regulations regarding insolvency-related crimes*. In: Materials of the International Scientific-Practical Conference “The Concept of Development of the Rule of Law in Moldova and Ukraine, in the Context of European Integration Processes”, organized by ICJP of ASM, USARB, Institute of Criminal Sciences and Applied Criminology. Chisinau, November 2-3, 2018, etc.

Indicating the limits of the results obtained, with the establishment of unresolved problems, is oriented towards deepening and expanding scientific research with reference to the methodology of investigating crimes of intentional insolvency and fictitious insolvency, in strict accordance with the provisions of the Criminal Procedure Code of the Republic of Moldova, the Law of the Republic of Moldova “on judicial expertise”, no. 68 from 14.04.2016 and the Law on Special Investigation Activity, no. 59/2012 from 29.03.2012, and, last but not least, in accordance with the legal and regulatory framework that was established by the Law on insolvency, no. 149 from 14.09.2012. The results, obtained during this research, refer to: the forensic characteristics of the crimes of intentional insolvency and fictitious insolvency; the object of evidence in the case of investigating the crimes of intentional insolvency and fictitious insolvency; the specifics of the methodological framework for investigating the crimes of insolvency; the content of the methodological framework for investigating the crimes of intentional insolvency and fictitious insolvency; the particularities of carrying out criminal prosecution ac-

tions in the process of investigating the crimes of intentional insolvency and fictitious insolvency. We also believe that, in the future, more in-depth research is needed on the methodology of investigating insolvency crimes, focused on the following aspects: the specifics of special investigative activity in the process of investigating crimes of fictitious insolvency and intentional insolvency; the particularities of evidence in the investigation of crimes of fictitious insolvency and intentional insolvency; the application of specialized knowledge in the investigation of insolvency crimes; the particularities of ordering and conducting judicial expertise in the process of investigating insolvency crimes, etc.

Recommendations under the title *of lege ferenda*:

A. Completion of article 125 of the Criminal Procedure Code of the Republic of Moldova (*The grounds for conducting the search*) with par. (2¹) having the following content: „In the case of certain categories of offences, searches may be carried out on financial documents, accounting records, documents of management of the debtor's assets and documents, which may conceal assets of the debtor”.

B. Completion of article 128 of the Criminal Procedure Code of the Republic of Moldova (*Procedure for conducting the searches or lifting of objects or documents*) with par. (2¹) having the following content: „ During the search, representatives of criminal prosecution bodies may request assistance from financial experts, auditors or other competent authorities, in order to quickly analyze the economic and financial data relevant to the investigation of the criminal case”.

C. Completion of article 142 of the Criminal Procedure Code of the Republic of Moldova (*Grounds for ordering and conducting a forensic examination*) with par. (1¹) in the following edition: „ Criminal prosecution bodies and the court may order accounting and financial expertise to verify the authenticity and legality of financial documents of individuals and legal entities, to determine whether there are elements of fraud in their activity, as well as to estimate the real value of assets and debts, as well as the economic and financial status of the enterprise. The court or the criminal investigation body may appoint an independent financial expert authorized for this purpose, who has specific skills in the financial-economic field”.

D. Completion of article 204 of the Criminal Procedure Code of the Republic of Moldova (*Goods that can be seized*) with par. (1¹) having the following text: “In case of reasonable suspicions, representatives of criminal prosecution bodies may request the seizure of the debtor's goods and assets, in order to prevent their concealment or dispersion during the criminal process”.

E. Completion of the Law of the Republic of Moldova „Regarding the forensic expertise and the Status of the Judicial Expert”, no. 68 from 14.04.2016, with par 35¹ „Multiple expertise”, in the following editorial:

„(1) In the case of complex situations, the criminal investigation body or the court may order multiple expert assessments, carried out concurrently by

independent experts.

(2) If there are significant discrepancies between the expert reports, the criminal investigation body or the court may request additional expertise or appoint a commission of experts to assess the facts and provide a final conclusion on the circumstances of the case”.

F. Completion of article 19, par. (1) from Law no. 59/2012 from 29.03.2012 regarding the special investigative activity, with point f) having the following content: *“In the process of investigating certain categories of crimes, the performance of special investigative measures (interception of communications and/or images; monitoring or control of financial transactions and/or access to financial information) may be requested in order to prevent and detect economic fraud”.*

It is also welcome to regulate the expertise of the debtor’s economic behaviour during the insolvency procedure, in order to identify any unjustified or dubious transactions, namely: a) transfer of assets at undervalued prices; b) the quick sale of assets to create an apparent state of insolvency; c) creating fictitious debts or declaring false losses within the debtor enterprise.

BIBLIOGRAPHY

1. BUSUIOC, N. *Investigating tax evasion crimes: procedural and tactical-methodological framework*. Doctoral thesis in law. Chisinau, 2020. 232 p. [online] [quote 20.03.2025]. Available at: http://www.cnaa.md/files/theses/2020/55812/nadejda_busuioc_thesis.pdf.
2. CHIOTICI, D.-M. *The duties of the forensic specialist in on-site research activity*: The summary of the Doctoral thesis in Law. Chisinau, 2024. p. 37.
3. *Criminal Procedure Code of the Republic of Moldova*. Law of the Republic of Moldova no.122-XV from March 14, 2003. The Official Gazette, 2003, no.104-110. Available from June 12, 2003.
4. DOLEA, I., ROMAN, D., SEDLEȚCHI, Iu. et al. *Criminal procedural law*. Chisinau: Cartier Juridic, 2005. p. 960. ISBN 9975-79-343-6.
5. DORAS, S. *Forensics*. Chisinau: Publishing House Cartea Juridica, 2011. p. 629 ISBN 978-9975-53-015-6.
6. GHEORGHITA, M. *Treatise on forensics*. Chisinau, 2017. 871 p. ISBN 978-9975-53-834-3.
7. GHEORGHITA, M. *Treatise on forensic methodology*. Chisinau: CEP USM, 2015. p. 532 ISBN 978-9975-71-606-2.
8. GOLUBENCO, Gh. *Traces of the crime. Theory and practice of on-site examination*. Chisinau: Garuda-Art Publishing House, 1999. p. 160 ISBN 975-9984-8-8.
9. LICA, F. I. *Forensic investigation of tax evasion crimes*: Doctor of Law Thesis. Chisinau, 2019. p. 202.
10. OGANESEAN, A. *Interaction of procedural subjects in the investigation of criminal cases*: Monograph. Chisinau: LEXON Publishing House, 2022. p. 223 ISBN 978-9975-163-11-8.
11. OSOIANU, T. et al. *Criminal investigation*: University course. Chisinau: Cartea Militara Publishing House, 2021. p. 494 ISBN 978-9975-157-58-2.
12. OSTAVCIUC, D. *Notification to the criminal investigation body*. Chisinau: Cartea Militara Publishing House, 2020. p. 206 ISBN 978-9975-3366-5-9.
13. POPA, Gh., GAMENT, N. *Forensics*: University course. Bucharest: Pro Universitaria Publishing House, 2013. 378 p. ISBN 978-606-647-860-1.
14. RUSU, V., JANU, N. Initial investigation phase of fictitious insolvency and intentional insolvency. In: *Romanian Journal of Forensic Science*. 2023, vol. XXIV, no. 1, p. 42-49. ISSN 2069-2617.
15. STANCU, Em. *Forensic Science Treatise*. Bucharest: Universul Juridic, 2007. p. 742 ISBN 978-973-127-008-1.
16. STANCU, Em., MANEA, T. *Forensic Tactics (I)*. Bucharest: Universul Juridic, 2017. p. 224 ISBN 978-606-39-0115-7.
17. VLASOV, P. E. *Investigation of illegal bankruptcies and bankruptcy misconduct*. Dissertation of candidate of legal sciences. Moscow, 2004. p. 212.
18. VLASOV, P. E. et al. Investigation of bankruptcy-related crimes. In: *Investigation of crimes in the economic sphere*: Collection of methodological

recommendations. Moscow, 2005, p. 76-81.

19. GAVLO, V. K. Typical forensic characteristics of crimes: has it become obsolete? In: *Forensic Science: Current Issues of Theory and Practice*. Rostov-on-Don, 2002.

20. GRIGORIEV, V. N., PRUSHINSKY, YU. V. *Initial actions upon receiving information about a crime (procedural and organizational-legal forms): Study guide*. Moscow, 2002. 103 c. ISBN 5-8041-0135-8.

21. ISHCENKO, E. P. Planning and programming the investigation at the initial stage. In: *Versions and investigation planning*. Sverdlovsk, 1985. p. 76-83.

22. MURATOV, D. A. *Investigation of crimes committed using bankruptcy procedures: Dissertation of the candidate of legal sciences*. Nizhny Novgorod, 2004. p. 251.

23. NUZHIDIN, A. M. *Problems of methodology of disclosure and investigation of criminal bankruptcies*. Abstract of the dissertation of the candidate of legal sciences. Moscow, 1997. p. 31.

24. OVSYANNIKOV, V. A. *Grounds and motives for making criminal procedural decisions at the stage of initiating a criminal case: Abstract of the dissertation of the candidate of legal sciences*. Omsk, 2001, 2001. p. 22.

25. PAVLISOV, A. N. *The initial stage of investigation of intentional bankruptcy of legal entities: Dissertation of candidate of legal sciences*. Krasnodar, 2007. p.152.

26. POSELSKAYA, L. N. Investigation of criminal bankruptcies. In: *Forensics: Textbook for University Students*. / Edited by Volynsky A. F. and Lavrov V. P. Moscow, 2008, p. 258-291. ISBN 978-5-238-01398-5.

27. REZVAN, P. A. *Methodology for investigating criminal bankruptcies: Dissertation of candidate of legal sciences*. Volgograd, 2004. p. 185.

28. ROMANOVA, E.S. *Forensic support for the investigation of bankruptcy-related crimes: Dissertation of the candidate of legal sciences*. Moscow, 2009. p. 307.

29. SEROVA, E. B. *Methodology for investigating criminal bankruptcies*. In: *Course of forensics: in 3 volumes. Volume 3. Forensic Methodology: Methodology for investigating crimes in the sphere of economics, bribery and computer crimes* / Edited by Korshunova O. N. and Stepanov A. A. St. Petersburg, 2004, p. 471-5 ISBN 978-5-94201-729-3.

30. STEPANOV, V.V. *Preliminary examination of primary materials on the crime*. Saratov, 1972. p.142.

31. TRANCHUK, L. I., FOMOV, S. V. Identification of methods and signs of committing criminal bankruptcies. In: *Bulletin of the Ministry of Internal Affairs of Russia*. 2001, no. 2-3, p. 57-68.

32. TSENOVA, T. L. *Criminal and forensic issues of commercial fraud*. Krasnodar, 2001. p. 112.

33. SHURUKHNOV, N. G. *Forensics: Textbook*. Moscow: EKSMO, 2005. p. 718 ISBN 5-699-11134-4.

LIST OF PUBLICATIONS ON THE DISSERTATION TOPIC

1. **JANU, N.** Conceptual approaches regarding the objective side of the crime of intentional insolvency. In: *Scientific Annals of the "Alexandru Ioan Cuza" University of Iasi, Legal Sciences*. 2022, tom LXVIII, no. 2, p. 263-275. ISSN 1221-8464 [online] [accessed at 13.09.2023]. Available at: <https://pub.law.uaic.ro/files/articole/2022/vol.2/2.5.janu.pdf>.
2. **JANU, N.** Qualification of economic crimes. In: *Contemporary trends in the development of science: visions of young researchers: Materials of the scientific conference of doctoral students*, 8th edition. Chisinau, June 10, 2019. Chisinau: Typography „Biotehdesign”, 2019, vol. 2, p. 190-195. ISBN 978-9975-108-67-6. Available at: https://ibn.idsi.md/sites/default/files/imag_file/190-195_7.pdf.
3. **JANU, N.** Research and legal classification of insolvency-related crimes in the Republic of Moldova. In: *Prospects and Problems of Integration in the European Space of Research and Education: Materials of the International Scientific Conference*, June 7, 2018. Cahul, 2018, vol. I, p. 136-141. ISBN 978-9975-88-041-1. Available at: https://ibn.idsi.md/sites/default/files/imag_file/136-141_1.pdf.
4. **JANU, N.** Historical evolution of regulations regarding insolvency-related crimes. In: *The Concept of Development of the Rule of Law in Moldova and Ukraine, in the Context of European Integration Processes: Materials of the International Scientific-Practical Conference*, Chisinau, November 2-3, 2018. Chisinau, 2018, p. 196-201. ISBN 978-9975-3222-0-1. Available at: https://ibn.idsi.md/sites/default/files/imag_file/196-201_14.pdf.
5. **JANU, N.** Insolvency in light of the new regulations. In: *Relevance and Quality of University Education: Competencies for the Present and the Future: Materials of the International Scientific Conference dedicated to the 75th anniversary of the founding of the "Alecu Russo" State University of Balti*, October 08-09, 2020. Balti, 2020, vol. II, p. 229-236. ISBN 978-9975-50-256-6. Available at: https://ibn.idsi.md/sites/default/files/imag_file/229-236_2.pdf.
6. **JANU, N.** Offenses discovered by the court administrator in insolvency proceedings. In: *Materials of the international conference „Knowledge-based society. Norms, values and contemporary landmarks”, 15th Edition, 7- Targoviste, Romania, June 8, 2019*. Available at: <https://openurl.ebsco.com/EPDB%3Agcd%3A4%3A16997604/detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Agcd%3A138633179&crl=f>.
7. **JANU, N.** The problem of insolvency in the process of European integration. In: *Promoting social values in the context of European integration: Materials of the International Conference of PhD Students*, May 4, 2018. Chisinau, 2018, p. 179-184. ISBN 978-9975-3185-7-0. Available at: https://ibn.idsi.md/sites/default/files/imag_file/179-184_17.pdf.
8. **JANU, N.** Criminal liability for insolvency-related offenses in the

criminal law of some states in the Anglo-Saxon legal system. In: *Materials of the International Conference of students, master students and doctoral students in law*, organized by „Lucian Blaga” University of Sibiu, June 3, 2021. Sibiu, 2021, p. 124-130. ISBN 978-606-39-0890-3. Available at: <https://www.ujmag.ro/conferinta-studentilor-masteranzilor-si-doctoranzilor-in-drept/cuprins/>.

9. JANU, N. Features and content of the object of the crime of intentional insolvency and fictitious insolvency. In: *Tradition and innovation in scientific research: Materials of the Scientific Conference with international participation*, 10th edition, October 8, 2021. Balti, 2021, vol. II, p. 125-131. ISBN 978-9975-50-272-6. Available at: https://ibn.idsi.md/sites/default/files/imag_file/125-131_17.pdf.

10. RUSU, V., JANU, N. Some methodological particularities regarding the investigation of insolvency crimes. In: *Scientific Annals of the “Alexandru Ioan Cuza” University of Iași*. 2022, Tom LXVIII, Supplement 3. Legal Sciences, p. 141-154. ISSN 1221-8464 [online] [accessed at 14.03.2024]. Available at: https://pub.law.uaic.ro/files/articole/2022/vol.special2/rusu_janu.pdf

11. RUSU, V., JANU, N. The initial investigation phase of the facts of fictitious insolvency and intentional insolvency. In: *Romanian Journal of Forensic Science*. 2023, vol. XXIV, no. 1, p. 42-49. ISSN 2069-2617. Available at: <https://pub.law.uaic.ro/ro/volume-publicate/2022/anale-uaic-tomul-lx-viii-stiine-juridice-fosidhus-2022/vitalie-rusu-natalia-janu>.

ADNOTARE

JANU Natalia, „Metodica investigării infracțiunilor de insolvabilitate intenționată și insolvabilitate fictivă”, Teza de doctor în drept, Chișinău 2025.

Structura tezei: introducere, patru capitole, 255 pagini de text de bază, concluzii generale și recomandări, bibliografie din 305 titluri, anexe. La tema tezei au fost publicate 11 (unsprezece lucrări).

Cuvinte-cheie: insolvabilitate fictivă, insolvabilitate intenționată, acțiune de urmărire penală, procedeu probatoriu, bănuț, învinuit, cunoștințe speciale, expertiză, planificare.

Scopul: Scopul tezei de doctor este axat pe identificarea și analiza metodelor și tehnicilor specifice utilizate în investigarea infracțiunilor de insolvabilitate intenționată și insolvabilitate fictivă, având în vedere complexitatea acestor infracțiuni.

Obiectivele cercetării: identificarea și expunerea elementelor de bază ale caracteristicii criminalistice a infracțiunii de insolvabilitate intenționată și insolvabilitate fictivă; sistematizarea și analiza spectrului de circumstanțe ce urmează a fi stabilite în cauzele referitoare la aceste infracțiuni; stabilirea și analiza cauzelor și circumstanțelor care au contribuit la comiterea infracțiunilor de insolvabilitate; expunerea și analiza particularităților tactico-organizatorice ale verificărilor inițiale în vederea descoperirii faptelor de insolvabilitate intenționată și insolvabilitate fictivă; conturarea particularităților referitoare la începerea urmăririi penale pe această categorie de dosare și caracterizarea activității analitice a ofițerului de urmărire penală la această etapă a cercetării; precizarea situațiilor tactice la momentul luării hotărârii privind începerea urmăririi penale și enumerarea versiunilor generale și particulare în cazul infracțiunilor de insolvabilitate; analiza și precizarea particularităților tactice ale efectuării acțiunilor de urmărire penală în procesul investigării infracțiunilor de insolvabilitate intenționată și insolvabilitate fictivă; formularea concluziilor și recomandărilor în vederea îmbunătățirii, perfecționării și eficientizării cadrului metodologic de cercetare a infracțiunilor de insolvabilitate intenționată și insolvabilitate fictivă etc.

Noutatea și originalitatea lucrării: în conținutul prezentei teze de doctor, pentru prima dată în Republica Moldova, în baza practicii judiciare și a prevederilor legii referitoare la insolvabilitate, a fost cercetat un complex de chestiuni referitoare la depistarea, investigarea și descoperirea infracțiunilor de insolvabilitate. De asemenea, au fost elaborate recomandări relevante privind perfecționarea practicii de urmărire penală aplicate la cercetarea acestor infracțiuni. Lucrarea cuprinde și un spectru larg de prevederi referitoare la bazele metodologice de investigare a faptelor de insolvabilitate intenționată și insolvabilitate fictivă.

Rezultatele obținute se regăsesc în tezele științifice prezentare spre susținere și în **problema științifică importantă soluționată** care rezidă în conturarea cadrului metodologic corespunzător și în îmbunătățirea metodelor și tehnicilor de investigare a infracțiunilor de insolvabilitate intenționată și insolvabilitate fictivă, fapt de natură să asigure o identificare mai rapidă și mai precisă a acestor infracțiuni, să consolideze eficiența instrumentelor legale în prevenirea, cercetarea și combaterea lor, având în vedere complexitatea fenomenului, a reglementărilor și a evoluției economico-juridice din acest domeniu.

Semnificația teoretică a cercetării: concluziile teoretice care au fost formulate conțin noi interpretări și analize ale problemei investigării infracțiunilor de insolvabilitate intenționată și insolvabilitate fictivă.

Valoarea aplicativă a lucrării: prevederile teoretice, concluziile și recomandările reflectate în lucrare pot fi aplicate în practica de urmărire penală și în ulterioarele cercetări științifice, axate pe elaborarea și perfecționarea metodicii de investigare a faptelor de insolvabilitate intenționată și insolvabilitate fictivă.

Implementarea rezultatelor științifice: rezultatele cercetării acestui subiect, reflectate în mai multe articole și, de asemenea, prezentate în cadrul conferințelor științifice, pot contribui la optimizarea investigării infracțiunilor de insolvabilitate intenționată și fictivă.

ANNOTATION

JANU Natalia, *Methodology of investigation of crimes in cases of intentional insolvency and fictitious insolvency*", PhD thesis in Law, Chisinau 2025.

Structure of the dissertation: introduction, four chapters, 255 pages of basic text, general conclusions and recommendations, bibliography of 305 titles, annexes. Eleven (11) scientific papers have been published on the thesis topic.

Key words: fictitious insolvency, intentional insolvency, criminal prosecution action, evidentiary procedure, suspect, accused, special knowledge, expert examination, planning.

Purpose of the research: The purpose of the doctoral thesis is focused on identifying and analysing the specific methods and techniques, used in investigating crimes of intentional insolvency and fictitious insolvency, given the complexity of these crimes.

The objectives of the research refer to: identification and presentation of the basic elements of the forensic characteristics of the crime of intentional insolvency and fictitious insolvency; systematization and analysis of the spectrum of circumstances to be found in cases relating to these crimes; determination and analysis of the causes and circumstances that contributed to the commission of insolvency crimes; exposition and analysis of the tactical and organizational peculiarities of the initial checks in order to discover the facts of intentional insolvency and fictitious insolvency; outlining the peculiarities relating to the initiation of criminal prosecution in this category of cases and characterizing the analytical activity of the criminal prosecution officer at this stage of the investigation; specifying the tactical situations at the time of making the decision to initiate criminal prosecution and listing the general and particular versions in the case of insolvency crimes; analysis and specification of the tactical peculiarities of carrying out criminal prosecution actions in the process of investigating the crimes of intentional insolvency and fictitious insolvency; formulation of conclusions and recommendations in order to improve, perfect and streamline the methodological framework for investigating intentional insolvency and fictitious insolvency offenses, etc.

The novelty and originality are justified by the fact that, in its content, for the first time in the Republic of Moldova and based on judicial practice and the provisions of the insolvency law, a complex of issues pertaining to the detection, investigation and discovery of insolvency crimes was investigated. Furthermore, relevant recommendations were developed regarding the improvement of criminal prosecution practice related to the investigation of these offenses. The paper comprises as well a wide range of provisions concerning the methodological bases for investigating intentional insolvency and fictitious insolvency.

The results obtained are found in the scientific theses presented for support and in the **important scientific problem solved**, which consists in outlining the appropriate methodological framework and in improving the methods and techniques for investigating crimes of intentional insolvency and fictitious insolvency, which is likely to ensure a faster and more accurate identification of these crimes, to strengthen the efficiency of legal instruments in preventing, investigating and counteracting them, given the complexity of the phenomenon, regulations and economic and legal evolution in this field.

The theoretical significance of the research lies in the fact that the theoretical conclusions that have been formulated contain new interpretations and analyses of the problem of investigating crimes of intentional insolvency and fictitious insolvency.

The applicative value of the paper is highlighted by the fact that the theoretical provisions, conclusions and recommendations reflected in it can be applied in the practice of criminal prosecution and in subsequent scientific research focused on the development and improvement of the methodology for investigating the facts of intentional insolvency and fictitious insolvency.

Implementation of scientific results. The results of research on this topic, reflected in several articles and also presented at scientific conferences, can contribute to the optimization of the investigation of crimes of intentional and fictitious insolvency.

АННОТАЦИЯ

ЖАНУ Наталья, «Методология расследования преступлений умышленной и фиктивной несостоятельности», Докторская диссертация, Кишинёв 2025.

Структура диссертации: введение, четыре главы, 255 страниц основного текста, общие выводы и рекомендации, библиография из 305 наименований, приложения. По теме диссертации опубликовано 11 (одиннадцать) научных работ.

Ключевые слова: фиктивная несостоятельность, умышленная несостоятельность, следственное действие, процесс доказывания, подозреваемый, обвиняемый, специальные знания, экспертиза, планирование.

Цель исследования: Цель докторской диссертации направлена на выявление и анализ конкретных методов и приемов расследования преступлений умышленной и фиктивной несостоятельности, учитывая сложности данных преступлений.

Задачи исследования: выявление и изложение основных элементов криминалистической характеристики преступлений умышленной и фиктивной несостоятельности; систематизация и анализ спектра обстоятельств, подлежащих установлению по делам об этих преступлениях; установление и анализ причин и обстоятельств, способствовавших совершению упомянутых преступлений; выявление и анализ тактико-организационных особенностей первичных проверок с целью выявления фактов умышленной и фиктивной несостоятельности; изложение особенностей возбуждения уголовного дела по данной категории дел и характеристика аналитической деятельности следователя на данном этапе расследования; уточнение тактических ситуаций при принятии решения о возбуждении уголовного преследования и перечисление общих и частных версий по данной категории преступлений; анализ и уточнение тактических особенностей осуществления действий уголовного преследования в процессе расследования вышеупомянутых преступлений; формулирование выводов и рекомендаций в целях улучшения, совершенствования и повышения эффективности методической базы расследования преступлений в области несостоятельности и т.д.

Научная новизна и оригинальность обусловлена тем, что впервые в Республике Молдова, на основе судебной практики и положений закона о несостоятельности, был исследован комплекс вопросов, связанных с выявлением, расследованием и раскрытием преступлений, связанных с несостоятельностью. Были разработаны соответствующие рекомендации по совершенствованию практики уголовного преследования по данным преступлениям. Работа включает широкий спектр положений, касающихся расследования фактов умышленной и фиктивной несостоятельности.

Полученные результаты отражены в представленных научных тезисах и **решенной важной научной задаче**, состоящей в определении соответствующей методологической базы и совершенствовании методов и приемов расследования преступлений умышленной и фиктивной несостоятельности, что, вероятно, обеспечит более быстрое и точное выявление этих преступлений, повысит эффективность правовых инструментов в их предотвращении, расследовании и борьбе с ними, учитывая сложность явления и основываясь на нормативных актах и экономико-правовой эволюции в этой области.

Теоретическая значимость исследования состоит в том, что сформулированные теоретические выводы содержат новые интерпретации и анализ проблемы расследования преступлений умышленной и фиктивной несостоятельности.

Прикладная ценность работы выражена в том, что её теоретические положения, выводы и рекомендации могут быть применены в практике уголовного преследования и в последующих научных исследованиях, направленных на разработку и совершенствование методики расследования фактов умышленной и фиктивной несостоятельности.

Внедрение научных результатов. Результаты исследований, отраженные в ряде статей и представленные на научных конференциях, могут способствовать оптимизации расследования преступлений умышленной и фиктивной несостоятельности.

JANU Natalia

**METHODOLOGY OF INVESTIGATION OF CRIMES IN CASES OF
INTENTIONAL INSOLVENCY AND FICTITIOUS INSOLVENCY**

**Specialty 554.04 – Forensics, judicial expertise, operational
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