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INITIATION OF PRE-TRIAL INVESTIGATION OF INTENTIONAL DESTRUCTION OR DAMAGE TO SOMEONE ELSE'S PROPERTY COMMITTED BY ARSON AND CIRCUMSTANCES TO BE PROVEN

Катерина Покраса. ПОЧАТОК ДОСУДОВОГО РОЗСЛІДУВАННЯ УМИСНОГО ЗНИЩЕННЯ АБО ПОШКОДЖЕННЯ ЧУЖОГО МАЙНА, ВЧИНЕНОГО ШЛЯХОМ ПІДПАЛУ ТА ОБСТАВИНИ, ЩО ПІДЛЯГАЮТЬ ДОКАЗУВАННЮ. В статті на основі аналізу думок науковців та матеріалів слідчої практики розглянуто особливості початку досудового розслідування умисного знищення або пошкодження чужого майна, вчиненого шляхом підпалу та обставини, що складають предмет доказування за даною категорією проваджень. Наголошено на тому, що особливості початку досудового розслідування та обставини, що підлягають встановленню, дослідженню та доказуванню є неодмінними елементами структури методики розслідування злочину окремого виду. Приводами до початку розслідування при розслідуванні підпалів є: заяви та повідомлення громадян, повідомлення посадових осіб установ та організацій, безпосереднє виявлення органами дізнання та досудового слідства ознак злочину. Фактичні дані, що є підставами для початку кримінального провадження мають безпосереднє відношення до обставин, що підлягають встановленню, дослідженню та доказуванню. Доведено, що після отримання повідомлення про виникнення пожежі, одразу потребують встановленню наступні обставини: місце вчинення кримінального правопорушення, час виникнення та тривалість пожежі, безпосередня причина пожежі, елементи обстановки місця підпалу після припинення пожежі. В залежності від ситуаційної обумовленості, але, як правило, на подальшому етапі розслідування встановленню, дослідженню та доказуванню підлягають також наступні обставини: спосіб вчинення, мета і мотиви кримінального правопорушення; пожежно-технічна характеристика об'єкта, на якому сталася пожежа; наявність чи відсутність вогнебезпечних матеріалів та речовин, що можливо знаходились на об'єкті пожежі та у зоні горіння; особливості технологічного процесу, якщо пожежа виникла на промисловому об'єкті; події й обставини, що безпосередньо передували виникненню пожежі; розмір нанесених збитків; відомості, що характеризують особу злочинця; обставини, що обтяжують чи пом'якшують відповідальність.

Ключові слова: *методика розслідування, кримінальні правопорушення, початок кримінального провадження, власність, слідчий, обставини, що підлягають доказуванню, підпал.*

Relevance of the study. Criminal liability for intentional destruction or damage to someone else's property committed by arson is provided for in Part 2 of Art. 194 of the Criminal Code of Ukraine [1]. Although the analysis of statistical data of the General Prosecutor's Office of Ukraine indicates a certain decrease in the number of registered crimes of this category, about a third of them remain unsolved. During 2020, 935 such crimes were registered, of which suspicions were reported in 144 proceedings, in 2021 – 668, suspicion reports – 157, in 2022 – 342, suspicions were reported in 97 cases [2].

The beginning of the pre-trial investigation and the circumstances to be established, investigated and proven are indispensable elements of the structure of the method of investigation of a particular type of crime. It should be noted that since the development of forensic characteristics as a constituent element of forensic methods, the opinions of scientists have been divided regarding the interdependence and relationship between the concept of forensic

characteristics and the subject of evidence. Some authors believed that the subject of proof is part of the forensic characterization as a structural element.

We join the opinion of scientists who believe that the subject of proof and the forensic characteristics of a particular type of crime are different concepts, although they are part of the system of forensic methodology. The concept of the subject of proof belongs to the theory of evidence and reflects the necessary set of essential circumstances to be established in a specific criminal proceeding. Forensic characterization is an information model, a collection of information about a particular type of crime, and is a theoretical component of forensic methodology. There is a relationship between them similar to the relationship between the doctrine of crime and the theory of evidence, but in no case are these concepts mutually constitutive or identical. Knowledge of the elements of forensic characteristics is used to solve the tasks of the investigation, which consists in proving certain circumstances specific to this particular crime. The position regarding the separation of forensic characteristics and the subject of proof is also followed by other scientists [3, p. 15; 4, p. 143; 5, p. 210]. Circumstances to be proven are a necessary element in the structure of the investigation methodology of certain categories of criminal offenses. Their definition gives the investigation purposefulness, and their establishment allows to give a correct assessment of the event, ensures the completeness and comprehensiveness of the investigation [5, p. 210]. Taking into account the importance of the considered categories both for the theory of criminology and for the practice of investigation, and the diversity of opinions of scientists regarding the subject of evidence, we consider it necessary to consider the mentioned debatable issues in the direction of the investigation of the destruction or damage of someone else's property, committed by arson, which causes a significant resonance in society.

Recent publications review. The following scientists paid considerable attention to the problems of the stages of the investigation and the circumstances to be proven: Yu. Alenin, L. Arkusha, V. Bakhin, A. Volobyev, M. Yefimov, A. Ishchenko, N. Klymenko, V. Konovalova, V. Kuzmichev, V. Lisichenko, E. Lukyanchikov, V. Lukashevich, G. Matusovskiy, O. Odery, I. Pyrih, M. Pogoretsky, O. Pchelina, M. Saltevsky, R. Stepanyuk, V. Tishchenko, L. Udalova, P. Tsimbal, K. Chaplinsky, Yu. Chernous, S. Chernyavsky, V. Shevchuk, V. Shepitko, B. Shchur and other scientists. However, in their work, in our opinion, insufficient attention was paid to the disclosure of the issues defined by us in relation to the investigation of such a category of crime as the destruction or damage of someone else's property committed by arson.

The article's objective. The purpose of this article is to determine the specifics of the initiation of a pre-trial investigation into the destruction or damage of someone else's property committed by arson and the circumstances that must be proven under this category of criminal proceedings.

Discussion. According to Art. 214 of the Criminal Procedure Code of Ukraine, an investigator, a prosecutor, immediately, but no later than 24 hours after submitting a statement, notification of a committed criminal offense or after independently discovering from any source circumstances that may indicate the commission of a criminal offense, is obliged to enter relevant information to the Unified register of pre-trial investigations and start the investigation [6]. From the content of this article, it is clear that the grounds for starting an investigation can be statements or reports from citizens or direct detection by pre-trial investigation bodies of signs of a criminal offense. The analysis of the materials of criminal proceedings based on the facts of the fire established that the beginning of the investigation served as: statements and reports of citizens in 75 %; notification of officials of institutions and organizations in 7 %; direct detection by bodies of inquiry and pretrial investigation of signs of a crime 18 %. Information about the occurrence of fires can be sent to the operational coordination center of the territorial body of the State Emergency Service or to the on-duty response units and sectors of the territorial units of the patrol police.

All reports and statements about events related to fires, depending on the presence or absence of sufficient data indicating signs of one or another component of the crime, can, in our opinion, be divided into three groups: a) those containing sufficient information about the signs of a crime committed by arson; b) those in which such data are incomplete or insufficient; c) those who do not have sufficient data on the signs of one or another component of the crime.

In the latter case, when such data are not available, the investigation is not started and the data is not entered into the register. This is, for example, in the case when, in the event of a

fire, there are witnesses or victims who directly indicate the causes of the fire, which arose as a result of their negligence. In the event that the available data in the materials is not sufficient to make a decision on the initiation of the investigation, it is necessary to conduct a review of the existing materials, during which special attention should be paid to the collection of data indicating signs of a crime or the absence of such signs. It is possible to start verifying such data even while the fire is ongoing by interviewing witnesses, eyewitnesses or property owners or representatives of the enterprise in whose premises the fire occurred.

Analyzing the essence of the grounds for initiating criminal proceedings, V. Zelenetskyi noted that they represent the unity of the factual and the legal, forming in the mind of the subject of knowledge the belief about the need to initiate criminal proceedings in the absence of circumstances that exclude the adoption of such a decision. The factual side of the reasons should be understood as the presence of objectively existing data, in particular, a fire that caused serious consequences, that is, those that indicate the signs of a crime. The legal side of the grounds for initiating criminal proceedings is the presence of signs of an offense that can be reflected in various types of documents, in particular the report of the inspection of the scene of the incident, explanations of witnesses, eyewitnesses or other persons who have information about the occurrence of the fire [7, p. 77].

As the analysis of investigative practice shows, it is quite difficult, and sometimes impossible, to establish the cause of the fire at the beginning of the investigation. As a rule, it is established by analyzing the circumstances that indicate signs of arson even after the fire has been extinguished during the inspection of the scene, interviewing eyewitnesses to the fire, and from other sources. Studying the practice of investigating crimes of this category shows that at the beginning of criminal proceedings there are certain difficulties with the qualification of crimes related to fires. In particular, it is difficult to differentiate the violation of fire safety requirements established by law (Article 270 of the Criminal Code of Ukraine) from arson for the purpose of intentional destruction or damage to property (Part 2 of Article 194 of the Criminal Code of Ukraine). This is due to the fact that the main circumstances that affect the correct qualification of an illegal act are the cause of the fire, the form of ownership of the burned or damaged property, and the form of fault (negligence or intent) of a specific person. Determining the form of ownership does not cause difficulties, in contrast to determining the cause of the fire and the form of fault, the establishment of which is the task of further investigation. Therefore, it seems that in cases where the cause of the fire and the form of guilt cannot be immediately established, and the fire damaged property or caused bodily harm, the death of people or other significant consequences, it should be classified as an illegal act under Part 2 of Art. 194 of the Criminal Code of Ukraine. Later, if during the investigation it is established that the fire occurred for other reasons, it is possible to reclassify the crime under any of the articles described by us earlier [8, pp. 303-307]. For example, in the modern conditions of the war with Russia, the cause of fire in the houses of civilian residents can be the impact of ammunition, mines, missiles or their fragments. In this case, it is necessary to qualify the criminal act according to Art. 438 of the Criminal Code of Ukraine.

Factual data, which are grounds for initiating criminal proceedings, are directly related to the circumstances to be established, investigated and proven. Even if the initial data is established before the information is entered in the Unified Register of Pretrial Investigation, then at the initial and subsequent stages of the further investigation, they will need to be confirmed by the evidence obtained as a result of the investigation. In addition, knowledge of the subject of evidence will allow the employee of the inquiry body or the investigator to plan the investigation more correctly, determine its limits and conduct further investigation in a purposeful manner. Therefore, it seems appropriate to consider the circumstances to be proven below.

The Criminal Procedure Law provides a list of circumstances that must be proven, which is common to all categories of criminal proceedings, including those committed by arson. The list of circumstances subject to proof is defined in Art. 91 of the Criminal Procedure Code of Ukraine, which states that the following must be proven in criminal proceedings: 1) the event of a criminal offense: time, place, method and other circumstances; 2) guilt of the accused in committing a criminal offense, motive and purpose, form of guilt; 3) the type and amount of damage caused by a criminal offense, as well as the amount of procedural costs; 4) circumstances affecting the severity of the criminal offense, characterizing the person of the accused, aggravating or mitigating the punishment, excluding criminal responsibility or are grounds for closing criminal proceedings; 5)

circumstances that are grounds for exemption from punishment or criminal liability; 6) circumstances that confirm that money, valuables and other property subject to special confiscation were obtained as a result of the commission of a criminal offense and/or are income from such property, or were intended to induce a person to commit, finance and/or materially support a criminal offense or rewards for its commission, or are the subject of a criminal offense, including those related to their illegal circulation, or sought, manufactured, adapted or used as means or instruments of its commission; 7) circumstances that are grounds for the application of criminal law measures to legal entities [6].

The content of criminal offenses related to the occurrence of fires has certain features due to the specifics of this type of crime. The presence of the very fact of fire and its harmful consequences is almost always obvious, but, as noted earlier, a fire may or may not be criminal in nature. The main circumstance indicating the criminal nature of the fire is the cause of its occurrence. From a legal point of view, arson is an uncontrolled burning outside a special hearth, which arose as a result of an illegal, criminally punishable act of a person, which resulted in socially dangerous consequences. According to V. Konovalova, the circumstances to be investigated in fire cases are determined depending on the nature of the event. In particular, in proceedings on arson, it is necessary to find out: a) the method of commission and the means used; b) objects; c) guilty person; d) accomplices; e) motives and purpose; e) whether any other crime was committed; f) consequences; g) material damage; g) reasons and conditions that contributed to the commission of a criminal offense [9, p. 403]. According to the authors of the textbook on methods of investigating certain types of crimes, it is necessary to establish data characterizing: the situation preceding the fire; the circumstances of the occurrence and development of the fire; the situation after the fire [10]. In our view, it is not possible to clearly separate the circumstances that existed before, during and after the fire, because they are interrelated and must be established almost simultaneously. The circumstances to be established, in our opinion, first of all depend on the stages of the investigation and the investigative situation that developed at a certain stage.

After receiving a notification about the occurrence of a fire, the following circumstances need to be established immediately:

1. Place of commission of a criminal offense. In the investigated category of criminal proceedings, it is understood as the place of the initial occurrence of the fire, because the crime is not the fire itself, as a natural phenomenon, but the actions of certain persons that caused the fire to occur, that is, in fact, the crime occurs in the place that later becomes the center fire [9]. Establishing the geographical location of the object does not present any particular difficulties. In the conditions of a city or village, such data is a street, house or apartment number. When setting fire to individual objects outside populated areas, it is necessary to record the location relative to fixed landmarks, preferably with GPS coordinates. The process of establishing the place of ignition at the scene is more complicated. This is a rather difficult task and it can be solved both at the initial and at the later stages of the investigation.

2. Time of occurrence and duration of the fire. This element of the subject of proof in the investigation of arson has its own characteristics, because a fire, as an illegal act, takes a certain, as a rule, quite long period of time. For a more accurate description of the event of a criminal offense, in our opinion, it is necessary to establish not only the time of the fire, but in some cases also the time of fire detection, the time of arrival of emergency service units, patrol police, the time of stopping the fire and eliminating its consequences. It is quite easy to establish individual time characteristics, since information about received fire reports is contained in the relevant units where they were received.

3. The immediate cause of the fire. Information about the cause of the fire is one of the most significant, characterizing the fault of a specific person and explaining the circumstances of its occurrence. Depending on the established cause of the fire, the investigator chooses one or another qualification of the criminal offense. The cause of the fire can be determined immediately based on the results of the inspection of the scene, the interview of witnesses and eyewitnesses. But, as a rule, this is a complex process, and at the initial stage, in many cases, it is possible to establish the cause of the fire only with a certain degree of probability. The fact of establishing the cause of the fire at the initial stage requires evidence obtained by further investigative (search) actions.

4. Elements of the setting of the arson site after the fire has stopped. As a rule, such elements are installed and fixed based on the results of an inspection of the scene. It is

necessary to pay attention to the consequences of the fire, the condition and localization of the traces of burning, the degree of burning of individual parts of the room, the remains of materials, equipment, etc.

Depending on the situational conditions, but, as a rule, at the further stage of the investigation, the following circumstances are also subject to establishment, investigation and proof:

1. The method of committing the crime. The method must be proven by actual data obtained as a result of the investigative (search) actions provided for by law, since the method of committing a criminal offense is of great importance for determining the degree of public danger of the act and the identity of the offender. In the process of proving the method of committing a crime related to a fire, it is necessary to find out the following questions: the mechanism of combustion; means of ignition and sources of their origin; if a violation of fire safety rules is established, what technical problems are associated with the cause of the fire; conditions and means that were used to intensify the combustion process. Considering that the method of committing a crime in criminology has three components, it is necessary to establish whether there were actions of the criminal aimed at preparing for the commission of the crime and hiding its traces.

2. Purpose and motives of the criminal offense. It is necessary to find out whether the actions of the criminal were really aimed at the destruction or damage of property and whether they had another intention.

3. Fire-technical characteristics of the object where the fire occurred, which should include: area, number and mutual location of rooms or premises, degree of fire resistance, location of lighting and power grid, location of water and gas pipelines, ventilation and air conditioning systems, etc. This information can be established by surveying the owners of the premises or employees of enterprises and organizations. It is also possible to obtain plans of fire-damaged premises from the relevant services.

4. The presence or absence of flammable materials and substances that may have been at the site of the fire and in the burning zone. This information affects the determination of the place of origin, speed and direction of fire spread. Such information can be obtained from victims, witnesses, eyewitnesses or discovered during an inspection of the scene of the incident, found out in the process of questioning the persons responsible for the industrial object, established by studying the documentation characterizing the technological process and other features of the object.

5. Features of the technological process, if the fire occurred at an industrial facility. This information should characterize the location, conditions and nature of operation of the technological equipment present at the object, the possibility of their operation influencing the process of occurrence and nature of the fire.

6. Events and circumstances immediately preceding the fire. These are additional circumstances or events that occurred immediately before the fire, and, together with previously formed circumstances, caused the fire. They represent a more or less long-term local factor [10]. In order to find out the reasons that caused the fire and its consequences, in other words, the entire set of conditions and circumstances that resulted in the fire and that determined the nature and dimensions of its consequences, it is necessary, first of all, to understand with great accuracy the specifics of local conditions, order, conditions, that is, the situation that has developed at the object during the period of its operation. Only then will an objective idea be formed about the actions or inaction of certain persons that led to the creation of fire-hazardous conditions, about the events and circumstances that caused the fire.

7. Amount of damages. When establishing this circumstance, it is advisable to invite specialists of the relevant profile or appoint a forensic economic examination.

8. Information characterizing the identity of the criminal. At the same time, his socio-demographic data, personal characteristics, his relationship with the person of the owner of the destroyed or damaged property, etc. are established. It is also necessary to establish the mental attitude of a person towards his actions and their consequences. To do this, it is necessary to investigate the behavior of the suspect during the period of occurrence and after the elimination of the fire, the purpose and motive of the offense.

In addition, the circumstances affecting the degree and nature of the suspect's responsibility, as well as other circumstances characterizing his personality, are established. For the objectivity and completeness of the investigation in arson proceedings, it is necessary to investigate the presence of circumstances that aggravate or mitigate responsibility.

Mitigating factors: voluntary compensation for the damage caused or elimination of the damage caused; committing a crime as a result of a combination of difficult personal or family circumstances; committing an offense under the influence of threats or coercion or due to material, official or other dependence; commission of a crime by a pregnant woman; sincere remorse or confession, as well as active assistance in the investigation and other circumstances that can be recognized as mitigating responsibility, according to Art. 66 of the Criminal Code of Ukraine. According to Art. 67 of the specified code, the circumstances that aggravate responsibility in the investigation of arson can be: repeated commission of a crime by a person and recidivism of crimes; commission of a criminal offense by a group of persons based on a prior conspiracy; serious consequences caused by the crime; committing a criminal offense against a person who is financially, professionally or otherwise dependent on the offender; committing a crime using conditions of war or state of emergency, other extraordinary events; committing a crime in a generally dangerous way; committing a criminal offense by a person who is in a state of alcohol intoxication or in a state caused by the use of narcotics or other intoxicating agents [6].

Conclusions. Peculiarities of the beginning of the pre-trial investigation and the circumstances to be established, investigated and proven are indispensable elements of the structure of the methodology of the investigation of a particular type of crime. The reasons for starting an investigation in the investigation of arson are: statements and reports of citizens, reports of officials of institutions and organizations, direct detection of signs of a crime by bodies of inquiry and pre-trial investigation. Factual data, which are grounds for initiating criminal proceedings, are directly related to the circumstances to be established, investigated and proven.

After receiving a report on the occurrence of a fire, the following circumstances need to be established immediately: the place of the criminal offense, the time of occurrence and duration of the fire, the immediate cause of the fire, elements of the setting of the arson site after the fire has stopped. Depending on the situational conditions, but, as a rule, at the subsequent stage of the investigation, the following circumstances are also subject to establishment, investigation and proof: the method of commission, purpose and motives of the criminal offense; fire-technical characteristics of the facility where the fire occurred; the presence or absence of flammable materials and substances that may have been at the site of the fire and in the burning zone; features of the technological process, if the fire occurred at an industrial facility; events and circumstances immediately preceding the fire; the amount of damages; information characterizing the identity of the criminal; circumstances aggravating or mitigating responsibility.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

References

1. Кримінальний кодекс України: Закон України від 05.04.2001 № 2341-III. URL : <https://zakon.rada.gov.ua/laws/show/2341-14>.
2. Офіс Генерального прокурора. URL : <https://www.gp.gov.ua/ua/> 1stat.
3. Колесниченко А. Н. Структура и содержание методики расследования отдельных видов преступлений. Советская криминалистика. Методика расследования отдельных видов преступлений. В. К. Лисиченко, В. И. Гончаренко, М. В. Салтевский и др.; Под ред. В. К. Лисиченко. К.: Вища шк.: Головное изд-во, 1988. С. 7-15.
4. Матусовський Г. А. Загальні положення криміналістичної методики розслідування злочинів. Криміналістика: Криміналістична тактика і методика розслідування злочинів. Підручник для студентів юрид. вузів і фак. За ред. В. Ю. Шепітька. Х.: Право, 1998. С. 135-143.
5. Тищенко В.В. Корыстно-насильственные преступления: криминалистический анализ. Монография. Одесса: Юридична література, 2002. 360 с.
6. Кримінальний процесуальний кодекс України : Закон України від 13 квіт. 2012 р. № 4651-VI. URL : <http://zakon2.rada.gov.ua/laws/show/4651-172>.
7. Зеленецкий В.С. Возбуждение уголовного дела. Монография. Х.: Издательство «КримАрт», 1998. 340 с.
8. Pokrasa K. Criminal law and forensic classification of crimes related to fires. *Scientific Bulletin of Dnipropetrovsk State University of Internal Affairs. Scientific Journal*. 2022. Special Issue № 1 (120). Pp. 303-307.
9. Криміналістика: Підручник. Кол. авт.: В. Ю. Шепітько, В. О. Коновалова, В. А. Журавель та ін. / За ред. проф. В. Ю. Шепітька. 4-е вид., перероб. і доп. Харків : Право, 2008. 464 с.

10. Особливості розслідування окремих видів злочинів. Мультимедійний навчальний посібник. Розділ 10. Особливості розслідування злочинів, пов'язаних з пожежами. URL : <https://arm.naiu.kiev.ua/books/orovz/lections/lection10.html>.

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1. Kryminaleny kodeks Ukrainy [Criminal Procedure Code of Ukraine]: Zakon Ukrainy vid 05.04.2001 № 2341-III. *Vidomosti Verkhovnoyi Rady Ukrainy (VVR)*. 2001. № 25-26, Art. 131. URL : <https://zakon.rada.gov.ua/laws/show/2341-14#Text>. [in Ukr.].

2. Ofis Heneralenoho prokurora [Office of the General Prosecutor]. URL : <https://www.gp.gov.ua/ua/1stat>. [in Ukr.].

3. Kolesnychenko, A. (1988). *Struktura y sodержanye metodyky rassledovannya otdelenykh vydiv prestuplenyy* [The structure and content of the methodology of the investigation of certain types of criminals]. *Sovetskaya kryminalistyka. Metodyka rassledovannya otdelenykh vydiv prestuplenyy*. V. K. Lysychenko, V. Y. Honcharenko, M. V. Saltevskyy y dr.; Pod red. V. K. Lysychenko. K.: Vyscha shk.: Holovnoe yzd-vo. Pp. 7-15. [in Ukr.].

4. Matusovskyy, H. (1998). *Zahaleni polozhennya kryminalistychnoy metodyky rozsliduvannya zlochyniv*. *Kryminalistyka: Kryminalistychna taktyka i metodyka rozsliduvannya zlochyniv* [General provisions of the forensic method of crime investigation. Forensics: Forensic tactics and methods of crime investigation]: pidruchnyk dlya studentiv yuryd. vuziv i fak. / za red. V. Yu. Shepit'ko. Kharkiv : Pravo. Pp. 135-143. [in Ukr.].

5. Tyshchenko, V. (2002). *Korystno-nasylestvennye prestuplenyya: kryminalystrycheskyy analiz* [Profitable and violent crimes: forensic analysis]: monohrafiya. Odessa: Yurydychna literatura. 360 p. [in Ukr.].

6. Kryminaleny protsesualeny kodeks Ukrainy [Criminal Procedure Code of Ukraine] : Zakon Ukrainy vid 13 kvit. 2012 r. № 4651-VI. URL : <http://zakon2.rada.gov.ua/laws/show/4651-172> [in Ukr.].

7. Zelenetskyy, V. (1998). *Vozbuzhdenye uholovnoho dela* [Initiation of a criminal case]. *Monohrafiya*. Kharkiv : Yzdatelestvo "KrymArt". 340 p. [in Ukr.].

8. Rokrasa, K. (2022). *Sriminal law and forensic classification of crimes related to fires*. *Scientific Bulletin of Dnipropetrovsk State University of Internal Affairs. Scientific Journal*. Special Issue № 1 (120). P. 303-307. [in Ukr.].

9. *Kryminalistyka* [Criminalistics] : pidruchnyk / kol. avt.: V. Yu. Shepit'ko, V. O. Konovalova, V. A. Zhuravele ta in. / Za red. prof. V. Yu. Shepit'ko. 4-e vyd., pererob. i dop. Kharkiv : Pravo, 2008. 464 p. [in Ukr.].

7. *Osoblyvosti rozsliduvannya okremykh vydiv zlochyniv Rozdil 10. Osoblyvosti rozsliduvannya zlochyniv, pov'azanykh z pozhezhamy* [Peculiarities of the investigation of certain types of crimes. Chapter 10. Peculiarities of the investigation of crimes related to fires]. *Muletymediyny navchalenyy posibnyk*. URL : <https://arm.naiu.kiev.ua/books/orovz/lections/lection10.html>.

ABSTRACT

The article, based on the analysis of the opinions of scientists and the materials of investigative practice, considers the peculiarities of the initiation of a pre-trial investigation into the intentional destruction or damage of someone else's property committed by arson and the circumstances that make up the subject of proof in this category of proceedings. It is emphasized that the specifics of the beginning of the pre-trial investigation and the circumstances to be established, investigated and proven are indispensable elements of the structure of the methodology of the investigation of a particular type of crime. The reasons for starting an investigation in the investigation of arson are: statements and reports of citizens, reports of officials of institutions and organizations, direct detection of signs of a crime by bodies of inquiry and pre-trial investigation. Factual data, which are grounds for initiating criminal proceedings, are directly related to the circumstances to be established, investigated and proven.

It has been proven that after receiving a report on the occurrence of a fire, the following circumstances need to be established immediately: the place of the criminal offense, the time of occurrence and duration of the fire, the immediate cause of the fire, the elements of the setting of the place of arson after the fire stopped. Depending on the situational conditions, but, as a rule, at the subsequent stage of the investigation, the following circumstances are also subject to establishment, investigation and proof: the method of commission, purpose and motives of the criminal offense; fire-technical characteristics of the facility where the fire occurred; the presence or absence of flammable materials and substances that may have been at the site of the fire and in the burning zone; features of the technological process, if the fire occurred at an industrial facility; events and circumstances immediately preceding the fire; the amount of damages; information characterizing the identity of the criminal; circumstances aggravating or mitigating responsibility.

Keywords: *investigation method, criminal offenses, initiation of criminal proceedings, property, investigator, circumstances to be proven, arson.*