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**FORENSIC INVESTIGATION
IN SMUGGLING OF MIGRANTS OFFENCE**

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The abstract and the doctoral thesis can be either consulted at the library of the Stefan cel Mare” Academy of the Ministry of Internal Affairs, Republic of Moldova, or on the website of the Doctoral School “Criminal Sciences and Public Law” (<https://www.academy.police.md/scoala-doctorala/sustinere-teze-de-doctorat/teze-de-doctorat>) as well as on the website of the National Agency for Quality Assurance in Education and Research (www.cnaa.md).

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CONCEPTUAL MILESTONES OF THE RESEARCH

The topicality and importance of the problem addressed. The forensic investigation of the migrants smuggling offence, in particular, in the current geopolitical context of the EU considering the impact of the war in Ukraine, as well as the persistence of “the migration waves” from the Asian area and the African continent is highly topical and relevant from several perspectives. The war in Ukraine has generated a significant humanitarian crisis, with millions of refugees forced to flee their country. This has led to an increase in migrants smuggling as some of these refugees seek alternative routes to reach the EU or other countries. Geopolitical tensions in the region, including relations between the EU, Russia and other states, are influencing migration flows and have created opportunities for human trafficking networks. Criminal organisations concerned with migrants smuggling and/or trafficking in human beings have thus become more sophisticated in time and space, taking advantage of the vulnerabilities of refugees and migrants. The development and refinement of forensic investigative processes and methods of operation of these networks and individuals in relation to the crimes of organising migrants smuggling and their methods of operation is essential to develop effective operational methodologies and tactics to investigate, prosecute and prevent the migrants smuggling.

The massive facilitation of illegal migration can have significant implications for national security, including risks related to terrorism, organised crime and social instability. The EU has implemented a number of policies and regulations to manage migration, including border security measures and co-operation between Member States and associated countries. An analysis of these policies, in the context of the migrants smuggling, is crucial in order to assess their effectiveness, propose improvements and adapt the operational processes of investigating the migrants smuggling in the Republic of Moldova to recognised European standards. The forensic investigation of the smuggling of migrants involves the analysis of the investigative techniques currently used to identify and dismantle human trafficking networks. It may also include data analysis, use of technology and international cooperation.

The framing of the researched topic in the international, national and regional concerns of the Republic of Moldova is essential to understand the complexity of the phenomenon of the smuggling of migrants and its impact on security, economy and society. At the international level, there are a number of conventions and treaties that address illegal migration, including also the smuggling of migrants, such as the United Nations Convention against Transnational Organised Crime¹ and the Protocol on the Prevention, Suppression and Punish-

¹ Law of the Republic of Moldova No. 15 of 17-02-2005 on the ratification of the United Na-

ment of Trafficking in Persons, especially Women and Children². These instruments stress the importance of international cooperation in combating illegal migration in general and the smuggling of migrants in particular. The United Nations (UN), the International Organisation for Migration (IOM) and the United Nations Refugee Agency (UNHCR) have an important global role in tackling migrants smuggling, providing technical assistance, resources and platforms for dialogue between states. The Global Agenda for Migration, such as the Global Compact for Safe, Orderly and Regular Migration, adopted in 2018 by the UN³, emphasises the importance of managing migration in a way that respects human rights and promotes sustainable development, as well as the EU Pact on Migration and Asylum⁴, a set of new rules for managing migration and establishing a common asylum system at EU level that delivers results while remaining grounded in European values.

The Republic of Moldova has adopted a number of specific pieces of legislation to regulate migration and combat illegal migration: the Law on Asylum⁵ and the Law on the Regime of Aliens.⁶ The organic legal framework for investigating and sanctioning the smuggling of migrants is the Moldovan Code of Criminal Procedure and Criminal Code. The Government of the Republic of Moldova has developed national strategies in the field of migration, which include measures to prevent and combat illegal migration, refugee protection and integration of migrants⁷. These programmes are aligned with EU policies in view of the country's European integration aspirations. Moldova is working with international agencies such as Frontex and IOM to improve migration management capacities and combat illegal migration. This includes staff training, exchange of information and implementation of joint projects, and for the

tions Convention against Transnational Organised Crime. Published: 04-03-2005 in Official Monitor No. 36-38 art. 122. Version in force since 01.10.2012, as amended by LP120 of 25.05.12, MO103/29.05.12 art. 353.

² Law No 17 of 17.02.2005 on the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime Published : 04-03-2005 in Official Monitor No 36-38 art. 126.

³ Global Compact for Safe, Orderly and Regular Migration, Resolution adopted by the General Assembly on 19 December 2018. <https://documents>.

⁴ Pact on Migration and Asylum of 10 April 2024. European Parliament. <https://home-affairs>.

⁵ Law No 270 of 18 December 2008 on Asylum in the Republic of Moldova. Published: 13.03.2009 in Official Monitor No 53-54 art. 145.

⁶ Law No 200/2010 on the Regime of Foreigners in the Republic of Moldova (Official Monitor of the Republic of Moldova, 2010, No 179-181, Art. 610).

⁷ Government Decision No. 808 of 23.11.2022 on the approval of the Programme on the management of migration flows, asylum and integration of foreigners for the years 2022-2025. Published: 19.01.2023 in Official Gazette No 10-12 art. 21.

qualitative and full investigation of crimes of migrants smuggling, Moldova uses the platforms provided by Interpol and Europol, as well as other cooperation tools to identify networks, persons involved and victims.

The Republic of Moldova is located in a strategic geographical area at the crossroads between Eastern and Central Europe, which makes it vulnerable to illegal migration. This requires close cooperation with neighbouring countries such as Ukraine and Romania to manage migratory flows and combat human trafficking networks and the smuggling of migrants. There are regional initiatives, such as the Eastern Partnership, aimed at strengthening co-operation between the EU and Eastern European countries, including Moldova, in the area of migration and security. These initiatives promote the exchange of best practices and policy coordination. Countries in the region face similar challenges in terms of illegal migration and its organisation. Regional collaboration is essential to tackle these problems in an effective and coordinated way.

The forensic investigation of the migrants smuggling is deeply rooted in international, national and zonal concerns. At the international level, there is a legislative and organisational framework supporting the fight against migrants smuggling. At the national level, the Republic of Moldova is developing its own policies and legislation to address specific challenges. Finally, at the regional level, cooperation between neighbouring countries is essential to manage migration flows and combat criminal networks migrants smuggling. This theme offers opportunities for interdisciplinary research and contributes to the development of effective solutions to the challenges related to the smuggling of migrants.

Recent data from the Republic of Moldova reflect the scale of this phenomenon. In 2021, 20 cases of organised illegal migration were reported, while in 2022 the number increased to 346 and in 2023, 219 cases were recorded. These figures demonstrate not only the growth of the phenomenon, but also the adaptability of criminal networks, highlighting the urgency of developing better investigative methodologies. It should be noted that out of the total number of criminal cases registered, only 15 cases were brought to justice during the period in question.

This can be explained, first of all, by the lack of adequate training of law enforcement bodies to effectively combat new forms of criminal activity, the lack of sufficient knowledge among practitioners about migration legislation, the insufficient experience and methodology of investigating these crimes, as well as the complexity of conducting certain prosecution and special investigation actions, the lack of necessary literature and generalised methodological recommendations.

All of this demonstrates the significant social and legal relevance and importance of the problems of discovering and investigating this type of offences. The complexity of their discovery and investigation, along with other factors, is due to the lack of practice in investigating offences in this category, scientifically

grounded investigative methodologies, as well as deficiencies in the organisation of interaction between law enforcement agencies in the process of combating the smuggling of migrants. Therefore, it is necessary to comprehensively train the employees of law enforcement bodies in the country to conduct effective investigation of offences in this category, to organise fair and close interaction, to develop new technical-criminalistic tools, techniques and methodological recommendations.

By way of example, we will refer to the following authors from Moldova and other countries who have dealt with the forensic method and tactics aspects of forensic investigation of the smuggling of migrants: Osoianu T., Ostavciuc D., Odagiu Iu., Rusnac C., Glavan B., Cicala A., Vizdoagă I., Ghiorghiță M., Dolea I., Roman D., Cojocaru R., Pîntea A., Rusu O., Ursu V., Golubenco Gh., Suciuc E., Stancu Em., Lazăr Au., Labo Gr.-N., Popa Gh., Draghici V., Ruiu M., Ciopraga Au., Bastrîkin A., Polejaev S., Suharnikov A., Biriukov S., Papadimitriou P., etc.

At international level, illegal migration is recognised as a global problem requiring common solutions. The Republic of Moldova, as a candidate country to the European Union, needs to modernise its approach to investigating this phenomenon, adopting methods that meet European requirements. By integrating international experiences and adjusting them to local specificities, the authorities can create a more effective framework for combating illegal migration.

The topic of investigating the migrants smuggling is more relevant than ever. Global instability, technological advances and armed conflicts emphasise the need for in-depth research. The proposals resulting from this research have the potential to facilitate the work of law enforcement agencies, contributing to the development of effective mechanisms to combat the phenomenon. In an ever-changing world, this approach is an essential step towards strengthening national and international security.

Description of the situation in the research field and identification of research issues. The research undertaken in this paper is based on the study of the doctrine, legislation and judicial practice associated with the offence of migrants smuggling. The field of investigation of this type of criminality is particularly complex, especially for the Republic of Moldova, where this phenomenon has intensified significantly in recent years. At present, there is a lack of a thorough and well-established theoretical basis specifically oriented towards the method of investigating the smuggling of migrants. Thus, this paper aims to make a contribution in this respect by addressing some practical and theoretical aspects related to the investigation of the smuggling of migrants. The complexity of this crime lies in the use of advanced technological means, such as anonymous cryptocurrency transactions, encrypted communication applications and logistical planning through digital maps. These technological innovations allow criminal activities to be organised remotely, which makes it difficult to identify

the perpetrators and collect the necessary evidence. In addition, the transnational nature of these criminal activities requires strong and well-coordinated national and international cooperation to ensure effective intervention.

Another central element of this research is the recognition of the challenges related to the absence of a unified methodological framework for investigating the migrants smuggling. The research also emphasises the importance of protecting the rights of migrants so that the investigation is carried out in compliance with international standards and fundamental human rights. This is crucial to ensure the legitimacy of the investigation process and to create a climate of trust between the authorities and the persons concerned.

The important scientific problem addressed by this research is the development of an effective forensic methodology to investigate the smuggling of migrants. The obtained results offer concrete solutions, aimed at improving the performance of criminal prosecution bodies by applying tools and techniques adapted to the current context. The contribution of this work consists not only in analysing the phenomenon, but also in offering practical guidelines for the implementation of an effective strategy to combat illegal migration, adapted to both the national and international context.

The aim of the paper is to carry out a complex research in the field of forensic science, with a view to developing an innovative methodology adapted to contemporary realities for investigating the smuggling of migrants. The work aims to address a topical and highly relevant issue, given the scale of illegal migration and its transnational character, which require the development of new approaches and effective investigation strategies.

The following **objectives** are proposed in order to achieve the research aim:

- Assessment of the current state of criminality of migrants smuggling in the Republic of Moldova, its trends and peculiarities in the current context;
- Developing the forensic characterisation of the smuggling of migrants;
- determining the signs of the offence and the particulars of the commencement of criminal proceedings in the case of offences of migrants smuggling;
- conducting a complex investigation of typical prosecution situations and developing tactical recommendations aimed at uncovering and investigating the smuggling of migrants;
- Identification of the legal and organisational difficulties of interaction between law enforcement bodies in the investigation of the smuggling of migrants and proposal of specific solutions to the peculiarities of cooperation of different state and foreign (other states) bodies during criminal prosecution in cases of smuggling of migrants;
- to identify the legal and organisational difficulties of carrying out specific prosecution actions, as well as to develop tactical recommendations and

procedures for carrying them out at the initial stage of the prosecution of the smuggling of migrants;

- Proposing amendments to existing legislation regulating migration processes and the work of law enforcement bodies competent to investigate the smuggling of migrants.

Research Methodology. The methodological basis of the doctoral research consisted of the general principles of philosophy (theory of knowledge, theory of reflection, etc.), logic, legal sciences, natural sciences and forensic theory. A complex of theoretical and empirical, general and specific methods was used in the research process: methods of information processing and logical analysis, synthesis, induction, deduction and generalisation, methods of systems research. The research is based on the selected methods of investigation, which allow a detailed and objective assessment of the justification of the current practice of law enforcement bodies investigating the smuggling of migrants.

The novelty and scientific originality of this doctoral thesis is argued by the existence of insufficient forensic doctrinal research on the method of investigating the smuggling of migrants in the forensic doctrine of the country, and the originality of the research is deduced from the systematic and integrated approach to the phenomenon of illegal migration, by identifying and analysing in detail the specific aspects of the investigation of this crime, as well as by proposing innovative and effective methods of investigation, which can contribute to the improvement of current practices in the field. This research not only fills existing gaps in the literature, but also provides applicable solutions for law enforcement agencies, thus facilitating a quicker and more effective response against networks involved in migrants smuggling.

Theoretical significance is determined by the formulation and solution of a complex of current forensic problems related to combating the crime of migrants smuggling, as well as by the fact that the results of the research contribute to the development of concepts in the forensic aspect of criminalistics, dedicated to the methods of crime investigation and can be used in further scientific research. The conclusions proposed by the author and the principles formulated may also establish the directions of scientific support in the field of combating the smuggling of migrants.

The applied value of the thesis consists in the development of a specific methodology for investigating the offence of migrants smuggling. The main conclusions and recommendations obtained as a result of the research can be used by the practitioner employees of law enforcement bodies in order to more effectively identify, discover, investigate and prevent the discussed offences, can be used in the system of training and retraining of employees investigating these offences. The results of the research will be useful, if necessary, for the develop-

ment of programmes, national strategies to combat the smuggling of migrants, trafficking in human beings, as well as for the improvement of procedural-criminal legislation, as well as internal normative acts of law enforcement bodies. The results of the research can be applied in the educational process, in the framework of theoretical and practical training in the discipline “Criminalistics”.

The results obtained are reflected in the main scientific theses proposed for support and in the solution of the important scientific problem, which is to define a forensic framework adapted to cases of smuggling of migrants. This framework involves the development of a clear algorithm for prosecution actions, the application of special investigative measures, as well as the implementation of other relevant activities in such cases. Based on legal provisions, specialised doctrine, judicial practice and the principles of forensic tactics and forensic methodology, this approach aims to increase the efficiency of the investigative process and contribute to improving efforts to prevent and combat illegal migration offences

Implementation of the scientific results: The implementation of the scientific results obtained in the research on the method of investigation of the offences of migrants smuggling is of particular significance, both theoretically and practically. These results contribute to the development of an updated methodological and tactical framework, indispensable for addressing the complexities associated with this criminal phenomenon, which has significant implications for national and international security. Thus, the theoretical basis and the conclusions formulated can be integrated into initial and continuous training programmes for law students, masters and doctoral students in law faculties, providing them with an in-depth perspective on the phenomenon of illegal migration. This knowledge is essential to prepare future legal professionals, who must be able to effectively apply legal rules and investigative techniques in complex cases of illegal migration. At the same time, the results of the research are relevant for in-service training programmes for prosecutors, border guards, judges and other professionals involved in the investigation and prosecution of these crimes. By including them in the training curricula, the capacity of practitioners to recognise and correctly interpret the evidence collected, to apply hearing tactics tailored to the specifics of cases of organising migrants smuggling and to use special investigative measures legally and effectively can be improved.

The research results were also disseminated through articles published in specialised journals, thus contributing to the expansion of knowledge in the field. The papers presented at national and international conferences have also facilitated the exchange of ideas and best practices among specialists involved in the fight against migrants smuggling, providing a broad context for future discussions and collaborations.

An important aspect of the implementation of the results is their application in the practical work of criminal prosecution bodies, border police, prosecutor's offices and courts. The integration of the proposed methods and tactics into the investigation process can help to make prosecutions more efficient, disrupt criminal networks and ensure correct application of the law, while protecting migrants' rights and ensuring compliance with international standards.

Given the transnational nature of migrants smuggling and the new challenges associated with the use of advanced technologies, the dissemination and application of the findings of this research is a priority. This aims to optimise the investigation methodology, to support the development of an appropriate regulatory framework and to respond to the demands imposed by the complexity of the phenomenon in the current context.

Approval of results. The results obtained during the elaboration of the thesis have been presented and analysed in depth at renowned national and international scientific conferences, where they have stimulated constructive debates and relevant exchanges of ideas. At the same time, these results have been published in recognised specialised journals, contributing to the expansion of knowledge in the field and providing significant theoretical and practical solutions for further research in this area.

Publications on the thesis topic: 8 publications

Keywords: illegal migration, forensic investigation, methods, tactics, evidence, co-operation.

SUMMARY OF THESIS COMPARTMENTS

The thesis has the following structure: annotations in Romanian, English and Russian, list of abbreviations, introduction, four chapters divided into sections, general conclusions and recommendations, followed by a bibliography from 225 sources, statement of responsibility, CV of the author.

Our research is composed of: annotations in Romanian, English and Russian, list of abbreviations, introduction, four chapters divided into sections, appendices, general conclusions and recommendations, followed by a bibliography of 225 titles, statement of disclaimer, author's CV.

Chapter I, entitled "*Situation Analysis on the Methodology of Investigation of Organised Smuggling of Organised Illegal Migration Offences*", is a comprehensive assessment of the relevant materials for the investigation of organised smuggling of illegal migration, integrating national and international perspectives. The research focuses on doctrinal analysis, applicable legislation and current challenges, providing a clear synthesis of the situation.

Authors from the Republic of Moldova have made relevant contributions to the understanding of the phenomenon of illegal migration and the development of investigative tactics. For example, the authors Ostavciuc Dinu, Odagiu Nicolae, Rusnac Constantin, address the methodology of forensic investigation, emphasising the adaptation of traditional methods to current realities and collaboration between law enforcement agencies. Other authors, such as Cojocarui Ion Cojocarui and Russu Sergiu Sergiu, analyse the fundamental concepts of forensic science, applicable to the investigation of illegal migration offences. The authors Osoianu Tudor Osoianu and Botezatu Elena Botezatu Elena offer critical perspectives on national legislation, identifying existing gaps and proposing solutions to make the regulatory framework more efficient. Researchers Dolea Igor, Purici Svetlana and Vizdoga Ion focus on investigation and prevention tactics, emphasising the importance of an integrated approach in combating the phenomenon. These papers emphasise the importance of a well-defined forensic methodology, including both specific investigative techniques and inter-institutional cooperation.

The authors and international organisations have made essential contributions to the development of a global perspective on the investigation of migrants smuggling. Sorin Rădulescu and Nicolae Sfetcu offer comparative analyses of European countries' legislation, highlighting good practices that can be adapted at national level. Kemal Veli Açar and Abramova Svetlana Abramova explore investigative tactics applicable to transnational offences, focusing on the use of modern technologies. Haliullina Aiguli and Yablokov Nicolai examine the use of cryptocurrencies and encrypted applications in migrants smuggling, offering solutions to overcome technological challenges. Organisations such as

UNODC, Interpol and Europol offer practical guidelines for disrupting criminal networks and promoting international cooperation. These papers emphasise the interdisciplinary nature of the research, combining legislative, technological and operational aspects. The comparative analyses between different legislative frameworks and investigative methodologies provide valuable insight for improving national practices in the Republic of Moldova.

Within the research of the method of investigating the smuggling of migrants, it was essential to consider the works of the following authors: Suciua Elena, Vizdoaga Ion Ion, Osoianu Tudor, Ostavciuc Dinu, Odagiu Iurie, Rusnac Constantin, Covalciuc Ion, Glavan Boris, Doras Simion, Gheorghita Mihail, Pantea Andrei, Oganesean Armen, Botezatu Raisa, Dolea Igor, Roman Dumitru, Cicala Alexandru, Cojocaru Radion, Tical George-Marius, Zbancă Tatiana, Alexe Iris, Păunescu Bogdan, Cryer, R.; Friman, H.; Robinson, D.; Wilmshurst, E. Prost, Stancu Emilian, Bercheșan Vasile, Hurdubaie Ioan, Mircea Ion, Ciopraga Aurel, Crișu Anastasiu, Dongoroz Vintilă, Kahane Siegfried, Antoniu George, Bulai Constantin, Iliescu Nicoleta, Stănoiu Rodica Mihaela, Neagu Ion, Damaschin Mircea, Radu Florin Răzvan, Stănoiu Rodica Mihaela, Кушпель Е.В, Бирюков С.Ю., Герасимов И.Ф., Денежкин Б., Желтобрюхов С., Плеснева Л.П., Сухарникова А.В., Полежаева С.А., Левченко О.П., Ткач Е.В. and others

The chapter analyses the relevant national and international legislation, which underlines the importance of a harmonised legislative framework capable of responding to the complexity of the phenomenon.

The above-mentioned doctrinal contributions underline the importance of integrating the results of international research with national realities, thus providing a solid foundation for the development of forensic methods adapted to the specifics of investigating the smuggling of migrants.

Chapter II “*Forensic characteristics of the migrants smuggling and the circumstances that need to be proven*”, constitutes a central pillar of the research, providing a comprehensive analysis of the forensic characteristics of the migrants smuggling. By structuring the chapter around key themes, from the methods of preparation, commission and concealment of the offence, to the environment and subjects involved, it highlights the complexity of the phenomenon and the need for investigative approaches adapted to new realities.

This chapter addresses the issue of investigating the migrants smuggling as a complex phenomenon with significant implications for the economy and national security. It contributes to the development of uncontrolled sectors of the economy and is often associated with criminal activities such as smuggling and trafficking in human beings. Offences of migrants smuggling are characterised by high latency, which complicates their identification and investigation. These activities are meticulously planned, involving recruitment of accomplices

and concealment measures, suggesting well-organised criminal networks.

The chapter outlines the legislative framework in the Republic of Moldova, which includes the Law on the Regime of Foreigners, provisions of the Criminal Code, etc. It also analyses international standards, such as the UN Convention against Transnational Organised Crime. It is emphasised that national legislation needs to be updated to meet the challenges posed by new technological methods and the transnational character of illegal migration. The chapter concludes with practical proposals for improving forensic methodology: *development of modern methodology* - the investigation of illegal migration offences must include advanced techniques for the collection of digital evidence and the analysis of financial flows; *training of investigators* - authorities must be equipped with the knowledge and technology to combat new criminal methods; *increased international cooperation* - information exchange and collaboration between states are essential to disrupt criminal networks.

Chapter II provides a detailed overview of the migrants smuggling, highlighting the dynamic and complex nature of this phenomenon. Through its interdisciplinary approach, the chapter contributes to the development of a forensic methodology adapted to current realities, necessary for the effective investigation of organised migrants smuggling.

Chapter III, entitled “*Forensic aspects of the detection and investigation of offences related to the migrants smuggling*”, is a comprehensive overview of the forensic methods and strategies used to identify and investigate offences related to the migrants smuggling. It combines analysis of applicable legislation, assessment of investigative practices and proposals for optimising the criminal process, taking into account the specificity of the criminal phenomenon and current challenges. This chapter covers the following topics: 3.1. Peculiarities in detecting the specific indices of the offence and initiation of criminal prosecution in cases of committing the offence of migrants smuggling; 3.2. Peculiarities of conducting debriefings and cross-examinations in the investigation of the offence of illegal organisation of migration; 3.3. OCime scene investigation, search (examination) of objects and documents, search and seizure in cases of investigation of the offence of migrants smuggling; 3. Presenting for recognition and verification of debriefings at the crime scene in investigating the offence of migrants smuggling; 3.5. Use of special information, provision and carrying out special investigative measures when investigating migrants smuggling; 3.6. Conclusions to Chapter 3.

The chapter deals with the forensic aspects essential in the detection and investigation of offences related to the smuggling of migrants, discusses the particularities of detecting indications of the crime and initiating criminal prosecution, highlighting the complexity of these processes. The research focuses on the specifics of hearings and confrontations, highlighting the techniques needed

to obtain relevant information, such prosecution actions are analysed as on-site investigation, including the examination of objects and documents, as well as searches, which are crucial for gathering evidence, presenting evidence for identification and verifying debriefings, essential for clarifying the circumstances of the offence. Also discussed in this chapter is the use of special knowledge and the application of special investigative measures, which are vital for uncovering criminal networks concerned with the smuggling of migrants.

3.1. The particularities of detecting and prosecuting the offence of organising migrants smuggling. The paragraph discusses the procedures used to identify the initial signs of the smuggling of migrants, highlighting the need to use information from various sources, including referrals, testimonies and anonymous reports. The difficulty of early detection of these offences is underlined, given their transnational nature and the hidden nature of criminal networks. It is proposed to create more efficient mechanisms for the assessment of initial referrals and to set clear deadlines for the start of criminal proceedings, including a justified extension of the deadline for the examination of the evidence to 60 days.

3.2. Particular features of the conduct of debriefing and confrontations when investigating the illegality of smuggling of migrants. The paragraph emphasises the central role of the debriefings of witnesses, migrants and organisers in establishing the essential circumstances of cases. Hearing tactics must take into account the vulnerability of migrants, who may be intimidated or manipulated by organisers. Illegal migrants are often reluctant to co-operate, fearing legal consequences or reprisals. Their debriefings are often incomplete or contradictory. Confrontation is analysed as an effective means of clarifying differences and consolidating evidence. The paragraph recommends careful preparation of investigators for this stage, including the use of specific psychological techniques.

3.3. Crime scene investigation, search (examination) of objects and documents, search and seizure during the investigation of the offence of migrants smuggling. The paragraph deals comprehensively with the issues related to the investigation of the offence of migrants smuggling by means of on-site investigation, examination of objects and documents, search and seizure. The importance of these procedural actions for gathering evidence and establishing the circumstances necessary for an effective investigation is emphasised.

The on-the-scene investigation is considered a crucial procedural action, as it is designed to establish the exact place where the offence was committed, the traces, the route used and the means involved. The example analysed presents a case in which the immediate scene investigation made it possible to identify the location of the illegal crossing and to obtain the relevant evidence. The use of modern methods of documentation, such as video recordings and photographs, is recommended, as they can complement the report and can be used for further

verification of debriefings.

Examination of objects and documents. The focus is on analysing documents, such as forged work contracts, visas, residence permits or other false documents. These provide clues to the suspects' involvement. A detailed physical examination of the objects and documents discovered may reveal falsifications, additions or deterioration indicating illegal activities.

Search and seizure. In the majority of cases, searches are carried out at the suspects' homes, the headquarters of the organisations involved or temporary accommodation where migrants are housed. Relevant examples have been described, such as the detection of a group of migrants and members of an organised criminal group in an apartment, which led to additional evidence being obtained. Seizures of documents, computer equipment or other relevant objects play a crucial role in reconstructing the modus operandi of criminal networks.

Tactical particularities: detailed planning and involvement of specialists during search and search actions is important. It emphasises the use of security perimeters to prevent migrants escaping or evidence being destroyed.

The paragraph includes analyses of concrete cases, such as the use of hotels to accommodate migrants or the discovery of means of transport used in the trafficking of people. These examples emphasise the importance of well-coordinated prosecutions. The detailed analysis of the on-site investigation, the examination of documents and other procedural actions provides a comprehensive framework for the effective investigation of the offence of organising migrants smuggling, revealing both the challenges and possible solutions in this area.

3.4. Presenting for recognition and verification of debriefings at the scene of the crime while investigating migrants smuggling. This paragraph discusses the role and relevance of specific procedural procedures in the investigation of offences of organising migrants smuggling, focusing on two fundamental aspects: the presentation of the person for recognition and the verification of debriefings at the scene of the offence.

Presenting the person for recognition. This procedural and tactical forensic action is an essential tool for identifying the participants in the crime, whether organisers, accomplices or others involved. The person can be presented directly ("live"), through photographs or video transmissions. In the case of migrants smuggling, witnesses or migrants are often fearful, which makes indirect methods favoured. It should be noted that this procedure was used in 31.8% of the cases analysed, indicating its relatively high frequency. The effectiveness of the presentation depends on the preparation of witnesses and the protection given to them. Witnesses' fear of reprisals from organisers or criminal networks often reduces the reliability of identifications. This requires thorough preparation on the part of investigators, as well as the implementation of security measures such

as identity protection. The authors come up with some recommendations: using advanced techniques such as digital facial recognition; involving psychologists in the presentation process to reduce witness stress; providing a safe environment for witnesses to provide accurate and unbiased identifications.

Verifying debriefings at the crime scene. This procedural and tactical forensic forensic action is essential to confirm and validate debriefings given by witnesses, victims or suspects. It is used in approximately 18% of the cases analysed, demonstrating a narrower but extremely valuable applicability in the investigation of complex cases. The action is used to check debriefings against the physical reality, identifying inconsistencies or confirming the reported aspects. In cases of illegal migration, this may include checking border crossing points, locations used for accommodation or hiding and routes used by migrants. The authors recommend using modern technologies such as digital maps, video recordings and photographs to complete the verification process. This allows investigators to establish precise details, such as where migrants are hiding or the exact routes used for transport.

The authors also recommend the introduction of special training for investigators involved in such checks to ensure a rigorous and impartial assessment, as well as the use of GPS and drone technology to retrace migrants' routes.

The paragraph identifies several challenges in the application of these procedural and tactical forensic forensic actions, including witness apprehension, the use of advanced technologies by criminal networks, and the lack of adequate human and technological resources. In this respect, the following solutions are proposed: creating a clearer legislative framework for the use of technological evidence, continuous training of personnel involved in the investigation of migrants smuggling, strengthening international co-operation for the exchange of best practices and resources.

3.5. Use of special knowledge, ordering and carrying out special investigative measures when investigating the smuggling of migrants. The paragraph discusses the importance of the use of special knowledge and special investigative measures in the investigation of offences related to the migrants smuggling. These measures are fundamental for establishing the facts, identifying the participants and obtaining the necessary evidence for criminal prosecution.

Legislative gaps are highlighted which limit the uniform application of special measures in cases of illegal migration. The main proposal aims at extending the regulatory framework to allow the application of special measures in all relevant cases. The need for continuous adaptation to new methods of crime, including the use of modern communication technologies and cryptocurrencies, which complicate investigation processes, is underlined. The authors recommend adjusting the regulatory framework by extending the time limits for the initial investigation and clarifying the competences of the bodies involved.

It is also proposed to introduce special regulations for investigating the use of cryptocurrencies in a criminal context. Chapter III highlights the complexity of the investigation of offences related to the smuggling of migrants, underlining the need for a methodology adapted to new technological and social realities. By analysing in detail the investigative process and formulating concrete proposals, this chapter offers practical solutions for streamlining and modernising the forensic approach in this area.

Chapter IV, entitled “*Cooperation of law enforcement and other institutions in the investigation of the offence of migrants smuggling*”, is another key pillar of the paper, focusing on the crucial role of inter-agency and international cooperation in the investigation of the offence of migrants smuggling. This chapter integrates multiple legislative, operational and strategic perspectives, emphasising the importance of a coordinated and integrated approach in combating this phenomenon.

The chapter begins with a detailed analysis of cooperation between national institutions, emphasising that the success of investigations depends on the active and coordinated involvement of several entities, including: the Border Police - responsible for monitoring crossing points and identifying attempted illegal crossings; the General Inspectorate for Migration - involved in verifying the legality of the status of migrants and their documents; Expertise Agencies - responsible for analysing documents, identifying forgeries and examining technical evidence.

The chapter identifies the obstacles encountered in national cooperation, such as: the lack of a centralised system for exchanging information in real time; the overloading of institutions with complex cases, which leads to delays in the investigative process; the need to clarify the powers of each institution in order to avoid overlapping or conflicting competences. In this respect, the authors come up with the following recommendations: the creation of a national coordination centre for investigations related to illegal migration and the development of clear protocols for the exchange of information between the institutions involved.

A key aspect of the chapter is devoted to international co-operation, given the transnational nature of migrants smuggling. Criminal networks operate across borders, using complex routes and advanced technologies to avoid detection. The chapter examines: the role of international organisations, such as Europol and Interpol, in facilitating the exchange of information and coordinating joint actions between states; international legal instruments, such as UN conventions and bilateral agreements, which provide the legal framework for cooperation; case studies which highlight the success of complex international operations due to effective collaboration; it highlights that, in the absence

of well-organised collaboration between states, criminal networks can quickly adapt their strategies to exploit vulnerabilities in a state's legislative or operational framework.

The authors propose: the creation of joint task forces between neighbouring states, in particular Ukraine and Romania, to monitor and combat cross-border networks; harmonisation of national legislation with European standards to facilitate international cooperation.

The chapter highlights a number of deficiencies in national legislation that limit the effectiveness of investigations. These gaps include: the lack of clear regulations on the use of modern technologies in investigations; the absence of effective sanctions for those involved in facilitating migrants smuggling; and the absence of a legislative framework adapted to the use of cryptocurrencies, a method frequently used by criminal networks for financing.

Legislative amendments are proposed which include explicit regulation of special investigative measures such as interception of digital communications and analysis of financial flows.

Another important aspect of the chapter is the analysis of concrete cases of the migrants smuggling, which illustrates the complexity of the phenomenon and the importance of inter-agency cooperation. These case studies demonstrate that: lack of effective cooperation can lead to failed investigations, international cooperation can have a significant impact on the disruption of criminal networks.

Chapter IV underlines that the investigation of offences of organising migrants smuggling requires well-structured coordination at both national and international level. By making use of special expertise, harmonising legislation and adopting modern strategies, authorities can significantly increase the effectiveness of the fight against this phenomenon. The legislative and operational proposals included in the chapter offer concrete solutions to overcome the current challenges, emphasising the need for a collective effort in the fight against migrants smuggling.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The scientific results obtained as a result of the elaboration of the present research are

a) *determining the level of investigation of offences related to the smuggling of migrants.* The research has highlighted the complexity of this phenomenon and identified gaps in current investigative practices, laying the foundations for improved approaches to the effective investigation of these offences;

b) *scientific substantiation of the content of the forensic characterisation of the smuggling of migrants.* The structural elements of the forensic characterisation were developed, including the methods of preparation, commission and concealment of the crime, the specificity of the perpetrating environment, as well as the profiles of the organisers and migrants involved;

c) *establishing the circumstances giving rise to reasonable suspicion of offences.* Specific indicators and characteristic signs have been determined which allow the identification and documentation of activities related to the smuggling of migrants, providing clear grounds for the initiation of criminal proceedings;

d) *identification of typical prosecution situations.* Distinct typologies of situations encountered in the investigation of offences of migrants smuggling have been formulated, establishing a set of tactical actions adapted to each investigative context;

e) *rationale for forensic investigation algorithms.* An integrated algorithm for the investigation of crimes of migrants smuggling has been developed, combining the use of special investigative measures, evidence collection and the application of advanced monitoring techniques;

f) *improving national and international co-operation mechanisms.* The research identified ways in which cooperation between national institutions and international organisations, such as Europol and Interpol, can be optimised to effectively investigate cross-border cases;

g) *formulating recommendations to increase the efficiency of the investigation process.* Practical solutions were proposed for improving the legislative framework, making border control measures more effective and using advanced technologies to investigate the smuggling of migrants;

h) *to optimise the use of special investigative and prosecution measures.* The study underlined the need to expand the application of special investigative measures, as well as the correct tactical conduct of procedural actions to identify criminal networks and document their activities, contributing to the disruption of criminal organisations involved in illegal migration.

The results provide a valuable theoretical and practical framework to significantly improve the process of investigating the migrants smuggling and to

assist law enforcement agencies in combating this complex and dynamic phenomenon.

As a result of the research carried out, general conclusions and essential recommendations were formulated in order to improve the method of investigating the smuggling of migrants. The results of this doctoral study emphasise fundamental aspects that contribute to making the investigation process more efficient and to the development of a forensic framework adapted to new challenges.

Thus, the main **general conclusions** emerging from the research are the following:

1) The assessment of the current state of criminality of migrants smuggling in the Republic of Moldova highlights a complex phenomenon, influenced by geopolitical, economic and social factors, which continues to evolve in the current context of regional and global instability. The research carried out reveals a significant increase in the number of cases of organised migrants smuggling, driven in particular by the impact of the conflict in Ukraine, but also by the persistence of migration flows from Asia and Africa. Current trends show a professionalisation and diversification of the criminal networks involved, which use sophisticated methods, including forgery of documents, corruption of public officials and exploitation of loopholes in legislation. The use of modern technologies, such as cryptocurrencies and encrypted communication applications, also facilitates the organisation of illegal activities across borders, making it more difficult to identify and investigate the perpetrators. The particularities of the criminality of organising migrants smuggling include: the involvement of well-structured networks with a clear distribution of roles; the exploitation of the vulnerabilities of migrants and refugees, especially in the context of humanitarian crises; insufficiently coordinated international cooperation, which affects the effectiveness of the fight against the phenomenon; clear links with other forms of transnational crime such as trafficking in human beings, drug trafficking and money laundering.

2) The forensic characterisation of the smuggling of migrants reveals a complex issue, influenced by geopolitical, economic and social factors. The research highlights the fact that the smuggling of migrants in the Republic of Moldova presents distinct features, reflected in the modalities of commission, the criminal environment and the profile of the subjects involved.

How it is prepared, committed and concealed. The smuggling of migrants involves a well-coordinated process in which each step is carefully planned to minimise the risks of detection: *preparation of the crime* - online platforms are used to recruit migrants, falsify documents and establish transit routes. Criminal networks adopt advanced technological methods, such as encrypted applications, for communication. They often bribe public officials or use seemingly le-

gitimate companies to hide criminal activities; *commit the offence* - migrants are transported through remote areas, sea routes or using legal transport infrastructure. Criminal networks exploit the vulnerabilities of the border control system and the lack of international coordination to carry out their activities; *disguising the crime* - organisers destroy incriminating documents, use false identities and carry out anonymous financial transactions, including through crypto-currencies. They protect their activities through conspiracy measures such as the use of encrypted codes in communications.

The environment of the offence. Illegal migration takes place in a varied and complex environment, influenced by geographical, political and technological factors: *physical locations* - international borders, airports, seaports and remote rural areas are frequently used for transit. In these areas, criminals exploit the lack of surveillance equipment and limited resources of the authorities; the *virtual environment* - social networks, online platforms and encrypted applications allow for the recruitment of migrants, the coordination of transport and the management of financial transactions. This anonymous environment complicates the process of identifying perpetrators; *geopolitical factors* - armed conflicts, such as the one in Ukraine, create massive migratory flows and Moldova becomes an important transit area. Political and economic instability in other regions emphasises this trend.

Forensic characteristics of the subjects. The subjects involved in migrants smuggling are diversified and present different profiles depending on their role in the network: *the organisers* - these are usually the leaders of the networks, coordinating all stages of the crime. Many have legal and logistical knowledge, utilising loopholes in the law to avoid criminal liability; *accomplices* - may include corrupt public officials, drivers, middlemen or employees of companies facilitating transport or obtaining the necessary documents; *migrants* - come from areas affected by conflict, poverty or political instability. They are often financially exploited, paying considerable sums of money to reach their destination countries.

3) The research emphasises that the prompt detection of reasonable suspicion by the investigating bodies and the swift referral of cases to the prosecution are essential for the efficiency of investigations and the management of evidence. The beginning of the criminal prosecution is characterised by a number of particularities, which directly influence the quality and speed of the investigation process. One distinctive feature is that reasonable suspicion is more often the result of findings made by the investigating bodies than of complaints or denunciations, reflecting the latency of these offences.

In order to establish reasonable suspicion and initiate criminal proceedings, a comprehensive analysis of the following circumstances is necessary: *Organisa-*

tion of the illegal arrival and stay (establishing the modalities of border crossing, identification of persons involved in facilitating the transport, sources of funding and support networks); *Manifestation of illegal entry and stay* (identifying the place and time of illegal border crossing, duration of stay and justification for lack of legal documents); *Illegal transit* (determining the country of origin, the route taken, the purpose of the transit and checking the related documentation); *Establishment of criminal relationships* (identifying accomplices, criminal networks and links between migrants and organisers of illegal migration).

The particularities that may influence the initiation of prosecutions include the heavy workload, the cross-border nature of the offences, the inexperience of the investigating and prosecuting authorities and the delay in referrals.

4) The research highlighted five typical prosecution situations in investigating the smuggling of migrants: *Flagrant apprehension*; *apprehension of a suspect with links to criminal groups* (situations where a suspect suspected of involvement in criminal networks is identified, but full information about other participants is lacking); *identification of illegal migrants* (cases where migrants are discovered without legal documentation, leading to the investigation of the persons who facilitated their entry and stay); *detection of document forgery activities* (cases where suspects or criminal groups specialising in forging documents necessary for illegal migration are identified); *detection of related offences* (offences of migrants smuggling discovered during the investigation of other criminal offences). For each of these situations, algorithms of actions and measures that need to be carried out have been developed.

5) The investigation of the migrants smuggling in the Republic of Moldova highlights significant legal and organisational difficulties in cooperation between law enforcement agencies, both at national and international level. Regulatory shortcomings, overlapping competences, lack of clarity in coordination tasks and lack of standardised protocols for cooperation between national institutions create vulnerabilities in the effective conduct of investigations. Difficulties in communication and coordination between national and international institutions also adversely affect the speed and efficiency of operations.

6) The research underlines the importance of conducting criminal prosecution in investigating the smuggling of migrants, which, while following the general principles of forensic tactics, has certain specific particularities:

Specificities of conducting hearings and confrontations: Simultaneous application of the three components of the hearing (procedural, forensic tactics and forensic psychology) is essential to obtain relevant results; methods such as strategic conversation, tension reduction, waiting, surprise with unexpected questions and sudden presentation of evidence are used to obtain complete and truthful debriefings; often times the prosecuting officer does not have the necessary time

for the preparation stage of the hearing, however, preparation for the hearing is essential, with clear definition of the subject, drawing up a list of specific questions and detailed knowledge of the case to avoid vulnerabilities during the hearing; illegal migrants need to be heard quickly as there is a risk of evading investigation or deportation; translators need to be involved and detailed information about the migration routes, the persons involved and the circumstances of the organisation of the migration. *The illegal migrant is interviewed to establish the reasons for illegal entry into the Republic of Moldova, the circumstances of the border crossing, the persons who facilitated the illegal entry and the specific actions carried out by them.* The duration and frequency of stay in Moldova, the purpose of previous visits, the type of documents used, the sources of income and the activities carried out with other persons are assessed. It shall also analyse the agreements concluded, the economic activities carried out, the route travelled to Moldova, the final destination of the journey and the mode of crossing the border, including the means of transport used and the support received.

On-the-spot investigation in cases of the migrants smuggling aims at establishing the place of the border crossing, collecting material traces (fingerprints, footprints, abandoned objects, etc.), detailed visual documentation (photography, filming), examination of vehicles and hidden compartments, as well as the discovery of relevant documents and personal belongings. The migrants' route, temporary accommodation places and persons involved are established.

Examination of objects and documents in cases of smuggling of migrants involves checking general and individual indicators (damage, stains, discolouration, inconsistencies between stamps and photographs) and content (identity data, grammatical errors, calligraphic differences). It analyses electronic media (CDs, USBs), official databases, responses from authorities (Interpol, embassies), social networks (profiles, connections, location), telephone calls (links between suspects, GPS data) and personal items that may provide clues to the route or involvement in illegal activities.

Searches and seizures of objects and documents are carried out at the perpetrators' homes or places where they have a residence visa, at the suspects' places of work or at the offices of companies involved in labour placement or tourist activities, in temporary accommodation (hotels, apartments, houses). *Objects and documents targeted for seizure:* passports, work permits, temporary residence documents, travel tickets, receipts, account books, fictitious employment contracts, laptops, mobile phones, SIM cards, SIM cards, hard drives, printers, seals, stamps, printing supplies, credit cards, money transfer receipts, payment ledgers and others.

On the basis of our conclusions, we come with the following **recommendations and proposals** in order to improve the method of investigating the

smuggling of migrants:

1) The evolution of criminal methods and the cross-border nature of migrants smuggling call for a more flexible and comprehensive approach to the legislative framework. The current limitation of special investigative measures is not sufficient to cope with the complexity of these offences, which raises questions about the logic of the legislator. A review of Articles 138, 138/4 para. (4), 138/5 para. (3), 138/10 and 138/11 of the CPP, so as to allow for the ordering and carrying out of appropriate special investigative measures also in the case of the offence referred to in Art. 362/1 para. (1) of the Criminal Code. Such an extension of the special measures would provide the prosecution authorities with the necessary tools to effectively counter international criminal networks, strengthening the State's capacity to ensure a fair and complete judicial process.

2) It is proposed to amend and supplement Article 273 of the Criminal Procedure Code and Article 11 para. (2) of Law 216/2003 so as to regulate the time limit of up to 60 days for establishing reasonable suspicion of the offence.

3) In the case of illegal migrants, when the grounds set out in Article 109 para. (3) of the CPP, we recommend that the prosecution body should propose to the prosecutor to submit the appropriate application to the investigating judge for them to be heard. These requests should be submitted in more restricted terms, as many victims (witnesses) evade the prosecution, run away from temporary placement centres, etc. At the very least, the prosecution should carry out confrontations in order to be able to apply Art. 371 para. (1) point 2) CPP. In order for the investigation to be effective, we propose amending and supplementing the law on criminal procedure so that when the grounds set out in Art. 109 para. (3) of the CPP, that the respective action be taken within 3 days from the moment the grounds in question are established.

4) In order to avoid the ambiguous interpretation of Article 118 of the CPC, we propose to introduce a new rule in the criminal procedure law, defining a new procedural action in its own right - the examination of objects, documents (including computerised data) and official websites or any other type of electronic addresses. Thus, the examination should be carried out separately from the examination in the framework of on-site investigation, picking up, search, etc.

5) It is advisable to carry out on-the-spot investigations using video recording and state border surveillance techniques, as this not only allows for a more complete and objective documentation of the content and results of the prosecution, but also for the efficient use of the obtained materials in analysing and evaluating the available data and in planning and carrying out the appropriate versions and actions related to their verification.

6) In specific cases (e.g. when the victims are afraid, fear, etc. of the organiser of the crime) we recommend amending and supplementing the criminal

procedure law so that the presentation for recognition is carried out by means of televised transmission of the image. At the same time, it is advisable that where a special investigative measure - the gathering of information - has previously been carried out by means of a photobooth and other methods which make it possible to identify a person with a higher probability, the recognition should be carried out, in particular, live.

7) At the same time, our research has shown that the term used in the name of Chapter IX of the Code of Criminal Procedure and the one used in the name of the Law no. 371 of 01.12.2006 is not appropriate, for which reasons we propose to amend and supplement them by replacing the word “assistance” with the word “cooperation”.

8) In order to improve the effectiveness of interaction and cooperation in detecting and investigating the migrants smuggling, the following actions are also needed:

- Strengthening inter-institutional cooperation mechanisms - developing standardised protocols for cooperation between national and international institutions, including with the Border Police, the General Inspectorate for Migration and relevant international bodies;

- Creation of joint investigation teams - in particular for cross-border cases, teams should include prosecution officers, migration experts and representatives of other states, facilitating the rapid exchange of information and co-ordination of operational actions;

- Digitising the cooperation process - implementing secure electronic platforms for the exchange of operational data between institutions, reducing the risks of delay and loss of relevant information.

The important scientific problem addressed by this research is the development of an effective forensic methodology to investigate the smuggling of migrants. The obtained results offer concrete solutions, aimed at improving the performance of criminal prosecution bodies by applying tools and techniques adapted to the current context. The contribution of this work consists not only in analysing the phenomenon, but also in offering practical guidelines for the implementation of an effective strategy to combat illegal migration, adapted to both the national and international context.

Suggestions for potential future research directions: 1) methodology of investigating the offence of migrants smuggling in cyberspace; 2) development of advanced technological methods in investigating migrants smuggling; 3) international and European cooperation on combating 4) crisis management and management of mass migration flows; 5) socio-economic impact of migrants smuggling on national security; 6) role of forensic science in the protection of human rights in cases of migrants smuggling.

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LIST OF THE AUTHOR'S PUBLICATIONS ON THE THESIS TOPIC

Lucrări științifice

1. **Cărți de specialitate** (recomandate spre editare de senatul/consiliul științific al organizației din domeniile cercetării și inovării)

1.2. cărți de specialitate colective (cu specificarea contribuției personale)

OSTAVCIUC, Dinu, NECULA, Gina Aurora, *Approaches on the Quality of Life. Cross-Border Perspectives*, cap. "Cooperation Between the Prosecution Body and Various Institutions or Departments for the Investigation of Illegal Migration", pag. 229-262, ISBN Print 10, ISBN Print 13: 978-3-949607-34-9, URL: <https://www.ceeol.com/search/book-detail?id=1250570>

NECULA, Gina Aurora, OSTAVCIUC, Dinu, *Approaches on the Quality of Life. Cross-Border Perspectives*, cap. "International Legal Assistance in Criminal Matters Relating to the Investigation of Illegal Migration", pag. 335-368 ISBN Print 10, ISBN Print 13: 978-3-949607-34-9, URL: <https://www.ceeol.com/search/book-detail?id=1250570>

2. Articole în reviste științifice

2.2. în reviste din străinătate recunoscute

NECULA, Gina Aurora, *Peculiarities in Crime Scene Identification of Actors and Confrontation of Debriefings during Migrant Smuggling Investigations*, în ACROSS Vol 8 No 4 (2024): Law and Litigation in the EU and the Candidate States, Published: 2024-03-28, pag. 63-69, Vol 8 No 4 (2024): Law and Litigation in the EU and the Candidate States | ACROSS

NECULA, Gina Aurora, *Specific Features of the Debriefing and Confrontation in Migrant Smuggling Investigations*, în ACROSS Vol 8 No 4 (2024): Law and Litigation in the EU and the Candidate States, Published: 2024-03-28, pag. 70-80, Vol 8 No 4 (2024): Law and Litigation in the EU and the Candidate States | ACROSS

2.3. în reviste din Registrul Național al revistelor de profil, cu indicarea categoriei

NECULA, Gina Aurora, *Crime Scene Investigation, Objects and Documents Sampling, Search and Evidence Collection During Investigation of the Smuggling of Migrants Offence* = Cercetarea la fața locului, cercetarea obiectelor și documentelor, percheziția și ridicarea în cazurile de investigarea a infracțiunii de organizare a migrației ilegale, în LEGEA ȘI VIAȚA, nr. 3/2024, CZU 343.98:343.3, DOI 10.5281/zenodo.14650683, iulie-septembrie 2024, p.79-98,

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3. Articole în culegeri științifice

3.1. în lucrările conferințelor științifice internaționale (peste hotare)

OSTAVCIUC, Dinu, NECULA, Gina Aurora, *Specificity Of Criminal Evidence Detection As Well Of The Initiation Of Prosecution For The Organised Immigration Crime*, în International conference „The efficiency of legal norms”, 13th Edition. The Rule of Law: Between Reality and Desideratum, „Dimitrie Cantemir” Christian University, Faculty of Law Cluj-Napoca. În FIAT IUSTITIA, nr. 2/2023, pag. 96-111, ISSN 2810-5524, ISSN –L- 1224-4015

3.2. în lucrările conferințelor științifice internaționale (Republica Moldova)

NECULA, Gina Aurora, *Caracteristică criminalistică a organizării migrației ilegale*. În volumul conferinței internaționale „Prevenirea și combaterea criminalității: probleme, soluții și perspective”, Chișinău, Moldova, 18 mai 2023, Academia „Ștefan cel Mare” a MAI al Republicii Moldova. Ediția 5, Chișinău, 2023, CZU: 343.34, pag. 88-93, ISSN: 2587-4365

NECULA, Gina Aurora, *Specific factors in detecting illegal immigration: elements of the offense and the initiation of criminal prosecution*. În volumul conferinței internaționale „Prevenirea și combaterea criminalității: probleme, soluții și perspective”, Chișinău, Moldova, 25 aprilie 2024, Academia „Ștefan cel Mare” a MAI al Republicii Moldova, Ediția 6, Chișinău, 2024, CZU: 343.12, Pag. 167-174, ISSN: 2587-4365

ADNOTARE

Gina-Aurora NECULA. „Investigarea criminalistică a organizării migrației ilegale”. Teză de doctor în drept. Școala Doctorală Științe penale și Drept public a Academiei „Ștefan cel Mare” a MAI al Republicii Moldova. Chișinău, 2025.

Structura tezei: text de bază 172 pagini, adnotare în limbile română, engleză și rusă, lista abrevierilor, introducere, patru capitole divizate în paragrafe, concluzii generale și recomandări, bibliografia din 225 surse. Rezultatele obținute sunt publicate în 8 lucrări științifice.

Cuvinte-cheie: migrație ilegală, investigare criminalistică, metode, tactici, probe, cooperare.

Domeniul cercetării: criminalistică, expertiză judiciară, investigații operative.

Scopul și obiectivele lucrării: Scopul tezei constă în realizarea unei cercetări complexe în domeniul criminalisticii, având ca obiectiv elaborarea unei metodologii inovatoare și adaptate la realitățile contemporane pentru investigarea organizării migrației ilegale. Lucrarea vizează abordarea unei problematice de actualitate și de mare relevanță, având în vedere amploarea migrației ilegale și caracterul său transnațional, care impun dezvoltarea unor noi abordări și strategii eficiente de investigare. **Obiectivele lucrării includ:** evaluarea stării actuale a infracționalității de organizare a migrației ilegale în Republica Moldova; elaborarea caracteristicii criminalistice; determinarea semnelor infracțiunii și a particularităților începerii urmăririi penale; realizarea unei cercetări complexe a situațiilor tipice de urmărire penală și elaborarea recomandărilor tactice îndreptate la descoperirea și investigarea organizării migrației ilegale; identificarea dificultăților de ordin juridic și organizatoric ale interacțiunii dintre organele de aplicare a legii și propunerea soluțiilor specifice particularităților de colaborare ale diferitelor organe ale statului și străine (ale altor state) în timpul urmăririi penale; constatarea dificultăților juridice și organizaționale ale efectuării unor acțiuni de urmărire penală specifice, precum și elaborarea recomandărilor și procedeele tactice pentru efectuarea acestora la etapa inițială a urmăririi penale; propunerea de modificări la legislația în vigoare.

Noutatea și originalitatea științifică: noutatea este argumentată prin existența unei cercetări doctrinare criminalistice insuficiente a metodicii de cercetare a organizării migrației ilegale în doctrina criminalistică din țară, iar originalitatea cercetării se deduce din abordarea sistematică și integrată a fenomenului migrației ilegale, prin identificarea și analiza detaliată a aspectelor specifice ale investigării acestei infracțiuni, precum și prin propunerea unor metode inovatoare și eficiente de investigare, care pot contribui la îmbunătățirea practicilor curente în domeniu.

Semnificația teoretică a tezei: este determinată de formularea și soluționarea unui complex de probleme criminalistice actuale legate de combaterea infracțiunii de organizare a migrației ilegale, precum și de faptul că rezultatele cercetării contribuie la dezvoltarea conceptelor din aspectul criminalisticii, dedicat metodicii de investigare a infracțiunilor și pot fi utilizate în cercetări științifice ulterioare. Concluziile propuse de autor și principiile formulate pot, de asemenea, să stabilească direcțiile de sprijin științific în domeniul combaterii organizării migrației ilegale.

Valoarea aplicativă a tezei: constă în elaborarea unei metodici specifice de investigare a infracțiunii de organizare a migrației ilegale. Principalele concluzii și recomandări obținute în urma cercetării pot fi utilizate de către angajații practicieni ai organelor de aplicare a legii în scopul identificării, descoperirii, investigării și prevenirii mai eficiente a infracțiunilor discutate, pot fi folosite în sistemul de pregătire și recalificare a angajaților care cercetează aceste infracțiuni. Rezultatele cercetării vor fi utile, în cazuri de necesitate, la elaborarea programelor, strategiilor naționale de combatere a organizării migrației ilegale, traficului de persoane etc.

Implementarea rezultatelor științifice: Concluziile formulate contribuie la dezvoltarea unui cadru metodic și tactic actualizat, indispensabil pentru abordarea complexităților asociate acestui fenomen infracțional, care are implicații semnificative asupra securității naționale și internaționale. De asemenea, acestea oferă un instrumentar util lucrătorilor practicieni, contribuind la optimizarea activității de investigare și descoperire a infracțiunilor transfrontaliere și la adaptarea proceselor la noile provocări impuse de acest fenomen global. Acest demers are scopul de a optimiza metodologia de investigare, de a sprijini dezvoltarea unui cadru normativ adecvat și de a răspunde cerințelor impuse de complexitatea fenomenului în contextul actual.

ANNOTATION

**Gina-Aurora NECULA. „Criminal Investigation of the Organization of Illegal Migration”.
Doctoral thesis in law. Doctoral School of Criminal Sciences and Public Law, „Ștefan cel
Mare” Academy of the Ministry of Internal Affairs, Republic of Moldova. Chișinău, 2025.**

Thesis structure: The main text consists of 172 pages, including annotations in Romanian, English, and Russian, a list of abbreviations, an introduction, four chapters divided into paragraphs, general conclusions and recommendations, and a bibliography comprising 225 sources. The research results have been published in 8 scientific papers.

Keywords: illegal migration, criminal investigation, methods, tactics, evidence, cooperation.

Field of research: criminalistics, judicial expertise, operative investigations.

Objective and aims of the thesis: The aim of the thesis is to conduct a comprehensive research in the field of criminalistics, with the objective of developing an innovative methodology adapted to contemporary realities for investigating the organization of illegal migration. The thesis addresses a highly relevant and current issue, considering the scale and transnational nature of illegal migration, which requires the development of new approaches and effective investigation strategies. **The objectives include:** assessing the current state of crime related to the organization of illegal migration in the Republic of Moldova; developing the criminalistic profile; identifying the indicators of the offense and the particularities of initiating criminal proceedings; conducting an in-depth study of typical criminal investigation scenarios and formulating tactical recommendations for uncovering and investigating the organization of illegal migration; identifying legal and organizational challenges in the cooperation between law enforcement agencies and proposing specific solutions for collaboration with domestic and foreign authorities during criminal investigations; addressing legal and organizational difficulties in conducting specific criminal procedural actions and developing tactical recommendations and procedures for their execution during the initial phase of the investigation; proposing amendments to the current legislation.

Scientific novelty and originality: The novelty is substantiated by the insufficient doctrinal and criminalistic research on the methodology for investigating the organization of illegal migration in national criminalistics doctrine. The originality of the research is derived from the systematic and integrated approach to the phenomenon of illegal migration, through the identification and detailed analysis of the specific aspects of investigating this offense, as well as through the proposal of innovative and effective investigation methods that can contribute to improving current practices in the field.

Theoretical significance of the thesis: It is determined by the formulation and resolution of a set of current criminalistic issues related to combating the offense of organizing illegal migration, as well as by the fact that the research results contribute to the development of concepts in criminalistics dedicated to investigation methodologies and can be utilized in future scientific research. The conclusions proposed by the author and the principles formulated can also establish directions for scientific support in the field of combating the organization of illegal migration.

Practical value of the thesis: It lies in the development of a specific methodology for investigating the offense of organizing illegal migration. The main conclusions and recommendations derived from the research can be used by law enforcement practitioners for the more effective identification, detection, investigation, and prevention of the discussed offenses. They can also be used in the training and retraining systems for employees investigating these crimes. The research results will be useful, when necessary, for developing national programs and strategies to combat the organization of illegal migration, human trafficking, etc.

Implementation of scientific results: The formulated conclusions contribute to the development of an updated methodological and tactical framework, essential for addressing the complexities associated with this criminal phenomenon, which has significant implications for national and international security. Moreover, they provide useful tools for practitioners, contributing to the optimization of investigative activities related to transborder crimes and the adaptation of processes to the new challenges posed by this global phenomenon. This endeavor aims to optimize the investigation methodology, support the development of an adequate normative framework, and meet the demands imposed by the complexity of the phenomenon in the current context.

АННОТАЦИЯ

Джина-Аурора НЕКУЛА. «Криминалистическое расследование организации незаконной миграции». Диссертация на соискание степени доктора юридических наук. Докторантура по уголовным наукам и публичному праву Академии «Штефан чел Маре» МВД Республики Молдова. Кишинев, 2025.

Структура диссертации: основной текст 172 страницы, аннотация на румынском, английском и русском языках, список аббревиатур, введение, четыре главы, разделённые на параграфы, общие выводы и рекомендации, библиография, включающая 225 источников. Полученные результаты опубликованы в 8 научных работах.

Ключевые слова: нелегальная миграция, криминалистическое расследование, методы, тактики, доказательства, сотрудничество.

Область исследования: криминалистика, судебная экспертиза, оперативные расследования.

Цель и задачи исследования: Целью диссертации является проведение комплексного исследования в области криминалистики, направленного на разработку инновационной методологии, адаптированной к современным реалиям, для расследования организации нелегальной миграции. Работа направлена на изучение актуальной и значимой проблемы, учитывая масштабы нелегальной миграции и её транснациональный характер, что требует разработки новых подходов и эффективных стратегий расследования. Задачи работы включают: оценку текущего состояния преступности, связанной с организацией нелегальной миграции в Республике Молдова; разработку криминалистической характеристики; определение признаков преступления и особенностей начала уголовного преследования; проведение комплексного исследования типичных ситуаций уголовного преследования и разработку тактических рекомендаций, направленных на выявление и расследование организации нелегальной миграции; выявление юридических и организационных трудностей взаимодействия правоохранительных органов и предложение решений, учитывающих особенности сотрудничества различных государственных органов и иностранных (других государств) в ходе уголовного преследования; выявление юридических и организационных трудностей при проведении определённых следственных действий, а также разработку тактических рекомендаций и методов для их проведения на начальном этапе уголовного преследования; предложение изменений в действующее законодательство.

Научная новизна и оригинальность: Научная новизна подтверждается недостаточной разработанностью в отечественной криминалистической доктрине методики исследования организации нелегальной миграции, а оригинальность исследования проявляется в системном и интегрированном подходе к феномену нелегальной миграции, в выявлении и детальном анализе специфических аспектов расследования этого преступления, а также в предложении инновационных и эффективных методов расследования, которые могут способствовать улучшению текущей практики в данной области.

Теоретическая значимость диссертации: Определяется формулированием и решением комплекса актуальных криминалистических проблем, связанных с борьбой против преступлений, связанных с организацией нелегальной миграции, а также тем, что результаты исследования способствуют развитию концепций в области криминалистики, посвящённых методике расследования преступлений, и могут быть использованы в дальнейших научных исследованиях. Предложенные автором выводы и сформулированные принципы могут также определить направления научной поддержки в области борьбы с организацией нелегальной миграции.

Практическая значимость диссертации: Заключается в разработке специфической методики расследования преступления, связанного с организацией нелегальной миграции. Основные выводы и рекомендации, полученные в результате исследования, могут быть использованы практическими работниками правоохранительных органов для более эффективной идентификации, выявления, расследования и предотвращения рассматриваемых преступлений, а также могут быть применены в системе подготовки и переподготовки сотрудников, занимающихся расследованием таких преступлений. Результаты исследования будут полезны, при необходимости, для разработки программ, национальных стратегий по борьбе с организацией нелегальной миграции, торговлей людьми и т.д.

Реализация научных результатов: Сформулированные выводы способствуют развитию актуализированной методической и тактической базы, необходимой для решения сложностей, связанных с этим преступным феноменом, который имеет значительные последствия для национальной и международной безопасности. Кроме того, они представляют собой полезный инструмент для практических работников, способствуя оптимизации деятельности по расследованию и выявлению трансграничных преступлений и адаптации процессов к новым вызовам, связанным с этим глобальным явлением. Данное исследование направлено на оптимизацию методологии расследования, поддержку развития адекватной нормативной базы и ответ на вызовы, продиктованные сложностью данного феномена в современном контексте.

GINA-AURORA NECULA

**FORENSIC INVESTIGATION
IN SMUGGLING OF MIGRANTS OFFENCE**

**Specialty: 554.04 – Criminalistics, judicial expertise,
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