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TALMACI FRANCISCO

**ANALYTICAL ACTIVITY AS A TOOL TO PREVENT AND COMBAT
CORRUPTION OFFENSES**

**SPECIALTY 554.04 - CRIMINALISTICS, JUDICIAL
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Summary of the Doctoral Thesis in Law

Author: _____ Francisco Talmaci

PhD supervisor: _____ Gheorghe Golubenco, PhD, university professor

Guidance commission: _____ Mihail Gheorghiuță, PhD hab., university professor

_____ Raisa Grecu, PhD hab., associate professor

_____ Viorel Iustin, PhD, associate professor

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Author: _____ **Francisco TALMACI**

PhD supervisor: _____ **Gheorghe GOLUBENCO**, PhD, university professor

Doctoral Commission:

Chairman of the commission:

_____ **Gheorghe AVORNIC**, PhD hab., university professor

Scientific Secretary of the Doctoral Commission:

_____ **Gheorghe GOLUBENCO**, PhD, university professor

Official referents:

_____ **Valeriu CUȘNIR**, PhD hab., university professor

_____ **Mihail GHEORGHITĂ**, PhD hab., university professor

_____ **Viorel BERLIBA**, PhD hab., associate professor

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Author _____ **Francisco Talmaci**

Scientific Secretary

of the Doctoral Commission: _____ **Gheorghe Golubenco**, PhD, university professor

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CONCEPTUAL LANDMARKS OF THE RESEARCH

Relevance and importance of the approached issue. Corruption is a direct threat to the values of the society, economic growth, causes a wide range of financial and social problems for the state, affecting its external image. Preventing and combating corruption is an important goal for the Republic of Moldova, according to the National Anticorruption Strategy for 2011-2016¹, National Integrity and Anticorruption Strategy for 2017-2020², putting on the shoulders of state authorities and various active social groups, the promotion of processes and mechanisms for preventing and combating this phenomenon. The Association Agreement between the Republic of Moldova and the European Union, ratified by the Parliament of the Republic of Moldova by Law no. 112/2014³, also provides for the need for important internal reforms and to ensure the effectiveness in the fight against corruption.

For these reasons, institutions specializing in preventing and combating corruption are developing effective anti-corruption instruments to carry out their functional tasks, and the priority of the NAC as an anti-corruption institution in the Republic of Moldova is to strengthen analytical capacity and develop this instrument to prevent and combat corruption offenses.

In the recent years, worldwide, there has been a tendency of integrating analytical activity into the military sphere, into the law enforcement system, into the field of public order, into the activities of criminal prosecution and criminal investigation bodies. This is due to the development of the application component for this field, offering the beneficiaries in the military and law enforcement sector and in other public and private sectors, an effective knowledge instrument, capable to recognize threats, as well as the opportunities to achieve interests.

The tendency towards the integration of analytical activities in the field of crime investigation is also manifested in the activities of the law enforcement agencies of the Republic of Moldova, thus the NAC, as a specialized anti-corruption institution, with the support of development partners and some experiences gained by the employees during study visits abroad, in practice, has been applying for several years in the activity of preventing and combating corruption offenses the techniques and methods of intelligence analysis. At the same time, the researches in the field of analytical practice in law enforcement suggests that, although there are

¹ Parliament Decision no. 154 of 21 July 2011 on the approval of the National Anti-Corruption Strategy for the years 2011-2016. In: *Official Monitor of the Republic of Moldova, 2011, no 166-169, Article 483*, available on: www.legis.md, accessed on 25 February 2021

² Parliament Decision no. 56 of 30 March 2017, on the approval of the National Integrity and Anti-Corruption Strategy for the years 2017-2020. In: *Official Monitor of the Republic of Moldova, 2011, no 216-228, Article 354*, available on: www.legis.md, accessed on 25 February 2021

³ Law no. 112 of 02 July 2014, for the ratification of the Association Agreement between the Republic of Moldova and the European Union. In: *Official Monitor of the Republic of Moldova, 18 July 2014, no 185-199, Article 442*, available on: www.legis.md, accessed on 25 February 2021

some mechanisms necessary for the efficient functioning of intelligence analysis, they are not fully operational and sufficiently interconnected, requiring new theoretical-application regulations and measures effective in the development of intelligence-based policing.

Analytical or intelligence activity in order to prevent and combat offenses, based on information analysis, is considered a management philosophy, based on the dissemination of information and collaboration, on the identification of operational and strategic solutions for law enforcement agencies at national, regional and international level. The importance of this activity in the crime investigation process was confirmed in 1992 by the members of the INTERPOL organization, being recognized as a useful instrument, successfully used by the policing for: "*Identifying and providing information on the relationship between the crime data and other potentially relevant data for policing and judicial practice*"⁴.

Analytical activity is recognized worldwide as an effective instrument for law enforcement, being developed in this regard a concept of policing activity based on information called *Intelligence-led policing (ILP)*, which is a model for criminal intelligence analysis, developed in 2004 in the United Kingdom and currently implemented in several countries in the European Union, USA, Canada, Australia, etc. This concept provides for the *management of the policing activity based on information* and represents an approach of things oriented towards the proactive component of the activity of law enforcement institutions.

A relevant document, for extending the concept of the analytical activity within the law enforcement bodies at the community level, was the Plan for the adoption of a common information policy (*EU Information Policy*), presented by the European Commission communication no. 429, addressed to the European Council and the European Parliament on 16 April 2004, which proposed as a key element for the implementation of *intelligence analysis* at the level of law enforcement institutions in the Member States and the development of a *European model for the analysis of criminal information (European Criminal Intelligence Model)*⁵. Being considered a model for policing activity in which actions are based on information, *the intelligence analysis* is recommended since 2017 and by the OSCE experts to be implemented in the work of law enforcement agencies⁶.

The analytical or intelligence activity in the investigation of offenses, being a relatively new concept, has already managed to attract a number of practitioners and scientists from the USA,

⁴ The INTERPOL website, the definition of intelligence analysis in the vision of INTERPOL members since 1992, available at: <https://wayback.archiveit.org/all/20071005230215/http://www.interpol.int/Public/cia/default.asp>, accessed on 26 February 2020

⁵ European Commission communication no. 429 available on: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0429:FIN:EN:PDF>, accessed on 26 February 2021

⁶ The OSCE Guidebook on Intelligence-Led Policing, 2017, available on: <https://www.osce.org/chairmanship/327476>, accessed at 25 February, 2021

Great Britain, the European Union and the Russian Federation, this topic is also relevant for the law enforcement agencies and the academic environment in the Republic of Moldova.

Framing the topic in international interests. The development of anti-corruption instruments at the international level is a permanent concern of international agencies, and this is implicit in the analysis of the following international and regional legal instruments: UN Convention against Corruption, adopted in New York on October 31, 2003⁷, ratified by Law no. 158 of 06 July 2007⁸ of the Republic of Moldova; The Criminal Law Convention on Corruption of the Council of Europe, adopted in Strasbourg on 27 January 1999⁹, ratified by Law No. 428 of the Republic of Moldova of 30 October 2003¹⁰, and other internationally adopted documents providing for anti-corruption mechanisms and instruments.

Framing the topic in an inter- and transdisciplinary context. The results of the investigation, the conclusions formulated in the paper can contribute to the development of other legal sciences, such as: criminal law and executive criminal law, criminal procedural law, criminology, as well as non-legal ones: military and intelligence sciences, administrative sciences, sociology.

The results of the research can also provide important concepts and guidelines in the field of organization and management of public administration institutions, by developing standard operational procedures for information analysis and improving information systems.

Description of the situation in the field of research. Currently, in the specialized literature of the Republic of Moldova there is an insignificant number of scientific papers related to the researched topic, and there is no paper in which the topic of analytical activity in the process of preventing and combating the corruption offenses to be subjected to a complex treatment.

At the same time, we consider important the investigations of the following local authors Gheorghii M., Golubenco Gh., Cuşnir V., Guţuleac V., Avram M., Gurin V., Donciu A., Popa V., Munteanu I., Izdebschi N., Cuhai I., Bostan G., Pavlov S., Gaţcan Iu., which refer to our research topic.

In foreign specialized works, the topic of analytical activity is much more developed, especially in the works of the next authors: Bărbuţa C.-G., Marin F.-L., Maior G. C., Niţu I., Coldea F., Cofan S.-M. (Romania), Kuznetsov I., Kurnosov Y., Bugel N., Yakovets E. (Russian

⁷ The United Nations Convention against Corruption of 9 December, 2003 available on: <http://legislatie.just.ro/Public/DetaliiDocumentAfis/55623>, accessed on 26 February, 2021

⁸ Law no.158 of 06 July, 2007. In: *Official Monitor of the Republic of Moldova*, 20 July, 2007, no 103-106, Article 451, available on: www.legis.md, accessed on 10 March, 2021

⁹ The Criminal Law Convention on Corruption of the Council of Europe of 27 January, 1999, available on: http://www.cdep.ro/pls/legis/legis_pck.htm?act_text?id=31708, accessed at 26 February, 2021

¹⁰ Law of the Republic of Moldova no. 428 of 30 October, 2003. In: *Official Monitor of the Republic of Moldova*, 21 November, 2003, no 229, Article 918, available on: www.legis.md, accessed on 10 March, 2021

Federation), Gottlieb S., Arenberg Sh., Boba R., Vellani K., Nahoun J. (USA), Ratcliffe J., Newburn T., Williamson T., Wright A. (United Kingdom).

At the same time, in the specialized doctrine, as well as in the practical activity of analyzing the information regarding the corruption offenses and acts of a corrupt nature, various issues that need to be investigated are not elucidated, including the conceptual clarification of the notions, methods and techniques of criminal intelligence analysis, the identification of the most successful types and forms of information analysis, software applications and analytical products, effective in preventing and combating corruption, considered in this scientific approach.

The important scientific research issue consists in the theoretical, normative and applied substantiation of analytical activities aimed at the investigation and prevention of corruption offenses, their conceptualization and characterization, the definition and standardization of the notions and terms related to this field, as well as the identification and promotion of the most successful and efficient methods. analytical techniques and products to prevent and combat corruption offenses.

The aim of the paper consists in outlining the analytical activity, the theoretical and applicative substantiation and its conceptualization regarding the investigation of corruption offenses, to identify the most relevant techniques, types and forms of information analysis in the investigation and prevention of corruption offenses, to identify the perspectives for developing the criminal intelligence analysis by offering recommendations for optimizing and improving the regulatory framework in the researched subject.

The objectives of the research. In this research there have been established *the following objectives*:

- a) identification of scientific approaches in the country and abroad on the subject of research;
- b) research on the general aspects, notions and legal nature of analytical activity in the process of preventing and combating corruption offenses;
- c) determination of the features of elements of the forensic characteristics and the forensic model of corruption offenses in terms of their significance in the criminal intelligence analysis;
- d) research on approaches to international, regional, national and institutional instruments for preventing and combating corruption offenses and the significance of analytical activities as an anti-corruption instrument;
- e) analysis of the normative framework, information analysis practices in the investigation of corruption offenses in the Republic of Moldova, highlighting the existing difficulties in this process and defining the role of analytical activity as an anti-corruption tool;
- f) identification of methods, types and forms of information analysis in the investigation of

corruption offenses and those related to corruption;

g) identification of sources of information and software applications effective for the analysis of corruption;

h) research of approaches to the analytical process and products of the criminal intelligence analysis information, in order to identify the best solutions in the investigation of corruption;

i) research and identification of the development objectives of the analytical activities in preventing and combating corruption offenses in the Republic of Moldova;

j) formulation of conclusions and recommendations aimed at optimizing and improving the regulatory framework in the researched subject.

The research is based on the study of the doctrine, legislation and practice of law enforcement in this field.

The research hypothesis is based on the assumption that:

- the analytical activities in the investigation and prevention of corruption and corruption-related offenses do not have a theoretical, normative and applicative substantiation, which generates difficulties regarding the knowledge and realization of these activities at the level of law enforcement agencies;

- methodologies for carrying out information analysis in the investigation and prevention of corruption offenses are constantly evolving, and due to technological progress new forms, methods, analytical products and applications dedicated to the analysis of information are emerging, what needs to be investigated from the perspective of preventing and combating offenses;

- regulations in the field of analysis of information on offenses do not provide for a single standard of terms and notions, which constitutes an impediment in the development of a national model for the analysis of information in the activity of law enforcement agencies.

Synthesis of the research methodology and justification of the chosen research methods. In the development of this thesis the following research methods were used: historical, analytical, comparative, logical, inductive and deductive. An increased attention in the research was paid to the comparative method, which was used to study the practice of other states in the field of scientific investigation. By using the analytical method the practical activity of the NAC for the period 2014–2019 in the field of information analysis in the investigation of corruption and corruption-related offenses were researched.

The novelty and scientific originality of the work. This research is a first attempt at scientific investigation of the theoretical and practical concept of analytical activity in preventing and combating corruption offenses. The scientific research consists in the analysis of the notions, definitions and methodologies, reflected in the local and foreign specialized works, as well as the

submission of some necessary recommendations for the development of this field.

As a result of the research carried out on the subject of analytical activities in the investigation of corruption offenses, some regulatory deficiencies were also identified, and proposals were made to bring the regulatory framework in the field in line with international standards for intelligence analysis.

The scientific novelty of the research is determined by the following aspects: 1) revealing the essence of the analytical activity in the investigation of corruption offenses through the prism of doctrinal approaches and international, regional and national regulations in the field; 2) analysis of the general notions and practices of crime analysis at the level of law enforcement institutions in the country and abroad, establishing the legal nature of the analytical activity of law enforcement agencies; 3) a detailed presentation of the particularities of the elements of the forensic feature and the forensic model of the crime of corruption in the context of conducting analyzes of information on criminal activities; 4) establishing international, regional and national experience in the creation of tools for preventing and combating corruption offenses; 5) clarification of the role of the analytical activity as an anti-corruption tool, in terms of analyzing the results of the analytical activity of the NAC and highlighting the existing difficulties in this process; 6) determination on the established methods and types of intelligence analysis, highlighting the forms of information analysis in the process of preventing and combating corruption; 7) identification of sources of information of forensic significance and efficient software applications in the analysis and investigation of corruption offenses; 8) determination of the basic algorithms in the analysis of information, identification of analytical products and their applicative value in the activity of preventing and combating corruption; 9) identification of the objectives for the development of the analytical activities in the process of investigation and prevention of corruption offenses; 10) substantiation of conclusions and submission of recommendations aimed at optimizing and improving the regulatory framework in the researched subject.

Theoretical importance and applicative value of the paper. This thesis is a scientific support for the elaboration and improvement of the concept of the activity of information analysis within the law enforcement agencies. At the same time, this paper highlights the importance of researching modern methods and techniques for analyzing the information in the process of investigation and prevention of corruption offenses and those related to corruption.

The applicative value of this research consists in studying the regulatory aspects of the analytical activity in preventing and combating the corruption offenses, which may be useful in developing the specialized courses in the field of criminal intelligence analysis information. The applicative value of the thesis is also confirmed by the multitude of approaches and solutions presented by the author, which can be taken in order to create a development strategy and the

theoretical basis of a model of criminal intelligence information of law enforcement agencies.

The applicative importance of the paper is also manifested in the submission of proposals regarding the doctrinal framing of the aspects under research. All these findings and examples from the practice of information analysis in the process of preventing and combating corruption offenses in the Republic of Moldova and concepts of police activities, based on information from the practice of other countries, which were mentioned in the thesis, can be applied in crime-control activity.

Scientific results submitted for support. The scientific results, submitted for support in the hypothesis of the paper, consist of:

1) exposition of the existing approaches in the specialized scientific publications in the Republic of Moldova and abroad and of the regulations in this field, which constitute an appreciable theoretical support in substantiating a unique concept of the analytical activity in the process of investigation and prevention of corruption offenses;

2) identification of notions and definitions, clarification of the legal nature and theoretical and practical regulations regarding the analysis of information in the investigation of corruption offenses;

3) determination of the features of elements of the forensic characteristics and the forensic model of a corruption crime in the context of the analysis of information on criminal activities;

4) description of the international and of the Republic of Moldova experience in creating the tools for the prevention and suppression of corruption offenses;

5) establishing the role of analytical activity in preventing and combating corruption offenses and arguing its effectiveness as an anti-corruption tool;

6) identification of methods, types and forms of analysis of corrupt activities. Argumentation for the possibility of implementing new types and effective forms of criminal intelligence analysis at the level of the NAC and other law enforcement agencies, of some of new efficient types and forms of criminal intelligence analysis information;

7) characterization of forensic information sources in the process of investigating the corruption offenses, in terms of their relevance and informative potential in the analytical activities and identification of applications dedicated to the analysis of information and supporting graphics, that could be effectively used in the analysis of information about corruption;

8) establishing of the basic algorithms for information analysis, clarifying the aspects regarding the applicative value of analytical products in the process of prevention and investigation of corruption offenses;

9) determination of the prospects for the development of analytical activities in order to prevent and combat corruption offenses;

10) formation of proposals and recommendations aimed at improving the regulatory framework in the field under research.

Implementation of scientific results. The obtained scientific results shall be applied in the process of preventing and combating corruption offenses and those related to corruption, being valuable for the employees of specialized anti-corruption institutions and other law enforcement agencies. Also, the research results shall be useful in the process of teaching the students of law faculties and for professional development of law enforcement employees.

The proposals developed after the undertaken research constitute a methodological support for improving the normative framework of analytical activity of the law enforcement agencies and can be a scientific benchmark in the process of approving the unique concept of information analysis within law enforcement agencies, based on a national and/or interdepartmental strategy at the level of institutions specialized in crime fighting.

Approval of results. The thesis was elaborated and discussed within the Doctoral School in Law, Political and Administrative Sciences of the Consortium of Educational Institutions USPEE “C. Stere ”- ASEM and its results have been approved by the Guidance committee.

The results of the research have been reflected in a number of scientific publications, being discussed and submitted for approval in scientific forums. The author participated in the definition of the concept, regulations and methodology of analytical activities within the NAC and the elaboration of the draft law, which entrusted the NAC with the task of conducting an operational and strategic analysis of corruption, corruption-related acts and acts of corrupt behavior¹¹.

Thesis publications: 10

Volume and structure of the paper: The elaborated PhD thesis includes: introduction, 3 chapters, general conclusions and recommendations, bibliography of 198 titles, 9 figures, one attachment, the statement on taking responsibility, Author's CV.

Keywords: analytical activity, intelligence analysis, information analysis, intelligence analysis, crime, offense, corruption, prevention, combat, investigation, tool, information.

CONTENT OF THE THESIS

In the introduction, the relevance and importance of the researched topic are invoked and argued, the aim of the research is put forward and its objectives are outlined. The research hypothesis, the synthesis of the research methodology, the situation in the field of research, the innovative dimension of the results obtained, the main scientific results submitted for support, the

¹¹ Law on amending and supplementing legislative acts nr.180 of 22 October, 2015, art. II, pct.1. In: *Official Monitor of the Republic of Moldova, of 30 October, 2015, no 297-300/546*, available on: www.legis.md, accessed on 13 March, 2021

important scientific research problem, the theoretical importance and the applicative value of the paper, the approval of the results, structure and summary of the paper compartments are presented.

In **Chapter 1 "Analysis of the situation in the field of analytical activity for the prevention and combating criminal offense of corruption"** - the scientific materials published in the Republic of Moldova, as well as scientific materials in this field in other states have been analyzed.

The works of the local authors have been analyzed, including: Gheorghîță M., Golubenco Gh., Cușnir V., Rusu V., Guțuleac V., Avram M., Gurin V., Donciu A., Popa V., Munteanu I., Izdebschi N., Cuhai I., Bostan G., Pavlov S., Gațcan Iu. Although the scientific papers published in the Republic of Moldova did not approach the analytical activity in order to combat and prevent corruption offenses, the local authors have investigated the issues related to the tactics and methodology of investigating corruption offenses, legal, criminal and criminological aspects of the corruption phenomenon, which partly refer to the topic of our research.

Professor Mihail Gheorghîță in his textbooks "*Criminalistics*" (1995)¹² and "*Treatise on Forensic Methodology*" (2015)¹³, describes the aspects related to the role and importance of forensics, criminal prosecution situations, forensic versions, organization of criminal prosecution, its planning and interaction in the process of criminal investigation, the tactics of carrying out criminal prosecution actions and forensic methods, etc Also, the author M. Gheorghîță in the monograph "*Организованная преступность: проблемы теории и практики расследования/ Organized Crime: Problems of Investigation Theory and Practice*" (1998)¹⁴, mentions the aspects of the analysis of information in the investigation of the activities of criminal groups, the analysis and systematization of information on criminals and criminal acts characteristic for the activity on the analysis of information regarding the corruption acts.

The local author Gheorghe Golubenco, in his textbook "*Forensic science: object, system, history and monographic research*" (2008)¹⁵, researching the information of forensic significance, mentions its importance in investigating criminal activities, considering that the generalization of information about crime in complex studies of a representative number of such cases forms the forensic feature or informational model of certain types and categories of crimes.

The local authors Valeriu Cușnir and Victor Moraru in the work "*The operative investigations activity*" (2009)¹⁶, claim that the operative activity of investigations, as content, has

¹² GHEORGHÎȚĂ, M. *Criminalistics*, Ed. Museum, Chișinău, 1995

¹³ GHEORGHÎȚĂ, M. *Treatise on Forensic Methodology*, CEP USM, Chișinău, 2015

¹⁴ GHEORGHITA, M. *Organized Crime: Problems of Theory and Practice of Investigation*. Monograph. Chisinau, Moldovan State University - Institute of Real Sciences, 1998

¹⁵ GOLUBENCO, Gh. *Forensic science: object, system, history and monographic research*, Free International University of Moldova, Chișinău, P. „Tipografia Centrală”, 2008

¹⁶ CUȘNIR, V., MORARU, V. *The operative investigations activity*. Chișinău, National Institute of Justice. 2009, p. 197

a complex and multiaspectual character and includes several constituent components within it. Thus, according to the authors of the investigation, various aspects of the special investigation activity refer to: the practical aspect of the operative investigation activity, manifested by the application of its forces, means and methods; *the informational and analytical aspect of the operative investigation activity*, expressed through the collection, processing, analysis, systematization, storage, record keeping, provision and use of information; the managerial aspect of the operative investigation activity, achieved by directing its forces and means; operational coverage of sectors, objectives and lines of activity; the scientific and didactic aspect of the operative investigation activity, etc.

In the same vein, the authors Valeriu Cuşnir and Vitalie Rusu support the need for and importance of providing information on criminal justice, including the phase of criminal prosecution. In the paper "*Reflections regarding the use of investigative-operative information at the criminal investigation level*"(2020)¹⁷ the authors under consideration state that in order to prevent and detect crimes, information is needed on certain events, persons, objects and circumstances that tell us about their connection with the act under investigation, as well as information on the traces of the crime. This data can be accumulated through both procedural and non-procedural means. But the law stipulates the achievement of these objectives by using the information that meets the following criteria: the presence of the procedural source of information, the procedural form of obtaining and improving, the presence of the facts related to the investigated act. Thus, the law distinguishes between the priority of information obtained through procedural means and the (subsidiary) nature of information obtained through non-procedural means, including through the application of investigative and operational methods and means. Thus, according to the authors, the data that form the content of the investigative and operational information must be characterized by the following objective - to become in the future a means of proof or to contribute to obtaining evidence. This is what characterizes the basic destination of investigative and operational information.

In another publication "*The corruption phenomenon: between perception and social reaction*"(2015)¹⁸, the author Valeriu Cuşnir, mentions the growing area and diversification of the forms of manifestation of corruption phenomenon, which determines its evaluation in different opinions, sometimes operating with rhetorical notions, with inaccurate or exaggerated statements. In this connection, it seems to us that the scientific and systematic approach to the forms of manifestation of corruption is relevant, delimiting its manifestation in the legal sense, liable to

¹⁷ CUŞNIR, V., RUSU, V. *Reflections regarding the use of investigative-operative information at the criminal investigation level*. In: National security studies. Scientific and practical journal Nr. 2 (2) 2020, p.184

¹⁸ CUŞNIR, V., *The corruption phenomenon: between perception and social reaction*. In: Revista Akademos4/2015, p. 98

punishment, to the public perception of the respective phenomenon.

The same author Valeriu Cușnir in his paper „*Corruption: legal regulations, preventive and control measures. Part I*”(1999)¹⁹ and the authors Avram M., Gurin V. and Donciu A. in the work “*Detection, investigation and qualification of corruption offenses*” (2005)²⁰, investigate corruption as an antisocial phenomenon, present the definitions of corruption, investigate the elements and the forms of corruption offenses by which the corruption acts are associated. Although the issues approached by the mentioned authors are not directly related to the methods and techniques of the analytical activity, their recommendations on the legal regulation of the activities for preventing and combating corruption, detecting, investigating and classifying the corruption offenses are relevant and can be successfully used in the activities of anti-corruption subdivisions.

Another relevant publication is the textbook “*Policing Law*” (2015)²¹ by the author Victor Guțuleac. This paper examines general notions, the place and role of the policing law in the national legal system, the content and system of subjects, the forms and methods policing activities. At the same time, this paper also includes the issues regarding the organization and conduct of the NAC activities, as a specialized subject of policing activities in the field of combating corruption, other bodies responsible for preventing and combating corruption. The activity of gathering and analyzing the information of a *criminal intelligence analysis* is a policing technique which provides the information support to institutions with policing responsibilities, including the institutions responsible for preventing and combating corruption, whose status and role have been analyzed in this paper.

Relevant sources for the description of tools and mechanisms for preventing and combating corruption are the study “*Tools for preventing corruption in the justice sector*”(2012)²², elaborated by the local anti-corruption experts Galina Bostan and Stela Pavlov and the PhD thesis „*Corruption as a social phenomenon and anti-corruption mechanisms*” (2015)²³, elaborated by the author Iurie Gațcan. In these papers, the authors present a successful analysis of tools for preventing and combating the corruption, mentioning the importance of the analytical activity as

¹⁹ CUȘNIR, V. *Corruption: legal regulations, preventive and control measures. Part I* Chișinău: The Ștefan cel Mare Police Academy, 1999, p.18

²⁰ AVRAM, M., GURIN, V., DONCIU, A. *Detection, investigation and qualification of corruption offenses*. ARC, Chișinău, 2005, 358 p.

²¹ GUȚULEAC, V., *Policing Law*. The Institute of Criminal Sciences and Applied Criminology, Chișinău, Î.S. Tipografia Centrală, 2015

²² BOSTAN, G., PAVLOV, S., The study “ Tools for preventing corruption in the justice sector”, available on: http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilonstudiul/Studiu_instrumente_de_prevenire_a_coruptiei- CAPC-2012.pdf, accessed on April 30, 2019

²³ GAȚCAN, Iu. *Corruption as a social phenomenon and anti-corruption mechanisms (The case of the Republic of Moldova)*, PhD thesis, Chișinău, 2015, available on: http://www.cnaa.md/files/theses/2016/24368/iurie_gatcan_thesis.pdf, accessed on April 30, 2019

a tool for prevention, used by the institutions specializing in preventing and combating the corruption.

In the foreign doctrine, the topic researched in this paper is treated much more extensively, especially in the works of such authors as: Bărbuța C.-G., Marin F.-L., Maior G. C., Nițu I., Cofan S.-M. (Romania), Kuznetsov I., Kurnosov Y., Bugel N., Yakovets E. Khalykov A., Zhuravlenko N. (Russian Federation), Gottlieb S., Arenberg Sh., Boba R., Vellani K., Nahoun J., Heuer R., Pherson R., Grana G., Windell J. (USA), Ratcliffe J., Newburn T., Williamson T., Wright A. (United Kingdom).

The field of intelligence analysis in the activity of law enforcement bodies is mentioned more and more frequently in the recent Romanian publications, largely influenced by the Western literature. Thus, we consider an important work in this sense "*From information to intelligence*" (2013)²⁴ by the Romanian authors Bărbuța C.-G. and Marin F.-L., which represents their concern, to provide all persons interested in the subject of the criminal intelligence analysis information with a basic theoretical and practical level in mastering the main specialized landmarks. Other important works of the Romanian authors Bărbuța C.-G. and Marin F.-L. are "*Intelligence: a new revolution*" (2014)²⁵ and "*The national information model: a different kind of management*" (2014)²⁶, which highlights a number of important aspects of analytical work in preventing and combating crime.

A number of Romanian authors, through the coordination of the information analysis expert Cofan S.-M. in the paper "*Information Analysis*" (2014)²⁷, present important aspects of information and intelligence analysis, combined with the practical experience of authors in this field. The Romanian authors, in the mentioned scientific material, refer to a short historical perspective on the development of analytical activities in Romania and, accordingly, set some challenges related to the future of this field.

Another significant scientific work in the field of analytical activity is "*ARS Analytics. Challenges and tendencies in intelligence analysis*" (2013)²⁸, which is a collection of essays on intelligence analysis, coordinated by Romanian authors, intelligence analysis experts Maior G.C. and Nițu I.

In the paper "*Intelligence Analyst Guide*" (2011)²⁹, several Romanian authors, coordinated

²⁴ BARBUȚA, C.-G., MARIN, F.-L. *From information to intelligence*, Publishing House Sitech, Craiova, 2013

²⁵ BARBUȚA, C.-G., MARIN, F.-L. *Intelligence: a new revolution*, Publishing House Sitech, Craiova, 2014

²⁶ BARBUȚA, C.-G., MARIN, F.-L. *The national information model: a different kind of management*, Publishing House Sitech, Craiova, 2014

²⁷ *Information Analysis, Manual*, Ministry of Internal Affairs Publishing House, București, 2014

²⁸ MAIOR, G.C., NIȚU, I. *ARS Analytics. Challenges and tendencies in intelligence analysis*, Publishing House RAO, București, 2013

²⁹ NIȚU, I. *Intelligence Analyst Guide*, Publishing House The National Academy of Information „Mihai Viteazul”, București, 2011, 127 p.

by the author Nițu I. examined aspects of intelligence analysis and succeeded in systematization of scientific points of view and approaches regarding the resources and "technology" of the intelligence process from an analytical perspective.

Another scientific paper that aroused our interest is "*The intelligence analysis: an approach from theories of change perspective*" (2012)³⁰ by the Romanian author Nițu I., who presented in his paper several considerations, which were the subject of his doctoral thesis, defended in 2012.

In the Russian specialized works, were also approached the aspects of the analytical activity in the context of crimes prevention and control, doctrinally associated with the bases of the special investigation activities, forensic methods and criminology. Special attention has been paid to the work „*Информация: сбор, защита, анализ. Учебник по информационно-аналитической работе/ Information: collection, protection, analysis. Information and Analytical Workbook*”(2001)³¹, in which the Russian professor Kuznetsov I., presents the general bases of the analytical activity and of the informative-analytical activity.

The subject studied by us is also reflected in the work of the Russian author Kurnosov Y. „*Алгебра аналитики. Секреты мастерства в аналитической работе/Algebra of analytics. Secrets of Expertise in Analytical Work*”(2015)³², which is a continuation of a series of author's publications on the subject of analytical activity, and namely: “*Азбука Аналитики/ The ABC of Analytics*” (2013), „*Аналитика как интеллектуальное оружие/ Analytics as an Intelligent Weapon*” (2012) și „*Аналитика: методология, технология и организация информационно-аналитической работы/ Analytics: methodology, technology and organization of information and analytical work*” (2004).

A more recently published work by the author Kurnosov Y., which also interested us, is “*Аналитика и разведка. Размышления профессионала Analytics and intelligence. Reflections of a professional*”(2019)³³. In this paper, the author examines a wide range of issues related to the methodology, organization and technology of modern analytical activities in the field of security services in the Russian Federation.

Other works that in our opinion are of interest for the research field are: „*Основы управления в органах внутренних дел/ Fundamentals of Management in Internal Affairs*

³⁰ NIȚU, I. *The intelligence analysis: an approach from theories of change perspective*, Publishing House RAO, 2012

³¹ KUZNETSOV, I. *Textbook on information and analytical work*, Llc Yauza Publishing House, Moscow, 2001, 320 p.

³² KURNOSOV, I. *Information: collection, protection, analysis. Textbook on information and analytical work*, Llc Yauza Publishing House, Moscow, 2001, 320 p.

³³ KURNOSOV, I. *Algebra of analytics. Secrets of Mastery in Analytical Work*, Rusaki, Moscow, 2015, 470 p.

³³ KURNOSOV, I. *Analytics and intelligence service. Reflections of a Professional*, Rytm, Moscow, 2019, 392 p.

Bodies”(2009)³⁴, author Bugel N. and „*Проблемы аналитической работы в оперативно-розыскной деятельности органов внутренних дел/ Problems of analytical work in the operational and investigative activities of the internal affairs bodies*”(2005)³⁵, the author is Yakovets E., in which he characterizes in detail the subjects, objectives and main directions of the analytical activity within the internal affairs bodies of the Russian Federation. Another work that is of interest to us is the textbook „*Юридическое, техническое и информационно-аналитическое обеспечение оперативно-розыскной деятельности/ Legal, technical, informational and analytical support of operational and investigative activities*” (2010)³⁶ of Russian authors Khalykov A., Yakovets E. și Zhuravlenko N.

American and English authors more often approach in their studies the methodological aspects of crime analysis, and Western scientific publications in the field of intelligence activities in crime investigation are full of ideas and theoretical explanations, but even more so they have application values. Therefore, the American authors Gottlieb S. and Arenberg Sh. in their work „*Crime Analysis: From Concept to Reality*”³⁷, highlight a number of important theoretical and practical aspects of the concept of crimes analysis, which are to be implemented by intelligence analysts in the activities of preventing and combating crime.

Another well-known American author whose scientific papers have as their object of study the analysis of crimes is Boba R. S. who, in the papers „*Crime Analysis and Crime Mapping (4th Edition)*”(2005)³⁸ and “*Introductory Guide to Crime Analysis and Mapping*”(2001)³⁹, provides students and practitioners with a solid foundation for understanding the conceptual nature and practice of criminal activity analysis, to help law enforcement agencies prevent and combat public order offenses and violations.

American security experts Vellani K. and Nahoun J., in the paper lucrarea „*Applied Crime Analysis*”(2001)⁴⁰, researches in detail the techniques and theories of crime analysis, using various case studies that they present during their work.

Another paper included in the study is the volume of “*Structured analytic techniques for*

³⁴ BUGEL, N. Fundamentals of management in the internal affairs bodies: textbook, Moscow, 2009, 239 p., available on: <https://ur.b-ok.com/book/3115412/adce5a>, accessed on 13 March, 2021

³⁵ YAKOVETS, E. Problems of analytical work in the operational-search activities of the internal affairs bodies: monograph, Publishing House I. I. Shumilova, Moscow, 2005, 219 c.

³⁶ KHALIKOV, A. et al. Legal, technical and information-analytical support of operational-search activities: study guide, M., Yurlitinform, 2010, available on: <https://in.b-ok.as/book/2959780/223637>, accessed on 13 March, 2021

³⁷ GOTTLIEB, S., ARENBERG, Sh. Crime Analysis: From Concept to Reality, Office of Criminal Justice Planning Edition, 1991, available on: <https://www.ojp.gov/pdffiles1/Digitization/137374NCJRS.pdf>, accessed on 13 March, 2021

³⁸ BOBA, R., Crime Analysis and Crime Mapping, 4th Edition, 2005, Sage Publications. pp. 5, 6.

³⁹ BOBA, R. Introductory Guide to Crime Analysis and Mapping, US, Department of Justice, 2001, 74 p., available on: <https://cops.usdoj.gov/RIC/Publications/cops-w0273-pub.pdf>, accessed on 20 October 2020

⁴⁰ VELLANI, K., NAHOUN, J. Applied Crime Analysis. Boston: Butterworth-Heinemann, 2001, 144 p.

intelligence analysis” (2010)⁴¹, written by American authors with extensive experience in information analysis Heuer R. and Pherson R., who have managed to formulate, adapt and standardize a set of 50 of the most robust analytical techniques used in information analysis.

While the authors Heuer R. and Pherson R. referred more to the applicative value of analytical techniques, the American authors Grana G. and Windell J., in their most recently published paper “*Crime and intelligence analysis: an integrated real-time approach*” (2017)⁴², managed to capitalize on everything that criminal intelligence analysts of the criminal intelligence analysis information, including anti-corruption, need to know in order to be a success.

Another paper dedicated to the analysis of information in the investigation of crimes is “*Handbook of Criminal Investigation*”(2007)⁴³, of the English authors Newburn T., Williamson T. and Wright A. The paper offers a theoretical and practical approach to the crime investigation process, examining several aspects, both in the historical context of training policing practices and the development of new methodologies in crime prevention and control activities.

A significant contribution in the development of the police concept of conducting police work based on the analysis of information, researched in our paper, are the works “*Intelligence-Led Policing*”(2008)⁴⁴ și “*Intelligence-Led Policing, 2nd Edition*”(2016)⁴⁵ of the British author Ratcliffe J. We consider these works to be significant by the fact that they provide the scientific and practical basis for the Information Police Guide driven by information from (*Guidebook Intelligence-Led Policing*)⁴⁶, elaborated in 2017 by the Organization for Security and Co-operation in Europe (OSCE), as a model for analyzing information in the work of law enforcement agencies, that can be successfully applied in the activities of preventing and combating corruption.

In Chapter 2 "Analytical activity in preventing and combating corruption offenses"- the general aspects, the legal nature and the assertion of analytical activities in the process of preventing and combating corruption crimes are researched.

It is noted that at the international level, the analytical activity of law enforcement agencies is referred to as: *crime analysis, intelligence analysis, criminal intelligence analysis*.

Thus, the concept of information analysis in law enforcement agencies originated in the 1960s in the United States, as a result of the development of the organized crime, which had become a threat to society, given that the activities of anti-crime institutions were inefficient. In 1979, the CALEA (*Commission on Accreditation for Law Enforcement Agencies*), was created in

⁴¹ HEUER, R. Structured analytic techniques for intelligence analysis, CQ Press, Washington, 2010, 343 p.

⁴² GRANA, G., WINDELL, J. Crime and intelligence analysis: an integrated real-time approach, Boca Raton, FL, CRC Press, 2017, 377 p.

⁴³ NEWBURN, T., WILLIAMSON, T., WRIGHT A. Handbook of Criminal Investigation, Willan, 2007, 701 p.

⁴⁴ RATCLIFFE, J. Intelligence-Led Policing, Willan Publishing, UK, 2008, 288 p.

⁴⁵ RATCLIFFE, J. Intelligence-Led Policing, 2nd Edition, Routledge, New York, 2016, 234 p.

⁴⁶ Guide book Intelligence-Led Policing, Organization for Security and Cooperation in Europe, 2017, available on: <https://www.osce.org/files/f/documents/d/3/327476.pdf>, accessed on 22 October, 2020

the United States with the mission of accreditation of the police units with the information analysis capabilities, and in 1981 the IALEIA (*International Association of Law Enforcement Intelligence Analysts*) was founded, which is currently the largest professional organization in the world, representing information analysts in the law enforcement structures.

Since 1985, the United States Department of Justice has initiated a widespread media coverage of the concept of crime analysis within the Integrated Criminal Apprehension Program, implemented in order to strengthen the capacity of law enforcement agencies to identify and detain offenders.

In the United Kingdom, the concept of analytical activities for the purpose of crime prevention and investigation became known in the years 1970-1980, as a result of progress in the development of criminal record systems and information analysis practices. The reports of the Association of Chiefs of Police played an important role in the development of the criminal intelligence analysis - *the Baumber Report* (1975), *the Pearce Report* (1978) and *the Ratcliffe Report* (1986), in which the ideas of developing intelligence analysis were supported as a modern concept, necessary to be implemented within the policing structures.

The importance of analytical work in the crime investigation process was confirmed in June 1992 by a group of delegates from twelve European countries, members of INTERPOL, and recognized by law enforcement authorities as a useful tool of support for more than twenty-five years, successfully used within the international community.

It is also mentioned in this chapter that the states with more advanced experience in organizing the structures for the criminal information analysis, such as the United Kingdom, have developed the National Intelligence Models since the 2000s to provide a unique standard for conducting analytical activities of law enforcement agencies.

A relatively new concept of analytical activities is evoked in order to prevent and combat crime, which is the *Intelligence-led policing (ILP)*, considered to be a management philosophy based on the dissemination of information and collaboration, on finding strategic solutions to the problem of crime at local and regional level. *The Intelligence-led policing* is a model of information analysis in the activities of law enforcement agencies, recommended by the OSCE, which is based on risk assessment and management, has been developed since 2004 in the United Kingdom, and is currently implemented in several European Union countries, as well as in the USA, Canada and Australia. This concept provides for "*intelligence-led policing*" and is an approach to the works oriented to a proactive component of the law enforcement institutions activities.

An important aspect in the development of the concept of information analysis within the law enforcement agencies at the Community level is a plan for the adoption of a common

information policy (EU Information Policy), presented by European Commission Communication No 429⁴⁷ to the European Council and the European Parliament on 16 June, 2004, which involved *the implementation of the Intelligence-led policing (ILP) concept at the level of law enforcement institutions of the Member States.*

In 2011, the International Association of Crime Analysts (IACA)⁴⁸ set up a number of committees to define analytical methodologies, technologies and basic concepts relevant to the profession of a criminal analyst. According to the conclusions of the participants of the association members' meeting in 2014, the analysis of the crimes was defined as "... *an activity and process that uses quantitative and qualitative techniques to analyze valuable data for law enforcement agencies and their communities.*"⁴⁹ At the same time, during the same meeting, the experts of the International Association of Crime Analysts (IACA) have defined the *crime intelligence analysis* as: "... *analysis of data on persons involved in the commission of serious crimes, serial killers, criminal organizations and networks*"⁵⁰.

Having analyzed several definitions of the *analysis of crimes* exposed in the specialized literature, it was found that they are based on a number of common elements, namely: *crime analysis supports the mission of the Crime Investigation Agency, uses systemic methods and information, and provides the processed and analyzed information to a large number of applicants.* According to the author, *forensic analysis is a qualitative and quantitative analysis of information about a crime and a criminal for law enforcement purposes, which in combination with socio-demographic and spatial factors is intended for the investigation of criminal acts, the detention of criminals, the prevention and combating crimes, the evaluation of organizational procedures for maintaining public order.*

As a result of the research, it was concluded that although some concepts differ from each other by the type of information and analysis techniques used, *crime analysis, intelligence analysis, criminal intelligence analysis*, from the methodological point of view, they are similar and characteristic for the analytical activities for the purpose of preventing and combating crimes. At the same time, the analytical activity in the process of investigation and prevention of crimes refers to a general concept of a policing technique and a discipline practiced in the community of institutions specialized in preventing and combating crimes, and the methods used or usable in this activity, specific for several disciplines, could be found embedded in a specialized course module

⁴⁷ European Commission communication nr. 429 of 16 June 2004, available on: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0429:FIN:EN:PDF>, accessed on 26 February, 2021

⁴⁸ Official site of the International Association of Crime Analysts, available on: <https://iaca.net/about-the-iaca>, accessed on 17 June, 2020

⁴⁹ BOBA, R., *Crime Analysis and Crime Mapping*, 4th Edition, 2005, Sage Publications. p.150

⁵⁰ *Ibidem*

- *the criminal intelligence analysis*⁵¹.

In the author's opinion, the purpose of the analytical activity *is to study the means, to research, investigate and examine the information about the crimes and the criminals, being therefore oriented to the systemic analysis of the aspects of combating and preventing crimes and violations of public order, as well as other issues related to administrative organization of the activities of the policing authorities.*

Given the notions and objectives of the analytical activity of investigating, combating and preventing the criminal act, it was found that it has a direct link with the object of study of *forensics, special investigative activity, criminal proceedings and criminology.*

In the same area of research, the need for the wide use of the elements of the forensic characteristic of the crime was motivated, namely: the method of committing the crime, the personality of the offender, the circumstances or the environment of the commission of the crime, direct object against which the offense is committed, the traces of the crime and the personality of the victim as primary data in analyzing information on corruption offenses.

In the author's opinion, *the criminalistic model of corruption offenses* is essential in the process of analytical activity of specialized anti-corruption authorities allowing to determine working hypotheses, recommendations for organizing special actions of investigation and criminal prosecutions, methodology for analyzing corruption facts, and the elements of the *forensic feature* complete the *forensic model of corruption offenses* with data and information about the specific crime⁵².

It is also analyzed in this chapter the significance of analytical tools for preventing and combating corruption offenses, in the context of general anti-corruption tools. To this end, the notion of a tool for preventing and combating corruption crimes approached in the publications of various authors was researched and the concept itself was formulated in the research. According to the author, *the anti-corruption tool can be associated with a measure, means or procedure, used by international bodies, institutions, national and local authorities, citizens, in order to prevent and combat corruption offenses and those related to corruption and acts of a corrupt character.*

From the author's point of view, *the analytical activity* carried out by NAC through the strategic and operational analysis of corruption, is an anti-corruption tool for prevention, as well as for the investigation of corruption crimes. This tool analyzes the factors that generate threats and vulnerabilities, the level and tendencies of corruption in the socio-economic fields and in the activity of public authorities, institutions and organizations of public and private law, as well as

⁵¹ TALMACI, F. General notions and brief history regarding the analytical activity in the investigation and prevention of crimes. In: *National Law Journal*, nr.10-12 (240-242), year 21 (2020), p.63

⁵² TALMACI, F. The characteristic and forensic model of corruption offenses. In: *Scientific-practical journal "Law and Life"*, March 2019, p.20

information of a *criminal intelligence analysis* on the investigated specific corruption cases.

At the same time, several globally recognized anti-corruption tools and classifications of anti-corruption tools developed by international experts were studied and analyzed, in order to assess the essence of the analytical activity as such a tool. It is emphasized that the tools for preventing and combating the crime of corruption are diverse and are in the process of continuous development, and it is important to take over the international experience and identify the anti-corruption tools that can be applied in the case of the Republic of Moldova, in order to prevent and combat corruption in the most effective way⁵³.

It was also mentioned that development of the analytical capabilities of the NAC was an objective of the consolidating Strategy for the National Anticorruption Center, approved by the Decision of the Parliament of the Republic of Moldova no. 633 of 24 August, 2012⁵⁴. Along with institutional reform, within the NAC, the change of the concept of analytical activities was initiated, in order to improve the capacities for analysis and evaluation of the level, tendencies and risk factors of the corruption phenomenon and to conduct qualitative case studies to identify and establish the guilty officials and acts of corrupt behavior.

By Law no. 180 of 22 October, 2015 for amending and supplementing some legislative acts⁵⁵, the NAC has been assigned *the task of conducting an operational and strategic analysis of acts of corruption, acts related to corruption and acts of corrupt behavior, information on analytical studies of the phenomenon of corruption*. As a result of the mentioned legal amendments, the analytical activity within the NAC became one of the basic attributions, provided for in art. 4, letter f) of Law 1104 of 06 June, 2002 regarding the NAC and was defined as *conducting operational and strategic analyzes of corruption acts, acts related to corruption and acts of corrupt behavior, information on analytical studies of the phenomenon of corruption*.

At the same time, analyzing the analytical activities of the NAC for the period 2014 - 2019, which were reflected in 1560 operational analyzes and 111 strategic analyzes, being the subject of the thesis research, it was explained in this chapter the importance of analytical activity as a tool for investigating the facts of corruption, through its effectiveness in case investigations and, respectively, as a tool for preventing corruption, through the positive impact of strategic analyzes for directing the law enforcement efforts.

The author mentions that the analytical tool has an important role in preventing and

⁵³ TALMACI, F. Tools for preventing and combating corruption offenses. International and the Republic of Moldova experience. In: *National Law Journal*, nr.7-9 (237-239), 2020, p.69

⁵⁴ Decision of the Parliament of the RM nr.633 of 24 August, 2012 on the approval of the consolidating Strategy for the National Anticorruption Center. In: *Official Monitor of the Republic of Moldova*, of 31 August, 2012, no 181-184 /688, available on: www.legis.md, accessed on 10 March 2021

⁵⁵ Law on amending and supplementing legislative acts nr.180 of 22 October 2015, art. II, pct.1. In: *Official Monitor of the Republic of Moldova*, of 30 October, 2015, no 297-300/546, available on: www.legis.md, accessed on 14 March, 2021

combating corruption offenses, and the development of the information analysis activity within the NAC has had positive effects for the accomplishment of institutional tasks. At the same time, the results of the analytical subdivision of the NAC for the period 2014-2019 were relevant and necessary to strengthen the capabilities of this subdivision by improving the operational procedures, developing databases, information systems and forensic records, technical applications and training of qualified specialists⁵⁶.

In **Chapter 3 "Analytical methods, software applications, analytical process and products of analytical activity in the investigation of corruption offenses"**- the particularities of the methods and types of analysis of criminal information, aspects of information sources and the most innovative software applications dedicated to intelligence analysis, methodological aspects of information analysis in the process of investigation and prevention of corruption offenses have been investigated and theoretical and practical recommendations were elaborated for the development of this field.

The author notes that the performance of the analytical units involved in the process of preventing and combating corruption offenses depends directly on the level of their organization, the way information is managed, the analytical methods and techniques used in the process of activity.

It is investigated in this chapter the most important types of analysis of crime information: *operational analysis, tactical analysis, strategic analysis, administrative analysis, risk analysis, policing operations analysis*, as well as carried out a comparative analysis of the types of information analysis performed in the NAC activity and recommended the introduction and development of the *tactical and administrative analysis* component within the institution.

Operational analysis is a component of the information analysis activity, aimed at substantiating and making short-term decisions, with immediate impact through the exploitation of data and information. It aims at detecting, identifying and combating criminal activity. The main purpose of this type of information analysis is to support the investigation team with the hypotheses, deductions and recommendations for the action on individuals or networks with concerns and activities of a *criminal intelligence analysis*, being aimed at achieving short-term goals and immediate impact. The operational analysis mainly uses qualitative data, with a low level of aggregation, thus being focused on individual cases.

Among the most common *forms of operational analysis* in the activity of preventing and combating corruption offenses and those related to corruption, were identified: *case analysis*,

⁵⁶ TALMACI, F. Analytical activity as the attribution of the National Anticorruption Center: concept and statement as an anti-corruption tool. In: *International Scientific Journal on the Rule of Law*, nr.4, anul 4, 2019, p.67

comparative case analysis, analysis of groups of authors, analysis of activities, analysis of links, analysis of goods flow, the events development analysis, analysis of telephone call records, analysis of financial transactions, analysis of data on savings and investment instruments, analysis of the economic activities carried out by the legal entities, analysis of hidden income, etc.

It is mentioned that in 2019 having analyzed 660 legal entities regarding their economic activities and their relations with the public persons, 7 cases of risk in fraud of about 151 million lei from public institutions and state enterprises were established. Also, having analyzed 425 operational analyzes performed by the NAC during 2019, it was found that the *analysis of hidden income* was used in 55% of cases⁵⁷ and respectively, having analyzed 357 of operational analyzes performed in 2018, it was found that this technique has been used in 45% of such cases⁵⁸.

Therefore, the *analysis of hidden income* in which the properties of public persons are targeted in relation to their revenues, is used practically in every second operational analysis carried out by the NAC in the last two years of activity⁵⁹.

It is mentioned in this chapter that in the activities of preventing and combating corruption through *the strategic analysis*, the evolution, tendency and characteristics, circumstances, risk factors and the mode of operation of acts of corruption, acts related to corruption and acts of corrupt behavior on socio-economic domains or territorial areas and in a set time (medium and long term) are analyzed. The aim of the strategic analysis is to identify the specific elements of certain types of crimes or criminal phenomena, to identify new tendencies, to identify new elements of the mode of operation, to identify the system vulnerabilities, to assess the threats of criminal activities, to identify and assess risks, to develop the profile of perpetrators and victims of crime, to highlight the opportunities for preventing and reducing crimes, to outline recommendations for strategies for preventing and combating crime, to outline recommendations for legislative initiatives.

At the same time, the strategic analysis provides an overview of crime and identifies the nature, degree of risk and tendencies of criminal phenomena in order to develop and implement strategies to prevent and combat them and may take the following main forms: *criminal model analysis, general profile analysis, situation reports, risk analysis, crime pattern analysis, demographic and social trends analysis, market profiling, the results analysis, etc.*

Therefore, the author mentions that in the process of preventing and combating the corruption offenses, there can be used methods, specific to other disciplines of study, which are

⁵⁷ The activity report of the National Anticorruption Center for the year 2019, page 22, available on: www.cna.md, accessed on 18 March, 2020

⁵⁸ The activity report of the National Anticorruption Center for the year 2018, page 45, available on: www.cna.md, accessed on 18 March 2020

⁵⁹ TALMACI, F. Operational analysis in the investigation of corruption offenses. In: „*Current scientific research in the modern world*”, *International Scientific Conference of 26-27 February 2021, Pereiaslav city (Ukraine), Conference Collection Journal, edition 2 (70), part 9, p.92, February 2021*, available on: www.iscience.in.ua/accesatla10.03.2021

adapted to the need, the style of activity of the information analyst and the type of analysis, as it is important to integrate these methods in a working model as functional as possible and in line with the requirements of the anti-corruption institution⁶⁰. In this research area, the institutional model of information analysis consists of four types of analysis, depending on the level of aggregation of data and information with which it operates: *operational, tactical, strategic and administrative*, that have been established to be the most effective for performing the functional tasks of the NAC, also in the case of other institutions specialized in preventing and combating crime.

The author has also established that the sources of information of forensic significance, used in the process of preventing and combating corruption offenses have developed significantly in the recent years and are important elements in the discovery, investigation of criminal acts, in identification of offenders, establishment of circumstances in which the crime occurred. Also, the subjects with criminal investigation and analysis tasks are to select their sources of information according to relevance, and the use of open sources sometimes provides additional credibility to the final product of the work, benefits in cost efficiency and may allow a greater amount of information to be collected within a limited budget⁶¹.

Following the research carried out, there were identified the applications dedicated to the analysis of information and supporting graphics which can be used effectively in the analysis of corruption. The author concluded that the information technology and software applications for information analysis are important elements in the work of the information analyst specializing in preventing and combating corruption. At the same time, software applications offer the possibility to collect analytical information from different sources and are essential in analyzing and conducting complex investigations of acts of corruption and those related to corruption, they allow important volumes of data, which can then be used as evidence in criminal proceedings, to be stored⁶².

During the research process, the basic algorithms for the criminal intelligence analysis have been established, which are: *receiving the information, evaluating and storing it, analyzing and making conclusions, formulating hypotheses and providing recommendations*. In this chapter there

⁶⁰ TALMACI, F. Information analysis methods used in preventing and combating corruption offenses. In: *Trends and perspectives of the development of science and education under the conditions of globalization. International scientific-practical conference of 31 July 2020, Pereiaslav city (Ukraine)*, Collection of scientific publications, edition 61, July 2020, p.55, available on: <https://confscientific.webnode.com.ua/files/200000355-b2391b2394/%2061-9.pdf>

⁶¹ TALMACI, F. Sources of forensic information in the process of preventing and combating corruption offenses. In: *National Law Journal, nr.1-3 (231-233), 2020, p.134*

⁶² TALMACI, F. Software applications used in the analysis and investigation of corruption offenses. In: *Trends and perspectives of the development of science and education under the conditions of globalization. International scientific-practical conference of 31 August 2020, Pereiaslav city (Ukraine)*, Conference Collection Journal, August 2020, edition 62, p.73, available on: [https://confscientific.webnode.com.ua/files/200000359-5d8a85d8ab/%2062%20\(1\)-2.pdf](https://confscientific.webnode.com.ua/files/200000359-5d8a85d8ab/%2062%20(1)-2.pdf)

have been examined the key elements of an analytical product, the forms in which they could be developed according to the operational needs of the institution or of the applicant for the analysis of information and the applicative value of these products in criminal proceedings.

In the context of the above, it was concluded that the ultimate objective of the analytical activity at the level of the anti-corruption institution is the realization of qualitative analytical products, within an efficient analytical process, and in order to achieve this objective, the unique standards of the analytical process and products are needed, which provide the same terms and methodologies of analytical activity within the authorities specialized in preventing and combating crimes and law enforcement agencies.

The performed analysis also indicates the opportunity for development and improvement of standard operating procedures for information analysis (*Standard operating procedure*) within the NAC, the General Prosecutor's Office and the specialized prosecutor's offices, the administrative subdivisions of the MIA, the Ministry of Finance and the Ministry of Justice, as well as the other competent institutions with criminal investigation powers.

In this chapter it was substantiated the opportunity of developing within the law faculties, the discipline of the *criminal intelligence analysis*. Initially, these courses could be introduced at the Faculty of Law, Public Order and Civil Security at the “Stefan cel Mare” Police Academy of the Ministry of Internal Affairs, and later they could be implemented in other faculties that prepare the specialists for law enforcement agencies.

The performed study shows that for an efficient activity in the researched field it is necessary to elaborate a unique concept of intelligence activity within the law enforcement agencies and to adopt a national and/or interdepartmental strategy for developing information analysis at the level of institutions specialized in combating crimes and maintaining public security. At the same time, it is necessary to approve a guide or instructions, which should provide a unique standard of notions, methodologies of activity and analytical products within the bodies specialized in preventing and combating crimes and law enforcement agencies.

The performed research inevitably led us to the following conclusion: the analytical activity or the intelligence activity carried out on the segment of the activity of law enforcement agencies, institutions specialized in ensuring national security and combating crimes - *is a profession*, the assertion of which requires the creation of a professional base and high standards of human resources training and education, which could be involved in other public and private fields.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

As a result of the investigations carried out on the subject of this paper, there have been obtained the following **results**:

1. The studying of the scientific materials published in local and foreign publications, which served to define the essence of the analytical activity in the process of investigation and prevention of corruption offenses;

2. Complex theoretical and practical analysis of the elements of information analysis in investigating corruption offenses by identifying notions, clarifying the legal nature and regulations necessary in developing a national model for analyzing information in the activities of law enforcement agencies;

3. Analysis of the particularities of the elements of the forensic characteristic and the forensic model of corruption crimes in the context of the analysis of information related to criminal activities;

4. Researching the international and the Republic of Moldova experience for creating tools for preventing and combating corruption crimes;

5. Establishing the role of analytical activities in preventing and combating corruption offenses and substantiation of its effectiveness as an anti-corruption tool;

6. Identification of methods, types and forms of analysis of corrupt activities. Substantiation of the opportunity to implement at the level of the NAC and other law enforcement agencies, new efficient types and forms of criminal intelligence analysis information;

7. Analysis of information sources of forensic significance in the process of investigating corruption offenses, in terms of their relevance and informative potential in the analytical activity of anti-corruption agencies and identification of applications dedicated to information analysis and supporting graphs, which can be used effectively in analyzing corruption information;

8. Establishing the basic algorithms for the analysis of information, clarification of the aspects regarding the applicative value of analytical products in the process of preventing and investigating corruption offenses;

9. Analysis of the prospects for the development of the analytical activity in order to prevent and combat corruption offenses;

10. Formulating the proposals and recommendations aimed at improving the regulatory framework in the field under investigation.

As a result of the study, there have been reached the following **general conclusions**:

1. The national doctrine contains a small number of scientific papers that refer to the topic of this research and does not contain a thorough scientific investigation of the theoretical and practical concept of analytical activity in preventing and combating corruption offenses;

2. The analytical activity in the process of investigation and prevention of corruption offenses refers to a general concept of policing technique and a discipline practiced in the community of institutions specialized in preventing and combating offenses. The doctrinal

treatment of the criminal intelligence analysis information in the activity of law enforcement agencies requires theoretical and practical implications and necessary identical theoretical interpretations for the effective application of the analysis of information in order to prevent and investigate offenses;

3. *The forensic nature of corruption offenses* usually reflects the qualitative data of the analysis of criminal information required to conduct operational case analysis of corruption, and *the forensic model of corruption crimes* reflects quantitative and generic data, characteristic for the corruption crimes, necessary for carrying out strategic analyzes, as distinct types of analysis of corruption information;

4. The tools for preventing and combating corruption offenses are diverse and are in the process of continuous development, being important for taking over the international experience and identifying the anti-corruption tools that can be applied in the case of Moldova, to prevent and combat corruption in the most effective way;

5. The operational and strategic analyzes carried out by the NAC have a positive impact on the process of preventing and combating corruption and corruption-related crimes, which confirms the efficiency of the analytical activity as an anti-corruption tool;

6. The diversification of the forms of strategic and operational analysis contributes to the more complex and efficient investigation of corruption offenses, to the identification of new criminal tendencies, new elements of the mode of operation and the assessment of threats of corrupt activities. The information analysis model, based on the analysis: *operational, tactical, strategic and administrative*, is appropriate to be implemented in the activity of the NAC and other bodies specialized in preventing and combating offenses as an institutional model for criminal intelligence analysis information;

7. Sources of information and software applications, dedicated to the analysis of information and supporting graphics used in the process of preventing and combating corruption offenses, have developed significantly in the recent years and contributed to the effectiveness of investigations and detection of corruption offenses. The informative potential of forensic and criminological records has been little researched from the point of view of their concept of integration with the law enforcement databases, requiring new scientific and practical approaches in order to develop algorithms and software applications capable of interrelating simultaneously with information systems;

8. The development of analyzes and analytical studies in order to prevent and combat corruption offenses can be done effectively, based on unique standards of information analysis at the level of law enforcement agencies, and requires a distinct approach to the probative value of analytical products in criminal proceedings. Operational, tactical, strategic and administrative

analyses are a valuable informational, tactical and methodical support in the process of preventing and investigating corruption offenses, and the conclusions formulated on the basis of these analyses have the character of a recommendation;

9. The approval of a strategy for the development of the criminal intelligence analysis information at national level, will contribute to the promotion of methodologies, techniques and good practices for genuine intelligence, applied in the activity of law enforcement agencies. The development of a unique concept of the criminal intelligence analysis information of the law enforcement bodies in the Republic of Moldova will provide in the future effective application solutions for preventing and combating crimes at the local, national and regional levels.

The solved current scientific problem consists in outlining and substantiating the theoretical, normative and applied analytical activity aimed at investigating and preventing corruption offenses, conceptualizing and characterizing them, defining and standardizing the notions and terms related to the field, as well as identifying and promoting the most successful and efficient methods, techniques and analytical products for detection, investigation and prevention of acts of corruption.

As a result of the research there were made the following **recommendations**:

1) development of the unique concept of the analysis for the criminal intelligence analysis information within the law enforcement agencies of the Republic of Moldova, based on a common strategy at the level of institutions specialized in preventing and combating crimes;

2) elaboration of the information analysis guide of the agencies specialized in preventing and combating corruption offenses;

3) initiation of the specialized courses in the field of criminal intelligence analysis information, divided into the basic module intended for novice workers; the module intended for operational analysts; the module intended for strategic analysis; the module intended for tactical analysts; the module intended for risk analysis; the module intended for the open source systems (OSINT);

4) elaboration of the university curriculum on the field of study of the criminal intelligence analysis information;

5) development of the components of tactical and administrative analysis in the process of preventing and investigating corruption offenses at the level of legal institutions;

6) development, within the law enforcement agencies, of an automated internal system for the management and analysis of analytical data and information, resulting from both the operational and strategic analysis and possibly from the tactical and administrative analysis;

7) development and operationalization of the IT systems enabling the management of a rapid flow of data and information at the institutional level and of the software applications, able

to simultaneously interact with the information systems of institutional partners, including those that meet the requirements for connection to the Government Interoperability Platform of the Republic of Moldova;

8) filling in the Classification of Occupations of the Republic of Moldova, approved by Order no. 22 of 3 March 2014⁶³ of the Minister of Labor, Social Protection and Family with the assignment of the position of *information analyst*, considering that the development of the field of information analysis as a profession would also bring benefits to other public and private institutions, including in the sphere of public money management, economic and social activities of the Republic of Moldova.

The perspective research plan on the topic of the paper:

1. Conceptual deepening of the methodologies for the implementation of the national model for criminal intelligence analysis by researching the regulations at community level and the theoretical and practical approaches of the states with advanced experience in intelligence analysis;

2. Researching the scientific and practical concept for the development of the informative potential of forensic and criminological records, by developing algorithms and software applications, able to simultaneously interact with information systems and applications for information analysis of law enforcement agencies;

3. Analysis of the theoretical and applied aspects of analytical products, based on judicial practice and elaboration of complex recommendations in order to clarify their probative value in criminal proceedings.

⁶³ Order of the Minister of Labor, Social Protection and Family, nr.22 of 3 March, 2014, on the approval of the Classification of Occupations in the Republic of Moldova. In: *Official Monitor of the Republic of Moldova, of 23 May, 2014, no 120-126, Article 670, available on www.legis.md*, accessed on 13 March, 2021

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Adnotare

**Francisco Talmaci „Activitatea analitică ca instrument de prevenire și combatere a infracțiunilor de corupție”. Teză de doctor în drept. Școala Doctorală în Drept, Științe Politice și Administrative a consorțiului instituțiilor de învățământ USPEE „C. Stere”
ASEM, Chișinău 2022**

Structura lucrării: Introducere, 3 capitole, concluzii generale și recomandări, bibliografie din 198 de titluri, 9 figuri, 174 pagini de text de bază, o anexă, declarația privind asumarea răspunderii, CV-ul autorului. Rezultatele obținute sunt publicate în 10 lucrări științifice.

Cuvinte-cheie: activitate analitică, analiza de intelligence, analiza informațiilor de natură criminală, infracțiune, crimă, corupție, investigare, combatere, prevenire.

Domeniul de studiu: criminalistica, activitatea specială de investigații

Scopul lucrării vizează fundamentarea teoretico-aplicativă și conceptualizarea activității analitice în investigarea infracțiunilor de corupție, stabilirea tehnicilor, tipurilor și formelor analizei de informații în investigarea și prevenirea corupției.

Obiectivele cercetării: identificarea abordărilor doctrinare, cercetarea noțiunilor și naturii juridice a activității analitice în prevenirea și combaterea infracțiunilor de corupție; determinarea elementelor caracteristicii criminalistice și modelului criminalistic al infracțiunilor de corupție și semnificației acestor elemente în analiza corupției; cercetarea abordărilor cu privire la instrumentele anticorupție; identificarea metodelor, tipurilor și formelor analizei corupției; identificarea surselor de informații, aplicațiilor software, abordărilor cu privire la procesul analitic și produsele analitice în investigarea corupției; formularea concluziilor și recomandărilor destinate optimizării și îmbunătățirii cadrului normativ în materia cercetată.

Noutatea și originalitatea științifică a cercetării este determinată de faptul că presupune o primă încercare de a efectua o investigație temeinică a conceptului teoretico-practic al activității analitice în prevenirea și investigarea infracțiunilor de corupție. Noutatea științifică a lucrării rezidă în: relevarea esenței activității analitice în investigarea infracțiunilor; analiza noțiunilor și practicilor de analiză a criminalității, stabilirea naturii juridice a activității analitice; statuarea asupra elementelor caracteristicii criminalistice și modelului criminalistic al infracțiunii de corupție în contextul analizei informațiilor de natură criminală; stabilirea experienței în crearea de instrumente de prevenire și combatere a infracțiunilor de corupție; clarificarea rolului activității analitice în calitate de instrument anticorupție; determinarea asupra metodelor și tipurilor consacrate de analiză a informației de natură criminală; stabilirea surselor de informații și aplicațiilor software în analiza și investigarea infracțiunilor de corupție; determinarea algoritmilor, produselor analitice și valorii aplicative ale acestora în analiza informațiilor despre corupție; identificarea obiectivelor de dezvoltare ale activității analitice în procesul de investigare a infracțiunilor de corupție.

Rezultatele obținute se conturează în tezele principale promovate spre susținere și în **problema științifică importantă soluționată** care constă în conturarea și fundamentarea teoretico-normativă și aplicativă a activității analitice destinate investigării și prevenirii infracțiunilor de corupție, conceptualizarea și caracterizarea acesteia, definirea și uniformizarea noțiunilor și termenilor aferenți domeniului, precum și identificarea și promovarea metodelor, tehnicilor și produselor analitice în vederea depistării, cercetării și prevenirii actelor de corupție.

Semnificația teoretică. Lucrarea prezintă o sursă științifico-metodologică necesară doctrinei autohtone și un suport științific pentru elaborarea și perfecționarea în continuare a conceptului activității analitice în activitatea organelor de drept.

Valoarea aplicativă a lucrării constă în abordarea teoretico-normativă a aspectelor de reglementare a activității analitice în prevenirea și combaterea infracțiunilor de corupție și poate fi utilă persoanelor abilitate cu aplicarea legii.

Implementarea rezultatelor științifice. Concluziile și soluțiile redate de autor pot fi utile în elaborarea unor cursuri specializate, unei strategii de dezvoltare și bazelor teoretice al modelului analizei de informații al organelor de drept.

Annotation

Francisco Talmaci „Analytical activity as a tool to prevent and combat corruption offenses”. Doctoral thesis in law. Doctoral School in Law, Political and Administrative Sciences Affairs, USPEE “C. Stere”- ASEM, Chişinău, 2022

Thesis structure: Introduction; 3 chapters, general conclusions and recommendations; bibliography of 198 titles; 9 figures, 174 pages of basic text, one attachment; the statement on taking responsibility; Author's CV. The results obtained are published in 10 scientific papers.

Keywords: analytical activity, intelligence analysis, criminal intelligence analysis, offense, crime, corruption, investigation, combat, prevention

The domain of study: criminalistics, special investigation

The purpose of the paper is theoretical and applied substantiation and conceptualization of analytical activities in investigating corruption offenses, establishing the techniques, types and forms of crime analysis in investigating and preventing corruption.

Research objectives: identifying doctrinal approaches, researching the notions and legal nature of analytical activities in preventing and combating corruption offenses; determining the elements of the forensic characteristics and the forensic model of corruption offenses and the significance of these elements in corruption analysis; research of the approaches to anti-corruption tools; identifying methods, types and forms of corruption analysis; identifying the sources of information, software applications, analytical approaches and analytical products in corruption investigation; formulating conclusions and recommendations aimed at optimizing and improving the regulatory framework in the researched subject.

Novelty and scientific originality of the research is determined by the fact that it involves a first attempt to conduct a thorough investigation of the theoretical and practical concept of analytical activity in corruption prevention and investigation. The scientific novelty of the research is determined through: revealing the essence of the analytical activity in the investigation of offenses; the analysis of notions and practices of criminal analysis, establishing the legal nature of the analytical activity; defining the elements of forensic characteristics and forensic model corruption offenses in the context of criminal intelligence analysis; establishing experience in creating tools for preventing and combating corruption offenses; clarifying the role of analytical activity as an anti-corruption tool; identifying the established methods and types of criminal intelligence analysis; establishing the sources of information and software applications in the analysis and investigation of corruption offenses; identifying algorithms, analytical products and their application value in the analysis of corruption information; identifying the development objectives of the analytical activity in the process of investigating corruption offenses.

The results obtained are outlined in the thesis principles promoted for defense and **in solving an important scientific problem**, which consists in outlining and substantiating the theoretical, normative and applicative activity of the analytical activity aimed at investigating and preventing corruption offenses, conceptualizing and characterizing it, defining and standardizing the notions and terms related to the field, as well as identifying and promoting analytical methods, techniques and products in order to detect, research and prevent acts of corruption.

Theoretical significance: the paper presents a scientific and methodological source necessary for the local doctrine and scientific support for further development and improvement of the concept of criminal intelligence analysis in the activity of the law enforcement agencies.

The applicative value of the paper consists in the theoretical and normative approach of the regulatory aspects of the analytical activity in preventing and combating corruption offenses and can be useful to law enforcement officials.

Implementation of scientific results. The conclusions and solutions presented by the author can be useful in developing specialized courses, strategies for development and the theoretical basis of the criminal analysis model of law enforcement agencies.

Аннотация

Талмач Франческо «Аналитическая деятельность как инструмент предотвращения и борьбы с коррупционными преступлениями». Диссертация на соискание ученой степени доктора права. Докторская школа права, политических и административных наук USPEE «С. Stere» - ASEM, Кишинэу, 2022 год

Структура работы: введение, три главы, общие выводы и рекомендации, библиография 198 названий, 9 фигур, 174 страниц основного текста, 1 приложение, заявление об ответственности, резюме автора. Результаты исследования были представлены в 10 научных работах.

Ключевые слова: аналитическая деятельность, оперативный анализ, криминальный анализ, преступление, коррупция, расследование, борьба, предупреждение

Область исследования: криминалистика, специальная розыскная деятельность

Целью исследования является разработка теоретико-прикладного обоснования и концептуализации аналитической деятельности в расследовании коррупционных преступлений.

Задачи исследования: выявление доктринальных подходов, исследование правового характера аналитической деятельности в процессе противодействия коррупции; определение элементов криминалистической характеристики и криминалистической модели коррупционных преступлений и их значимости в криминальном анализе; определение методов, видов и форм анализа коррупции; определение программного обеспечения и источников информации в анализе коррупции; изучение научных подходов к процессу и результатам криминального анализа; формулирование выводов и рекомендаций.

Научная новизна и оригинальность исследования определяется тем, что данная работа является первой попыткой в исследовании концепции аналитической деятельности в расследовании коррупционных преступлений. Научная новизна исследования заключается в: раскрытии сущности аналитической деятельности в расследовании коррупционных преступлений; определении особенностей элементов криминалистической характеристики и модели коррупционного преступления в контексте криминального анализа; изучении инструментов и роли аналитической деятельности в противодействии коррупции; анализе методов и видов криминального анализа, источников информации и программного обеспечения в расследовании коррупционных преступлений; определении основных алгоритмов, результатов криминального анализа и целей развития аналитической деятельности в расследовании коррупционных преступлений.

Полученные результаты отражены в основных научных тезисах выдвигаемых для защиты и в **решенном важном научном вопросе**, заключающейся в определении и обосновании теоретико-нормативной и прикладной деятельности аналитической деятельности в расследовании коррупционных преступлений, концептуализации и характеристики определений и стандартизации понятий и терминов, а также в выявлении аналитических методов для расследования и предупреждения коррупции.

Теоретическое значение. Работа представляет собой научно-методологический источник, необходимый национальной доктрине и является научной поддержкой в дальнейшей разработке и совершенствовании концепции анализа информации криминального характера в деятельности правоохранительных органов.

Прикладное значение работы заключается в теоретическо-нормативном подходе к аспектам аналитической деятельности в области предупреждения коррупционных преступлений и борьбы с ними.

Внедрение научных результатов. Выводы и решения, представленные автором, могут быть полезны при разработке специализированных курсов, стратегии развития и концептуальных основ национальной модели анализа информации криминального характера правоохранительных органов.

TALMACI, FRANCISCO

**ANALYTICAL ACTIVITY AS A TOOL TO PREVENT AND COMBAT
CORRUPTION OFFENSES**

**SPECIALTY 554.04 - CRIMINALISTICS, JUDICIAL
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„C. Stere ”
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