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PROBLEMS OF PRE-TRIAL INVESTIGATION OF VIOLATIONS OF FIRE OR TECHNOGENIC SAFETY REQUIREMENTS ESTABLISHED BY LAW

Abstract. *The article outlines problematic issues in the pre-trial investigation of violations of fire and technogenic (man-made) safety requirements established by law. Based on the results of studying investigative and judicial practice in investigating such violations, consistent trends and their causes have been identified, with a focus on the repetitive nature regarding some of them. The paper summarizes the causes of fires and technogenic accidents. Risk factors for fires and technogenic emergencies have been identified. Types of technogenic threats have been highlighted, and the stages of emergencies have been characterized. It is noted that the main structural element of a violation of fire or technogenic safety requirements is the actions or inaction of the person responsible for their compliance. Another important aspect is the cause-and-effect relationship between such violations and the circumstances that contributed to the occurrence of a fire or technogenic hazard. Understanding the cause-and-effect relationships that lead to the occurrence of an emergency in specific conditions will help the investigator in constructing investigative versions, identify key circumstances and events that need to be established, as well as determine the main direction of the investigation, collect and verify the necessary evidence, compile a list of persons who should be identified and questioned, and determine the list of necessary expert examinations. The main technogenic hazardous facilities located on the territory of Ukraine are considered. The factors of danger that may arise in the event of a violation of man-made safety for each man-made hazardous facility are identified. The statistical data of the Office of the Prosecutor General on the indicators of criminal violations under Article 270 of the Criminal Code of Ukraine and the results of their pre-trial investigation during the period of martial law are analyzed. A study of judgments under Article 270 of the Criminal Code of Ukraine in the Unified State Register of Court Decisions made it possible to determine the possibility of staging violations of fire safety requirements. The factors that complicate the pre-trial investigation of such criminal offenses were identified, and the objective and subjective factors that hinder the investigation of violations of fire or man-made safety requirements established by law were classified.*

Keywords: *criminal proceedings; fire and technogenic (man-made) safety rules; judicial statistics; typification; systematization; risk factors.*

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Introduction

In modern conditions, among the problems of state building, the issue of ensuring the safety of the individual from threats of a social, natural and man-made nature is of great importance. One of the components of national security is the protection of the individual, property, society and the state from fires and technogenic hazards. To ensure fire and technogenic safety in Ukraine, a single state system of civil protection of the population has been created and is functioning effectively. However, fires and technogenic hazards continue to pose a threat to public safety, causing deaths, significant material

damage and environmental losses (Kitseliuk, 2017, p. 15).

The analysis of empirical data, in particular, sentences under Art. 270 of the Criminal Code of Ukraine, contained in the Unified State Register of Court Decisions, has shown that violations of legislative requirements for fire or technogenic safety are committed both in urban and rural areas. In villages, such violations are often associated with improper operation of solid fuel stoves. In particular, this concerns the use of flammable substances for ignition, untimely or complete ignoring of pipeline cleaning, as well as making constructive changes to

the structure of stoves. At the same time, the possibility of staging fire safety violations should not be ruled out. For this, criminals use methods that simulate non-criminal arson in order to hide traces of intentional crimes, hoping that the fire will destroy all evidence (Kitseliuk, 2017, p. 43).

Materials and methods

Some issues related to counteracting violations of fire safety requirements established by law were addressed in the research conducted by M. V. Bezuglova, V. D. Bezvesilny, Y. O. Bondarenko, M. S. Brainin, M. M. Bukaev, B. M. Gamalyuk, O. S. Grigorian, V. S. Davydenko, A. A. Derevianko, O. F. Diachenko, A. P. Egorov, A. Zubair, S. I. Zernov, G. M. Kazakov, V. M. Kitseliuk, V. V. Kolesnikov, S. D. Lekhman, B. V. Megorsky, A. V. Mishin, O. V. Pyrogov, I. O. Popov, S. G. Stepanenko, O. V. Taran, E. M. Tkachenko, M. L. Tsymbal, I. D. Chesko, and others.

Only in 2021, the Verkhovna Rada of Ukraine adopted draft law No. 1366-IX of March 30, 2021, which expanded the liability for violations of not only fire safety rules but also technogenic safety rules in Article 270 of the Criminal Code of Ukraine¹. It can be argued that scientific research on violations of fire and industrial safety requirements has not yet been sufficiently developed in the scientific sphere. They have been the subject of research by such scholars as M. V. Bezuglova, O. O. Zhitnyi, O. O. Kovalenko, A. V. Plotnikov, S. S. Serdiuk, D. S. Shiyan, O. Y. Shiyan, A. M. Yashchenko, and others.

As a result of the armed aggression of the Russian Federation, which caused changes in the dynamics of crime in general, as well as violations of the requirements for fire and technogenic safety established by law, the issue of identifying factors that complicate the investigation of such criminal offenses remains insufficiently studied and does not lose its relevance.

The purpose of the article is to identify and summarize the problems of pre-trial investigation regarding violations of fire or technogenic safety requirements established by law, based on the available empirical base, official statistical data, as well as the results of research by scientists on this topic.

Results and Discussion

During the conduct of military operations by the Russian Federation on the territory of Ukraine, technogenic objects become potentially the most dangerous, since provoking a man-made hazard can lead to a man-made disaster with serious consequences not only for humans but also for the environment, or to a complete failure or destruction of technical equipment. Armed conflicts accompanied by massive shelling and explosions

create conditions for the occurrence and spread of fires (Otrosh et al., 2022).

The study of investigative and judicial practice of pre-trial investigation of violations of established requirements for compliance with fire and man-made safety makes it possible to establish certain stable trends and the reasons for their occurrence, and the recurring nature of some of them is traced. The causes of man-made accidents can be the following factors:

natural (abnormal temperature, floods, earthquakes, abnormal temperature, fires, etc.);

anthropogenic – factors that arise as a result of human activity (production defects in structures, violations of technological processes, failure to comply with the rules for the operation and maintenance of vehicles, equipment, machines and mechanisms). In most cases, threats of a technogenic nature are a consequence of human activity, which may be accompanied by violations of safety standards and technological processes (Zubair, 2023).

In the modern period, almost every sphere of economy and science actively uses radioactive substances, as well as sources of ionizing radiation. The use of nuclear materials involves their transportation, storage and processing, which in turn increases the risks of radioactive contamination of the environment. These factors can negatively affect human health, wildlife and vegetation. In the event of a violation of control or management of the processes of a nuclear chain reaction, there is a possibility of thermal and nuclear explosions.

Radiation hazard factors include environmental pollution, danger to all living things that have found themselves in a contaminated area (death of people, animals, destruction of crops, etc.), in addition, as a result of a possible atomic explosion - the occurrence of severe destruction over a large area (Farrakhov, & Lysychenko, 2022).

Radioactive contamination of the environment occurs when the level of radioactivity in soil, water or air exceeds established norms. Such a situation is classified as an emergency, which requires operational actions by specialized services to protect the population, as well as decontamination measures for the area and objects located there (Chalyi et al., 2020, p. 340).

During war, the risk of chemical accidents at infrastructure facilities increases significantly, which can have catastrophic consequences for the population. In wartime, the issue of countering chemical threats becomes particularly urgent, since objects of increased chemical danger are located on the territory of the state. Potential risks become even more serious because chemically hazardous enterprises, warehouses and equipment can be attacked or accidentally damaged as a result of hostilities. The main dangerous consequences of chemical accidents are environmental pollution, a threat to the life of all living things in the contaminated territory, as well as possible large-

¹ Criminal Code of Ukraine: Law of Ukraine of April 5, 2001 № 2341-III. URL: <http://zakon.rada.gov.ua/laws/show/2341-14>

scale destruction. Enemy artillery strikes, missile attacks, air strikes or the activities of sabotage groups can cause damage to technological facilities, which can lead to a mass release of toxic substances and cause chemical damage among people (Chyrkina-Kharlamova, 2025). Identified chemical safety threats, as well as measures to minimize them, are entered into the Chemical Safety Threats Register¹. During explosions, several destructive factors are simultaneously affected, which significantly increase the risk of danger at critical infrastructure facilities. One of these factors is a shock wave that propagates at great speed. The shock wave can damage building structures, causing cracks and collapses (Rashkevych, 2023). Explosions generate fragments and debris that fly over a considerable distance and can damage equipment and fire protection systems. Debris can also block escape routes and exits, creating a danger to people (Maiboroda et al., 2023).

Risk factors in the event of a spill or release of chemically hazardous substances cause environmental pollution and danger to all living things in the affected area. This can lead to the death of people and animals, as well as the destruction of crops. In addition, a chemical explosion is possible, which can cause destruction over a large area.

All emergencies go through four stages in their development: origin, initiation, climax and extinction.

At the stage of origin of an emergency, the prerequisites for its further development are formed. During this period, adverse natural processes are activated, technological difficulties and errors associated with design or production defects accumulate. Equipment malfunctions and shortcomings in the activities of engineering and technical personnel arise. Among the reasons, one can also single out significant volumes of storage and processing of materials that have hazardous properties, such as fire hazard, flammability, instability, corrosion (causticity), high reactivity, toxicity, dust structure, inertness, toxicity and other characteristics. In addition, extreme conditions of production processes play an important role. These are high and low temperatures, high pressure, vacuum, cyclic fluctuations of temperature and pressure, water hammer, etc. (Senchykhin, Dendarenko, & Paramonova, 2025).

At the stage of initiating an emergency, technological disturbances occur, caused by the process parameters (pressure, temperature, concentration, reaction rate, substance consumption, etc.) exceeding critical values. Such deviations can lead to equipment malfunctions. Additionally, problems with the functioning of support systems, such as power supply, water

supply, cooling, heat exchange or ventilation systems, are detected. The main influence on the occurrence of accidents is the human factor - more than 60% of them are associated with errors at the design, construction, operation or maintenance stages.

At the climax stage of an emergency, significant amounts of energy and mass are released. Even a minor event that serves as its beginning can trigger a chain mechanism of accidents with a multiple increase in intensity and scale, resembling a domino effect (Sokolov, 2022).

At this stage, it is extremely important to predict the possible course of the accident. This will allow effective protective measures to be taken, to avoid or minimize human losses, and to reduce the damage caused.

The stage of extinction of an emergency lasts from the moment the source of danger is neutralized until the complete elimination of the consequences of the accident, which can last for years or decades, as in the case of the Chernobyl disaster. During war, the number of such emergencies increases rapidly, which is associated with the destruction of critical infrastructure facilities by combat operations, which causes significant damage to the environment, affecting the planet's climate, causing significant emissions of carbon dioxide and other greenhouse gases into the atmosphere (Senchykhin, 2024; Khashev, 2024; Klerk et al., 2022).

Understanding the cause-and-effect relationships that lead to the nascence of an emergency situation in specific conditions will help to significantly reduce the risk of its recurrence in the future, as well as increase the level of safety in such circumstances (Oliinychuk, 2021). It will provide the investigator with the opportunity to build investigative versions, determine which circumstances and events need to be clarified, determine the direction of the investigation (what evidence should be collected and verified, which persons need to be interrogated, what examinations need to be assigned) (Shmereho, 2020).

Ensuring the safety of life in an emergency is a set of measures that includes organizational, engineering and technical solutions and the use of special means aimed at protecting human life and health regardless of the field of activity (Kasianenko, & Senchykhin, 2025).

An analysis of judicial practice regarding the investigation of violations of fire and technogenic safety requirements indicates their diversity and gives grounds to identify stable trends and the systemic nature of some cases. Risks in the field of fire and technogenic safety arise due to non-compliance with the rules and requirements established by law, which concern not only officials, heads of enterprises, institutions and organizations – both state and private. Responsibility is also placed on specially appointed persons, employees and civil servants. In addition, compliance with these

¹ Procedure for monitoring threats to chemical safety and identifying their sources: Resolution of the Cabinet of Ministers of Ukraine No. 891 dated August 6, 2024. URL: <https://zakon.rada.gov.ua/laws/show/891-2024-%D0%BF#Text>

rules in everyday life by citizens whose actions are not related to professional or official activities remains important.

According to the results of the study of investigative and judicial practice of investigating such criminal offenses, certain stable trends and reasons for their occurrence have been identified, attention is focused on the repeatability of some of them.

The practice of investigating violations in the field of fire or technogenic safety shows that determining the reliable causes of such events is often an extremely difficult task. This is due to the fact that the trace picture usually undergoes significant changes or disappears completely due to the destructive effect of high temperatures and the scale of damage. In various situations, fire is able to completely destroy most of the material evidence that could recreate the details of the initial crime. The investigation process is often accompanied by a change in the qualification of the crime, for example, from intentional to negligent or, conversely, depending on the analysis of the circumstances. Attention is drawn to the risk of staging violations of fire or technogenic safety standards, since criminals often use deceptive methods to achieve their own goals. Their main goal is to feign accidental fires or destruction, which serves as an effective way to hide intentional actions. In such cases, criminals hope that significant damage to buildings or complete destruction of material evidence due to fire will make it impossible to establish the true circumstances of the event. To properly qualify offenses in the field of fire and technogenic safety, as well as to distinguish them from intentional crimes accompanied by destruction or fires, the investigator must have deep knowledge and a thorough understanding of the specifics of such events. The absence of these competencies makes it impossible to achieve an effective analysis of the circumstances and establish the objective truth in the process of investigating such cases. The structural element of a violation of fire or technogenic safety requirements is the actions or inaction of the person responsible for their compliance. An important role is played by the causal relationship with the circumstances that contributed to the occurrence of a fire or technogenic hazard. Therefore, a violation of requirements in this area can be systematized in the form of two interrelated elements:

1. Failure to comply or fail to fulfill the necessary measures and requirements by the person responsible for ensuring fire and technogenic safety.

2. Violation of fire and technogenic safety norms and requirements.

In the event of a fire and/or a technogenic hazard that caused significant material damage, harm to health or resulted in fatal consequences (Kitseliuk, 2015, p. 90), the Criminal Procedure

Code provides a complete list of circumstances that are subject to proof, which is common to all categories of crimes (Part 1, Article 91 of the Criminal Procedure Code)¹.

The circumstances that are subject to clarification *in proceedings on fires and/or technogenic hazards* are determined depending on the nature of the event. In particular, in proceedings on arson and technogenic hazards, it is necessary to clarify:

- 1) the method of commission and the means used;
- 2) objects;
- 3) the guilty person;
- 4) accomplices;
- 5) the motives and purpose of the crime;
- 6) the commission of any other crime;
- 7) the consequences;
- 8) material damage;
- 9) the reasons and conditions that contributed to the commission of this crime (Boiarov, & Shaldyrvan, 2009).

In proceedings on *violations of the requirements of fire and technogenic safety* established by law, the circumstances to be clarified are as follows:

- 1) which requirements of fire and technogenic safety were violated (not complied with), in which actions this was evident;
- 2) the reasons for the violation;
- 3) the causal relationship between the actions and the occurrence of the fire and technogenic hazard;
- 4) the guilty person;
- 5) the consequences (inflicting significant material damage, harm to human health, etc.);
- 6) the reasons and conditions that contributed to the occurrence of the fire.

At the initial stage of the investigation of technogenic disasters, a conflict immediately arises between the actions of the investigator and representatives of the authorities (local or state) or heads of the industry where the event occurred. The main contradiction is the need to quickly restore the normal functioning of the system. For example, this may concern the restoration of traffic or the elimination of the consequences of an accident on a pipeline. Only after these measures, sometimes with significant changes in the situation, does the investigation have the opportunity to record the situation at the scene of the incident and perform urgent investigative actions. After such events, interested persons often take measures to protect themselves from accusations of involvement in the consequences of the accident. This creates additional obstacles on the part of the structures whose representatives are members of special commissions to investigate the causes of the accident and eliminate its consequences. One of the

¹ Criminal Procedure Code of Ukraine: Law of Ukraine of April 13, 2012 No 4651-VI. URL: <https://zakon.rada.gov.ua/go/4651-17>

features of such investigations is the existence of a parallel official investigation, which actually precedes the pre-trial investigation. This *official investigation includes an inspection of the accident site, collection and seizure of evidence, interviewing witnesses and victims, as well as the appointment and conduct of departmental examinations* (Chyrkina-Kharlamova, 2025).

The investigation of such violations in practice is faced with difficulties associated with complex factors. The main obstacles include the following circumstances:

loss of material evidence of the crime due to the action of natural factors, such as large volumes of water, debris from buildings, or the impact of high temperatures;

intentional actions of persons who are not interested in objectively establishing the truth;

possible staging of arsons in order to conceal other intentional crimes;

the blanket nature of the legal norms that establish criminal liability;

the need to apply a multi-component system of specialized knowledge of different natures;

insufficient specialization of investigators in this area and the imperfection of methodological tools and recommendations (Kitseliuk, 2017).

According to the statistical data of the Prosecutor General's Office and the judiciary of Ukraine (Judicial statistics...) for the period of the martial law legal regime, the following indicators of violations of legislative requirements regarding fire and technogenic safety were established (table).

Table

Data on quantitative indicators of criminal offenses under Article 270 of the Criminal Code of Ukraine and the results of their pre-trial investigation

Year	Criminal offenses recorded in the reporting period	Criminal offenses in proceedings for which persons were served with suspicion	Criminal offenses for which proceedings were sent to court (clauses 2, 3 of Article 283 of the Criminal Procedure Code Ukraine) with an indictment	Criminal offenses for which proceedings were closed	Criminal offenses for which a decision was not made at the end of the reporting period (on termination or suspension)
2022	408	3	1	963	407
2023	337	0	0	1003	337
2024	424	2	2	989	422
January–May 2025	283	3	1	1	415

Analyzing the information presented in the table, we can conclude that almost every year there is a coincidence of the number of recorded violations for the requirements regarding fire or technogenic safety established by law, which caused a fire or accident, with the number of corresponding criminal offenses, in which a decision has not been made at the end of the reporting period (on termination or suspension). There is a clear plateau of coincidence of such indicators from year to year: 2022 – 99.7%, 2023 – 100%, 2024 – 99.5%; January–March 2025 – 68.2%. According to the data from the table, the difference between the total number of recorded criminal offenses, compared to those in which the proceedings were sent to court, is noteworthy. In particular, 2022 – 0.2%, 2023 – 0%, 2024 – 0.5%; January–May 2025 – 1% (Judicial statistics...). The percentage at which the proceedings are sent to court remains extremely low.

This phenomenon is due to both objective and subjective factors. Among the objective factors, the following should be distinguished:

– during the investigation of such criminal offenses, the risk of their incorrect reclassification is high;

– the investigation is complicated by the problem of determining the real causes of fires or man-made accidents, since fires or flooding destroy most of the evidence, and the initial forensic picture suffers significant damage;

– the possibility of disguising such crimes as accidental fires or accidents in order to hide intentional unlawful actions, counting on the fact that fire, water or large-scale destruction will destroy all evidence.

Subjective factors include:

– the presence of gaps in the current system of registration of such criminal offenses;

– lack of specialists in the field of investigation of violations of legislative requirements on fire and technogenic safety, especially if the said violations led to a fire or accident;

– limited level of professional training of investigative bodies in the field of investigation of these types of criminal offenses.

Therefore, the organization of a pre-trial investigation of criminal violations of fire and technogenic safety includes making organizational decisions, ensuring the effective work of the

investigative and operational group, establishing regular information exchange, monitoring the progress of the investigation, analyzing its results, as well as material, scientific and technical, personnel and other resource support (Chornous, & Lisitskyi, 2022). The pre-trial investigation is also accompanied by means of forensic tactics, which are tactical techniques, forensic recommendations, tactical combinations, and tactical operations. The tactics of investigative (search) actions are also distinguished, which include a set of the above-mentioned means (Dulskyi, 2022, p. 71). This activity is a dynamic system that, under the leadership of the investigator, involves the joint participation of other competent subjects. Each of them performs the assigned tasks in accordance with the provisions of the Code of Criminal Procedure of Ukraine, laws and subordinate regulatory legal acts.

Current problems that arise during the investigation of criminal offenses related to fire or technogenic safety require increased attention and careful analysis. Despite the constant development of the regulatory framework, law enforcement practice in this area often faces difficulties associated with fixing causal relationships, assessing the evidence base and establishing the responsibility of the guilty parties. The main challenges include the issue of proper documentation of the circumstances of the crime, the correct formulation of expert opinions, as well as ensuring cooperation between various bodies involved in the investigation process. In some cases, problems are created by insufficient technical equipment of investigators or limited access to specialized knowledge in the field of fire and technogenic safety.

Conclusions

According to the results of the study, the state of violations of fire and technogenic safety requirements established by law shows that, despite the relatively stable annual number of criminal offenses investigated, the investigation is complicated, as evidenced by the coincidence of the number of recorded violations of fire and industrial safety requirements established by law, which caused a fire or accident, with the number of corresponding criminal offenses in which no decision (on termination or suspension) had been made by the end of the reporting period. The complexity of investigating such criminal offenses is also related to the difference between the total number of recorded criminal offenses and the number of cases referred to court.

Based on the results of studying the outlined range of issues, the problematic aspects of investigating violations of fire or technogenic safety requirements established by law were highlighted. In particular, this concerns the evidence pattern, which is significantly damaged by the initial violation of such safety. It has been established that it is extremely difficult to distinguish the real causes of fire and technogenic hazards, since fires, floods, and a large amount of debris destroy most of the traces of the crime. Therefore, such criminal offenses may be disguised as non-criminal events or staged arson to conceal other intentional crimes. An important factor in investigating violations of fire or man-made safety requirements established by law is the need to use a comprehensive approach that involves the application of special knowledge, the availability of relevant specialization among investigators, and the provision of a high-quality methodological basis on this issue.

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РЕВА Іван

аспірант науково-дослідної лабораторії з проблем протидії злочинності навчально-наукового інституту поліцейської діяльності Національної академії внутрішніх справ м. Київ, Україна

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**ПРОБЛЕМИ ДОСУДОВОГО РОЗСЛІДУВАННЯ ПОРУШЕННЯ
ВСТАНОВЛЕНИХ ЗАКОНОДАВСТВОМ ВИМОГ ПОЖЕЖНОЇ
АБО ТЕХНОГЕННОЇ БЕЗПЕКИ**

Анотація. У статті окреслено проблемні питання досудового розслідування порушення встановлених законодавством вимог пожежної або техногенної безпеки. За результатами вивчення слідчої та судової практики розслідування такого порушення виявлено сталі тенденції та причини їх виникнення, увагу зосереджено на повторюваному характері деяких із них. У роботі узагальнено причини виникнення пожеж і техногенних аварій. Встановлено фактори ризиків виникнення пожеж і надзвичайних ситуацій техногенного характеру. Виокремлено види загроз техногенного характеру, схарактеризовано стадії надзвичайних ситуацій. Зауважено, що основним структурним елементом порушення вимог пожежної або техногенної безпеки є дії чи бездіяльність особи, відповідальної за їх дотримання. Важливим аспектом є також причиново-наслідковий зв'язок між такими порушеннями й обставинами, які сприяли виникненню пожежі або техногенної небезпеки. Розуміння причиново-наслідкових зв'язків, які призводять до виникнення надзвичайної ситуації в конкретних умовах, допоможе слідчому в побудові слідчих версій, окресленні ключових обставин і подій, які потребують встановлення, а також у визначенні основного напрямку розслідування, збиранні та перевірці необхідних доказів, формуванні списку осіб, яких доцільно встановити й допитати, визначенні переліку необхідних експертиз. Розглянуто основні техногенно небезпечні об'єкти, які знаходяться на території України. Встановлено чинники небезпек, які можуть виникнути в разі порушення техногенної безпеки щодо кожного техногенно небезпечного об'єкта. Проаналізовано статистичні дані Офісу Генерального прокурора щодо показників кримінальних порушень за ст. 270 Кримінального кодексу України та результати їх досудового розслідування за період дії правового режиму воєнного стану. Вивчення вироків за ст. 270 Кримінального кодексу України в Єдиному державному реєстрі судових рішень дало змогу визначити можливість інсценування порушень вимог пожежної безпеки. З'ясовано чинники, які ускладнюють досудове розслідування таких кримінальних правопорушень, класифіковано об'єктивні та суб'єктивні фактори, які перешкоджають розслідуванню порушення встановлених законодавством вимог пожежної або техногенної безпеки.

Ключові слова: кримінальне провадження; вимоги пожежної та техногенної безпеки; судова статистика; типізація; систематизація; фактори небезпеки.