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## **THE ROLE OF METACOGNITIVE STRATEGIES IN PLANNING AND CONDUCTING INVESTIGATIVE ACTIONS WHEN INVESTIGATING CRIMINAL OFFENSES IN THE FIELD OF PUBLIC PROCUREMENT**

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**Shnaider K.B., Teplytskyi B.B. The role of metacognitive strategies in planning and conducting investigative actions when investigating criminal offenses in the field of public procurement.**

The article analyzes the role of metacognitive strategies that allow investigators to critically evaluate, plan and correct their own cognitive processes during investigations. It is characterized how, at the initial stages of the investigation, metacognition contributes to a detailed assessment of primary data initiated on the basis of documentary audits. The process of forming investigative versions that adapt to dynamically changing circumstances of the case and require investigators to have a flexible approach is considered.

The importance of metacognitive strategies in identifying potential witnesses and informants, which ensures the formation of substantiated investigative versions, is clarified. The importance of analyzing objective and subjective elements of offenses for modeling the behavior of criminals, which contributes to the effective implementation of investigative actions, is emphasized. It is determined how the corruption and group nature of crimes in this area requires a comprehensive approach in planning investigative measures.

The strategic importance of covert investigative actions, which allows documenting the facts of illegal gain, is also considered. The requirements for conducting special investigative experiments and the legislative framework prohibiting provocation to commit crimes are highlighted. It is proven that the inclusion of metacognitive strategies in the investigation process contributes to increasing the awareness of investigators about their own thought processes, which is critically important when working with complex data and information. Particular emphasis is placed on the importance of these strategies for identifying hidden crimes and assessing the risks associated with the loss of state resources through corruption in the field of public procurement. It is noted that the systematic implementation of metacognitive practices can significantly optimize the processes of detecting, investigating and preventing criminal offenses, ensuring high quality and legality of investigative actions.

The results of the study led to conclusions about the need to integrate metacognitive strategies into investigative practice to ensure the legality, efficiency and objectivity of investigations in the field of public procurement. This allows to increase the quality and volume of collected information, significantly increasing the chances of successful resolution of criminal cases.

**Key words:** investigative actions, public procurement, criminal offenses, tactical operations, metacognitive strategies, crime, metacognitive activity.

**Шнайдер К.Б., Теплицький Б.Б. Роль метакогнітивних стратегій у плануванні та проведенні слідчих дій при розслідуванні кримінальних правопорушень у сфері публічних закупівель.**

В статті проаналізовано роль метакогнітивних стратегій, які дозволяють слідчим критично оцінювати, планувати та коригувати власні когнітивні процеси під час розслідувань. Охарактеризовано, як на початкових етапах розслідування, метакогніція сприяє детальній оцінці первинних даних, ініційованих на підставі документальних ревізій. Розглянуто процес формування слідчих версій, які адаптуються до динамічно змінюваних умов справи та вимагають від слідчих здатності до гнучкого підходу.

З'ясовано значення метакогнітивних стратегій у визначенні потенційних свідків та інформаторів, що забезпечує формування обґрунтованих слідчих версій. Підкреслено важливість аналізу об'єктивних та суб'єктивних елементів правопорушень для моделювання поведінки злочинців, що сприяє ефективному виконанню слідчих дій. Визначено, як корупційний та груповий характер злочинів у цій сфері вимагає комплексного підходу в плануванні слідчих заходів.

Також розглянуто стратегічне значення негласних слідчих дій, що дозволяє документувати факти неправомірної вигоди. Висвітлено вимоги до проведення спеціальних слідчих експериментів та законодавчі рамки, які забороняють провокацію на вчинення злочинів. Доведено, що включення метакогнітивних стратегій у процес розслідувань сприяє підвищенню обізнаності слідчих про власні мислительні процеси, що є критично важливим при роботі зі складними даними та інформацією. Особливо акцентовано на значенні цих стратегій для ідентифікації прихованих злочинів та оцінки ризиків, пов'язаних із втратою державних ресурсів через корупцію у сфері публічних закупівель. Зазначено, що систематичне впровадження метакогнітивних практик може значно оптимізувати процеси виявлення, розслідування та запобігання кримінальним правопорушенням, забезпечуючи високу якість та законність проведення слідчих дій.

За результатами дослідження сформувано висновки про необхідність інтеграції метакогнітивних стратегій у слідчу практику для забезпечення законності, ефективності та об'єктивності розслідувань у сфері публічних закупівель. Це дозволяє збільшувати якість і обсяг зібраної інформації, значно підвищуючи шанси на успішне вирішення кримінальних кейсів.

**Ключові слова:** слідчі дії, публічних закупівель, кримінальні порушення, тактичні операції, метакогнітивні стратегії, злочин, метакогнітивна активність.

**Statement of the problem.** The relevance of studying metacognitive strategies in the context of investigative activities, especially in the investigation of criminal offences in the field of public procurement, is undeniable. In the complex environment of modern economic crimes, where opacity and disguise as legitimate transactions often become a barrier to effective justice, the ability of investigators to understand and adapt their own cognitive processes is key. Metacognitive strategies allow investigators not only to analyse and plan their actions, but also to critically evaluate their own thoughts and assumptions, which provides a deeper understanding of criminal mechanisms and a more effective response to the challenges they pose to law enforcement agencies [1, p. 31]. Such an in-depth understanding is crucial for the development of adequate investigative strategies and methods that can effectively counteract crime in the field of public procurement.

**The purpose of this article** is to determine the role of metacognitive strategies in planning and conducting investigative actions in the investigation of criminal offences in the field of public procurement.

**The state of development of the issue.** The current issues of investigation planning related to the investigation of criminal offences in the field of public procurement require the integration of theoretical approaches and practical skills. Investigation planning includes complex metacognitive activity of investigators, which includes mental activity aimed at assessing information about a criminal offence, formulating investigative versions, determining the necessary investigative actions and their timing [2, p. 384; 3. P. 19].

This approach allows to optimise the investigative process, ensures adaptation to changing conditions and effective solution of the investigation tasks. Planning of investigations in the context of public procurement should include the creation and adjustment of an action plan depending on the development of the investigative situation, which sets the investigators the task not only to respond to events but also to anticipate possible challenges [4, p. 37; 5, p. 68].

**Summary of the main material.** Modern scientific research emphasises the importance of metacognitive strategies in the context of planning and performing investigative actions during the pre-trial investigation of crimes related to public procurement. In this context, metacognition implies the ability of investigators to analyse, plan, monitor and adjust their own thinking in accordance with the development of the situation, which is critical in the investigation of crimes that are often hidden under legal financial and business transactions.

Delving into the investigative situations that arise at the initial stage of the pre-trial investigation begins with a detailed assessment of the primary data on the crime, which includes the analysis of documents initiated on the basis of documentary audit materials carried out by specialists of the State Audit Service or at the request of law enforcement agencies [6, p. 17].

The process of forming investigative versions in criminal proceedings related to public procurement includes the analysis of different versions of qualification of offences, since detected crimes may have different legal assessments depending on the specifics of their detection and context. It is important to note that at the early stages of the investigation, signs of a complex of crimes may be detected, where the main and subordinate crimes require a clear separation and determination of their criminal law qualification [7, p. 48]. The assessment of such materials requires investigators to be able to perform metacognitive analysis and a flexible approach to planning investigative actions that should adapt to the dynamically changing circumstances of the case.

The importance of metacognitive strategies is especially evident in the formation of investigative versions that not only assess the qualification of crimes but also identify potential witnesses and informants from among persons associated with the public procurement process. Such persons include employees of the accounting department, structural units of the customer, bidders who were declared winners, as well as employees of regulatory authorities who previously conducted inspections and contractors of the state institution [7, p. 54].

Determining the objective side of the crime helps investigators model the possible behaviour of criminals before, during, and after the crime, contributing to the formation of clear tasks for verification and execution. At the same time, putting forward versions of the subjects of criminal offences involves the assumption of the possible involvement of both the main perpetrators and other persons, in particular, non-officials who could be instigators or accomplices [4, p. 35; 8].

In addition, the corrupt and group-based nature of criminal offences in public procurement, based on bribery as a means of corrupt enrichment, is inevitably taken into account in the process of putting forward investigative versions. Based on the principles of criminal groups, each participant is assigned a separate role, taking into account the status of the participant, position and powers, which requires the development of complex investigative versions covering the possible presence of other episodes and accomplices.

In the context of analysing investigative practice in the investigation of criminal offences in the field of public procurement, there is a need to apply metacognitive strategies for effective planning and implementation of investigative actions. These strategies allow to systematise information about the participants in the process, the nature and methods of committing crimes and their qualifications, which in turn helps to rationalise the initial stages of the investigation.

Such systematisation is possible due to the typification of criminal offences in the field of public procurement, which includes:

1. Crimes committed by organised groups consisting of employees of procurement organisations, officials of procuring entities, suppliers, contractors and other interested parties (part 3 of Article 28 of the Criminal Code of Ukraine).
2. Crimes committed on the basis of a prior conspiracy between a group of persons (part 2 of Article 28 of the Criminal Code of Ukraine), which may include a similar list of participants.
3. Cases where officials of tender customers accept undue advantage, commit forgery or abuse of power (Articles 368, 358, 365-2, 366 of the Criminal Code of Ukraine).
4. Misappropriation of public funds through abuse of office, including forgery of documents and abuse of authority by the contractor of contracts or works (Article 191(2), (3), (4) of the Criminal Code of Ukraine).
5. Cases where persons commit embezzlement on behalf of fictitious companies, often using them as a means for such actions as part of criminal groups (Article 28(3) of the Criminal Code of Ukraine).

In the context of investigating criminal offences in the field of public procurement, special attention should be paid to the strategic planning of investigative (detective) actions, which should be based on general forensic recommendations. According to the scientific works of V.D. Bernaz, V.V. Biriukov, and A.F. Volobuiev, a systematic approach to determining the sequence of investigative measures is key to ensuring the effectiveness of investigations. These measures include identifying urgent actions, such as protecting documents from destruction that may contain traces of criminal activity, as well as complex actions, such as audits and examinations, which require significant time expenditures [2, p. 388; 9, p. 44].

In addition, when planning investigative measures, it is important to take into account the time limits established by the criminal procedure legislation, as well as the amount of work required to effectively carry out the planned actions. Careful planning allows not only to effectively investigate each case, but also to systematise approaches to the analysis of collected data, which leads to substantiation or refutation of the versions put forward [7, p. 61].

At the initial stage of the investigation, covert investigative actions are particularly effective in documenting the facts of obtaining an undue advantage. Such actions are aimed at documenting the exchange of benefits between customers and suppliers, which is often carried out during public procurement in the construction industry. The implementation of these measures, according to the provisions of the Criminal Procedure Code, is complex and requires high qualification and strategic planning on the part of law enforcement agencies to ensure the legality and objectivity of the evidence process [2, p. 388].

Within the framework of forensic analysis, the importance of an integrated approach to the investigation of criminal offences in the field of public procurement is of particular relevance. An in-depth understanding of the specifics of investigating criminal offences related to public procurement often involves complex interactions between different participants and investigative situations. The tactical situation when the investigation begins with operational and investigative data is considered to be particularly effective, which can contribute to more efficient use of the evidence collected at the early stages of the investigation.

In the process of investigating criminal offences, especially in the field of public procurement, an important place is occupied by the use of covert investigative (detective) actions, which allow to effectively control the actions of suspects and verify their intentions to commit crimes. The creation of controlled conditions in the real environment of individuals' activities allows for high-quality documentation of possible illegal actions. Particular attention in this context should be paid to the method of a special investigative experiment, which integrates various covert measures to record criminal activity red-handed [10, p. 339].

It is important to emphasise that, according to legal norms, all forms of control over the commission of crimes have a complex structure and require detailed planning. This involves defining specific tasks, means and methods of their implementation, as well as ensuring the safety of participants and secrecy. In the context of public procurement, where fraud and corruption are rampant, these measures are extremely important to ensure transparency of processes and efficient use of public resources.

The organisation of SIDA, in particular special investigative experiments, involves the development of a detailed plan that includes the goal, objectives, cover-up, surveillance and other actions that allow not only to detect the crime, but also to collect the necessary evidence to further prove the guilt of the suspects in court.

A special investigative experiment, as a tool for controlling the commission of crimes, is regulated by Article 271 of the CPC of Ukraine, according to which such measures may be carried out in cases where there are sufficient grounds to assume that a person is preparing or committing a serious or especially serious crime. At the same time, such measures are not permitted if they may lead to a serious violation of the rights of others or cause serious consequences [11].

In the context of the legal requirements to prohibit provocation to commit crimes, the distinction between special investigative experiments and provocation within the framework of covert investigative (detective) actions (CIDA) is of particular relevance. The main criterion to distinguish between lawful and unlawful provocation is to ensure that a person has full freedom of choice and is not subjected to psychological or physical pressure. This includes the right to perform only such actions that do not induce or persuade a person to commit a crime, thus ensuring the legality of the special investigative experiment.

In addition, the effectiveness of such investigative actions in criminal proceedings related to public procurement, especially in the construction industry, demonstrates the importance of controlling the activities of persons suspected of criminal activity in order to document the facts of illegal benefits. This includes detailed planning to determine the time, methods and resources required to effectively document bribes and other illegal financial transactions [12, p. 5257].

Such approaches require detailed planning and coordination between different operational units to ensure the legality, secrecy and safety of all participants in the operation. Tasks, goals, resources and expected results should be clearly defined and documented to avoid legal risks and ensure high efficiency of investigations.

Metacognitive strategies play an important role in planning and conducting investigative actions in the context of criminal offences, in particular in the field of public procurement. These strategies allow investigators to analyse their own cognitive processes, which, in turn, contributes to a more efficient and targeted collection, evaluation and interpretation of information necessary to resolve criminal cases.

As the analysis of investigative practice has shown, the initial stage of investigation of criminal offences related to public procurement within the framework of the other two typical tactical situations (which provide for the initiation of criminal proceedings upon notification of the state financial control body and on the basis of criminal offences in the field of public procurement detected during the investigation of another criminal offence) is characterised by a system of investigative (search) actions and measures to ensure criminal proceedings.

Particular attention is paid to the analysis of documentation, which may include: temporary access to documents in accordance with the legal procedure provided for in Chapter 15 of the CPC, inspection of documentation and facilities where the offence may have been committed, as well as documentary audit and interrogation of key witnesses and suspects. With a metacognitive awareness of their own thoughts and strategies, investigators can organise these processes more effectively, contributing to an increase in the amount and quality of information collected, which ultimately increases the chances of successful case resolution. The importance of metacognitive strategies in investigative practice cannot be underestimated, as they help investigators not only analyse available information but also make strategic decisions related to the investigation.

**Conclusions.** Thus, based on the analysis, it can be argued that metacognitive strategies play a key role in planning and conducting investigative actions in the investigation of criminal offences in the field of public procurement. These strategies allow investigators to effectively analyse, plan, monitor and adjust their cognitive processes in response to dynamic changes in the investigative situation, which is crucial for the successful detection of crimes, especially those disguised as legitimate business transactions.

The application of metacognition in the investigation process helps to systematise information, optimise investigative versions and increase the adaptability of investigators to changing circumstances, which ultimately ensures a more reasonable and accurate determination of the criminal law qualification of actions and more efficient resolution of criminal cases, which is especially relevant in the context of public procurement crimes, where numerous external and internal factors affecting investigative activities must be taken into account.

Further implementation and development of metacognitive approaches in the practice of investigative activities can significantly increase the effectiveness of law enforcement agencies in detecting, investigating and preventing criminal offences in the field of public procurement, contributing to the reduction of crime and ensuring legal certainty.

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