

THE SCIENTIFIC ANALYSIS OF THE CRIMES AGAINST JUSTICE IN THE LEGISLATION OF THE REPUBLIC OF MOLDOVA

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Abstract

In the conditions of declaration by the Republic of Moldova's dedication to the strategic course towards European integration, justice, as the ideal and social value, must follow this vector in close consonance with the universal values, focusing primarily on the idea of respecting the fundamental rights and freedoms of the person.

The protection of legality in the field of justice is indispensably conditioned by ensuring the achievement of the purposes of the criminal process. One of these purposes is that the person who committed an offense is punished according to his guilt. In order to achieve this goal, the legislator offers the possibility to the law enforcement authorities to apply certain coercive measures to these persons, measures that involve a limitation of their legal rights and interests.

The legality of judgments adopted by courts, the effectiveness of law enforcement functions and the enforcement of criminal repression in respect of offenders are the priority issues that justice reform in the Republic of Moldova must address. At the same time, the existence of an independent and impartial judiciary is an inherent attribution of a state without which a democratic society can not be built.

Keywords: *Criminal Code, justice, rule of law, fundamental rights of amulet, constitutional order*

JEL Classification: [K 14]

1. Introduction

Historical practice demonstrates that there is a system of regulators, in every nation and in any period, that results from the material conditions of his life and the psychic elements of the cohabitant, and which designates for each sphere of his own activity, linking one another through a series of bilateral and reciprocal relationships in such a way that claims and obligations correspond and can be converted.

From this point of view, justice is a moral value, an element of social consciousness, through which people, classes, social groups make an appreciative act on the relations established in a particular society, on the

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respective institutions in the light of a certain philosophical view about the social class, and about what the class considers, that society is good, right and moral for man, for society, in relation to equity, justice is proving to be a principle of coordination between subjective beings.

In fact, the Latin “jūstitia” means the right, emerged during the time in the two fundamental meanings that have to be confluent: as an expression of moral appreciation and activity of the courts. The moral sense of justice designates the idea of justice as an appreciation of human actions in relation to a social desideratum, saying that the action is fair or unfair or that it is meant to achieve social justice, whether it is against this right.

The notion of “law”, as the notion of “justice”, has caused numerous and significant discussions in which the latter is considered sometimes as a synonym or equivalent of the law, and sometimes an element distinct from it and superior. Under a certain aspect, justice consists in the compliance with the law, although, on the other hand, it is stated that the law must be in accordance with justice. The law which recognises, on the one hand, as a criterion of fair and unfair, can in turn be - and thus it appears more like an act of empirical order - subject to a judgment of the same kind. At the same time, in a sense, justice is confused with legality and therefore with the law, since formally, law is always *justi et injusti regula*. However, it is known that between justice and law there is the possibility of antithesis, because once some legal experience can conflict with the absolute requirement that gives expression to a norm of the law. This explains the possibility of adopting rules contrary to objective requirements, in contradiction with the essence of fairness of justice.

2. The purpose of the research

The purpose of the study is the multilateral and complex investigation of antisocial acts against justice provided in Chapter XIV of the Special Part of the Criminal Code of the Republic of Moldova. Similarly, the given study lies in the analysis of the mechanisms of law, in terms of the prevention and combating actions which have as their purpose the attempt on the entire order of law and endangering the activity of the competent bodies, which have as their objective the administration of justice at the highest level.

3. Materials used and applied methods

The object of the scientific analysis was constituted first of all by the Constitution of the Republic of Moldova of 29.07.1994, the latter being followed by the Criminal Code of the Republic of Moldova no. 985-XV of 18 April 2002. Also, in order to achieve the stated objective, in this scientific article I studied and analyzed the specialized legal literature.

The scientific knowledge conveyed through this publication has been acquired predominantly through classical scientific research methods. Therefore, in the process of elaborating the article, we have guided the general method of knowing the scientific dialectics, based on which different scientific methods have been applied: logical-juridical, comparative, systemic analysis, classification, grammar, etc.

4. Scientific support of the work

In the Republic of Moldova the crime of falsification of the evidence was investigated by Sergiu Brînză, Alexandru Borodac, Valeriu Cusnir, Gheorghe Ulianovschi, Vitalie Stati, etc.

Among the scientists from abroad who have contributed to the development of the concept theories of criminal liability for the crime of falsification of evidence lists: V. Dongoroz, A. Boroi, V. Dobrinoiu, A. Galahova, M. Kaufman, A. Amosov, H. Dadadev, M. Mirzabalaev, H. Fashtudinova, A. Fedorov, L. Lobanova, R. Cabulov, etc.

5. The basic content

A careful analysis of legal phenomenology helps us to understand that the criterion of fairness of justice translates into a determined category that is not satisfied with an intersubjective relationship based only on partial misconduct or misconception, subject to limitations, empirical and contingent deviations, but requires equal recognition of the rights and obligations of the subject in all possible interferences with other subjects. In this synthetic expression of equitable action, justice obliges any subject to be recognized and treated by any other as a fundamental principle of his own acts.

In modern society, the role of justice and the state assumed it. The fact that justice is the monopoly of the state involves two consequences:

a) no authority other than the legally established courts may perform justice by issuing judgments which enjoy the authority of the trial and enforceability. In this regard, paragraph (l) of art. 115 of the Constitution of the Republic of Moldova¹ stipulates that the judiciary is implemented through the Supreme Court of Justice, through the courts of appeal and by the judges; for certain categories of cases, specialized courts may operate, according to the law;

b) the other consequence of the principle that justice is the monopoly of the state is that the state is obliged to divide justice when requested to do so. The judge who has been entrusted with the handling of an application can not refuse the judgment. Of course, it is an ideal that the judge solve the case with which he

¹ The Constitution of the Republic of Moldova from 29.07.1994 // Monitorul Oficial al Republicii Moldova nr. 1 from 12.08.1994.

was vested on the basis of a text of law whose content is unequivocal and perfectly applicable to the factual situation that characterizes the case, but even if the law presents in conclusions or gaps, the judge is bound to resort to the interpretation of the law and, in the absence of express text, to the analogy of the law or to the analogy of the law and to solve the cause with which it was invested.

The concept of justice has several meanings, two of which were directly related to the study of judicial organisation (Comments of the Criminal Code of the Republic of Moldova, 2003, p. 654):

a) in a first sense, justice is a function – the function to judge, to decide on conflicts arising between different subjects of law through the application of the law. In this sense, it is said that the judge administered justice. In such a vision, justice is the prerogative of the sovereign which belongs to the state;

b) in a second sense, justice means all the activities through which the judicial function can be directly or indirectly contributed.

Describing the narrow meaning, Gheorghe Ulianoschi mentions that it promoters understand “justice” only “the activity of solving the cases by the courts”. According to this opinion, offenses that are conducive to the execution of court decisions must be included in the group of offenses against the order of administration, not in the case of crimes against justice (Ulianoschi, 1999, p. 23).

The last sentence presents a special interest, because the offenses provided in art. 317 - 322 Criminal Code of the Republic of Moldova², can be considered as crimes that impinge on the enforcement of judgments.

Critically examining the narrow sense of the definition of the notion of justice, we mention that, if sustained, a good portion of articles of Chapter XIV “Crimes against Justice” of the Special Part of the Criminal Code of the Republic of Moldova should change its location: art. 311 - “False Denunciation”; art. 315 - “Disclosing Data from a Criminal Investigation”; art. 316 - “Disclosing Information on Security Measures for the Judge and Participants in a Criminal Case”; art. 317 - “Escape from Detention”; art. 318 - “Facilitation of Escape”; art. 319 “Evasion from Serving a Sentence of Imprisonment”; art. 320 - “Deliberate Non-Execution of a Court Decision”; art. 321 - “Violent Noncompliance with the Demands of a Penitentiary’s Administration”; art. 322 - “Illegal Transmission of Prohibited Objects to Persons Detained in Penitentiaries”; art. 323 - “Supporting a Crime”, etc. In fact, none of these items is intended to protect the criminal activity of the administration of justice.

Also, in the event of a limited acceptance of how to define the notion of justice, several articles Chapter XIV of the Special Part of the Criminal Code

² The Criminal Code of the Republic of Moldova nr. 985-XV from 18.04.2002 // Republished in Monitorul Oficial of the Republic of Moldova in 2009.

of the Republic of Moldova³, in order to be considered as criminalizing facts directed only against the activity of performing justice: art. 303 - “Interference with the Dispense of Justice and with Criminal Investigations”; art. 308 - “Illegal Detention or Arrest”; art. 310 - “Falsification of Evidence”; art. 312 - “False Statements, Expert Conclusions, or Incorrect Translations”, etc.

In this way, it becomes clear that the activity of the prosecutor's office, criminal prosecution bodies or other organs or persons that contribute to justice is not an end in itself. Prejudicial, prejudicial and post-judicial activity of these organs is an activity that contributes - to some extent - to the achievement of justice. At the same time, such an activity does not mean the realization of justice (Brînză, 2005, p. 577).

The generic legal object of the crimes set forth in Chapter XIV of the Special Part of the Criminal Code is the social relations with regard to the activity of performing the justice and the activity of contributing to the performance of justice.

Each of the offences against justice has an *special legal object*: the social relations with regard to the non-admission of interference in the work of the court, as the sole promoter of the act of justice (in the case of the offence referred to in paragraph.(1) art. 303 of the Criminal Code of the Republic of Moldova)); social relations regarding the non-admission of the interference in the activity of criminal prosecution bodies (in the case of the offense specified in paragraph (2) article 303 of the Criminal Code of the Republic of Moldova); social relations regarding the contribution to the proper conduct of criminal justice by avoiding the repression against innocent persons (in the case of the offense provided by article 306 of the Criminal Code of the Republic of Moldova); social relations regarding the implementation of justice, in terms of law compliance with procedural acts issued by judges (in the case of the offense specified in article 307 of the Criminal Code of the Republic of Moldova); social relations regarding the non-admission of the organization or instigation of torture actions (in the case of the offense provided by paragraph (2) article 309’ of the Criminal Code of the Republic of Moldova); social relations regarding the authenticity of the evidence in the civil process (in the case of the offense provided in paragraph (1) of article 310 of the Criminal Code of the Republic of Moldova); the social relations regarding the authenticity of the evidence in the criminal trial (in the case of the offense provided in paragraph (2) article 310 of the Criminal Code of the Republic of Moldova); social relations regarding the good faith that must be manifested during the presentation of the declaration, conclusion, translation or

³ The Criminal Code of the Republic of Moldova nr. 985-XV from 18.04.2002 // Republished in Monitorul Oficial of the Republic of Moldova in 2009.

interpretation in the criminal prosecution or trial of the case (in the case of the offense stipulated in article 312 of the Criminal Code of the Republic of Moldova); social relations regarding the fulfillment by the witness or injured party of the obligation to make declarations in the framework of the criminal investigation or the judicial investigation (in the case of the offense provided for in article 313 of the Criminal Code of the Republic of Moldova); social relations regarding the non-admission of the disclosure of criminal prosecution data contrary to the prohibition of the persons conducting the criminal investigation (in the case of the offense specified in paragraph (1), article 315 of the Criminal Code of the Republic of Moldova); social relations on preventing the disclosure of data security measures to the judge, bailiff, injured party, witness or other participants in criminal proceedings or to their close relatives (if the offense under art. 316 of the Criminal Code of Republic of Moldova); social relations regarding the prevention of the escape from the places of detention of the executing prisoner or of the person under preventive arrest (in the case of the offense specified in article 317 of the Criminal Code of the Republic of Moldova); social relations regarding the prevention of the facilitation of any escape (in the case of the offense specified in paragraph (1) of article 318 of the Criminal Code of the Republic of Moldova); social relations regarding the prevention of the facilitation of escape by a person with a responsible position (in the case of the offense provided by paragraph (2) article 318 of the Criminal Code of the Republic of Moldova); the social relations regarding the execution of the punishment in full compliance with the law by the convict who has been allowed to leave briefly from the places of detention (in the case of the offense provided for in article 319 of the Criminal Code of the Republic of Moldova); social relations regarding the prevention of non-execution or evasion of the execution of the court decision (in the case of the offense specified in paragraph (1), article 320 of the Criminal Code of the Republic of Moldova); social relations with regard to preventing the non-execution or evasion of the execution by a responsible person of the court's decision or preventing its execution (in the case of the offense provided for in paragraph (2) of article 320 of the Criminal Code of the Republic of Moldova); social relations regarding the lawful transmission of objects to persons held in prisons (in the case of the offense specified in article 322 of the Criminal Code of the Republic of Moldova); social relations regarding the prevention of the favoring of a crime (in the case of the offense provided in article 323 of the Criminal Code of the Republic of Moldova).

There are also cases when offenses against justice have a *special complex legal object*, not a simple special object. For example, in the case of the offense referred to in paragraph (2), art. 315 Criminal Code of the Republic of Moldova, the main legal object is the social relations regarding the

non-admission of the data of the prosecution by the person conducting the criminal investigation or by the person authorized to control the conduct of the criminal prosecution. In turn, the secondary legal object of this offense is to establish relationships with regard to the prevention of causing moral or material damage to the suspect, accused, witness, injured party or their representatives or evasion of the accused. Also, in the case of the offense specified in art. 321 Criminal Code of the Republic of Moldova, the main legal object is the social relations regarding the subjection of a person who executes the punishment in the penitentiary to the legitimate requirements of the penitentiary administration. In turn, the secondary legal object of the offense in question is to form the social relations regarding the bodily integrity or the health of the person (Brînză, 2015, p. 720-721).

As regards the *material object* of the crime, its presence may be attested in the case of crimes against justice. For example, the person's body is the material object in the case of the offenses referred to in letter a) paragraph (2) art. 309 Criminal Code of the Republic of Moldova; (c) paragraph (2) art. 317 Criminal Code of the Republic of Moldova and Art. 321 Criminal Code of the Republic of Moldova.

The person's body may be the material object of the offenses specified in art. 303, paragraph (1) art. 308, letter b) paragraph (2) art. 309, paragraph (1) art. 309' and art. 314 The Criminal Code of the Republic of Moldova, when the corresponding offenses presuppose the direct criminal influence on the person's body.

In the case of the offense provided in art. 322 Criminal Code of the Republic of Moldova, the material object is alcoholic beverages, drugs, drugs or other narcotic drugs, other objects whose transmission to detainees is forbidden (Brînză, 2005, p. 577).

Some crimes against justice have an *immaterial object* - judgment, sentence, decision or conclusion contrary to the law (in the case of the offense specified in Article 307 of the Criminal Code of the Republic of Moldova); the false denunciation (in the case of the offense specified in Article 311 of the Criminal Code of the Republic of Moldova); false statement, false conclusion or incorrect translation or interpretation (in the case of the offense provided in Article 312 of the Criminal Code of the Republic of Moldova); the data of the prosecution (in the case of the offenses specified in Article 315 of the Criminal Code of the Republic of Moldova); the data on the security measures applied to the judge, the bailiff, the injured party, the witness or other participants in the criminal trial, or to their close relatives (in the case of the offense provided for in Article 316 of the Criminal Code of the Republic of Moldova).

In the case of the offense specified in art. 323 The Criminal Code of the Republic of Moldova, the material or immaterial object is, as the case may be,

the means or instruments of committing the offense, the traces of the offense or the objects acquired by criminal activity.

In the case of the offenses provided in art. 310 Penal Code of the Republic of Moldova, as well as in case of artificial creation of the accusatory evidence lit.c) paragraph (2) art. 311 and lit.c) paragraph (2) art. 312 Criminal Code of the Republic of Moldova), in addition to the material object, *the product* of the offense, or rather the object produced as a result of the offense.

The victim of the crime has the special qualities in the case of criminal acts referred to in: in paragraph (1) of art. 303 Criminal Code of the Republic of Moldova - the judge; paragraph (2), art. 303 Criminal Code of the Republic of Moldova - the criminal prosecution officer or the prosecutor; art. 306 Criminal Code of the Republic of Moldova - innocent person; art. 307 Criminal Code of the Republic of Moldova - the person in respect of which a decision, sentence, decision or termination is pronounced contrary to the law; paragraph (1) art. 308 Criminal Code of the Republic of Moldova - person detained illegally; paragraph (2), art. 308 Criminal Code of the Republic of Moldova - the person arrested illegally; art. 309 Criminal Code of the Republic of Moldova - the suspect or accused, the victim or injured party, the witness, the civil party, the civilly responsible party, the expert, the translator or the interpreter; art. 311 Criminal Code of the Republic of Moldova - the person accused of committing a crime; art. 314 Criminal Code of the Republic of Moldova - the witness, the injured party, the expert, the interpreter or the translator; paragraph (2), art. 315 Penal Code of the Republic of Moldova, in the case of causing moral damages or material to the suspect, the accused, the witness, the injured party or their representatives - the suspect, the accused, the witness, the injured party or their representatives; art. 316 Criminal Code of the Republic of Moldova - the judge, the bailiff, the injured party, the witness or other participants in the criminal trial, or their close relatives; art. 321 Criminal Code of the Republic of Moldova - the representative of the administration of the penitentiary, to whom the perpetrator must be subjected.

From the point of view of *the objective side*, crimes against justice are, in the most frequent cases, formal offenses. At the same time, in the hypothesis of these crimes, when they assume the presence of aggravated ways, they will take the form of material crimes (for example, in the case of the aggravated ways recorded under letter c) paragraph (2) art. 306, letter c) paragraph (2) art. 307, paragraph (4) art. 308 and paragraph (2) of art. 316 Criminal Code of the Republic of Moldova). Among the material offenses provided in Chapter XIV of the Special Part of the Criminal Code are the offenses specified in paragraph (2) art. 315 Criminal Code of the Republic of Moldova.

Some crimes against justice committed on the path of the action, for example: the offences referred to in art. 303, 306, 307, 309, para.(2) art. 309',

art. 310-312, 314-318, 322 and 323 of the Criminal Code of the Republic of Moldova. Other crimes of the same group can be committed only on the path of inaction, for example: the offences specified in art. 313, 319, para.(1) art. 320 and art. 321 of the Criminal Code of the Republic of Moldova. By action or inaction committed the offences specified in art. 308, para.(1) art. 309' at para.(2) art. 320 of the Criminal Code of the Republic of Moldova.

In terms of the secondary signs of the objective side, for some of the crimes against justice the existence of the following signs is mandatory:

1. the mode of committing the offense: the systematic way (in the case of the offense specified in Article 322 of the Criminal Code of the Republic of Moldova, when the offense is not committed in large proportions);

2. the means of committing the offense: special instruments of torture or other objects adapted for this purpose (in the case of the offense referred to in let.) Paragraph (3) art. 309 Criminal Code of the Republic of Moldova); weapon or other objects used as weapons (in the case of the offense specified in letter d) paragraph (2) art. 317 Criminal Code of the Republic of Moldova);

3. the environment of the offense: in the criminal prosecution or trial of the case (in the case of the offense stipulated in Article 312 of the Criminal Code of the Republic of Moldova); in the framework of criminal prosecution or judicial investigation (in the case of the offense provided for in Article 313 of the Criminal Code of the Republic of Moldova); the environment for the conclusion of the agreement on the recognition of guilt c) paragraph (2) art. 309 Criminal Code of the Republic of Moldova) etc. (Brînză, 2005, p. 577).

From the point of view of *the subjective aspect* of the offense, it should be noted that almost all the offenses provided in Chapter XIV of the Special Part of the Criminal Code are characterized by direct intent. This does not exclude the perpetrator's manifestation of harmful consequences (for example, in the case of the facts provided by letter c) paragraph (2) art. 306, letter c) paragraph (2) art. 307, paragraph (4) art. 308, paragraph (2) art. 316 Criminal Code of the Republic of Moldova. Only in the case of the offense specified in paragraph (2) art. 315 The Criminal Code of the Republic of Moldova can be direct or indirect. In the case of the offense provided in paragraph (1) art. 309' The Criminal Code of the Republic of Moldova, the intention to commit the offense is a direct intent in those cases when the purpose pursued by the perpetrator is a special purpose. But if the perpetrator does not pursue a particular purpose, the intention is a direct or indirect intent.

It is also important to mention that the data provided by the Information Technology Service to the Ministry of Internal Affairs of the Republic of Moldova, for example, in 2018, have been committed 364 contraventions against the law. This means that more illicit acts are imposed on people who have social relations that deprive them of the authenticity of the evidence in a

judicial process in the northern part of the country - 41%. In the case of the centralised system, 36% of the total number of offences registered was justified for the year 2018. In the South of the Republic, the difference between 23% of the criminal offences of this genus was registered. In comparison with the previous years, in 2018, there was a greater risk of offences of social legislation that deprived the authenticity of the documents in a judicial process (Information Technology Service).

The purpose of the offense is mandatory if it is expressed in: the purpose of preventing the multilateral, full and objective examination of the concrete case or obtaining an unlawful judicial decision (paragraph (1) Article 303 of the Criminal Code of the Republic of Moldova); the purpose of preventing the rapid, complete and objective investigation of the criminal case (paragraph (2) Article 303 of the Criminal Code of the Republic of Moldova); the purpose of accusing the victim of committing a serious, particularly serious or exceptionally serious crime (Article 306 of the Criminal Code of the Republic of Moldova); the purpose of any of the following forms:

1) the purpose of making the victim make statements when questioning (in the case of a person's constraint, by threats or other illegal acts, to make statements at interrogation);

2) the purpose of making the victim make a false conclusion (in the case of a coercive, threatening or other illegal act, to make a false conclusion);

3) the purpose of causing the victim to make improper interpretations or translations in the case of a constraint on the translator or interpreter, through threats or other illegal acts, to make an incorrect translation or interpretation - art. 309 Criminal Code of the Republic of Moldova; the purpose of accusing someone of committing an offense - art. 311 Criminal Code of the Republic of Moldova; the purpose of which may be any of the following three forms:

I. the purpose of making the victim present false declarations or evading the obligation to make statements - in the case of the coercion of the witness or the injured party to make false statements or to evade the obligation to make statements;

II. the purpose of making the victim make false conclusions or statements or avoiding the obligation to draw conclusions or statements - in the case of the expert's constraint to make false conclusions or statements or to escape the obligation to make conclusions or statements;

III. the purpose of the victim being to make interpretations or to make incorrect translations or to evade the obligation to interpret or translate - in the case of the interpreter or translators being forced to interpret or translate incorrectly or to avoid the obligation to make interpretations or to make translations, art. 314 Criminal Code of the Republic of Moldova).

For the qualification of crimes stipulated in the Chapter XIV of the Criminal Code it is necessary to establish why particular, resulted in the interest of the material point. b) para.(2) art. 311 and lit. b) para. (2) art. 312 of the Criminal Code of the Republic of Moldova), (Brînză, 2005, p. 577).

The subject of crimes against justice is the responsible person who, at the time of committing the offense, usually reached the age of 16 years. As an exception, only in the case of the offense specified in paragraph (2) art. 317 of the Criminal Code of the Republic of Moldova the minimum age of criminal liability is 14 years.

The subject must have a certain special quality in the hypothesis of the offences referred to in: paragraph (3) art. 303 and para. (2) art. 322 Criminal Code of the Republic of Moldova, the person with responsibility or the person managing a commercial, public or other non-governmental organization; art. 306 Criminal Code of the Republic of Moldova - prosecutor, art. 307 and paragraph (2) art. 308 Criminal Code of the Republic of Moldova - Judge; paragraph (1) art. 308 and art. 309 Criminal Code of the Republic of Moldova - the person conducting the criminal investigation; paragraph (2), art. 310 Criminal Code of the Republic of Moldova - the person conducting the prosecution, the prosecutor or the defender admitted in the criminal trial; art. 312 Criminal Code of the Republic of Moldova - the witness, the injured party, the specialist, the expert, the translator or the interpreter; art. 313 Criminal Code of the Republic of Moldova - witness or injured party; paragraph (2), art. 315 Criminal Code of the Republic of Moldova - the person conducting the criminal investigation or the person authorized to control the conduct of the criminal prosecution; art. 316 Criminal Code of the Republic of Moldova - the person to whom, by virtue of his job duties, he was entrusted with the data on the security measures applied to the judge, the bailiff, the injured party, the witness or other participants in the criminal trial; art. 317 Criminal Code of the Republic of Moldova - the person executing the imprisonment or the person under preventive arrest; paragraph (2), art. 318 and paragraph (2), art. 320 Criminal Code of the Republic of Moldova - person with responsibility; art. 319 Criminal Code of the Republic of Moldova - the convict was allowed to leave briefly from the places of detention; art. 321 Criminal Code of the Republic of Moldova - the person who executes the punishment in the penitentiary.

Conclusions

Following the noted, we consider that the fundamental social value, defended against the crimes stipulated in Chapter XIV of the Special Part of the Criminal Code of the Republic of Moldova, includes the following segments:

- 1) the activity of examining and settling cases by the courts;

- 2) activities carried out in parallel by persons other than judges, which contribute to the proper settlement of cases (pre-trial activity);
- 3) the activity preceding the trial (the preliminary activity);
- 4) post-trial activity, assuming enforcement of the judicial decision (post-judicial activity).

In conclusion to the above, the following definition of the concept of crimes against justice can be formulated: “offenses against justice” are considered harmful intentional acts, which exclusively or mainly affect social relations which are conditioned by the protection of the primary function of jurisdiction exercised by the judiciary, as well as by the complementary functions of criminal prosecution and enforcement of judgments and judicial measures, which as a whole compete with the exercise of justice.

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