

ACTIVITY OF POLICE

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AS FOR THE LEGAL REGULATION OF OPERATIONAL ACTIVITIES OF POLICE

It has been shown that adoption of the new Criminal Code of Ukraine on 13th of April 2012, despite introducing some positive innovations (control devices for human rights protection, time reduction for the pretrial and trial processes, expanding the list of activities for facilitating criminal procedure, establishing a jury trial, etc), overall, had a negative impact on effectiveness of detective work, which is a socially useful form of the state law enforcement activity.

Replacing detective activities with secret investigative actions has taken away the traditional role of detective work as accompanying criminal procedure. Due to imprecise formulation of the law, legitimacy of performing detective activities prior to criminal procedure appears doubtful, and thus detective work loses its forestalling. In detective practice, some principles (such as adequacy of detective reaction to the level of social threat posed by a particular crime, thoroughness and objectiveness of investigation of the circumstances of the crime, or interaction with government bodies, local authorities and the public) are not strictly adhered to. Thus the loss of procedural perspective of the results of detective activities, that are performed outside of criminal procedure, leads to lower resistance of detectives to negative influence of the criminal environment.

Moreover, the majority of tasks defined for detective work in the current legislation (detecting and preventing crimes, tracing missing persons, etc) lie outside the tasks of criminal procedure and are independent of it. Among known to science forms of detective work, only half can be realized during criminal procedure.

The number of secret investigative actions introduced by the new Criminal Code of Ukraine is far above the number of corresponding rights of the detective bodies with regard to performing detective activities allowed by Ukrainian law; and there is no objective reason for that, taking into account the necessity of fighting organized and violent crime, corruption and terrorism. According to the current legislation, the detective bodies can only perform detective activities within criminal procedure and on an investigator's instructions; and such activities are mainly not related to the necessity of restricting individual rights. Such limitation of the rights of the detective bodies appears unjustified.

Thus, additional authority given to investigators combined with noticeable limitation of the rights of the detective bodies, which the new Criminal Code of Ukraine has brought about, overall, does not favour effectiveness of detection and prevention of crime in our state.

Keywords: Criminal Procedural Code of Ukraine; operatively-search activity; tacit (search) investigative measures; objectives of operational activities; legal regulation.

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CONDUCTING A SPECIAL INVESTIGATIVE EXPERIMENT UPON RECORDING OF THE FACTS OF CRIMES IN THE COURSE OF OFFICIAL ACTIVITY

The article considers the features of special investigative experiment upon recording of criminal acts in the course of official activity. One of the most effective ways of recording the criminal acts is a special investigative experiment. It is a way to obtain information by reproduction of covertly controlled conditions and