

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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Nikolayuk Sergiy – PhD, Professor,
Professor of Department of Operational
Activities of the National Academy of
Internal Affairs;

Radchenko Raisa – Senior Prosecutor
of the Prosecutor's Office in Myronivskyi
District, 3rd Grade Lawyer

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

facilities to establish the unlawful intentions of the persons reasonably suspected of preparing or committing grave and especially grave crimes (including the crimes in the course of official activity). Conducting the special investigative experiment is regulated by Article 271 of the Code of Criminal Procedure of Ukraine (offense monitoring).

A special investigative experiment is categorized as a covert investigative (detective) action, i.e. crime control, because according to paragraph 4 of Article 246 of the Code of Criminal Procedure of Ukraine, the right of initiation is given to the prosecutor.

Its conduct is allowed only to detect, combat and disclose the grave and especially grave crimes. During the preparation and performance of crime monitoring measures, it is prohibited to provoke (incite) the person to commit the crime with the aim of its further exposure by helping a person to commit the crime which it would not have committed, no matter how the operative agent promoted the same, or to influence its behavior by violence, threats, blackmail for the same purpose.

A special investigative experiment can be carried out either with respect to particular persons reasonably suspected of criminal activities (obtaining of undue advantage, arms trafficking, drug dealing etc.) and to identify the intentions of unknown persons who commit serial crimes through various «traps» and «lures». If a suspected person commits acts containing the elements of crime during a special investigative experiment, it shall be brought to criminal liability pursuant to applicable laws. Typically, the experiment involves the persons, technical means or vehicles and the relevant environment is reproduced.

Keywords: crimes in the course of official activity; procedure of operational units operation; special investigative experiment; fact recording.