

UDK 343.132

Oleg Tatarov – LLD, Associate
Professor, Professor of Criminal Legal
Disciplines Branch of Kharkiv
National University of Internal Affairs

INSTITUTE OF COVERT INVESTIGATIVE (DETECTIVE) ACTIONS: CHALLENGES OF COMBATING CRIME

Fixing the institute of covert investigative (detective) actions in Criminal Procedure Code of Ukraine provided effective mechanism for combating crime by pre-trial investigation.

In most European countries legislation provides similar domestic unofficial investigative (detective) action steps that operate for a long time. Therefore jurisprudence to verify the legality of their conduct by the European Court of Human Rights indicates that the possibility of state is secret interference to the rights of citizens is admissible, subject to certain requirements. These requirements are aimed to determine the precise limits of state intervention in the private life of citizens in order to prevent, on the one hand, abuse, and on the other, to provide effective remedies to the citizens whose rights are restricted. Incidentally legislation does not provide mechanisms to regress citizens.

In addition, it is necessary to review provisions for of usine results of operational search actions, because if the CPC of Ukraine defines the procedure for declassifying, use and disposal, the Law “On operative-search activity” is not regulate the grounds of such information’s use in other criminal proceedings and so on.

At the same time, law enforcement agencies are limited because of the inability to carry out covert activities on the offenses which are not serious because tacit investigative (detective) actions under the CPC of Ukraine held on grave and especially grave crimes. Not quite “efficient” use of covert activities to a certain extent also due to some imperfection of some norms.

Experience of the CPC of Ukraine to investigate crimes of corruption, cybercrime necessitates revision of established approaches to conducting investigative (detective) actions exclusively on grave and especially and crimes.

In view of this, the article is problematic issue of covert investigative (detective) actions makes appropriate changes.

Keywords: covert investigative (detective) actions; pre-trial investigation; provocation; cybercrime; human rights.

UDK 343.974:343.72

Andriy Mykytchyk – PhD, Associate Professor of Criminology and Penal Law Branch of National Academy of Internal Affairs

ORGANIZED FORMS OF FRAUD IN THE SYSTEM OF MODERN CRIME IN UKRAINE

The basic forms of fraud committed by organized groups are analyzed in the article. Today, most fraud committed by groups stable in sence of internal and external relations. This is logical given that the success of fraud largely depends on the length of criminal activity, cohesion and professionalism of the group.

According to judicial practice, the formation of organized groups which commit fraud occurs in two ways:

a) some organized criminal groups are not immediately but after committing one or more crimes for which their members have not been put to a courtr. But over time, they have a repeated intent to commit crimes;

b) the intention of the group was to multiple crimes. Such a group is created with the purpose of committing fraud constantly. Its members at the very beginning of the activity plan understood, they would commit such crimes.

The number of groups depends on the methods and scope of crimes: the more time-consuming, technically challenging and lucrative scam is, the higher the possibility of transformation of organized criminal groups in the organization is.

Specialization of fraudulent groups involves their concentration in any special way, means or the field of criminal acts and requires mastering special theoretical knowledge, practical skills and abilities.

Unlike other types of crime, organized fraud groups are actively expanded and improved. A distinctive feature of the fraud is that the foundation is based on multiple factors.

The analysis revealed a strong tendency of economization of organized fraud. It applies a gradual failure transfer of criminal groups from the traditional methods of theft to more “intelligent” and difficult organized fraud schemes in the business and other economic activities; increasing the