

THEORETICAL PROBLEMS OF JURISPRUDENCE

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THEORY OF THE OPERATIVE INVESTIGATIVE ACTIVITY: THE NEED TO UPDATE THE SYSTEM OF FUNDAMENTAL CATEGORIES OF SCIENCE CONSIDERING THE PRACTICAL NEEDS

Adoption of Criminal Procedure Code (CPC) of Ukraine in 2012 began the trend of mutual penetration of operative investigative activity and criminal procedure. This is consistent with the international practice of the functioning of the criminal justice bodies and the requirements of logic.

These trends led to the need of implementation of new scientific categories and view the contents of the established that they correspond the current legal realities.

The basic categories needed by practice to form the basis of the scientific investigations based on the trends of strengthening the operative investigative activity and criminal procedure are determined. In the sense of modern legal realities the meaning of terms “operative units”; “operative units activity”; “organization of the operative units activity”; “tactics of the operative units activity”; “providing criminal procedure evidence by the operative units”; “operative documentation” are considered.

The concept of operative units has been proposed to give in the part 1 Art. 41 of CPC of Ukraine, stating: “The operative units are the subjects that authorized to perform the operative investigative activities in accordance with the Art. 5 of the Law of Ukraine “On operative search activity””.

The author proposes to determine the operative units activities as a complex actions of the operative investigative activity subjects based on the laws and subordinate normative legal acts that identified: the operative investigative measures and investigative (detective) actions, covert

investigative (detective) actions that are carried out in order to prevent, detect and investigate crimes (with the creation (receiving) of documents, the content of which is actual data concerning such violations); providing information to investigators and prosecutors that is necessary for the decision-making concerning the effective organization of collecting evidences and tactics of the pre-trial investigation; security of court and law enforcement bodies staff involved in the criminal proceedings, their families and close relatives.

Keywords: operative units; operative units' activity; provide proof of the criminal procedure; operative documentation.

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PERSONAL DATA PROTECTION: THE PROBLEMS WITHIN THE NATIONAL, SUPRANATIONAL AND INTERNATIONAL LEGAL REGULATION

Adopting the Law “On personal data protection” in 2010 caused the emergence of problems of theoretical and practical character. In particular, it is important to analyse the legal bases of the process of personal data protection, generalization of the norms of international and supranational law, foreign experience in this area. This allows to ascertain the conformity of national legislation to existing international standards, to identify ways of increasing efficiency, eliminating contradictions and gaps.

This article analyses Directive of the European Union, Charter of fundamental rights of the European Union, the General regulations for the protection of personal data and other acts. The right of personal data protection is seen not as an absolute, and as such, holds an important place in conjunction with other fundamental rights, and provided in the legal relations between the EU and its members.

A number of international organizations have actively participated in personal data protection. First of all, the Council of Europe, is not limited to, the Convention on the protection of human rights and fundamental freedoms, adopted by other international legal acts aimed at the protection of the right to access to information, the right to privacy and personal data protection, protection against cybercrime. This is Ministerial Declaration on