

*Balytskyy T.M.,
degree-seeking applicant,
Department of Criminal Law, Procedure and Criminalistics
National University of State Tax Service of Ukraine*

EMERGENCE AND DEVELOPMENT OF IDEA OF INVESTIGATIVE EXPERIMENT

Relevance of article is caused by that one of the most important bases of criminal proceedings is the presumption of innocence which assigns burden of proof of charge and a denial of the arguments given to protection of the suspect or accused to the charge party. Thus the investigator has to not only collect proofs, but also carry out their inspection and an assessment by production of investigative actions.

In many cases objective check and an assessment of the obtained evidence are possible only when carrying out investigative experiment which allows the investigator to check by practical consideration the data received during the investigation, correctness of the hypotheses and conclusions, and also to recreate an event picture in full taking into account an interconnection, various details and features.

The problem of investigative experiment represents great theoretical interest and has great practical value for many generations of lawyers. At the same time, investigative experiment was for the first time fixed in the Criminal Procedure Code of Ukraine of 2012 (Art. 240) as independent investigative (search) action.

In article the main stages of development of investigative experiment as independent procedural action are considered, the points of view of scientists on considered procedural institute are analyzed.

In the manuscript of article it is noted that investigative experiment already long time is used in practice of work of investigators and has procedural fixing as independent investigative action. At the same time, the theory of investigative experiment is in continuous development and is subject to further studying and improvement.