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GENERAL PROVISIONS ON INTERFERENCE IN PRIVATE COMMUNICATION IN ACCORDANCE WITH CPC OF UKRAINE

On the basis of legislative framework and modern sources analysis the article analyzes the content of the category of “interference in private communication” in the context of application of norms according to the article 258 of Criminal Procedure Code (CPC) of Ukraine. Direct introduction of such terms as “privacy”, “private communication” in the legal circulation of Ukraine’s legislation is associated with coming into effect of the valid CPC of Ukraine which fixed the corresponding definition. The Criminal Procedure Law clearly determines the list of covert investigative (detective) actions which are interference in private communication. In accordance with the provisions of the article 258 of CPC of Ukraine, this category comprises actions aimed at audio, video monitoring of an individual, collecting information from telecommunication networks, electronic information systems, arrest, examination and seizure of correspon-

dence. Listed above actions of pre-trial investigation subjects (agencies) are carried out only in accordance with the decision of an investigating judge, in the order, set by legislation. Providing an individual with the right for privacy according to CPC of Ukraine is achieved also by the normative fixing of the special order of inspecting publicly inaccessible places, home or any other possession of a person (article 267 of CPC of Ukraine). On the basis of the research of Ukraine’s and foreign states’ legislation it has been defined that the Ukrainian legislators set rather high guarantees of protecting the individual’s rights from groundless interference in private communication. It is also defined that the Ukrainian legislation in comparison with that of the USA sets much stricter legal order regulating organization and realization of the public phone talks control, audio monitoring of an individual, audio monitoring of a place. A conclusion

is made that at the level of separate law-interpreting acts it is necessary to explain the meaning of such concepts as “privacy,” “collecting information from transport telecommunications networks.”

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COMPARATIVE CRIMINAL LAW RESEARCHES: BACKGROUNDS AND GOALS

The article is dedicated to the research of actual issues of comparative criminal law studies in Ukraine. In particular, positions of well-known scientists on the issues of theoretical and practical significance of comparative law are highlighted, views of foreign researchers are revealed. Author's understanding of comparative law and its objectives is defined.

Among the main ways of modern comparative research the following are named: 1) study of general theoretical and methodological issues of comparative law as a separate legal science and academic course; 2) research of legal system in general, as well as their distinctive elements; 3) comparative and legal studies conducted toward separate legal sciences.

On the basis of understanding the meaning and main features of compar-

ison as a method of scientific research the author reveals the peculiarities of comparative criminal law studies. Brief overview of fundamental works of national criminalists in which author actively uses method of comparison is proposed. Possibilities of convergence of legal systems of modernity, including use of comparative legal studies, are designated. Other useful features of comparative analysis employment in the field of criminal law are demonstrated: for the legislator, the judiciary, legal science and education. Based on the study of actual issues of comparative criminal law studies author's position on the desirability of further expanding scientific horizons with their results, the practical importance of understanding current processes and tendencies of fighting crime in other states are elaborated.