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CURRENT ISSUES OF THE CONTINUATION AND TERMINATION OF SURVEILLANCE AND NOTIFICATION OF PERSONS IN RELATION TO WHOM SURVEILLANCE OF A PERSON, THING OR PLACE WAS CARRIED DURING THE CRIMINAL PROCEEDING

Activity of the organs of internal affairs during the implementation of the tasks of crimes detection is based on constitutional principles of compliance with law, protection of the rights and freedoms of a person, the right to respect freedom and inviolability of a person and a habitation. The modern stage of development of the law-enforcement practice in Ukraine is characterized by appearance of the legal system of the unacknowledged investigative (detective) actions. The effectiveness of the conducted unacknowledged investigative (detective) actions on the stage of pre-trial investigation of grave and especially grave crimes, crimes of past years in relation to the receiving of possible evidences and use of them in a court revealed the row of problems which follow violation of norms of the criminal code of practice of Ukraine and orders of MIA, not giving the possibility to use the materials of the unacknowledged investigative (detective) actions as a possible evidence. Among problems which can negatively influence the use of the received results of the unacknowledged investigative (detective) actions, there is improper legal enshrinement of the position about the continuation and termination of surveillance and notification of the person, in relation to whom surveillance of a person, thing or place was carried during pre-trial investigation. The development of the scientific recommendations, the use of which would be instrumental while solving the row of the theoretical and practical issues aimed at the filling of omissions and contradictions in the theories of the criminal processing, as well as the improvements of the legal groundwork considering the results of investigative (detective) actions during the criminal legal proceeding, is given in the article. The problematic issues arising while drafting judicial documents are considered. In the article, general requirements of judicial legislation are namely violated in relation to drawing up a report of judicial action conducted, untimely report of persons whose rights were offended, unsingle cases of errors in the data of the participants in relation to the carrying of investigative (detective) actions. In connection with these problems the recommended annexes

to complete statutory instruments of Ukraine will considerably improve the activity of organs of pre-trial investigation, prevent violations of the norms of Criminal Code of Ukraine and provide functioning of the real mechanism of the guaranteeing human rights

by the state, and also increase responsibility of the subjects, authorized to make decision in relation to a necessity of the conduction of the investigative (detective) actions, provide their legality and application during investigation of criminal actions.

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TRUST TO CRIMINAL STATISTICS: NECESSITY OR FICTION?

The article is devoted to quite painful problem of statistics in criminological research. The article notes that the distrust to official statistics is not absurd, because the ability of the society to record all crimes is limited by objective and subjective factors. However, the use of cumulative measures, which have now become ubiquitous in the world, factually leads to the dominant sociological ways of measuring the criminality. The results of verification while using these methods demonstrates that criminal victimization data are extremely overpriced and can not be true in the present state of civilization.

The article notes that in most cases we can use the statistics as a kind of extraction from the real picture of crime, which is still unattainable, except, of course, those systems where excessive recording of reported crimes as

of really existing offences is a norm. The principle of extraction when significant errors of registering serve as rotten apple in a barrel remains indispensable to make correlation and apply statistical and mathematical techniques for errors smoothing.

My experience of researches shows that in many cases the indicators of all recorded crimes in investigated countries are quite suitable for the establishment of correlations. Unfortunately, this is not always possible to apply to the particular kinds of crime. Considerable controversies and inconsistencies can be noted there.

The article notes that in many states takes place the process of criminalization of the behavior which has broken the threshold of saturation. In Ukraine, for example, it is particularly tax evasion and in Florida (USA) it is sexual relations outside of mar-