**Litwin V.**

Candidate of juridicial sciences,

Head of Internal Affairs of Ukraine in Kherson region

**HISTORY OF ESTABLISHMENT OF THE INSTITUTE OF CRIMINAL INVESTIGATION**

**Summary.** In this work are the main ways of formation and development of criminal investigation in the context of detection and investigation of crimes not cleared crimes.

**Keywords:** pet detective, investigation, not cleared crimes.

**Formulation of problem.** The effectiveness of law enforcement determined primarily by the degree of disclosure and effective, comprehensive, full and objective investigation of crimes. But the great regret today are crimes that are not disclosed and investigate them stopped. Proteus, it does not mean that by law great-enforcement bodies including operational units of the Interior [1, 25], did not carry out investigative actions. also under Art. 41 of the new Code of Ukraine carry out covert investigative (detective) activity, but the written instructions of the investigator or prosecutor. So the question arises, and on its own initiative operational staff will not engage in investigative work, and do not become a hindrance in the implementation of prevention and crime prevention. Unfortunately, to date has debated about the definition and the concept of search. We join thought Kolmakova VP and we believe that searching is a system of investigation and search operations aimed at finding out the location of objects tracing and making them legal measures in the interests of justice [2, 284].Purpose. Dedicated to solving issues dealing crime investigation of past years, as necessary to carry out certain historical excursion into the system of the formation and development of criminal investigation, which would solve some problems in theory of criminology and criminal process, and investigative practice. Presentation of the material. Problems of fighting crime, namely the detection and investigation of crimes in order to establish a person committed a crime, or establish the location of the person who deviates from investigation to prosecution, paid considerable attention since ancient times. Documentary evidence of this is preserved for centuries and those who have survived such ancient monuments as law: The laws of King Hammurabi of Babylon, whose appearance researchers dated XVIII century BC [3] Laws XII tables - the most ancient body of Roman law drawn up in accordance testimony Titus Libya in 451 - 450 years BC [4] "Laws of Manu", which is a collection starodavnoindiyskyh legal requirements, sometimes referred to as assembly which I century BC. [5] Wanted criminals has deep historical background. This is evidenced by the fact that the IX. some ways his conduct had been legal assignment with the advent Russkaya Pravda in 1019. In the first edition of "Russkaya Pravda" ("The court of Yaroslav"), one of the ancient laws Russian law, shall include the following forms of investigation as a "set" and "persecution trace." The rules of the ancient law of evidence sufficiently developed system of tracing through the "vault". This form of investigation took place only when it came to search the property. We did a more detailed look at a different form, namely "persecution trace", its a later version of "shlyahuvannya horses." This form of investigation described in Art. 77 Prostrannoyi truth. From the above provision shows that "persecution trace" - a search for the perpetrator to abandoned his footsteps. The law proceeded from the assumption, essentially formal, "there where you will be there and the offender." When should you lost on the road or in the empty desert, a criminal investigation stopped. If the traces lead to any community,

her responsibility to find the perpetrator and releasing it. Otherwise, the community must pay the so-called wild faith - fine. If the community does not allot away a track or do not indicate it continued, it was assumed that this fugitive criminal. Thus, the value of old formal rules - "where you will be, there is criminal" - was the fact that it is possible to actively involve searching large groups of people united community. In cases where the offender should be brought to the community, she would get up before the alternative: either pay wild faith and thus take on not only moral but also financial responsibility for a crime or collective efforts to search for the perpetrator or his traces rented from the community suspicion. At a time when the ancient Russian state has not had the specialized agencies of the criminal investigation, it is usually possible to carry out search and detect criminals without representatives of the government. In the opinion of Professor MA Cheltsov-Bebutov, "persecution trace" - is a way of collective self-help settlements from various criminal attacks [6, 32]. Special persons who were granted the authority to conduct a criminal investigation, appear in a later period - in XIII - XV centuries The powers they received from the prince and performed administrative and judicial authority. In cities search function has been assigned to the governors, and the townships - volosteley. When they were Chiune and closers. In XV - beginning of XVI century tracing and detection of criminals have to rely on representatives of the central government, the so-called "special engines." These were the first investigators in. They were sent from Moscow "... increase in cases in any area robberies and evaluation of results "and weave in most times when the offender acquired such proportions that it was necessary to prevent the use of military force [7, 87]. But the detectives had little benefit, and instead introduced Ivan the Terrible constant police authority from local elected people - the so-called labial chiefs. They were chosen for several years from among the nobility. After the election, lip headman gave sworn in Rogue order. Lieutenant labial chiefs are lip kissers who selected "soshnymy people." Together they formed a special investigative tribunal - Lipstick building, which was the place of investigation and trial. Before tracing the special detectives and labial headman were required to hold a special investigative action - big house searches. It was conducted to obtain data on persons engaged in the area thefts and robberies. Also detectives and labial chiefs, tracing could make himself the victim. In cases where the offender has disappeared from the scene he known he could get a special document - running charter, which gave the victim the right to request assistance in criminal detention in local government. [8] In 1669 for the investigation and trial in criminal cases were introduced special positions, occupying officials, appointed by the central government. Since then all power to the investigation and court proceedings transferred to the detectives. But they have not lasted long. The function of the criminal investigation and prosecution of criminal cases on the ground was transferred magistrates. In 1679 the Institute was also canceled labial chiefs, and their functions transferred to magistrates. In 1684 for a short time, this institution has been restored, but during the reign of Peter I lip headman completely, and detectives were temporarily abolished and their functions transferred to the magistrates and their companions. During the reign of Peter I wanted, investigative proceedings and judicial functions were merged and were placed alternately on different government agencies and law enforcement officials. So, in 1689 he founded the Order of search cases, which mainly dealt searching in connection with the case of Queen Sophia Alekseevny and other opponents of the king and ended its existence in 1694 [9, 60]. Transfiguration order was a specialized state body, which had the exclusive right to organize the investigative activities of investigation and litigation in the political crimes of state [10, 254, 11, 12, 6-7]. The basis of its investigative activities amounted information retrieval work activities to prevent and solve crimes, wanted fugitives from the investigation and trial. Transfiguration order led not only search but also the investigation, and even litigation. The main method of inquiry was torture. In identifying and pursuing primarily political criminals most widely used undercover investigative techniques were used secret informants. Nominal decree of Peter I of 25 September 1702 created a unique system revenues Transfiguration Order investigative information on persons and facts which constituted investigative interest in preventing, combating and exposing political crimes. At the disposal of the Transfiguration of the Order were soldiers and officers of the Transfiguration and Semenov regiment, used for conducting searches and arrests. Rising crime at that time led Peter I restore Institute detectives that nymbuv abolished in 1702. Thus, according to the Decree of the Senate on October 12, 1711 "On unrestricted search, detectives prosecution of thieves, robbers and their accomplices" were recovered Institute investigators [13]. But the event did not give the desired result and the Institute detectives ceased to exist. In 1743 "to eradicate ments and thieves" was re-issued a special decree of the detectives. They could use torture, but could not punish. Ordinance 1756 approved the instruction "chief detective ments, and fleeing robbers" which defined the basic rights and duties of the official. But in 1762, Peter III detective position was eliminated. Its functions were transferred to the provincial, provincial and vojevodky Stationery [14, 15, 115-116]. In 1719 he published a manual [16], which began to send military team led by an officer, to search for fugitive dragoon, soldiers, sailors and recruits eradication thieves and robbers, and those who sheltered them. Officers investigative team were allowed to conduct the search on persons of all ranks and in exposing the crimes committed in punishing the guilty person until death. In 1717, cases of political crimes reached such a number, which no longer cope Transfiguration Order and Order detective proceedings in connection with which the order of Peter I organized several offices for the investigation, which lasted until 1724. June 5, 1718 was established a new body of political investigation - Office of His Majesty's Secret Affairs of State, which were transferred to the function of the Transfiguration of the Order [14, 7]. Since 1719 Secret Office operated in parallel with the Transfiguration order. Then, when Peter II in 1729, it was closed, and when the Empress Anna Ioanovni restored titled Office undercover detective cases. Specific features differed wanted criminals in the form of "words and sovereign affairs", which was held for political crimes. [17] Investigation determined the order in these cases the second chapter Code of 1649 year. In 1762, Peter III special manifesto forever ruined Chancellery undercover detective proceedings and prohibited to use the expression "word and the sovereign affairs" [18]. In 1724, for conducting search cases was established special chamber - Office of search cases. She did not have their own state, but for the proceedings attracted officials wanted the Senate [19, 23]. Then later, during the reign of Catherine II legislation established a uniform system of investigation, trial and investigation in the provinces. In accordance with its function investigation in criminal cases in the district of relying on captain vypravnyka, and in the cities - the mayor and his subordinate police. Charter decorum, or policeman, 1782 forever separated the judiciary from the investigative detective and transferred last in the hands of the general police. If we consider the history of the formation of Investigation in Ukraine, it is very interesting to pay attention to the period of the Cossack era (XV-XVI centuries.). While Cossacks guided not written law and the ancient military traditions, verbal law and common sense, regardless of what already existed and some written rules of law concerning the legal regulation enforcement activity [20, 257]. There were also some rules of the Lithuanian Statute, Magdeburg law, certain provisions of the Ukraine-Russian treaties, the hetman generalists and government decisions Hetman.Pursuant investigative functions Zaporozhye police greatly influenced legislation and practices for Russia, especially intensified in the years 1734-1775 during the New Host [20, 261]. However, Ukraine's right to use its own system of law and its own system of justice confirmed in the royal decrees and manifestos, articles in March 1654, and later verifying powers of each newly elected Hetman Hetman including the liquidation and distribution of the entire territory into three provinces in 1781 [21, 27]. Moreover, it established a single codified act, published in the Deaf in 1743, under the title "Rights, which is suing Little People". From the contents of this document, as well as material litigation since the system consists perform police functions by senior and local management. In particular, the absence of the police apparatus, they were performed or directly by the courts or by persons specifically authorized for specific cases. In general, the distribution of administrative and judicial functions were defined fully-weighing Court to conduct a preliminary investigation and trial - they were if not by the same person, with their personal participation, including torture, as usual attribute of justice at that time [ 22, 117]. Higher military-administrative and judicial power belonged Kosh Ataman, who asserted sentences and to administrative positions. Military officers performing administrative and police functions, military Dovbysh - other orders enforcement measures, such as the search for criminals and their escort. Military Captain directly led law enforcement, and the investigation conducted, supervised executions, led the team that followed the public order, protection of roads and farms, pursued the robbers, thieves and robbers, organized Border guard. Wanted criminals relied on derivative officers, Colonel (Serdyuk), Captain, palankovoho colonel, and their by-michnykiv - Captain and scribe [15, 113]. Later wanted criminals has to perform all-general judge, who was an assistant Hetman in all legal matters. In the field, this work involved the police chiefs of cities, judges, chiefs. There Palanca compliance with current legislation followed palankovyy colonel, who was in charge of criminal investigation, has made in January about the most dangerous crimes, returned to the place of fugitive slaves. With material litigation XVII-XVIII centuries seen using many methods of investigation and trial, the origins of which are still on n truth, and the use of terminology ancient law. For example, solving crimes by "persecution trace" (which we mentioned earlier) and its later version "shlyahuvannya horses"; announcement wanted criminals calling for help, which in n Pravda called "cry", and in Ukraine - " about cry "from the word" cry ", that scream. "At cry" was done in various ways, including through repeated announcements at fairs and in other public places in the presence of Captain or himself. Quite often in the court file mentions of "cowards" to identify stolen items or search for a suspect in a crime and the results of such investigations [22, 118]. Thus, the occurrence of Investigation linked with the word "Cisco", which was an obsolete definition, meaning and hunt down wanted criminals. Since Sudebnik 1497 and 1550, and Code of 1649, the "searching" (Sisco) called procedural form under which the crime investigation led the authorities, not private individuals (victim or his representative).It is meant to determine the truth in the investigation of the circumstances of the crime and the evidence of guilt, which was carried out using a personal confession of the accused under torture, hearing testimony of confrontations and other methods of investigation. In addition, searching to understand actions authorized by law people search and apprehend known criminals [23, 15, 24, 44-47]. In these circumstances justified turns his attention Russian scientist AI Glushkov, noting that "wanted" (Sisco) contained a few values. Firstly, it meant the truth when investigating cases, and secondly, under investigation (Sisco) understand a person form of justice - the process of investigating and thirdly, Sisco (search) meant actions authorized by individuals to find and apprehend criminals [25, 15]. Fundamentals of investigation in criminal proceedings, the era of capitalism (the second half of the XIX century - 1917), starts again from November 20, 1864, when he entered into force "Charter of criminal justice" (hereinafter - SCS). As the famous lawyer then Sokolov, the search continued to be understood as "an activity aimed at detecting and exposing the offender and on finding and gathering evidence of his guilt in the act of committing a criminal act, whose presence posvidchuvalasya inquiry. It is clear from Art. 208 and 448 SCS, which describe the local search, which gathers evidence of guilt or innocence of the defendant, articles 510-542 SCS, indicating purely investigative activity investigator in collecting evidence which may serve as an exposure of the suspect in the proceedings of the investigation in the case and the content of articles 482 and 545 SCS "[26, 9-10]. Over time, the original concept of the term "search" significantly narrowed as a result of judicial reforms in 1864 in a criminal trial two new concept of "inquiry" and "investigation." The term "search" got its legislative strengthening in Art. 254 Charter of Criminal Procedure (60th years of XIX century), as one type of police investigation, based on undercover investigative techniques, which included verbal interrogation, secret surveillance, and other measures to establish allowable criminals. Police search activity than SCS and regulated by other laws and regulations, among which should be called "Regulations on the procedure of officers of the gendarmerie on the study of crime" on May 19, 1871 [26]. Statute "On the prevention and suppression of crime," approved in 1890 foresaw "search thieves, robbers and their flocks created ..." [27]. Use the results of investigative activities of the criminal process depended on the type of search activities, their form and legal status subjects that got them. For proof of these results general criminal police had information-oriented values ​​in the criminal process, and the political police, given the fact that the investigation of crimes of state equated to the trial being legalized, sometimes used as evidence. Thus, analysis of SCS standards and regulations of the time, governing investigative activity, evidence of their lack of legal definition of Investigation. Instead, they were more organizations-tion, political or other nature. This approach to determining the nature persisted until mid XX century. Between 1917 and almost to the end of 1918 in Soviet accounting criminals hiding from judgment and organizations such searches actually existed. Since 1919 there investigative unit of the police. Pretty broad powers vested investigator to identify and apprehend criminals, fugitives from the investigation and trial. In accordance with the Regulations on the popular investigative proceedings preliminary investigation, issued by the People's Commissariat of Justice (NKYU) in October 1920, when the accused was not found or was hiding and his whereabouts is unknown, the investigator's responsibility to take active measures for its Investigation by the police Criminal Investigation and local authorities. If the measures do not give relevant results, the investigator published information about wanted accused in the local and national press. Compared to the one examined instructions procedural question of tracing the accused, who was hiding in the CPC of the RSFSR in 1923, were regulated less detail. In particular, not mentioned, who should make a search and procedural document which is to be executed. Duty investigator personally sleuth after stopping the preliminary investigation is not formulyuvavsya. Since the issue of suspension in cases tracing the accused decided in court shall be entitled to and suspended matter remains in court, the investigator had no possibilities alone take the necessary measures to search [28, 47-90]. According to Art. 131 of the Criminal Procedure Code of the USSR in 1927 in the case of unknown location accused or where his flight was investigating the decision to search, copy of which is sent to search for wanted suspect. With failure investigation within three months from the date of announcement investigator conducting the investigation required slidchidiyi the case and sends it out to its conclusion the prosecutor to decide on the further course of the case [28, 93-142]. Like the CPC of the RSFSR in 1923, criminal-procedural legislation of the USSR in 1927 also did not oblige the investigator sleuth after stopping the preliminary investigation because the question of stopping the preliminary investigation was part of the exclusive competence of the Prosecutor (Article 227 CCP USSR in 1927). Thus investigator pursued any action aimed at tracing the person hiding from the investigation. As the basis of criminal proceedings in which we live actually starting from the end of 1928 until 1961, then did not mention the issue of stopping the preliminary investigation and the search for the accused. In criminology textbooks almost never considered the question of tactics investigation of crimes past and wanted persons who evade investigation.Conclusion. Analyzing the historical development of criminal procedure Investigation Institute can come to the conclusion that the criminal procedure law, a number of problems related to the definition of "wanted accused", "to investigate unsolved crimes of the past years", reason and order their conduct, specifying the role Investigation and other law enforcement agencies and the courts. These issues are particularly important and should be taken into account during the discussion and adoption of the Code of Ukraine.

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**Литвин В. В. История становления и развития института уголовного розыска**

**Аннотация.** В даной работе раскрываются основные пути формирования и развития института уголовного розыска в контексте раскрытия и расследования нерозкрытых преступлений.

**Ключевые слова:** розыск, расследование, не раскрытые преступления.

**Litwin V. History of Establishment of the Institute of Criminal Investigation**

**Summary.** In this work are the main ways of formation and development of criminal investigation in the context of detection and investigation of crimes nerozkrytyh.

**Keywords:** pet detective, investigation, not cleared crimes.