

наукового вирішення та конкретного юридичного врегулювання проблеми правового статусу негласних штатних та позаштатних працівників оперативних підрозділів та забезпечення їх безпеки у кримінальному судочинстві України не віднайдено.

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UDC 340.111.5:343.237(477)

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LEGAL STATUS INTRODUCED INTO THE CRIMINAL ENVIRONMENT BY OPERATIONAL UNITS OF UKRAINE, INVESTIGATORS AND ENSURING THEIR SAFETY IN THE CRIMINAL JUSTICE PROCESS

Paper is devoted to the problematic issues arisen in the practice of the authorized state bodies in applying personal security measures to the persons known or likely to be known circumstances to be proved in the criminal proceedings, in particular those

who were introduced into the criminal environment by operational units of Ukraine and investigators and their procedural status as witnesses, in modern conditions. The noted problematic issues of ensuring the safety of persons involved in the process of carrying out operational and investigative activities, carrying out secret investigative (search) actions (hereinafter – NCDs) and legality in this area in recent years have acquired special meaning and significance in connection with the updating of the criminal procedural legislation of Ukraine and exacerbation of the crime situation in the state.

Thus, the CPC of Ukraine in 2012 introduced the institution of involuntary investigative (search) actions (Chapter 21 of the Criminal Procedure Code of Ukraine). However, the practical application of this institution in law enforcement activities and the use of, in particular, confidential cooperation (Article 275 of the CPC of Ukraine) caused certain difficulties in the practice of investigators and operational units, which actualized the need for its scientific development. The modern theory of the search activities and the criminal process does not have a unified approach to understanding the essence and content of confidential cooperation with those involved in the implementation of its tasks, and the issue of ensuring the personal security of persons introduced into the criminal environment in the present conditions has not become urgent. The updating of the criminal procedural legislation of Ukraine in 2012 did not solve the problems of ensuring the safety of persons introduced into the criminal environment. At the same time, the professional activity of such persons is regulated not only by the operational and investigative regulations, but also by the criminal procedural law in force, which in modern conditions, even after its renewal, needs to be optimized regarding the constituent elements of effective legal, social, physical and psychological personal protection of silent employees performing a special task, from the solution of crimes, the possibilities of their interrogation as witnesses and the use of their testimony as evidence in the criminal justice process, because witnesses in accordance with paragraph “d” of Article 2 of the Bill of Ukraine “On the safety of persons involved in criminal proceedings” have the right to safety through the application of the measures fixed in Articles 1 and 7 of mentioned Law, with adequate justification.

The problems of the subjects of such activity, their rights, duties and limits of the release from responsibility in the process of secret cooperation, that is, their legal status both in search and criminal proceedings, require detailed study and legal and regulatory improvement.

Keywords: criminal proceedings; security; protection; security measures, witness, legal status, legal protection, criminal proceedings.

Отримано 16.04.2018