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L.V. Havryliuk,

Candidate of Law, Senior Researcher of the Research Lab of
the State Research Institute MIAUkraine, Kyiv, ORCID ID
0000-0002-9441-4073

LEGAL STATUS OF INVESTIGATORS: SEVERAL ASPECTS

According to the rules of the Criminal Procedure Code of Ukraine, pre-trial investigation bodies have investigative units of the bodies of the National Police, security bodies, bodies supervising the observance of tax legislation, the bodies of the State Bureau of Investigations, the bodies of the State Criminal Execution Service of Ukraine, as well as the Detective Branch, the Internal control of the National Anti-Corruption Bureau of Ukraine.

Accordingly, the special feature of the legal status of investigators depends on their responsibilities and official authority, the specifics of the bodies in which they serve.

The investigator during a pre-trial investigation is obligated to carry out a thorough, complete and unbiased investigation of the circumstances of the criminal proceedings. Identify the underlying circumstances, as well as those justifying the suspect, the accused, as well as circumstances that mitigate or aggravate his punishment, provide them with an appropriate legal assessment and ensure the adoption of lawful and impartial procedural decisions.

The peculiarity of the investigator’s activity is that every decision taken by him in the criminal proceedings, as a rule, causes significant legal consequences that can be divided into positive ones – those that facilitate the quick disclosure of the crime and the punishment of the perpetrators, and negative – as a result of which the criminal liability innocent people may be prosecuted as a violation of their rights and legitimate interests.

In accordance with the requirements of the Criminal Procedure Code of Ukraine, all decisions to direct the pre-trial investigation and conduct investigatory (search) actions and secret investigators (investigatory actions) are taken by the investigator independently, except cases when the law provides for the consent of the prosecutor or the decision (permission) of the investigating judge, the court or the approval of the head of the pre-trial investigation body, or if the decision is taken only by the prosecutor, is responsible for their execution.

Employees of other bodies and police departments are prohibited in any way to interfere in the proceedings of investigators, including demand and verifying the materials of criminal proceedings, to give instructions or assessments to them by the investigative procedural decisions taken by them.

Under current law, it is prohibited to involve investigators in performing functions that are not related to the investigation of criminal offenses.

Keywords: bodies of pre-trial investigation, investigator, criminal proceedings, legal status, police.

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