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after academician Stepan Demianchuk

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PRE-TRIAL INVESTIGATION OF CRIMES COMMITTED IN THE PLACES OF IMPRISONMENT

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The monograph is one of the first comprehensive monographic studies in Ukraine related to the definition of contemporary tasks related to the pre-trial investigation of crimes committed in places of deprivation of liberty.

The paper identifies a number of problems that need to be addressed at the legislative, organizational, doctrinal and other levels, with a view to improving the existing legal framework on these issues.

For scientists, scientific and pedagogical workers, masters, students and staff of the State Penitentiary Service of Ukraine.

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The list of conditional abbreviations

DDUPPV – State Department for the Enforcement of Sentences

SCESU – State Criminal Execution Service of Ukraine

DIZO – is a disciplinary isolator

DPTsU – State Penitentiary Service of Ukraine

EU – is the European Union

URDR – The only register of pre-trial investigations

CEC – Criminal Code of Conduct

CVU – a Criminal Executive institution

CC – Criminal Code

CPC – Criminal Procedure Code

MIA – Ministry of Internal Affairs

ATS – bodies of internal affairs

SC – single camera

UN – United Nations

ORD – operative-search activity

PVR UVP – Rules of the internal order of penitentiary institutions

PCT – chamber type premises

SIZO is an investigative isolator

USA – United States of America

UVP is a penitentiary institution

The introduction

Actuality of theme. The adoption in 2012 of the Criminal Procedural Code of Ukraine and the abolition of the inquiry institute in the correctional colony in connection with this, therefore, stipulates, on the one hand, as practice shows, the need to develop new scientifically based technologies aimed at increasing the effectiveness of the fight against crime, in particular, recurrent, and, on the other hand, – improvement of the organizational and legal basis of the activities of the investigating police in the investigation of crimes committed by those sentenced to imprisonment, the key to the successful performance of which are properly-regulated rights and obligations. The CPC established only certain rules regarding the powers of the investigator, without making radical positive changes in this direction in comparison with the 1960 CPC. In particular, depending on the stage of criminal proceedings in correctional colonies, the essence of the decision of the investigator, the procedural position of the person whose interests it concerns, the CPC in various rules assigned the powers of the investigator. Such a non-aggregation of the uniform provisions of the criminal procedure of the investigator in the said criminal-executive institutions not only reduces the effectiveness of investigating the crimes committed by those sentenced to imprisonment, but also does not allow the proper implementation of the criminal proceedings and the achievement of one of the objectives of criminal punishment – prevention relapse

As practice shows, annually, starting from 1991 to 2013, this category of persons committed more than 400 different crimes[1], and from 2014 to now – up to 300 such socially dangerous acts[2]. In the list of determinants that facilitate the commission of crimes by convicts, the ones that relate to the content of criminal procedural activities in correctional colonies, the interaction and coordination of investigative and operational units during the conduct of investigative (search) and secret (investigator) investigative actions occupy a prominent place. In addition, the various forms of counteracting these persons before pre-trial investigation and the absence of modern scientific and applied technologies for its successful overcoming influence influence the state of investigation of crimes committed by convicts in these penitentiary institutions.

The study of doctrinal sources has shown that this problem in science is not new. For a long time, such scientists as O. V. Aleksandrenko, O. V. Andrushko, G. Yu. Bondar, O. O. Bondarenko, O. V. Baulin, V. I. Boyarov, V. V. Vapnyarchuk, T. V. Bartholomew, V. K. Veselsky, V. I. Galagan, O. I. Galagan, V. V. Hev-

[1] The right to personal safety of sentenced persons to imprisonment in Ukraine: the notion, content and forms of protection/A. V. Babyak, V. V. Vasilevich, Z. V. Zhuravskaya and others; for community edit d. sc., prof. O. M. Dzhuzhi and d. yu. n., prof. O. H. Kolba. Lviv: Galician Publishing Union, 2014. P. 55–58.

[2] About the activity of the units of security, supervision and safety of criminal executive agencies in 2015: Newsletter. Kyiv: State Department of Ukraine for the Execution of Sentences, 2016. Kn. 2. P. 6.

ko, Yu. O. Gurji, M. V. Jiga, O. V. Kaplina, I. I. Kotyuk, V. V. King, V. S. Kuzmichov, M. V. Kurkin, O. I. Litvinchuk, L. M. Loboyko, Ye. D. Lukianchikov, O. S. Mazur, V. T. Malyarenko, A. V. Moldovan, V. V. Nazarov, M. Ya. Nikonenko, O. E. Omelchenko, O. A. Osaulenko, M. A. Pogoretsky, P. V. Pushkar, V. V. Rozhnova, A. S. Sizonenko, O. V. Starchenko, S. M. Stakhivsky, O. Yu. Tatarov, V. V. Topchiy, L. D. Udalova, V. M. Fedchenko, Yu. M. Chornous, G. V. Yurkova, O. V. Yatsyuk and others, whose work was theoretical and methodological basis for studying the issues that caused the content of the object and subject of this monographic study.

Along with this, a comprehensive monographic study on this problem and the development of a new order of investigation of crimes committed by convicted prisoners in correctional colonies under the new CPC operation has not yet been carried out, which has led to the choice of subject matter, the purpose and objectives of this scientific development.

The chosen theme of the monograph is based on the provisions of the Criminal Procedural Code of Ukraine, 2012, Concepts of the implementation of state policy in the area of prevention of offenses for the period up to 2015, approved by the Resolution of the Cabinet of Ministers of Ukraine dated November 30, 2011, No. 1209-p[1]; Concept of the state policy in

[1] About the approval of the Conception implementation of state policy in the field of prevention of offenses for the period up to 2015: Order of the Cabinet of Ministers of Ukraine dated November 30, 2011. № 1209-r. *Official bulletin of Ukraine*. 2011. № 93. P. 33–89.

the field of reforming the State Criminal-Executive Service of Ukraine, approved by the Decree of the President of Ukraine of November 8, 2012, No. 631/2012[1], and also corresponds to the topic of priority directions of research of the Ministry of Internal Affairs of Ukraine, which require first-priority development and implementation in practice bodies of internal affairs of Ukraine for the period of 2010–2014 (order of the Ministry of Internal Affairs of Ukraine dated July 29, 2010, No. 347).

[1] About the Concept of State Policy in the Field of Reform of the State Criminal-Enforcement Service of Ukraine: Decree of the President of Ukraine dated November 8, 2012. № 631. *Official Bulletin of Ukraine.* 2012. № 87. P. 31–35.

Section 1

Theoretical and methodological bases of content research of pre-trial investigation of crimes in places of imprisonment of Ukraine

1.1. The current state of problems development related to the pre-trial investigation of crimes committed in places of imprisonment

As established in the course of this study, the state of studying in science issues related to the investigation of crimes committed by convicts in the correctional colonies of Ukraine can be divided into four periods.

The first relates to the period of 1961 – the mid – 70s of the twentieth century – the time for the adoption and adaptation in practice of the norms of the CPC of the Ukrainian SSR, which for the first time provided for in the system of correctional-labor institutions the bodies of inquiry, the functions of which have been carried out since 30 years of the 20th century different state bodies. As noted by M. A. Petukhovsky, archival documents (orders, instructions, circulars of the People's Commissariat of Internal Affairs, the Ministry of Internal Affairs of the USSR, others), archival criminal cases testify that in the 30 years of the 20th century in prisons investigated specially

created for this units – operatively-chekistyskimi, operative-regime and even judicial[1]. It should be noted that the basis for determining the first period of investigation of problems related to the investigation of crimes committed by convicts in correctional colonies, became scientific developments, conducted at the walls of the High School of the Ministry of Internal Affairs of the USSR under the leadership of R. S. Belkin and G. G. Zuikova, who at that time brought some elements of the methodology of the initial investigation of crimes.

The second period falls on 1979–1991, which was devoted to the improvement of the norms of the CPC, especially those concerning the regulation and increase the effectiveness of pre-trial investigation, as well as the elimination of existing problems in practice. In the context of the content of the subject and objectives of this study, it was important in this period to develop a methodology for investigating crimes in places of deprivation of liberty, sponsored by M. P. Hilobok and V. E. Zharsky[2].

The third period of scientific research devoted to the investigation of crimes committed by convicted prisoners in correctional colonies dates from 1991–2012 and is associated with the emergence of criminal procedural activities under the conditions of

[1] Petukhovsky M. A. Investigation and preliminary investigation in correctional-labor institutions (criminal-procedural and tactical and criminalistic problems): a manual. Moscow: VNII MVD USSR, 1979. P. 191.

[2] Criminology/ed. R. S. Belkina and G. G. Zuikova. Vol. 2: Appendix. Moscow: Higher school of the Ministry of Internal Affairs of the USSR, 1970. 54 p.

independent Ukraine. The most powerful in this sense were the scientific developments MM Serbia, which formed the basis of his research and culminated in the defense of a dissertation for the degree of a Candidate of Sciences (Law) "Investigation of crimes committed in places of imprisonment" in 2006[1].

With the adoption in 2012 of the new CPC of Ukraine, the fourth period of scientific research and support of criminal procedural activities, including on issues related to the investigation of crimes committed by convicted prisoners in correctional colonies, began and continues. The most relevant and theoretic-applied values in this case remain the problems that, in particular, are connected with:

1) the abolition of the institute of inquiry in the system of the Internal Affairs of Ukraine and significant change in the content and procedure of pre-trial investigation, including in correctional colonies (Section III CPC);

2) the introduction of the Institute of Investigative (Investigative) (Chapter 20 of the CPC) and secret investigation (search) actions (Chapter 21 of the CPC);

3) consolidation of clear principles of criminal proceedings (Chapter 2 of the CPC);

4) changing the procedure for gathering evidence (art. 93 of the CPC);

5) extension of the list of measures to ensure criminal proceedings (section 2 of the CPC);

[1] Serbin M. M. Investigation of crimes committed in places of imprisonment: author's abstract, dissertation. lawyer Sciences: 12.00.09. Kyiv: Kyyiv. National Untitled cases, 2006. 16 p.

6) other short stories and modifications of the CPC, including that everyone who committed a criminal offense has been brought to justice by virtue of his fault (art. 2 of the CPC "The Task of Criminal Proceedings"), but did not escape it different circumstances (gaps in the law, conflicts of law, inappropriate legal procedure and practice of its implementation).

At the same time, the mentioned problem is as eternal as in the whole criminal process[1]. As O. F. Kistyakivsky once noted in this regard, as during the whole process there is a danger that the accused can escape the investigation and the court and thereby make civil justice unprofitable, it is necessary to determine its position during the whole process. For this purpose, known methods are used. They consist of depriving and restraining the will of the defendant for the entire duration of the investigation[2].

In modern scientific developments, to a greater extent, the problem of investigation of crimes is considered in the works of scientists-proceduralists. In particular, they are very substantially covered in the works of Yu. P. Alenin "Procedural features of the conduct of investigative actions"[3]; R. O. Bashtegi "Protection of the confidentiality of confession in

[1] Fax G. Big ears of Paris. French Police: History and Modernity. Moscow: Yurid. Lit., 1981. P. 76–77.

[2] Kistyakovsky A. F. The general part of the criminal proceedings. Kyiv: Publishing House Semenko Sergey, 2005. P. 63.

[3] Alenin Yu. P. Procedural features of the production of investigative actions. Odessa: Portal, 2002. P. 112–114.

criminal proceedings"[1]; Yu. M. Groshevoy, S. M. Stakhivsky "Evidence and Evidence in the Criminal Procedure"[2]; S. M. Gulina, V. M. Chernyshev, L. I. Shapovalov, "Inquiry in the organs of internal affairs"[3]; V. Ya. Dorokhov "Criminal-Procedural Nature of Species of Evidence"[4]; G. O. Dusheyko "Organizational and tactical bases of realization of operational-search information at the stage of initiation of a criminal case"[5]; M. I. Kostina "Smuggling. Proving the circumstances of committing a crime on a pre-trial investigation"[6]; V. T. Malyarenko "Reforming the Criminal Procedure Process of Ukraine in the Context of European Standards: Theory, History and Practice"[7]; O. R. Mikhailenko "Investigation of crimes:

[1] Bashtega R. Protection of confidentiality of confession in criminal proceedings. *Law of Ukraine*. 2004. № 6. P. 86.

[2] Groshevyi Yu. M., Stakhivsky S. M. Evidence and Evidence in the Criminal Procedure: Scientific and Practical Guide. Kyiv: Publishing House "Legal Book", 2006. P. 194.

[3] Gulin S. N., Chernyshov V. N., Shapovalov L. I. Investigation in the organs of internal affairs: Textbook. Allowance. Donetsk: RIO Donetsk. lawyer in-te, 2000. P. 164–168.

[4] Dorokhov V. Ya. The criminal-procedural nature of types of evidence: monograph. Moscow: Lawyer, 1982. P. 94.

[5] Dusheyko G. O. Organizational and tactical bases of realization of operatively-search information at the stage of prosecution: author's abstract ... dis. cand. lawyer sciences: 12.00.09. Kharkiv, 2001. P. 11–12.

[6] Kostin M. I. Contraband. Evidence of the circumstances of committing a crime on pre-trial investigation: monograph. Kyiv: Action, 2003. P. 99.

[7] Malyarenko V. T. Reforming the Criminal Procedure Process of Ukraine in the Context of European Standards: Theory, History and Practice: monograph. Kyiv: Yuri Y., 2004. P. 244–245.

the legality and security of the rights of citizens"[1]; M. M. Mikheyenko, V. T. Nora, V. P. Shibiko "The Criminal Process of Ukraine"[2]; M. P. Polyakova "Principles of Criminal Procedural Interpretation of the Results of Operative-Investigative Activity"[3]; A. I. Berendeyev's "Observance of the rights and freedoms of man and citizen in the operational-search activities"[4], V. Tertyshnikov "Guarantees of truth and protection of human rights and freedoms in the criminal process"[5], V. G. Uvarova "Problems of conceptual model and legal form of realization of the results of operative-search activity by the inquiry agency"[6]; V. M. Fedchenko "Investigation of Crime Investigative and

[1] Mikhailenko A. R. Investigation of crimes: the legality and maintenance of the rights of citizens. Kyiv: Yurinkom Inter, 1999. P. 322.

[2] Mikheenko M. M., Nor V. T., Shibiko V. P. The Criminal Procedure Process of Ukraine: Textbook. Kyiv: Yurincom Inter, 1992. P. 412.

[3] Polyakov M. P. Fundamentals of Criminal-Procedural Interpretation of Results of Operative-Investigative Activity: Textbook. N. Novgorod: Nizhny Novgorod Academy of the Ministry of Internal Affairs of the Russian Federation, 2000. P. 52–53.

[4] Berendeyeva A. I. Observance of human and civil rights and freedoms in operatively-search activity. Ensuring of rights and freedoms of man and citizen in the activity of internal affairs bodies under current conditions: mater. Intern sciences Conf., Kyiv, December 4, 2009. Kyiv: Ministry of Internal Affairs of Ukraine Ministry of Internal Affairs, 2009. P. 224–227.

[5] Tertishnik V. M. Guarantees of Truth and Protection of Human Rights and Freedoms in a Criminal Procedure: monograph. Dnipropetrovsk: Law Academy of the Ministry of Internal Affairs, 2002. P. 112–124.

[6] Uvarov V. G. Problems of the conceptual model and legal form of realization of the results of operative-search activity by the inquiry body. *Scientific Bulletin of the Dnepropetrovsk State University of Internal Affairs: Collection of scientific works*. 2006. № 1 (28). P. 114–115.

Investigative-Operative Group: Legal and Organizational Foundations"[1]; V. S. Chernyak "Five Centuries of the Secret War"[2]; M. Ye. Shumylo "Scientific principles of the use of operational-search materials in evidence in criminal cases"[3] et al.

The general theoretical and applied principles of pre-trial investigation, which were reflected in various projects of the CPC in 2012 and became the methodological basis for the preparation of this work, are also set out in scientific works by O. Yu. Tatarova[4]. In particular, in his monograph "Pre-trial proceedings in the criminal process in Ukraine: theoretical-legal and organizational principles (based on the materials of the Ministry of Internal Affairs)" (2012) a number of issues that are directly related to the content of this study are revealed, namely:

a) historical and legal preconditions for the establishment and development of pre-trial proceedings in Ukraine (p. 1.1);

b) the concept, essence and tasks of pre-trial proceedings and its place in the criminal justice system (p. 1.2);

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[1] Fedchenko V. M. Investigation of crimes by the investigative and investigative-operational group: legal and organizational principles. Dnipropetrovsk, 2006. P. 56.

[2] Chernyak V. Five hundred years of secret warfare. Moscow: Yurid. Lit., 1989. P. 421–423.

[3] Shumilo M. Y. Scientific principles of the use of operational-search materials in evidence in criminal cases. *Judicial reform in Ukraine: problems and perspectives.* Kyiv; Kharkiv, 2002. P. 189.

[4] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. 640 p.

c) guarantees of the legality and validity of the adoption of procedural decisions at the initial stage of pre-trial proceedings (p. 2.3);

d) improvement of the institute of prosecutorial supervision in pre-trial proceedings (p. 4.2);

e) pre-trial proceedings in the criminal process of foreign countries (p. 5.1, 5.2)[1].

In addition, in the aforementioned monograph O. Yu. Tatarov, on the basis of the analysis of law enforcement practice, normative legal acts and literary sources, other problems of pre-trial proceedings in the criminal process of Ukraine are investigated in a complex way. At the same time, the theoretical positions are combined with examples of errors, violations of legality and positive experience, which are most common in the daily work of the investigation units of the ATS and serve as the basis for generalization of problem issues, the introduction of reasoned positions in the national legislation and departmental regulations on the improvement of pre-trial proceedings[2].

Actual problems of the theoretical, legal and practical nature of the procedural procedure for the adoption and execution of decisions of the investigator at the stage of pre-trial investigation under the conditions of the CPC 2012, which are also inter-

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. 640 p.

[2] Uvarov I. A. Theoretical Foundations of the Organization of Penitentiary Crime Prevention. *Russian Investigator*. 2006. № 6. P. 35–38.

woven with the subject of this study, are considered in the monograph of I. V. Basisty "Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems"[1]. In particular, the following questions, which are highlighted in this monograph, became the methodological principles of this work:

a) the genesis of pre-trial investigation and procedural decisions of the investigator (p. 1.1);

b) the concept and legal basis of the procedural decisions of the investigator (p. 1.2);

c) the role of procedural decisions of the investigator in the investigation of criminal offenses (p. 1.5);

d) procedural and practical decisions of the investigator, their interconnection and interdependence (p. 1.6);

e) procedural order and tactics of making procedural decisions at the stage of pre-trial investigation (p. 2.1–2.4). It should be noted that I. V. Basist considered the mentioned problem through the prism of objective and subjective factors influencing decision-making by investigators, psychological bases and problems of the contents of procedural decisions at the stage of pre-trial investigation[2].

Quite interesting from the identified topics of the study information collected in the work of Yu. I. Rymarenko and V. I. Kushertsy "Anthology of the

[1] Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. 600 p.

[2] Ibid.

system"[1] and popular science literature (Karishev V. "Russian Mafia 1988–2009")[2]; etc.

No less substantive and comprehensive investigation of crimes is highlighted in the work of criminologists[3]. At the same time, it is important from the perspective of solving the problems of this study that the following significant issues are at stake in the investigation of crimes committed by convicted prisoners in the correctional colonies of Ukraine:

a) overcoming the counteraction to pre-trial investigation;

b) comprehensive consideration of the particulars of the investigation of certain categories and types of crimes, in particular those committed in places of deprivation of liberty;

c) establishment of proper interaction between investigators and operational units during the conduct of investigators (investigators) and secret investigators (investigators);

d) increasing the level of procedural guidance to the pre-trial investigation (articles 36, 38, 39 of the CPC); others

That is why, in practically every textbook (textbook, etc.), under the course "Criminology" there is a special chapter (section), which is devoted to problems

[1] Antology of the system: [in 14 volumes]/rep. edit Yu. I. Rymarenko, V. I. Kusherets. Kyiv: Knowledge of Ukraine, 2005. Vol. 1: Documents and materials on the criminal system (1397–1918). 596 s.

[2] Karyyshev V. M. The Russian Mafia 1988–2009. Moscow: Eksmo, 2009. 832 p.

[3] Saltevsky M. V., Lukashevich V. G., Glibko V. M. A textbook on criminology. Kyiv: RVV NAVSU, 1994. 320 p.

of counteraction to the investigation of crimes and ways of overcoming it, as well as the concept of this phenomenon is given, forms and methods are determined. realization in practice, etc. At the same time approaches to determine the concept of "counteraction" in science can be found in a variety of. Thus, a number of scientists (T. V. Averyanova, R. S. Belkin, Y. G. Korukhov, E. R. Rusinskaya) in this regard pointed out that if earlier under the opposition investigated mainly different forms and methods of concealing crimes , now this concept is filled with a broader meaning and can be defined as intentional activity in order to prevent the investigation and ultimately the establishment of the truth in a criminal case[1].

V. M. Tertyshnik noted in this regard that by allowing for the use in criminal proceedings of materials of operational-search activity, it is very important to worry however that it is the criminal-procedural proof that excludes the use of questionable sources and substandard carriers of information as well as inaccurate data[2].

According to O. Yu. Golovin, the establishment of a method of concealing a crime may serve as a kind of key to the disclosure of crimes, the establishment of the perpetrator, the identification of stolen pro-

[1] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 691.

[2] Tertishnik V. M. Scientific and practical commentary on the Code of Criminal Procedure of Ukraine. 10th kind., additional. and reworked. Kyiv: Publishing House "Legal Book", 2008. P. 294.

perty, the identification of causes and conditions conducive to the commission of crimes[1]. In this case, there is the activity of a separate investigator or operational officer, as well as investigative and operational groups[2].

By dividing according to the source of the means of counteraction to the investigation of crimes on legal and forensic, R. M. Shehavtsov generally understands these norms, which establish responsibility for acts that impede the process of investigation of crimes, the specific procedure for conducting criminal proceedings in the context of counteraction to investigations[3].

V. O. Popelyushko identifies the activities of the perpetrators of crimes against individuals in order to protect their rights and legitimate interests and counteract the latter, which they carry out in the course of a pre-trial investigation, aimed at refuting the factual and legal sides of the suspicion or allegations of prosecution (criminal prosecution in other forms)[4].

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[1] Golovin A. Yu. Forensic systematics. Moscow: Lex Est, 2002. P. 161.

[2] Gordin L. Y. Investigative-operational group: problems of creation and activity: monograph. Kharkiv: Publishing house "FINN", 2009. P. 35–36.

[3] Shehavtsov R. M. Types of means to overcome the counteraction to the investigation of crimes. *Scientific Bulletin of the Lviv Law Institute of the Ministry of Internal Affairs of Ukraine: Collection*/goal. edit V. L. Ortinsky. Lviv: Lviv Law In-te of the Ministry of Internal Affairs of Ukraine. 2004. № 3. P. 61.

[4] Popelyushko V. O. Problems of criminal process and protection in a criminal case: zb. sciences articles/layout. S. V. Avramishin. Ostrog: Publishing House of the National University of Ostroh Academy, 2008. P. 229.

A. O. Lyash and S. M. Stakhovsky emphasize the necessity of taking into account the peculiarities of pre-trial investigation of crimes, who are convinced that consideration of these peculiarities enables to comprehend deeper the content of the whole process of proof and ensure the fulfillment of the tasks facing criminal proceedings[1].

V. A. Zhuravel called the modernization of existing ones and the development of new methodological recommendations for investigating certain categories of crimes, among them a number of current problems related to the needs to improve the content of the investigation of crimes (these are, first of all, new or substantially changed) on the basis of the introduction of a universal, basic model of crime investigation, situational approach, etc., which, in fact, relates to activities to overcome counteraction in the investigation of crimes[2]. In order to neutralize the mentioned opposition V. Yu. Shepitko proposes to apply complex approaches, noting, in particular, that current trends of criminology are distinguished by the appeal to complex approaches, the development and offering of reliable means of counteracting crime[3],

[1] Lyash A. O., Lyash D. O., Stakhovsky S. M. Evidence and Evidence in Criminal Proceedings: teaching. manual/ed. Yu. M. Groshevoy. Kyiv: University "Ukraine", 2006. P. 140.

[2] Zhuravel V. A. Actual Problems of Forensic Methodology for Investigation of Crimes. *Problems of Law: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 363.

[3] Shepitko V. Yu. Use of tactical operations in investigative activity: theoretical and applied problems. *Problems of legality: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Natc. lawyer acad. Ukraine, 2009. Vyp. 100. P. 355.

which is very relevant in view of the chosen subjects of this study.

Own positions with product target and science workers in the area of ORD. Thus, K. K. Goryainov, V. S. Ovchinsky and G. K. Sinilov, by contrast, understand the complex complex of various methods, predators and forms of exchange that prevent the prevention, detection, disclosure and investigation and judicial review of persons committed by criminals[1].

O. F. Dolzhenkov, one of the elements constituting the content of the investigation of crimes, calls the patterns of infrastructure of entities in the social environment, and believes that these laws are rapidly implemented in criminal relations, forming the infrastructure of crime[2]. In turn, the latter determines, according to a number of scholars (Y. O. Didorenko, B. I. Baranenko, V. O. Glazkov, etc.), group and intergroup relations in the modern criminal environment[3].

Some aspects of the investigation of crimes defined in the law by forms, methods and means of OD were investigated by O. M. Bandurka and O. Gorbachev[4]. S. N. Nazarenko also points out the need to

[1] Theory of operational-search activity: textbook/ed. K. K. Goryainov, V. S. Ovchinsky, G. K. Sinilov. Moscow: INFRA-M, 2007. P. 495–496.

[2] Operational-search activity as a state-legal form of struggle against crime/A. F. Dolzhenkov, F. K. Dushko and others. Odessa: OGU, 1994. P. 26.

[3] Fundamentals of operative-search activity in Ukraine (concept, principles, legal support): textbook/E. A. Didorenko, B. I. Baranenko, V. A. Glazkov and others. Kyiv: Center for Scientific Literature, 2007. P. 78.

[4] Bandurka A. M., Gorbachev A. V. Operational-search activity: legal analysis. Kyiv: RIO of the Ministry of Internal Affairs of Ukraine, 1994. P. 89–100.

improve the standards of the ORD at the stage of pre-trial investigation, insisting that the restrictions imposed by the IOR should be clear and understandable to any citizen and official. The norm should not allow for arbitrary interpretation, it should clearly set the limits of the limits and the degree of participation of executive bodies[1].

On the peculiarities of the investigation of crimes, one of the manifestations of which is the counteraction to pre-trial investigation, is mentioned in the works and other scientists in the field of IDA[2]. This phenomenon, as correctly concluded by a number of scholars, is due to the fact that criminals are oriented towards:

a) constant search for new ways of committing crimes;

b) masking criminal links;

c) studying the tactics of the use of means and methods of ORD;

d) the implementation of counter-surveillance of employees of operational units and obtaining the necessary information about operational-search activities[3].

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[1] Nazarenko S. P. Problems of observance of human rights in the field of operative and investigative activity. Ensuring of rights and freedoms of man and citizen in the activity of internal affairs bodies under current conditions: materials International. sci. pract. conf., Kyiv, December 4, 2009. Kyiv: DNIII Ministry of Internal Affairs of Ukraine, 2009. P. 293.

[2] Nekrasov V. A. Problems of the tacit penetration into a criminal environment: dis. ... cand. lawyer sciences: 21.07.04. Kharkiv: NUVS, 2001. P. 147.

[3] Operational-search activity: textbook. 2nd ed., additional. and processing./ed. K. K. Goryainov, V. S. Ovchinsky, G. K. Sinilov, A. Yu. Shumilov. Moscow: INFRA-M, 2004. P. 665.

In the opinion of A. I. Berendeyeva, which should be agreed, one of the reasons for such a situation is the imperfection of operational search laws, which consists in the fact that due to the strong financing, support of corrupt officials of higher levels of power and political lobbyists, organized crime went to such the level that it is impossible to combat with modern methods, it is necessary to develop new methods of counteracting this anti-social phenomenon, which should be fixed at the legislative level[1].

This, as rightly concluded O. Martynenko in this regard, makes the system of justice and criminal law dependent in its process not only on the external factors initiated by the activity of the criminal world. In the legal field, thus, there is a certain gap between the response to the offense and the situations that, due to their novelty and non-standard nature, cause difficulties in their legal assessment and resolution. The lag behind the criminal law base against the real development of the criminal world is chronic and law enforcement agencies deal with a similar shortage of effective legislation every day[2].

Consequently, the problems of investigating crimes, including those in the correctional colonies of

[1] Berendeyeva A. I. Observance of human and civil rights and freedoms in operatively-search activity. Ensuring of rights and freedoms of man and citizen in the activity of internal affairs bodies under current conditions: materials Intern sciences conf., Kyiv, December 4, 2009. Kyiv: Ministry of Internal Affairs of Ukraine Ministry of Internal Affairs, 2009. P. 225.

[2] Martynenko O. A. Determination and prevention of crime among the personnel of the bodies of internal affairs of Ukraine: monograph. Kharkiv: Publishing house of the KhNUVS, 2005. P. 265–266.

Ukraine, are not only purely theoretical, but also practical and require further scientific knowledge and development. However, the analysis of the aforementioned and other doctrinal sources has shown that they are more related to the activities of the bodies of the National Police of Ukraine and some other law enforcement agencies, but they are not sufficiently studied in the work of the Ukrainian Internal Affairs Committee, which negatively affects the state and effectiveness of the investigation of crimes committed by convicts in correctional colonies, and, in general, the state of law and order in the Ministry of Internal Affairs and the prison of Ukraine.

At the same time, the state, level, structure and other indicators of crime among prisoners deprived of their liberty in Ukraine, as well as the peculiarities of criminal-executive relations, which arise during the execution and execution of this criminal punishment among correctional prison staff and convicts[1], stipulate the need for active development of this issue, taking into account the features of pretrial investigation in places of deprivation of liberty. Moreover, the number of scientific research in this direction is insufficient.

In particular, only partially the indicated subject was the subject of scientific research in the candidate's thesis O. I. Pluzhnik "Criminal liability for violation of the regime of serving a sentence in

[1] Criminal-enforcement law: textbook. for the lawyer. high schools. 6th ed., corrected, additional/ed. V. I. Selivestrov. Moscow: ID "Jurisprudence", 2007. P. 37–41.

correctional institutions and detention"[1]; dissertation V. Ya. Ilnitsky's "Role and Place of Operatives of places of deprivation of liberty in investigating crimes committed by convicts"[2]; dissertation V. V. Kondratishina "Criminal Execution Policy of Ukraine: Formation and Implementation"[3]; Collective monograph (V. P. Zakharov, O. G. Kolb, S. M. Mironchuk, L. I. Milischuk) "Organization of individual prevention of crimes in the criminal executive body"[4] and doctoral dissertation. O. G. Kolb "Establishment of execution of sentences as a subject of crime prevention[5] et al.

However, the most substantive in this context investigated MM problems. Serbin, who in his dissertation "Investigation of crimes committed in places of imprisonment" comprehensively and fully analyzed the following issues:

1) modern socio-legal, economic and organizational-regime features of punishment execution in Ukraine;

[1] Pluzhnik O. I. Criminal liability for violation of the regime of serving a sentence in correctional institutions and detention: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kyiv, 2003. 19 p.

[2] Ilnitsky V. Ya. The role and place of the operational apparatuses of places of imprisonment for investigating crimes committed by convicts: autoref. dis. ... cand. lawyer sciences: 12.00.09. Lviv, 2009. 19 p.

[3] Kondratishina V. V. Criminal-executive policy of Ukraine: formation and realization: autoref. dis. ... cand. lawyer sciences: 12.00.08. Lviv, 2009. 17 p.

[4] Organization of individual prevention of crimes in a criminal-executive institution: monograph. 2nd species., processing. and listens./V. P. Zakharov, O. G. Kolb, S. M. Mironchuk, L. I. Milyshchuk. Lutsk: PP Ivanyuk V. P., 2007. 442 p.

[5] Kolb O. H. Penitentiary Institution as the subject of crime prevention: dis. ... doc. lawyer sciences: 12.00.08. Kyiv, 2007. 513 p.

2) the current criminogenic situation in places of deprivation of liberty and a forensic description of crimes committed in the closed-circuit center of the CVU;

3) the factors typical for correctional colonies that have the most significant influence on the forms and methods of activity of the inquiry and pre-trial investigation bodies on the disclosure and investigation of crimes committed in places of deprivation of liberty;

4) peculiarities of preliminary (exploratory) verification of information about crimes committed in places of detention;

5) admissibility and conditions of effective use in typical situations for correctional colonies in organizational, tactical-forensic and criminal-procedural recommendations of a general nature concerning the respective activities of the bodies of inquiry and pre-trial investigation;

6) procedural and organizational-tactical features of the application of preventive measures in places of deprivation of liberty;

7) peculiarities of the interaction of the investigator with the inquiry authority – the head and administration of the police department during the investigation of crimes committed in this institution;

8) peculiarities of the use of special knowledge and technical means during the disclosure and investigation of crimes in places of deprivation of liberty[1].

[1] Serbin M. M. Investigation of crimes committed in places of imprisonment: author's abstract, dis. ... lawyer sciences: 12.00.09. Kyiv: Kyiv. National Untitled cases, 2006. P. 2–3.

In the same context, as a methodological basis of this study, it is worthwhile to highlight the educational manual of M. I. Kulagina "Organization and tactics of preliminary investigation in places of deprivation of liberty", in which he disclosed the general organizational and tactical issues of the investigator's activities in the penal colony (the significance and specificity of the investigation of crimes in these CVU, the special role of the interactions of the investigator with the administration of the correctional colony, and other problems) (section I of the manual), as well as the tactics of certain procedural and other actions of the investigator (section II) and the preventive activities of the investigator in the penal colony and the use of other persons in the investigation of crimes of assistance (section III)[1].

Similar methodological principles, which are also relevant in the modern (fourth) period of scientific research, are also formulated in the teaching manual M. A. Petukhovsky's "Inquiry and preliminary investigation in correctional labor institutions", in which he attempted to comprehensively cover the problems of investigating crimes committed in the above-mentioned institutions, and also carried out an analysis of theoretical and applied problems, arising in the course of prosecution of criminal cases and investigation of crimes in places of detention, and investigated the main factors influencing the peculiarities of the activities of investigators and the administration of the closed-circuit coalitions, while developing metho-

[1] Kulagin N. I. Organization and tactics of preliminary investigation in places of imprisonment: a manual. Volgograd: USSR Ministry of Internal Affairs, 1977. 126 p.

dological recommendations on the most effective investigation of crimes committed by convicted prisoners in correctional colonies[1].

In view of the existing contemporary criminal-procedural problems in investigating crimes in the indicated CVU, also the methodical recommendations developed by V. P. Filonov and A. I. Frolov[2].

In general, this issue - in the context of the opposition of convicts to the established procedure for execution and serving a sentence in the form of imprisonment – is at the center of attention of scientists of the criminal-executive profile. The most intensive in this direction are such scholars as V. F. Abramkin[3], O. A. Aksenov[4], Yu. K. Aleksandrov[5], N. V. Alinkina[6], V. M Anisimov[7], Yu. M. Antonyan[8], Ye. G. Ba-

[1] Petukhovsky M. A. Investigation and preliminary investigation in correctional-labor institutions (criminal-procedural and tactical and criminalistic problems): a manual. Moscow: VNII MVD USSR, 1979. 191 p.

[2] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 779–820.

[3] Abramkin V. F., Chizhov Yu. V. How to survive in a Soviet prison. To help the prisoner. Krasnoyarsk: Vistok, 1992. 368 p.

[4] Aksyonov A. A. Organization of control in the ITU system. Ryazan: Ryazan. higher shock Ministry of Internal Affairs of the USSR, 1986. 95 p.

[5] Aleksandrov Yu. K. Sketches of the criminal subculture. Moscow: Human rights, 2001. 148 p.

[6] Alinkina V. M. Age psychological peculiarities of aggressiveness of behavior of minors: author's abstract ... diss. cand. lawyer sciences: 19.00.07. Kyiv, 1987. 17 p.

[7] Anisimov V. M. Criminal subculture and its neutralization in correctional institutions of Russia: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Saratov, 1998. 53 p.

[8] Antonyan Yu. M. Interaction of the personality of the offender and the social environment. *Questions of the fight against crime*. Moscow: Yurid. lit., 1979. Issue 30. P. 27–38.

gereva[1], I. V. Brizgalov[2], B. F. Vodolazsky[3], A. D. Glotochkin[4], V. V. Golina[5], and A. I. Gurov[6], M. G. Detkov[7], V. A Eleonsky[8], A. I. Zubkov[9], K. Ye. Igoshev[10], Yu. I. Kalinin[11], I. Karetnikov[12], I. I. Karpets[13],

[1] Bagereva E. G. Socio-cultural Foundations of Resocialization of Criminals: autoref dis. ... dr. lawyer sciences: 12.00.08. Moscow, 2001. 54 p.

[2] Bryzgalov I. V. Violent crimes committed in the ITC, and their prevention: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kyiv, 1984. 18 p.

[3] Vodolazsky B. F., Vatutin Y. A. Crime groups. Their customs, traditions, "laws" (past and present). Omsk: OVSH Ministry of Internal Affairs of the USSR, 1979. 61 p.

[4] Glotochkin A. D., Pyrozhkov V. F. Corrective and Labor Psychology. Moscow: RIO of the Ministry of Internal Affairs of the USSR, 1974. 426 p.

[5] Golina V. V., Lukashevich S. Yu. About the concept and general characteristics of crime in places of imprisonment. *Problems of legality.* Kharkiv: Nat. lawyer acad. of Ukraine, 1999. Vyp. 38. P. 187–193.

[6] Gurov A. I. Professional crime: the past and the present. Moscow: Yurid. lit., 1990. 304 p.

[7] Detkov M. G. Prisons, camps and colonies of Russia (to the 120th anniversary of the Russian Chief Prison Administration)/ed. P. V. Krashennikova. Moscow: Verdict-M, 1999. 448 p.

[8] Eleonsky V. A. Influence of punishment on convicts: textbook. Allowance. Ryazan: Ryazan. higher shock Ministry of Internal Affairs of the USSR, 1982. 85 p.

[9] Zubkov A. I. Punitive Politics of Russia at the Turn of the Millennium. Moscow: Lawyer, 2000. 320 p.

[10] From the history of the militia of Soviet Ukraine/ed. P. P. Mikhailenko. Kyiv: RIO of the Ministry of Internal Affairs of the Ukrainian SSR, 1965.

[11] Instruction on the organization of the holding of secret investigative (search) actions and the use of their results in criminal proceedings: the Zat. by order of the General Prosecutor's Office, Ministry of Internal Affairs of Ukraine, SBU, Administration of the Border Guard Service of Ukraine, Ministry of Finance of Ukraine, Ministry of Justice of Ukraine dated November 16, 2012. No. 114/1042/516/1199/936/1687/5. URL: http://zakon3.rada.gov.ua/laws/show/v0114900-12

[12] Karetnikov I. V. The concept of crime in correctional-labor colonies. *Problems of prevention of offenses in places of deprivation of liberty.* Moscow: VNII of the Ministry of Internal Affairs of the USSR, 1985. P. 80–85.

[13] Karpets I. I. Punishments. Social, legal and criminological problems. Moscow: Yurid. lit., 1973. 228 p.

V. M. Kudryavtsev[1], G. M. Kuzmin[2], P. Yu. Lebedev[3], O. M. Litvak[4], S. Yu. Lukashevich[5], V. V. Luneev[6], M. F. Luchinsky[7], V. A. Levochkin[8], A. S. Makarenko[9], I. I. Mineev[10], A. S. Mikhlin[11], V. K. Muraviev[12], A. A. Natashev[13], K. V. Opobets[14], V. F. Pyrozhkov[15],

[1] Criminal motivation/otv. edit V. N. Kudryavtsev. Moscow: Nauka, 1986. 304 p.

[2] Kuz'min G. N. Psychological features of the investigation of crimes in correctional institutions. *Lawfulness.* 2002. № 8. P. 21–23.

[3] Lebedyev P. Yu., Khizhnyak D. S. Features of examination of the scene of an incident in the investigation of serious crimes committed in places of imprisonment. *Investigator.* 2004. № 6. P. 39–41.

[4] Litvak O. M. Criminality, its causes and prevention. Kyiv: View Ukraine, 1997. 167 p.

[5] Lukashevich S. Yu. Criminological characteristics and prevention of criminality of convicts in places of imprisonment: dis. ... cand. lawyer sciences: 12.00.08. Kharkiv, 2001. 193 p.

[6] Lunyeyev V. V. Motivation of criminal behavior. Moscow: Nauka, 1991. 383 p.

[7] Luchinsky N. F. Principles of Prison Affairs. St. Petersburg: Prison Newspaper, 1904. 168 p.

[8] Levochkin V. A. Regulatory and organizational principles of ensuring implementation in Ukraine of international standards on the rights and freedoms of sentenced to imprisonment: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kyiv, 2002. 18 p.

[9] Makarenko A. S. Pedagogical writings: in 8 t. T. 4. Moscow: Pedagogics, 1984. 399 p.

[10] Mineev I. I. Investigation in correctional institutions. *Russian. Justice.* 2001. № 8. P. 60–61.

[11] Mikhlin A. S. The role of the social and demographic characteristics of the individual in correcting and re-educating convicted persons in deprivation of liberty. Moscow: VNIIA of the Ministry of Internal Affairs of the USSR, 1970. 165 p.

[12] Muravyov V. K. "Areshtanskaya community" as a socio-psychological phenomenon in places of imprisonment. *Problems of penitentiary Theory and Practice*. Kyiv: KIVS, 2000. № 5. P. 151–157.

[13] Natashev A. A., Struchkov N. A. Fundamentals of Theory of Corrective Labor Law. Moscow: Yurid. lit., 1967. 191 p.

[14] Opvey K. V. Causes and conditions of crime in places of imprisonment. *Enterprise, economy and law*. 2004. № 11. P. 153–157.

[15] Pyrozhkov V. F. Criminal psychology: in 2 books. B. 1. Moscow: Oh-89, 1998. 304 p.

G. O. Radov[1], O. R. Ratinov[2], V. M. Sinyov[3], V. I. Rudnik[4] and F. V. Rukhkin[5], V. I. Svinarev[6], O. P. Severov[7], O. V. Starkov[8], A. Kh. Stepanyuk[9], M. O. Struchkov[10], E. M. Tkachenko[11], V. M. Trubnikov[12], I. A. Uvarov[13],

[1] Radov G. O. Formation of the convicts' spirituality in the context of the penitentiary process. *Problems of Penitentiary Theory and Practice*. Kyiv: KIVS, 1997. № 2. P. 5–10.

[2] Ratinov A. R. Legal Psychology of Criminal Behavior: Theory and Methodology of Research. Krasnoyarsk: Publishing House of Krasnoyarsk. un-t, 1988. 253 p.

[3] Working book of the penitentiary psychologist/under the congregation. edit V. M. Synev, V. S. Medvedev. Kyiv: MP Lesya, 2000. 224 p.

[4] Rudnik V. I. Negative consequences of the application of a criminal punishment in the form of deprivation of liberty and the main measures of their neutralization: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kyiv, 1990. 29 p.

[5] Ruchkin F. V. Negative Consequences of Prison Detection. *Aspect: Inform. bullet*. Donetsk: Donetsk Memorial, 2003. № 1 (9). P. 37–41.

[6] Sakharov A. B. The role of criminological science in crime prevention. *Sots. Legality*. 1985. № 12. P. 27–29.

[7] Severov A. P. The purpose of punishment (psychological and pedagogical aspect). *Problems of legal science and law enforcement practice*. Kyiv, 1994. P. 85–91.

[8] Starkov O. V. The concept of special social causes and conditions of punitive crime. Crime among social subsystems. St. Petersburg, 2003. P. 328–342.

[9] Statkus V. F. Formation and development of the investigative body of internal affairs bodies: textbook. Moscow: Academy of the Ministry of Internal Affairs of the USSR, 1984. 31 p.

[10] Struchkov N. A. Crime as a social phenomenon: lecture. Lviv: B. 4, 1979. 120 p.

[11] Tkachenko Ye. M. Aspects of the crisis situations that arise in convicted prison sentences. *Problems of Penitentiary Theory and Practice*. Kyiv: KiVS, 2001. № 6. P. 299–302.

[12] Trubnikov V. M. Criminal-executive law of Ukraine: General part: Textbook. Allowance. Kharkiv: Rubikon, 1998. 334 p.

[13] Uvarov I. A. Theoretical Foundations of the Organization of Penitentiary Crime Prevention. *Russian Investigator*. 2006. № 6. P. 35–38.

I. V. Shmarov[1], A. V. Uss[2], V. S. Ustinov[3], V. A. Utkin[4], S. Ya. Faranyuk[5], I. Ya. Foynitsky[6], O. G. Frolova[7], G. F. Khokhryakov[8], M. G. Shurukhov[9], O. B. Khomenko[10], I. S. Yakovets[11], A. M. Yakovlev[12] et al.

After the adoption of the CPC of Ukraine in 2012[13], which established a new procedure for conducting

[1] Criminal-enforcement law: student/ed. I. V. Shmarova. Moscow: BEC, 1996. 418 p.

[2] Uss A. A. Conflicts between convicts accompanied by violent assault (based on TIC strictly). Krasnoyarsk: Izd-vo Krasnoyarsk. un-ta, 1984. 64 p.

[3] Ustinov V. S. Methods of preventive impact on crime. Gorky: Gorky. higher shock Ministry of Internal Affairs of the USSR, 1989. 93 p.

[4] Utkin V. A. Penalties and labor-intensive work. Tomsk: Izvestia Tomsk. un-ta, 1984. 200 p.

[5] Farinnik V. I., Udalova L. D., Savitsky D. O. Reforming criminal justice: investigative units remain "behind the scenes". *Legal Bulletin of Ukraine*. 2010. № 43. P. 3–12.

[6] Foinitsky I. Ya. The doctrine of punishment in connection with secular studies. Moscow: Dobrosvet: Gorodets, 2000. 426 p.

[7] Frolova O. G. Crime and the system of criminal punishments (social, legal and criminological problems and ways of their solution by means of logic-mathematical methods): teaching. manual. Kyiv: Artek, 1997. 208 p.

[8] Khavronuk M. I. Contemporary European Criminal Legislation: Harmonization Problems: monograph. Kyiv: Truth, 2005. 264 p.

[9] Shurukhov N. G. Informal differentiation in correctional-labor institutions. *Sotsiolog. Research*. 1992. № 7. P. 73–83.

[10] The language of the rich, the language of the Mafiosi: Encyclopaedic synonymic dictionary: Reference book. in 2 t. T. 1/avt.-sost. O. B. Khomenko. Kyiv: Fort-M., 1999. 528 p.

[11] Yakovets I. S. Primary classification of sentenced persons to imprisonment and their distribution in the penitentiary institution: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kharkiv, 2006. 20 p.

[12] Yakovlev A. M. Crime and social psychology: socio-psychological patterns of behavior. Moscow: Yurid. lit., 1971. 247 p.

[13] Criminal Procedural Code of Ukraine: Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine in Connection with the Adoption of the Criminal Procedural Code of Ukraine" of April 13, 2012. Kyiv: Allerta, 2012. 304 p.

pre-trial investigations in the organs and the UVP and deprived the chiefs of the police and the pre-trial detention center of the right to inquire into the facts of committing crimes in the territories of these institutions and investigative isolation units, as provided for in art. 101 CPC of Ukraine in 1961[1], the corresponding scientific and methodological basis for conducting this research was created in modern doctrinal sources. In particular, the question of the general provisions of the pre-trial investigation was reflected in the scientific and practical commentary on the CPC of Ukraine[2] and the works of the scientists of criminal procedural law[3] and specialists in the sphere of operative and investigative activity[4]. In this context, the scientific developments of the department of criminal process deserve special attention and value. National Academy of Internal Affairs, among which it is necessary to distinguish works by L. D. Udalova ("The Criminal Procedure in Questions and Responses"[5], "The Course of Lectures on the

[1] The Code of Criminal Procedure of Ukraine: approved by the Law of the Ukrainian SSR of December 28, 1960. *Bulletin of the Supreme Soviet of the Ukrainian SSR*. 1961. № 2. P. 15.

[2] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 526–548.

[3] Department of Criminal Procedure of the National Academy of Internal Affairs/for the constituencies. ed. V. Kovalenko. Kyiv: Logos Ukraine Publishing House, 2013. 168 p.

[4] Investigative activity and secret investigative (search) actions in the schemes: manual/D. Y. Nikiforchuk, O. S. Tarasenko, V. I. Vasilynchuk, A. M. Kisly. Kyiv: Nat. acad. inside cases, 2015. 176 p.

[5] Criminal proceedings in questions and answers/L. D. Udalova, Yu. I. Azarov, D. P. Written etc. Kyiv: Publishing House "Skif", 2013. 212 p.

Criminal Procedure of the New CPC of Ukraine"[1]; "The Head of the Investigative Department as the subject of Criminal Procedure Evidence"[2] et al.[3], O. G. Yanovskaya[4], D. P. Pismenogo, "The Code of Criminal Procedure of Ukraine, Scientific and Practical Commentary"[5], "Regulation of Investigative (Investigative) and secret investigators (investigators) in the Criminal Procedure Code of Ukraine"[6]; "Conducting an unclassical investigative (search) action to make a decision of an investigating judge"[7], etc.[8]; Yu. I. Azarov "On the Problems of the Institute

[1] Course of lectures on the criminal process under the new CPC of Ukraine in 2 volumes/per coalition. ed. d. yuryd. n., prof. L. D. Shot. Kyiv: NAVS, 2012. 234 p.

[2] Chief of the Investigation Department as a subject of criminal-procedural proof/according to the commissions. ed. d. yuryd. n., prof. L. D. Shot. Kyiv: CST, 2012. 116 p.

[3] Department of Criminal Procedure of the National Academy of Internal Affairs/for the constituencies. ed. V. Kovalenko. Kyiv: Logos Ukraine Publishing House, 2013. P. 47–53.

[4] Ibid, p. 64–66.

[5] The Criminal Procedural Code of Ukraine. Scientific and Practical Commentary/by ed. prof. V. G. Goncharenko, V. T. Nora, M. E. Shumila, Kyiv: Justinian, 2012. 726 p.

[6] Written D. P. Regulation of Investigative (Investigative) and Involuntary Investigative (Investigating) Actions in the Criminal Procedure Code of Ukraine. *Actual problems of the application of the new criminal procedural legislation of Ukraine and trends in the development of criminology at the present stage: materials of All-Ukrainian. sciences practice conf. (Kharkiv, October 5, 2012).* Kharkiv: KhNUVS, 2012. P. 39–43.

[7] Written D. P. Execution of non-investigative (investigative) action before the decision of the investigating judge. *Disclosure of crimes under the new Criminal Procedure Code of Ukraine: materials Science.-practice conf. (Kyiv, November 8, 2012).* Kyiv: NAVS, 2012. P. 24–29.

[8] Department of Criminal Procedure of the National Academy of Internal Affairs... P. 68–77.

Understood in the Criminal Processes of Ukraine"[1]; "Features of Planning Investigation of Crimes committed by Organized Groups"[2] et al.[3] and scientific developments of other scientific and pedagogical workers of the department (O. I. Galagan, V. V. Rozhnova, O. E. Omelchenko, etc.)[4].

In view of the decision of the research tasks set out in this monograph, it is quite substantially working in this direction O. V. Batyuk[5].

The generalization of all scientific developments in this problem gives grounds to state that the development of scientifically substantiated recommendations that take into account the specifics of the typical situations arising from the investigation of crimes committed by convicted prisoners in correctional colonies implies the use of all the diversity of both modern and past achievements of scientists in the first queue, the criminal process, as well as other researchers, engaged in studying issues that were the content of the objectives of this study and its scientific novelty.

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[1] Azarov Yu. I. Concerning the Institute's Problems in the Criminal Proceedings of Ukraine. *Law of Ukraine*. 2012. № 6. P. 71–87.

[2] Azarov Yu. I. Features of Planning Investigation of Crimes committed by Organized Groups. *Public law*. 2012. № 2 (6). With. 24–31.

[3] Department of Criminal Procedure of the National Academy of Internal Affairs/for the constituencies. ed. V. Kovalenko. Kyiv: Logos Ukraine Publishing House, 2013. P. 79–80.

[4] Ibid.

[5] Batyuk O. V. Investigation of the methods of criminal prophylaxis of crimes committed in penitentiary institutions. *Knowledge. Education. Law/management.* 2015. № 1 (9). P. 12–21.

Concentration in places of deprivation of liberty of the most socially dangerous convicts, in respect of which the courts did not apply other punishments not related to the isolation of a person from society, their consolidation in accordance with the principles and rules of the criminal community (the same subculture), as well as modern processes of reforming the current legislation of Ukraine and his humanization (QC, CPC, KVN others), aimed at easing the regime requirements for the convicts, and reducing the social protection of the staff of the Ministry of the Interior and the SIZO, recently led to the intensification of the counteraction of these two subjects of the criminal-executive and criminal-procedural relations, its exacerbation and conflicts of interest. Proceeding from this, in this study, for the greater reasoning of this problem, as well as the reflection of its relevance and the necessity of its development, the term "counteraction" is used.

In addition, in the context of clarifying the content of this study, it is important to explain the use of such a phrase in the work as "places of deprivation of liberty". These, in particular, in accordance with the current legislation of Ukraine, include:

a) places of pre-trial detention, which are defined in the Law of Ukraine of June 30, 1993 "On Pre-trial Detention"[1] and in articles 176, 177 and 183 of the CPC of Ukraine (in this work we are talking only

[1] On pre-trial detention: Law of Ukraine dated June 30, 1993, № 3352-XII. *Bulletin of the Verkhovna Rada of Ukraine*. 1993. № 53. P. 360.

about the investigating detachments of the DKVD of Ukraine), as institutions where the sentenced persons are sentenced to imprisonment (persons left in the economic service (art. 89 of the CEC of Ukraine));

b) penitentiary institutions (part 2 of art. 11 of the CEC of Ukraine) – in this work: correctional centers, correctional and educational colonies, as in arrested houses, since they were affiliated to the CEC of Ukraine as an administrative unit (January 1, 2004), crimes are not registered, and therefore there is no empirical basis for research.

1.2. Concept and content of investigation of crimes committed in places of imprisonment

The term "investigate" means doing research, studying someone, or something; to explain, to find out, conducting an investigation or to understand something in a matter[1].

In the general (broad) sense in legal literature, this term is interpreted as a stage of the criminal process, during which the bodies of pre-trial investigation perform the actions provided for by the criminal procedural law and make decisions for the collection and verification of evidence, the prompt, complete and unbiased investigation of crimes, the prosecution of both accused persons what they did; taking measures for the prevention of crimes, clari-

[1] Jurisprudence: dictionary of terms: teach. manual/for ed. V. G. Goncharenko. Kyiv: Lawyer Counsel, 2007. P. 558.

fying and eliminating the causes and conditions conducive to the commission of crimes, as well as measures that provide compensation for the damage caused by a crime[1].

In a narrower sense, the term "investigation" is considered in the context of such a stage of the criminal process as "pre-trial investigation" (Section III of the CPC of Ukraine), since, if proceeding from the tasks of criminal proceedings, defined in art. 2 CPC, this stage should ensure prompt, complete and impartial investigation of the very fact that anyone who committed a criminal offense has been brought to justice with his guilty verdict, no one has been accused or convicted, no person was subjected to unreasonable procedural coercion and that a proper legal procedure has been applied to each party to the criminal proceedings.

At the same time, it should be noted that the stated task of criminal proceedings is implemented in practice, provided that other tasks are carried out, which is discussed in art. 2 CCP, namely:

a) protection of individuals, society and the state from criminal offenses;

b) the protection of the rights, freedoms and legitimate interests of participants in criminal proceedings. It should be borne in mind that, in spite of a legally defined approach on this issue, the issue of the relationship between the categories of "disclosure of crimes" and "crime investigation" is still debatable in science.

[1] Jurisprudence: dictionary of terms: teach. manual/for ed. V. G. Goncharenko. Kyiv: Lawyer Counsel, 2007. P. 502.

How to install S. S. Cherniavsky, the content of the disclosure of a crime is an investigation of a crime in the absence of information about the identity of the offender, which is to find this information and use to prove its involvement in the crime. That is, the disclosure of the crime coincides with the initial stage of the investigation if, at the time of the criminal proceedings, there is no information on the identity of the offender – in such circumstances, the pre-trial investigation begins with uncertainty (in situations where the source information does not contain information about the crime committed by a particular person).

In this case, the content of the initial stage of the investigation is the disclosure of a crime, while the content of further action is to prove the circumstances of the case. At the same time, the investigation of crime is always carried out to establish the truth by performing a dual task: on the one hand, the establishment of the person of the offender and other unknown circumstances (in fact, this is the disclosure of a crime), and on the other hand – the proper processing of the detected traces and the formation of a system of evidence (proof)[1].

This approach should be considered scientifically sound and that can be implemented at the legislative and practical levels. As for other components of the content of the term "investigation", then the scientific views on their literal interpretation coincide. In

[1] International Police Encyclopedia: in 10 t./bp. ed.: V. V. Kovalenko, Ye. M. Moiseyev, V. Ya. Tatsiy, Yu. S. Shemshuchenko. Kyiv: Atika, 2010. T. VI: Operational-search activity of the police (militia). P. 868–869.

particular, under the requirement of a quick investigation, scientists understand that the timing of establishing a criminal offense and guilty persons should be as close as possible to the time of the commission of a crime[1].

The completeness of the investigation means that all circumstances, which according to art. 91 CPC are subject to evidence in criminal proceedings, namely:

1) the event of a criminal offense (time, place, method and other circumstances of his commission);

2) the guilty person of the accused in committing a criminal offense, the form of guilt, the motive and purpose of his commission;

3) the type and amount of damage inflicted by a criminal offense, as well as the amount of procedural expenses;

4) circumstances influencing the degree of gravity of a criminal offender characterize the person of the accused, aggravating or mitigating punishments that exclude criminal liability or are grounds for the closure of criminal proceedings;

5) the circumstances which justify the release from criminal liability or punishment;

6) circumstances confirming that the money, valuables and other property subject to special confiscation received as a result of a criminal offense and/or are proceeds from such property or were intended to (incapacitate) a person to commit a crimi-

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 7.

nal offense, to finance and/or material provision of a criminal offense or compensation for his commission, or is the subject of a criminal offense, including those related to their illicit trafficking, or sought, manufactured, adapted or not used as a means or instrument of a criminal offense;

7) circumstances that are grounds for the application to legal entities of criminal law.

At the same time, as correctly concluded by a number of scientists, when these circumstances are established, the crime is recognized as fully disclosed. Moreover, the statement of this fact is possible only after the conviction of legal force, and in cases of closure of criminal proceedings for unreasonable circumstances – after the entry into force of the relevant court order[1].

And, finally, the impartiality of the pre-trial investigation at the doctrinal level is understood as objectivity, impartiality in the investigation of all the circumstances of the proceedings. In particular, in accordance with the requirements of Part 2 of art. 9 CPC of Ukraine, the prosecutor, the head of the pre-trial investigation body, the investigator is obliged to investigate impartially the circumstances of the criminal proceedings, and to reveal both the circumstances that reveal and those that justify the suspect, the accused, as well as circumstances that soften or aggravate him punish them, provide them with a proper legal assessment and ensure the adop-

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 7.

tion of unbiased procedural decisions. In turn, the court, maintaining impartiality, must create the necessary conditions for the parties to exercise their procedural rights and exercise their procedural responsibilities (Part 2 of art. 22 of the CPC)[1].

Proceeding from the above mentioned theoretical approaches and with the corresponding decision of the corresponding task of this study, one can realize the following idea of "investigation of crimes, committed and justified colonies". In specified criminally-executing institutions the typical model, taking into account the peculiarities of execution and execution of punishment in determining the will, was fixed, and which was implemented for the implementation of the ation in full completion of criminal proceedings.

Thus, the system-forming features that make up the meaning of this concept include the following:

1. This is the procedural activity of the investigator.

As to this conclusion I. V. Basist, the whole criminal process can be characterized as regulated by the norms of criminal law, the activities of authorized agents aimed at the disclosure of criminal offenses, the disclosure and punishment of the perpetrators and the prevention of the punishment of innocents, as well as the system of legal relationships that arise during this activity[2]. That is, from the practical

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 7–8.

[2] Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. P. 41.

point of view, the procedural activity of an investigator is a system of procedural actions and decisions made by the CPC in the CPC.

The concept of an investigator is given in paragraph 17 Part 1 of art. 3 CPC, namely, the official of the National Police, the security body, the body supervising the observance of tax legislation, the body of the State Bureau of Investigations, authorized within the competence provided for in this Code, to conduct a pre-trial investigation of criminal offenses.

In accordance with the requirements of Part 1 of art. 216 CCP, pre-trial investigation of crimes (in the context of the content of the subject of this study – investigation of crimes committed by convicted persons) is carried out by investigators of the National Police of Ukraine.

2. The said activity shall be carried out in accordance with the procedure established by law.

According to the requirements of Part 2 of art. 1 CPC of Ukraine, the criminal procedural law of Ukraine consists of the relevant provisions of the Constitution of Ukraine, international treaties, the consent to be bound by the Verkhovna Rada of Ukraine, this Code and other laws of Ukraine.

The procedure for pre-trial investigation, including for crimes committed by convicts in correctional colonies, is defined in section III of the CCP and includes, inter alia: a) the general provisions of the pre-trial investigation (Chapter 19); b) investigative (search) actions (Chapter 20); c) secret investigative (search) actions (Chapter 21); d) notification of suspicion (Chapter 22); e) suspension of pre-trial investi-

gation and extension of the investigation period (Chapter 23); f) end of pre-trial investigation and extension of its term (Chapter 24); g) features of pre-trial investigation of criminal offenses (Chapter 25); h) appealing actions, actions or inactivity during pre-trial investigation (Chapter 26).

In addition, it should be noted that the CPC does not identify peculiarities of pre-trial investigation of crimes committed by convicts in places of deprivation of liberty, which, as practice shows, adversely affects the effectiveness of procedural activities of investigators in correctional colonies.

3. The said activity is carried out at the stage of pre-trial investigation of criminal proceedings.

In accordance with the provisions of paragraph 5 of Part 1 of art. 3 CPC, this stage begins with the introduction of information about a criminal offense committed by a convict (or group of persons) in a penal colony to the URDR and ends with the closure of a criminal proceeding or a prosecution to a court, a petition for the use of compulsory measures of a medical or educational nature, a petition on the release of a person from criminal responsibility.

Criminal proceedings are pre-trial investigation and judicial proceedings, procedural actions in connection with the commission of an act provided for by the law of Ukraine on criminal liability (art. 10, paragraph 1, art. 3 of the CPC). It should be noted that in this monograph the criminal proceedings are conducted only in the context of pre-trial investigation of crimes committed in the correctional colonies of Ukraine.

4. The investigator's investigative activity in the investigation of crimes is carried out only in correctional colonies.

As it follows from the contents of Part 3 of art. 11 of the CPC of Ukraine, the correctional colonies belong to closed-type criminal institutions, which, in turn, are divided into colonies of the minimum, average and maximum levels of security (articles 4, 11 of the Criminal Code).

In accordance with the requirements of art. 18 CPC, correctional colonies carry out punishment in the form of imprisonment for a certain period of life imprisonment.

Taking into account that with the participation of sentenced to life imprisonment, since the imposition of this criminal punishment in the Criminal Code of Ukraine (2000) for the present period (2015) no crime has been recorded, the issue of correctional colonies in this monograph is only in the context of the commission of crimes sentenced to imprisonment for a certain period of time (art. 63 of the Criminal Code).

5. In the investigation of crimes in correctional colonies, peculiarities of execution and serving of punishment in the form of imprisonment in colonies of different levels of security are taken into account.

In accordance with the requirements of Part 2–3 of art. 18 CPC, sentenced to imprisonment, serve sentences in correctional colonies:

a) a minimum level of safety with a lightened holding condition;

b) a minimum level of security with general conditions of detention;

c) medium security;

d) the maximum level of safety;

e) in SIZOs that perform functions of correctional colonies of a minimum level of security with general conditions of detention and correctional colonies of an average level of security in relation to convicts left to work for maintenance.

The peculiarities of serving sentences in correctional colonies of different types are specified in Chapter 20 of the Criminal Code (articles 138–140), and the particulars of equipment of these CVUs and the differences in the execution (serving) of this punishment – in the Provisional Bureau of the Provisional Provision (section 4, section I, "General Provisions"; paragraph 2 of Part VI "Conduct checks of the presence of convicts"; Part XVII "The order of conducting surveys and searches", etc.).

The above features and differences must necessarily be known by investigators investigating crimes committed by convicted prisoners in correctional colonies, as these circumstances significantly affect the effectiveness, speed and completeness of the pretrial investigation, as well as the process of detecting, consolidating and using evidence in the criminal the proceedings and in general to prove it (Chapter 4 of the CPC).

6. The procedural activity of the investigator in correctional colonies, first of all, is aimed at the full realization of the tasks of criminal proceedings.

The tasks of the criminal proceedings are defined in art. 2 CPC. Their implementation in conditions of correctional colonies is carried out taking into account

the peculiarities of execution and serving of punishment in the form of imprisonment.

The completeness of their implementation is the maximum achievement of the purpose of pre-trial investigation. In addition, it should be noted that the basic indicators of crime detection activities have not yet been identified in science or practice. As in this connection, O. Yu. Tatarov, a comprehensive objective assessment of the activity of law enforcement bodies is a difficult task that does not have an unambiguous deterministic decision, since it is characterized by a large and clearly uncertain number of factors influencing their activity, as well as by many evaluation criteria, which depends on the estimating sub- an object, and one who is estimated[1].

Summarizing the above, it should be noted that although at the present time, at the legislative level (art. 5, Clause 1, art. 3 of the CPC), the definition of the term "pre-trial investigation" is defined, which is understood as the stage of criminal proceedings, which begins with the moment of entering information about a criminal offense to the Uniform Register of Pre-trial Investigations and ends with the closure of a criminal proceeding or a prosecution to the court, a petition for the use of compulsory measures of medical or educational nature the request for exemption from criminal liability – at the scientific

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 85.

level, this problem is still the subject of discussions and a comprehensive study that is used in this monograph when implementing the tasks related to the investigation of crimes committed by convicts in the correctional colonies of Ukraine. In his direction and content, as rightly pointed out by V. S. Zelenetsky, this work differs significantly from judicial activity, because it is directed not to the direct resolution of the legal conflict between the state and the individual who committed a criminal offense, but to a written reconstruction, the restoration of all of his circumstances, as events of the past, in a special documentary grouping – materials of the criminal case[1].

In turn, according to R. S. Belkin, the work indicated has a heuristic, search-and-researcher character, it contains elements of the cognitive-identity plan that form the evidence base for both prosecution and defense. Such kind of research is not typical for the organs of justice, because the courts do not apply material-search (forensic), and informational and logical methods of investigating already collected, systematized and submitted to the court forensic evidence. In other words, in its nature, the court can not engage in detection, search, consolidation of forensic evidence. This type of study is not inherent to it. The court is obligated to investigate already collected and properly affixed evidence in order to establish their authenticity and sufficiency to resolve the criminal case on the merits. This is an entirely

[1] Zelenetsky V. C. Excitation of a criminal case. Kharkiv: CrimeaArt, 1998. P. 25.

different type of research evidence, the name of which is intangible, and information-logical[1].

The CPC of Ukraine conducts a criminal investigation into a criminal investigation into the pre-trial investigation bodies, referring to the initial stage in which they operate a pre-trial investigation (articles 38–40). A. Y. Deryshev remarked on this, this stage name is due to the fact that it precedes the consideration of the criminal case file in court and ensures its proper decision[2]. This stage also establishes the presence or absence of circumstances excluding the trial of criminal proceedings (art. 284 of the CPC of Ukraine). At the same time, pre-trial investigation of crimes is carried out by the investigating authorities of the pre-trial investigation, and criminal offenses are investigative bodies of inquiry under the supervision of the prosecutor (art. 36 of the CPC of Ukraine). In correctional colonies, this activity is carried out by investigators of the National Police of Ukraine (art. 216 of the CPC).

In theory and in practice, pre-trial investigation is defined as an independent stage of criminal proceedings and as an independent institution of criminal procedural law, that is, as a set of legal norms that determine the procedure for criminal procedural activities and regulate (regulate) criminal procedural legal relationships at this stage between its parti-

[1] Belkin A. R. Theory of Evidence in Criminal Proceedings. Moscow: Norma, 2000. P. 104.

[2] Derishev Y. Criminal pre-trial proceedings: problems and ways of reforming. *Criminal law*. 2005. № 1. P. 81.

cipants[1]. These norms are contained in Chapters 19–26 of section III of the CPC of Ukraine. The task of this stage, according to V. M. Yurchishin, are to establish objective truth by investigating criminal offenses by conducting investigatory (search) actions and using other methods established by law to collect, verify and evaluate evidence[2]. The content of the pre-trial investigation, including abroad, is the activity of investigative bodies of inquiry and investigative bodies of pre-trial investigation to reveal and fix the material traces of a criminal offense, as well as search of other sources of evidence, by means of which it is possible to install (reproduce, reconstruct) a picture of the events of this offense in all its details, as well as obtain and process evidence of evidence contained in the identified sources[3].

After establishing the person who committed a criminal offense in the penal colony, the pre-trial investigation is conducted with the aim of identifying all its participants (executors, instigators, accomplices), determining the degree of guilt of each of them, the motives of illegal activity, circumstances aggravating or mitigating responsibility, the nature and extent of the damage caused, the reasons

[1] Course of Criminal Procedure: textbook: in 3 vol. Vol. 1 /ed. by V. A. Mikhailova. Moscow; Voronezh: NGO "MODEC", 2006. P. 31.

[2] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 55.

[3] Bykov V. M., Zhmurova E. S. Investigative actions under the Code of Criminal Procedure of the Russian Federation. *Jurisprudence*. 2003. № 9. P. 135–136.

and conditions that contributed to the commission of the offense[1]. At this stage, as V. A. Mikhailov, the question is solved and the use of appropriate preventive measures against the perpetrators, excluding the possibility of committing them with new offenses, evasion from the investigation and court, and obstruction of the investigation of a criminal offense[2].

Pre-trial investigation – generic notion. Under it is understood two of its forms: inquiry and pre-trial investigation[3]. The inquiry form investigates criminal offenses. In most criminal offenses, the inquiry is carried out by the National Police and only by certain types of misconduct – other bodies specified in art. 38 CPC of Ukraine[4]. At the same time, the operative units of law enforcement bodies defined in the CPC of Ukraine (in the correctional colonies, which are the operational units of these CVUs) are entrusted with the necessary operational and search measures to identify the features of a criminal offense and those who committed it. This duty is performed by them in the exercise of their functional responsibilities, enshrined in the statutory laws regulating their organization and activities. In addition, they have the right to conduct separate investigative (search) and secret investigative (search) actions in criminal

[1] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 55.

[2] Course of Criminal Procedure: textbook: in 3 vol. Vol. 2/ed. by V. A. Mikhailova. Moscow; Voronezh: NGO "MODEC", 2006. P. 651.

[3] Ibid, p. 420.

[4] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System... P. 55.

proceedings on the written instruction of the investigator, the prosecutor (art. 41 of the CPC of Ukraine)[1]. Moreover, it should be recognized that pre-trial investigation is the main form of pre-trial investigation (criminal offenses), since only the investigating authority of pre-trial investigation has the right to investigate the crime. In this case, pre-trial investigation is carried out in all criminal offenses, with the exception of criminal offenses (art. 216 of the CPC of Ukraine).

Thus, it can be stated that even after the new CPC of Ukraine, pre-trial investigation bodies have wider powers than the bodies of inquiry at which they are formed. In this case, the investigative body of the pre-trial investigation is given rights (art. 3, Part 2, art. 40 of the CPC of Ukraine), and the body of inquiry by duties (Part 1, art. 41 of the CPC of Ukraine). As V. Y. Taciy noted in this connection, in this situation of the formation and functioning of the bodies of pre-trial investigation in the system of inquiry bodies can not obtain scientific confirmation and is a clear mistake of the legislator[2]. This conclusion is fully applicable, in particular, to the elimination of the inquiry institute in the Ministry of Social Security and Prisons, ie, the deprivation of the right of the heads of these institutions to conduct inquiries, given that the legislator has not clearly defined the

[1] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 55–56.

[2] Tatsiy V. Prosecutor's Office and Law Enforcement Bodies in the Law Enforcement Bodies. Bulletin of the Prosecutor's Office. 2013. № 3. P. 4–5.

place and role of the bodies of pre-trial investigation in the state apparatus of Ukraine, which attracted is an imperfect institution's legal structure. Moreover, this topical issue continues to remain unresolved and at the theoretical level, although the search for an optimal organizational legal structure for pre-trial investigation lasts more than a century[1].

Consequently, pre-trial investigation is not only the largest in terms of volume and character, but also the most complex form of state-legal activity in its disorderly manner, especially in the context of investigations in places of deprivation of liberty. If you add to this, as remarks V. M. Yurchyshyn, one-sidedness of the investigative work, limited publicity in which it is implemented, invasion of the sphere of specially protected rights and legitimate interests of the person, where any violation of the law may entail grave, but often irreparable consequences, both for the individual citizen and for the state as a whole, then it becomes clear the urgent need for rigorous external control over the lawfulness of this state activity[2]. According to the current legislation of Ukraine, the implementation of such control in the pre-trial stage of the criminal process by observing the lawfulness of investigators, including in correctional colonies, in conducting any investigative (search) action, unconscious investigatory (investiga-

[1] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 60.

[2] Yurchyshyn V. M. General characteristics of pre-trial proceedings, the role and place of the prosecutor's office in it. *Entrepreneurship, economy and law*. 2012. № 8. P. 177.

tive) action and the acceptance of each investigator (wanted) the decision rests with the prosecutor, who implements it (control) in the form of prosecutor's supervision (articles 3, 121 of the Constitution of Ukraine, Clause 3, Part 1, art. 5 of the Law of Ukraine "On Prosecutor's Office" and art. 36 of the CPC of Ukraine). At the same time, as practice shows, due to improper organizational and legal provision of pre-trial investigation prosecutors have to work in pre-trial investigation literally in extreme conditions, often replacing the investigator himself.

Well-known (in the science of criminal proceedings) is the conclusion that the criminal process consists of a system of clearly defined and separate stages of criminal proceedings[1]. These stages are traditionally considered as stages of the criminal process, including the investigation of crimes in correctional colonies, due to the fact that the contribution of each stage in achieving the goals and objectives of criminal proceedings in general is specific, especially in the investigation of crimes in correctional colonies, and each of these stages is inherent in its own, characteristic only for it, the system of criminal procedural functions of the actors acting there. Moreover, in each stage several basic (general-procedural) functions can be performed, but the presence of at least one of them is, as scientifically justified, obligatory[2]. As for the authorities of criminal proceedings, including crimes committed by

[1] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 66.

[2] Ibid.

convicted prisoners in correctional colonies, in each of the seven stages of the process, they must perform, in addition to their fundamental (general-procedural) function, the basic and additional functions, due to the specifics of a particular stage, in which they operate, its tasks, the specific composition of the participants, the peculiarities of the criminal-executive legal relations and equipment of different security levels of correctional colonies and their structural divisions (articles 18, 138–140 of the CEC of Ukraine), the nature of the powers and the procedure for their implementation. However, as substantiates V. M. Yurchyshyn, the type (model) of criminal proceedings defined in the CPC of Ukraine, with its division into parties, both in the pre-trial investigation and in the proceedings, can not be called fully competitive, since it preserves the pre-trial investigation characteristic of the mixed (continental) process . Moreover, the key issue of the adequacy of the evidence gathered by the investigator for the preparation of the indictment and the provision of the suspect's procedural status of the accused is solved by the prosecutor alone without the participation of the accused, lawyer-advocate and legal representative (art. 291 of the Criminal Procedure Code of Ukraine)[1]. All this is a vivid testimony to the fact that in the pre-trial investigation, in particular, the crimes committed by convicts in correctional colonies, only certain elements of adversity have been initiated, but in general, it continues to be indepen-

[1] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 67.

dent, written, one-sided, and limited to the vowel, indicating its affiliation with the mixed (continental) type of criminal proceedings. This requires the investigator, as the key authority of the pre-trial investigation, to actively implement all of his criminal procedural functions at this stage of criminal proceedings, including the facts of committing offenses incarcerated.

Thus, the investigation of crimes committed by convicts in correctional colonies is a process which, on the one hand, is based on the general theoretical and methodological and normative legal provisions of the pre-trial investigation, as defined in the current CPC of Ukraine, and on the other hand, is carried out taking into account the content of criminal-executive activities and ODU operational units of these CVUs, the basis of which is defined in Art. 104 CEC of Ukraine, which is important to consider from the review of the decision of other tasks of this study, which is discussed in the relevant units of this scientific development.

To improve the legal mechanism for investigating crimes committed by convicted prisoners in the correctional colonies of Ukraine, the following measures should be taken:

1. To supplement Part 1 of art. 3 CPC "Definition of the main terms of the Code", paragraph 27, as follows: "The investigation of crimes is the procedural activity of the parties of the party specified in the law of the charge, which is carried out at the stage of pre-trial investigation and aimed at the full realization of the tasks of criminal proceedings".

2. Amend the fourth sentence of Part 1 of art. 104 CRC "Operational and Investigative Activities in the Colonies", namely: to exclude from it the word "disclosure" and replace it with the word "investigation", putting this sentence in the new wording: "Providing law enforcement agencies conducting operative-search activities or criminal proceedings, assistance in investigating, stopping and preventing crimes".

The arguments in this regard are set out in this section of the monograph and proceed from the content of the concept of "investigation of crimes committed by convicted prisoners in correctional colonies", which is formulated in this paper.

1.3. Historical analysis of crime investigation in places of imprisonment

The study of the historical principles of the formation of all elements and stages of the investigation of any crime, including that committed by those sentenced to imprisonment during the serving of the sentence, as well as the definition of its features and development trends, on the one hand, is due to the logic of the content of the criminal process, and on the other hand, the need to develop the most effective measures aimed at overcoming the counteraction to pre-trial investigation by the participants in the criminal proceedings.

Moreover, the application of the historical and legal method of studying the above-mentioned social

phenomena may seem to "look" from the middle to the essence of criminal-procedural activity and to understand the content of both the tasks of criminal proceedings (art. 2 of the CPC of Ukraine) and the specifics of their implementation in places of deprivation of liberty, in particular in correctional colonies.

On this basis, the question of the historical analysis of the investigation of crimes and the counteraction to it by prisoners in places of deprivation of liberty is extremely necessary and the theorist is a reasonable step towards the goal of this study.

It should be noted that any monographic publication related to the investigation of crimes did not bypass one of them, such as the history of this process (pre-trial investigation, pre-trial proceedings, etc.)[1], which serves as an additional argument for the justification of its production and in this monograph, taking into account those features that characterize the process of execution and serving of sentences in the form of imprisonment and which, in one way or another, affect the effectiveness of the investigation of crimes committed by convicted prisoners in correctional colonies of Ukraine. At the same time, taking into account the periodization of the state of scientific research on selected subjects, carried out in this work, in this section of work will be discussed about the history of the formation and development of pre-trial investigation in the specified CVU,

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 11–60.

starting with the so-called Soviet era in particular, the results of scientific research carried out in this area showed that most of the research on the creation and development of pre-trial investigation institutions in the Soviet era was conducted in the context of the requirements of the time and was mostly to highlight the achievements of the state's legal policy and the advanced role of the party, rather than a detailed study of the organization's problems, and the legal principles of the criminal justice system[1]. The fundamental scientific works of this period include publications published in the scientific world in 1965, edited by P. P. Mikhailenko and was dedicated to the history of Soviet militia[2]. Subsequently, certain aspects of the activities of the pre-trial investigation bodies at the monographic level were investigated by S. L. Limarchenko (1972)[3] and V. V. Statkus (1984)[4].

It should be noted that the basis of the development of pre-trial investigation of the Soviet era

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 12.

[2] From the history of the militia of Soviet Ukraine/ed. P. P. Mikhailenko. Kyiv: RIO of the Ministry of Internal Affairs of the Ukrainian SSR, 1965.

[3] Lemarchenko S. L. The main stages of development of the organs of preliminary investigation of the Ukrainian SSR: author's abstract. dis. ... cand. lawyer sciences: 12.00.09. Kyiv, 1972. 24 p.

[4] Statkus V. F. Formation and development of the investigative body of internal affairs bodies: textbook. Moscow: Academy of the Ministry of Internal Affairs of the USSR, 1984. 31 p.

and the time of independent Ukraine were based on those achievements and achievements that resulted from its functioning at other stages:

a) pre-trial investigation of the second half of the nineteenth and early twentieth centuries (1864–1917);

b) pre-trial investigation of Soviet Ukraine (1918–1961);

c) and in general all five stages of the history of the emergence and development of the institute of pre-trial proceedings: 1) the first is connected with the formation of statehood, starting with the founding of Kievan Rus, which lasted until the Judicial reform of 1864; 2) the second stage was related to the implementation of this reform and ended with the adoption in 1922 of the first CPC of the Ukrainian SSR; 3) the third stage lasted from 1922 to 1958 and ended with the adoption of the "Principles of Criminal Proceedings of the Union of Soviet Socialist Republics and the Union Republics"; 4) the fourth stage falls on 1958–1991 and associated with the adoption and operation of the checkpoint of the Ukrainian SSR in 1961; 5) the fifth stage began with the independence of Ukraine and ended in 2012 with the adoption of a new CPC[1].

It is logical to assume that today in Ukraine the sixth stage of the development of the institute of pre-trial investigation is ongoing.

With regard to the immediate stages of the functioning of the said institute, taking into account

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 14–60.

the periods of scientific research that formed the basis of this work, the fourth and fifth stages of the development of pre-trial investigation in Ukraine are of greatest interest. In particular, the adoption of the Criminal Procedure Principles of the USSR and the Union Republics in 1958 became the legal basis on which the foundations were founded, including in Ukraine new CPCs, and formulated the idea of unity of state law enforcement agencies in the fight against crime, namely, the court, prosecutor, investigator and inquiry body were links of one chain, which were linked by a community of tasks and principles of activity[1], which is very important in the context of the content of the objectives of this study and the problems of combating recidivism in Ukraine. At the same time, two forms of pre-trial investigation – inquest and pre-trial investigation – were consolidated in the Fundamentals, and they also contained an exhaustive list of pre-trial investigation bodies – investigative prosecutors and state security bodies (Article 28). In addition, in the Foundations it was determined that in all the Union republics the bodies of inquiry include: police, commanders of military units, unions and chiefs of military units, as well as other agencies and organizations authorized by that law.

At the same time, the correlation of inquiry and pre-trial investigation with the adoption of the Fun-

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 51.

damentals of 1958 has not changed. Yes, according to art. 29 Basis, the authorities of inquiry were obliged to use the necessary operational-search measures to identify the features of the crime and those who committed it. Moreover, in the presence of the signs of a crime that led to the pre-trial investigation being compulsory, the inquiry authority had to initiate a criminal investigation and conduct urgent investigative actions to establish and secure the traces of the crime, namely: inspection, search, recruitment, apprehension and questioning of the suspects, interrogation of victims and witnesses. In this case, the pre-trial investigation had to check the materials of the inquiry and establish the circumstances that were not established by the inquiry authorities[1].

In the Ukrainian SSR, a new CPC was approved on December 28, 1960, and was enacted on April 1, 1961, to which all the norms of the Fundamentals of 1958 were included in the relevant sections, some of the norms of the pre-existing criminal procedural law, taking into account investigative and judicial practice , as well as the achievements of the Soviet science of the criminal process. At the same time, a significant change introduced by this Code into the system of inquiry bodies was the withdrawal of inspections from it, as well as government agencies and employees, which according to art. 94 CPC USSR in 1927 was the right to conduct inquiries in certain

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 51.

categories of criminal cases[1]. In particular, art. 111 CPC of the USSR established the ratio of inquiry and pre-trial investigation and determined the list of crimes for which pre-trial investigation was mandatory.

Another important step during this period was the formation of an investigating staff in the Ministry of Internal Affairs (Ministry of Public Order Protection – before the establishment of the Ministry of Internal Affairs) and the system of investigation departments, departments and departments within territorial departments and departments of internal affairs in the oblasts (cities of Kyiv and Sevastopol). At the same time, the investigator for the position was included in the nomenclature of the Chief of the Department of Internal Affairs of the region, city, etc., who could independently appoint, replace and bring to disciplinary responsibility the investigative police officers. However, this did not change the actual subordination of investigators to the territorial police officer where he directly worked, and therefore did not alleviate the influence of the latter on pre-trial investigation and did not destroy the fundamental principles of counteracting the investigation of crimes by this category of actors of counteraction.

During the years of Ukraine's independence, the CPC of 1961 introduced a number of significant changes related to the improvement of the activities of the inquiry and pre-trial investigation bodies, the

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 53.

main result of which was the adoption of the CPC in 2012. At the same time, these problems have not been solved, along with positive affairs related to the issues of pre-trial investigation and pre-trial investigation till now at the regulatory level. In particular, as in this regard, concluded V. T. Malyarenko, the reasons for the unsatisfactory state of pre-trial investigation are twofold. The first ones are of fundamental importance and consist in the fact that pre-trial investigation on the basis of its own is based on an incorrect construction, the fundamental principles of which are not consistent with the basic principles of the conduct of the final, that is, judicial. The second – consist of various inappropriate conditions of the activities of the bodies conducting pre-trial investigation, and those who oversee him[1].

Even more categorically I noticed in this regard O. I. Litvinchuk, who is convinced that in the future the CPC investigator in 1961 practically lost his procedural independence and independence[2]. CPC 2012 does not resolve this problem, because according to Part 2 of art. 36 of this Code, the prosecutor supervises the observance of laws during the pre-trial investigation in the form of procedural guidance, that is, as correctly concluded I. V. Basist, in the literal interpretation of this norm, the investigator is

[1] Malyarenko V. T. Restructuring of the criminal process of Ukraine in the context of European standards: monograph. Kyiv: Yurincom Inter, 2005. P. 125.

[2] Litvinchuk O. I. The procedural status of the investigator in the criminal process of Ukraine: dis. ... candidate. lawyer sciences: 12.00.09. Lugansk, 2007. P. 198.

100 % deprived of procedural independence and independence. At the same time, departmental normative documents on the organization of the activities of pre-trial investigation bodies only confirmed such negative innovations[1].

With such an approach and assessment by academics, the effectiveness of the CPC norms, in particular regarding the regulation of the activities of pre-trial investigation bodies, can be accepted. And although in art. 38 CPC defines the list of pre-trial investigation bodies, still the (from the time of the adoption of the CPC in 1961), at the legislative level, does not define the term "system of pre-trial investigation", which is discussed in Part 1 of the said article of the Code.

These and other issues have a negative impact on the effectiveness of the pre-trial investigation, as the departmental division of investigating authorities does not contribute to a unified policy in this area, which causes a lot of negative consequences, and in general only reduces the capacity of the investigating apparatus in investigating crimes, including in places of deprivation of liberty will[2]. One of such consequences is the inadequate work of the investigator and operational units of the correctional colonies to overcome counteraction, pre-trial investigation, which is carried out at the external and internal levels with the participation of different actors.

[1] Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. P. 28.

[2] Ibid, p. 31.

In this regard, I can agree with the conclusion IV. It is basically assuming that under such conditions, the modern system of pre-trial investigation requires radical changes based on the established positive historical achievements, the doctrinal definition of the place of pre-trial investigation and the status of investigator, the proper regulation of the basis for its adoption and the implementation of procedural decisions, as a result of the historical development of modern criminal procedural legislation it has acquired not only positive but also negative regressive features and characteristics[1].

In the context of the content of the subject and the objectives of this study, special attention as an urgent and, at the same time, an urgent theoretical and applied problem, deserves the question that it is related to the content of the counteraction committed during the pre-trial investigation of crimes committed by convicted prisoners in correctional colonies.

Thus, proceeding from the procedures set out in subsection 1.1. this monograph of the stages of conducting scientific research on issues related to the content of the investigation of crimes in the indicated CVU and other results obtained, it can be stated that the institute of pre-trial investigation in correctional colonies has passed the following periods:

1) 1958–1991 – the period of adoption of the Criminal Procedure Principles of the Union of Soviet

[1] Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. P. 31.

Socialist Republics and the Union republics, as well as the adoption of the CPC of the Ukrainian SSR in 1961 and the practice of their application in the territory of our state, in which such legal institutions were defined as the inquiry that was entrusted to the chiefs IEP and SIZO; pre-trial investigation of crimes committed in places of deprivation of liberty;

2) 1991–2012 – the period of implementation in practice, including procedural activities in correctional colonies, the CPC rules of 1961 in conditions of independent Ukraine, which ended with the adoption of the CPC in 2012. It was during this period that the need to liquidate the bodies of inquiry and the use of their capabilities only in the investigation of criminal misconduct was proved at the scientific and practical levels;

3) 2012 – for the time being – the period of realization in practice of the CPC norms of 2012.

The need for a historical analysis of counteraction to pre-trial investigation in places of deprivation of liberty, in particular due to the objective nature of the formation of criminal communities and their leaders, is also due to the fact that the opposition (opposition) of convicts is of a diverse nature and is a systematic manifestation of a criminal subculture. From this it follows that the counteraction to the investigation of crimes in places of imprisonment is possible only with an integrated, systematic approach that would address the reform of not only criminal-procedural principles, but also modifications of the criminal-executive and criminal-law components of crime policy, Considering that researchers have long

been pointlessly pointing out that places of deprivation of liberty often influence the personality as a crime-causing factor[1]. Moreover, there is unity in the conclusions of many scholars that in studying the causes of this behavior, it is necessary to take into account not only the actions themselves but also the events that preceded them, because the person and his worldviews are formed, above all, under the influence of social factors[2]. Important in this connection is another conclusion on the essence of the mentioned problem, namely: the essence of human behavior, its orientation and content are, first of all, social causes of occurrence and significance.

I was these circumstances that were taken into account in the course of this study in the study of the historical principles of the formation of counteraction to pre-trial investigation in places of deprivation of liberty. In particular, it has been established that between convicts, as well as in other social groups, two types of communication are established: formal and informal. At the same time, informal contacts, under certain conditions, acquire the character of an informal organization, namely: being in places of deprivation of liberty, the convict faces a phenomenon like a "second life" – a phenomenon and is an informal system of self-organization of convicts that

[1] Muravyov V. K. "Areshtanskaya community" as a socio-psychological phenomenon in places of imprisonment. *Problems of penitentiary Theory and Practice*. Kyiv: KIVS, 2000. № 5. P. 151.

[2] Bibliography (criminology and crime prevention): directory/ordinarily: V. V. Vasilevich, S. I. Mirchenko, T. O. Sirodan, etc.; per. unit edit O. M. Dzhuzhi. Kyiv: Atika, 2008. P. 25.

has developed for centuries and acts as one of the determinants that gives rise and causes the opposition of convicts in the course of pre-trial investigation of crimes committed in UVP. Thus, an analysis of historical practice related to overcoming the pre-trial investigation by convicts in places of deprivation of liberty shows that one of the causes of this phenomenon is the opposition in the field of public consciousness of punishment created as a result of the interaction of customs, traditions, patterns of behavior and morals, stereotypes of the criminal environment ("criminal subculture") with one-level for them universal values of culture and social-positive customs of this industry[1]. The history of places of imprisonment in Ukraine also suggests that one of the most effective instruments for counteracting prisoners in the administration of the IEP was their association with the criminal community. As to this, K. V. Muravyov concluded that historical experience shows that people always survived only in the case of the association and implementation of certain rules and norms of conduct. Therefore, we can assume that the emergence of "second life" is objective[2]. This same author quite thoroughly proved the peculiarities of the associations of convicts in places of deprivation of liberty:

[1] Crime among social subsystems. New concept and branches of criminology/ed. D. A. Shestakov. St. Petersburg: Legal Center Press, 2003. P. 335.

[2] Muravyov V. K. "Areshtanskaya community" as a socio-psychological phenomenon in places of imprisonment. *Problems of penitentiary Theory and Practice*. Kyiv: KIVS, 2000. № 5. P. 153.

a) the compulsion of its creation (without the participation of members of the community);

b) the fullness of the community's life with anti-social phenomena, which, in most cases, reach the level of crime;

c) a significant charge of anti-social aggressive tendencies;

d) distorted moral perceptions about relations between people;

e) active selfish position of informal groups and individuals[1].

Consequently, it is logical to conclude that these prisoners tried to reproduce in the UVP the conditions and atmosphere in which they were brought before bringing them to criminal responsibility, that is, they are doing as much as possible in this way to attempt to bring conditions closer to the conditions in which they live in freedom, and, consequently, and make maximum use of the latter's ability to counter the investigation of crimes committed in correctional colonies. This also applies to the counteraction to criminal proceedings in these CVUs, which begin long before the conviction of a person (the so-called external form of counteraction) and which logically continues during the execution of a sentence in the form of imprisonment (internal form of counteraction). As practice shows, getting to places of deprivation of liberty, the convicted person has no choice

[1] Muravyov V. K. "Areshtanskaya community" as a socio-psychological phenomenon in places of imprisonment. *Problems of penitentiary Theory and Practice*. Kyiv: KIVS, 2000. № 5. P. 153–154.

and therefore is guided by the requirements that are expected.

Based on the results obtained in the course of this study, it can be argued that convicted persons are to some extent alienated from the administration of correctional colonies and completely subordinate to the criminal environment. Moreover, the more it "tightens" the convicted person, the greater the social danger it is, especially in the course of investigating crimes in these CVUs.

As the study of scientific sources has shown, the history of the community of convicts is inextricably linked with the history of its leaders[1]. Currently, these are individuals who belong to the criminal hierarchy to the category of so-called "thieves in the law"[2]. This concept first appeared in the 20–30th years of the nineteenth century in places of imprisonment[3]. In the prisons of tsarist Russia, including Ukraine, the criminal world was divided into caste, where some convicts occupied a leading position, while others were subordinates. There were also categories of convicts who were persecuted by other convicts for one or another reason (betrayal, denunciations, co-operation with operational units of the prison, non-fulfillment of assumed obligations against other

[1] Anisikov V. M. Prison community: "Milestones" of history. Moscow: Oh-89, 1993. P. 88–89.

[2] Pugach V. O., Nepomchatkova O. V. Criminal Subculture and Its Distribution in Ukraine. *The News of the Criminological Association of Ukraine*: Almanac. Kharkiv: Vat. nats. un-th interior, 2004. № 1. P. 145.

[3] Razinkin V. S. "The Thieves in the Law" and the criminal clans. Moscow: Criminologist. Assoc., 1995. P. 31.

convicted persons, etc.), but in some caste united. In addition, as established in the course of this study, the study of the socio-psychological mechanism of behavior of individual convicts and their communities testifies that one of the manifestations of counteraction to pre-trial investigation in places of imprisonment and its determinants (from lat. Determinants (determinantis) – that which determines, restricts) – the reason that determines the origin of the phenomenon)[1] was the so-called "criminal subculture"[2]. At the same time, it should be noted that in the scientific and practical sources (orders, instructions, regulations, etc.), the activities of the staff of the IEP and SIZO to overcome the opposition of the convicted, some authors call "criminal prosecution in places of deprivation of liberty" (V. M. Anisimov[3], I. V. Brizgalov[4], M. G. Detkov[5], etc.). In particular, O. V. Goloshchapov adds the following to this concept: "...This is a complex of measures of operative-

[1] Dictionary of foreign languages/ed. O. S. Melnychuk. Kyiv: Nauka, 1977. P. 203.

[2] Features of conducting interrogations of the suspect (accused) in order to prevent torture and other violations of human rights/V. K. Veselsky, V. C. Kuzmichov, V. C. Matsishin, A. V. Starushkevych. Kyiv: Atika, 2004. P. 27–61.

[3] Anisimov V. M. Criminal subculture and its neutralization in correctional institutions of Russia: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Saratov, 1998. 53 p.

[4] Bryzgalov I. V. Violent crimes committed in the ITC, and their prevention: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kyiv, 1984. 18 p.

[5] Detkov M. G. Prisons, camps and colonies of Russia (to the 120th anniversary of the Russian Chief Prison Administration)/ed. P. V. Krashennikova. Moscow: Verdict-M, 1999. 448 p.

search, criminal-procedural and administrative character, aimed at providing criminal justice and execution of criminal punishment for convicts"[1]. A similar view is maintained by F. A. Bagutdinov and O. V. Vasin[2], S. O. Golunsky[3], R. V. Mazyuk[4], and others.

Thus, the system-forming elements constituting the content of the concept of "prosecution in places of deprivation of liberty" should be, first of all, criminal-law measures, and not derived from them, the language of which O. V. Goloshchapov[5] and other scholars. As public practice shows, ignoring such an approach and giving priority to the policy of combating crime by means of operational-search and administrative direction can lead to arbitrariness and repression[6].

Based on the results of the historical analysis of counteraction to the investigation of crimes commit-

[1] Goloshchapov A. V. On the Question of the Concept and the Essence of the Function of Criminal Persecution. *The Legal Science of Siberia*. Kemerovo: Rat, 1997. P. 182–183.

[2] Babkova V. C. Organizational-legal problems of control in the prosecution activity: author's abstract. dis ... cand. lawyer sciences: 12.00.10. Kharkiv, 1998. 25 p.

[3] Golunsky S. O. On Incitement to Criminal Persecution. *Soc. Legality*. 1936. № 2. P. 38–42.

[4] Mazyuk R. V. The emergence, establishment and development of the concept of "criminal prosecution" in the Russian criminal justice system. Irkutsk: Publishing house of BGUEP, 2007. 186 p.

[5] Goloshchapov A. V. On the Question of the Concept and the Essence of the Function of Criminal Persecution... P. 182–186.

[6] Mikheyenko M. M., Shibiko V. P., Dubinsky A. Ya. Scientific and practical commentary of the Code of Criminal Procedure of Ukraine. Kyiv: Yurincom Inter, 1997. P. 5.

ted by convicted prisoners and the theoretical and methodological approaches, the following definition of the concept of "criminal prosecution in places of deprivation of liberty" can be deduced: "…This is a complex of measures of criminal law, criminal-procedural, criminal-executive, criminological and operative-wanted character, aimed at ensuring the objectives of criminal proceedings and the purpose of criminal prosecution early and to overcome the counteraction to investigation by prisoners and other persons involved in criminal proceedings in a particular role and quality".

To overcome these phenomena and neutralize their influence on the pre-trial investigation process for crimes committed in correctional colonies, it is necessary to take the following measures:

1. Make changes to art. 1 of the Law of Ukraine of 18.02.1992 "On Operational and Investigative Activity"[1], supplemented it with the following sentence: "In the places of imprisonment, the tasks of operational-search activity are, in addition, overcoming the opposition of individual convicts and their groups, aimed at disrupting the work of penitentiary institutions and investigative isolators, bodies of pre-trial investigation and other state bodies" and to lay it out in the following wording: "The task of operational and investigative activity is to search for and fix facts about unlawful acts of individuals and groups responsible for the ones provided for in the

[1] On Operational Investigative Activity: Law of Ukraine dated February 18, 1992. *Bulletin of the Verkhovna Rada of Ukraine*. 1992. № 22. P. 303.

Criminal Code of Ukraine, intelligence and subversive activities of special services and foreign states and organizations for the purpose of cessation of offenses and in the interests of criminal proceedings, and also receiving information in the interests of the safety of citizens, society, state, and in places of imprisonment, in addition, to overcome the opposition of individual convicts and their groups aimed at disorganization of the work of penitentiary institutions and investigative isolation units, bodies of pre-trial investigation and other state bodies".

2. Similar changes should be made in Part 1 of art. 104 of the CEC of Ukraine "Operational and Investigative Activities in the Colonies", and put it this way: "According to the law, operative-search activities are carried out in the colonies, the main task of which is to search and fix facts about the illegal activities of individuals and groups, to overcome the counteraction of individual convicts and their groups aimed at disrupting the work of the penitentiary institutions, the bodies of pre-trial investigation and other state bodies for the purpose – and further on the text of this article of the Criminal Code".

1.4. The content of international legal acts and practical aspects of their realization abroad related to pre-trial investigation of crimes committed in the places of imprisonment

Scientists have long drawn the attention of the society and the scientific community, in particular to the fact that we sometimes do not pay due attention

to centuries-old experience of various issues at the same time, when Ukraine's integration into European structures raises the question of convergence of national and European law[1]. Moreover, comparative law provides an opportunity to assess the state of development of the national legal system with world trends in the development of law, as well as to reveal common features and characteristics, mutual influence, tendencies and patterns of development of legislation of different countries in the context of integration processes taking place in the international arena[2].

These theoretical and methodological approaches are fully related to the content of issues related to the study of foreign positive experience in investigating crimes committed in places of deprivation of liberty.

The legislative approaches of the former republics of the USSR are interesting in the context of the content of the problem studied in this paper. In particular, in art. 115 CPC of the Republic of Kazakhstan, art. 124 CPC of the Republic of Turkmenistan has practically preserved the "Soviet" model of evidence in the criminal process.

In art. 72 CPC of the Republic of Tajikistan, in art. 93 CPC Republic of Moldova views (sources) evidence called secret records, listened and recorded telephone conversations, electronic, video and audio observations, scientific and technical and forensic

[1] Khavronyuk M. I. Contemporary European Criminal Legislation: Harmonization Problems: monograph. Kyiv: Truth, 2005. P. 4.

[2] Ibid, p. 6.

medical findings[1] that in the conditions of implementation of the requirements of articles 103, 104 of the CEC of Ukraine (application of technical means of protection and supervision, as well as carrying out operative and investigative activities) can be considered as "perfect" evidence of a criminal proceeding on the commission of a convicted crime in a penal colony.

Equally important in this area is the legal practice in other states. So, according to art. 20 CPC of the Republic of Lithuania and the CPC of Georgia, evidence in court recognizes actual data and information submitted in the established procedure, which confirm or refute the circumstances relevant to the case[2]. At the same time, in a different way, in this context, went to the Estonian Republic, namely, the CPC does not have the concept of "evidence", but only a list of types of evidence is given[3].

In this regard, the experience of some European countries deserves attention. Thus, according to the CPC of the Federal Republic of Germany (§ 314), an appeal may be filed both in writing and verbally, with the entry into the minutes of the court session. In addition, if the complainant is held in custody (in particular, in a penal colony), he is entitled to file an oral appeal by entering it in the protocol of the rele-

[1] The legal doctrine of Ukraine: 5 t. H.: Law, 2013. Vol. 5: Criminal science in Ukraine: state, problems and ways of development/V. Ya. Tatius, V. I. Borisov, V. S. Batrygareyev and others; for community edit V. Ya. Tatiya, V. I. Borisova. P. 656.

[2] Ibid.

[3] Ibid.

vant district judge at the place of detention (§ 299 of the CPC of Germany)[1].

In addition, as O. Yu. Tatarov, an analysis of the legislation of the countries of the former USSR gives grounds to assert that the sources of their criminal procedural law are not limited only by the norms of the CPC. They also objectively refer to the provisions of the Constitution, judicial decisions, international treaties, etc.[2], which is important in view of the fact that foreign convicts are held in correctional colonies of Ukraine who have committed so-called continuing crimes, investigations into which are carried out under the special procedure provided for by Chapter 43 of the CPC of Ukraine "International legal assistance in conducting procedural actions".

In particular, the sources of criminal procedural law in the Republic of Kazakhstan include: the Constitution, the constitutional laws of the CPC, international treaties, other obligations of the Republic of Kazakhstan, as well as decisions of the Constitutional and Supreme Courts (in accordance with Part 2 art. 1 of the CPC of Ukraine, the criminal procedural the legislation of Ukraine consists of the relevant provisions of the Constitution of Ukraine, international treaties, the consent to be bound by the Verkhovna Rada of Ukraine, this Code and other laws of Ukraine).

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[1] The legal doctrine of Ukraine: 5 t. H.: Law, 2013. Vol. 5: Criminal science in Ukraine: state, problems and ways of development/V. Ya. Tatius, V. I. Borisov, V. S. Batrygareyev and others; for community edit V. Ya. Tatiya, V. I. Borisova. P. 621.

[2] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 557.

To the criminal procedure legislation of Latvia, as it follows from the content of art. 1 CPC, only this Code applies.

According to art. 2 CPC of Moldova to such sources include: the Constitution of Moldova, international acts, one of which is Moldova. The CPC of the Russian Federation (art. 1) states that the source of criminal procedural legislation is the CPC, which is based on the Constitution of the Russian Federation[1].

If we summarize all the concepts proposed by the scholars of the former Soviet republics about reforming the organs of pre-trial investigation, which is directly related to the content of the subject and the objectives of this study, then it is possible to distinguish the following directions in this context:

1) leave the investigative units within the state bodies in which they are currently operating;

2) transfer all investigative units to the organs of the prosecutor's office;

3) to concentrate the investigation of all crimes in the investigative apparatus of the ATS;

4) to establish an investigative body in the justice bodies;

5) to impose the functions of pre-trial investigation on judicial authorities, etc.[2]

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[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 557.

[2] Farinnik V. I., Udalova L. D., Savitsky D. O. Reforming criminal justice: investigative units remain "behind the scenes". *Legal Bulletin of Ukraine*. 2010. № 43. P. 6.

Today, in most post-Soviet states, pre-trial investigation bodies, as well as in Ukraine (art. 38 CPC), belong to different departments. Yes, according to art. 7 CPC Kazakhstan, the prosecutor (state prosecutor), the investigator, the inquiry body, the investigator assigned to these bodies. In Estonia, officials of the Police Department; Central Criminal Police; Police Prefecture; Department of Prisons and Pre-Prison Houses; Border Guard and Customs (art. 105 CPC). According to art. 345 CPCs of Uzbekistan, prosecutor's offices, national security services and ATS, etc.[1]

Interesting in this regard are those approaches in the former republics of the USSR, which are connected with the definition in the CPC of the subjects of investigation of crimes and the consolidation of their procedural powers. In particular, in the Russian Federation, the Republic of Kazakhstan and the Republic of Belarus, investigators have been assigned the task of investigating crimes, and in the Republic of Moldova – a criminal prosecution officer; in Georgia, investigator and prosecutor, where the latter also makes all the key decisions in the case[2].

Taking into account the purpose and objectives of this study, other areas of the reform of the pre-trial investigation, including in the field of execution of punishments in the former republics of the USSR, have theoretical and applied significance. In parti-

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 559.

[2] Ibid, p. 564.

cular, in Georgia and Latvia, the prosecutor is both a pre-trial investigation body and carries out the function of supervising criminal proceedings[1].

In art. 82 CPC of the Republic of Moldova, the person taking part in this investigative action is called "procedural assistant".

In art. 49 CPC of the Republic of Belarus stipulates that if in the course of a criminal case the grounds for recognizing a person are not available to the victim, this decision shall be made immediately after the establishment of the appropriate grounds.

In art. 81 CPC of Armenia provides sufficiently detailed rights and obligations of the perceived.

Other procedural approaches, as defined by the CPC of the former Soviet republics, are important in the context of solving the problems of investigating crimes committed by convicts in the correctional colonies of Ukraine[2]. How about O. Yu. Tatarov, given the outdatedness of some provisions of the pre-trial investigation, who did not justify themselves, while updating domestic legislation, we should carefully combine the standards adopted in the legal systems of foreign countries with the property of the current CPC of Ukraine, since most of its norms and institutions, including the resulting changes and supplements, verified by practice and found to be quite effective[3].

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 565.

[2] Ibid, p. 566–584.

[3] Ibid, p. 584.

No less interesting and instructive in this regard is the experience of the criminal proceedings of Western European countries and the United States. In particular, under the Italian law of detention, the removal of information from the channels of communication, in some cases, the recording of testimony, the monitoring of compliance with the terms of pre-trial proceedings is carried out by a special preliminary investigating judge (GIP)[1].

Jurisdictional powers during a pre-trial investigation under French law were also granted to a judge on liberty and imprisonment, which was introduced by the Law of June 15, 2000, No. 2000-516 "On the Protection of the Presumption of Innocence and Rights of the Victim"[2].

In countries with a competitive model of the criminal process (such as the United States or the United Kingdom), the defense side is completely independent in collecting evidence, including evidence, from the prosecution side, while it can collect them both independently and with the involvement of private detectives.

We believe that the party in defense in the domestic criminal proceedings should also be compared with the rights of the prosecution party to provide evidence to the court in the form of testimony or explanation collected by it. In addition, it should be

[1] The legal doctrine of Ukraine: 5 t. H.: Law, 2013. Vol. 5: Criminal science in Ukraine: state, problems and ways of development/V. Ya. Tatius, V. I. Borisov, V. S. Batrygareyev and others; for community edit V. Ya. Tatiya, V. I. Borisova. P. 672.

[2] Ibid, p. 672–673.

noted that testimony from foreign words is quite controversial to the institution of criminal proceedings, since until recently it was unknown to the Ukrainian criminal procedural law. He came to us from the US criminal procedural law, which developed the whole theory of the admissibility of testimony from alien words as evidence.

According to the US criminal procedure law, such evidence includes any information that does not relate to the witnesses' personal knowledge, but is received from third parties. Such a statement by a witness usually entails the opposing defense of the other party and the court may prohibit the jury from taking this statement into account. However, from the general rule of inadmissibility of testimony from other people's words as an evidence is an exception, namely: statement of the person who was on the verge of death; spontaneous expressions – expressions that a person makes in the heat without having time for their reflection; statements made by a witness outside the court of the court and recorded in writing or otherwise (such statements may be presented as evidence, provided that the witness in court confirms their authenticity); statements by third parties who can expose them in committing an unlawful act; documents, records, certificates, etc.[1]

In France, criminal prosecution, oversight and investigation authorities, support for prosecution in criminal proceedings, control over the legality of

[1] Carmen Rolando V. del. Criminal Procedure: Law and Practice. 2nd ed. Pacific Grove, California: Brooks / Cole Public, 1991. P. 377.

judicial acts, enforcement of judgments and decisions of judicial authorities are entrusted to the prosecutor's office. The prosecutor's offices in France are part of the system of the Ministry of Justice. Prosecutors are under the guidance and control of senior executives and subordinate to the Minister of Justice. Attorney General at the Court of Cassation with his own apparatus occupies a special place in the system of prosecutor's offices, since his functions are limited to appearances in this court. At each appellate court, there is the Attorney General with his assistants, the chief of whom is the General Advocate. Republican prosecutors (in France, called lower-level prosecutors, however, they have broad powers) are in correctional courts and prosecute all criminal cases in the area of the action of this court. They personally or through their deputies support the prosecution in most jury trials, in correctional courts, as well as, if necessary, in police courts[1]. The organs of the pre-trial investigation of France in their activities governed by the rules of the French Constitution of 1958, the Criminal Code and the CCP Law on the Judiciary, Ordinance No. 45, the Organic Law "On the status of magistracy", the French Law "On strengthening the security and protection of individual freedom" of 02.02.1981, Regulations on gendarmerie and ratified international legal acts.

In Italy, criminal prosecution is carried out by units of the Department of Public Security of the

[1] Goliak L. V., Matsko A. S., Tyurin O. V. Comparative Law: course of lectures. Kyiv: MAUP, 2004. P. 170–171.

Ministry of Internal Affairs (in particular, the Directorate of Criminal, Prevention, Road, Railways, Border and Post Police). In Italy, in addition, there are: the State Police Corps, acting as part of the Ministry of Internal Affairs; Carabinieri Corps, subordinate to the Ministries of Defense and Internal Affairs; The Financial Guard, intended to enforce laws in the field of economics, finance and trade, is subordinated to the Ministries of Defense and Finance, and the so-called Forestry Ministry of the Ministry of Agriculture and Forests, is called to fight violations of environmental legislation. In practice, such a structure often leads to duplication in work (especially police and carabinieri), contradictions and shifting responsibility. A similar situation, although somewhat less pronounced, is observed in France, Spain, the Netherlands, Belgium and other Western European countries.

In Germany, the prosecution of a criminal prosecution, in particular the decision to begin or end it, to clarify the circumstances of the case and to gather evidence, is the main task of the German Public Prosecutor's Office. In the system of separation of powers, the prosecutor's office is an administrative agency in the system of executive power. In this case, the organs of the public prosecutor's office belong to the judicial system, namely: in each court of general jurisdiction there is an appropriate prosecutor's office. At the Supreme Federal Court, the functions of the Prosecutor's Office are exercised by the Federal Prosecutor General and the federal prosecutors subordinate to them (all of them acting under the autho-

rity of the Minister of Justice of the Federal Republic of Germany (FRG)). At higher courts of land, the courts of land and district courts are the relevant prosecutors, the general leadership of which, in turn, is carried out by the Minister of Justice of each of the lands; accordingly, the Land Administration of Justice carries out the supervision of the prosecutor's offices of the land on which they are located geographically[1]. In this case, criminal offenses are investigated by the police, which is subordinate to the federal authority or the Minister of the Interior of the land concerned. The Federal Police work in the Ministry of the Interior. The Federal Criminal Police, as a joint service of the Federation and the Land, was established in 1951 to combat criminal crime on the territory of the federation. It can itself prosecute at the request of the land authorities or by order of the Federal Minister of the Interior. At the same time, the Federal Criminal Police is the center for information and communication between all German police services for the prevention of crime[2]. The legal basis for the activities of the German pre-trial investigation bodies is: the 1949 Constitution of the Federal Republic of Germany, the Federal Law "On the Judiciary", the CPC of the Federal Republic of Germany, the Provision on the organizational structure of the prosecutor's office, the rules of the internal order of

[1] Gribovsky N. N. The place and role of the European Police Department in implementing the unified criminal policy of the European Union. *Russian investigator*. 2006. № 9. P. 57.

[2] Goliak L. V., Matsko A. S., Tyurin O. V. Comparative Law: course of lectures. Kyiv: MAUP, 2004. P. 152–153.

the prosecutor's office and ratified international legal acts.

Within the framework of the inquisitorial system of investigation (in which the investigation reveals the offender), there are two basic models of the cooperation of the criminal police with the prosecutor's office and the courts. In the first model, the general supervision of the investigation is carried out by the court, in the second – the prosecutor's office. In developed democracies, the investigation is actually carried out by the criminal police, and the courts and the prosecutor's office have no operational capacity to do so. The first model is used in such countries as: France, Luxembourg, Spain (for certain evil ranks). The second model operates in Italy, the Netherlands, Germany, Portugal[1].

As a conclusion: in EU member states there are legal acts adopted by the EU that regulate the activity of investigating crimes that infringe upon the legal order of several countries-members of the Union. At the same time, cooperation on combating crime is one of the most important directions of a single pan-European policy. The aforementioned direction is regulated by the constituent acts of the EU, namely the EU Treaty of 1992, the Amsterdam Treaty of 1997, the Nice Treaty of 2001, the Convention on the Establishment of a European Police Office.

The priority tasks of police and judicial cooperation of the EU member states in the criminal justice

[1] Goliak L. V., Matsko A. S., Tyurin O. V. Comparative Law: course of lectures. Kyiv: MAUP, 2004. P. 166–167.

field are to counteract grave and especially serious crimes, which constitute an extraordinary danger to the member states of the Union. To fulfill this task, the European Police Office – Europol[1].

In Germany, the pre-trial investigation is practically absent – an investigating judge accepts an investigative judge in a search investigation into the use of coercion and legalization of evidence. And Although he occasionally enters the process at the petition of the parties, but does not take the case to his proceedings.

In the United Kingdom and the United States, police investigations are not generally considered criminal proceedings and are administered administratively. In this case, the police activities are governed by the rule to exclude evidence obtained in violation of the proper procedure. Moreover, the police and the prosecutor's office are legally acting as parties that "supply" material for pre-trial proceedings[2].

Summing up on this issue of the monograph, it is worth noting that in the world there are two leading "national" types of criminal process: Romano-Germanic and Anglo-Saxon. At the same time, as established in the result of special scientific studies, one of the main differences between them is the primacy

[1] Gribovsky N. N. The place and role of the European Police Department in implementing the unified criminal policy of the European Union. *Russian investigator*. 2006. № 9. P. 57.

[2] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. P. 635.

in criminal law or legislation or judicial practice[1]. At the same time, it must be acknowledged that there has recently been a clear tendency towards the convergence of these legal systems, namely, if in the Roman-Germanic law the rule-making role of judicial practice is increasing, then in Anglo-Saxon states, the legislation, while the court from the lawmaking body is transformed in the body of law enforcement. Moreover, as O. Yu. Tatarov correctly noted., from the point of view of the "ideal" typology, the criminal process in any of the foreign states is not purely searchable or adversarial, since these models inevitably shifted[2].

From the standpoint of the "historical" typology, all modern criminal-procedural systems in a democratic society relate to a public-competitive type of competition, in which both private and public interests are provided. At the same time, the search principles are inherent in the initial stage of the proceedings, and adversarials tend to dominate in the following stages[3].

It is the said theoretical-applied approaches and positive foreign experience in investigating crimes, including in places of deprivation of liberty, and formed the methodological basis for the definition and substantiation of scientifically grounded propo-

[1] Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC ««"GDP" Promin», 2012. P. 635.

[2] Ibid.

[3] Ibid.

sals aimed at improving the legal mechanism of pre-trial investigation in Ukraine.

The conclusions to the section 1

1. There are four periods of scientific research on issues related to pre-trial investigation of crimes committed by convicted prisoners in the correctional colonies of Ukraine, namely: 1) 1961 – the mid 70s of the twentieth century. – the period during which under the guidance of R. S. Belkin and G. G. Zuikova were initiated and subsequently scientifically substantiated by separate elements of the methodology of investigation of crimes; 2) 1979–1991 – the period of improvement of the CPC norms, in particular those governing the issues of pre-trial investigation, and the development of a methodology for investigating crimes in the months of imprisonment by an author team led by M. P. Hylobka and V. E. Jearsky; 3) 1991–2012 – the period of the establishment of procedural activities in the conditions of Ukraine's independence, including on crimes committed by convicted prisoners in correctional colonies, the logical conclusion of which was the defense of the candidate's dissertation M. M. Serbian "Investigation of crimes committed in places of deprivation of liberty";

2. The author's definition of the concept of "investigation of crimes committed by convicts in correctional colonies" was formulated and the following systemic features were derived: a) it is the procedural activity of the investigator; b) the speci-

fied activity is carried out in the manner prescribed by law; c) this activity is carried out at the stage of pre-trial investigation of criminal proceedings; d) the activity of the investigator on the investigation of crimes is indicated only in correctional colonies; e) during the investigation of crimes in these CVUs the peculiarities of execution and serving of punishment in the form of imprisonment in correctional colonies of different levels of security are taken into account; f) the procedural activity of the investigator in correctional colonies, first of all, is aimed at the full realization of the tasks of criminal proceedings.

The theoretical significance of this definition lies in the fact that thus, for the first time in the conditions of the new CPC 2012, doctrinal level, the general principles of pre-trial investigation of crimes committed by convicted prisoners in correctional colonies are scientifically substantiated, and the boundaries of knowledge on this problem are expanded. The practical significance of such an approach is expressed by the fact that in this way the relevant application principles for the investigation of this category of crimes are created, as well as the original algorithm of the investigator's actions in the places of imprisonment.

3. Three periods of formation and development of the institute of inquiry for crimes committed by convicted prisoners in correctional colonies have been established: 1) 1958–1991 – the period of adoption of the Criminal Procedure Principles of the Union of Soviet Socialist Republics and the Union republics, as well as the adoption of the CPC of the Ukrainian SSR

in 1961 and the practice of their application in the territory of our state, which identified such legal institutions as the inquiry, which was entrusted to the chiefs of the UVP and the SIZO, and pre-trial investigation of crimes committed in places of deprivation of liberty; 2) 1991–2012 – the period of implementation in practice, including procedural activities in correctional colonies, the CPC rules of 1961 in conditions of independent Ukraine, which ended with the adoption of the CPC in 2012. It was during this period that the need to liquidate the bodies of inquiry and the use of their capabilities only in the investigation of criminal misconduct was proved at the scientific and practical levels; 3) 2012 – for the time being – the period of implementation in practice of the CPC norms of 2012.

This author's approach, in turn, made it possible to formulate scientifically grounded arguments regarding the expediency of eliminating this institute of law in the CPC in 2012 and to propose a series of proposals aimed at improving the legal mechanism of pre-trial investigation of crimes committed by convicted prisoners in Ukrainian correctional colonies.

4. It has been established that in the countries of the former USSR, Western European countries and the USA at the regulatory level different approaches are attached to the organization and content of pre-trial investigation, including crimes committed in places of deprivation of liberty. In particular, it has been determined that, in most post-Soviet states, pre-trial investigation bodies, as in Ukraine (art. 38 of the CPC), belong to different departments (art. 7 of

the CPC of Kazakhstan, art. 105 of the CPC of the Republic of Estonia, art. 345 of the CPC of Uzbekistan, and others) In different ways, the CCP and the subjects of the pre-trial investigation are established (in the Republic of Belarus, Kazakhstan, the Russian Federation are investigators, the Republic of Moldova is a criminal prosecution officer, Georgia – an investigator and prosecutor, others). In France, after a search inquiry, a pre-trial investigation is conducted, namely: a trial investigator takes proceedings in his proceedings and carries out, with the participation of the parties, an action within the prosecution brought by the prosecutor. In Germany, there is virtually no pre-trial investigation – an investigating judge accepts a decision on the use of coercion and legalization of evidence in a search investigation.

The results of the study of this international experience formed the basis of scientifically grounded proposals formulated in this monograph on the improvement of the legal mechanism of pre-trial investigation in correctional colonies of Ukraine.

Section 2

Peculiarities of pre-trial investigation of crimes in places of imprisonment

2.1. General provisions of pre-trial investigation of crimes in places of imprisonment

As the results of this study have shown, pre-trial investigation of crimes committed by convicts in the correctional colonies of Ukraine is carried out in accordance with the requirements of Chapter 19 of the CPC "General Provisions of the Pre-trial Investigation", taking into account the peculiarities of execution and serving in the form of deprivation of liberty, as defined in the CPC of Ukraine. In particular, the content of the general provisions for the investigation of crimes in the specified CVU includes and implements criminal proceedings in this category of crimes in the following sequence:

1. Beginning of pre-trial investigation.

This stage begins with the fact that the next assistant to the head of the colony, orally or using means of communication, immediately informs the head of this CVU of the fact of committing a crime on the part of convicts serving sentences in the form of deprivation of liberty. After that, he promptly draws up the indicated information in an urgent time by a written report in his name, and, on the written

instruction of the head of the colony, reports on this extraordinary adventure the next part of the body of the National Police, in the territory of which the administrative service is located, a penal colony. Subsequently, a written notification or a statement of the physical person (the convicted person, his close relatives, other persons involved in the criminal-legal relationship) shall be sent to the relevant territorial office of the National Police, signed by the head of the specified CVU during the working day (on weekends and public holidays, urgently) about the fact of committing a crime (this procedure is regulated by departmental normative legal acts of the DPTs of Ukraine, including those that are confidential).

Subsequent actions at the stage of pre-trial investigation of crimes committed by convicted prisoners in correctional colonies are carried out by the investigators of the National Police of a territorial body (Part 1 of art. 216 of the CPC) in the manner prescribed by art. 214 CPC of Ukraine. As in this regard, VI noted Farinnik, one of the subjects who realize the problem of criminal proceedings, is an investigator who, in his work, applies the provisions of criminal procedural law[1].

Thus, the beginning of pre-trial investigation of crimes in correctional colonies is carried out in accordance with the requirements of art. 214 of the CPC, but provides for such a feature: officers of the

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 527.

colonies inform about the crimes committed in it, agree with the head of this CVU, and then report on this adventure the territorial body of the National Police, which, as practice shows, acts as one of the determinants of patent crime in places of deprivation of liberty , and at the same time, the determinant of corruption offenses. In addition, the results obtained in the course of this study have shown that the following can be attributed to the conditions that contribute to the closure of crimes in correctional colonies or to the effectiveness of the implementation of such criminal investigations in these CVUs as the prompt and complete investigation of them: the established criminal-executive legislation and departmental normative legal acts of the DPTs of Ukraine, the established procedure for actions of the DKVS staff in the commission of crimes by convicts serving sentences in the form of imprisonment. In particular, neither the KVN, nor the PVR UVP have norms that would regulate this issue. Yes, in art. 113 CEC "Correspondence of sentenced persons to prison" does not say a word about how the colony administration should act in case of receipt of the convicted statement of a crime. Similar gaps also exist in other norms of the Criminal Code, concerning the resolution of this problem, namely: art. 105 "Special conditions regime in colonies" and art. 106 CEC "Grounds for application of measures of physical influence, special means and weapons".

The specified issues are not regulated in the PVR of the UVP. In particular, in section XIII of the Rules "Proposals, applications and complaints of

convicts. Personal Reception of Convicted Persons", there are also no provisions regarding the procedure for filing these statements of crimes by these persons.

Nothing is said about this and in section XX of the Rules "Grounds for the application of measures of physical influence, special means and weapons".

Therefore, in order to increase the effectiveness of investigating crimes committed by convicted prisoners in correctional colonies, art. 113 CEC to be supplemented with the sixth part of the following sentence: "Applications and other reports of convicted offenders shall be considered by the administration of the colonies in accordance with the procedure established by the criminal procedural law of Ukraine".

A similar provision should be supplemented by the section XIII of the PVR of the UVP. In addition, these Rules should be supplemented with section XX-1 "Procedure of the actions of the next assistants of the heads of colonies in obtaining information on the commission of crimes by convicted prisoners", the content of which should be laid down that algorithm of action, which is developed, in particular, in this monograph.

The implementation of such amendments in the Ukrainian criminal-law legislation, on the other hand, also requires the introduction of amendments to the CPC, namely, the addition of this Code to Chapter 25-1 "Peculiarities of pre-trial investigation of crimes in correctional (educational) colonies", the basis of which must form.

Thus, it should be noted that the initial stage of pre-trial investigation of crimes in correctional colo-

nies reflects, in modern conditions, not only the general procedure, defined in art. 214 CPC, but also the specifics of the actions of officials and officers of these CVUs, and in practice includes a number of issues that require immediate resolution, including at the scientific level.

2. As established in the course of this study, the general provisions of the pre-trial investigation of crimes committed by convicts in correctional colonies include the commission of investigators and other actions, namely, resolving issues concerning: a) unification, resolution of pre-trial investigation materials (art. 217 of the CPC); b) the terms of pre-trial investigation (art. 219 CPC); c) consideration of petitions during pre-trial investigation (art. 220 CPC); d) other content elements of this stage of the criminal process, enshrined in chapter 19 of the CPC "General Provisions of the Pre-trial Investigation". As in this regard, the correct conclusion was made by V. I. Farinnik, pre-trial investigation of crimes is carried out in accordance with the general rules of such investigation, in particular the provisions of Chapters 20–24 of the CPC. At the same time, the main subjects of the criminal proceedings are the investigator and the prosecutor, who are endowed with the CPC with the relevant powers enshrined in articles 40 and 36 of this Code, respectively[1].

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 532.

3. The general provisions of the pre-trial investigation of crimes in correctional colonies include the resolution of issues that have a significant impact on the effectiveness of the criminal proceedings of the investigator. In particular, the language is about the following information that the investigator must possess, namely:

a) the peculiarities of the passage of unauthorized persons into the territory of the penal colony.

In accordance with the requirements of Part 1 of art. 24 CEC "Visits to penitentiary institutions", a number of persons without a special permission to visit the Department of Human Rights are entitled to control, among which there are no investigators conducting a pre-trial investigation of crimes committed by convicted persons during the course of serving a sentence.

Therefore, in order to create real guarantees for the implementation of criminal proceedings (in particular, a quick and complete investigation) in places of imprisonment, it was worth the art. 24 CEC to be supplemented with the third part of the following content:

"Investigators conducting a pre-trial investigation of crimes committed in the course of execution and serving criminal sentences in the form of deprivation of liberty have the right to unimpeded visits to penitentiary institutions under a special permission of the administration of these institutions or bodies of management of the said institutions."

Logical in this regard (as an additional guarantee of independence and impartiality of the investigator)

would be an addition to art. 40 CPC “Investigative body of pre-trial investigation” part six of the following sentence: “The investigator in the exercise of his authority has the right of unimpeded passage and admission to objects of all forms of property that are relevant to the content of criminal proceedings, and can not be subjected to personal review, and his stuff is a search”.

The need for such a modification is due to the fact that, in accordance with the requirements of Part 6 of art. 102 CEC "Mode in the colonies and its basic requirements", the administration of the colony has the right, if there are grounds, to conduct a survey of citizens, their belongings, vehicles located in the colony, as well as to remove prohibited items and documents.

Taking into account the mentioned and proposed new edition of art. 40 CPC, the first sentence of part six of the article is necessary 102 CEC at the end is supplemented by the phrase “with the exception of investigators conducting pre-trial investigation of crimes committed in the course of execution and serving a sentence in the form of deprivation of liberty”.

An additional argument in this regard is the fact that any delay in the admission of an investigator to the territory of the colony (the issuance of permission and visit to the UVP; insufficiency of security; failure to provide office space for conducting investigative (search) actions, etc.) determine the content of the counteraction to the investigation carried out in these CVU crimes, as well as, as practice shows, can lead to the loss of evidence in the criminal proceedings.

Thus, the organization of a pass-through regime on the territory of the penal colony can be attributed to one of the peculiarities of the content of the pre-trial investigation of crimes committed by those convicted in these CVUs, which, undoubtedly, should be known by the investigator who conducts criminal proceedings in substance;

b) the features of the equipment and internal structure of the correctional colony.

In accordance with the requirements of art. 18 CEC, correctional colonies are divided into CVU:

– the minimum level of safety with the facilitated conditions of holding;

– a minimum level of security with general conditions of detention;

– average security level;

– the maximum level of safety.

As it follows from the requirements of Part 1 of art. 94 CEC, in the correctional colonies of the minimum and middle levels of security, the following sections are created: quarantine, diagnostics and distribution; resocialization; enhanced control; social rehabilitation.

In correctional colonies of the maximum level of security the following sections are created: quarantine, diagnostics and distribution; resocialization; enhanced control. At the same time, in the correctional colonies of all levels of security, the indicated sections are isolated from each other.

Other peculiarities of equipment for correctional colonies are fixed in the PVR of the UVP. In particular, in accordance with the provisions of clause 4

of Section I of these Rules, "General Provisions", insulated sections of the SIZO may be established on the theory of correctional colonies of a minimum level of security with general conditions of holding, an average level of security, and specialized anti-tuberculosis hospitals. In addition, insecure medium-level security sectors may be created in correctional colonies of a minimum standard of security with general conditions of detention, and in isolated mid-level colonies, isolated sectors. In correctional colonies, where women are sentenced to imprisonment, if necessary, the child's home is organized.

Other structural features of the equipment of protected facilities of correctional colonies are determined by departmental normative acts of the DPTU of Ukraine, which are of a confidential nature, which should also be known by investigators who carry out pre-trial investigation on crimes committed by convicted prisoners in correctional colonies;

c) peculiarities of execution and serving of punishment in the form of deprivation of liberty in correctional colonies of different levels of security.

In the first place, these differences are set out in Chapter 20 of the Criminal Code "Peculiarities of serving sentences in colonies of different kinds". In particular, in Part 3 of art. 130 of this Code states that in the correctional colonies of the minimum level of security with lightened conditions of detention, the regime provided for in Part 2 of art. 91 CEC for convicts who are held at social rehabilitation centers. At the same time, as it follows from the content of Part 1 of art. 140 CEC, in penal colonies of maximum

security, convicted persons are kept in conditions of strict isolation in ordinary living quarters and rooms of the chamber type. In articles 141–142 CEC, in addition, certain features of serving a sentence in the form of imprisonment by convicted women.

Other features in the context of this issue include:

– definition in the law of specific categories of convicts serving sentences in correctional colonies of different levels of security (Part 2 of art. 18 of the Criminal Code), as well as consolidating the provision that the SIZO perform functions of correctional colonies of a minimum level of security with general conditions of detention and correctional colonies an average level of security in relation to the convicts who are left for work on maintenance;

– establishment of the order and terms of serving a sentence in the form of deprivation of liberty in different structural units of correctional colonies (articles 94–99 of the Criminal Code);

– consolidation in the law of the order of changing conditions of detention of convicts in correctional colonies and their transfer to other polling stations and colonies of other levels of security (articles 100–101 of the Criminal Code);

– determination of the mode of execution and serving of sentence in the form of imprisonment. In particular, the special attention in this regard to the investigators who conduct pre-trial investigation in correctional colonies, it is necessary to address the requirements of Chapters 5–7 centuries 102 CEC, according to which convicted persons, their belongings and clothes, as well as premises and territory of the

colonies, are to be searched and reviewed, which is important in view of solving the problems of criminal proceedings (art. 2 of the CPC), as well as the process of proving it (Chapter 4 of section I "General Provisions" of the CPC).

Therefore, at the regulatory level, it should be decided that during the pre-trial investigation in correctional colonies all the regime measures in these CVUs for the period of criminal proceedings must necessarily be agreed with the investigator who directly investigates the crime (crimes), committed in the whipped colony.

In this case, taking into account the provisions of paragraph 14 of art. 92 of the Constitution of Ukraine, which states that the activity of the inquiry and investigation bodies is determined exclusively by laws, as well as the general principles of criminal proceedings, which is discussed in Chapter 2 of section I of the CPC, it should be noted that such powers of the investigator can be determined only in the CPC norms. In turn, it also serves as an additional argument for supplementing the current CPC with Chapter 25-1 "Features of pre-trial investigation of criminal proceedings in places of deprivation of liberty".

More precisely and in detail the implementation of the regime requirements (art. 102 KVN) in the correctional colonies of different levels of security installed in the PVR UVP. In particular, section XXX of these Rules defines the features of keeping the minimum level of security deserved in correctional colonies with the facilitated conditions of detention,

sections of social rehabilitation and sections of social adaptation, in section XXXI – features of the residence of women outside the correctional colony, and in section XXXII – features of the detention of convicts in intensified control stations;

– determination of the use of audiovisual, electronic and other technical means in the correctional colonies for obtaining the necessary information on the conduct of convicts (art. 103 CEC), which is of great practical significance for the investigator in the formation of the evidence base for criminal proceedings (Chapter 4 of the CPC); and solving such problems of criminal proceedings as a quick and complete investigation of a crime (art. 2 of the CPC);

– definition at the legislative level of the organization of conducting an IGC in correctional colonies (art. 140 of the Criminal Code);

– consolidation of the legal grounds for the introduction of special conditions in these CVUs (art. 105 of the Criminal Code) and the application to the convicted measures of physical influence, special means and weapons (art. 106 of the Criminal Code);

d) the peculiarities of the organizational-staff structure of services and units of the correctional colony and their horizontal and vertical subordination.

As it was established in the course of this study, the information specified for the investigator who conducts criminal proceedings in the correctional colony is necessary to resolve issues of coordination character and interaction with the departments (services, departments, etc.) of this CVU, as well as in the exercise of their powers, as defined, in parti-

cular in art. 40 of the CPC and Chapter 20 of this Code "Investigative (Investigating) Actions".

Particularly relevant are this information is from the review of the implementation of the provisions of Chapter 21 of the CPC "Involuntary Investigative (Investigating) Actions". In this case, the language is that not all correctional colonies, considering their filling prisoners sentenced to imprisonment, are "classical" operational units whose legal nature is defined in art. 41 CPCs, consisting of a leader and several operational staff. At the same time, neither the head of the correctional colony nor his deputy from the ORD, who are entitled to engage in this type of activity, are not part of the operational units.

Thus, in practice, there is a legal conflict and, at the same time, a gap that needs to be resolved at the level of the law for the same reasons as the investigator's activity (articles 14, 92 of the Constitution of Ukraine, art. 5 of the Law of Ukraine "On Operational Investigation activities" and art. 41 of the CPC "Operational units"), which again serves as an additional argument to supplement the CPC by a special Chapter 25-1 "Features of the pre-trial investigation of criminal proceedings in places of deprivation of liberty".

Today, the way out of this situation is as follows: an investigator conducting an investigation in a penal colony should send instructions to investigate (search) operations vertically – operational units of the territorial departments of the DPTs of Ukraine;

e) peculiarities of implementation of criminal proceedings in the penal colony (section 2 of the CPC).

First of all, the language is concerned with ensuring the personal safety of the investigator, as well as other participants in the criminal proceedings (Chapter 3 of the CPC).

These tasks, in addition to the provisions of the CPC, which are devoted to the mentioned problem (art. 12, Part 3, art. 42 of this Code – the right of the suspect, the accused, members of their families, close relatives to conduct procedural actions, on ensuring security, Part 1, art. 56, which defines the same victim's right, and other norms of the CPC), also established in the criminal law of Ukraine (art. 10 of the Criminal Code, "The Right of Convicted Persons to Security"[1]; Part 1 of art. 104 CEC "Operational and Investigative Activities in the Colonies", in which one of the tasks was to ensure the safety of convicts, colony personnel and other persons; art. 105 "Special conditions regime in colonies", which is introduced, including, in connection with the need to ensure the safety of participants in criminal-executive legal relations; art. 106 CEC "Grounds for the application of measures of physical influence, special means and weapons", one of which is the commission of actions by the convicted persons (or groups of these persons) that encroach on the personal safety of other persons); other norms of CEC.

The procedure for providing personal security in correctional colonies is defined in the departmental legal acts of the DPTU of Ukraine regulating the

[1] Criminological principles of prevention of crimes in penal institutions of Ukraine (penitentiary criminology): manual/ed. O. M. Dzhuzhi. Kyiv: NAVS, 2013. P. 224–258.

organization of protection, supervision and security and are of a confidential nature (for example, the Instruction on the organization of the protection of prisoners in correctional colonies; an instruction on the organization of supervision and safety in these CVU; others).

Separate elements of the legal mechanism for the provision of personal security are also defined in Section XVIII of the Rules of Procedure of the Provisional Human Rights Council "Procedure for the Transfer of Sentenced Penitentiary Entities"; paragraph 5 of section XXB of these Rules "Measures of promotion and enforcement applicable to the convicts, the order of their application", which provides for the right of the next assistants to the heads of colonies for 48-hour detention of convicts who may commit an offense or in respect of which there is such a threat; section XXXIV "Visits to penitentiary institutions"; other norms) of these Rules.

At the same time, attention should be drawn to the fact that when determining the powers of the prosecution party (section 2 of Chapter 3 of the CPC) (in particular, the prosecutor (art. 36), the head of the pre-trial investigation body (art. 39 of the CPC), as well as the investigating authority of the pre-trial the investigator (art. 40 of the CPC), the legislator, on the one hand, did not attribute to the powers of these participants in criminal proceedings the provision of the right to personal safety of other participants in the pre-trial investigation, and, on the other hand, did not secure the right of the party to prosecute personal security, which, of course, needs to be

regulated The issue is at the level of the law (in particular, for the reasons set forth above (articles 14, 92 of the Constitution of Ukraine)).

In turn, it also serves as an additional argument for supplementing the CPC with Chapter 25-1 "Features of the pre-trial investigation of criminal proceedings in places of deprivation of liberty".

The logical consequence would be an addition to art. 36 CPC "Prosecutor" is part of the seventh, and art. 40 CPC "Investigative body of pre-trial investigation" – part six of the following content: "The prosecutor (investigator) has the right to provide personal security at the time of execution of powers to investigate criminal proceedings, as well as in other cases specified in the law".

As the results of this study showed, other measures to ensure criminal proceedings in correctional colonies, the types of which are established in art. 131 CPC. In particular, the investigation by the investigator or prosecutor of the participants in the criminal proceedings (art. 133 of the CPC) is carried out through the personnel of the CVU, as a rule, through the assistant to the head of the colony, although this procedure in any legal act, including sub-law, is not defined today, which too can be attributed to the arguments of the addition of the CPC special Chapter 25-1, which was discussed above.

It should be noted that under conditions of a penal colony it is unlikely that the convicted person taking part in criminal proceedings (art. 140 of the CPC) can hardly be held accountable, since, according to the legal status of the latter (articles 7, 9, 107 CEC)

to fulfill the obligations of citizens set by the legislation and the legal requirements of the administration of bodies and establishments for the execution of punishment, and their non-fulfillment entails the responsibility established by law (art. 132 of the Criminal Code "Measures of Recovery applied to persons deprived of their liberty", acting as an additional legal guard an introduction of measures to ensure criminal proceedings in correctional colonies.

The results obtained in the course of this study also showed that peculiarities are found in correctional colonies and other measures of criminal proceedings (detention of a person, precautionary measures, temporary seizure of property, others (art. 131 of the CPC)), which should be known to the investigator conducting pre-trial investigation the crimes committed by those convicted in these CVUs and, furthermore, necessitates their consolidation in the special rules of the CPC, in particular in the Chapter 25-1 proposed in this monograph;

f) peculiarities of conducting investigative (search) and secret investigative (search) actions, the contents of which will be disclosed in the following sections of this monograph;

g) features of counteraction to the investigation of crimes in correctional colonies.

Thus, under the general provisions of the pretrial investigation of crimes committed by convicts in correctional colonies, it is necessary to understand those general requirements that are defined for this stage of criminal proceedings in the current CPC of Ukraine and the peculiarities of execution and ser-

ving of sentence in the form of imprisonment, which the investigator should take into account carrying out criminal procedural activities in this category of crimes.

These and other theoretical and applied provisions formed the basis for the development and substantiation of proposals for improving the legal mechanism of pre-trial investigation in correctional colonies, as well as methodical recommendations for the implementation of criminal proceedings in these CVUs. At the same time, the content of the modification of the contents of this legal mechanism is made up of those scientifically substantiated measures proposed in this scientific development, namely proposals concerning:

a) the addition of the CPC of Ukraine to Chapter "Features of pre-trial investigation of criminal proceedings in places of deprivation of liberty";

b) an amendment to articles 36, 40 of the CPC guarantees the maintenance of procedural independence and personal security, in accordance with the prosecutor and investigative body of pre-trial investigation, including in the penal colony;

c) changes in legal approaches to the organization of the implementation of the regime's requirements (articles 102–106 of the Criminal Code) in the correctional colonies relating to the provision of criminal proceedings (section 2 of the CPC), as well as the content of the pre-trial investigation, taking into account the peculiarities of execution and serving of punishment in kind of imprisonment.

2.2. Special aspects of conducting investigative (search) and secret investigative (search) activities in places of imprisonment

As established in the course of this study, investigative (search) actions on crimes committed by convicted prisoners in correctional colonies are carried out in accordance with the general requirements stipulated in art. 223 CPC, as well as taking into account the peculiarities of execution and serving of sentence in the form of deprivation of liberty, which was discussed in the previous sections of this monograph. At the same time, as correctly noted O. V. Caplin the importance of investigative (search) actions is that they are the main way of gathering evidence and from here – the main means of rapid, complete and impartial research of all the circumstances of the criminal proceedings and the achievement of its tasks[1].

The concept of investigative (search) actions is given in Part 1 of art. 223 CPC, namely, actions aimed at obtaining (collecting) evidence or evidence already obtained in a particular criminal proceeding.

Consequently, the key elements forming the content of the concept are evidence and evidence.

According to the requirements of Part 1 of art. 84 CPC evidence in criminal proceedings is factual evidence obtained in the manner prescribed by this

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 550.

Code on the basis of which the investigator, prosecutor, investigating judge and court determine the presence or absence of facts and circumstances relevant for criminal proceedings and subject to proof. As set forth in Part 2 of art. 84 CPC, the procedural sources of evidence are testimony, material evidence, documents, expert opinions.

In accordance with the provisions of Part 2 of art. 91 of the CPC, the evidence is to gather, verify, and evaluate evidence in order to establish the circumstances relevant for the criminal proceedings. To such circumstances, as it follows from the content of art. 91 CPC "Circumstances to be proved in criminal proceedings", the legislator took the following:

1) the event of a criminal offense (time, place, method and other circumstances of a criminal offense);

2) the guilty of the accused in the commission of a criminal offense, the form of guilt, the motive and purpose of committing a criminal offense;

3) the type and amount of damage inflicted by a criminal offense, as well as the amount of procedural expenses;

4) circumstances influencing the degree of gravity of a criminal offender characterize the person of the accused, aggravating or mitigating penalties that exclude criminal liability or are the reason for the closure of criminal proceedings;

5) the circumstances that justify the release of criminal liability or punishment

6) circumstances confirming that money, valuables and other property subject to special seizure obtained as a result of a criminal offense and/or are

proceeds from such property, or intended (used) to persuade a person to commit a criminal offense, to finance and/or material provision of a criminal offense or compensation for his commission, or is the subject of a criminal offense, including those related to their illicit trafficking, or sought, manufactured, adapted and either used as a means or instrument of a criminal offense;

7) circumstances that are grounds for the application to legal entities of criminal law.

An analysis of the content of Chapter 20 of the CPC "Investigative (Investigating) Actions" (articles 223–245) and the practice of conducting criminal proceedings in correctional colonies provides grounds for arguing that the law provides for the conduct of crimes committed by sentenced persons to imprisonment, subsequent investigators (wanted) actions:

a) interrogation, including simultaneous interrogation of two or more interrogated persons (articles 224–226 of the CPC);

b) presentation for identification: 1) a person (art. 228 of the CPC); 2) things (art. 229 of the CPC); 3) a corpse (item 230 of the CPC);

c) search (articles 233–236 of the CPC);

d) review: 1) terrain, premises, things and documents (art. 237 CPC); 2) a corpse (art. 238 CPC); 3) inspection of the corpse associated with exhumation (art. 239 CPC);

e) investigative experiment (art. 240 of the CPC);

f) person's exploration (art. 241 of the CPC);

g) involving an expert and conducting an examination (articles 242–243 of the CPC).

It is worth accepting those scholars who are convinced that the sequence of conducting the above investigative (search) actions depends on the particular circumstances of the criminal proceedings, the internal conviction of the investigator or prosecutor, declared by the party to protect the petitions, etc.[1]

At the same time, as in this connection correctly concluded I. V. Basist, the work of the investigator, in particular in correctional colonies, is socially important and significantly affects social relations, because restricting the rights of certain subjects of criminal proceedings, directs its activities to achieve the main objective of protecting the rights and legitimate interests of physical and legal persons persons involved in it, as well as prompt and complete disclosure of crimes, disclosure of the perpetrators and ensuring the correct application of the law so that anyone who committed a crime has been brought to justice and no one is innocent and was not punished[2]. Moreover (and this is important in view of solving the problems of criminal-executive legislation in the course of criminal proceedings in correctional colonies), the investigation by the investigator of each crime affects the general state and level of crime control in the state, the maintenance of law

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 550.

[2] Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. P. 185.

and order, and the rule of law, the formation of civil society, etc.[1]

On this basis, the investigator determines the tactics of the pre-trial investigation, one of whose elements is the sequence of investigation (search) actions. This position of an investigator is especially relevant in the context of criminal proceedings that he carries out in respect of crimes committed by convicted prisoners in correctional colonies, taking into account, as the practice shows, that their content substantially affects the peculiarities of conducting investigative (search) actions in the indicated CVUs. Language, in particular, is about the features:

1) the organization of execution and serving of punishment in the form of deprivation of liberty, because this process is continuous (permanent), and therefore the procedural activity of the investigator in criminal proceedings in correctional colonies is dualistic (from the Latin dualis-dual)[2], namely: on the one hand, connected with the realization of the tasks of criminal proceedings (art. 2 of the CPC), on the other hand, with the necessity of providing criminal-executive activity, which consists in the fact that the investigator can not create any privileges or advantages for convicts who take part in criminal proceedings, or suspend the sentence for the period of investigation of execution (serving) of the sentence on preliminary proceeding;

[1] Nazarov V. V. Constitutional rights and their limitations in the criminal process of Ukraine in Ukraine. Kharkiv: TD "Golden mile", 2009. P. 58.

[2] Bulyko A. N. The Great Dictionary of Foreign Languages. 35 thousand words. 3rd ed., correct, redraf. Moscow: Martin, 2010. P. 211.

2) ensuring the carrying out of investigative (search) actions in correctional colonies depends not only on the investigator, but also on the staff of these CVUs, who take part in this process on the instruction (order) of the head of the colony;

3) unlike investigative (search) activities carried out outside the places of imprisonment, when the participants in criminal proceedings have a real opportunity to evade them, the illegal activity indicated in the correctional colonies is inadmissible and is guaranteed by measures of disciplinary repression against convicts (art. 132 of the Criminal Code), and in general – the regime of execution and serving of criminal punishment in the form of deprivation of liberty (articles 102, 107 Criminal Code);

4) counteraction to the investigation of crimes committed in places of deprivation of liberty, which is distinct from the content of opposition to freedom.

Taking into account the aforementioned peculiarities of pre-trial investigation in correctional colonies, it can be concluded that under the conditions of execution and serving of punishment in the form of deprivation of liberty, the given stage of criminal procedural activity is actually broader in content and goes beyond the limits set forth in Section III of the CPC, and therefore, in such a situation, not so much a pre-trial investigation as a criminal prosecution in places of imprisonment, the essence of which is disclosed in the previous sections of this monograph, should be spoken.

Additional argument in this regard are the CPC norms, in particular art. 2 “The Tasks of the Crimi-

nal Procedure", and the Criminal Code, namely – art. 1 "The Purpose and Tasks of the Penal Execution Legislation", which by their nature and direction reflect the content of the general phenomenon for them – preventing the commission of new crimes on the part of convicted persons serving a sentence (in this case, in correctional colonies). That is, carrying out investigative (search) operations in these CVU pursues two main goals: a) receipt (collection) of evidence or verification of evidence already obtained for a particular criminal proceeding; b) the identification of circumstances contributing to the commission of a crime (in the form of a group) of a convicted person in the course of serving a sentence in the form of deprivation of liberty, and carrying out actions for their neutralization, blocking, elimination, etc.

That is why, and proceeding from the fact that in art. 91 CPC "Circumstances to be proved in criminal proceedings" is not the above-mentioned circumstance, it is necessary to support scientifically substantiated proposals of some scholars on the addition of Part 1 of art. 91 CPC, paragraph eight, of the following: "In criminal proceedings, evidence is required: c) circumstances contributing to the commission of a crime"[1]. As in this regard, in his time, A. B. Sakharov, noticed the close connection between these two lines of influence, carried out on the instructions of the state authorities of the pre-trial investigation and prose-

[1] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 215.

cutor's office, is the decisive and most effective means of combating crime[1].

Regarding the need for modification of art. 91 CPC V. M. Yurchyshyn presented the following arguments: this is a significant shortcoming, which must be urgently eliminated, since the specially-criminological prevention of a criminal offense is a mandatory attribute of the criminal process of any democratic country in the world and occupies a prominent place. This is due to the fact that the investigation of criminal offenses, on the one hand, is associated with the reaction of society and the state to a specific criminal offense in order to bring to blame for criminal law, and on the other – with the criminological reaction of society and state on factors that Determine criminal offenses, by eliminating or blocking them. With this position, the scientist can agree completely.

On the need to supplement art. 91 CPC noted above the circumstance to be proved in the criminal proceedings, as evidenced by the results and features of conducting investigative (search) actions on crimes committed by convicted prisoners in correctional colonies. Thus, interrogation (art. 224 of the CPC) is provided by a number of measures, the realization of which relies on the administration of the CVU, namely:

1) the delivery of the convict to the investigator by the representative of the administration of the colony, since, in accordance with the requirements of XVIII of the PVR of the UVP. the single movements

[1] Sakharov A. B. The role of criminological science in crime prevention. *Sots. Legality*. 1985. № 12. P. 28.

of these persons in the penal colony are allowed only with the support of the representatives of the administration of the CVU or senior day care. And this, in turn, distracts the staff of the Ukrainian Internal Affairs Committee from performing its basic functional duties related to criminal activity, and on the other hand, creates conditions for the influence on the convicted person in order to incline him to giving in during the interrogation of those or other demonstrations in which the escort (the so-called internal opposition to the investigation) is interested in his person or in general the administration of the colony;

2) despite the fact that in Part 2 of art. 224 of the CPC specify the time limits for the interrogation, this investigation (investigation) action should be carried out taking into account the order of the day established in the correctional colonies (section V of the PVR of the UVP), which in turn provides for such obligatory elements and guarantees of ensuring the rights of the convicts, as: continuous eight-hour sleep; food intake; verifying the presence of convicts; others in addition, as it follows from the contents of art. 129 CEC and section I, V of the PVR of the UVP, the convicts have the right to have at least two hours free time of the day, which they can dispose of at their discretion and which is determined in the order of the day, that is, during this period the investigator can not conduct such an investigation (wanted) act as a questioning;

3) proceeding from the requirements of Part 9 of art. 224 of the CPC that the investigator has the right to simultaneously interrogate two or more interroga-

ted persons, it should be noted that the risks of counteracting the pre-trial investigation and encroachments on the personal safety of the participants in criminal proceedings, including the security of the investigator, increase, and therefore the administration of the correctional colony is compelled to divert to provision of the said investigative (investigative) action of the crime an additional amount of forces and means, which, as practice shows, adversely affects the state of supervision and security in general in the given CVU;

4) despite the fact that in accordance with the requirements of Part 8 of art. 224 CPC has the right to refuse to respond to questions about the circumstances in respect of which provision is expressly prohibited by law, the person who used this right can not be brought to disciplinary responsibility by the administration of the colony for failure to comply with statutory obligations (Chapter 1, art. 9, Part 3, art. 107 of the Criminal Code) in this part, as this is its ineligible constitutional right to protection (Part 1 of art. 63 of the Constitution of Ukraine), which can not be interpreted in this situation as an offense.

The specific feature of interrogation in correctional colonies can also be attributed to additional arguments regarding the addition of the CPC to Chapter 25-1 "Peculiarities of pre-trial investigation of criminal proceedings in places of deprivation of liberty", which was discussed in previous sections of this monograph.

In the same context, we can talk about the peculiarities of conducting in these CVU and other inves-

tigating (search) actions. In particular, as in this regard correctly I. V. Basist, in investigating criminal proceedings, the investigator takes a large number of procedural decisions, usually restricting constitutional rights of citizens (conducting investigative (search) actions, application of preventive measures, application of other measures of procedural coercion), determine the termination or restoration of the investigation, ensure the appearance participants in the process, aimed at conducting secret investigation (search) actions, etc.)[1].

As the results of this study have shown, there are certain difficulties in realization in correctional colonies, such investigative action as presentation of things for reconnaissance (art. 229 of the CPC). Its peculiarity is due to the fact that according to the current criminal-executive legislation of Ukraine for convicts certain rights to the possession, use and disposal of their personal belongings are established, namely:

1) in accordance with Part 2 of art. 115 CVU, the convicted person has an individual sleeping place and bedding. They are provided with clothes, linen and footwear by season, taking into account gender and climatic conditions, and in medical institutions – special clothing and footwear that are forbidden from selling, giving or alienating in another way in favor of other persons (Part 4 of art. 107 of the Criminal Code);

[1] Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. P. 185–186.

2) a list of items of the first necessity for convicts is determined by the normative-legal acts of the Ministry of Justice of Ukraine (Part 7 of art. 108 of the Criminal Code);

3) as indicated in clause 1 of section IX of the PRR SPC, the total weight of objects and things transported by the convicted person shall not exceed 50 kg. Excess items are transferred to the warehouse of the UVP and on the instructions of the convicted person are issued to his close relatives or to him personally after his release from the institution;

4) as provided for in art. 102 CEC and Section XVIII of the PVR UVP, the correctional colonies conduct inspections and searches of the territories and adjacent territories of these CVUs which have nothing to do with similar investigative (search) actions, and often, as practice shows, create considerable obstacles for the conduct of such investigations (detective actions), as presentation of things for identification (art. 229 of the CPC), and in the future, affect the whole process of proof (art. 91 of the CPC) on criminal proceedings;

5) in Appendix No. 2 to the PVR UVP, the list of foodstuffs, products and substances that the convicted person can keep with himself is determined, which is important for the investigator to know in the investigation of crimes committed by convicted prisoners in correctional colonies

Such investigative (search) action as penetration into a home or other property of a person (art. 233 CPC) has its own peculiarities of realization in places of imprisonment, which, again, is due to the content

of the legal status of convicts, as well as the regime of execution and detention punishment in the form of deprivation of liberty, namely: a) no in art. 8 CEC, no in art. 107 CEC, which determine the rights of convicts, does not say about their right to own housing in correctional colonies; b) in Part 1 of art. 115 CEC "Material and domestic maintenance of sentenced to imprisonment", it is specified that the persons who serve the sentence in these CVU, create the necessary living and living conditions that are in accordance with the rules of sanitation and hygiene. At the same time, as it follows from the contents of Part 1 of Chapter VI of the PVR UVP "Provision of checks on the availability of convicts", to ensure the quality of conducting such inspections, the placement of beds for convicts is prohibited without the permission of the administration UVP. Moreover, in accordance with the requirements of clause 3 of the 3rd PVR UVP, the convicted person is forbidden to re-plan, change the constructive elements of the colony's buildings and structures; to construct various objects at the production facilities (baths, washrooms, showers, safes, houses, rooms and facilities for rest, heating), as well as to illegally leave an isolated territory, premises or a definite place of employment for the stay, as well as to stay without permission of the administration of the colony in dormitories and offices where they do not live, or on production facilities where they do not work; c) for violations of the rules governing the use of bedrooms, residential and industrial objects, convicted persons shall be brought to legal liability types provided for by law (articles 132, 136–137 of the Criminal Code).

As it was established in the course of this study, is the greatest problem during investigation (search) operations in correctional colonies arisen when conducting a search (art. 234 CPC), which, first of all, is related to the same measures of the regime that are constantly (planned and unscheduled) are conducted in accordance with the requirements of the criminal-executive legislation of Ukraine by the staff of these CVUs. So, as stated in Part 5 of art. 102 CEC, convicted, their belongings and clothes, as well as premises and territory of the colonies are subject to search and inspection, the procedure of which is determined by the normative legal acts of the Ministry of Justice of Ukraine. The purpose of such measures, as it follows from the content of item 1 of the XVII PVR UVP, is the identification of objects, products, things and food not included in the list, as well as money, securities and things, items that are prohibited to use in the PIs , preparation for escape from custody, search for convicts, who are hiding, etc. At the same time, the purpose of the search, which is conducted in accordance with art. 234 of the CPC is somewhat different, namely: this action is procedural rather than criminal-executive and is aimed at providing evidence of criminal proceedings in a penal colony.

Taking into account the aforesaid, during investigations (searches) actions, in particular searches, in the data of the CVU the actions of the administration of the colony should be obligatory agreed with the investigator who conducts criminal proceedings in these institutions. Based on the fact that this issue is still not resolved at the regulatory level, this should

be done in the CPC by supplementing it with the special Chapter 25-1 "Features of the pre-trial investigation of criminal proceedings in places of deprivation of liberty", the argument for which is given in the previous subdivisions of this monographs Logically, in this regard, there would be an addition (as an additional guarantee of ensuring prosecution in correctional colonies) Part 5 of art. 102 CEC "Mode in the colonies and its basic requirements", the sentence read as follows: "In cases of criminal proceedings in the penal colonies, the said actions are agreed with the investigator who conducts a pre-trial investigation of crimes committed in the course of execution and serving a sentence of imprisonment".

Given that the staffing structure of the correctional colony (section 1, second pillar II) provides for the positions of medical workers, as practice shows, there is no difficulty in conducting such an investigative action as a corpses' inspection (art. 238 CPC).

Proceeding from the fact that various records of convicts are conducted in the colonies, as well as the fact that every day in the morning and in the evening, in the hours determined by the schedule of the day, and also in addition to the time before the food is received by convicts, or after that, convicts are examined (section VI of the PVR UVP), in correctional colonies, there are no practical problems in carrying out such investigative actions as the investigation of a person (art. 241 of the CPC); and expertise (art. 242 CPC).

In addition, it should be recognized that the content of investigation (search) actions carried out

in correctional colonies, in the first place, is precisely the procedural peculiarities of their implementation, which ultimately makes it possible to speak of these actions as a kind of criminal procedural and a criminal-executive complex of actions aimed at ensuring the criminal proceedings and the process of proof, on the one hand, as well as the process of execution and serving of sentences in the form of deprivation of liberty because of the impossibility of suspending it at the time of the pre-trial investigation, on the other hand (in this case, in fact, the objective nature of the continuity and permanence of criminal-activity activity is manifested).

Consequently, investigative (search) actions in the conditions of their holding in correctional colonies are actions aimed at obtaining (collecting) evidence or checking already obtained in a particular proceeding and other actions of the investigator agreed with the administration of this CVU and aimed at providing pre-trial measures the investigation and, in general, its tasks as defined in the law.

As established in the course of this study, its informative features during the pre-trial investigation in correctional colonies also have secret investigative (search) actions (Chapter 21 of section III CPC).

In accordance with the requirements of Part 1 of art. 246 CCP, secret investigative (search) actions – this is a kind of investigation (search) actions, information about the fact and methods of holding which are not subject to disclosure, except in cases provided by this Code. As in this regard, noted V. O. Glushkov and Ye. D. Skulish, silence of conducting investiga-

tive actions regulated by Chapter 21 CPC is expressed in the fact that they are carried out hidden not only from persons whose criminal activity is documented, but also from all other actors who do not take direct part in their proceedings[1]. In addition, as correctly concluded D. J. Nikiforchuk, this norm gives the investigator (operational officer) the opportunity to identify and apply specific silent investigative (search) actions in the process of obtaining the evidence base for persons suspected or accused of committing crimes, as well as in cases where otherwise it receives information about a crime and the perpetrator is impossible (Chapter 21 of the CPC of Ukraine)[2].

At the same time, as established by I. M. Kopotun and O. S. Steblinska, in order to prevent cases of obtaining evidence by violating the constitutional rights of citizens, the CPC establishes a clear list of secret investigative (search) actions, as well as the procedure for their implementation[3].

In the context of solving the tasks of this study, it is important that such a legal aspect, as reflected in Part 2 of art. 246 CPC, namely: secret investigative (search) actions are conducted exclusively in criminal

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 629.

[2] Involuntary Investigative (Investigating) Actions: course of lectures/ D. J. Nikiforchuk, S. I. Nikoluk, O. I. Kozachenko et al.; for the community edit D. J. Nikiforchuk. Kyiv: NAVS, 2012. P. 4.

[3] Methodical recommendations on the use of the Criminal Procedural Code of Ukraine by the bodies and institutions of the State Penitentiary Service of Ukraine: instructors I. M. Kopotun, O. S. Steblinska. Kyiv: In-te of Criminal Execution Service, 2012. P. 14.

proceedings for serious or especially grave crimes, Considering that most crimes in correctional colonies are committed by convicts serving sentences in the form of deprivation of liberty for committing crimes of the specified severity (Chapter 4–5 of art. 12 of the Criminal Code of Ukraine).

The legislator identified the following exclusive (such as does not allow for extended interpretation)[1] a list of secret investigative (search) actions:

1) audio-video control of the person (art. 260 CCP);

2) imposition of arrest on correspondence (art. 261 of the CPC);

3) review and deduction of correspondence (art. 261 of the CPC);

4) removal of information from transport telecommunication networks (art. 263 CCP);

5) removal of information from electronic information systems (art. 264 CCP);

6) examination of places not accessible to the public, housing or other possession of the person (art. 267 of the CPC); observation of a person, thing or place (art. 269 of the CPC);

7) audio and video control of the place (art. 270 CCP);

8) control over the commission of a crime (art. 271 of the CPC);

9) execution of a special task on disclosure of criminal activities of an organized group or a criminal organization (art. 272 of the CPC);

[1] Great explanatory dictionary of the Ukrainian language/uporyad. T. V. Kovalev. Kharkiv: Folio, 2005. P. 63.

10) unknowingly obtaining the samples necessary for a comparative study (art. 274 of the CPC).

At the same time, some scientists call this list a system of secret investigative (search) actions[1], with which it is impossible to agree, based on the etymological meaning of the word "system" (a set of any elements, units, parts, united on a common basis, purpose)[2] and the practice of carrying out these criminal procedural actions, since in each particular criminal proceeding, all the statutory secret investigative (search) actions are not always carried out: either this is not caused by the need for a proof process (art. 91 of the CPC), or it is due to the obvious act and appearance of the guilty person, or on other grounds and circumstances specified in the law (Part 8 of art. 233 of the CPC). Moreover, the law (in particular, art. 246 of the CPC) to the charge of prosecution (§ 2 of Chapter 3 of the CPC) does not have the obligation to conduct all secret investigative (search) actions for a separate criminal proceeding. Such a conclusion is based, moreover, on the results of the study of investigative practices, including the pretrial investigation of crimes committed by convicted prisoners in correctional colonies.

As it was established in the course of this study, the organization and, in general, the effectiveness of conducting secret investigative (search) activities in

[1] The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. P. 629.

[2] Great explanatory dictionary of the Ukrainian language/uporyad. T. V. Kovalev. Kharkiv: Folio, 2005. P. 592.

the specified CVU affects a number of circumstances that are caused by the peculiarities of execution and serving the sentence in the form of deprivation of liberty, as well as the carrying out of operational and investigative activities in correctional colonies (art. 104 CEC). These circumstances include, in particular:

1. The conduct of secret investigative (search) operations in the penal colony creates additional risks for the decipherment of secret forces and sources, as these measures are carried out among individuals who are partially familiar with the methods, forms and means of the OSA.

Accordingly, the investigator conducting a pre-trial investigation in these CVUs should consult with the management of the colony's operational unit when deciding on the conduct of the secret (search) activities, as well as read in detail the Regulations governing the organization of conducting an OSA in places of deprivation of liberty.

Logically, in this regard, it would be an addition to Part 6 of art. 246 of the CPC at the end of the sentence read as follows: "When conducting secret investigators (investigators) actions by the investigator on their own, he or she has the right to use the specialist's capabilities in accordance with the requirements specified in art. 71 of this Code".

2. A large part of the secret investigation (search) activities carried out in the correctional colonies coincides with the contents of similar operational-regime and preventive measures, which, on the one hand, simplifies the direction of the criminal-proce-

dural nature of the actions, and, on the other hand, poses a threat to destruction the traces of the crime, and, ultimately, the whole process of proof, as it serves as a form of counteraction to the investigation of crimes in these CVUs. The language, in particular, is about such covert (wanted) actions as:

a) audio-video control of a person (art. 260 of the CPC).

Thus, according to the requirements of Part 1 of art. 103 CEC "Technical means of supervision and control", the administration of the colony has the right to use audiovisual, electronic and other technical means for preventing escapes and other crimes, violations of the order of punishment established by the legislation, obtaining the necessary information about the behavior of convicts. At the same time, as it follows from the content of Part 2 of art. 103 CEC, the administration is obliged to inform the convicts of the use of technical means of supervision and control.

In accordance with the provisions of art. 260 CPC audio and video control is a kind of interference with private communication that is conducted without its knowledge on the basis of an investigating judge's decision, if there are reasonable grounds to believe that the conversation of this person or other sounds, movements, actions related to its activities, or place of residence, etc., may contain information relevant to the pre-trial investigation. In the future, as stated in Part 2 of art. 265 of the CPC, the content of information obtained as a result of the removal of information from electronic information systems or

their parts, shall be recorded on the appropriate carrier by the person performing the removal and obliged to provide defense, storage or transmission of information.

Value and, at the same time, confidentiality of evidence (art. 85 of the CPC), obtained during the withdrawal of information on the technical means of overseeing the convicts, is that they, as it follows from the contents of item 1 of the XIX PVR UVP, is carried out around the clock and constantly (continuously), on all objects of life of convicts (department of social psychological service, local sectors, cameras, walk-in yards, in their places of work, canteens, clubs and health care facilities, about which every convict is informed under painting.

Thus, it should be recognized that supervisory measures carried out by the administration of a penal colony using audiovisual and other technical means essentially coincide with similar unconscientious investigators (investigatory) actions, which is another additional argument to supplement the CPC by Chapter 25-1 "Features of pre-trial investigation of criminal proceedings in places of deprivation of liberty";

b) imposition of arrest on correspondence (art. 261 of the CPC).

In accordance with the requirements of the law, the imposition of arrest on the correspondence of a person without his knowledge is conducted in exceptional cases on the basis of a decision of the investigating judge (Part 1 of art. 261 of the CPC).

As it follows from the content of Part 1 of art. 107 CEC sentenced to imprisonment have the right to

correspond with persons located outside the colonies, as well as to submit proposals, statements and complaints in oral or written form on their behalf. In this case, according to the requirements of Part 3 of art. 113 CEC, correspondence received and sent by convicted prison sentences in correctional colonies of a minimum level of security with general conditions of detention, average and maximum security, is subject to revision.

The correspondence procedure is specified in section XII of the PVR UVP. In accordance with the requirements of clause 1 of the XIII of these Rules, the sending of convicted letters is carried out without limitation of their number and only through the administration of the Ministry of Health. Letters of condemnation go down to the mailboxes, which are equipped on the territory of the colony, in unopened form. At the same time, the letters, executed secretly, cipher, and which contain information that is not subject to disclosure, are not sent to the addressee, the convicted person is not presented but removed. In case of removal of such correspondence, the administration of the UVP informs the convicted person for a personal signature of the reasons for the hit.

Important in the context of solving the problems of criminal proceedings are the provisions of the PVR UVP relating directly to the pre-trial investigation, namely: in paragraph 1 of the XII, it is indicated that in the case of the presence of convicted copies of documents that were made during the pre-trial investigation and trial cases that are stored in the warehouse of the UVP. According to the state-

ment of the convicted administration of the institution provides these copies, if necessary, that is connected with the realization of their rights and legitimate interests.

Thus, the imposition of arrest on the correspondence of convicted persons (letters of all kinds, parcels, parcels, other material carriers of the transfer of information between individuals) (art. 261 of the CPC) on the content coincides with the criminal-executive activities of the administration of correctional colonies (art. 109 of the Criminal Code "Acquisition of prisoners of liberty for literature and writing supplies"; art. 110 of the Criminal Code "Attendance of convicts to imprisonment with relatives, attorneys and other persons").

Telephone conversations (articles 112–114 CEC) (receipt of convicted parcels (transfers) of parcels, transfers, correspondence, and others), which, on the one hand, creates the proper conditions for proving (art. 91 of the CPC) for criminal proceedings in the penal colony, and, on the other hand, if such the possibility is not used by the investigator, or it is not carried out in full, leads to the loss of traces of the crime and is ultimately used by convicted persons to counter pre-trial investigation in places of deprivation of liberty.

The indicated unity of the unscrupulous investigators (searches) and preventive measures implemented during the execution and serving of sentences in the form of imprisonment indicates that the investigation of crimes committed by convicted prisoners in correctional colonies is carried out not so much in

order to realize the objectives of criminal proceedings, but aimed at achieving the objectives of criminal prosecution in places of deprivation of liberty, which in its essence is a more extensive legal process, as it involves the implementation of a set of measures of criminal-procedural, organizational, criminal-executive, operative-search and other nature, aimed at providing criminal proceedings and criminal-executive activities in these CVUs;

c) removal of information from electronic information systems (art. 264 CPC).

The said secret investigative (search) action has great potential for obtaining evidence of criminal proceedings in correctional colonies, given that, according to Part 5 of art. 110 CEC convicts have the right to use the networks of mobile (mobile) communication without limiting their number under the control of the administration, as well as use the global Internet. Moreover, given that according to the requirements of Part 2 of art. 264 The CPC does not need the permission of the investigating judge to obtain information from electronic information systems or parts thereof, access to which is not limited to its owner, owner or holder or not related to overcoming the system of logical protection, for the implementation in the specified CVU of this unofficial investigative (wanted) actions created quite effective potential opportunities in the norms of the criminal-executive legislation of Ukraine, which is a clear confirmation of the unity of the purpose and objectives of all types of crime-fighting policies (in this case, criminal procedural and criminal-executive),

and is one of the arguments for the coordination of the actions and interaction of the investigator and the services and units of the penal colony on issues criminal prosecution in places of deprivation of liberty;

d) other types of secret investigative (search) actions, which are discussed in § 3 of Chapter 21 of the CPC of Ukraine.

So, to public places inaccessible in correctional colonies, the examination of which stipulated art. 267 CPC, only office cabinets, warehouses, security guard rooms, and similar places are not available to convicts. In particular, as it is indicated in paragraph 2 of the XXI PVR UVP, it is prohibited to use the labor of convicts:

1) on all works and positions in the territorial administrations of the DPTsU; administrative buildings, in which the personnel on the protection of the UVP are housed;

2) in the premises where the weapons are located, special means and service documentation;

3) in works related to equipment for multiplying documents, radiotelegraphy and telegraph equipment (with the exception of linear monitors in the presence of representatives of the administration of correctional colonies);

4) on other types of works indicated in the said paragraph of the Rules.

An additional argument for resolving issues concerning the availability and inaccessibility of public places in correctional facilities is the provision of Part 3 of art. 267 of the CPC, which states that premises specifically intended for the maintenance of

persons whose rights are limited in accordance with the law (premises for the forced detention of persons in connection with the detention, detention, detention, etc.). In addition, it should be noted that in this norm, the legislator seems to have misused the word "deprivation" of punishment somewhat unsuccessfully, at the same time, when the term "serving" was used in the norms of the criminal and penal law (articles 74–87 of the Criminal Code, articles 1.3, 6, and other CEC).

Proceeding from the foregoing and guided by the content of such a principle of rulemaking, as a systematic construction of legal norms, it was worth in Part 3 of art. 267 CPC exclude the word "departure" and replace it with the word "serving", which will not only correspond to the logic of criminal-executive activity and the etymological meaning of these words, but will also reflect the legal culture of the legislator.

Practically similar in content and in such a way as to facilitate the creation of a proper evidence base for criminal proceedings, there are secret investigative (search) actions that determine the location of the radio electrical connection (art. 268 CPC) and the process of seizure of convicted mobile phones that are not registered in the manner prescribed by law and whose source of origin and access to convicts is not possible (Clause 7 art. 102 of the Criminal Code).

The same potential for successful implementation in correctional colonies, as practice shows, has such a secret investigative (search) action as the supervision of a person, thing or place provided by technical means

of supervision and control of convicted persons (art. 103 CEC) and certain in the form of methods and means of the OSA in the colonies (art. 104 CEC).

The same technical means (art. 103 KVN) provide conditions for the effective conducting of audio, video control of the place in correctional colonies (art. 270 of the CPC).

According to the results of this study, taking into account the peculiarities of execution and serving of sentences in the form of deprivation of liberty, identified in this monograph as determinants affecting the effectiveness of pre-trial investigation of crimes committed by convicts in correctional colonies, do not have significant difficulties in the implementation of those secret investigators (investigative) actions related to the tacit obtaining of samples necessary for comparative research.

In particular, in accordance with the current criminal law of Ukraine, convicts are provided with health services (art. 116 Criminal Code); compulsory treatment is provided (art. 117 of the Criminal Code); general and vocational education is provided (articles 125–126 of the Criminal Code); other services and guarantees of realization of their rights and legitimate interests, which create the proper conditions for carrying out the said unclassified investigative (search) action.

In relation to other unscrupulous (wanted) actions, defined in § 3 of Chapter 21 of the CPC (control over the execution of a crime (art. 271), the fulfillment of a special task for disclosing criminal activities of an organized group or a criminal organization (art. 272),

means used during conducting secret investigations (investigations) (art. 273), the use of confidential cooperation (art. 275 CPC), it should be noted that their proceedings are regulated by regulations relating to the regime of secrecy, and therefore in this monograph indicated question to tasks dos there were no scholarship, although, of course, taking into account the short stories fixed in the CPC of Ukraine in 2012, they should be studied within the framework of a separate special scientific development.

In addition, attention is drawn to the fact that only in art. 271 CPC, in particular in Part 5, the legislator noted that the procedure and tactics of controlling delivery, controlled and operational procurement, special investigative experiment, simulation of the situation of the crime is determined by law. At the same time, such normative certainty has not been fulfilled in relation to such secret investigative (search) activities as the execution of a special task for disclosing a criminal activity of an organized group or a criminal organization (art. 272 of the CPC) and the use of conference co-operation (art. 275 CPC) which to some extent does not correlate with the general principles of criminal proceedings (art. 7 of the CPC) and does not provide legal guarantees and consequences of criminal proceedings in cases of disclosure, death, injury and other grave lidkiv for participants in these covert investigative (detective) action.

In this regard, it would be worth the art. 272 CPC to be added to part five, and art. 275 of the same Code – Part 3 – the following sentence: "The proce-

dure and tactics for the execution of these secret (search) actions are regulated by special laws".

3. Despite the fact that in the criminal law of Ukraine, in particular in art. 104 CEC, the OSA is defined as one of the areas of operational and service activities of the staff of the SCESU, the main task of which is to search and fix the actual data on the illegal activities of individuals and groups, in the conditions of implementation in pre-trial colonies of the pre-trial investigation, the OSA is conducted not so much and not only to ensure the process of execution and serving of punishment, so much for ensuring the successful implementation of the tasks of criminal proceedings (art. 2 of the CPC), which, in its turn, provides its content with a specific (special) character, which, without a doubt, should be enshrined in special legal acts regulating the issues of operational and investigative activities in places of imprisonment and determine the peculiarities of conducting secret investigators (investigators) actions whose effective solution is directly related to such issues as: interaction; coordination; counteracting the investigation of crimes in places of deprivation of liberty, which are included in this monograph to the priority tasks of the study.

Consequently, taking into account the foregoing and other results of this scientific development, it can be concluded that the secret investigative (investigative) actions carried out within the framework of criminal proceedings in correctional colonies are a kind of investigative (search) action taken in the specified CVU, taking into account the peculiarities of execution and serving of punishment in the form

of deprivation of liberty and related to the receipt of information, the fact and methods of conducting of which are not subject to disclosure, except for the cases provided for by the CPC, and the rights ve warranty and consequences of their participation in others by special laws.

This approach allows and, at the same time, serves as an additional argument to supplement the CPC of Ukraine with Chapter 25-1 "Peculiarities of pre-trial investigation of criminal proceedings in places of deprivation of liberty". As in this connection, it was substantiated that V. M. Hrynchak, the use of the results of secret investigation (search) actions to form evidence in criminal proceedings is a problem that arose with the adoption of a new CPC and is considered at the junction of the criminal process, the SA, and has both a theoretical and a practical aspect[1], which became one of the objectives of this study.

As established in the course of this study, the basic principles of organizing the holding of secret investigative (search) actions and the use of their results in criminal proceedings are defined in the interagency Instruction[2], but it does not take into

[1] Involuntary Investigative (Investigating) Actions: course of lectures/ D. J. Nikiforchuk, S. I. Nikoluk, O. I. Kozachenko et al.; for the community edit D. J. Nikiforchuk. Kyiv: NAVS, 2012. P. 118.

[2] Instruction on the organization of the holding of secret investigative (search) actions and the use of their results in criminal proceedings: the Zat. by order of the General Prosecutor's Office, Ministry of Internal Affairs of Ukraine, SBU, Administration of the Border Guard Service of Ukraine, Ministry of Finance of Ukraine, Ministry of Justice of Ukraine dated November 16, 2012. No. 114/1042/516/1199/936/1687/5. URL: http://zakon3.rada.gov.ua/laws/show/v0114900-12

account a number of problems that need to be addressed at the legislative and doctrinal levels[1] and relate to the content elements of the subject of this scientific development.

2.3. Subjects, forms and methods of counteraction to pre-trial investigation in places of imprisonment

As established in the course of this study, the peculiarities of counteraction to the investigation of crimes committed by convicted prisoners in correctional colonies are due to determinants, as in the conduct of investigators (investigators) and secret investigators (investigators), which was discussed in previous subdivisions of this scientific development. In addition, it should be noted that their content is substantially affected by those circumstances that are related to: a) the subjective composition of the counteraction; b) its forms; c) ways; d) the effectiveness of the prosecution's activities (§ 2 of Chapter 3 of the CPC), as well as other persons involved in the criminal proceedings.

In the context of the development of scientifically based measures to improve legal mechanisms aimed at overcoming, neutralizing, blocking, or otherwise counteracting pre-trial investigations in the indicated CVUs, it is important to have the

[1] Investigative activity and secret investigative (search) actions in the schemes: manual/D. Y. Nikiforchuk, O. S. Tarasenko, V. I. Vasilynchuk, A. M. Kisly. Kyiv: Nat. acad. inside cases, 2015. 176 p.

investigator and other party members charged with information about the meaningful elements of committing crimes in correctional colonies. The language, first of all, is the signs of its criminological characteristics, which are directly related to the content of the pre-trial investigation and are subject to evidence in criminal proceedings in these CVUs (place, method, time, guilty person, other circumstances specified in art. 91 CPC of Ukraine).

Such an approach to the coverage of this problem, in addition, is due to the close objective legal link between all types of criminal-legal activities (criminal, criminal, procedural, criminal-executive and criminological) in the field of crime prevention, as well as its purpose. and tasks defined in each of the above mentioned branches of legislation (articles 1, 50 of the Criminal Code, art. 2 of the CPC, art. 1 of the CPC, other norms).

The results of this study also showed that in the general structure of crimes committed by convicts in penal colonies: a) 4,9 % in the structure of crime in these PIs were registered in correctional colonies of maximum security (Part 2 of articles 18, 140 CEC), the level of crime in which per 1,000 convicts was 3,95; b) 4 % – in correctional colonies of medium security level (Part 2 of articles 18, 139 of the CEC), the level of crime in which per 1,000 convicts was 3,75; c) 4,9 % – in correctional colonies of a minimum level of security with general conditions of detention (Part 2 of articles 18, 138 of the CEC); the crime rate at that was 2,21; d) 0,6 % – in correctional colonies of the minimum level of security with facilitated

conditions of detention (Part 2 of articles 18, 138 of the CEC), while the crime rate was 0,9[1].

According to the results of this study, 50,1 % of the overall structure of crime in the correctional colonies in the UVP and the SIZO) committed in residential zones 7,2 % – in production areas; 7 % – on counteragent objects; 14 % – in the DIZO and PKT; 21,7 % – on other objects; 91,7 % were executed by convicted workers on working days[2].

Thus, one should admit that one of the tasks defined in art. 1 CEC of Ukraine – preventing the commission of new criminal offenses by convicted persons in the course of their detention – the staff of the organs and penal institutions is not executed, but because of the role of investigators who according to art. 216 CPCs carry out pre-trial investigations in the correctional colonies of Ukraine, eliminating, neutralizing, blocking, etc. The determinants of crime in the Ministry of Justice and Prisons should be changed, in UVP and SIZO particular by supplementing the investigator's duty (art. 40 of the CPC) and the prosecutor (art. 36 of the CPC) with regard to Identifying the causes and conditions that contributed to the commission of crimes.

Practice shows that the task of preventing the commission of crimes by others is not properly implemented in the Ukrainian Internal Security Service of

[1] About activities of the units of protection, supervision and safety of criminal executive agencies in 2014: inform. bullet. Kyiv: State Penitentiary Service of Ukraine, 2014. № 1. 59 p.

[2] Analysis of the state of the criminogenic situation in the penal institutions of the State Penitentiary Service of Ukraine for 2002–2013. URL: www.kvs.gov.ua/peniten/cjntrol/-main/uk/index

Ukraine and other legislative tasks. In particular, the staff of penitentiary institutions and agencies becomes the subject of various crimes committed against convicted persons or associated with encroachments on other objects of criminal law (offenses in the sphere of official activity, against justice, in the sphere of narcotic drugs circulation and psychotropic substances, etc.)[1]. So, only in 2013, the staff of the SCESU of Ukraine committed 56 criminal offenses (11 – personnel of the SIZO, 40 – UVP, 5 – KVI)[2].

One of the tasks of the criminal-executive legislation of Ukraine (Part 2, art. 1 of the Criminal Code) is also the definition of the procedure for applying to the convicted measures of influence in order to correct them and prevent antisocial behavior, which, as demonstrated by the results of this study, is practically implemented in part. In particular, every year convicted in correctional colonies commit various violations of the requirements of the established order of serving a sentence. So, only in 2013 their number reached 125 229 (in 2012 – 134 963), or 1,2 offenses per 100 thousand convicts (in 2012 – 1,6)[3].

[1] Criminological and operational-search principles for the prevention of crimes and offenses committed by the staff of correctional colonies: monograph/V. V. Kovalenko, O. M. Dzhuzha, O. G. Kolb and others; for community edit V. V. Kovalenko. Kyiv: Atika, 2011. 368 p.

[2] About the state of observance of legality in the execution of court decisions in criminal proceedings, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens in 2013: an information and analytical bulletin. Kyiv: Gen. prokras Ukraine, 2013. P. 19.

[3] Analysis of the state of the criminogenic situation in the penal institutions of the State Penitentiary Service of Ukraine for 2002–2013. URL: www.kvs.gov.ua/peniten/cjntrol/-main/uk/index

At the same time, in 66,059 cases, or 36,4 %, the convicts were charged with the collection of rights by the heads of institutions (art. 135 of the CEC of Ukraine) and 45 363 cases (36,4 %) the rights of the heads of departments of the social psychological service (Part 3 of art. 135 of the Criminal Code). As I. S. Mikhalkov noted in this connection, coercion as a phenomenon of social life can not be eliminated, and its role in many respects depends on the level of social justice, civil liberty and formal equality in society[1] that it is important to take into account the investigators of the ATS who are investigating crimes in the correctional colonies of Ukraine, in particular, in the context of finding out the lawful and effective counteraction of the staff of the SCESU of Ukraine to the unlawful conduct of convicts in places of deprivation of liberty.

As established in the course of this study, on the preventive registers of correctional colonies is:

a) 818 convicts inclined to escape (art. 393 of the Criminal Code);

b) 322 persons – to the attack and seizure of hostages (art. 147 of the Criminal Code);

c) 724 persons – to malicious disobedience (art. 391 of the Criminal Code);

d) 3430 persons – to suicide or arson;

e) 99 convicted persons – for the manufacture of weapons or explosive devices (art. 263 of the Criminal Code);

[1] Michalko I. S. Ensuring the principle of rational use of coercive measures and stimulation of obedient behavior of convicts: monograph. Kharkiv: Right, 2013. P. 68.

f) 2541 persons – to the use and distribution of narcotic substances (articles 306–327 of the Criminal Code);

g) 771 persons – as organizers of gambling in order to obtain material benefits[1].

In addition, as practice shows, annually a chronic problem of the Internal Affairs Department of Ukraine, the resolution of which should include the efforts of investigators in the investigation of crimes committed in correctional colonies, is the penetration of protected objects of prohibited items and money[2]. Thus, only in 2013 compared to 2012 53 times more were withdrawn in convicted US dollars, 25 % – barbed-cutting items; 12 % are braghi; by 0,4 % – mobile phones[3].

All this testifies to the fact that neither the administration of correctional colonies, investigators nor other participants in criminal proceedings are not effective in this direction and do not destroy the determinants of development in places of deprivation of liberty of such a socially dangerous phenomenon.

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[1] About activities of the units of protection, supervision and safety of criminal executive agencies in 2013: inform. bullet. Kyiv: DPTUU, 2013. Kn. 1. 58 p.

[2] Kopotun I. M. Criminological measures to prevent an offense related to the penetration of prohibited items to penitentiary institutions and unauthorized (non-service) communications between staff with convicts. *The State Penitentiary Service of Ukraine: History, present and prospects of development in the light of international standards and the Concept of state policy in the field of reforming the Internal Affairs Committee of Ukraine: thesis International. sci. pract. conf. (Kyiv, 28–29.03.2013).* Kyiv: DPTs, 2013. P. 61–63.

[3] About activities of the units of protection, supervision and safety of criminal executive agencies in 2013...

Thus, it should be noted that the most "criminal" and, at the same time, potentially anti-convicted offenders are convicted persons serving in penal colonies of an average level of security, that is, persons who have committed serious or particularly serious crimes, as well as those those who previously served sentences in the form of imprisonment, which is important to know as investigators, as well as other participants in criminal proceedings for crimes committed by those convicted in the specified CVU, including consideration of issues of counteraction to pre-trial detention pursuit by various actors.

Practice shows that counteraction to criminal prosecution has existed since the time when the state began to prosecute perpetrators of crimes of persons and other offenses[1]. At the same time, the methods and forms of counteraction were varied, but all had one goal – to avoid criminal liability. Thus, only in 2007, the courts of Ukraine postponed the consideration of 142,5 thousand criminal cases, or 62,5 % (61,8 % – in 2006) of the number of cases that were in their proceedings[2]. The main reason that leads to a long stay of cases in the courts is the absence of the trial participants in the trial. In particular, due to

[1] Volynsky A. F., Lavrov V. P. Organizational opposition to the disclosure and investigation of crimes (problems of theory and practice). *Organized opposition to the disclosure and investigation of crimes and measures for its neutralization: materials of the scientific and practical conference, Ruza, 29, October 30, 1996.* Moscow: YU of the Ministry of Internal Affairs of Russia, 1997. P. 93.

[2] The Status of the Proceedings of Courts of General Jurisdiction in 2007. *Bulletin of the Supreme Court of Ukraine*. 2008. № 6 (94). P. 39.

the absence of defendants, witnesses, defenders, prosecutors and other process participants in 2007, 10,6 thousand (12,2 thousand – in 2006) cases were deferred, of which almost half – 5,3 thousand, or 49,5 % (50,9 %) due to the absence of witnesses or victims; 3,4 thousand cases, or 32 % (30,3 %) – the defendant. The courts made a decision on the rejection of a witness or victim at the trial of 36,8 thousand cases. At the same time, out of 26,1 thousand cases in which the courts made a decision on the indictment of the defendant, the bodies of internal affairs did not comply with the court decisions on 9,9 thousand cases, or 38 % of the adopted.

During 2007 there were almost 10 thousand cases of postponement of consideration of cases due to the failure to deliver the defendant who was in custody. Thus, as of January 1, 2008, for this reason, 843 cases were postponed, which is 26,2 % more than on January 1, 2007. Due to the disruption of court sessions, the courts ruled separate decrees of 1,9 thousand cases, which amounted to 1,3 (1,4 % in 2006) of the number of cases in which the trial was postponed; the defendant's security measure has been changed to 5,000 cases in custody. For malicious evasion of the appearance in the court of witnesses, victims, plaintiffs, defendants, failure to bring these persons and other citizens to the dismissal of the presiding judge, violation of the order during the court session, as well as for the commission of any actions indicating a clear disrespect for the court, administrative the penalty for 1,6 thousand people, which is 5,9 % more than in 2006. In addition, in 2007, the courts

stopped proceedings in 11,3 thousand criminal cases of public prosecution, including in connection with the prosecution of defendants – 9,6 thousand cases.

These indicators have not changed in 2008–2012. At the same time, similar phenomena are characteristic of Ukraine since its independence (1991)[1], and since the adoption of the new Criminal Code (2001)[2] and the CPC (2012). Significant changes in this direction did not take place in 2013–2014. Thus, during 2014, local courts postponed consideration of 61,3 thousand (90,3 thousand) cases, which is 32,1 % less than in 2013, or 36,8 % (42,8 %). from the number of those who were in proceedings[3] including 6,5 thousand (in 2013 – 8,8 thousand) cases, because of non-appearance (absence), accused (defendants), witnesses, defenders, prosecutors and other participants of the process, it was postponed to consider cases, which is 26,8 % less, or 59,6 % (59,6 %) of the total number of cases deferred. Due to the absence of witnesses or victims, 2,5 thousand cases were postponed, or 22,9 % (in 2013 – 24,4 %) of the total number of cases postponed; the prosecution – 2,6 thousand cases, or 23,6 % (in 2013 – 23,5 %); the defen-

[1] Consideration by courts of general jurisdiction of cases of various categories during 1990-2000. *Bulletin of the Supreme Court of Ukraine*. 2002. № 1 (29). P. 12–26.

[2] Analysis of the work of courts of general jurisdiction in 2001 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine*. 2002. № 4 (32). With. 15–25.

[3] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. P. 27. URL: http://www.scourt.gov.ua/clients/vs.ns

der – 839 cases, or 7,8 % (in 2013 – 7,2 %); the prosecutor – in 291 cases, or 2,7 % (in 2013 – 2 %)[1]. In addition, in 2014, the number of cases, which delayed consideration due to failure to deliver to the court of the accused (defendant) in custody, increased by 31,6 % – 746 cases, or 6,9 % (in 2013 – 3,8 %) of the number of those whose consideration is postponed[2]. In connection with the prosecution of the defendant, in 2014, proceedings were halted for 4,4 thousand (in 2013 – 5,5 thousand) criminal proceedings, which is 20 % less compared to 2013, their share of the number of cases, which proceedings were stopped, amounted to 86,8 % (in 2013 – 84,7 %)[3].

As it was established in the course of this study, the mentioned methods of evasion from criminal prosecution are fully taken into account when investigating crimes committed by convicted prisoners in correctional colonies. In particular, the study of archival criminal cases (proceedings) showed that the most common way to evict prisoners is to simulate the disease by suspects and accused (up to 67 % in the overall structure of all deviations). Other ways of avoiding these participants in the criminal proceedings were as follows: a) immitating the disease to the victims (up to 12 %); b) the same activity of witnesses and witnesses (up to 15 %); c) immitating

[1] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. P. 27. URL: http://www.scourt.gov.ua/clients/vs.ns

[2] Ibid.

[3] Ibid, p. 28.

illnesses by other participants in criminal proceedings (close relatives of convicts (suspects and victims), employees of correctional colonies) – up to 6 %). In addition, the non-appearance of illness on the investigative actions of defenders as suspects (up to 17 % of all cases of non-appearance to pre-trial investigation bodies) and defenders of victims (up to 9 %) is no less popular way of countering criminal investigations in correctional colonies. In connection with the search of suspects in correctional facilities, pre-trial investigation (articles 280–281 of the CPC) stopped for 13 % of criminal proceedings.

Among other methods of counteracting the investigation of crimes committed by convicts in correctional colonies, the following were established: a) giving false witnesses (21 %); b) giving false testimonies and refusing them from the victim (19 %); c) giving false testimony to the suspect (accused) (29 %); d) creation of artificial evidence and agreement of the suspect and counsel (5 %); e) refusal to give impressions to the victim (4 %); f) refusal to give statements to suspects (31 %); g) others.

All the above is one of the forms and elements of the general counteraction to criminal proceedings committed by various actors and participants in criminal proceedings (Chapter 3 of the CPC), as well as by other persons. Undoubtedly, without identifying the general ways of this form of opposition, their knowledge and understanding can not establish its particular manifestations, in particular in places of deprivation of liberty, which made it necessary to consider in this section a monograph of the general

methods of counteracting criminal proceedings in correctional colonies. In addition, due to the need to develop scientifically grounded measures to overcome this resistance in places of deprivation of liberty, the formulation of this issue as a separate element of the subject of the study is justified and obvious.

How A. P. Zakaluk, given that crime in the 21st century has undergone significant qualitative and quantitative changes, namely: searching for means of survival, satisfaction in any way with urgent needs has led to a large mass of people, especially young people, to neglect of law and law, unlawful conduct and criminal manifestations[1] – also changed the approaches of scientists to determine the content of the concept of "counteraction to criminal justice". Moreover, as K. V. Muravyov rightly pointed out on this occasion, prevention of evasion of citizens who are prosecuted, from investigation, court, serving of punishment and fulfillment of certain duties is one of the most important directions of investigative work of the bodies of internal affairs[2]. The content of this activity is unreasonably linked with the implementation of the system of measures of procedural, operational-search, administrative-legal, educational and regime-type, that is, the opposition of persons in

[1] Zakalyuk A. P. Course in Modern Ukrainian Criminology: theory and practice: in 3 books. Kyiv: Publishing House "In Yure", 2007. Book No. 1: Theoretical Foundations and History of Ukrainian Criminological Science. P. 5.

[2] Muravyov K. V. Some legal aspects of prevention of evasion of criminals from inquiry, investigation, trial and serving of punishment. *Problems of Penitentiary Theory and Practice*: Kyiv: Kyiv. In-te of Internal Affairs, 2001. № 6. P. 68.

order to evade the criminal proceedings, he considers through these forms and types of social relations. R. Yu. Savonuk described this problem as follows: as follows: "The question arises: this is the criminalization of a transition society or an attempt to get out of this position in such a way; a gross violation of the current law, or the ineffectiveness of the laws itself; inability or impossibility to work on the basis of the law by those who are entitled to apply it?"[1].

Consequently, the ways and in general the resistance of the scientists to the criminal proceedings are presented differently. In particular, P. A. Muravyov and M. A. Mitrokhin, from the point of view of the content of operative and investigative activity under the counteraction, understand the activity of organized criminal structures, which is aimed at neutralizing the activities of these bodies and discrediting them by using the contradictions that have developed in society, the gaps existing legislation, shortcomings in the activities of law enforcement agencies[2]. With such an approach, as I. P. Kozachenko noted, the functioning of operational units, the content of state-legal tasks that are before them, should be considered at the level of operational search

[1] Savoyuk R. Yu. A view from the shore, or between two points of view. *The Criminological Association of Ukraine: almanac.* Kharkiv: View of Kharkiv. National University of Internal Affairs, 2004. № 1. P. 65.

[2] Muravyov P. A., Mitrokhin N. I. Forms of counteraction of organized criminal structures to law-enforcement bodies and practice of their neutralization. *Problems of struggle against organized crime and corruption.* Tver: Tver. Branch of the Research Institute of the Ministry of Internal Affairs of Russia, 1995. P. 17.

policy, which is part of the criminal and criminal-procedural policy in the state[1].

Moreover, in the context of clarifying the meaning of the term "counteraction", according to V. Ortynskiy, for operational-search activity a law enforcement activity is a very important element, which is transformed into the implementation by law-enforcement bodies of its powers in the field of combating crime by means of the ORD[2]. V. M. Antonov, V. P. Kouvaldin and V. I. Popov understood the counteraction of the reaction of the criminal environment to the protective activities of the state with the wide use of various mechanisms that ensure the security of criminal structures from justice[3]. Such a counteraction is a complex complex of multi-faceted ways, tricks, etc. criminals who impede the effective prevention, detection, disclosure, investigation, and judicial review of their crimes and contribute to the maximum mitigation of punishment. A similar position on this issue is taken by I. A. Klimov and G. K. Sinilov who are convinced that counteraction to the criminal environment is a deliberate commission of misconduct, conduct and actions aimed at preventing the implementation of special control

[1] Kozachenko I. P. The Concept of Development of the Theory of Operative-Investigative Activity. *Bulletin of the Livs of the Ukrainian Academy of Sciences*. Lviv: View of Lviv Institute of Internal Affairs, 1999. №. 2 (10). P. 156.

[2] Ortinsky V. L. Counteraction to the illegal economy by means of operational-search activity: monograph. Lviv: RVV Lviv, 2004. P. 260.

[3] Antonov V. M., Kuvaldin V. P., Popov V. I. Neutralization of counteraction to organized criminal structures. Moscow: Research Institute of the Ministry of Internal Affairs of Russia, 1998. P. 4.

over it, the effective performance of the tasks of the law enforcement function of the state in order to evade the responsibility of the perpetrators for the committed, or to alleviate responsibility[1]. R. S. Belkin believes that the counteraction involves intentional activity in order to prevent the resolution of the tasks of the investigation and, ultimately, the establishment of the truth in the criminal case[2], that is, in fact, and he bases the counteraction as conscious actions of persons associated with their evasion from criminal responsibility.

From the point of view of V. A. Roments and O. V. Kirichuk, a deed - a universal and unified of its kind the center of human activity, which expresses the way of human existence in the world, acts as a permanent factor in the historical forms of progress. The act is the basic unit of social behavior. The first moment of the act is the situation, the second – the motivation. The real reciprocal transition of these two points is a deed of act, and the result of action action is an event[3]. In view of this, one can agree

[1] Klimov I. A., Sinilov G. K. Counteraction of the criminal environment as an object and object of the inheritance of the ORD theory. *Organized opposition to the disclosure and investigation of crimes and measures for its neutralization: materials of the scientific and practical conference, Mr. Ruza, 29–30 October 1996.* Moscow: Yu Ministry of Internal Affairs of Russia, 1997. P. 22.

[2] Belkin R. S. Opposition to the investigation and the way of overcoming it by criminalistic and operative-search means and methods. *Forensic provision of activity of criminal militia and organs of preliminary investigation.* Moscow: New Lawyer, 1997. P. 129.

[3] Fundamentals of Psychology/ed. O. V. Kirichuk, V. A. Roments. Kyiv: Lybid, 1995. P. 401.

with a number of authors, which include the actors of counteraction to witnesses, victims, investigators, prosecutors and judges, as the content of counteraction involves the activities of those who carry out actions aimed at evasion from criminal liability (O. F. Volynsky, V. P. Lavrov)[1]. As V. M. Panchuk noted in this connection, the comprehensive disclosure of the causes that determine one or another human behavior, its actions and actions necessarily involves an analysis of those psychological moments in which they are determined, that is, an analysis of the totality of motives that predetermine particular behavior[2]. This is what we think should be guided by the definition of subjects of counteraction to criminal proceedings, which is confirmed by the conclusions of other scholars[3]. I. V. Netkin, in this connection, in particular, noted that the judge, the prosecutor, the investigator (in terms of criminal proceedings) can not be attributed to criminals or their ties, but corrupt representatives of the structures, unfortunately, appear and criminals, and their connections[4].

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[1] Volynsky A. F., Lavrov V. P. Organizational opposition to the disclosure and investigation of crimes (problems of theory and practice). *Organized opposition to the disclosure and investigation of crimes and measures for its neutralization: materials of the scientific and practical conference, Ruza, 29, October 30, 1996.* Moscow: YU of the Ministry of Internal Affairs of Russia, 1997. P. 94.

[2] Panchuk V. M. Yavki with the guilty in the system of resocialization of juvenile convicts. *Problems of Penitentiary Theory and Practice*. 1996. № 1. P. 98.

[3] Ibid, p. 98.

[4] Netkin I. V. Counteraction to the investigation of customs crimes, forensic means and methods for its overcoming: dis ... cand. lawyer sciences: 12.00.09. Moscow, 2001. P. 18.

Undoubtedly, from these considerations, it is possible to attribute to the subjects of counteracting the criminal proceedings of witnesses, victims, defenders, experts and other participants in criminal proceedings, including those who provide free legal assistance to detained and convicted prisoners, as they are not only pursuing the opposite goals than the perpetrators, but also perform actions similar to the last of a certain motivation (because of fear, as a result of psychological and physical violence by criminals, etc.).

Consequently, if we summarize the above-mentioned scientific approaches to the definition of "counteraction to criminal proceedings", then the following definition of "counteraction to the investigation of crimes in correctional colonies" can be formulated, namely, intentional activity of persons who are prosecuted (suspects, accused), carried out in various forms and methods and aimed at creating obstacles to the investigating authorities of the pre-trial investigation, the prosecutor's office and the court in these CVUs in the course of realization of the criminal proceedings, as well as in order to evade the perpetrators from the statutory measures of procedural coercion and punishment, or the creation of such conditions other people.

Thus, the system-forming elements of this concept, which make up its content, are:

1. Intentional guilt of subjects of counteraction.

This follows from the meaning of the term "evasion", which implies non-fulfillment by a person of obligations arising from his legal status (eg, evasion

from serving a sentence – articles 389–390 of the Criminal Code)[1]).

2. Activity of the subject of counteraction (action or inaction).

In criminal law, the basis of legal liability is an act (action or inaction), which became one of the system-forming features of this concept[2].

3. Persons who are prosecuted.

Such, in accordance with art. 18 of the Criminal Code are the subjects of crimes, and according to articles 42, 43 CPC – suspects, accused, acquitted, and convicted.

4. Various obstacles committed by actors of counteraction (verbal, written, behavioral, material and other).

5. Bodies of pre-trial investigation, prosecutor's office and court.

The procedural status of these subjects in the criminal procedural legal relations is defined in the CPC of Ukraine, and their list is not exhaustive and extended interpretation (articles 36, 38, 39, 40 of the CCP).

6. Object of counteraction - the task of criminal proceedings (art. 2 of the CPC).

As O. F. Kistyakivsky noted in this regard, if the criminal court is to consider from its external point

[1] Scientific and Practical Commentary of the Criminal Code of Ukraine. 3rd form., processing. and add./ed. M. I. Melnyk, M. I. Khavronyuk. Kyiv: Atika, 2005. P. 891.

[2] Scientific and practical commentary on the Criminal Code of Ukraine. 4th form, processing. and add./from. edit S. S. Yatsenko. Kyiv: A. S. K., 2006. P. 8–9.

of view, as a set of material actions that serve to send an intellectual court or judgment, then the immediate and immediate purpose of it is to make the judge or judge intellectually correlated with the truth[1].

7. Forms and methods of counteraction.

8. The purpose of the counteraction is to evade those who commit it from criminal responsibility (art. 2 of the Criminal Code), as well as to create such conditions by other persons (close relatives of convicts, defenders, staff of correctional colonies, etc.).

In addition to the definition of the content of the concept of "counteraction", an important theoretical and practical significance is the clarification of its stages, forms, methods and peculiarities of implementation in places of deprivation of liberty. In science, in particular, distinguish four stages of counteraction, each of which includes a certain system of actions, which are opposed by its subjects of the investigation process from the very moment of the inception of criminal intent[2].

The first of these, in particular, involves: a) observing the object of a criminal offense; b) the establishment of criminal ties; c) creation of a false alibi; d) reporting crime information by correspondence, conversations.

The second stage includes: a) the conspiracy of criminal ties; b) creation of caches; c) preparation of

[1] Kistyakovsky A. F. The general part of the criminal proceedings. Kyiv: Publishing House Semenko Sergey, 2005. P. 27.

[2] Custov A. Theoretical Foundations of Forensic Teaching on the Mechanism of a Crime. Moscow: Academy of Internal Affairs of the Russian Federation, 1997. P. 131.

objects and means of masking a crime; d) the choice of place, time and other conditions for committing a crime; e) conduct an experiment in order to verify the possibility of committing certain actions that must be performed in the commission of a crime.

To the third stage, scientists include actions on: 1) legendation of the person; 2) the production and use of forged documents; 3) the use of observers and guards.

The fourth stage includes: a) the temporary cessation of criminal activity; b) providing assistance to accomplices in the crime of being held in places of deprivation of liberty; c) testing new candidates for criminal formations[1]. R. S. Belkin, besides this, reasonably suggests the forms of counteraction to the crimes divided into "internal" and "external"[2]. In this case, under the internal opposition, he understands such methods, which are related to the obstacles that are committed by its direct subjects, the language of which was conducted above (suspects, accused, etc.). External counteraction includes such methods of actions of other persons, which either create conditions for such opposition (inactivity of the bodies of pre-trial investigation, investigators, etc.), or are accomplices of criminal activity (abuse of

[1] Custov A. Theoretical Foundations of Forensic Teaching on the Mechanism of a Crime. Moscow: Academy of Internal Affairs of the Russian Federation, 1997. P. 131–132.

[2] Belkin R. S. Opposition to the investigation and the way of overcoming it by criminalistic and operative-search means and methods. *Forensic provision of activity of criminal militia and organs of preliminary investigation.* Moscow: New Lawyer, 1997. P. 138.

power or excess of official authority, receiving unlawful benefit, i. e. etc.).

A. M. Petrova reasonably points out also a mixed way of counteracting criminal proceedings[1]. In addition, she substantiated the following main ways (directions) of counteraction: 1) to counteract the investigation by committing unlawful pressure on persons who carry out pre-trial investigation (investigators, prosecutors, etc.); 2) counteraction committed on the material traces of a crime[2].

In science, other qualifications of methods of counteraction to pre-trial investigation are offered[3]. In particular, as practice shows, the indicated resistance in correctional colonies is carried out in active and passive ways. In this case, the passive (in the form of inactivity) methods include: a) non-fulfillment of obligations by actors counteraction, proceeding from their legal status; b) failure to provide information according to the request; c) non-disclosure of wanted items; d) etc.

Active methods of counteraction are: 1) creation of "artificial" alibi; 2) destruction of traces and tools of a crime; 3) bribery; 4) threat; 5) et al.

In addition, according to the degree of activity of the subjects of counteraction in science, distinguish

[1] Petrova A. N. Anti-Investigation: Forensic and Other Measures to Overcome it: author's abstract dis. ... candidate. lawyer sciences: 12.00.09. Volgograd, 2000. P. 10.

[2] Ibid, p. 10–11.

[3] Lubin A. F., Zhuravlev S. Yu. Neutralization of counteraction to the investigation. *Forensic science. Investigation of crimes in the sphere of economy.* Novgorod: NHSH Ministry of Internal Affairs of Russia, 1995. P. 350.

the methods of acute and vialoprotyakayuschey counteraction; Frequency of encounter – typical and specific ways; on a longevity – short-term and ongoing; in closed and open forms, etc.[1]

As established in the course of this study, all these methods are to some extent also in the course of counteraction to the pre-trial investigation carried out by convicted prisoners in correctional colonies[2]. However, there are also their peculiarities of counteraction, which are conditioned not only by the formal and legal nature of punishment in the form of imprisonment[3], but also the specific environment used by the community of convicts.

The following features of counteraction to criminal proceedings in correctional colonies include the following: 1) contradictions in the field of social being of punishment in the form of imprisonment; 2) the sociological paradox of punishment, which consists in the fact that the more and more severely used in society, the punishment, the more it is painted in its impotence; 3) economic contradictions of punishment in the form of imprisonment, when the state is not able not only to retain the convicts, but also those who serve him; 4) mismatch between

[1] Lubin A. F., Zhuravlev S. Yu. Neutralization of counteraction to the investigation. *Forensic science. Investigation of crimes in the sphere of economy.* Novgorod: NHSH Ministry of Internal Affairs of Russia, 1995. P. 348–349.

[2] Kolb O. H. Prevention of Crime in places of imprisonment: teach. manual. Lutsk: RVV "Vezha" Volyn. state un-th them Lesia Ukrainka, 2005. P. 216–244.

[3] Criminal-executive law of Ukraine: textbook for the studio. higher teach institutions/ed. A. Kh. Stepanyuk. Kharkiv: Law, 2006. P. 163–170.

objectives and functions: a) appointment (art. 65 of the Criminal Code of Ukraine); b) execution of criminal penalties (art. 1 of the Criminal Code); 5) the contradiction between the lawful authorities (staff of correctional colonies, investigators, prosecutors, judges) and the actual power represented by criminal authorities; 6) other various contradictions, in particular between the activity of the administration of correctional colonies and other law enforcement agencies, the consequence of which is the lack of continuity (translatability), proper interaction, etc.[1]

As shown by the results obtained during this study, in the correctional colonies, the main external and internal forms of counteraction to the investigation of crimes committed by convicts. At the same time, the ways of implementing the external form of counteraction to pre-trial investigation in correctional colonies are diverse: they depend on its subjects, their capabilities and objectives of counteraction, as well as the motive of this unlawful activity[2]. Based on the motives and the purpose of counteraction, the subjects of the external counteraction to the investigation of crimes in correctional colonies can be divided into those:

1) pursue personal beneficial and other purposes and realize the unlawfulness of their socially dange-

[1] Organization of individual prevention of crimes in a criminal-executive institution: monograph. 2nd species., processing. and listens./V. P. Zakharov, O. G. Kolb, S. M. Mironchuk, L. I. Milyshchuk. Lutsk: PP Ivanyuk V. P., 2007. P. 285–301.

[2] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 698.

rous acts (art. 364 of the Criminal Code of Ukraine "Abuse of power or official position", art. 365 "Excess of authority or official authority", art. 366 "Service falsification", etc.)[1]. As to this, in the preamble to the resolution of the Plenum of the Supreme Court of Ukraine of March 26, 1993 No. 2 "On judicial practice in cases of crimes connected with the violation of the regime of serving sentences in places of deprivation of liberty", the courts do not always provide a strict adherence to the requirements of the law, make mistakes in qualifying the actions of the perpetrators;

2) act under the influence of a bona fide mistake concerning the circumstances of the offense, the suspect (accused), the actions of the investigator and the body of pre-trial investigation, and do not pursue personal unlawful purposes (art. 367 of the Criminal Code "Service Negligence")[2]. In this case, the external counteraction to the investigation of crimes in correctional colonies is directed at: a) the process of investigation, the resolution of its tasks, and the procedure for conducting criminal proceedings (articles 2, 7, 214–222, and other CPC);

b) the person conducting the pre-trial investigation (in accordance with the requirements of art. 216 –

[1] Bogatyryov I. G. Activities of the operational units of the penitentiary institutions for the detection of persons inclined to commit a crime. *Scientific Bulletin of the Dnepropetrovsk State University of Internal Affairs: Collection of scientific works.* 2006. № 4 (30). P. 276.

[2] Kosenko V. F. Professionalism of operational vehicles and crime. *Theory of operational and service activities of law enforcement bodies: Scientific publication*/ed. V. L. Regulsky. Lviv: LIVS under the Ministry of Internal Affairs of Ukraine, 2000. P. 291.

the investigators of the National Police) and carries out procedural guidance (art. 36 of the CPC); c) bearers of evidence – witnesses, victims, as well as persons unrelated to them, – close relatives of the convicted person, his or her environment both in the penal colony, and outside this CVU, with which the latter maintains constant contact, as well as defenders and persons who provide free legal assistance.

As established in the course of this study, the opposition of the investigation of crimes committed by convicts in correctional colonies by the subjects of the first group is carried out in the following ways:

1. By concealing the criminal offense (art. 91 of the CPC) committed in the penal colony, in order to preserve the prestige of the CVU ("purity of the uniform"). The same applies to the concealment of circumstances contributing to the crime in a correctional colony.

The most widespread in this context is the activity of the regular assistants of the head of the colony (RAHC) who abused their right accorded to them by paragraph 25 of section XXV PVR UVP, which is: "In the absence of the heads of institutions in urgent cases when other measures to prevent coarse the violation can not be, convicted persons may be placed in a DIZO or a police officer by order of the RAHC until the arrival of the bosses, but not more than 24 hours"[1]. The content of this method of concealing offenses in places of deprivation of liberty is that, as

[1] Rules of the internal order of penitentiary institutions: approved by the order of the Ministry of Justice of Ukraine, December 29, 2014, № 2186/5. *Official Bulletin of Ukraine*. 2015. № 4. Art. 88.

a rule, RAHC translates them into a category of disciplinary offenses or minor acts, drawing up appropriate "evidence" materials for this event in order to "decorate" the results of personal operational – service activity. At the same time, the conditions contributing to the commission of such an external counteraction are that:

1) no such right (the isolation of convicts for 48 hours under the order of the RAHC nor the CEC, nor the Law of Ukraine of June 30, 1993 "On pre-trial detention"[1] for these officials do not provide. The regulation of the same issue, as correctly concluded O. G. Kolb, by subordinate normative legal acts of the DPTsU of Ukraine does not fully comply with the requirements of articles 8, 19, 14, 92 of the Constitution of Ukraine, as well as art. 5 CEC, which consolidated the principles of the rule of law and law[2]. RAHC In view of this, the activity of the RAHC for the isolation of convicts for 48 hours in a DIZO (prison) can hardly be considered to be consistent with the maintenance of the rule of law principle, and therefore the said legal norm should be reflected in the law, in particular in art. 10 CEC of Ukraine "The right of convicted persons to personal safety" (in the form of supplementing it with part six), which logically reflects the activity of the RAHC to ensure the personal security of prisoners and would reduce the level of counteraction in the colonies;

[1] On pre-trial detention: Law of Ukraine dated June 30, 1993, № 3352-XII. *Bulletin of the Verkhovna Rada of Ukraine*. 1993. № 53. P. 360.

[2] Kolb O. H. Penitentiary Institution as Crime Prevention Agent: monograph. Lutsk: RVV "Vezha" Volyn. state un-th them Lesia Ukrainka, 2006. P. 19–20.

2) in clause 6 of section XXV PVR UVP adopted at the time of the USSR were reflected when the correctional colonies were located in sparsely populated and remote from settlements (forests, steppes, etc.), and the leadership of these CVUs lived far beyond their borders (in cities, urban-type settlements, etc.), and therefore, RAHC was forced to act in conditions of extreme necessity and to make decisions on the merits[1];

3) the tendency to conceal crimes in places of deprivation of liberty are permanent in the State Internal Affairs Committee of Ukraine, as evidenced by the results of public monitoring[2], and therefore the RAHC can not stand aside these negative processes.

2. Hiding the occurrence of a criminal offense in correctional colonies for mercenary motives.

3. Hiding a criminal offense in correctional colonies for reasons of misunderstanding of professional interests (careerism, artificial increase of the results of activity, etc.).

The content of this problem is as follows: the general tendencies of increasing the number of committed crimes in Ukraine in the modern period[3], and

[1] Lebedyeva A. D. Corrective labor policy of the Soviet state in the postwar period (1945–1970): the content and organizational and legal bases of realization: dis ... cand. lawyer sciences: 12.00.01. Krasnodar, 2005. P. 71–74.

[2] Observance of the rights of prisoners in Ukraine. 2006. *Aspect: Inform. bullet.* Donetsk: Donetsk Memorial, 2007. № 1 (18). P. 3–28.

[3] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

especially in prisons[1], cause the emergence of new types of them, it becomes increasingly difficult to identify and establish the perpetrators.

In the course of this study it was also established that the professionalism of committing crimes is increasing. In order to avoid responsibility, criminals take special measures, erase the traces of crime, and intimidate those who are willing to provide information about them and their activities, counteract law enforcement in the disclosure of crimes. They are widely used in their activities new achievements in science and technology, special means of communication, a systematic approach in the preparation of crimes, develop optimal options for criminal operations, apply modern technologies and special techniques for this, including a variety of computer and advanced information processing technology , which should be taken into account when conducting measures aimed at overcoming, neutralizing and blocking the counteraction to pre-trial investigation, crimes committed in correctional colonies.

4. Concealment of a criminal offense in correctional colonies or counteraction to the investigation by corrupt subjects of mercenary motives, due to involvement in the activities of organized criminal groups.

Corruption in modern conditions, as L. V. Levitskaya remarked, is increasingly displacing the

[1] Analysis of the state of the criminogenic situation in the penal institutions of the State Penitentiary Service of Ukraine for 2002–2013. URL: www.kvs.gov.ua/peniten/cjntrol/-main/uk/index

legal, ethical relations between people and the anomaly gradually becoming a norm of behavior[1].

On the other hand, according to V. Koshynets, condemned negative tendencies demand unlawful privileges, relaxations in the regime, and in some cases, incite other prisoners to commit collective actions of disobedience (starvation, arson injuries, etc.), other illegal actions, applying to them as both moral and physical pressure[2].

5. Hiding criminal offenses in correctional colonies on personal motives of the parties to the prosecution at the request of relatives, acquaintances, etc., who are interested in it.[3]

According to V. V. Golina, and it is worth agreeing with this, the essence of crime lies in the basic human qualities, in the mental and psychological construction of man, that is, in ourselves. In any society there is an anomaly, there is a situation in which individuals fall into complex (real or imaginary) social situations, objectively and often subjectively, not having the ability or due to various circumstances, not wanting to follow the generally accepted standards of conduct.

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[1] Levitskaya L. V. Problems of perfection of the criminal law of Ukraine in the part of prevention of corruption and bribery. Ensuring of rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine in modern conditions: Intern. sci. pract. Conf., Kyiv, December 4, 2009. Kharkiv: Human Rights, 2009. P. 108.

[2] Koshynets V. V. Results of the State Criminal-Executive Service of Ukraine. *Practice of the implementation of alternative punishments: Inform. newsletter*/per. bulletin edit N. G. Kalashnikov. Kyiv: DDUPPV, 2008. P. 4.

[3] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 699.

The syndrome of criminal activity is created, that is, there is a conviction and resolve to solve the problem bypassing, including illegal, by[1], which is manifested in the concealment of crimes committed by convicts in correctional colonies, when applying this method of countering pre-trial investigation in these CVUs.

In addition, as established in the course of this study, the opposition to the investigation of crimes in correctional colonies involving the subjects of the first group can be directed also directly to the person who conducts the investigation, and expressed in the following forms:

1) induction of the investigator to illegal actions or activities not caused by the interests of the investigation, by: a) changes in the procedure of coercion; b) cessation of criminal proceedings and their closure on grounds not stipulated by law; c) re-qualification of the crime for less severe; d) the allocation of criminal proceedings in a separate proceeding with a view to subsequently ceasing criminal prosecution or providing a short period of punishment, etc.;

2) illicit violence by: a) endangering his life and health and his close relatives or people from his environment; b) the threat of writing complaints, which may lead to a deterioration of the official position of the investigator, as well as disclosure of

[1] Golina V. V. Crime: the variety of concepts and the substantive essence of the phenomenon. *Problems of legality: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 335.

information that may discredit the latter, etc.[1] At the same time, as stated in paragraph 4 of the resolution of the Plenum of the Supreme Court of Ukraine of June 18, 1999, No. 10 "On the application of the law providing for state protection of judges, court employees and law enforcement bodies and persons involved in the proceedings", the reality of the threat is established on a case-by-case basis, based on specific circumstances, taking into account both objective and subjective criteria (content, time, method, intensity of threat, data characterizing the person expressing it, relations of the latter with the person who takes studying in the legal proceedings)[2]. Similar approaches and conclusions can be found in the works of V. I. Osadchy[3], O. D. Tikhomirov[4], K. F. Gutsenko[5], others.

Practice shows that subjects of external counteraction to pre-trial investigation in correctional colo-

[1] Solovyi Ya. I. Problems of criminal law enforcement of rights of employees of the ATS. Ensuring the rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine in modern conditions: materials Intern. sci. pract. conf., Kyiv, December 4, 2009. Kharkiv: Human Rights, 2009. P. 467–468.

[2] Resolution of the Plenum of the Supreme Court of Ukraine of June 18, 1999, No. 10 "On the application of the law providing for state protection of judges, court employees and law enforcement bodies and persons involved in legal proceedings". *Resolutions of the Plenum of the Supreme Court of Ukraine in criminal cases*/for comp. edit V. T. Malyarenko; emphasis P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 139.

[3] Osadchy V. I. On the Context of Violence in Crimes Against Law Enforcement Activities. *The Law of Ukraine*. 1999. № 6. P. 112.

[4] Tikhomirov O. D. Theoretical issues of law-enforcement activity. Kyiv: Atika, 1994. P. 110.

[5] Gutsenko K. F. Law-enforcement bodies of Ukraine. Moscow: Lawyer, 1997. P. 10.

nies may create various obstacles by influencing witnesses, victims, other persons having the necessary information, experts, other persons with bribery, threats, blackmail in order to change them. their shows, did not appear to the investigator, in court, filed applications for reconciliation with the offender, changed the expert conclusions, etc.[1] At the same time, as correctly stated on this occasion, I. Basist, a number of procedural issues arise in the assessment of primary materials on crimes, during the decision to initiate criminal proceedings, during a series of investigative (search) actions, the use of precautionary measures, before the appearance of a person suspected, a decision to refer the case to court[2].

Consequently, based on the results of the research, it is worth noting that there is an urgent need for further research in this direction in order to cover the essence, purpose and tasks of the adoption and implementation of decisions of the investigator at the stage of pre-trial investigation on crimes committed by convicted prisoners in correctional colonies, not only from the procedural and forensic, but also psychological point of view. After all, investigating the patterns of human mental activity

[1] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 700.

[2] Basist I. V. Problematic aspects in determining the procedural status of the investigator. *Ensuring the rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine under current conditions: materials International. sci. pract. conf., Kyiv, December 4,* 2009. Kharkiv: Human Rights, 2009. P. 435–436.

that arise in connection with its professional activities, its features are clarified, the organizational principles of professional functions are to be recognized, the organization of this activity is improved, including the probability of counteraction to the investigator from the parties specified in the law criminal proceedings (Chapter 3 of the CPC) and other persons. In this respect, the criminal procedure in correctional colonies is the least studied.

The results of this study also show that the subjects of the above-mentioned second group of counteraction to pre-trial investigation in correctional colonies do not pursue personal and unlawful interests, namely: a) they can manage a sense of humanity, compassion, regret for guilty of committing a crime of a person, a misunderstanding friendship, corporate community, etc.; b) their actions are expressed, as a rule, in sending complaints and petitions to law enforcement and public authorities, the media, the desire to create in the various ways an investigator, witnesses, victims of a crime favorable opinion of the guilty person in committing a crime, and sometimes – a negative opinion about the victim or witnesses; unskilled and prejudicial assessments of the behavior of officials who conduct criminal proceedings, etc. In scientific sources, educational, methodological and practical publications other (general) forms of counteraction to criminal proceedings are described, although they do not include the features of their manifestation, in particular in correctional colonies, but they should be taken into account in the development of measures aimed at

their overcoming, neutralization, blocking[1]. Consequently, under the external form of counteraction to the investigation of crimes committed by convicted prisoners in correctional colonies, it is necessary to understand the various directions, methods and methods of influencing the process of investigation of criminal proceedings, as well as on the persons who carry them, carried out by the staff of the DKVSU of Ukraine, employees of the prosecutor's office, authorities and local self-government, close relatives of the convict, lawyers, persons providing free legal aid and others who are not involved in the activity of these UVP by persons, for the purpose of obtaining remuneration, from mercenary and other interests, as well as from the erroneous application of the law, a bona fide mistake in assessing the activities of an investigator or a procedural supervisor.

In their practice, as shown by the results of this study, there is an internal form of counteraction to the investigation of crimes committed by convicts in the correctional colonies of Ukraine. In particular, as practice shows, in the structure of criminal activity there are actions for cooking (art. 14 of the Criminal Code of Ukraine), deed (art. 15 of the Criminal Code "Zamek for a crime", Part 1 of art. 13 of the Criminal Code "Fulfilled offense") and concealment of a crime[2].

[1] Methodical recommendations on the use of the Criminal Procedural Code of Ukraine by the bodies and institutions of the State Penitentiary Service of Ukraine: instructors I. M. Kopotun, O. S. Steblinska. Kyiv: In-te of Criminal Execution Service, 2012. 36 p.

[2] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 692.

As noted by R. S. Belkin, as an object of criminology, these actions are usually combined into a system called a method of committing or a method of committing and concealing a crime, or in two systems – when it comes separately the first approach or the second position[1]. In general, while summarizing these systems, scholars undoubtedly admit that this is one form of counteraction to the investigation of crimes[2].

Given that the internal form is more fully disclosed in general terms, without taking into account the peculiarities of counteracting the investigation of crimes committed by convicted prisoners in correctional colonies, it is important to use the general theoretical achievements of this problem when analyzing it. Thus, in science, it has been established that the first system, as a content-forming element of this form of counteraction to the investigation of crimes in correctional colonies, includes combining the general criminal intention to act in the preparation, commission and concealment of a crime, determined by the conditions of the internal environment (the community of convicts, who together with the guilty person, serve sentences in the form of deprivation of liberty) and the psychophysiological properties of the person condemned. However, with such an approach, it is worth agreeing with T. R. Kurius, which adheres to generally accepted scholars' opinion that it is unlawful to rely solely on the results of psychological

[1] Belkin R. S. Criminalistics. Moscow: Publishing house NORMA, 2001. P. 612–613.

[2] Reference book of the criminalist/ed. N. A. Selivanova. Moscow: Case, 2000. P. 72–73.

measurements into the study, "to engage in the registration of honesty, aggression, altruism, courage", since this is a behavioral characteristic, as they can vary from one and the same person depending on the time and social situation[1].

That is why, when investigating the identity of the suspect and the accused during the investigation of crimes committed in correctional colonies, the basic requirements for the compilation of their psychological portraiture should be guided by the basic requirements of science[2], namely: 1) to ensure the completeness and selectivity of a psychological portrait; 2) it is necessary to consider the psychological patterns and mechanisms of human knowledge of man, that is, social perception (from the Latin perception-knowledge, understanding)[3]. 3) use different (preferably independent) sources of information, which implies that the investigator in the course of investigating crimes in correctional colonies is well aware of the main sources of psychological information and is able to receive it correctly; 4) detailed and comprehensive review of the crime.

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[1] Kulagin N. I. Organization and tactics of preliminary investigation in places of imprisonment: a manual. Volgograd: USSR Ministry of Internal Affairs, 1977. P. 138.

[2] Stulov O. O. Compliance with the lawfulness of the head of the institution of execution of sentences and bodies of internal affairs when bringing to criminal responsibility persons sentenced to deprivation and restraint of liberty. *Ensuring the rights and freedoms of man and citizen in the activities of the bodies of internal affairs of Ukraine under the current conditions: internship materials sci. pract. conf., Kyiv, December 4, 2009.* Kharkiv: Kharkiv. Human Rights, 2009. P. 323–330.

[3] Dictionary of foreign languages/ed. O. S. Melnychuk. Kyiv: Nauka, 1977. P. 438.

As practice shows, the more complete it is possible to "read" the place of "crime", the more precise will be a "psychological" portrait of a suspect and accused in a correctional colony[1]. Thus, the first system of counteraction to pre-trial investigation in flushed colonies reflects the content of the so-called full-structured way of committing a crime, which combines the means of implementing all the above stages of the criminal plan[2]. However, as the results of this study have shown, in practice there are often cases where the method of concealing a crime (counteraction to the investigation of crimes) in correctional colonies exists independently and is not covered by a single criminal plan. In particular, this is done when:

1) in the preparation and commission of a crime, the subject does not plan actions to conceal it, or relates to them indifferently, or considers that these actions will not be fully implemented, and then, after the commission of the crime, in connection with the intentions that arose suddenly, or circumstances that appeared unexpectedly, take measures to conceal them. As A. A. Lyash and S. Stakhovsky noted in this regard, the suspect, like the accused, is interested in the results of the case and is not obliged, but has the right to testify, and therefore is not responsible for refusing to testify or for giving knowingly

[1] Shaypher S. A. Essence and methods of gathering evidence in the Soviet criminal process. Moscow: Yurid. lit., 1972. P. 47–48.

[2] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 693.

false testimony. That is why his testimony must be considered as a means of protecting his interests and as a means of obtaining information on circumstances that are subject to evidence in a criminal proceeding[1]. If to assess such behavior of the said participants in criminal proceedings on the other hand, it should also be attributed to one of the methods of counteracting pre-trial investigation in correctional colonies;

2) when preparing and committing an offense, the subject does not plan actions to conceal it, counting that the traces will disappear themselves under the influence of natural or natural factors, and then, mistaken in their expectations, improvises the measures for their concealment. It is precisely these actions of the indicated subject worth, as correctly concluded I. P. Kozachenko, to take into account in developing the tactics of the use of methods and means of the ODI in detecting crimes and in overcoming the phenomena of counteraction to pre-trial investigation[2];

3) when preparing and committing an offense, the entity plans to act on its concealment by other persons (accomplices), however, due to their nonfulfillment for one reason or another, forced to make

[1] Lyash A. O., Lyash D. O., Stakhovsky S. M. Evidence and Evidence in Criminal Proceedings: teaching. manual/ed. Yu. M. Groshevoy. Kyiv: University "Ukraine", 2006. P. 44.

[2] Kozachenko I. P. Tactics of application of methods and means of operative-search activity, prevention and disclosure of crimes. Kyiv: NII RIO KVSH Ministry of Internal Affairs of the USSR them. F. E. Dzezhinsky, 1988. P. 134.

such measures in time with the time gap. Such activity of the subject of counteraction, as established by V. Yu. Shepitko, enables the investigator to seize the initiative in confronting the suspect and the accused and form the general principles of the evidence base for a particular criminal proceeding[1];

4) when preparing and committing a crime, the subject plans actions to conceal it, but as a result of a change in the situation, it is compelled to take other measures that do not correspond to the single criminal plan and the plan for the optimal concealment. In this case, we mean the cases of a logical connection between the elements of criminal activity, the replacement of one of them with another, homogeneous, but not connected with the primary criminal intention[2].

Consequently, the concealment of a crime as one of the forms of counteraction to pre-trial investigation in correctional colonies can be defined as the activity (act or omission) of participants in criminal proceedings carried out in various ways and which is aimed at creating obstacles to the collection, verification and evaluation of evidence and elimination (destruction, staging, etc.) traces and objects of the crime, as well as the hiding of the person who committed it.

As established in the course of this study, the content of the implementation of the method of

[1] Criminology: A textbook for law students. special higher shut up Education/ed. V. Yu. Shepitka. Kyiv: Publishing House "In Yure", 2001. P. 487.

[2] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 693.

concealing a crime in correctional colonies can be divided into the following groups:

a) concealing information and (or) its carriers;

b) the destruction of information and (or) its carriers;

c) masking information and (or) its carriers;

d) falsification of information and (or) its carriers;

e) mixed methods[1].

The results of this study also show that the main factor driving the perpetrator of a crime is to take measures to conceal it in correctional colonies, there is a desire to avoid criminal responsibility. But the desire itself can be due to various reasons. The most common of these are: fear of punishment; sometimes – shame; fear of disclosure of information about sexual relations with victims of crime in the Ministry of Justice and Prisons, etc.[2]

In other cases, perpetrators want to avoid criminal responsibility in order to continue as long as possible the criminal activity that is typical of recidivists. In this case, as established by O. M. Morozov and T. D. Kurius, in the commission of recurrent violent crimes an essential role is played by the inherited component: a violent crime can not be explained only by the asocial inclination of the subject[3].

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[1] Saltevsky M. V., Lukashevich V. G. Problems of classification of information sources for investigative actions in forensic tactics. *Forensic science and forensic examination.* Kyiv, 1984. № 29. P. 31.

[2] Bahin V. P. Tactics of criminals. Kyiv: Atika, 2009. P. 18–19.

[3] Morozov O. M., Kurii T. G. Crime and heredity. *Problems of Penitentiary Theory and Practice*. 1999. № 4. P. 116.

And, in the end, the concealment of a crime in correctional colonies is also carried out when it is a mandatory element in the commission of a crime, namely: when the crime itself can not be committed without taking special early measures to conceal it.

As it is established in the course of this study, in addition to the factors that incline the convicted person to a crime in a penal colony, there are a number of circumstances influencing the possibility, completeness and choice of way of implementing this plan (this is, in particular, one of the problems of logic and psychology in investigative tactics, including on overcoming the counteraction to pre-trial investigation in correctional colonies)[1].

It's about the following: all ways to conceal crimes, except for the present concealment (through inactivity), require a certain amount of time. However, in many cases, the offender is in a hurry. This is reflected in the choice of the method of concealment, incompleteness and negligence of the staging, their calculation for a temporary action, etc.[2] In addition, the choice of the method is influenced by the ratio of the offender to the object of encroachment: in particular, the closer the relationship of the guilty to commit an offense of the subject with the object of the attack, the more difficult is the way of concealing the crime, which, together with it, pursues the purpose of its masking and this link the trick

[1] Konovalova V. E. Problems of logic and psychology in investigative tactics. Kyiv: Izd. of the Ministry of Internal Affairs of the USSR, 1970. P. 84.

[2] Luznin I. M. Methodological problems of investigation. Moscow: Research Institute of the Ministry of Internal Affairs of the USSR, 1973. P. 121–126.

These, as a rule, include ways to permanently conceal the crime[1].

Quite interesting is another of the results of scientific research on this subject, which is reflected in correctional colonies: determines the way to conceal the crime of the same factors as the method of committing a crime[2]. These include, in particular:

a) the objective situation, including the place and time of the crime;

b) the quality and properties of material objects in place of concealment;

c) the conditions and way of life of persons related to the concealment of a crime, etc.

As the practice of countering the investigation of crimes in places of deprivation of liberty shows, conceiving a crime and choosing ways of its implementation and concealment, the offender builds an imaginary model of his actions (or inaction) if the committed act is not impulsive (the so-called antipathy (from Latin antipatheia – feeling unfriendliness))[3]. Such a method of concealing a crime in correctional colonies is especially actively used in staging offenses. In particular, when imitating another crime or a non-criminal act, the offender clearly identifies the

[1] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 698.

[2] Tertishnyk B. Immediate detection and technical documentation of a criminal act (conceptual model of procedural institute and new investigative action). *Law and politics*. 2004. № 5. P. 115.

[3] Dictionary of foreign languages/ed. O. S. Melnychuk. Kyiv: Nauka, 1977. P. 47.

features that characterize the invented crime event, knows how to commit and immitate this crime, is able to imagine and "lose" the whole mechanism of committing a crime to provide a staging of the relevant conviction. However, with no subtle and sophisticated way of concealing the crime in correctional colonies and its plan, the perpetrator always allows for more or less significant miscalculations, which in most cases allow the investigator to identify the staging and signs of the true crime event[1].

Consequently, the essence of the preventive activity of the operational units of the correctional colonies and the bodies of pre-trial investigation to counteract the investigation of crimes committed by those convicted by these CVUs, in the form of concealing the crimes, its consequences and the persons involved therein, is to implement the system of actions of the procedural, operational search, criminal executive and other character, aimed at influencing the subjects of the so-called internal counteraction, in order to overcome it, neutralize it, block it, etc.

In order to solve the problems related to countering the investigation of crimes committed by convicted prisoners in correctional colonies, the following measures should be taken:

1. To supplement Part 1 of art. 246 CPC "Grounds for carrying out secret investigators (searches)" with the following sentence: "The purpose of these actions

[1] Sergey M. O. Legal, organizational and tactical bases of operational development of organized groups engaged in illicit drug trafficking: dis. ... candidate of medical sciences. lawyer sciences: 21.07.04. Kharkiv: NUVS, 2002. P. 76.

is to ensure the process of proof in criminal proceedings, as well as to overcome, neutralize, block the counteraction to pre-trial investigation by the participants and other persons in this proceeding".

Such modification is conditioned by: a) the presence in practice and research in science of the theoretical and applied problem in the form of counteraction to criminal proceedings; b) the content of the ODU, which is performed by the operational units specified in the law, including correctional colonies (art. 5 of the Law of Ukraine "On Operational and Investigative Activity", art. 104 of the Criminal Code); c) the forms and means of protection performed by suspects and accused persons in the commission of a crime; d) the objective nature of criminal prosecution in places of deprivation of liberty, which includes, among others, counteraction by participants in criminal proceedings and other persons.

2. Subparagraph 1 of Part 1 of art. 6 of the Law of Ukraine "On Operational and Investigative Activity" is supplemented with the following grounds for the implementation of the ORD: "Facts Against Investigation of Criminal Proceedings", which logically follows from the contents: a) art. 2 CPC of Ukraine "The Tasks of Criminal Proceedings", among which the priority is "a speedy, complete and unbiased investigation of crimes"; b) art. 177 CPC "The Purpose and Basis of Preventive Measures", Part 1 of which states that the purpose of the precautionary measure is to ensure the execution of the suspect, accused of his assigned procedural duties.

As established in the course of this study, the main element in the content of the counteraction to

the investigation of crimes committed by convicted prisoners in correctional colonies is the subjects of this opposition. In particular, as shown by the practice of combating crime in places of deprivation of liberty[1], the counteraction to the investigation implies one form or another of the communication of the subject of counteraction with the investigator and the prosecutor. At the same time, in the structure of communication, it is necessary to distinguish between three components: perceptual, communicative and interactive[2].

In particular, the content of the perceptive element of communication lies in the fact that these are processes of perception and understanding of each other participants communication. The communicative component is expressed in the exchange of information between the subjects of communication. The interactive component of communication characterizes the content of the interaction of communication participants.

In the aspect of perception, the subject of counteraction to the investigation of crimes committed by convicts in correctional colonies, understanding the purpose and direction of the investigator's activities, makes attempts to influence him in the direction

[1] Kolb O. H. ODD as the basis of special crime prevention in places of imprisonment. Ways of improvement of ODI of law enforcement bodies: Collection of scientific works. Appendix № 1 to the Bulletin № 3 under the NAVSU. Lviv, 2003. P. 156–157.

[2] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 691.

desired by him. As regards this issue, in particular, convicted-recidivists, noted S. I. Skokov, a special interest in studying the psychology of relapse is a complex psychic phenomenon, called social or behavioral habit. It arises as a result of repeated execution of one or another deed. The habit extends to all kinds of activities, as well as to thinking, and this, in turn, manifests itself in the stereotypical and tendentious choice of actions[1]. From communicative positions to counteract the investigation of crimes in correctional colonies is to obtain information about the intentions of the investigator or operational officer of the correctional colony and to pass on false or obscene information to them and conceal the truth. O. Khristyuk noted that the nature of the communication between these officials and other persons in correctional colonies in this context is that often convicts consider communication with employees as an opportunity to establish unauthorized communications, which, of course, complicates the process of communication with them. In this case, the employee is perceived by the convicted extremely negatively. Such convicted communication with employees of correctional colonies causes either negative feelings – he evade communication, behaves provocatively, zealously; or neutral – indifferent to communicating with them[2]. The interactive aspect of

[1] Skokov S. I. Features of studying the personality of recidivists and prevention of repeated crime. *Problems of penitentiary theory and practice*. 1998. № 1 (3). P. 59.

[2] Khristyuk S. O. Employees and Convicts: Problems of Communication. *Problems of Penitentiary Theory and Practice*. 2000. № 5. P. 159.

counteraction to the investigation of crimes in correctional colonies is expressed in conflict communication and interaction, in opposition, incompatibility between subjects of communication.Since pre-trial investigation of crimes in correctional colonies is carried out by persons specially authorized by law (in accordance with the requirements of art. 216 of the CPC, the investigators of the National Police or the prosecutor's office, on the territory of administrative servicing of which these CVUs are located), it is necessary to agree with those scientists who consider that the opposition to the investigation The crimes committed by those sentenced to imprisonment in the course of serving this sentence are reflected in the creation of various obstacles in the implementation of these proceedings by these officials. prosedural powers[1]. That is why, as a result of numerous scientific researches, failure to effectively overcome the crime investigation is one of the reasons for a qualitative and quantitative deterioration in the performance of law enforcement agencies, including the Ukrainian DKVSU[2]. At the same time, since the evaluation of performance indicators is characterized as a process consisting of systematically collecting and analyzing information on employee performance over a relatively long period of time, the assessment

[1] Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. P. 692.

[2] Shtanko O. Organizational issues of increasing the effectiveness of investigative activities. *Problems of penitentiary theory and practice*. 2001. № 6. P. 87.

of investigators in the investigation of crimes committed in correctional colonies should be based on specific indicators. In such conditions, without a doubt, V. A. Zhuravel, rightly concluded, the formation of new and improvement of existing forensic methods of investigation of certain types of crimes should be carried out on the basis of an analysis of the needs of forensic practice, international experience, a prognostic vision of the probable paths and structural changes of the criminal manifestations, application of a situational approach, advanced technologies and algorithmic schemes[1]. V. I. Galagan offers the same approach from the mentioned problem; Considering, in particular, that in order to ensure active counteraction to crime, criminal-procedural activities should be constantly improved, depending on the availability and efficiency of the latest technical-forensic and tactical methods, methods and methods. Therefore, the improvement of each of the identified elements of forensic provision of investigation of crimes is an urgent task of the present[2].

Proceeding from this and taking into account the criminal-executive, procedural, criminal-law and operational-search tasks solved by investigative operational units in correctional colonies during the

[1] Zhuravel V. A. Actual Problems of Forensic Methodology for Investigation of Crimes. *Problems of Law: Resp. interspection sciences save*/ rep. edit V. Ya. Tatius. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 375.

[2] Galagan V. I. The essence of forensic provision of disclosure and investigation of crimes. *Problems of Penitentiary Theory and Practice*. 2001. № 6. P. 77.

disclosure of convicted offenses (articles 223, 246, 250 of the CPC, etc.) as well as organizational and managerial decisions that are made during the implementation of criminal proceedings, it is important:

a) firstly, to differentiate the process of investigation of crimes in correctional colonies;

b) secondly, to optimize it by making amendments and additions to existing legal acts, including the departmental character, concerning issues of interaction and overcoming the counteraction to the investigation of crimes by the convicted persons and other persons. As N. M. Starzhynskaya noted, complex intellectual work at the present stage is marked by a number of specific features and advocates a complex of various requirements regarding the radical changes in style, forms and methods of work, as the information obtained as a result of the search and communicative activity in the process of certification, turns into a special statutory form.

To do this, the employee must have good skills in drafting procedural documents, quickly fixing oral speech in writing, fixing and extracting traces of a crime[1].

It is clear that these and other aspects should be taken into account in overcoming the counteraction to the investigation of crimes committed by convicted prisoners in correctional colonies, both internal and external.

[1] Starzhinska N. M. Psychological support of the investigation and operational group of the internal affairs department. *Problems of penitentiary theory and practice*. 2001. № 6. P. 231–232.

According to the results of this study, the main subject of internal counteraction to the investigation of crimes committed by those sentenced to imprisonment are those who serve the punishment in correctional colonies. In turn, practice shows that foreign counteraction actors are: a) senior officials or their representatives of the Internal Affairs Committee of Ukraine; b) employees of the prosecutor's office who oversee the observance of the lawfulness in places of deprivation of liberty (art. 22 of the Criminal Code) and the procedural management of the investigation; c) investigators conducting a pre-trial investigation of crimes committed in correctional colonies (art. 216 of the CPC); d) close relatives of convicts serving as suspects and accused of criminal proceedings in correctional colonies; e) other persons (lawyers, human rights activists, etc.)[1].

However, if the first of these entities (officials of the DKVS, prosecutors, investigators) do this, guided by distorted ideas about the purpose and tasks of the civil service, including decorating the actual state of law and order in correctional colonies and abusing their official position[2], then other entities – for sol-

[1] Bogatyryov I. G., Dzhuzha O. M., Il'tyay M. P. Operative-search activity in penitentiary institutions: monograph. Dnipropetrovsk: Dnipropetrovsk. Unitary Inland cases, 2009. P. 105–134.

[2] Resolution of the Plenum of the Supreme Court of Ukraine of December 26, 2003, № 15 "On judicial practice in cases of excessive authority or official authority". *Resolution of the Plenum of the Supreme Court of Ukraine in criminal cases*/for. comp. edit V. T. Malyarenko; orderly P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 240–246.

ving their corporate (lawyers) and personal interests (close relatives of the convicted person)[1].

At the same time, as rightly concluded O. O. Stulov, counteraction to crime, including criminal-law methods, is the responsibility of the administration of correctional colonies, which is explicitly provided for in art. 14 of the Law of Ukraine "On State Criminal Execution Service". That is why such activities of the personnel of correctional colonies should be carried out exclusively within the boundaries of the law, with the obligatory observance of the requirements of the CPC of Ukraine, both by the administration and the investigators conducting criminal proceedings in these CVUs, the legal rights and interests of convicts[2].

As it was established in the course of this study, the external influence, which is characterized by the corrupt activity of deputies of all levels and representatives of state authorities, which exercise their

[1] About some issues that arise during the consideration by courts of complaints about the decisions of the bodies of inquiry, investigator, prosecutor on the prosecution of a criminal case: Resolution of the Plenum of the Supreme Court of Ukraine of February 11, 2005, № 1. *Resolution of the Plenum of the Supreme Court of Ukraine in criminal cases*/by. comp. edit V. T. Malyarenko; emphasis P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 307–309.

[2] Stulov O. O. Compliance with the lawfulness of the head of the institution of execution of sentences and bodies of internal affairs when bringing to criminal responsibility persons sentenced to deprivation and restraint of liberty. *Ensuring the rights and freedoms of man and citizen in the activities of the bodies of internal affairs of Ukraine under the current conditions: internship materials sci. pract. conf., Kyiv, December 4, 2009.* Kharkiv: Kharkiv. Human Rights, 2009. P. 325.

powers contrary to the established powers, is of particular importance in the investigation of crimes committed by convicted prisoners in correctional colonies, in particular during the visit to correctional colonies (art. 24 of the Criminal Code). A. P. Zakalyuk, in his opinion, that in its essence corruption is a dangerous (socially unacceptable) socially determined phenomenon in the field of public authority or public authority, which consists in their direction and implementation not in the interests of society and its legitimate institutions , but in the interests of certain groups (individuals), as a rule, selfish, which causes significant damage to the social organization, especially the state, its actual independence[1].

As it was established in the course of this study, in the conditions of humanization and democratization of the activity of the Internal Affairs Committee of Ukraine, the activity of non-governmental public organizations, which make attempts not only to participate in the execution of criminal sentences, but also often become subjects of counteraction to the investigation of crimes in correctional colonies, has recently expanded. It is precisely because V. V. Koshynets has reasonably concluded that, taking into account objective factors, it is necessary to focus on finding new ways of counteracting unlawful actions

[1] Zakalyuk A. P. Course in Modern Ukrainian Criminology: theory and practice: in 3 books. Kyiv: Publishing House "In Yure", 2007. Book No. 2: Criminological characteristics and prevention of the commission of certain types of crimes. P. 184.

of criminality, preventing offenses and improving the situation in places of deprivation of liberty.

Observance of constitutional rights and freedoms in places of imprisonment can be provided only by specially trained and socially protected personnel[1]. At the same time, the fact of conspiracy of some civic organizations with the criminality of the UVP and SIZO is officially reported both by representatives of the DPTU of Ukraine and the media[2].

Consequently, the resistance to pre-trial investigation in correctional colonies is not only the activity of the subjects of its internal formation (convicts), but also the external nature (officials of the state power, lawyers, public organizations, persons providing free legal aid, etc.).

At the same time, this activity is socially dangerous not only from the perspective of solving the problems of criminal proceedings in places of imprisonment, but also one of the manifestations of counteraction to crime in general in the state. As V. V. Golin rightly concluded in this connection, one can come to the conclusion that crime and crime are not one-way concepts that they do not correlate with each other as a whole and its part, and, consequently, the totality of crimes (even statistical) can not explain the essence of crime.

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[1] Koshynets V. V. Results of the State Criminal-Executive Service of Ukraine. *Practice of the implementation of alternative punishments: Inform. newsletter*/per. bulletin edit N. G. Kalashnikov. Kyiv: DDUPPV, 2008. P. 5.

[2] Human Rights in Ukraine-2007: Report of Human Rights Organizations/ed. E. Zakharova, I. Rapp, V. Yavorsky. Kharkiv: Human rights, 2008. P. 292.

The social phenomenon of crime was because scientists "caught", saw its connection with others, mainly social phenomena[1].

If we summarize all the above-analyzed and other approaches in science about the subjects of counteraction to pre-trial investigation in correctional colonies, then the meaning of this concept can be formulated as follows: "...This is a variety of individuals who commit internal and external obstacles in the investigation of crimes, convicted prisoners during the serving of this type of punishment, in order to create conditions and evade the perpetrators from criminal responsibility, and commit other acts (acts or inactivity) aimed at creating i have difficulty in implementing the tasks of criminal proceedings".

Thus, the system-forming elements of the content of the notion of "subjects of counteraction to the investigation of crimes committed in correctional colonies" are:

1. Physical persons (individually or collectively incorporated for this illegal activity). These include, in particular, those who are suspected and accused of convicted persons, as well as other participants in criminal proceedings, and convicted as a community (a community of people united because of the need to serve a sentence in the form of imprisonment).

[1] Golina V. V. Crime: the variety of concepts and the substantive essence of the phenomenon. *Problems of legality: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 327.

2. Forms of opposition – internal and external, which are only formally distinguished in this work, but which are dialectically interconnected and interacting due to the general tasks that are determined by the counteraction of crime in general in the state.

3. The purpose of the response, which is, first of all, is the evasion of the perpetrators of criminal responsibility, and, in the future, the commission of actions aimed at creating obstacles to the prosecution (§ 2 of Chapter 3 of the CPC) in achieving the objectives of criminal proceedings (art. 2 of the CPC).

A special form of counteraction to pre-trial investigation of crimes committed by convicts in correctional colonies is the opposition made by organized criminal groups in these CVUs, which should be understood as a complex of various measures of a legal and conspiratorial nature committed by criminal convicts combined by this criminal punishment, to create obstacles in the investigation of crimes committed in these CVUs, and in general for the negative impact on the state of the operational environment and the management of the processes of the vic ment and serving this sentence.

To overcome, neutralize, reduce the level, etc., this form of counteraction in correctional colonies should: Part 1 of art. 104 of the Criminal Code of Ukraine "Operational and Investigative Activities in the Colonies" should be supplemented with the following sentence: "overcoming, neutralizing, blocking, etc., the counteraction of organized criminal groups to the process of execution and serving the sentence,

pre-trial investigation of crimes committed in the colonies", and to put this part in the following wording: "According to the law, in the colonies, operative-search activities are carried out, the main task of which is to search and fix facts about the illegal activities of individual subjects and groups, overcoming, neutralizing, blocking, etc., the counteraction of organized criminal groups to the process of execution and serving of punishment, as well as pretrial an investigation into crimes committed in the colonies, for the purpose..." – and further on the text of this article.

The conclusions to the section 2

1. The general provisions of the pre-trial investigation of criminal proceedings in correctional colonies under the terms of the CPC 2012, taking into account the peculiarities of execution and serving of sentences in the form of imprisonment, were determined, and methodological recommendations on these issues were developed, which made it possible to formulate an algorithm for investigating actions in the investigation of crimes, convicted in the specified CVU.

It is proved that the following circumstances have a significant influence on the effectiveness of this criminal procedural activity of the investigator:

a) the peculiarities of the passage of third persons and the territory of the penal colony, which does not provide any preferences (advantages, etc.) for

investigators conducting criminal proceedings in these CVUs;

b) the features of the equipment and internal structure of correctional colonies of different levels of security;

c) peculiarities of execution and serving of punishment in the form of deprivation of liberty in correctional colonies of different levels of security;

d) the peculiarities of the organizational-staff structure of services and units of the correctional colony and their horizontal and vertical subordination;

e) peculiarities of the implementation of criminal proceedings in the penal colony;

f) peculiarities of conducting investigative (search) and secret investigative (search) actions;

g) peculiarities of counteraction to the investigation of crimes in correctional colonies.

2. The peculiarities of conducting investigatory (search) and secret investigators (searches) actions in correctional colonies of Ukraine are established. In particular, the peculiarities of conducting investigatory (search) actions are as follows:

1) organization of execution and serving of sentence in the form of deprivation of liberty, as this process is continuous (permanent, and therefore the procedural activity of the investigator in correctional colonies is dualistic, namely: on the one hand, connected with the realization of the tasks of criminal proceedings (art. 2 CPC), on the other hand, with the necessity of providing criminal-executive activities, which consists in the fact that the investigator can

not create any privileges or advantages for convicts who take part in criminal proceedings, or suspend on riod investigation execution (serving) in the preceding sentence proceedings;

2) ensuring the carrying out of investigative (search) actions in correctional colonies depends not only on not only the investigator, but also on the personnel of these CVU, who takes part in the criminal proceedings;

3) in contrast to similar actions conducted outside the places of imprisonment, in the correctional colonies, the possibility of evasion of convicts from investigative (search) actions has been neglected;

4) counteraction to the investigation of crimes committed by convicts in places of deprivation of liberty, which is distinct from the content of the opposition at will.

The following features of the proceedings in the correctional colonies of secret investigative (search) actions are also defined: a) when they are implemented, additional risks of deciphering secret forces and means are created; b) on the content of some investigative (search) actions coincide with the activities of criminal-executive activities; c) Priority in the activity of the operational units of correctional colonies at present is the task of ensuring the objectives of criminal proceedings.

3. Identified features, subjects, forms and methods of counteraction to pre-trial investigation of crimes committed by convicts in correctional colonies. In particular, the following features of counteraction

are established, which are conditioned: a) contradictions in the sphere of social life in the form of imprisonment; b) the sociological paradox of punishment, which consists in the fact that the more and more severely used in society, the punishment, the more it is painted in its impotence; c) economic contradictions in the form of imprisonment, when the state is not able to hold not only the convicts, but also those who serve it; d) inconsistency between objectives and functions: 1) appointment (art. 65 of the Criminal Code); and 2) execution of criminal penalties (art. 1 of the Criminal Code); e) the contradiction between the authorities is legitimate (staff of correctional colonies, prosecutors, investigators who are participants in criminal proceedings) and the actual authorities, represented in criminal prisons by correctional colonies; f) other various contradictions, in particular between the activities of the administration of correctional colonies and other law enforcement agencies, which has a very negative effect on the state of cooperation in the investigation of criminals sentenced to imprisonment.

It has been established that counteracting criminal proceedings in correctional colonies is carried out by subjects of external and internal character (forms of counteraction), which: a) pursue personal useful and other purposes and realize the unlawfulness of their socially dangerous acts; b) act under the influence of a bona fide mistake concerning the circumstances of the commission of the crime, the person of the suspect (accused), the investigator's actions and

the body of pre-trial investigation and who do not pursue personal unlawful purposes.

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Section 3

The main improvement of legal mechanics pre-trial investigation of crimes committed in places of imprisonment of Ukraine

3.1. Realization of the modern criminal procedural policy of Ukraine in the field of punishment execution

According to the practice of fighting crime, in particular in places of deprivation of liberty, its effectiveness, first and foremost, is due to the content of the relevant policy and its implementation at the regulatory and legal level. This issue is especially relevant in today's Ukraine, when the state almost lost control of certain types of criminal offenses[1]. Ideally, politics in the field of fighting crime, as well as any other kind of state policy, should, as PN correctly pointed out, should be noted. Fris, carried out on the basis of the developed concept, is an appropriate policy line – a policy in the field of crime prevention[2]. At the same time, depending on the time

[1] Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. P. 9.

[2] Fris P. L. Criminal Law of the Ukrainian State: Theoretical, Historical and Legal Issues. Kyiv: Atika, 2005. P. 5.

and legislation, such a policy may acquire various attributes, such as: criminal, criminal procedural, etc.[1] That is why crime, including in correctional colonies, can be countered only with application of the theoretical principles of understanding its content, as well as forms and methods of realization of all types of policy in the field of fighting crime in legislative acts and in practice, prevention and counteraction to socially dangerous acts, encroaching upon all social relations in general.

The aforementioned theoretical approaches, as well as the problems of pre-trial investigation of crimes committed in correctional colonies, discussed in previous chapters of this monograph, led to the choice of this issue as one of the objectives of the study. In scientific sources under the policy (from the Greek politike (teche) art to govern the state)[2] understand the activities of state authorities, parties, public groups in the field of internal governance and international relations, which is in line with their interests and objectives[3]. Based on the content of this concept, one can conclude that politics expresses the functions of the state regarding the management of external and internal spheres and areas of public life. At the same time, as rightly pointed out by V. I. Borisov, an important component of domestic policy is the fight against crime, designed to reduce its level

[1] Fris P. L. Essay on the history of criminal-law policy of Ukraine: monograph/for colleagues. edit M. V. Kostytsky. Kyiv: Atika, 2005. P. 8.

[2] Dictionary of foreign words/ed. I. V. Lekhina, F. N. Pevtrova. Moscow: 1955. 840 p.

[3] Bulyko A. N. The Great Dictionary of Foreign Languages. 35 thousand words. 3rd ed., correct, redraf. Moscow: Martin, 2010. P. 455.

and provide a social status that meets the needs of society's security from crime[1]. According to G. Yu. Lesnikov, in this case, we are talking about different weighty areas of state activity in this area, the definition of forms, tasks, the content of such activities, the establishment of state bodies that are fighting crime and closely related with it other types of antisocial behavior[2]. The generally acknowledged theory of law is also the conclusion that, depending on the means of achieving the results of such a struggle, state policy is divided into social and legal components[3], and the main subject of the formation of the latter is the state power[4]. In turn, as substantiatedly proves in his writings V. I. Borisov, the legal policy of combating crime consists of strategic directions, the characteristics of which are due to the subject, tasks and methods of achieving results useful to society[5]. To such directions P. L. Fris presented: criminal law, criminal procedure, criminal-executive and criminological policies[6]. It should be noted that the criminological, criminal-procedural and criminal-

[1] Borisov V. I. State policy in the field of combating crime and its directions. *Problems of legality: Resp. in between sciences save*/rep. edit T. Ya. Tania. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 305.

[2] Lesnikov G. Yu., Lopashenko N. A. The concept of criminal policy, its content and principles. *Encyclopedia of criminal law.* St. Petersburg: Izd. prof. Malinina, 2005. Vol. 1: The concept of criminal law. P. 8–9.

[3] Borisov V. I. State policy in the field of combating crime and its directions... P. 305.

[4] Selivanov A. Legal policy – an important component of the domestic policy of the Ukrainian state. *Voice of Ukraine*. 2007. № 43. March 13. P. 5.

[5] Borisov V. I. State policy in the field of combating crime and its directions... P. 305.

[6] Fris P. L. Criminal Law of the Ukrainian State: Theoretical, Historical and Legal Issues. Kyiv: Atika, 2005. P. 11.

executive directions of legal policy are not equivalent to their influence and place in the fight against crime compared with the criminal-law direction. The latter, as one of the components of the state's legal policy in the field of combating crime, at the same time is its system-forming element, and therefore occupies a dominant position among its other directions[1]. In particular, criminal law determines the content of criminal procedural policy, and, as a result of such influence and interdependence, determines the grounds for choosing the appropriate forms of its implementation by the measures of the latter. That is why the criminal procedure policy, as well as other directions of the legal policy of combating crime, is allegedly under the "double influence of the general social problems of the state policy in the area under consideration and criminal-law policy".

Of course, the allocation of the indicated directions of the legal policy of combating crime is, as proved reasonably P. L. Fris is somewhat arbitrary, since this state policy really is, as a rule, a complex solution to both social and legal tasks in the fight against crime, all of which are (must be) interdependent in functional dependence and interaction[2]. How about V. I. Borisov, the achievement of the necessary security for the society from criminal offenses is possible only through a wide and complex combination of measures to combat crime: organizational,

[1] Borisov V. I. State policy in the field of combating crime and its directions. *Problems of legality: Resp. in between sciences save*/rep. edit T. Ya. Tania. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 306.

[2] Fris P. L. Criminal Law of the Ukrainian State: Theoretical, Historical and Legal Issues. Kyiv: Atika, 2005. P. 13.

legal and administrative-managerial (as a manifestation of state liberty); socio-economic culturological and natural-human (as a development of society and man); special-legislative, methodological-legal and criminological both in general and certain kinds of it.

The aforementioned theoretical and applied principles were used in this monograph in clarifying the content of the implementation of modern criminal-procedural policy in the context of solving problems related to the disclosure of crimes committed by convicts in correctional colonies of Ukraine. At that, the well-known science approach, according to which all types of policies, including criminal procedure, were implemented in the form of legislation and legal practice (in particular, through the so-called legal regulation of social relations)[1].

Regarding the normative and legal expression of the modern criminal-procedural policy of Ukraine, its content was reflected in the CPC in 2012 and subsequent changes and additions to it, as well as in some local acts, among which the Law of Ukraine of April 8, 2014 "On Amendments to the Criminal-Executive Code of Ukraine on Adaptation of the Legal Status of a Convicted to European Standards"[2], because it laid the foundations for the destruction

[1] Serbin M. M. Investigation of crimes committed in places of imprisonment: author's abstract, dis. ... lawyer sciences: 12.00.09. Kyiv: Kyiv. National Untitled cases, 2006. 16 p.

[2] On Amendments to the Criminal-Executive Code of Ukraine on Adaptation of the Legal Status of a Convicted to European Standards: Law of Ukraine dated April 8, 2014. *Bulletin of the Verkhovna Rada of Ukraine*. 2014. № 23. P. 869.

and neutralization of the causes and conditions conducive to crimes in correctional colonies, which should relate to the circumstances to be proved by the current CPC of Ukraine (art. 91). In this regard, as was made the substantiated conclusion Yu. M. Groshovoi and O. V. Caplin, the adoption of a new CPC of Ukraine opened a new page in the history of modern criminal-procedural science, gave a new impetus to the development of national scientific thought, put new challenges to scientists and practitioners[1].

In particular, as noted by these researchers, despite the promising attitude to the legislator's desire to consolidate the general principles of criminal proceedings in the law, one can state on this occasion and some remarks to which they referred, in particular, the incompliance of the title of Chapter 2 of the CPC "Principles of Criminal Procedure" with some articles of this The Code (articles 7, 8, Part 3 of art. 336).

Some of the issues in this regard and the ways to solve them are given in subsection 2.1. this monograph, which serves as an additional argument concerning the content of the aforementioned theoretical and applied problem, which also relates to the content of criminal proceedings carried out on crimes committed by convicted prisoners in correctional colonies;

The second form of the implementation of the criminal-procedural policy of Ukraine is investigative

[1] The legal doctrine of Ukraine: 5 t. H.: Law, 2013. Vol. 5: Criminal science in Ukraine: state, problems and ways of development/V. Ya. Tatius, V. I. Borisov, V. S. Batrygareyev and others; for community edit V. Ya. Tatiya, V. I. Borisova. P. 587.

and judicial practice[1]. As its analysis showed, since the adoption of the CPC 2012, the following trends are observed in this direction, which are directly related to the elimination, blocking, neutralization, etc., of the determinants of crimes in the correctional colonies of Ukraine, namely:

1) according to the data of the State Judicial Administration of Ukraine during 2014–2015 there was a decrease in the amount of proceeding of cases and materials for consideration by the courts. Such a decrease was, in particular, due to the cessation of the administration of justice by some courts of Donetsk and Lugansk oblasts, as well as courts located in the Crimean Autonomous Republic[2]. So, in 2014, local courts in the first instance reviewed (including those returned, claimed) 3 million 273,3 thousand (in 2013 – 3 million 973,2 thousand) cases, criminal proceedings, applications, claims, complaints, appeals, petitions of various categories, which is 17,6 % less than in 2013, but their proportion of the number of those who were before the said courts remained at the level of the previous year and amounted to 91 % (in 2013 – 91 %)[3];

[1] The legal doctrine of Ukraine: 5 t. H.: Law, 2013. Vol. 5: Criminal science in Ukraine: state, problems and ways of development/V. Ya. Tatius, V. I. Borisov, V. S. Batrygareyev and others; for community edit V. Ya. Tatiya, V. I. Borisova. 1240 p.

[2] Statistical data of the State Judicial Administration of Ukraine and the higher specialized courts for 2015. URL: http://dsa.court.gov.ua/dsa/

[3] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

2) among the materials and cases examined in local courts, criminal proceedings amounted to 772,6 thousand units (in 2013 – 783,2 thousand), which is only 1,4 % less than the CPC of 1961[1];

3) in the appeal procedure (Chapter 31 of the CPC of Ukraine), in 2014, 10,5 thousand (14,1 thousand) people were revoked and amended, which is 26 % less than in 2013; their share of the number of those sentenced by local general courts was 9,2% in 2013 – 9,3 %)[2];

4) in 2014, 130,7 thousand were completed in 2013 – 169,1 thousand) of criminal proceedings against which the indictment was issued, which is 22,7 % less, or 81,5 % (in 2013 – 84,2 %) of the number of those who were tried by judges[3];

5) in the same year, the courts issued a conviction or acquittal sentence of 103,6 thousand (135,8 thousand), which is 23,7 % less than in 2013, or 79,3 % (in 2013 – 80,3 %) from the number of cases where proceedings have been completed[4];

6) in 2014, the sentences were upheld in relation to 803 people (in 2013 – 997); their share of the total number of convicted prisoners was 0,8 % (in 2013 – 0,7 %)[5].

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[1] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Ibid.

7) in that year, 83 thousand were recognized as victims of crimes in courts (108,2 thousand in 2013). In this case, 66,7 thousand (in 2013 – 104,5 thousand) persons, or 80,3 % (96,6 %) in 2013, were financially and morally harmed from the number of all victims of crime[1];

8) significantly deteriorated in 2014 compared with 2013 the efficiency of appointment for consideration by local general courts of criminal cases. Thus, the number of cases assigned to the previous and judicial proceedings increased in 3,3 times, in violation of the terms stipulated by the provisions of articles 314, 316 of the CPC of Ukraine – 9,6 thousand (in 2013 – 2,9 thousand), or 7 % (in 2013 – 1,7 %) from the number of cases where proceedings are completed[2];

9) in the same year, the frequency of criminal proceedings pending by the courts increased by 15,1 % in the total number of those being tried in court (in 2013 – 14,3 %)[3];

10) despite some relative decrease in 2014 (by 9,1 % compared to 2013), the number of cases and persons held in custody and counted in courts for more than six months was significant[4];

11) in the same year, in accordance with the provisions of the CPC, investigating judges examined

[1] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

[2] Ibid.

[3] Ibid.

[4] Ibid.

(without revoked) 409,4 thousand (in 2013 – 399 thousand) petitions of investigators, prosecutors and other persons, of which 355,5 thousand (in 2013 – 351,3 thousand) or 86,8 % (in 2013 – 88,1 %) from the number of considered, including 49,5 thousand (in 2013 – 57,9 thousand). Applications for the use of precautionary measures, of which 43,3 thousand (in 2013 – 52,6 thousand) or 87,4 % (in 2013 – 91,1 %) of the number of considered[1];

12) in 2014, investigating judges examined 21,7 thousand (in 2013 – 20,9 thousand) applications for the use of a preventive measure in the form of detention, of which 17,2 thousand were satisfied (in 2013 – 17,8 thousand), or 79,1 % (85,1 % – in 2013). In addition, 5,6 thousand (in 2013 – 5,6 thousand) of petitions for extension of the terms of detention were considered in the courts, of which 5,300 were satisfied (in 2013 – 5,300), or 94,9 % (94,2 %)[2];

13) during the said year, according to the results of the trial, 4,1 thousand (6,7 thousand) persons were taken into custody, which is by 38,3 % less than in 2013. Released from custody 2 thousand (in 2013 – 2,5 thousand) persons, including in connection with conviction of the person to other types of punishments not connected with deprivation of liberty[3];

14) investigative judges in 2014, according to the provisions of Part 1 of art. 303 CCP submitted for

[1] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

[2] Ibid.

[3] Ibid.

consideration 44 thousand (in 2013 – 42,9 thousand) complaints about decisions, actions or omissions of the investigator or prosecutor, which can be appealed during the pre-trial investigation. At that, 37,2 thousand (in 2013 – 35,3 thousand) complaints were considered (without returning), of which 15,9 thousand were satisfied (in 2013 – 13 thousand), or 42,8 % (in 2013 – 36,8 %) of the number of considered, including (without returning):

a) 20,5 thousand complaints – for the inaction of the investigator, the prosecutor, who was not to submit information about a criminal offense to the United register or notification of a criminal offense; in the non-return of the temporarily seized property in accordance with the requirements of art. 169 of the CPC, as well as in the impossibility of other procedural actions, which he is obliged to commit within the period specified in this Code, 8,1 thousand complaints were received, or 39,7 % (in 2013 – 29,5) from the number of considered;

b) 11,7 thousand complaints – on the decision of the investigator or prosecutor on the closure of criminal proceedings, 6,3 thousand, or 54 % (in 2013 – 47,9 %) of the number of considered; c) 1,2 thousand complaints – for the decision of the investigator, the prosecutor on the refusal to satisfy the request for conducting investigatory (search) actions, secret investigative (search) actions, 381 or 32,2 % (in 2013 – 30,1 %) of the number considered[1];

[1] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

15) in 2014, the courts reviewed 290 (in 2013 – 3 thousand) complaints about actions of the bodies of pre-trial investigation and prosecutors, of which 110 were satisfied, or 37,9 % (in 2013 – 44,7 %) from number of considered[1].

As established in the course of the study of archival criminal cases (proceedings) for crimes committed by convicted prisoners in correctional colonies in 2006–2014, similar problems occur when conducting a pre-trial investigation in the specified CVU. However, due to the lack of accounting of such facts in the system of the DCVSU of Ukraine, as well as at the territorial level (at the level of a particular colony, district department (city) of the National Police, as well as their specific typology in local courts), to draw up a generalized "picture" of violations The CPC was not given the opportunity to do so. At the same time, based on the content of the analyzed criminal cases (proceedings), the general tendencies and indicators that are characteristic in general for this phenomenon in Ukraine, do not differ significantly from those that occur in the conduct of criminal proceedings in the whole state. In particular, it has been established that the following are not unique:

a) instances of non-actionable consideration by local courts of criminal cases (proceeds) for crimes committed by convicted prisoners in correctional colonies (up to 5 % in the structure of all cases considered);

[1] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

b) the annual percentage of the cases not considered (cases) is high – up to 10–11 % in the total number of those who were being examined by a judge;

c) the number of complaints about the decision, action or inaction of the investigator or the prosecutor does not decrease annually, more than 30 % of which are satisfied in the courts;

d) the number of complaints about the actions of the pre-trial investigation bodies remains unchanged, of which 34 % are satisfied by the courts.

As the practice shows, the reasons and conditions that contribute to such a state of pre-trial investigation of crimes committed in correctional colonies are:

1) inadequate procedural guidance by the prosecutor (art. 36 of the CPC);

2) a low level of control over the activities of investigators carried out by the heads of the pre-trial investigation body (art. 39 of the CPC);

3) ineffective interaction between the investigator and the operational units of correctional colonies (art. 41 of the CPC);

4) the absence of an appropriate methodology for investigating this category of crimes approved at the interdepartmental level;

5) low awareness of the investigator and prosecutor about the peculiarities of execution and serving of sentences in the form of deprivation of liberty;

6) inconsistency of the actions of the investigator, the prosecutor and the administration of the correctional colony during the conduct of investigators (investigators) (Chapter 20 of the CPC) and the secret investigators (investigatory) actions, as well as the

regime measures in this CVU (reviews, searches, deductions, etc.);

7) other reasons and conditions discussed in the previous sections of this monograph.

In general, there is a state of implementation in practice of the content of criminal procedural policy, including in conditions of correctional colonies, which testifies that, on the one hand, significant changes in practice in connection with the adoption in 2012 of a new CPC and on the other - that the chronic problems that occurred in the criminal process under the terms of the CPC in 1961 remain unresolved today.

Moreover, this situation is complicated by the fact that the current CPC has violated the established theoretical postulates, according to which the rules of substantive law (today they are the norms of the Criminal Code) should be a priority over equalization with the procedural[1]. In Ukraine, unfortunately, everything happened on the contrary, which determines the state of pre-trial investigation and judicial review of criminal proceedings, which was discussed above. The following statistics also show the need to address this problem:

1) in 2014, in the structure of crimes committed in Ukraine, 30,5 % (in 2013 – 32,6 %) were those that belong to the category of grave and especially grave (Chapter 4–5 paragraf 12 CK); 2) in the same year, as in previous years, in this structure, crimes of moderate severity accounted for almost 50 %

[1] Borisov V. I. State policy in the field of combating crime and its directions. *Problems of legality: Resp. in between sciences save*/rep. edit T. Ya. Tania. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 305–312.

(Part 3 of art. 12 of the Criminal Code)); 3) in 2014, by 20,8 %, in comparison with 2013, the number of crimes of minor gravity increased (Part 2 of art. 12 of the Criminal Code; 4) the structure of crimes registered in 2014 has not changed significantly; according to their types, in which crimes against property make 47,5 % (in 2013 – 45 %) of all committed[1].

The number and crimes in the sphere of circulation of narcotic drugs, psychotropic substances, their analogues or precursors did not decrease: in 2014, 14,4 % of the total number of registered in Ukraine (in 2013 – 15,3 %) and crimes against life and health of the person – respectively, 12,6 % in 2014 and 13,7 % in 2013, which is important in the context of understanding the causal mechanism of repeat offending by convicts in correctional colonies in the course of serving a sentence of imprisonment and improvement the legal basis for their investigation.

The necessity of solving these tasks at the regulatory and regulatory level is increasingly emphasized by scholars, in particular, linking this activity with the realization of the legal function of the state[2] and believing that before any state faces a range of tasks for which it directs its material resources, ideological and political efforts. Among the totality

[1] Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns

[2] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 178.

of these efforts, there are those expressing the essence of the state and without which it can not fully function as the most important part of the political system of society. These are the main directions of its activity. It is in them, as proved by V. V. Kopeychyk, find their expression, essence, objectives and goals of the state[1].

The peculiarity of the regulatory process of procedural law manifests itself in the definition of a clear order, the sequence of execution by the subjects of the criminal procedural law of procedural actions and the adoption of procedural decisions. This means that criminal procedural law establishes the relevant procedural rules that are defined by the notion "criminal procedural form", which is one of the essential features of the criminal process (criminal procedural law)[2]. At the same time, as correctly concluded V. M. Yurchyshyn necessarily must take into account that any function performed by the state body is always aimed at the realization of the goals and the tasks set before this body[3].

Consequently, the content of modern criminal procedural policy of Ukraine, which is being implemented including in the investigation of crimes committed by convicts in correctional colonies, is determined not only by the content of other types of state

[1] General theory of state and law/ed. V. V. Kopeichikova. Kyiv, 1997. P. 71.

[2] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 18.

[3] Ibid, p. 21.

policy in the field of combating crime, the priority of which is the criminal law policy, but also the content the functions of state and law, as well as modern international legal approaches to the resolution of issues related to criminal-procedural activities.

It is in this way that this approach allows, in practice, to develop scientifically based ways to improve pre-trial investigation of crimes committed by convicts in correctional colonies in Ukraine and to increase the effectiveness of interaction between investigators and operational units participating in criminal proceedings conducted in these CVUs.

As the results of this study showed, the main problems directly related and affecting the effectiveness of pre-trial investigation and in general on the level of implementation of criminal procedural policy in correctional colonies include the following:

1. The existence of a number of gaps and contradictions in the current CPC, discussed above and for which a number of scientifically substantiated measures, including proposals for amendments and additions to this Code, have been proposed in this work.

2. Despite the fact that the CPC (in particular, Chapter 25 of section III and section VI) specifies a special procedure for pre-trial investigation of certain categories of criminal offenses, forms and individuals, these procedures have nothing to do with pre-trial investigation of crimes committed by convicts in correctional colonies, although the execution of criminal proceedings in these CVUs in a special order is obvious.

An additional argument in this regard is the current state of criminal procedural activities in Ukraine and, in particular, in correctional colonies, including the liquidation of the inquiry institute in the CPC.

3. To date, the operative-search activity in Ukraine, including the correctional colony, has been cut, slanderous and, at times, illogical, due to the introduction by the CPC of the Institute of Involuntary Investigative Investigations (Chapter 21). The problem of implementation in these CVUs of these provisions is that, in their legal nature (Part 2 of art. 246 of the CPC), secret investigative (search) actions can be conducted exclusively in criminal proceedings and in respect of serious or especially grave crimes (Part 4–5 art. 12 of the Criminal Code of Ukraine), which does not correspond to the norms of substantive law, which concern the content of the ORD, namely:

a) in accordance with the requirements of the Criminal Code (articles 2, 11, 13–16, etc.), criminal liability is provided not only for the finished crime, but also for incomplete (preparing for a crime (art. 14) and an attempt to commit an offense (art. 15)), at the same time, when the secret investigation (search) actions under the CPC are allowed only at the stage of the complete crime (Part 1 of art. 13 of the Criminal Code).

Such an approach is not only analogous, but also contradicts the requirements of Part 1 of art. 1 and Part 2 of art. 50 of the Criminal Code, according to which one of the tasks of the criminal legislation of Ukraine is the prevention of crimes. The same prob-

lem is defined in articles 1, 104, CEC and art. 1 of the Law of Ukraine "On Operational and Investigative Activity";

b) grave and especially grave crimes against which secret investigators (investigatory actions) are conducted, in the general structure of crime of Ukraine make up less than 40 %, at the same time, the proportion of crimes of moderate nature (Part 3 of art. 12 of the Criminal Code), the punishment of which is stipulated from 2 to 5 years of imprisonment (in fact, the main structure of convicted prisoners in correctional colonies (art. 18 CEC)) is almost 50 %[1]. That is, about half of all crimes committed annually in Ukraine not only do not take precautionary measures, but also secret investigative (search) actions, which can hardly be called effective use in our country of forces and capabilities of law enforcement agencies in the fight against crime;

c) the CPC's norms concerning the content of secret investigations (investigations) (articles 246–275) do not fully correspond to the norms of the Law of Ukraine "On Operational and Investigative Activity", which regulates specific social relations, and therefore has to be a priority on equalization with the norms of the CPC, as in the case of a conflict of legal norms the advantage should be given to special norms[2].

[1] Analysis of the state of judicial proceedings by courts of general jurisdiction in 2014 (according to judicial statistics). *Proceedings of the Supreme Court of Ukraine*. 2015. № 7 (179). P. 34.

[2] Theory of state and law Academic course: textbook/ed. O. V. Zaichuka, N. M. Onishchenko. Kyiv, 2008. P. 428.

4. At the sub-legislative level (levels of departments and ministries), the Instruction on the organization of conducting secret investigative (search) activities and the use of their results in criminal proceedings[1] was developed and approved, which is another argument for defining the pre-trial intrinsic features in the law and in practice investigation of certain categories of crimes, including those committed by convicts in correctional colonies.

In view of this and other results obtained in the course of this research, it is logical to supplement the CPC with a special Chapter 25-1 "Features of pre-trial investigation of criminal proceedings in places of deprivation of liberty".

5. At present, at the level of the Ministry of Internal Affairs of Ukraine (or the National Police of Ukraine) and the DPTsU of Ukraine, the Method of investigation of crimes committed in places of detention, the projects of which are developed at the scientific level, including in this monograph, have not been approved.

Such an approach would not only become one of the means of practically implementing the content of criminal procedural policy, but would also enable to significantly improve the efficiency of pre-trial inves-

[1] Instruction on the organization of the holding of secret investigative (search) actions and the use of their results in criminal proceedings: the Zat. by order of the General Prosecutor's Office, Ministry of Internal Affairs of Ukraine, SBU, Administration of the Border Guard Service of Ukraine, Ministry of Finance of Ukraine, Ministry of Justice of Ukraine dated November 16, 2012. No. 114/1042/516/1199/936/1687/5. URL: http://zakon3.rada.gov.ua/laws/show/v0114900-12

tigation of crimes committed by convicted prisoners in correctional colonies, as well as increase the level of interaction of all participants in criminal proceedings and coordinate their actions.

If we systematically approach the above-mentioned problems regarding the implementation of the criminal procedural policy of Ukraine, including in correctional colonies, then it would be logical:

1) supplement art. 2 CPC is part two of the following: "Along with the provisions of the first part of this Code of the Code, the tasks of the prevention of crimes, as well as the prevention of torture and inhuman or degrading treatment and punishment shall be addressed".

Such modification is due both to the content of the substantive law (articles 1, 50 of the Criminal Code, articles 1, 104 of the Criminal Code), as well as to the international obligations of Ukraine, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, which was ratified by it. degrade dignity, types of behavior and punishment. In addition, the addition of art. 2 CPC, by virtue of the dialectical relationship of tasks and principles (art. 7 of the CPC), will be motivated by reason of the requirements of such a principle of rule-making as the systematic construction of legal norms;

2) add at the end of the sentence Part 2 of art. 246 of the CCP in the phrase: "as well as crimes of moderate gravity", stating, on the one hand, this rule of law in the new wording, and on the other hand, thus permitting the holding of secret investigative (search)

actions in relation to this category of criminal offenses (crimes).

This modification is necessary both in terms of the current state of crime in Ukraine and the tasks to counteract it, as well as in the examination of the requirements of the criminal law, which provides for responsibility for all foreseeable types of crimes (art. 12 of the Criminal Code), as well as at the stages of cooking and assault on committing these socially dangerous acts (Article 16 of the Criminal Code).

3.2. The main ways of increasing the effectiveness level of coordination activities and interaction of the investigator and other participants of criminal proceedings in places of imprisonment

As it was established in the course of this study, one of the circumstances that adversely affects the effectiveness of pre-trial investigation of crimes committed by convicted prisoners in correctional colonies is an inadequate coordination of the actions and interaction of investigators who conduct criminal proceedings in these CVUs (articles 40, 216 CPC) and operational units of the colonies (art. 41 of the CPC and art. 5 of the Law of Ukraine "On Operational and Investigative Activity"). Among the determinants that contribute to this state of interaction, one can distinguish the following:

1) the lack of a proper legal basis for interaction, given that these issues should be solved mainly at the

legislative level (Part 2 of art. 19, Clause 14 art. 92 of the Constitution of Ukraine);

2) the absence of business, professionally balanced relations between the leaders of all levels of the National Police of Ukraine and the DKVSU of Ukraine;

3) the uncertainty of horizontal ties at the level of specific administrative-territorial units between the units of the National Police and their subordination not to the leadership of territorial departments (regions), but, directly, to the relevant structural units of the Ministry of Internal Affairs of Ukraine (this, in particular, applies to pre-trial investigation bodies (art. 38 of the CPC)), at the same time, when other law-enforcement bodies have a clear horizontal subordination and organizational structure throughout the management vertical;

4) double subordination of bodies and institutions of execution of punishments of the Internal Affairs of Ukraine on the ground: on the one hand – the DPTsU of Ukraine, and on the other - the Ministry of Justice of Ukraine, which was introduced contrary to the requirements of paragraph 14 of art. 92 of the Constitution of Ukraine, according to which only the laws determine the activities of bodies and institutions for the execution of sentences, the Decree of the President of Ukraine of December 09, 2010 "On the optimization of central bodies of state executive power";

5) ignorance by investigators conducting criminal proceedings in correctional colonies, peculiarities of execution and serving of sentences in the form of imprisonment;

6) professional unpreparedness of the operational units of the correctional colonies to the implementation of the ORD under the terms of the new CPC;

7) the low level of coordination of the investigator and all units of correctional colonies by the heads of pre-trial investigation bodies (art. 39 of the CPC) and the territorial departments of the DPTsU of Ukraine (Decree of the President of Ukraine dated April 6, 2011 "On Approval of the Provisions on the DPTs of Ukraine").

Proceeding from this and in connection with the necessity of solving issues related to the improvement of the pre-trial investigation of crimes committed by convicts in correctional colonies, in this monograph, one of the objectives of the study was to study the content and definition of problems that arise during the interaction of investigators and units correctional colonies in the course of criminal proceedings in these CVUs.

Generally recognized in science is the conclusion that in the fight against crime, the criminal justice system is promoted by many independent, independent and non-subordinated to one another state law enforcement bodies, each of which, along with or in accordance with the fulfillment of its main tasks inherent only to him by means determined by law, is engaged in prevention socially dangerous acts[1], that is, it interacts with another law-enforcement body (bodies).

[1] Bessarabov V. G. Kashayev K. A. Protection by the Russian Prosecutor's Office of the rights and freedoms of man and citizen. Moscow: Gorodets, 2007. P. 331.

Whatever the independence of these law enforcement agencies, as V. G. Besarabov correctly noted. and K. A. Kamaev said that their activities are unclear because each of them is only one of the links in the overall state system of crime control. That is why their work on the specified direction of state-legal activity requires coherence and interaction[1]. At the same time, as D. V. Suhodiv, the most effective means of combining the efforts of these bodies and ensuring the coherence of their actions is coordination[2].

The term "coordination" in the Latin translation means consistency, subordination, alignment (concepts, actions, functions, etc.). Coordinate – it means to coordinate[3]. In legal literature, the term "coordination" is used when it comes to coordinated activities of various organs and organizations involved in the fight against crime, as a rule, in the field of prevention[4].

According to L. M. Davydenko and O. O. Bandura values of the coherence of the actions of law enforcement and other bodies is that it allows combining

[1] Bessarabov V. G. Kashayev K. A. Protection by the Russian Prosecutor's Office of the rights and freedoms of man and citizen. Moscow: Gorodets, 2007. P. 331.

[2] Davydov D. V. Coordination activity of the prosecutor's office in combating crime: author's abstract. dis. ... cand. lawyer sciences: 12.00.10. Kharkiv, 2012. P. 6.

[3] Dictionary of foreign words/ed. I. V. Lekhina, F. N. Pevtrova. Moscow: 1955. P. 364.

[4] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 194.

efforts in the prevention of crimes and, on the basis of that basis, to achieve higher results in shorter terms and with less effort. Harmonization contributes to the creation of a united front for combating criminal and other offenses, which is a prerequisite for success in this extremely responsible work[1].

As the study of scientific literature showed, in turn, the term "coordination" in its content is close to the term "interaction", which means mutual communication, mutual support[2]. In this case, some authors use these concepts as synonyms, others – invest in them different content. As V. M. Yurchishin noticed in this connection, for the correct definition of these terms it is necessary to proceed from the level of contacts that are made up between state bodies[3]. The criterion for distinguishing relations of coordination and interaction is precisely the level of mutual relations, the mutual influence and the nature of the concerted activity of one body with another[4].

According to practice, the activities of pre-trial investigation bodies and operational units of law enforcement agencies, including correctional colonies,

[1] Davydenko L. M., Bandurka A. A. Counteraction of Crime: Theory, Practice, Problems: monograph. Kharkiv: Publishing house. un-t inside Delov, 2005. P. 83.

[2] Ozhegov S. I. Dictionary of the Russian language/ed. by M. Yu. Shvedova. Moscow: Russian language, 1988. P. 73.

[3] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 195.

[4] North B. Coordination – mechanism of self-regulation of criminal justice as a system. *Prosecutor's Office. Man. State*. 2004. № 12. P. 98.

are noted for the dynamism and high degree of mutual relations. These relationships are permanent and sustained, and concerted action is the only approach to solving the same problems of fighting crime. Proceeding from this, the legislator assigned to one of the bodies of criminal justice – the prosecutor's office – the duty of organizing their concerted activities[1].

Based on these theoretical and methodological provisions one can formulate the following definition: "coordination of actions in conducting criminal proceedings for crimes committed by convicted prisoners in correctional colonies", namely, the activity of a prosecutor who, in accordance with the law, carries out procedural guidance by a pre-trial investigation in the specified CVU directed on the consistency of actions of the parties to the charge of the implementation of the criminal proceedings, as well as the coordination of the activities of the pre-trial investigation bodies with the prosecutor ment and Regional Offices DPTs Ukraine to create appropriate conditions for the investigation of these socially dangerous acts.

Thus, system-forming features that make up the meaning of this concept are:

1. Coordination is the activity of the prosecutor.

It should be noted that in art. 36 CPC, which defines the powers of the prosecutor when supervi-

[1] Pivnenko V., Andrusyak V. About the criminal-procedural function of organs of pre-trial investigation. *Bulletin of the National Academy of Public Prosecutor of Ukraine*. 2007. № 4. P. 80.

sing compliance with laws during a pre-trial investigation in the form of procedural guidance to a pre-trial investigation, this obligation is not explicitly defined. These powers are enshrined in art. 25 of the Law of Ukraine "On Prosecutor's Office" and is of a general nature – coordination of the activity of law enforcement agencies of the corresponding level in the field of combating crime.

Along with this, given that in this case (art. 36 of the CPC), the rules of the CP are of a special nature in alignment with the provisions that the definition in art. 25 of the said Law, it would be logical to see Part 2 of art. 36 CPC to supplement paragraph 22 with the following content: "The prosecutor is obliged to coordinate the activities of the parties to the prosecution for a specific criminal procedure specified in the legal acts of the forms and means."

2. Coordination is the implementation of measures for the coordination of actions.

In accordance with the requirements of art. 25 of the Law of Ukraine "On Prosecutor's Office", the coordinating powers of the prosecutor's office are carried out by:

a) holding joint meetings;

b) creation of interdepartmental working groups;

c) conducting concerted actions;

d) carrying out analytical activities.

At the same time, in this context, attention should be paid to the fact that in the implementation of criminal proceedings for crimes committed by convicts in correctional colonies, there are two structural divisions of the prosecutor's office in the territory of

these CVUs, namely: 1) prosecutors supervising observance laws in the execution of judicial decisions in criminal cases, as well as in the application of other measures of a coercive nature connected with the restriction of personal freedom of citizens (Clause 4, Part 1, articles 2, 26 of the Law of Ukraine "On Prosecutor's Office", art. 22 KVN); 2) prosecutors, the language of which is in art. 36 CPC.

This approach of the legislator, based on the features of the pre-trial investigation in correctional colonies, a small number of criminal offenses committed in these CVUs in comparison with their number, registered in the corresponding administrative-territorial units where these colonies are located, as well as taking into account the legal basis for the activities of the prosecutor's office (art. 3 of the Law of Ukraine "On Prosecutor's Office") and art. 7 CPC "General Principles of Criminal Proceedings" can hardly be considered correct.

In particular, if the prosecutors supervising the correctional colonies have some experience and knowledge of the peculiarities of execution and serving of sentences in the form of imprisonment, then the second type of prosecutors every time they conduct criminal proceedings for crimes committed by those convicted in these CVUs, as well as investigators, begin this process with a "clean sheet", which, as practice shows, affects the effectiveness of pre-trial investigation, especially at its initial stages.

In such a situation, and taking into account other arguments in this regard, as indicated above, it would be logical for the prosecution functions to be

transferred to prosecutors supervising the execution of criminal penalties in the pre-trial investigation in places of deprivation of liberty (art. 22 of the Criminal Code, art. 26 of the Law of Ukraine "On the Prosecutor's Office"). For this purpose it is worth. 36 CPC to add to paragraph 7 the following sentence: "Taking into account the peculiarities of the pre-trial investigation and the special procedure of criminal proceedings established in this Code, procedural guidance may be carried out by a public prosecutor who performs one of the functions of the public prosecutor's office specified in the law, which coincides with the subject of prosecutorial supervision."

Coordination is carried out with the aim of reaching the parties to the prosecution of criminal proceedings.

In accordance with the provisions of § 2 of Chapter 3 of the CPC, the prosecution includes: a) the prosecutor (art. 36); b) the body of pre-trial investigation (art. 38); c) the head of the pre-trial investigation body (art. 39); d) the investigative body of the pre-trial investigation (art. 40); e) operational units (art. 41).

The tasks of the criminal proceedings are defined in art. 2 CEC

Coordination is also the activity of the heads of pre-trial investigation bodies and territorial departments of the DPTsU of Ukraine.

According to the normative legal acts of the Ministry of Internal Affairs of Ukraine, the heads of structural divisions are officials who perform organizational, administrative and administrative functions. Accordingly, in the system of pre-trial investigation

bodies of the Ministry of Internal Affairs of Ukraine, the governing body is determined on the horizontal (territorial subdivisions of the National Police) and the vertical levels (at the oblast level and central unit of the Ministry of Internal Affairs). It is they who have the responsibility to ensure the interaction and coordination of investigators and other participants in criminal proceedings[1].

In the system of the DKVS of Ukraine, the heads of the territorial departments of the DPTS of Ukraine, as well as the heads of the structural divisions of the said central executive body, which implement the state policy in the field of execution of punishments (Part 1 of art. 11 of the Criminal Code, articles 7–9 of the Law of Ukraine "On State Criminal Execution Service of Ukraine").

Proceeding from this, it is unlikely that the approach adopted in approving the Instruction on the organization of conducting secret investigative (search) actions and the use of their results in criminal proceedings[2] can hardly be considered correct, namely: it is under the signature of not the head of the DPTS of Ukraine (as the head of the central body in the field of execution of sentences) and the Minis-

[1] Instruction on the organization of the holding of secret investigative (search) actions and the use of their results in criminal proceedings: the Zat. by order of the General Prosecutor's Office, Ministry of Internal Affairs of Ukraine, SBU, Administration of the Border Guard Service of Ukraine, Ministry of Finance of Ukraine, Ministry of Justice of Ukraine dated November 16, 2012. No. 114/1042/516/1199/936/1687/5. URL: http://zakon3.rada.gov.ua/laws/show/v0114900-12

[2] Ibid.

ter of Justice of Ukraine. An additional argument in this regard is the norms of the Constitution of Ukraine (Part 2 of art. 19, Clause 14 art. 92) and art. 5 CEC, according to which the activities of the bodies (and, in accordance with Part 1, art. 11 of the Criminal Code of Ukraine – the DPTS of Ukraine) and penal institutions are to be based exclusively on the law.

At the same time, the Ministry of Justice of Ukraine has elected the functions of a central body that implements state policy in the field of execution of sentences, not by law (in particular, by amending the Law of Ukraine "On the State Criminal Execution Service of Ukraine"), but by the decision of the President Ukraine (in particular, the Decree of the President of Ukraine "On the optimization of state bodies of the central executive power" of December 9, 2010).

Given these circumstances and the complexity of the content and forms of criminal proceedings guaranteed by the general principles set forth in Chapter 2 of the CPC (articles 7–29) and in order to ensure the proper realization of the tasks of criminal proceedings (art. 2 of the CPC), including the crimes committed in correctional colonies, it would be logical to art. 39 of the CPC should be supplemented with the following sentence: "The head of the pre-trial investigation body shall have the duty to ensure the coordination of investigators and other participants of the prosecution party, who, in coordination with the prosecutor, who, in accordance with this Code, carries out procedural guidance to the pre-trial investigation".

Coordination is aimed at creating the appropriate conditions for the investigation of crimes committed by convicted prisoners in correctional colonies.

According to the practice, the practice can be attributed to the following: 1) the maximum provision of the realization of the tasks specified in the law of criminal proceedings (art. 2 of the CPC); 2) assistance to the investigator in ensuring the process of proof in the criminal proceedings (Part 2 of art. 91 of the CPC); 3) effective action to ensure the criminal proceedings (Section III CPC); 4) committing actions that, in form and content, correspond to the general principles of criminal proceedings (art. 7 of the CPC); 5) qualitative conducting of investigators (investigators) and secret investigative (search) actions, taking into account peculiarities of execution and serving of sentence in the form of imprisonment, which was discussed in the previous sections of this monograph.

Thus, the coordination of actions in the penal colonies is a complex of systemic measures carried out by the subjects defined at the regulatory and legal level and aimed at the effective realization by the parties of the party of the charge of the tasks of criminal proceedings.

At the same time, as correctly concluded by L. M. Davydenko and O. O. Bandurka in the coordination relationship only the prosecutor's office acts as the permanent organizer of the joint development of concerted measures. Other criminal justice authorities involved in the investigation of crimes in the penal colony (investigating judge, head of the pretrial investigation, investigator, officers of the ope-

rational unit) only directly participate in the joint development of concerted actions, but do not have any responsibility for the organization of coordination[1].

As established in the course of this study, the coordination of the actions of these criminal justice bodies lies in the unity (community) of the goals and objectives of criminal proceedings (art. 2 of the CPC). The need for further strengthening and deepening of the coordinated activity of all parties to the charge of crimes committed by convicted prisoners in correctional colonies is conditioned by an increase in the scale of crimes, their structure and dynamics that has developed over the last years (2013–2015)[2].

In such a situation, the disunity of the said participants in criminal proceedings in the investigation of crimes in correctional colonies is unacceptable, because each of its subjects is one of the links of an integrated state-legal system designed to ensure the achievement of common goals and objectives in the field of crime control , inherent in each of them by criminal procedural means. As is right in this regard noted P. M. Karkach and V. L. Sinchuk, their work can not be successful without coordination through coordination[3].

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[1] Davydenko L. M., Bandurka A. A. Counteraction of Crime: Theory, Practice, Problems: monograph. Kharkiv: Publishing house. un-t inside Delov, 2005. P. 87.

[2] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 196–197.

[3] Karkach P. N., Sinchuk V. L. Coordinating function of the Prosecutor's Office of Ukraine: Educational Manual. Kharkiv: Law, 2005. P. 14.

As shown by the results obtained in the course of this study, the problems of pre-trial investigation of crimes committed by convicted prisoners in the correctional colonies of Ukraine create improper interaction between the investigator and the relevant structural units of this CVU involved in criminal proceedings. That is why, in order to improve the legal mechanism on these issues, the important task of any scientific development is to clarify the meaning and essence of the concept of "interaction".

In the narrow sense in law-enforcement activity, this term in scientific sources is defined as a reciprocal link between objects in action, as well as an agreed action between someone – anything[1], that is, it is a process of interdependent, coordinated activity of its various subjects. Such an interconnection in places of deprivation of liberty, as noted O. G. Kolb is possible in the presence of certain conditions: a) at least two subjects must participate in the interaction – this means that each participant must clearly understand that he is the subject of interaction and performs the functions assigned to them along with other subject; b) the general purpose and objectives for all participants of interaction should be outlined[2].

In terms of these conditions, the term "interaction" coincides with the term "coordination". At the

[1] Great explanatory dictionary of the Ukrainian language/uporyad. T. V. Kovalev. Kharkiv: Folio, 2005. P. 57.

[2] Organization of individual prevention of crimes in a criminal-executive institution: monograph. 2nd species., processing. and listens./ V. P. Zakharov, O. G. Kolb, S. M. Mironchuk, L. I. Milyshchuk. Lutsk: PP Ivanyuk V. P., 2007. P. 286.

same time, it is worth agreeing with those scientists who believe that there is no sign of equality between these terms, because coordination is a function of one of the subjects of the system, and interaction is the principle of activity, the means of contacts with the subjects of other systems[1]. Moreover, coordination, in contrast to interaction, includes elements of subjugation of the will of the coordinating body of the system, which directs automatic activity to fulfill the general tasks assigned to the performers.

In turn, interaction is not only a means to fulfill the tasks of combating crime, at the same time it is necessary in order to implement in a timely manner jointly planned measures in this direction. In this approach, actors act within their competence, using the appropriate forces, means and methods, and the coordination of their activities is carried out by strict implementation of the planned general measures[2].

Proceeding from the mentioned and other theoretical and methodological approaches, set forth in the scientific literature[3], it is possible to formulate the following definition: "interaction of the parties to the prosecution in criminal proceedings in correctional colonies", namely – it is ordered at the legal and

[1] Organization of individual prevention of crimes in a criminal-executive institution: monograph. 2nd species., processing. and listens./ V. P. Zakharov, O. G. Kolb, S. M. Mironchuk, L. I. Milyshchuk. Lutsk: PP Ivanyuk V. P., 2007. P. 290.

[2] Ibid.

[3] Ruban V. Supervisory and coordination activities of the prosecutor's office. *Bulletin of the Prosecutor's Office*. 2012. № 8. P. 17–21.

regulatory level activities defined in the criminal procedural legislation of Ukraine persons who are involved in the specified CVU on the charge side, which is agreed upon between them according to objects, subject, tasks and directions of cooperation and is aimed at achieving the objectives of criminal proceedings, as well as criminal executive legislation.

Thus, system-forming features that make up the content of this concept are:

1. Interaction – is an orderly activity at the regulatory and legal level.

Arrange means to bring something to work; to lead the proper order in something[1]. In the context of the interaction of the parties to the prosecution, this consists in the fact that their activities in criminal proceedings in the penal colony should be properly legalized.

As established in the course of this study, in the current CPC there are no legal norms in this regard. This issue is regulated by subordinate legal acts (in particular, the Instruction on the organization of conducting secret investigations (investigatory) actions and the use of their results in criminal proceedings[2];

[1] Great explanatory dictionary of the Ukrainian language/uporyad. T. V. Kovalev. Kharkiv: Folio, 2005. P. 697.

[2] Instruction on the organization of the holding of secret investigative (search) actions and the use of their results in criminal proceedings: the Zat. by order of the General Prosecutor's Office, Ministry of Internal Affairs of Ukraine, SBU, Administration of the Border Guard Service of Ukraine, Ministry of Finance of Ukraine, Ministry of Justice of Ukraine dated November 16, 2012. No. 114/1042/516/1199/936/1687/5. URL: http://zakon3.rada.gov.ua/laws/show/v0114900-12

other departmental sources[1]), which, in view of requirements of art. 7 CPC "General Principles of Criminal Proceedings", can hardly be recognized as an appropriately regulated procedural means of activity.

Proceeding from this, it would be logical to supplement Part 2 of art. 40 CPC, paragraph 10, to read as follows: "The investigator is authorized and responsible for establishing proper interaction with other prosecution parties in criminal proceedings".

In the same context, modifications of Part 4 of art. 38 CPC "The organs of pre-trial investigation", which should be supplemented at the end of the sentence with the phrase "including the establishment of interaction in this area with other parties to the prosecution in criminal proceedings".

Interaction is the activity of those persons who are involved in the pre-trial investigation on the part of the prosecution specified in the criminal-executive legislation of Ukraine.

In accordance with the requirements of Part 2 of art. 1 CPC, the criminal procedural law of Ukraine consists of the relevant provisions of the Constitution of Ukraine, international treaties, the consent to be bound by the Verkhovna Rada of Ukraine, this Code and other laws of Ukraine.

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[1] Written D. P. Regulation of Investigative (Investigative) and Involuntary Investigative (Investigating) Actions in the Criminal Procedure Code of Ukraine. *Actual problems of the application of the new criminal procedural legislation of Ukraine and trends in the development of criminology at the present stage: materials of All-Ukrainian. sciences practice conf. (Kharkiv, October 5, 2012).* Kharkiv: KhNUVS, 2012. P. 39–43.

In view of the problems that make up the subject matter of this study and the requirements of the provisions of chapter IX of the CPC, "International cooperation in criminal proceedings", certain issues concerning the placement, temporary abandonment and separation of convicted foreigners in correctional facilities are to be resolved at the regulatory level of Ukraine. In particular, it is said that in the current CEC there are no peculiarities of their implementation in practice, which, in turn, as established in the course of this study, adversely affects the effectiveness of investigating crimes perpetrated both by this category of convicts and on them.

This also applies to the procedure for the transfer of persons deprived of their liberty (art. 88 of the Criminal Code) and their temporary abandonment in the SIZO in case of necessity to carry out investigative (search) actions (art. 90 of the Criminal Code) and the separation of prisoners in correctional colonies (art. 92), which do not correspond to the CPC norms that are tangential to the process of execution and serving of sentence in the form of imprisonment (for example, art. 547 of the CPC states that consular offices or diplomatic missions of other states in Ukraine have the right to obtain explanations on a voluntary basis, things, documents from thunder who they represent, and also to hand over documents to such persons).

In its turn, the specified norm of the CPC (art. 547) also does not fully correspond to the norms of the Criminal Code, and it would therefore be logical to supplement it at the end of the sentence with the

phrase "in accordance with the procedure established by the legislation of Ukraine" and to put it in a new wording.

In general, taking into account the requirements of art. 1 and Chapter IX of the CPC, we can talk about the interaction of the investigator in criminal proceedings and with participants in international cooperation.

Another problem in connection with this should be noted: § 2 of Chapter 3 of the CPC identified the prosecution, which includes: the prosecutor, the body of pre-trial investigation, the head of the pre-trial investigation body, the investigating authority of the pre-trial investigation and operational units (articles 36–41); in § 5 of the same Chapter 3 of the CPC – other participants in the criminal proceedings (the applicant (art. 60), the civil plaintiff (art. 61), the witness (art. 65), and others.

In addition, in these CPC norms, there are no such participants in criminal proceedings, such as: a) persons performing a special task on the disclosure of a criminal organization (art. 272 of the CPC);

b) persons involved in confidential cooperation (art. 275 CPC). It should be noted that the involvement of these categories of persons in the pre-trial investigation, as it follows from the requirements of operative-search laws of Ukraine, is the exclusive right of the prosecution party.

Proceeding from this, it would be logical to see art. 41 CPC to be supplemented with the fourth part of the following sentence: "In order to ensure proper execution of the orders of the investigator, the prose-

cutor on the conduct of investigative (search) and secret investigative (search) operations, the operational units have the right to use the capabilities of other persons and use them to perform special tasks for the disclosure of criminal activities of an organized group. or a criminal organization, as well as for confidential cooperation".

Particularly relevant is such a modification in view of the particular features of pre-trial investigation of crimes committed in correctional colonies, which was discussed in previous sections of this work.

2. Interaction – is a concerted activity on the objects, subject, tasks and areas of cooperation.

The object of interaction in criminal proceedings in correctional colonies is the social relations that arise in connection with the pre-trial investigation of crimes committed by those sentenced to imprisonment.

As established in the course of this study, in the course of criminal proceedings in the specified CVU there are social relations of different spectra: a) criminal procedure related to the conduct of pre-trial investigation; b) criminal-executive, conditioned by the peculiarities of execution and serving of punishment in the form of imprisonment; c) managerial, aimed at solving the tasks of coordination and interaction of participants in criminal proceedings; d) supervision – carried out by the prosecutor in the form of procedural guidance; e) control – carried out by the head of the pre-trial investigation body; f) other social relations (operative-search, psychological compatibility, etc.).

All this serves as an additional argument regarding the necessity of defining, at the normative and legal level, the features of pre-trial investigation in correctional colonies, in particular in the form of special Chapter 25-1 of the CPC, as well as solving existing problems in practice within the broader concept of criminal prosecution in places of deprivation of liberty, the language of which and the substantive argument is given in the previous sections of this monograph.

The subject of cooperation in correctional colonies is the procedure for pre-trial investigation established in the law (section III of the CPC). At the same time, taking into account the peculiarities of the criminal proceedings for the crimes committed by the sentenced persons deprived of the sentence, this item further proves the necessity of their definition in the CPC in a special chapter, in particular Chapter 25-1.

Concerning the tasks of interaction, they seem to be "intertwined" for all parties to the charge of criminal proceedings in correctional colonies. How about O. G. Kolb, speaking about the unity of tasks and goals, it should be noted that the fight against crime, the protection of legitimate rights and interests of individuals and legal entities and in general law and order, is the only task for all law enforcement agencies[1].

[1] Organization of individual prevention of crimes in a criminal-executive institution: monograph. 2nd species., processing. and listens./V. P. Zakharov, O. G. Kolb, S. M. Mironchuk, L. I. Milyshchuk. Lutsk: PP Ivanyuk V. P., 2007. P. 286.

In this case, it is stated that one of the key tasks was to identify the investigator, the prosecutor, the operational units and, in general, the services of the correctional colonies – the protection of the person, the society and the state from criminal proceedings (Part 1 of art. 1 of the Criminal Code, art. 2 CPC, Part 1 of art. 1 of the Criminal Code, art. 1 of the Law of Ukraine "On Operational and Investigative Activities", others), which constitutes one of the substantive elements of the subject of cooperation in criminal proceedings in correctional colonies. In this case, the additional task of interaction for the investigator and the administration of the correctional colony is the issue of ensuring the continuity of execution and serving of sentence in the form of imprisonment during the pre-trial investigation.

As it was established in the course of this study, the social relations formed during the conduct of criminal proceedings in these CVU generally determine the content and directions of interaction of the parties to the charge, namely:

a) the criminal procedure, which is the priority in this situation and which, due to the content of the powers of the prosecutor (art. 36 CPC) and the investigator (art. 40 CPC), is subordinated to the efforts and capabilities of other actors of interaction;

b) a criminal executive, which is conditioned by the principle of inevitability of execution and serving of punishment in the form of imprisonment (art. 5 of the Criminal Code);

c) the coordination, which is the necessary means of procedural guidance, as carried out by the prose-

cutor, as well as means of control, which are entrusted to the heads of pre-trial investigation bodies (art. 39 of the CPC) and the territorial departments and central apparatus of the DPTS of Ukraine (Law of Ukraine "On State Criminal Execution service of Ukraine");

d) other areas (in the area of ORD, material and technical resources, international cooperation, etc.).

3. The interaction is aimed at achieving the objectives of criminal proceedings and the objectives of criminal-enforcement legislation.

Proceeding from the content specified in art. 2 CPC of Ukraine the tasks of criminal proceedings, to its purposes can be attributed:

1) the prosecution of anyone who has instituted criminal proceedings, in the amount of his guilt;

2) not presenting an accusation or conviction of any innocent person;

3) not subjection of any person to unreasonable procedural coercion;

4) the application to each participant in the criminal proceedings of the due process of law.

In turn, the goals of the criminal-executive legislation of Ukraine are enshrined in Part 1 of art. 1 CEC, namely, the creation of conditions:

a) for the correction and resocialization of convicts;

b) prevention of the commission of new criminal offenses by both convicted persons and other persons;

c) prevention of torture and inhuman or degrading treatment with convicted persons.

Thus, the following common goals for the investigator and other parties to the prosecution in the

course of their interaction are as follows: a) prevention of torture and other ill-treatment of suspects, accused persons and other participants in criminal proceedings; b) prevent the commission of new convicted offenders.

It is in these areas that the investigator interacts with the criminal proceedings for crimes committed by convicted prisoners in correctional colonies.

In general, the content of interaction should provide all the directions identified in this paper, which are reflected in the system-forming features of this concept, which, moreover, were based mainly on the methodological recommendations developed in this monograph on the peculiarities of pre-trial investigation in correctional colonies.

At the same time, it is worth noting that the fight against crimes, including those committed in correctional colonies, by criminal procedural means requires an integrated approach and coherence of action of all the parties to the prosecution. One of the most effective ways of solving this problem is to deepen the mechanism of self-regulation of this unique system. And the specified mechanism of this self-regulation is based precisely on the constant coordination of its subjects in the specified CVU, aimed at ensuring efficient work of both the system as a whole, and each of its branches (bodies) in particular.

At the same time, if the principle of interaction gives all actors the ability to maintain external contacts as needed, then the coordination of their efforts strengthens the constant internal connections between its actors (links), improves their activities.

Moreover, as to the correct conclusion made by V. M. Yurchyshyn, coordination is not only the function of the prosecutor's office, but also one of the system-forming factors of criminal justice as a system of rather high level, the mechanism of its self-regulation, self-management[1].

The conclusions to the section 3

1. The main problems that directly affect and influence the effectiveness of pre-trial investigation and in general criminal procedural policies in correctional colonies are identified, namely:

1) the presence in the CPC of a number of gaps and contradictions governing the issue of criminal proceedings;

2) the absence of a special chapter in this Code relating to the peculiarities of pre-trial investigation of criminal proceedings in places of deprivation of liberty;

3) conflicts, inconsistency and competition of the CPC norms governing the procedure for the carrying out of secret investigative (search) actions (articles 246–275) and the norms of operative-search law, in particular on the prevention of crimes and the conduct of these actions only with regard to grave and especially grave crimes (art. 12 of the Criminal Code);

[1] Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. P. 203.

4) incomplete and inaccurate reflection in the interagency Instruction on the organization of conducting secret investigation (search) actions and use of their results in the criminal proceedings of all existing in practice and established in science peculiarities of pre-trial investigation in places of deprivation of liberty;

5) improper use by investigators and other parties of the prosecution (§ 2, 3 CPC) of the methods of investigation of this category of criminal proceedings developed in science, as well as the lack of a unified Methodology on these issues, approved by the interdepartmental level (Ministry of Internal Affairs of Ukraine and the DPTS of Ukraine).

In order to eliminate these problems in the monograph, a number of scientifically substantiated proposals have been developed, including the introduction of amendments and additions to the current CPC.

2. The contents and peculiarities of coordination activity and interaction of the investigator and other participants of the party of the accused in criminal proceedings in correctional colonies, as well as problems of their implementation in practice are determined, on the basis of which the author's definitions of these concepts are formulated. In particular, under the "coordination of actions in conducting criminal proceedings for crimes committed by convicted prisoners in correctional colonies, it is necessary to understand the activities of the prosecutor, who, in accordance with the law, carries out procedural guidance by a pre-trial investigation in the specified CVU, aimed at coordinating the actions of

the parties to the prosecution in the implementation of the criminal proceedings, as well as coordinating with the prosecutor the activities of the heads of pre-trial investigation bodies and territorial departments of the DPTS of Ukraine to create the appropriate conditions for the investigation of these socially dangerous acts".

Under the "interaction of the parties to the prosecution of criminal proceedings in correctional colonies" in this work is understood the orderly at the legal and regulatory level the activities specified in the criminal procedural law of Ukraine by persons involved in the specified CVU on the part of the prosecution agreed between them on the objects, subject, tasks and areas of cooperation and aims at achieving the objectives of criminal proceedings, as well as criminal-enforcement legislation.

To solve the problems existing in this context in the monograph, a number of scientifically substantiated proposals aimed at improving the norms of the CPC (articles 36, 39–41) have been substantiated.

The conclusions

The conclusions of the monograph on the basis of the study of a complex of issues arising during the investigation of crimes committed by convicts in the correctional colonies of Ukraine, formulated scientific provisions and obtained results that collectively aimed at solving an important scientific problem in the field of criminal procedural activities. The most significant of these are the following:

1. It has been established that the scientific development of problems related to the investigation of crimes committed by convicts in the correctional colonies of Ukraine has long been practiced by scientists of various areas of the criminal-law cycle, first of all, specialists in the field of criminal process. Along with this, in connection with the adoption in 2012 of the new CPC of Ukraine, the modification of the tasks of criminal proceedings and the procedure for pre-trial investigation, the cancellation of the inquiry in these CVUs, and the introduction of such legal institutes as "investigators (wanted)" and secret investigative (search) actions in this Code, need to be rethought on the doctrinal level and active scientific search and the accompanying issues that form the content of the objectives of this study, namely: a) the concept, content and features of the investigation of crimes committed by convicted prisoners in correctional colonies; b) the current practice of criminal procedural activities in the specified CVU on the norms of the CPC 2012; c) the peculiarities of the

conduct of investigative (search) and secret investigative (search) actions, as well as the process of proof of criminal proceedings in correctional colonies; d) the issue of coordination and interaction between investigators and operational units of these CVUs; e) the content of procedural guidance; f) modern forms, methods and means of counteraction to the investigation of crimes in correctional colonies.

All this, in the end, determined the choice of subject, object, subject, and purpose of the study and influenced the choice of its methods and tools.

2. The article clarifies the meaning and formulates the author's concept of "investigation of crimes committed by convicts in correctional colonies", which should be understood as the procedural activity of investigators in the manner prescribed by law, which is carried out at the stage of pre-trial investigation of criminal proceedings in these closed-term criminal executive institutions, taking into account the peculiarities of execution and serving of sentence in the form of deprivation of liberty, and aimed at the full realization of the tasks of criminal proceedings.

The necessity of supplementing Part 1 of the article is proved. 3 CPC paragraph 27 is the following: "investigation of crimes is the procedural activity of the parties specified in the law of the prosecution, which is carried out at the stage of pre-trial investigation and aimed at the full realization of the tasks of criminal proceedings".

A new edition of the fourth sentence of Part 1 of art. 104 CEC, namely: "providing to law enforcement

agencies conducting operative search activity or criminal proceedings, assistance in investigation, termination and prevention of crimes".

3. There are three periods of development of the institute of pre-trial investigation of crimes committed in correctional colonies, in modern conditions 1) 1958–1991; 2) 1991–2012; 3) 2012 – to date) and the specific features of this procedural activity, in which the tasks of execution and serving of sentence in the form of imprisonment are also solved, taking into account the permanence and continuity of this process due to the content of the legal status of convicted persons who are parties to the criminal proceedings in these CVUs.

It is proved that the investigation of crimes in penal colonies in terms of content is more restrictive than criminal prosecution in places of deprivation of liberty, as the latter involves solving problems not only in criminal proceedings, but also in the tasks of criminal-executive legislation. The criminal prosecution in this work is understood as a complex of measures of criminal law, criminal procedure, criminal-executive, criminological and operative-wanted character, aimed at ensuring the objectives of criminal proceedings and the purpose of criminal punishment, as well as overcoming the counteraction to the investigation by convicts and other persons involved in the criminal process in one or another role and quality.

4. It has been established that in today's conditions in the international legal practice on pre-trial investigation a clear tendency has emerged regarding

the convergence of the types of criminal process in the Romance-Germanic (former USSR and some EU countries) and Anglo-Saxon (Great Britain, USA, etc.) namely: if in the first, the rule-making role of judicial practice grows, then in other types of states, the legislation, while the court from the law-making body is transformed into an enforcement body.

It was also determined that pre-trial investigations, including in places of deprivation of liberty, in any of the foreign states are not purely searchable or adversarial, as these models are approaching each other closely.

Based on the results of the analysis of international experience, the monograph developed a number of scientifically grounded measures aimed at improving procedural activity in investigating crimes committed by convicts in correctional colonies.

5. The necessity of improving the legal mechanism of the general provisions of the pre-trial investigation of criminal proceedings in the correctional colonies of Ukraine is proved by adding: a) the CPC Chapter 25-1 "Peculiarities of pre-trial investigation of criminal proceedings in places of imprisonment", which should be based on this number and developed in this monographs of methodical recommendations on the investigation of crimes committed by convicts in correctional colonies; b) articles 36, 40 of the CPC guarantees the maintenance of procedural independence and personal security, in accordance with the prosecutor and investigative body of pre-trial investigation, including their judicial activity in the penal

colony; c) those norms of the CPC (articles 102–106) concerning the provision of criminal proceedings (section 2 of the CPC), as well as the content of the pre-trial investigation, taking into account peculiarities of execution and serving of sentence in the form of imprisonment.

6. The peculiarities of conducting investigative (search) and secret investigative (search) actions in correctional colonies are established and their author's definitions are formulated. In particular, under investigation (search) actions in the conditions of their implementation in penal colonies should be understood as actions aimed at obtaining (collecting) evidence or checking already received in a particular criminal proceeding, and other actions of the investigator, agreed with the administration of the colony and aimed at ensuring measures pre-trial investigation and, in general, his tasks as defined in the law.

Investigative (wanted) actions are a kind of investigative (search) action taken in correctional colonies, taking into account the peculiarities of execution and serving of sentences in the form of imprisonment and related to the receipt of information about the fact and methods of holding which are not subject to disclosure , except for the cases provided for by the CPC, and the legal guarantees and the consequences of the participation of other persons are specified in the special laws.

The following scientifically grounded measures on improvement of the legal mechanism on these issues are developed. In particular, it is proposed to

supplement the CPC: 1) Part 1 of art. 91, paragraph 8 "Circumstances contributing to the commission of a crime"; 2) Part 6 of art. 246 at the end of the sentence, the following sentence: "When conducting secret investigators (investigatory) actions by the investigator himself, he/she has the right to use the possibilities of a specialist in accordance with the requirements specified" in art. 71 of this Code; 3) Part 3 of art. 267 by the word "serving" instead of "leaving"; 4) art. 272 Part 5 and art. 275 Part 3 of the following content: "The procedure and tactics for carrying out the said secret (search) actions are regulated by special laws".

7. Identified features, subjects, forms, methods and content of counteraction to pre-trial investigation of crimes in correctional colonies. In particular, the counteraction to the investigation of crimes in correctional colonies refers to the intentional activity of persons prosecuted (suspects, accused), which is carried out in various forms and methods and is aimed at creating obstacles for the investigator, the bodies of pre-trial investigation, the prosecutor's office and the court in these CVUs in the course of realization of the tasks of criminal proceedings, as well as in order to evade the perpetrators from the coercive and punitive measures envisaged by law, or to create such conditions and new people

To solve the problems of counteraction and improvement of the legal principles of activity in this area in the proposed supplement monograph: a) Chapter 1 tbsp. 246 CPC with the following sentence: "The

purpose of carrying out secret investigative (search) actions is to ensure the process of proof in criminal proceedings, as well as to overcome, neutralize, block the response to an investigation that is being committed by the participants and other persons in this proceeding; b) paragraph 1 Part 1 of art. 6 of the Law of Ukraine "On operative-search activity" such ground for ORD as "facts of counteraction to investigation of criminal proceedings"; c) Part 1 of art. 104 CEC to be supplemented with a sentence of the following content: "The ORD is carried out with the aim of overcoming, neutralizing, blocking, etc. the opposition of organized groups of the process of execution and serving the sentence, pre-trial investigation of crimes committed in the colonies" and to lay down the specified norm of law in a new wording.

8. The main problems that affect the effectiveness of the implementation of the penal colonies of the Ukrainian criminal procedural policy are established, and scientifically grounded measures for their solution are developed. In particular, it is proposed: a) to supplement art. 2 CPC Part 2 is as follows: "Along with the provisions of the first part of this Code of the Code, the tasks of preventing crimes and preventing torture and inhuman or degrading treatment and punishment shall also be addressed"; b) to supplement Part 2 of art. 246 CPC at the end of the sentence with the phrase "as well as crimes of moderate severity", stating, on the one hand, this rule of law in the new wording, and on the other hand, thus permitting the holding of secret investigative (search)

actions and in relation to this category of criminal proceedings (crimes); c) supplement the CPC with Chapter 25-1 "Peculiarities of pre-trial investigation of criminal proceedings in places of deprivation of liberty".

9. The main problems of legal, organizational, financial, technical and other nature that affect the effectiveness of coordination and interaction of the investigator and other participants in criminal proceedings in correctional colonies are identified, and scientifically substantiated ways of their solution are developed. In particular, it is proposed: a) to supplement Part 2 of art. 36 CPC paragraph 22 of the following content: "The prosecutor is obliged to coordinate the activities of the parties to the prosecution on a specific criminal procedure specified in the legal acts by forms and means"; b) to supplement art. 36 CPC Part 7 of the following content: "Taking into account the peculiarities of the pre-trial investigation and the special procedure of criminal proceedings established in this Code, procedural guidance may be carried out by a public prosecutor who performs one of the functions of the public prosecutor's office as defined by law, which coincides with the subject of prosecutorial supervision"; c) to supplement art. 39 CPC, Part 4, to read: "The head of the pre-trial investigation body shall be obliged to ensure coordination of the actions of the investigator and other participants of the prosecution party, which he conducts in consultation with the prosecutor, who, in accordance with this Code, carries out procedural guidance to the pre-trial

investigation": d) to supplement art. 40 CPC, paragraph 10, to read as follows: "The investigator is authorized and responsible for establishing cooperation in criminal proceedings with other parties to the prosecution party"; e) to supplement Part 4 of art. 38 CPC at the end of the sentence with the phrase "including the establishment of interaction in this area with other parties to the prosecution in criminal proceedings"; f) to supplement art. 41 CPC Part 4 of the following content: "In order to ensure the proper execution of the orders of the investigator, the prosecutor regarding the conduct of investigative (search) and secret investigative (search) operations, operational units have the right to use the capabilities of other persons and employ them to perform special tasks for disclosing the criminal activities of an organized group or criminal organization, as well as for confidential cooperation".

References

1. About Activities of the Departments of Protection, Supervision and Security of Criminal Institutions in 2012: inform. bullet. Kyiv: MDVPVP, 2012. 53 p.
2. About Activities of the Departments of Protection, Supervision and Security of Criminal Execution Institutions in 2008: inform. bullet. Kyiv: State Department of Ukraine for Execution of Sentences, 2009. Kn. 2. 56 p.
3. About activities of the units of protection, supervision and safety of criminal executive agencies in 2014: inform. bullet. Kyiv: State Penitentiary Service of Ukraine, 2014. № 1. 59 p.
4. About activities of the units of protection, supervision and safety of criminal executive agencies in 2013: inform. bullet. Kyiv: DPTUU, 2013. Kn. 1. 58 p.
5. About some issues that arise during the consideration by courts of complaints about the decisions of the bodies of inquiry, investigator, prosecutor on the prosecution of a criminal case: Resolution of the Plenum of the Supreme Court of Ukraine of February 11, 2005, № 1. *Resolution of the Plenum of the Supreme Court of Ukraine in criminal cases*/by. comp. edit V. T. Malyarenko; emphasis P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 307–309.
6. About the activity of the units of security, supervision and safety of criminal executive agencies in 2015: newsletter. Kyiv: State Department of Ukraine for the Execution of Sentences, 2016. Kn. 2. 64 p.
7. About the approval of the Conception implementation of state policy in the field of prevention of offenses for the period up to 2015: Order of the Cabinet of Ministers of Ukraine dated November 30, 2011. № 1209-r. *Official bulletin of Ukraine*. 2011. № 93. P. 33–89.
8. About the Concept of State Policy in the Field of Reform of the State Criminal-Enforcement Service of Ukraine: Decree of the President of Ukraine dated November 8,

2012. № 631. *Official Bulletin of Ukraine*. 2012. № 87. P. 31–35.
9. About the prosecutor's office. Law of the USSR: Adopted at the second session of the Supreme Soviet of the USSR, 10–20 convocation, November 30, 1979. Moscow, 1987. 31 p.
10. About the State Criminal Execution Service of Ukraine: Law of Ukraine dated June 23, 2005. *Official Bulletin of Ukraine*. 2005. № 30. P. 409.
11. About the state of observance of legality in the execution of court decisions in criminal proceedings, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens in 2013: an information and analytical bulletin. Kyiv: Gen. prokras Ukraine, 2013. 21 p.
12. Abramkin V. F., Chizhov Yu. V. How to survive in a Soviet prison. To help the prisoner. Krasnoyarsk: Vistok, 1992. 368 p.
13. Actual problems of the legal theory of the state: textbook/ed. V. P. Malakhov, A. I. Klimenko. Moscow: Unity Dana: Law and Law, 2013. 183 p.
14. Afanasyev V. G. Scientific management of the society (experience of systematic research). Moscow: Politizdat, 1968. 380 p.
15. Aksyonov A. A. Organization of control in the ITU system. Ryazan: Ryazan. higher shock Ministry of Internal Affairs of the USSR, 1986. 95 p.
16. Aleksandrov Yu. K. Sketches of the criminal subculture. Moscow: Human rights, 2001. 148 p.
17. Alekseev A. M., Rosha A. N. Latent Crime and the Effectiveness of Law Enforcement Bodies. *Questions to fight crime*. Issue. 19. Moscow, 1973. C. 30–45.
18. Alekseev S. C. The general theory of socialist law. Yield 1. Sverdlovsk, 1964. 380 p.
19. Alenin Yu. P. Procedural features of the production of investigative actions. Odessa: Portal, 2002. 264 p.
20. Alinkina V. M. Age psychological peculiarities of aggressiveness of behavior of minors: author's abstract … diss. cand. lawyer sciences: 19.00.07. Kyiv, 1987. 17 p.

21. Analysis of the state of execution of court proceedings by courts of general jurisdiction in 2015 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine: information server*. URL: http://www.scourt.gov.ua/clients/vs.ns
22. Analysis of the state of judicial proceedings by courts of general jurisdiction in 2014 (according to judicial statistics). *Proceedings of the Supreme Court of Ukraine*. 2015. № 7 (179). P. 25–34.
23. Analysis of the state of the criminogenic situation in the penal institutions of the State Penitentiary Service of Ukraine for 2002–2013. URL: www.kvs.gov.ua/peniten/cjntrol/-main/uk/index
24. Analysis of the work of courts of general jurisdiction in 2001 (according to judicial statistics). *Bulletin of the Supreme Court of Ukraine*. 2002. № 4 (32). P. 15–25.
25. Andreyev R. Procesual guidance for pre-trial investigation and maintenance of state prosecution. *Bulletin of the Prosecutor's Office*. 2013. № 4. P. 52–66.
26. Anisikov V. M. Prison community: "Milestones" of history. Moscow: Oh-89, 1993. 348 p.
27. Anisimov V. M. Criminal subculture and its neutralization in correctional institutions of Russia: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Saratov, 1998. 53 p.
28. Antology of the system: [in 14 vol.]/rep. edit Yu. I. Rymarenko, V. I. Kusherets. Kyiv: Knowledge of Ukraine, 2005. Vol. 1: Documents and materials on the criminal system (1397–1918). 596 s.
29. Antonov V. M., Kuvaldin V. P., Popov V. I. Neutralization of counteraction to organized criminal structures. Moscow: Research Institute of the Ministry of Internal Affairs of Russia, 1998. 48 p.
30. Antonyan Yu. M. Interaction of the personality of the offender and the social environment. *Questions of the fight against crime*. Moscow: Yurid. lit., 1979. Issue 30. P. 27–38.
31. Antonyan Yu. M., Guldan V. V. Criminal pathopsychology. Moscow: Nauka, 1971. 248 p.

32. Azarov Yu. I. Concerning the Institute's Problems in the Criminal Proceedings of Ukraine. *Law of Ukraine*. 2012. № 6. P. 71–87.
33. Azarov Yu. I. Features of Planning Investigation of Crimes committed by Organized Groups. *Public law*. 2012. № 2 (6). With. 24–31.
34. Babkova V. C. Organizational-legal problems of control in the prosecution activity: author's abstract. dis … cand. lawyer sciences: 12.00.10. Kharkiv, 1998. 25 p.
35. Bagereva E. G. Socio-cultural Foundations of Resocialization of Criminals: autoref dis. … dr. lawyer sciences: 12.00.08. Moscow, 2001. 54 p.
36. Bahin V. P. Tactics of criminals. Kyiv: Atika, 2009. 44 p.
37. Bandurka A. M., Gorbachev A. V. Operational-search activity: legal analysis. Kyiv: RIO of the Ministry of Internal Affairs of Ukraine, 1994. 160 p.
38. Barabash T. M. Legal regulation of the institute of protection in the criminal-procedural legislation of Ukraine. *Ensuring the rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine in modern conditions: materials Intern. sci. pract. conf., Kyiv, December 4, 2009*. Kyiv: DNII of the Ministry of Internal Affairs of Ukraine, 2009. P. 213–218.
39. Barduk V. Preliminary Investigation in the Concept of Judicial-Legal Reform. *Bulletin of the Prosecutor's Office*. 1999. № 2. P. 48–50.
40. Bashtega R. Protection of confidentiality of confession in criminal proceedings. *Law of Ukraine*. 2004. № 6. P. 86–87.
41. Basist I. V. Problematic aspects in determining the procedural status of the investigator. *Ensuring the rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine under current conditions: materials International. sci. pract. conf., Kyiv, December 4, 2009*. Kharkiv: Human Rights, 2009. P. 435–437.

42. Basista I. V. Adoption and execution of procedural decisions of the investigator at the stage of pre-trial investigation: theoretical and practical problems: monograph. Lvov: Lvov. Department of Internal Affairs, 2013. 600 p.
43. Baskov V. I. Prosecution Supervision: textbook for high schools. Izd. 2nd. Moscow: BEC, 1998. 558 p.
44. Batyuk O. V. Investigation of the methods of criminal prophylaxis of crimes committed in penitentiary institutions. *Knowledge. Education. Law/management.* 2015. № 1 (9). P. 12–21.
45. Baulin O. V. Conceptual Principles of Pre-trial Investigation in Ukraine: Past, Contemporary, Perspectives: *materials between bulk science-practice conf*. Lugansk, RVV LSUVS them. EO Didorenka, 2012. P. 136–145.
46. Bayev O. Ya. Forensic tactics and criminal procedure law. Voronezh: Voronezh. The USSR Ministry of Internal Affairs, 1977. 114 p.
47. Belkin A. R. Theory of Evidence in Criminal Proceedings. Moscow: Norma, 2000. 528 p.
48. Belkin R. S. Course of Soviet Criminology. General theory of Soviet criminology. Moscow: Yurid. lit., 1977. T. 1. 340 p.
49. Belkin R. S. Criminalistics. Moscow: Publishing house NORMA, 2001. 890 p.
50. Belkin R. S. Opposition to the investigation and the way of overcoming it by criminalistic and operative-search means and methods. *Forensic provision of activity of criminal militia and organs of preliminary investigation.* Moscow: New Lawyer, 1997. P. 125–256.
51. Berendeyeva A. I. Observance of human and civil rights and freedoms in operatively-search activity. *Ensuring of rights and freedoms of man and citizen in the activity of internal affairs bodies under current conditions: materials Intern sciences conf., Kyiv, December 4, 2009*. Kyiv: Ministry of Internal Affairs of Ukraine Ministry of Internal Affairs, 2009. P. 224–227.

52. Bessarabov V. G., Kashayev K. A. Protection by the Russian Prosecutor's Office of the rights and freedoms of man and citizen. Moscow: Gorodets, 2007. 464 p.
53. Bessarabov V. G. Prosecutor's Office and Control Authorities of Russia. Moscow: Prospect, 1999. 164 p.
54. Bessarabov V. G. Prosecutor's Supervision: textbook. Moscow: Prospect, 2006. 236 p.
55. Bibliography (criminology and crime prevention): directory/ordinarily: V. V. Vasilevich, S. I. Mirchenko, T. O. Sirodan, etc.; per. unit edit O. M. Dzhuzhi. Kyiv: Atika, 2008. P. 25–28.
56. Biryukov G. M. Problems of informational support of tactics of struggle against crime of organized groups in the conditions of modernity and ways of their resolution. *Bulletin of the Odessa Institute of Internal Affairs*. Odessa, 2000. № 3. P. 12–19.
57. Blaga A. B. Effectiveness of the preventive activity of the investigator as a component of ensuring the rights and freedoms of man and citizen. *Ensuring the rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine in modern conditions: materials Intern. sci. pract. conf., Kyiv, December 4, 2009.* Kharkiv: Human Rights, 2009. P. 227–233.
58. Bochelyuk V. Y., Denisova T. A. Criminal-executive psychology: textbook. Kyiv: Truth, 2008. 328 p.
59. Bogatyryov I. G. Activities of the operational units of the penitentiary institutions for the detection of persons inclined to commit a crime. *Scientific Bulletin of the Dnepropetrovsk State University of Internal Affairs: Collection of scientific works.* 2006. № 4 (30). P. 275–281.
60. Bogatyryov I. G., Bogatyryov O. I., Puriyrev M. S. Prevention of Penitentiary Crime in Ukraine: A Guide/ community edit O. M. Dzhuzhi. Kyiv: Dakar, 2014. 96 p.
61. Bogatyryov I. G., Dzhuzha O. M., Iltyay M. P. Operative-search activity in penitentiary institutions: monograph. Dnipropetrovsk: Dnipropetrovsk. Unitary Inland cases, 2009. 188 p.

62. Borisov V. I. State policy in the field of combating crime and its directions. *Problems of legality: Resp. in between sciences save*/rep. edit T. Ya. Tatiya. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 305–312.
63. Borodovskaya N. Provision of the legal status of the sentenced to imprisonment. *Prosecutor's Office. Man. State*. 2004. № 9 (39). P. 104–112.
64. Brockhaus F. A., Efron I. A. Encyclopedic Dictionary. St. Petersburg, 1901. T. XXXI-A. 796 p.
65. Bryzgalov I. V. Violent crimes committed in the ITC, and their prevention: author's abstract dis. … cand. lawyer sciences: 12.00.08. Kyiv, 1984. 18 p.
66. Bulyko A. N. The Great Dictionary of Foreign Languages. 35 thousand words. 3rd ed., correct, redraf. Moscow: Martin, 2010. 704 p.
67. Bykov V. M., Zhmurova E. S. Investigative actions under the Code of Criminal Procedure of the Russian Federation. *Jurisprudence*. 2003. № 9. P. 134–137.
68. Carmen Rolando V. del. Criminal Procedure: Law and Practice. 2nd ed. Pacific Grove, California: Brooks/Cole Public, 1991. 483 p.
69. Cheltsov-Bebutov M. A. Course of criminal procedural law: essays on the history of the court and the criminal process in slaveholding, feudal and bourgeois states. St. Petersburg: Alfa-Ravenna, 1995. 846 p.
70. Chernyak V. Five hundred years of secret warfare. Moscow: Yurid. lit., 1989. 553 p.
71. Chief of the Investigation Department as a subject of criminal-procedural proof/according to the commissions. ed. d. yuryd. n., prof. L. D. Shot. Kyiv: CST, 2012. 116 p.
72. Chirkin V. E. State and Municipal Administration. Moscow: Lawyer, 2003. 140 p.
73. Chumak P. A. Nature and mechanism of realization of the protective function of the Soviet state: author's abstract. dis. … cand. lawyer sciences: 12.00.01. Kyiv, 1986. 23 p.

74. Consideration by courts of general jurisdiction of cases of various categories during 1990–2000. *Bulletin of the Supreme Court of Ukraine*. 2002. № 1 (29). P. 12–26.
75. Constitution of Ukraine: current legislation as of March 03, 2014: (office text). Kyiv: Volodia A. V., 2014. 64 p.
76. Constitutional Law of Ukraine. Academic course: textbook: 2 t. Vol. 2/ed. by Yu. S. Shemshuchenko. Kyiv: Legal Opinion, 2008. 582 p.
77. Course of Criminal Procedure: textbook: in 3 vol. Vol. 1/ ed. by V. A. Mikhailova. Moscow; Voronezh: NGO "MODEC", 2006. 824 p.
78. Course of Criminal Procedure: textbook: in 3 vol. Vol. 2/ ed. by V. A. Mikhailova. Moscow; Voronezh: NGO "MODEC", 2006. 856 p.
79. Course of lectures on the criminal process under the new CPC of Ukraine in 2 volumes/per coalition. ed. d. yuryd. n., prof. L. D. Shot. Kyiv: NAVS, 2012. 234 p.
80. Crime among social subsystems. New concept and branches of criminology/ed. D. A. Shestakov. St. Petersburg: Legal Center Press, 2003. 353 p.
81. Criminal motivation/otv. edit V. N. Kudryavtsev. Moscow: Nauka, 1986. 304 p.
82. Criminal Procedural Code of Ukraine: Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine in Connection with the Adoption of the Criminal Procedural Code of Ukraine" of April 13, 2012. Kyiv: Allerta, 2012. 304 p.
83. Criminal proceedings in questions and answers/ L. D. Udalova, Yu. I. Azarov, D. P. Written etc. Kyiv: Publishing House "Skif", 2013. 212 p.
84. Criminal-enforcement law: student/ed. I. V. Shmarova. Moscow: BEC, 1996. 418 p.
85. Criminal-enforcement law: textbook. for the lawyer. high schools. 6th ed., corrected, additional/ed. V. I. Selivestrov. Moscow: ID "Jurisprudence", 2007. 392 p.

86. Criminal-executive law of Ukraine: textbook for the studio. higher teach institutions/ed. A. Kh. Stepanyuk. Kharkiv: Law, 2006. 256 p.
87. Criminological and operational-search principles for the prevention of crimes and offenses committed by the staff of correctional colonies: monograph/V. V. Kovalenko, O. M. Dzhuzha, O. G. Kolb and others; for community edit V. V. Kovalenko. Kyiv: Atika, 2011. 368 p.
88. Criminological principles of prevention of crimes in penal institutions of Ukraine (penitentiary criminology): manual/ed. O. M. Dzhuzhi. Kyiv: NAVS, 2013. 620 p.
89. Criminology/ed. R. S. Belkina and G. G. Zuikova. Vol. 2: Appendix. Moscow: Higher school of the Ministry of Internal Affairs of the USSR, 1970. 54 p.
90. Criminology: a guide for terms, basic definitions, recommended sources: teaching. manual/O. G. Kolb, M. M. Yatsyshyn, O. V. Krykunov and others; for community edit O. G. Kolba. Lutsk: RVV "Vezha" Volyn. state un-th them Lesia Ukrainka, 2007. 466 p.
91. Criminology: A textbook for law students. special higher shut up Education/ed. V. Yu. Shepitka. Kyiv: Publishing House "In Yure", 2001. 684 p.
92. Criminology: textbook for high schools/T. V. Averyanova, R. S. Belkin, Yu. G. Koruchov, E. R. Rossinskaya; ed. R. S. Belkin. Moscow: Publishing group NORMA-INFRA-M, 1999. 990 p.
93. Criminology: textbook for students of higher education. establishments/O M. Dzhuzha, Ya. Yu. Kondratiev, O. G. Kulik, P. P. Mikhailenko and others; per unit edit O. M. Dzhuzhi. Kyiv: Yurincom Inter, 2002. 416 p.
94. Custov A. Theoretical Foundations of Forensic Teaching on the Mechanism of a Crime. Moscow: Academy of Internal Affairs of the Russian Federation, 1997. 164 p.
95. Danevsky V. P. Our preliminary investigation: its shortcomings and reform. Kyiv: Semerko Sergey, 2003. 142 p.

96. Davydenko L. M., Bandurka A. A. Counteraction of Crime: Theory, Practice, Problems: monograph. Kharkiv: Publishing house. un-t inside Delov, 2005. 387 p.
97. Davydov D. V. Coordination activity of the prosecutor's office in combating crime: author's abstract. dis. ... cand. lawyer sciences: 12.00.10. Kharkiv, 2012. 20 p.
98. Decree of the Central Committee of the CPSU and the Council of Ministers of the USSR of 23.07.1966. *On Measures to Combat Crime.* True, 1966. 27 July.
99. Dedyukhin V. V. Formation and development of the organization of combating crime in correctional-labor institutions: textbook. Allowance. Moscow: Acad. Ministry of Internal Affairs of the USSR, 1984. 112 p.
100. Denisova T. A., Hradetsky A. V. Factors leading to violations of law enforcement officers. *Providing rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine under present conditions. sci. pract. conf., Kyiv, December 4, 2009.* Kharkiv: Human Rights, 2009. P. 446–452.
101. Department of Criminal Procedure of the National Academy of Internal Affairs/for the constituencies. ed. V. Kovalenko. Kyiv: Logos Ukraine Publishing House, 2013. 168 p.
102. Derishev Y. Criminal pre-trial proceedings: problems and ways of reforming. *Criminal law*. 2005. № 1. P. 81–83.
103. Detkov M. G. Prisons, camps and colonies of Russia (to the 120th anniversary of the Russian Chief Prison Administration)/ed. P. V. Krashennikova. Moscow: Verdict-M, 1999. 448 p.
104. Dictionary of foreign languages/ed. O. S. Melnychuk. Kyiv: Nauka, 1977. 775 p.
105. Dictionary of foreign words. 16th edition, add./ed. V. V. Pchelkin. Moscow: Russian language, 1988. 624 p.
106. Dictionary of foreign words/ed. I. V. Lekhina, F. N. Petrova. Moscow: 1955. 840 p.
107. Dolzhenkov O. F., Nekrasov V. A., Cherkasov Yu. E. Fundamentals of Intelligence in the Environment and

Infrastructure of Crime: monograph. Odessa: RVB OYU NUVS. 2003. 198 p.
108. Dorokhov V. Ya. The criminal-procedural nature of types of evidence: monograph. Moscow: Lawyer, 1982. 186 p.
109. Dubinsky A. Y. Production of preliminary investigation by the bodies of internal affairs. Kyiv: RVV KVSH Ministry of Internal Affairs of the USSR them. F. E. Dzerzhinsky, 1987. 84 p.
110. Dudayev A. B. Educational and preventive measures for combating drug addiction among convicts. *Prevention of drug addiction: organizational and methodical aspects. Final materials of the international project*/ sost. I. P. Ruschenko. Kharkiv: Finart, 2002. P. 213–223.
111. Dusheyko G. O. Organizational and tactical bases of realization of operatively-search information at the stage of prosecution: author's abstract … dis. cand. lawyer sciences: 12.00.09. Kharkiv, 2001. 18 p.
112. Dusheyko G. O. The Role of Dialogue Communication of the Operative-Investigative Activity with Criminals. *Bulletin of the Zaporizhzhya Legal Institute*. 2003. № 2. P. 11–18.
113. Dyomin Y. Changes to the Law of Ukraine "On Prosecutor's Office" – the Next Step on the Way of Democratic Transformations. *Bulletin of the National Academy of Public Prosecutor of Ukraine*. 2012. № 3. P. 5–9.
114. Dzhekebeyev V. S. Crime as a criminological problem. Alma-Ata: Science, 1974. 128 p.
115. Eleonsky V. A. Influence of punishment on convicts: textbook. Allowance. Ryazan: Ryazan. higher shock Ministry of Internal Affairs of the USSR, 1982. 85 p.
116. Ensuring human rights and freedoms in penitentiary institutions. *Status of observance and protection of human rights and freedoms in Ukraine: Report of the Commissioner of the Verkhovna Rada of Ukraine on human rights*. Kyiv: Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights, 2004. P. 278–308.

117. Faber I. E. On the educational function of the public law. *Sov. state and right*. 1963. № 7. P. 38–40.
118. Farinnik V. I., Udalova L. D., Savitsky D. O. Reforming criminal justice: investigative units remain "behind the scenes". *Legal Bulletin of Ukraine*. 2010. № 43. P. 3–12.
119. Farinnik V. We plan to increase the staff of investigators to 22 thousand. *Law and business*. 2012. № 51 (1090), December 22–28. P. 14.
120. Fax G. Big ears of Paris. French Police: History and Modernity. Moscow: Yurid. lit., 1981. 264 p.
121. Features of conducting interrogations of the suspect (accused) in order to prevent torture and other violations of human rights/V. K. Veselsky, V. C. Kuzmichov, V. C. Matsishin, A. V. Starushkevych. Kyiv: Atika, 2004. 146 p.
122. Fedchenko V. M. Investigation of crimes by the investigative and investigative-operational group: legal and organizational principles. Dnipropetrovsk, 2006. 204 p.
123. Foinitsky I. Ya. The doctrine of punishment in connection with secular studies. Moscow: Dobrosvet: Gorodets, 2000. 426 p.
124. Fris P. L. Criminal Law of the Ukrainian State: Theoretical, Historical and Legal Issues. Kyiv: Atika, 2005. 332 p.
125. Fris P. L. Essay on the history of criminal-law policy of Ukraine: monograph/for colleagues. edit M. V. Kostytsky. Kyiv: Atika, 2005. 124 p.
126. Frolova O. G. Crime and the system of criminal punishments (social, legal and criminological problems and ways of their solution by means of logic-mathematical methods): teaching. manual. Kyiv: Artek, 1997. 208 p.
127. From the history of the militia of Soviet Ukraine/ed. P. P. Mikhailenko. Kyiv: RIO of the Ministry of Internal Affairs of the Ukrainian SSR, 1965.
128. Fundamentals of operative-search activity in Ukraine (concept, principles, legal support): textbook/E. A. Di-

dorenko, B. I. Baranenko, V. A. Glazkov and others. Kyiv: Center for Scientific Literature, 2007. 264 p.
129. Fundamentals of Psychology/ed. O. V. Kirichuk, V. A. Roments. Kyiv: Lybid, 1995. 596 p.
130. Galagan V. I. The essence of forensic provision of disclosure and investigation of crimes. *Problems of Penitentiary Theory and Practice*. 2001. № 6. P. 73–77.
131. Gel A. P., Semakov G. S., Yakovets I. S. Criminal-executive law of Ukraine: teaching. manual/ed. A. Kh. Stepanyuk. Kyiv: Yurincom Inter, 2008. 624 p.
132. General characteristics of the State Penitentiary Service of Ukraine for December 25, 2014. URL: http://www.kvs.gov.ua
133. General Prosecutor's Office of Ukraine. URL: http://www.gp.gov.ua/ua/zvitmu.html; Analyzes and Summaries for 2013 (Archives 2013).
134. General theory of state and law. Academic course: 3 toms/the answer is M. N. Marchenko's editor-in-chief. Moscow: Norma, 2007. 804 p.
135. General theory of state and law/ed. M. V. Tsvika, O. V. Petryshina. Kharkiv, 2010. 340 p.
136. General theory of state and law/ed. V. V. Kopeichikova. Kyiv, 1997. 317 p.
137. Gernet M. N. In Prison: Essays on Prison Psychology. 2nd ed., additional. Kyiv: Yurid. publishing house of Ukraine, 1930. 234 p.
138. Glotochkin A. D., Pyrozhkov V. F. Corrective and Labor Psychology. Moscow: RIO of the Ministry of Internal Affairs of the USSR, 1974. 426 p.
139. Goliak L. V., Matsko A. S., Tyurin O. V. Comparative Law: course of lectures. Kyiv: MAUP, 2004. 200 p.
140. Golina V. V. Crime: the variety of concepts and the substantive essence of the phenomenon. *Problems of legality: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 324–336.
141. Golina V. V., Lukashevich S. Yu. About the concept and general characteristics of crime in places of

imprisonment. *Problems of legality.* Kharkiv: Nat. lawyer acad. of Ukraine, 1999. Vyp. 38. P. 187–193.
142. Goloshchapov A. V. On the Question of the Concept and the Essence of the Function of Criminal Persecution. *The Legal Science of Siberia*. Kemerovo: Rat, 1997. P. 182–186.
143. Golovin A. Yu. Forensic systematics. Moscow: Lex Est, 2002. 189 p.
144. Golunsky S. O. On Incitement to Criminal Persecution. *Soc. Legality*. 1936. № 2. P. 38–42.
145. Gordin L. Y. Investigative-operational group: problems of creation and activity: monograph. Kharkiv: Publishing house "FINN", 2009. 192 p.
146. Gorpenyuk A., Temnikov O. Coordination role of the prosecutor's offices in the activity of law enforcement agencies in combating crime. *Bulletin of the Prosecutor's Office*. 2009. № 2. P. 56–51.
147. Great explanatory dictionary of the Ukrainian language/uporyad. T. V. Kovalev. Kharkiv: Folio, 2005. 767 p.
148. Gribovsky N. N. The place and role of the European Police Department in implementing the unified criminal policy of the European Union. *Russian investigator*. 2006. № 9. P. 56–58.
149. Grigoruk N. G. Inconfidence in the powers of peoples deputies of Ukraine. *Journal of the University of Law*. 2002. № 2. P. 32–33.
150. Grishin Yu. A. On the status of the prosecutor at the stage of pre-trial investigation in the reformed criminal process of Ukraine: materials of the International Conference. Lugansk, RVV LSUVS them. E. O. Didorenka, 2012. P. 98–107.
151. Groshevyi Yu. M., Stakhivsky S. M. Evidence and Evidence in the Criminal Procedure: Scientific and Practical Guide. Kyiv: Publishing House "Legal Book", 2006. 272 p.
152. Gross G. Guidance for Forensic Investigators as a Criminalistics System. St. Petersburg, 1908. 317 p.

153. Gulin S. N., Chernyshov V. N., Shapovalov L. I. Investigation in the organs of internal affairs: textbook. Allowance. Donetsk: RIO Donetsk. lawyer in-te, 2000. 258 p.
154. Gurov A. I. Professional crime: the past and the present. Moscow: Yurid. lit., 1990. 304 p.
155. Gutsenko K. F. Law-enforcement bodies of Ukraine. Moscow: Lawyer, 1997. 242 p.
156. Harkovets S. O. System of values of the person and suicidal tendency of its behavior (on an example of offenders). *Problems of penitentiary theory and practice*. 2001. № 6. P. 289–291.
157. Human Rights in Ukraine-2007: Report of Human Rights Organizations/ed. E. Zakharova, I. Rapp, V. Yavorsky. Kharkiv: Human rights, 2008. 304 p.
158. Ilnitsky V. Ya. The role and place of the operational apparatuses of places of imprisonment for investigating crimes committed by convicts: autoref … dis. cand. lawyer sciences: 12.00.09. Lviv, 2009. 19 p.
159. Instruction on the organization of the holding of secret investigative (search) actions and the use of their results in criminal proceedings: the Zat. by order of the General Prosecutor's Office, Ministry of Internal Affairs of Ukraine, SBU, Administration of the Border Guard Service of Ukraine, Ministry of Finance of Ukraine, Ministry of Justice of Ukraine dated November 16, 2012. No. 114/1042/516/1199/936/1687/5. URL: http://zakon3.rada.gov.ua/laws/show/v0114900-12
160. International Police Encyclopedia: 10 toms/bp. ed.: V. V. Kovalenko, Ye. M. Moiseyev, V. Ya. Tatsiy, Yu. S. Shemshuchenko. Kyiv: Atika, 2010. T. VI: Operational-search activity of the police (militia). 1128 p.
161. Investigative activity and secret investigative (search) actions in the schemes: manual/D. Y. Nikiforchuk, O. S. Tarasenko, V. I. Vasilynchuk, A. M. Kisly. Kyiv: Nat. acad. inside cases, 2015. 176 p.
162. Involuntary Investigative (Investigating) Actions: course of lectures/D. J. Nikiforchuk, S. I. Nikoluk,

O. I. Kozachenko et al.; for the community edit D. J. Nikiforchuk. Kyiv: NAVS, 2012. 138 p.
163. Jurisprudence: dictionary of terms: teach. manual/ for ed. V. G. Goncharenko. Kyiv: Lawyer Counsel, 2007. 636 p.
164. Kalman O. G. What opposes crime? *Mirror of the week*. 2009. № 8. P. 37–38.
165. Kaplina O. V. The law-making role of judicial practice in criminal proceedings. *Problems of legality: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 346–354.
166. Karetnikov I. V. The concept of crime in correctional-labor colonies. *Problems of prevention of offenses in places of deprivation of liberty*. Moscow: VNII of the Ministry of Internal Affairs of the USSR, 1985. P. 80–85.
167. Karkach P. N., Sinchuk V. L. Coordinating function of the Prosecutor's Office of Ukraine: Educational Manual. Kharkiv: Law, 2005. 96 p.
168. Karpets I. I. Punishments. Social, legal and criminological problems. Moscow: Yurid. lit., 1973. 228 p.
169. Karyeva G. Where to be the investigating apparatus? *Socialist legality*. 1991. № 2. P. 26–27.
170. Karyyshev V. M. The Russian Mafia 1988–2009. Moscow: Eksmo, 2009. 832 p.
171. Kellman M. S., Murashin O. G. General theory of state and law: textbook. Kyiv, 2006. 477 p.
172. Khavronyuk M. I. Contemporary European Criminal Legislation: Harmonization Problems: monograph. Kyiv: Truth, 2005. 264 p.
173. Khavronyuk M. I. Scientific and Practical Commentary to the Law of Ukraine "On Principles of Prevention and Counteraction of Corruption". Kyiv: Atika, 2011. 424 p.
174. Khristyuk S. O. Employees and Convicts: Problems of Communication. *Problems of Penitentiary Theory and Practice*. 2000. № 5. P. 158–162.

175. Kistyakovsky A. F. The general part of the criminal proceedings. Kyiv: Publishing House Semenko Sergey, 2005. 118 p.
176. Klimov I. A., Sinilov G. K. Counteraction of the criminal environment as an object and object of the inheritance of the ORD theory. *Organized opposition to the disclosure and investigation of crimes and measures for its neutralization: materials of the scientific and practical conference, Mr. Ruza, 29–30 October 1996*. Moscow: Yu Ministry of Internal Affairs of Russia, 1997. P. 20–27.
177. Kolb O. H. Criminology and social prevention of crimes in correctional institutions: teach. manual. Lutsk: RVV "Vezha" Volyn. state un-th them Lesia Ukrainka, 2007. 399 p.
178. Kolb O. H. Influence of operative-search activity on the determinants of the commission of crimes by convicts to imprisonment. *Scientific Bulletin of the National Academy of Sciences of Ukraine*. Kyiv, 2004. № 3. P. 127–134.
179. Kolb O. H. ODD as the basis of special crime prevention in places of imprisonment. *Ways of improvement of ODI of law enforcement bodies: Collection of scientific works. Appendix № 1 to the Bulletin № 3 under the NAVSU*. Lviv, 2003. P. 156–164.
180. Kolb O. H. Penitentiary Institution as Crime Prevention Agent: monograph. Lutsk: RVV "Vezha" Volyn. state un-th them Lesia Ukrainka, 2006. 464 p.
181. Kolb O. H. Penitentiary Institution as the subject of crime prevention: dis. … doc. lawyer sciences: 12.00.08. Kyiv, 2007. 513 p.
182. Kolb O. H. Prevention of Crime in places of imprisonment: teach. manual. Lutsk: RVV "Vezha" Volyn. state un-th them Lesia Ukrainka, 2005. 494 p.
183. Kondratishina V. V. Criminal-executive policy of Ukraine: formation and realization: autoref dis. … cand. lawyer sciences: 12.00.08. Lviv, 2009. 17 p.

184. Kondratyeva S. L. Legal liability: the ratio of the burrow of material and procedural law: author's abstract. dis. ... cand. lawyer sciences. Moscow, 1998. 21 p.
185. Konovalova V. E. Problems of logic and psychology in investigative tactics. Kyiv: Izd. of the Ministry of Internal Affairs of the USSR, 1970. 163 p.
186. Konyuk A. V. Implementation by the prosecutor's office of coordination and supervisory functions in the field of counteraction to corruption (state and ways of perfection). *Problems of Improvement of Law Enforcement Activity in the Area of Counteracting Crime and Corruption: materials of International science. conferences.* Minsk: BSUFK, 2012. P. 4–8.
187. Kopotun I. M. Criminological measures to prevent an offense related to the penetration of prohibited items to penitentiary institutions and unauthorized (non-service) communications between staff with convicts. *The State Penitentiary Service of Ukraine: History, present and prospects of development in the light of international standards and the Concept of state policy in the field of reforming the Internal Affairs Committee of Ukraine: thesis International. sci. pract. conf. (Kyiv, 28–29.03.2013).* Kyiv: DPTs, 2013. P. 61–63.
188. Kopotun I. M., Steblinska O. S. Methodical recommendations on the use of the Criminal Procedural Code of Ukraine by the bodies and institutions of the State Penitentiary Service of Ukraine: instructors. Kyiv: In-te of Criminal Execution Service, 2012. 36 p.
189. Korobeev A. I. Soviet Criminal Policy. Vladivostok: Izvod Vladivost. state un-ta, 1987. 126 p.
190. Kosenko V. F. Professionalism of operational vehicles and crime. *Theory of operational and service activities of law enforcement bodies: Scientific publication*/ed. V. L. Regulsky. Lviv: LIVS under the Ministry of Internal Affairs of Ukraine, 2000. P. 290–292.
191. Koshynets V. V. Results of the State Criminal-Executive Service of Ukraine. *Practice of the implementation of alternative punishments: inform. newsletter/*

per. bulletin edit N. G. Kalashnikov. Kyiv: DDUPPV, 2008. P. 3–7.
192. Kostin M. I. Contraband. Evidence of the circumstances of committing a crime on pre-trial investigation: monograph. Kyiv: Action, 2003. 185 p.
193. Kovalsky V. C. Security function of law: monograph. Kyiv: Yurinkom Inter, 2010. 336 p.
194. Kozachenko I. P. Tactics of application of methods and means of operative-search activity, prevention and disclosure of crimes. Kyiv: NII RIO KVSH Ministry of Internal Affairs of the USSR them. F. E. Dzerzhinsky, 1988. 200 p.
195. Kozachenko I. P. The Concept of Development of the Theory of Operative-Investigative Activity. *Bulletin of the Livs of the Ukrainian Academy of Sciences*. Lviv: View of Lviv Institute of Internal Affairs, 1999. № 2 (10). P. 153–158.
196. Kravchuk M. V. Theory of state and law: teach. manual. Ternopil: Economic Thought, 1999. 240 p.
197. Kravchuk O. State Property Management: Functional Aspect. *The Law of Ukraine*. 2012. № 6. P. 202–208.
198. Kryukov V. F. Prosecutor's Supervision: textbook. Moscow: Norma, 2006. 784 p.
199. Kulagin N. I. Organization and tactics of preliminary investigation in places of imprisonment: a manual. Volgograd: USSR Ministry of Internal Affairs, 1977. 126 p.
200. Kurochka M. Y. Lawfulness in operational search activity and prosecutorial supervision over its observance. Lugansk, RVVLIVS, 2001. 160 p.
201. Kutyakin S. A. Formation of the phenomenon of "thief" in the prison community of Russia in the half of the nineteenth and early twentieth centuries. *Humanitarian and Penitentiary Bulletin*: Scientific-Publicist Almanac. Ryazan: Academy of Law and Administration of the Ministry of Justice of Russia, 2007. № 2. P. 59–80.
202. Kutyakin S. A. History of the concept and content of the phenomenon of "thieves" in the places of deprivation of freedom of Russia. *Law and life: Independent*

scientific journal. Moscow: Lawyer, 2006. № 100 (10). P. 266–272.
203. Kuz'min G. N. Psychological features of the investigation of crimes in correctional institutions. *Lawfulness.* 2002. № 8. P. 21–23.
204. Larin A. M. Crime and detectability of crimes. *State and Law*. 1999. № 4. P. 83–89.
205. Lebedyev P. Yu., Khizhnyak D. S. Features of examination of the scene of an incident in the investigation of serious crimes committed in places of imprisonment. *Investigator.* 2004. № 6. P. 39–41.
206. Lebedyev S. Ya. Traditions and customs in the system of criminological determination (theoretical and methodological bases of research): author's abstract dis. ... dr. lawr. sciences: 12.00.08. Moscow, 1995. 36 p.
207. Lebedyeva A. D. Corrective labor policy of the Soviet state in the postwar period (1945–1970): the content and organizational and legal bases of realization: dis ... cand. lawyer sciences: 12.00.01. Krasnodar, 2005. 215 p.
208. Legal encyclopedia: in 6 t./redkol. Yu. S. Shemshuchenko and others. Kyiv: Ukrainian encyclopedia, 2004. 768 p.
209. Legal statistics: textbook/E. M. Moiseyev, O. M. Dzhuzha, V. V. Vasilevich and others; for community edit prof. O. M. Dzhuzhi. Kyiv: Atika, 2008. 392 p.
210. Lemarchenko S. L. The main stages of development of the organs of preliminary investigation of the Ukrainian SSR: author's abstract. dis. ... cand. lawyer sciences: 12.00.09. Kyiv, 1972. 24 p.
211. Lesnikov G. Yu., Lopashenko N. A. The concept of criminal policy, its content and principles. *Encyclopedia of criminal law.* St. Petersburg: Izd. prof. Malinina, 2005. Vol. 1: The concept of criminal law. P. 4–144.
212. Levitskaya L. V. Problems of perfection of the criminal law of Ukraine in the part of prevention of corruption and bribery. *Ensuring of rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine in modern conditions: Intern.*

sci. pract. conf., Kyiv, December 4, 2009. Kharkiv: Human Rights, 2009. P. 108–112.
213. Litvak O. M. Criminality, its causes and prevention. Kyiv: View Ukraine, 1997. 167 p.
214. Litvin T. Specific Aspects of Concepts Information, Information Source, Document in the Perspective of Law Enforcement Activities. *Problems of Penitentiary Theory and Practice: bulletin*. 2001. № 6. P. 44–53.
215. Litvinchuk O. I. Procedural status of the investigator in the criminal process of Ukraine: author's abstract. dis. … cand. lawyer sciences: 12.00.09. Kyiv, 2007. 16 p.
216. Litvinchuk O. I. The procedural status of the investigator for the new CPC of Ukraine. *Current issues of reforming the criminal-procedural legislation and improving the activity of judicial and law-enforcement bodies of Ukraine: materials Intern science-practice conf.* Lugansk, RVV LSUVS them. E. Didorenko, 2012. P. 62–65.
217. Litvinchuk O. I. The procedural status of the investigator in the criminal process of Ukraine: dis. … candidate. lawyer sciences: 12.00.09. Lugansk, 2007. 244 p.
218. Lubin A. F., Zhuravlev S. Yu. Neutralization of counteraction to the investigation. *Forensic science. Investigation of crimes in the sphere of economy.* Novgorod: NHSH Ministry of Internal Affairs of Russia, 1995. P. 340–384.
219. Luchinsky N. F. Principles of Prison Affairs. St. Petersburg: Prison Newspaper, 1904. 168 p.
220. Lukashevich S. Yu. Criminological characteristics and prevention of criminality of convicts in places of imprisonment: dis. … cand. lawyer sciences: 12.00.08. Kharkiv, 2001. 193 p.
221. Lukashevich V. G. Criminalistic communication theory: problem statement, research methodology, prospects of use. Kyiv: KNUVS, 1993. 194 p.
222. Lukyanova E. G. Theory of procedural law. Moscow: Nauka, 2004. 320 p.

223. Lunyeyev V. V. Motivation of criminal behavior. Moscow: Nauka, 1991. 383 p.
224. Lupinskaya P. A. Decisions in Criminal Proceedings: Theory, Legislation and Politics. Moscow: Jurist, 2006. 174 p.
225. Luznin I. M. Methodological problems of investigation. Moscow: Research Institute of the Ministry of Internal Affairs of the USSR, 1973. 215 p.
226. Lyash A. O., Lyash D. O., Stakhovsky S. M. Evidence and Evidence in Criminal Proceedings: teaching. manual/ed. Yu. M. Groshevoy. Kyiv: University "Ukraine", 2006. 185 p.
227. Levochkin V. A. Regulatory and organizational principles of ensuring implementation in Ukraine of international standards on the rights and freedoms of sentenced to imprisonment: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kyiv, 2002. 18 p.
228. Makarenko A. S. Pedagogical writings: in 8 t. T. 4. Moscow: Pedagogics, 1984. 399 p.
229. Malko A. V. Limiting function of the legal process. *Jurisprudence*. Tolyatti, 1996. № 5. P. 3–16.
230. Malyarenko V. T. Competition of parties in criminal proceedings. *Bulletin of the Prosecutor's Office*. 2003. № 1. P. 15–21.
231. Malyarenko V. T. Reforming the Criminal Procedure Process of Ukraine in the Context of European Standards: Theory, History and Practice: monograph. Kyiv: Yuri Y., 2004. 544 p.
232. Malyarenko V. T. Restructuring of the criminal process of Ukraine in the context of European standards: monograph. Kyiv: Yurincom Inter, 2005. 512 p.
233. Marchenko M. N. Problems of the general theory of state and law: textbook: in 2 vol. Vol. 1. State. Moscow, 2008. 752 p.
234. Martynenko O. A. Determination and prevention of crime among the personnel of the bodies of internal affairs of Ukraine: monograph. Kharkiv: Publishing house of the KhNUVS, 2005. 496 p.

235. Mazyuk R. V. The emergence, establishment and development of the concept of "criminal prosecution" in the Russian criminal justice system. Irkutsk: Publishing house of BGUEP, 2007. 186 p.
236. Michalko I. S. Ensuring the principle of rational use of coercive measures and stimulation of obedient behavior of convicts: monograph. Kharkiv: Right, 2013. 200 p.
237. Mikhailenko A. R. Investigation of crimes: the legality and maintenance of the rights of citizens. Kyiv: Yurinkom Inter, 1999. 448 p.
238. Mikhailenko O. Problems of Reforming the Prosecutor's Office of Ukraine. *The Law of Ukraine*. 1998. № 1. P. 80–82.
239. Mikhailenko O. R. Prosecutor's Office of Ukraine: textbook. Kyiv: Yurincom Inter, 2005. 296 p.
240. Mikhailovskaya I. B. Goals, functions, principles of the Russian criminal justice system. Moscow, 2008. 186 p.
241. Mikheyenko M. M., Shibiko V. P., Dubinsky A. Ya. Scientific and practical commentary of the Code of Criminal Procedure of Ukraine. Kyiv: Yurincom Inter, 1997. 624 p.
242. Mikheyenko M. M., Nor V. T., Shibiko V. P. The Criminal Procedure Process of Ukraine: textbook. Kyiv: Yurincom Inter, 1992. 522 p.
243. Mikhlin A. S. The role of the social and demographic characteristics of the individual in correcting and re-educating convicted persons in deprivation of liberty. Moscow: VNIIA of the Ministry of Internal Affairs of the USSR, 1970. 165 p.
244. Mineyev I. I. Investigation in correctional institutions. *Russian. Justice.* 2001. № 8. P. 60–61.
245. Mochil S. K. Modern state in extreme situations: norms, organs, functions: author's abstract. dis … cand. lawyer sciences: 12.00.01. Odessa, 2003. 19 p.
246. Modern Criminal Execution Policy of Ukraine: monograph. 2nd form. trick and reworked./O. H. Kolb, V. P. Zakharov, V. V. Kondratishina and others; per

unit edit O. H. Kolba. Lutsk, PP Ivanyuk V. P., 2008. 210 p.
247. Morozov O. M., Kurii T. G. Crime and heredity. *Problems of Penitentiary Theory and Practice*. 1999. № 4. P. 112–116.
248. Morozova T. V. Personality features of aggressive convicts. *Problems of Penitentiary Theory and Practice*. 2000. № 5. P. 163–168.
249. Mukhaev R. T. State and Law Theory: a textbook. Moscow: PRIOR, 2001. 302 p.
250. Muravyov K. V. Some legal aspects of prevention of evasion of criminals from inquiry, investigation, trial and serving of punishment. *Problems of Penitentiary Theory and Practice*: Kyiv: Kyiv. In-te of Internal Affairs, 2001. № 6. P. 68–72.
251. Muravyov P. A., Mitrokhin N. I. Forms of counteraction of organized criminal structures to law-enforcement bodies and practice of their neutralization. *Problems of struggle against organized crime and corruption.* Tver: Tver. Branch of the Research Institute of the Ministry of Internal Affairs of Russia, 1995. P. 12–18.
252. Muravyov V. K. "Areshtanskaya community" as a socio-psychological phenomenon in places of imprisonment. *Problems of penitentiary Theory and Practice*. Kyiv: KIVS, 2000. № 5. P. 151–157.
253. Nadritsev N. M. The Russian community in prison and exile. St. Petersburg: Printing house A. Marigerovsky, Nadezhdinskaya Street, № 39, 1872. 187 p.
254. Nalyvayko L. R. Concept and main features of the state function. *State of Law: Sb. sciences Work.* Kyiv: In-te of State and Law of them. V. M. Koretsky National acad. of sciences of Ukraine, 2005. № 16. P. 183–186.
255. Nalyvayko L. R. Definition of the concept of the function of modern Ukrainian state. *Bulletin of the Zaporizhzhya State University*. 2004. № 2. P. 73–77.
256. Natashev A. A., Struchkov N. A. Fundamentals of Theory of Corrective Labor Law. Moscow: Yurid. lit., 1967. 191 p.

257. Nazarenko S. P. Problems of observance of human rights in the field of operative and investigative activity. *Ensuring of rights and freedoms of man and citizen in the activity of internal affairs bodies under current conditions: materials International. sci. pract. conf., Kyiv, December 4, 2009.* Kyiv: DNIII Ministry of Internal Affairs of Ukraine, 2009. P. 292–294.
258. Nazarov V. V. Constitutional rights and their limitations in the criminal process of Ukraine in Ukraine. Kharkiv: TD "Golden mile", 2009. 400 p.
259. Nekrasov V. A. Problems of the tacit penetration into a criminal environment: dis. … cand. lawyer sciences: 21.07.04. Kharkiv: NUVS, 2001. 221 p.
260. Nekrasov V. A., Biryukov G. M., Korsun S. I. Penetration into the criminal environment: organizational and tactical basis: monograph. Kyiv: RVV of the Ministry of Internal Affairs of Ukraine, 2004. 196 p.
261. Netkin I. V. Counteraction to the investigation of customs crimes, forensic means and methods for its overcoming: dis … cand. lawyer sciences: 12.00.09. Moscow, 2001. 21 p.
262. North B. Coordination – mechanism of self-regulation of criminal justice as a system. *Prosecutor's Office. Man. State*. 2004. № 12. P. 93–99.
263. Obolensky O. Yu. Organizational mechanism of regulation of economy: author's abstract. dis. … dr. economist. sciences: 08.02.03. Donetsk, 2001. 48 p.
264. Observance of the rights of prisoners in Ukraine. 2006. *Aspect: Inform. bullet.* Donetsk: Donetsk Memorial, 2007. № 1 (18). P. 3–28.
265. Omelchenko A. Effectiveness of Preventive Measures in Criminal Proceedings of Ukraine. *Bulletin of the Prosecutor's Office*. 2014. № 4 (154). P. 44–49.
266. On Amendments to the Criminal-Executive Code of Ukraine on Adaptation of the Legal Status of a Convicted to European Standards: Law of Ukraine dated April 8, 2014. *Bulletin of the Verkhovna Rada of Ukraine*. 2014. № 23. P. 869.

267. On Coordination of Law Enforcement Activities in the Field of Counteracting Crime and Corruption. Order of the Prosecutor General of Ukraine No. 1/1 dated January 16, 2013. URL: http://search.ligazakon.ua/l_doc2nsf/fink1/GP11028.html
268. On Operational Investigative Activity: Law of Ukraine dated February 18, 1992. *Bulletin of the Verkhovna Rada of Ukraine*. 1992. № 22. P. 303.
269. On Organizational and Legal Basis for Combating Organized Crime: Law of Ukraine dated June 30, 1993. *Vedomosti of the Verkhovna Rada of Ukraine*. 1993. № 35. P. 358.
270. On pre-trial detention: Law of Ukraine dated June 30, 1993, № 3352-XII. *Bulletin of the Verkhovna Rada of Ukraine*. 1993. № 53. P. 360.
271. On Prevention of Corruption: Law of Ukraine dated October 14, 2014, No. 1700-VII. *Bulletin of the Verkhovna Rada of Ukraine*. 2014. № 49. 2056 p.
272. On the state of observance of legality in the execution of court decisions in criminal proceedings, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens during the 12 months of 2014: an information and analytical bulletin. Kyiv: Gen. prokras Ukraine, 2014. 56 p.
273. Onopenko P. V. Law enforcement functions of the Ukrainian state: content and implementation: author's abstract. dis … cand. lawyer sciences: 12.00.01. Kyiv, 2005. 19 p.
274. Operational-search activity as a state-legal form of struggle against crime/A. F. Dolzhenkov, F. K. Dushko and others. Odessa: OGU, 1994. 244 p.
275. Operational-search activity: textbook. 2nd ed., additional. and processing./ed. K. K. Goryainov, V. S. Ovchinsky, G. K. Sinilov, A. Yu. Shumilov. Moscow: INFRA-M, 2004. 848 p.
276. Opvey K. V. Causes and conditions of crime in places of imprisonment. *Enterprise, economy and law*. 2004. № 11. P. 153–157.

277. Organization of individual prevention of crimes in a criminal-executive institution: monograph. 2nd species., processing. and listens./V. P. Zakharov, O. G. Kolb, S. M. Mironchuk, L. I. Milyshchuk. Lutsk: PP Ivanyuk V. P., 2007. 442 p.
278. Ortinsky V. L. Counteraction to the illegal economy by means of operational-search activity: monograph. Lviv: RVV Lviv, 2004. 436 p.
279. Osadchy V. I. On the Context of Violence in Crimes Against Law Enforcement Activities. *The Law of Ukraine*. 1999. № 6. P. 110–115.
280. Ozhegov S. I. Dictionary of the Russian language/ ed. by M. Yu. Shvedova. Moscow: Russian language, 1988. 750 p.
281. Panchuk V. M. Yavki with the guilty in the system of resocialization of juvenile convicts. *Problems of Penitentiary Theory and Practice*. 1996. № 1. P. 95–100.
282. Pelykh N. Function of the Ukrainian State. *Entrepreneurship, economy and law*. 2005. № 1. P. 3–6.
283. Petrova A. N. Anti-Investigation: Forensic and Other Measures to Overcome it: author's abstract dis. ... candidate. lawyer sciences: 12.00.09. Volgograd, 2000. 19 p.
284. Petukhovsky M. A. Investigation and preliminary investigation in correctional-labor institutions (criminal-procedural and tactical and criminalistic problems): a manual. Moscow: VNII MVD USSR, 1979. 191 p.
285. Pivnenko V. Judicial control. Can it be an independent function of judicial authorities in criminal proceedings. *Prosecutor's Office. Man. State*. 2004. № 3. P. 104–108.
286. Pivnenko V. The Law-enforcement System of Ukraine: Definition and Functioning. *Bulletin of the Prosecutor's Office*. 2003. № 2. P. 39–45.
287. Pivnenko V., Andrusyak V. About the criminal-procedural function of organs of pre-trial investigation. *Bulletin of the National Academy of Public Prosecutor of Ukraine*. 2007. № 4. P. 80–83.

288. Pivovarov V. V., Shcherbina L. I. Interaction of the bodies of pre-trial investigation and inquiries in the investigation of criminal cases: monograph. Kharkiv: Folio, 2006. 160 p.
289. Pluzhnik O. I. Criminal liability for violation of the regime of serving a sentence in correctional institutions and detention: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kyiv, 2003. 19 p.
290. Pogoretsky M. Means of Cognition of Crime in the Criminal Procedure and in Operative-Investigative Activities. *Bulletin of the Academy of Prosecutor's Office of Ukraine*. Kyiv, 2007. № 1. P. 77–82.
291. Polyakov M. P. Fundamentals of Criminal-Procedural Interpretation of Results of Operative-Investigative Activity: textbook. N. Novgorod: Nizhny Novgorod. academy of the Ministry of Internal Affairs of the Russian Federation, 2000. 114 p.
292. Popelyushko V. O. Problems of criminal process and protection in a criminal case: zb. sciences articles/ layout. S. V. Avramishin. Ostrog: Publishing House of the National University of Ostroh Academy, 2008. 400 p.
293. Problems of ensuring the effectiveness of the criminal prosecution authorities in Ukraine: monograph/ count. aut., for comrades edit V. I. Borisova, V. S. Zelenetsky. Kharkiv: Law, 2010. 400 p.
294. Provision on Prosecutorial Supervision in the Ukrainian SSR, approved by the decision of the Central Executive Committee on June 28, 1922. Collection of resolutions and orders of the workers 'and peasants' government of Ukraine for 1922–1923. Kharkiv: Summer Printing House "Knyzovytski", Netechenskaya Naber., 14, 1922. 1147 p.
295. Pshonka V. P. Concerning the proper coordination of law enforcement agencies in the fight against offenses. *Bulletin of the Prosecutor's Office*. 2012. № 3. P. 3–10.
296. Pugach V. O., Nepomchatkova O. V. Criminal Subculture and Its Distribution in Ukraine. *The News of the Criminological Association of Ukraine*: Almanac.

Kharkiv: Vat. nats. un-th interior, 2004. № 1. P. 144–147.
297. Pyrozhkov V. F. Criminal psychology: in 2 books. Moscow: Oh-89, 1998. B. 1. 304 p.
298. Pyrozhkov V. F. Criminal Subculture: Psychological Interpretation of Functions, Content, Attributes. *Psychological Journal*. 1994. № 2. T. 15. P. 71–76.
299. Radov G. O. Formation of the convicts' spirituality in the context of the penitentiary process. *Problems of Penitentiary Theory and Practice*. Kyiv: KIVS, 1997. № 2. P. 5–10.
300. Ratinov A. R. Legal Psychology of Criminal Behavior: Theory and Methodology of Research. Krasnoyarsk: Publishing House of Krasnoyarsk. un-t, 1988. 253 p.
301. Razinkin V. S. "The Thieves in the Law" and the criminal clans. Moscow: Criminologist. Assoc., 1995. 216 p.
302. Reference book of the criminalist/ed. N. A. Selivanova. Moscow: Case, 2000. 134 p.
303. Resolution of the Central Committee of the CPSU on the Bryansk Party Organization dated January 25, 1972. True. January 1972 – January 28.
304. Resolution of the Plenum of the Supreme Court of Ukraine dated February 11, 2005. No. 2 "On the Practice of the Use by the Courts of Ukraine of Legislation Regulating the Return of a Criminal Case for an Additional Investigation". *Resolution of the Plenum of the Supreme Court of Ukraine in Criminal Matters*/for. comp. edit V. T. Malyarenko; emphasis P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 310–317.
305. Resolution of the Plenum of the Supreme Court of Ukraine № 2 dated March 26, 1993 "On the judicial practice of crimes connected with violations of the regime of serving sentences in places of deprivation of liberty". *Resolution of the Plenum of the Supreme Court of Ukraine in criminal cases.*/ed. V. T. Malyarenko; orderly P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 98–107.

306. Resolution of the Plenum of the Supreme Court of Ukraine of December 23, 2005. № 13 "On the Practice of Criminal Cases in the Case of Crimes Caused by Persistent Criminal Institutions". *Resolution of the Plenum of the Supreme Court of Ukraine in Criminal Matters.*/ed. V. T. Malyarenko; orderly P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 354–362.
307. Resolution of the Plenum of the Supreme Court of Ukraine of December 26, 2003, № 15 "On judicial practice in cases of excessive authority or official authority". *Resolution of the Plenum of the Supreme Court of Ukraine in criminal cases*/for. comp. edit V. T. Malyarenko; orderly P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 240–246.
308. Resolution of the Plenum of the Supreme Court of Ukraine of June 18, 1999, No. 10 "On the application of the law providing for state protection of judges, court employees and law enforcement bodies and persons involved in legal proceedings". *Resolutions of the Plenum of the Supreme Court of Ukraine in criminal cases*/ for comp. edit V. T. Malyarenko; emphasis P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 136–140.
309. Resolution of the Plenum of the Supreme Court of Ukraine of October 24, 2003. № 7 "On the practice of appointment of criminal punishment by courts". *Resolutions of the Plenum of the Supreme Court of Ukraine in criminal cases*/according to the constituency edit V. T. Malyarenko; emphasis P. P. Pylypchuk. Kyiv: Yurincom Inter, 2007. P. 215–230.
310. Ruban V. Supervisory and coordination activities of the prosecutor's office. *Bulletin of the Prosecutor's Office*. 2012. № 8. P. 17–21.
311. Ruchkin F. V. Negative Consequences of Prison Detection. *Aspect: Inform. bullet*. Donetsk: Donetsk Memorial, 2003. № 1 (9). P. 37–41.
312. Rudnik V. I. Negative consequences of the application of a criminal punishment in the form of deprivation of liberty and the main measures of their neutrali-

zation: author's abstract dis. … cand. lawyer sciences: 12.00.08. Kyiv, 1990. 29 p.
313. Rules of the internal order of penitentiary institutions: approved by the order of the Ministry of Justice of Ukraine, December 29, 2014, № 2186/5. *Official Bulletin of Ukraine*. 2015. № 4. Art. 88.
314. Russia's Criminal and Enforcement Right: Theory, Legislation, International Standards, Russian Practice of the End of the 19th and early 21st Centuries: a Textbook for High Schools. 3rd ed. recycling and add./ ed. A. I. Zubkov. Moscow: Norma, 2005. 720 p.
315. Russian-Ukrainian dictionary of legal terminology. Kyiv: Nauka, 1985. 787 p.
316. Ryabchenko O. P. State administration of the economy of Ukraine (administrative-legal aspect): author's abstract. dis. … dr. lawyer. sciences: 12.00.07. Kharkiv, 2001. 47 p.
317. Sakharov A. B. The role of criminological science in crime prevention. *Sots. Legality*. 1985. № 12. P. 27–29.
318. Salo V. I. Internal functions of the state in the conditions of membership in the European Union: author's abstract. dis … cand. lawyer sciences: 12.00.01. Kharkiv, 2008. 20 p.
319. Saltevsky M. V., Lukashevich V. G. Problems of classification of information sources for investigative actions in forensic tactics. *Forensic science and forensic examination*. Kyiv, 1984. № 29. P. 30–33.
320. Saltevsky M. V., Lukashevich V. G., Glibko V. M. A textbook on criminology. Kyiv: RVV NAVSU, 1994. 320 p.
321. Savitsky V. M. Essay on the theory of prosecutorial supervision. Moscow: Nauka, 1985. 379 p.
322. Savitsky V. M. Prosecutor's Supervision over Compliance with the Lawfulness of the Institutions of Investigation and Preliminary Investigations/ed. by M. S. Strogovich, G. N. Alexandrova. Moscow: Gosyuridadat, 1959. 262 p.
323. Savoyuk R. Yu. A view from the shore, or between two points of view. *The Criminological Association of*

Ukraine: almanac. Kharkiv: View of Kharkiv. National University of Internal Affairs, 2004. № 1. P. 65–67.
324. Sazhin V. L., Yur'ev V. K. Health and Diseases of Prisoners. *Series of "World of Medicine"*. St. Petersburg: Lan, 1999. 112 p.
325. Scientific and Practical Commentary of the Criminal Code of Ukraine. 3rd form., processing. and add./ed. M. I. Melnyk, M. I. Khavronyuk. Kyiv: Atika, 2005. 1064 p.
326. Scientific and Practical Commentary of the Criminal Executive Code of Ukraine/A. P. Gel, O. H. Kolb, V. O. Korchinsky and others; for community edit A. Kh. Stepanyuk. Kyiv: Yurincom Inter, 2008. 496 p.
327. Scientific and practical commentary on the Criminal Code of Ukraine. 4th form, processing. and add./from. edit S. S. Yatsenko. Kyiv: A. S. K., 2006. 848 p.
328. Selivanov A. Legal policy – an important component of the domestic policy of the Ukrainian state. *Voice of Ukraine*. 2007. № 43. March 13. P. 4–5.
329. Serbin M. M. Investigation of crimes committed in places of imprisonment: author's abstract, dis. ... lawyer sciences: 12.00.09. Kyiv: Kyiv. National Untitled cases, 2006. 16 p.
330. Sergey M. O. Legal, organizational and tactical bases of operational development of organized groups engaged in illicit drug trafficking: dis. ... candidate of medical sciences. lawyer sciences: 21.07.04. Kharkiv: NUVS, 2002. 258 p.
331. Severov A. P. The purpose of punishment (psychological and pedagogical aspect). *Problems of legal science and law enforcement practice*. Kyiv, 1994. P. 85–91.
332. Shaifer S. A. Cognitive function and procedural characteristic of investigative actions. *Jurisprudence*. 1980. № 5. P. 92–98.
333. Shapoval V. M. Territory of the state. *Legal Encyclopedia in 6 volumes*/ed. Yu. S. Shemshuchenko, etc. Kyiv: Ukr. Encyclopedia im. M. P. Desired. T. 2. 1998. 543 p.

334. Shaypher S. A. Essence and methods of gathering evidence in the Soviet criminal process. Moscow: Yurid. lit., 1972. 130 p.
335. Shehavtsov R. M. Types of means to overcome the counteraction to the investigation of crimes. *Scientific Bulletin of the Lviv Law Institute of the Ministry of Internal Affairs of Ukraine: Collection*/goal. ed. V. L. Ortinsky. Lviv: Lviv Law In-te of the Ministry of Internal Affairs of Ukraine. 2004. № 3. P. 61–68.
336. Shepitko V. Yu. Use of tactical operations in investigative activity: theoretical and applied problems. *Problems of legality: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Natc. lawyer acad. Ukraine, 2009. Vyp. 100. P. 355–361.
337. Shostko O. About the expediency of establishing the National Investigation Service (NDS) in Ukraine. *Legal Ukraine*. 2007. № 1. P. 94–99.
338. Shtanko O. Organizational issues of increasing the effectiveness of investigative activities. *Problems of penitentiary theory and practice*. 2001. № 6. P. 87–102.
339. Shumilo M. Y. Scientific principles of the use of operational-search materials in evidence in criminal cases. *Judicial reform in Ukraine: problems and perspectives*. Kyiv; Kharkiv, 2002. P. 188–191.
340. Shurukhov N. G. Informal differentiation in correctional-labor institutions. *Sotsiolog. Research*. 1992. № 7. P. 73–83.
341. Skedredov G. I., Scades G. I. Participation of the prosecutor in investigatory actions. Moscow, 1987. 2012 p.
342. Skokov S. I. Features of studying the personality of recidivists and prevention of repeated crime. *Problems of penitentiary theory and practice*. 1998. № 1 (3). P. 55–60.
343. Smirnov A. F. Organization as a function of management in the prosecutor's offices. *Law of Ukraine "On the Prosecutor's Office": theory and practice of its application*. 1992. № 12. P. 72–81.

344. Smirnov V. G. Functions of Soviet Criminal Law. Lviv, 1965. 186 p.
345. Soloviev A. B. On the functions of the prosecutor's office in pre-trial stages of criminal proceedings. *Problems of perfection of prosecutorial supervision*. Moscow, 1997. P. 125–130.
346. Solovyi Ya. I. Problems of criminal law enforcement of rights of employees of the ATS. *Ensuring the rights and freedoms of man and citizen in the activity of the bodies of internal affairs of Ukraine in modern conditions: materials Intern. sci. pract. conf., Kyiv, December 4, 2009.* Kharkiv: Human Rights, 2009. P. 466–471.
347. Soviet Criminal Procedure: textbook/ed. by L. M. Karneyeva, P. A. Lupinskaya, I. V. Tyricheva. Moscow: Yurid. lit., 1980. 568 p.
348. Stakhivsky S. M. Investigative actions as the main means of gathering evidence: Scientific and practical commentary. Kyiv: Atika, 2009. 64 p.
349. Starkov O. V. The concept of special social causes and conditions of punitive crime. Crime among social subsystems. St. Petersburg, 2003. P. 328–342.
350. Starzhinska N. M. Psychological support of the investigation and operational group of the internal affairs department. *Problems of penitentiary theory and practice*. 2001. № 6. P. 231–233.
351. State and Law Theory. Part 1: Theory of the State/ ed. A. B. Hungarian. Moscow, 1995. 256 p.
352. State and Law Theory/ed. N. I. Matusova, A. V. Malko. Moscow: Lawyer, 1997. 726 p.
353. Statistical data of the State Judicial Administration of Ukraine and the higher specialized courts for 2015. URL: http://dsa.court.gov.ua/dsa
354. Statkus V. F. Disclosure of Crimes – the Most Important Means to Combat Crime. *State and Law*. 1998. № 4. P. 67–72.
355. Statkus V. F. Formation and development of the investigative body of internal affairs bodies: textbook. Moscow: Academy of the Ministry of Internal Affairs of the USSR, 1984. 31 p.

356. Stremovsky V. A. Preliminary Investigation. Moscow: Yuridizdat, 1989. 170 p.
357. Strokov I. V. Modern problems of ensuring the rights and freedoms of a person in criminal justice. *Ensuring the rights and freedoms of man and citizen in the activities of the bodies of internal affairs of Ukraine in modern conditions: materials Intern. sci. pract. conf., Kyiv, December 4, 2009.* Kharkiv: Human Rights, 2009. P. 152–154.
358. Struchkov N. A. Crime as a social phenomenon: lecture. Lviv: B. 4, 1979. 120 p.
359. Stulov O. O. Compliance with the lawfulness of the head of the institution of execution of sentences and bodies of internal affairs when bringing to criminal responsibility persons sentenced to deprivation and restraint of liberty. *Ensuring the rights and freedoms of man and citizen in the activities of the bodies of internal affairs of Ukraine under the current conditions: internship materials sci. pract. conf., Kyiv, December 4, 2009.* Kharkiv: Kharkiv. Human Rights, 2009. P. 323–330.
360. Sulitsky V. V. Algorithm of work of the psychologist of the institution of execution of sentences with newly arrived convicts. *Problems of penitentiary theory and practice*. 1999. № 4. P. 122–132.
361. Tadzhiev X. S. Prosecutorial oversight and departmental control over the restitution of crimes. Tashkent: FAN, 1985. 183 p.
362. Tatarov O. Yu. Pre-trial proceedings in the criminal process of Ukraine: theoretical, legal and organizational principles (based on materials of the Ministry of Internal Affairs): monograph. Donetsk: LLC «"GDP" Promin», 2012. 640 p.
363. Tatsiy V. Prosecutor's Office and Law Enforcement Bodies in the Law Enforcement Bodies. *Bulletin of the Prosecutor's Office*. 2013. № 3. P. 3–15.
364. Terno A., Pechenkin I. Coordinating activity of the prosecutor. *Bulletin of the Prosecutor's Office*. 2013. № 6. P. 115–122.

365. Tertishnik V. M. Guarantees of Truth and Protection of Human Rights and Freedoms in a Criminal Procedure: monograph. Dnipropetrovsk: Law Academy of the Ministry of Internal Affairs, 2002. 432 p.
366. Tertishnik V. M. Scientific and practical commentary on the Code of Criminal Procedure of Ukraine. 10th kind., additional. and reworked. Kyiv: Publishing House "Legal Book", 2008. 992 p.
367. Tertishnyk B. Immediate detection and technical documentation of a criminal act (conceptual model of procedural institute and new investigative action). *Law and politics*. 2004. № 5. P. 113–118.
368. The Code of Criminal Procedure of Ukraine: approved by the Law of the Ukrainian SSR of December 28, 1960. *Bulletin of the Supreme Soviet of the Ukrainian SSR*. 1961. № 2. P. 15.
369. The Criminal Executive Law of Ukraine (General and Special Parts): teaching. manual/for the community edit O. M. Dzhuzhi. Kyiv: Yurincom Inter, 2002. 446 p.
370. The Criminal Procedural Code of Ukraine. Scientific and practical comment: 2 t. T. 1/O. M. Bandurka, Ye. M. Blazhivsky, Ye. P. Burdol; for community ed. V. Ya. Tania. Kharkiv: Law, 2012. 768 p.
371. The Criminal Procedural Code of Ukraine. Scientific and Practical Commentary/by ed. prof. V. G. Goncharenko, V. T. Nora, M. E. Shumila, Kyiv: Justinian, 2012. 726 p.
372. The Criminal-Executive Code of Ukraine: Law of Ukraine of July 11, 2003. *Bulletin of the Verkhovna Rada of Ukraine*. 2004. № 3–4. P. 21.
373. The language of the rich, the language of the Mafiosi: Encyclopaedic synonymic dictionary: Reference book. in 2 t. T. 1/avt.-sost. O. B. Khomenko. Kyiv: Fort-M., 1999. 528 p.
374. The legal doctrine of Ukraine: 5 t. H.: Law, 2013. Vol. 5: Criminal science in Ukraine: state, problems and ways of development/V. Ya. Tatius, V. I. Borisov,

V. S. Batrygareyev and others; for community edit V. Ya. Tatiya, V. I. Borisova. 1240 p.
375. The order of the police on the procedure for the initial investigation of crimes and misdemeanors: A draft drawn up in the Committee on Provincial and Provincial Institutions in 1860. *Anthology of the Force: in 14 t.*/rep. edit Yu. I. Rymarenko, V. I. Kusherets. Kyiv: Knowledge of Ukraine, 2005. Vol. 1: Documents and Materials on the Criminal System (1397–1918)/ regular. Yu. I. Rymarenko and others. P. 63–68.
376. The Prosecutor's Deskbook/ed. S. I. Gerasimova. Moscow: EKSMO. 2002. 850 p.
377. The right to personal safety of sentenced persons to imprisonment in Ukraine: the notion, content and forms of protection/A. V. Babyak, V. V. Vasilevich, Z. V. Zhuravskaya and others; for community edit d. sc., prof. O. M. Dzhuzhi and d. yuryd. n., prof. O. H. Kolba. Lviv: Galician Publishing Union, 2014. 254 p.
378. The Status of the Proceedings of Courts of General Jurisdiction in 2007. *Bulletin of the Supreme Court of Ukraine*. 2008. № 6 (94). P. 37–43.
379. Theoretical grounds for crime prevention. Moscow, 1977. 86 p.
380. Theory of operational-search activity: textbook/ed. K. K. Goryainov, V. S. Ovchinsky, G. K. Sinilov. Moscow: INFRA-M, 2007. 832 p.
381. Theory of state and law Academic course: textbook/ ed. O. V. Zaichuka, N. M. Onishchenko. Kyiv, 2008. 688 p.
382. Tikhomirov O. D. Theoretical issues of law-enforcement activity. Kyiv: Atika, 1994. 186 p.
383. Tkachenko Ye. M. Aspects of the crisis situations that arise in convicted prison sentences. *Problems of Penitentiary Theory and Practice*. Kyiv: KiVS, 2001. № 6. P. 299–302.
384. Todyka Yu. N., Yavorsky V. D. President of Ukraine: Constitutional and Legal Status. Kharkiv: Foko, 1999. 256 p.

385. Tolochko O. M. The legal nature of procedural guidance by the prosecutor with a pre-trial investigation. *Bulletin of the National Academy of Public Prosecutor of Ukraine*. 2012. № 2. P. 60–64.
386. Tonkov E. E. Strategy of organization of counteraction to drug abuse in places of imprisonment. *Problems of disclosure and investigation of crimes related to illicit trafficking of narcotic drugs, psychotropic substances, their analogues and precursors: materials of All-Ukrainian. sci. pract. conference of students, cadets and students, Donetsk, October 30, 2003.* Donetsk: DUI, 2004. P. 200–204.
387. Trubin N. S. Prosecutor's Supervision over the Enforcement of Laws by Inquiry Offices. Moscow: Yurid. lit 1982. 132 p.
388. Trubnikov V. M. Criminal-executive law of Ukraine: General part: textbook. Allowance. Kharkiv: Rubikon, 1998. 334 p.
389. Tumanov G. A. Management of social processes in a socialist society. Moscow: Politizdat, 1983. 340 p.
390. Tushev A. A. Prosecutor in the Main Process of the Russian Federation. St. Petersburg: Legal Center Press, 2005. 325 p.
391. Udalova L. D. Theory and practice of obtaining verbal information in the criminal process of Ukraine. Kyiv: Atika, 2005. 321 p.
392. Uss A. A. Conflicts between convicts accompanied by violent assault (based on TIC strictly). Krasnoyarsk: Izd-vo Krasnoyarsk. un-ta, 1984. 64 p.
393. Ustinov V. S. Methods of preventive impact on crime. Gorky: Gorky. higher shock Ministry of Internal Affairs of the USSR, 1989. 93 p.
394. Utkin V. A. Penalties and labor-intensive work. Tomsk: Izvestia Tomsk. un-ta, 1984. 200 p.
395. Uvarov I. A. Theoretical Foundations of the Organization of Penitentiary Crime Prevention. *Russian Investigator*. 2006. № 6. P. 35–38.

396. Uvarov V. G. Problems of the conceptual model and legal form of realization of the results of operative-search activity by the inquiry body. *Scientific Bulletin of the Dnepropetrovsk State University of Internal Affairs: Collection of scientific works*. 2006. № 1 (28). P. 113–119.
397. Vedrov S. Yu. Separate issues of interaction of law enforcement agencies in the fight against drug trafficking in places of deprivation of liberty. *Yuridicheskii vestnik*. Vladimir: VYU FSIN of Russia, 2005. № 1 (2). P. 22–31.
398. Vodolazsky B. F., Vatutin Y. A. Crime groups. Their customs, traditions, "laws" (past and present). Omsk: OVSH Ministry of Internal Affairs of the USSR, 1979. 61 p.
399. Voitsyshyn V., Tkachenko L. Coordination of the activity of law enforcement agencies in the fight against crime. *Bulletin of the Prosecutor's Office*. 2008. № 2. P. 27–27.
400. Voloshina L. A. Distortion of Normal Subjects in the Common Consciousness Which Causes Completion of Severe Violent Crimes. Questions to combat certain types of crimes. Moscow: Yurid. lit., 1986. P. 3–9.
401. Volynsky A. F., Lavrov V. P. Organizational opposition to the disclosure and investigation of crimes (problems of theory and practice). *Organized opposition to the disclosure and investigation of crimes and measures for its neutralization: materials of the scientific and practical conference, Ruza, 29, October 30, 1996*. Moscow: YU of the Ministry of Internal Affairs of Russia, 1997. P. 93–98.
402. Vozni A. F. Fighting Police and Circle of Petrashevists: textbook. Kyiv: NINIO KVSH Ministry of Internal Affairs of the USSR, 1976. 86 p.
403. Working book of the penitentiary psychologist/ under the congregation. edit V. M. Synev, V. S. Medvedev. Kyiv: MP Lesya, 2000. 224 p.

404. Written D. P. Execution of non-investigative (investigative) action before the decision of the investigating judge. *Disclosure of crimes under the new Criminal Procedure Code of Ukraine: materials Science.-practice conf. (Kyiv, November 8, 2012).* Kyiv: NAVS, 2012. P. 24–29.
405. Written D. P. Regulation of Investigative (Investigative) and Involuntary Investigative (Investigating) Actions in the Criminal Procedure Code of Ukraine. *Actual problems of the application of the new criminal procedural legislation of Ukraine and trends in the development of criminology at the present stage: materials of All-Ukrainian. sciences practice conf. (Kharkiv, October 5, 2012).* Kharkiv: KhNUVS, 2012. P. 39–43.
406. Yakimov I. N. Criminalistics. Criminal tactics. Moscow: Publishing House of the NKVD RSFSR, 1929. 412 p.
407. Yakovets I. S. Primary classification of sentenced persons to imprisonment and their distribution in the penitentiary institution: author's abstract dis. ... cand. lawyer sciences: 12.00.08. Kharkiv, 2006. 20 p.
408. Yakovets I. S. Theoretical and applied principles of optimization of the process of execution of criminal punishments: monograph. Kharkiv: Right, 2013. 392 p.
409. Yakovlev A. M. Crime and social psychology: socio-psychological patterns of behavior. Moscow: Yurid. lit., 1971. 247 p.
410. Yurchyshyn V. M. Procedural Functions of the Prosecutor in the Pre-trial Period of Criminal Proceedings: Concept, Purpose, System: teaching. manual. Chernivtsi: Technodruck, 2014. 276 p.
411. Yurchyshyn V. M. General characteristics of pre-trial proceedings, the role and place of the prosecutor's office in it. *Entrepreneurship, economy and law*. 2012. № 8. P. 176–180.
412. Yurchyshyn V. M. Prosecutor as coordinator of the activities of pre-trial organs. *Bulletin of the Prosecutor's Office*. 2012. № 8. P. 38–47.

413. Yurchyshyn V. M. Prosecutor as procedural director of pre-trial investigation. *Lawyer*. 2012. № 7. P. 26–30.
414. Zadorozhnaya G. Specificity of State Protection of Human and Citizens Rights and Freedoms in Ukraine. *The law of Ukraine*. 2008. № 1. P. 28–30.
415. Zakalyuk A. P. Course in Modern Ukrainian Criminology: theory and practice: in 3 books. Kyiv: Publishing House "In Yure", 2007. Book No. 1: Theoretical Foundations and History of Ukrainian Criminological Science. 424 p.
416. Zakalyuk A. P. Course in Modern Ukrainian Criminology: theory and practice: in 3 books. Kyiv: Publishing House "In Yure", 2007. Book No. 2: Criminological characteristics and prevention of the commission of certain types of crimes. 712 p.
417. Zakharov V. P., Rudenko V. I. Using Biometric Technologies by Law Enforcement Bodies in the 20th Century: Scientific and Practical Guide. Lviv: LvDUVS, 2009. 440 p.
418. Zeivert L. Your time is in your hands: Tips for managers, how to effectively use working time. Moscow: Nauka, 1991. 122 p.
419. Zelenetskii V. C. About the investigating apparatus and prosecutor's oversight in connection with the new Law of Ukraine "On the Prosecutor's Office". *Law of Ukraine "On the Prosecutor's Office": Theory and Practice of its Application*. Kharkiv, 1992. P. 55–57.
420. Zelenetsky V. C. Excitation of a criminal case. Kharkiv: CrimeaArt, 1998. 339 p.
421. Zelinsky A. F. Criminological Psychology: Scientific and Practical Edition. Kyiv: Yurincom Inter, 1999. 241 p.
422. Zhimirov V. N. Legal functionalism (theoretical and methodological analysis): dis … doc. lawyer sciences: special 12.00.01. St. Petersburg, 2005. 334 p.
423. Zhuk I. L., Zhuk L. A., Nezhivets O. M. Labor of convicts in places of deprivation of liberty: monograph. Kyiv: Condor, 2009. 226 p.

424. Zhuravel V. A. Actual Problems of Forensic Methodology for Investigation of Crimes. *Problems of Law: Resp. interspection sciences save*/rep. edit V. Ya. Tatius. Kharkiv: Nat. lawyer acad. Ukraine, 2009. Vyp. 100. P. 362–375.
425. Zinatullin Z. Z., Zinatulin T. Z. Once again about criminal procedural functions. *Problems of the improvement and application of anti-crime legislation: materials of the All-Russia scientific and practical conference devoted to the 95th anniversary of the Bashkir State University*. Part 1. Ufa: RIO BASH GU, 2004. P. 95–102.
426. Zozulya A. V. Some aspects of the problem of interaction between the operational apparatuses of the VTK and the territorial bodies of the internal affairs on the disclosure of crimes. *Collection of scientific works*. Minsk: MVSH of the Ministry of Internal Affairs of the USSR, 1986. P. 67–70.
427. Zubkov A. I. Punitive Politics of Russia at the Turn of the Millennium. Moscow: Lawyer, 2000. 320 p.
428. Zuykov G. G. Investigation of the methods of committing crimes and evasion of responsibility as a prerequisite for increasing the effectiveness of planning an investigation. *Versions and planning of the investigation: Sat. Interuniversity. scientific of labor*. Sverdlovsk: SJI, 1985. P. 94–106.

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