

and operation rights investigators tactical methods and their application in practice. Improper preparation for simultaneous interrogation closely associated with the risk of possible changes truthful testimony bona fide member of refusal to give evidence or disclosure of data investigation. Undue delay in implementing the simultaneous interrogation may result in the loss of the element of surprise which contributes to the successful achievement of the purpose of investigations [5, S. 275]. Tactically conducted simultaneous interrogation previously interrogated persons, even if in its course and failed to overcome the significant contradictions in the testimony, should produce unfair participant's psychological effect, to undermine its installation on a lie, to help the investigator to verify the truthfulness of the testimony of the participants, to further explore their psychological quality, develop new areas for investigation.

References

1. Лукьянчиков Е.Д. Особенности расследования преступлений несовершеннолетних: учебное пособие. Киев: НИ и РО КВШ МВД СССР им. Ф.Э. Дзержинского, 1990. 52 с.
2. Гаврилин Ю.В. Криминалистическая тактика и методика расследования отдельных видов преступлений в определениях и схемах: учебное пособие. М.: Книжный мир, 2004. 332 с.
3. Шурухнов Н.Г. Криминалистика: учебник. 2-е изд., исправл. и доп. М.: Эксмо, 2008. 720 с.
4. Біленчук П.Д., Лисиченко В.К., Клименко Н.І. та ін. Криміналістика: підручник / за ред. П.Д. Біленчука. 2-ге вид., випр. і доп. Київ: Атіка, 2001. 544 с.: іл.
5. Чаплинский К.О. Тактичне забезпечення проведення слідчих дій: монограф. Дніпропетровськ: Дніпроп. держ. ун-т внутр. справ; Ліра ЛТД, 2011. 496 с.

Received to editorial office 05.06.2018

Summary

This article deals with consideration of actual problem questions of tactical supply of carrying out of simultaneous interrogation of two before interrogated persons. The author has considered the organizational preparatory actions of carrying out of simultaneous interrogation of two before interrogated persons with participation of suspected and defendants.

Keywords: *organisation, organisation supply, investigatory actions, simultaneous interrogation*



Kostyantyn Chaplynsky

Dr of Law, Prof.

(the Dnipropetrovsk State University of Internal Affairs)

DOI: 10.31733/2078-3566-2018-2-45-48

PROBLEM ISSUES OF THE EXAMINATION OF SUSPECTS

Чаплинський К. ПРОБЛЕМНІ ПИТАННЯ ОСВІДУВАННЯ ПІДОЗРЮВАНИХ. Досліджено актуальні проблемні питання освідування під час проведення досудового розслідування. Розглянуто наукові підходи щодо поняття та сутності освідування. Зроблено висновок, що на відміну від інших видів слідчої перевірки, експертиза порушує право на приватність та особисту свободу громадян, пов'язану з розголошенням інтимних обставин їхнього життя. Незважаючи на це, законодавець виділив експертизу у незалежні слідчі дії та визначив спеціальні правила її проведення. Проте чітке кримінально-процесуальне регулювання все ще не вирішене.

Ключові слова: *освідування, тактика, тактичне забезпечення, слідчі дії.*

Formulation of the problem. A special place among all investigative actions, which are aimed at gathering information from the material of the representations, takes the examination. The value of this investigations is extremely high. The examination allows the investigator to directly perceive objects in order to detect traces of the crime, special features and investigate relevant to the criminal proceedings, to have an idea about the mechanism of the crime

and the offender, to nominate investigative version and to guide the investigation. The timeliness and quality of carrying out such investigations as examination in many cases, success in the investigation of crimes. When conducting pre-trial investigation examination is a common investigative action, as evidenced by the study of criminal proceedings. So, when investigating intentional grievous bodily harm assessment was conducted in 78.4% of cases [1, p. 10], when checking an alibi 2.8 % [2, p. 104]. Questioning employees of the investigative units shows that 32 % - indicate the need for improvement tactics survey, 87 % of clarification and formalization of some of its provisions. Specified requires the improvement of the criminal procedure regulation and development of tactical security certification in accordance with modern scientific thought and the needs of the investigative practices.

The analysis of publications which discuss the solution to this problem. A common tactic of the examination, its procedural regulations fairly widely covered by academic criminologists and processually in forensic literature. In particular, a significant contribution to the development of scientific basis of the assessment made known scientists, criminalists and scientists, in particular, I.S. Andreev, G.I. Gramovich, V.I. Gromov, L.M. Loboiko, Ye.D. Lukjanchikov, M.M. Mikheenko, V.T. Nor, M.I. Porubov, I.L. Petrukhin, M.S. Strogovich, S.M. Stahiv's'kiy, V.M. Tertishnyk, Y.G. Torbin, N.V. Terziev, S.A. Sheifer, V.P. Chibiko and others. The importance of research and doubtless very great, because this investigative action are widely used in law enforcement practice and is a common way of gathering evidence. However, a more detailed lighting require the procedural regulation and tactical security certification with regard to the modern conditions of the present.

So, **the purpose** of this article is to highlight the problematic issues of examination, the study of the concepts and entities.

The main material of the study. The term «examination» in the legal literature is used for a long time. To date, however, no argument about the procedural essence of this investigation, its objectives and tactical frameworks for [3, p. 30]. In 20-ies of the last century, scientists under examination understood the work of a doctor or specialist in the field of medicine, which perform the task of the investigator in cases when specific research questions requires special knowledge [4, p. 194]. In the 90-ies of the last and beginning of the 21st century, the overwhelming majority of scientists, in particular, G.I. Gramovich, M.I. Porubov, G.M. Muhin, S.M. Stahivskiy, V.M. Tyrtshnik O.A., Boridko, C.V. Parasochkina, G.O. Ponomarenko and others, under examination understood the inspection body for the detection of traces of the crime and special signs.

Today the authors of the concept of "assessment" is also suitable ambiguous.

So, I.S. Andreev, G.I. Gramovich and M.I. Porubov under oswan understand independent investigative activity conducted by the investigator, either by the investigator, or (on its behalf) by the physician and sent directly to the examination of a human body to detect and commit crime, special features and characteristics of functional and anatomical nature [7, p. 124]. J.V. Gavrilin believes that the examination is investigative action, which is a kind of investigative inspection consists of inspecting the body of a living person to detect its special signs and traces of the crime, injuries, identifying a state of intoxication or other qualities and traits that are of importance for the criminal case, if it does not require a forensic examination [8, p. 19].

In these definitions, the scientists point out that the examination consists of inspection of the body of a living person.

However, according to V.M. of Tertishnik, the question arises, can there be in general examined person who has no legal standing, for example, is not questioned as a witness, or a person who because of their mental deficiencies cannot be a witness, suspect, accused [9, p. 276].

We can agree with the opinion I.L. Petruhina, which indicates that the examination of citizens who do not have in criminal case no procedural provisions is not valid [10, p. 133]. If you follow the letter of the law, the conclusion, according to V.M. Tertishnik has a right to exist [9, p. 276].

G.M. Mukhin and D.V. Ishutin-Fedotkov in determining indicate that the examination may be held against the suspect, the accused and the victim [11, p. 134].

S.A. Sheifer, Y.G. Torbin, S.M. Stahivskiy and other scientists indicate that in addition to the suspect, accused and victim examination can be conducted and in relation to the witness [12, p. 75; 13, p. 6; 3, p. 31].

In accordance with the law, the right to inviolability of the person are equally open to all

citizens. If in exceptional cases, the law allows the production of examination of victims, it is unlikely that there is a need to eliminate the possibility of the examination of any other category of persons characteristically, searched may be subjected to any person (when there are factual basis), regardless of their procedural status. [9, p. 276].

In this definition, the author points out that the examination is conducted by the investigator (the person in charge of the inquiry), and in some cases own medical examiner or doctor.

Other authors support the view of V.M. Tertishnik, however, add that the survey is carried out in the presence of witnesses of the same sex with examination face [14, p. 49; 13, p. 4].

Other scientists point to the mandatory presence at the examination of witnesses, and in necessary cases and physician [15, p. 170; 16, p. 348].

In article 241 of the code of criminal procedure states: when necessary to identify or confirm the presence of the suspect, victim or witness traces of a criminal offence or take special investigator (attorney) carries out the examination, if it is not necessary to conduct a forensic medical examination. At the same time, the criminal procedure codes of the Republic of Belarus, Kazakhstan and Kyrgyzstan do not allow examination of the witness.

Based on the nature and characteristics of the examination, it should be noted such features:

- the examination is a kind of investigative inspection, the specificity of which is determined by the peculiarity of its object (the object is the body of a living person);
- examination is associated with invasion of the rights and freedoms of man, therefore, is regulated as a separate investigative action, and in respect of its production has a special procedural form;
- the survey is carried out on the basis of the decision of the Prosecutor of investigative actions;
- examination is one of the investigative actions that can be carried out with participation of a specialist (forensic medical expert or doctor);
- the investigator is not entitled to be present at the examination of a person of the opposite sex, if it relates to the exposure of persons subject to examination;
- if the examination is not permitted acts that are degrading the honour and dignity examination person, or procedures that are harmful to her health.

Therefore, in our opinion, under examination should be understood independent investigative activity conducted on the basis of the resolution of the Prosecutor and is examining the body of a living person in order to identify and commit the presence or absence of specific signs and traces of the criminal offence and other characteristics and properties of importance for criminal proceedings.

The actual basis for assessment is the availability of sufficient data to believe that the human body is a special signs or traces of a criminal offence, detection or certifying the availability of which is set to establish the truth. Legal - the decision of the Prosecutor.

Conclusion. Unlike other types of investigative inspection, examination violates the right to privacy and personal freedom of citizens associated with disclosure of intimate circumstances of their lives. Despite this, the legislature has allocated examination in independent investigative action and identified the special rules for its conduct. However, a clear criminal procedure regulation examination is still not fully resolved.

References

1. Дрозд В.Г. Організаційні і тактичні аспекти розслідування умисних тяжких тілесних ушкоджень: автореф. дис. ... канд. юрид. наук: 12.00.09. Київ, 2009. 16 с.
2. Кузьмічов В.С., Юсупов В.В. Алібі у розкритті злочинів: навчальний посібник. Кб]d: КНТ, 2007. 264 с.
3. Стахівський С.М. Слідчі дії як основні засоби збирання доказів: науково-практичний посібник. Кб]d: Атіка, 2009. 64 с.
4. Громов В. Дознание и предварительное следствие. М., 1928. 147 с.
5. Строгович М.С. Уголовный процесс. М., 1946. 287 с.
6. Терзнев Н.В. Процессуальная природа освидетельствования. *Советское государство и право*. 1954. № 7. С. 11-13.
7. Андреев И.С., Грамович Г.И., Порубов Н.И. Криминалистика: учеб. пособие / под ред. Н.И. Порубова. Мн.: Выш. шк., 1997. 344 с.
8. Гаврилин Ю.В. Криминалистическая тактика и методика расследования отдельных видов преступлений в определениях и схемах: учебное пособие. М.: Книжный мир, 2004. 332 с.
9. Тертишник В.М. Гарантії істини та захисту прав і свобод людини в кримінальному

процесі України: дис. ... докт. юрид. наук: 12.00.09. Дніпропетровськ. 2010. 473 с.

10. Петрухин И.Л. Свобода личности и уголовно-процессуальное принуждение. М.: Наука, 1985. 239 с.

11. Мухин Г.Н. Криминалистика: учеб. пособие / Г.Н. Мухин, Д.В. Исютин-Федотков; М-во внутрен. дел Респ. Беларусь, Акад. МВД. Мн: Акад. МВД Респ. Беларусь, 2009. 227 с.

12. Шейфер С.А. Следственные действия. Основания, процессуальный порядок и доказательственное значение. Самара: Изд-во «Самарский университет», 2004. 227 с.

13. Торбин Ю.Г. Тактика проведения освидетельствования: методические рекомендации. М., 2001. 28 с.

14. Борідько О.А., Парасочкіна К.В., Пономаренко Г.О. Тактика слідчих оглядів: навчальний посібник. Херсон: Видавець Чуєв С.М., 2006. 72 с.

15. Белкин Р.С. Криминалистическая энциклопедия. М.: Мегатрон XXI, 2000. 2-е изд. доп. 334 с.

16. Макаренко Є.І., Тертишник В.М., Лобойко Л.М., Ліпінський В.В., Шиян А.Г. Дізнання в міліції та в митних органах: навчальний посібник. Дніпропетровськ: ПП «Ліра ЛТД», 2003. 452 с.

Received to editorial office 05.06.2018

Summary

The article deals with consideration of actual problem questions of examination at pretrial investigation carrying out. The author has considered the scientific approaches to definition of concept and essence of examination.

Keywords: *examination, tactics, tactical supply, investigatory actions*

Oleksandr Chipets

postgraduate

(The Dnipropetrovsk State University of Internal Affairs)

DOI: 10.31733/2078-3566-2018-2-48-52

OPERATIONAL-SEARCH CHARACTERISTIC OF PERSON WHO CARRIES OUT THE ILLEGAL HAULING OF FIREARMNS

Чіпець О. ОПЕРАТИВНО-РОЗШУКОВА ХАРАКТЕРИСТИКА ОСОБИ ЗЛОЧИНЦЯ, ЯКА ЗДІЙСНЮЄ НЕЗАКОННЕ ПЕРЕМІЩЕННЯ ВОГНЕПАЛЬНОЇ ЗБРОЇ. У статті здійснено оперативно-розшуковий аналіз особи злочинця, що вчинює незаконне переміщення вогнепальної зброї. Сучасна судово-слідча практика дає можливість стверджувати, що злочинність у сфері незаконного обігу вогнепальної зброї набуває окремих, індивідуальних характеристик осіб, котрі вчинюють конкретні злочинні діяння, зокрема незаконне переміщення вогнепальної зброї. Висновком в результаті розгляду зазначеної проблематики в межах даної наукової праці є вибіркова характеристика особи злочинця, що займається незаконним переміщенням вогнепальної зброї, яка сформульована на підставі вивчення судово-слідчої практики, аналітичних матеріалів діяльності оперативних підрозділів Національної поліції України та наукових праць.

Ключові слова: *вогнепальна зброя, криміналістична характеристика, незаконне переміщення, особа злочинця.*

Formulation of the problem. The criminogenic situation prevailing in the country today is characterized by qualitatively new forms of crimes that constitute an increased social danger. Numerous cases of illegal movement of firearms from the territory of Ukraine, the territory of the country or the territory of the state create conditions for its full use by organized groups, criminal organizations and separate criminal elements in the commission of crimes that are mainly harmful to people's lives or health. Indicators of the state of counteraction to the illegal movement of firearms by organs and units of the National Police of Ukraine are evident in the relevance of the selected subjects.

Separate analytical materials provide an opportunity to observe an aggravation of the level of criminalization of the population in this area. Thus, only in 2017, 547 firearms were withdrawn from the illegal circulation on the territory of Dnipropetrovsk region, including: 62 grenade launchers, 3 machine guns, 93 machine guns, 16 rifle carbines, 125 pistols, 12 creeps,