

програмою медичних гарантій.

Як бачимо, державою анонсуються і проводяться заходи, спрямовані на покращення доступу осіб з інвалідністю до медичної допомоги, що безумовно є плюсом. Проте, зазначеним новаціям не вистачає системності у впровадженні та конкретики у змісті щодо належного і реального забезпечення медичних прав осіб з інвалідністю в Україні.

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**SOME ASPECTS OF OVERCOMING OF COUNTERACTION
TO INVESTIGATION OF FRAUDS COMMITTED ON THE REAL
ESTATE MARKET BY CRIMINAL GROUPS**

In recent years, there has been rapid development of real estate. However, the so-called «criminal business» is active on the real estate market. The very criminal aspects of real estate are part of a more general problem – the problem of or-

ganized crime. This is primarily due to the fact that criminal activities in this area are usually committed by persistent criminal groups that have sufficiently complete information about persons forced by virtue of many circumstances to change their living conditions. Crime with immovable property is the most dangerous, since the groups of persons who commit them are the most stable, and they have all the features of organized criminal groups: internal structuring, hierarchy, clear division of functions. The real threat is the latent victimization of the population, when victims of crime massively do not turn to law enforcement agencies in connection with the loss of trust in them [1, p. 590].

At the same time, the reason for the refusal to cooperate with law enforcement bodies is the fact of the use of threats and violent acts against the participants in the criminal process. In this case, violence can be carried out both in mental form and in physical. Sometimes organized criminal groups even resort to deprivation of life of individuals who interfere with the activities of an organized group (law enforcement officers, government representatives), witnesses and victims.

The above stipulates the need for the development of tactical operations aimed at overcoming the counteraction to the investigation of fraud committed on the real estate market by criminal gangs. Instead, in cases of property fraud, the tasks facing investigators, employees of operational units and other persons interacting with them can not be solved without systematic approach, which consists in the establishment of a complex of investigators (investigators who are effectively operating in complex investigatory situations) actions, operational search activities, organizational actions, as well as the use of assistance from specialists in various fields.

However, it should be borne in mind that not every set of investigators and other actions can be recognized as a tactical operation. In the functional sense, the combination of investigative actions, operational search and other measures in a tactical operation is based on the possibility of solving as a result of such association certain tasks of investigation, which due to volume or content can not be solved by the use of separate tactical methods, investigative actions and so on [2, p. 251].

From this it follows that one of the tasks of the said tactical operation is to ensure the safety of the participants in the criminal process

In the context of this issue, it should be noted that in determining the number of persons who are unlawfully influenced, it should be taken into account that the encroachment on them is carried out in order: to prevent the beginning of their promotion of justice; to force the cessation of assistance; from revenge for the rendered (completed) assistance. Accordingly, the reasons for the incidents are: the intention and even the potential ability of a person to promote justice; assistance provided; Accomplished assistance. It is these factors, and not the actual presence of a person of a criminal-procedural status, is the cause of unlawful influence (having a procedural status, a person can take a passive position, in addition, the promotion of justice can be carried out outside the criminal justice) [3, p. 52].

In general, the assistance from interested parties to justice can be carried out in the following forms:

- reports to the law enforcement and judicial authorities about the committed, committed, or prepared crime, in the form of applications for these actions; giving explanations in the process of operational and investigative activities;
- the detention of persons who have committed crimes for delivery to their authorities and the termination of the possibility of committing new crimes;
- participation in the preparation and conduct of operational-search activities;
- giving explanations and indications in the course of criminal proceedings;
- implementation of criminal-procedural functions of protection, prosecution, maintenance of civil action and protection against him;
- criminal procedure of victims, close relatives of victims of criminal offenses and their representatives, as well as legal representatives of witnesses – activity that is not a criminal procedure, but in its content and direction, contributes to the implementation of justice;
- the activities of persons involved as translators, perceptions, experts and experts in accordance with the criminal-procedural law (i.e., the implementation of ancillary or certifying function) [4, p. 77].

Therefore, the definition of an optimal line of behavior by officials of a law enforcement agency when applying security measures involves the need to take into account the situation. In addition, in practice, in the process of combating crime, various options for the use of one and the same security tool in different production situations are implemented, which allows us to talk about the functional multivariable security tools [5, p. 116].

Under the tactic of ensuring the security of persons in criminal proceedings, B.V. Shyr understands: the most optimal system of measures; the totality (system) of tactical methods of security; optimal forensic safety recommendations; structural dependence of security measures. At the same time, he observes that a certain tendency in the development and application of measures to ensure the safety of participants in the criminal process is that some criminalistic methods become the rules of the criminal procedure law (for example, presenting for identification outside of visual observation or use of technical means of control and observation) [6, p. 11].

Questions on the protection of individuals have long been discussed both in the scientific environment and discussed at the legislative level. Thus, in 1993 the Parliament adopted the law «On ensuring the safety of persons involved in criminal proceedings» [7].

The said law regulates the rights and obligations of persons in need of protection, as well as the rights and obligations of bodies providing security, defined security measures and application mechanisms.

However, the question of the practical implementation of some measures is still unclear. For example, Article 9 of the Law of Ukraine «On ensuring the safety of persons involved in criminal proceedings», defining as a measure the issuance

of special means of personal protection, for some reason, does not detail which funds are allowed and the order of their issuance. Offering in article 11 of the same law of replacement of documents and change of appearance, the legislator did not reveal at all how he sees everything and what should be the mechanism of implementation of this norm.

Little attention is paid to the financing and logistics of security measures, although this question often becomes an obstacle to the practical application of most measures. Having registered in the law the possibility of financing at the expense of persons taken under protection, the legislator practically put on them the decision of this issue.

Unfortunately, the current CPC of Ukraine does not contain any norms that would establish a clear procedure for the actions of those who carry out criminal proceedings regarding the implementation of security measures, but merely admit the fact of their application.

Therefore, following the procedural requirements and norms of the said Law, one should rely on the tactical provision of this process.

Consequently, the normative base established in Ukraine covers a wide range of issues concerning the security of persons in need of protection. Meanwhile, this direction needs some improvement and development in terms of practical application of the said legislation.

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