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**TO QUESTION IN RELATION TO PROBLEMS, WHICH ARISE UP  
AT OPERATIVE SUBSECTIONS DURING DOCUMENTING OF  
CRIMES, NARCOFACILITIES RELATED TO ILLEGAL SALE**

In the conditions of reformation of criminal judicial and operativno-rozshukovogo legislation of Ukraine, during re-erecting of the legal state, which must answer the standards of legislation of European Union, upon the organs of the National police of Ukraine the very important depends and extraordinarily responsible task on counteraction the illegal appeal of narcotic facilities, psikhotropnikh matters, their analogues and prekursoriv. Effective counteraction the illegal appeal of narcotic facilities, psikhotropnikh matters, them.

The modern problems of counteraction the illegal sale of narcotic facilities, psikhotropnikh matters, their analogues or prekursoriv, is: imperfection of the legal adjusting of antinarcotic legislation. In Ukraine there is a row normatively legal acts, public relations directed on a settlement in relation to counteraction the illegal sale of narcotic facilities, psikhotropnikh matters, their analogues or prekursoriv, but in connection with changes in a criminal judicial and operativno-rozshukovomu legislation for today.

Imperfection normatively legal acts, public relations directed on a settlement in relation to from counteraction the noted category of crimes, and also imperfection of kriminal'no-pravovikh norms which foresee responsibility for the illegal sale of these forbidden facilities and matters, the insufficient level of counteraction law enforcement authorities these crimes, low level of their exposure, is instrumental in the reiteration of feasance from the side of smart narcodealers of new publicly dangerous crimes.

By the analysis of problem questions which arise up during documenting of narkozbuvachiv S.V got busy. Albul, M.M. Andreev, A.V. O. of M. is Bandura, Careful, O.F. Vertlib, O.L. Kalenickiy, V.V. Komashko, A.P. Kicul, K.G. Kostenko, O. In. Kirichenko, V.I. Mikhaylov, V.A. Nekrasov, M.O. Sergatiy, O.M. Sagittarius, Yu.v. Tuzov but other Problems of leadthrough of operative purchases were the article of consideration in labours of O.F. Dolzhenkova, D.Y. Nikiforchuk, R.V. Tarasenko, I.R. Shinkarenko et al.

Problem of organization of effective counteraction the illegal sale of narcotic facilities, psikhotropnikh matters, their analogues or prekursoriv, appropriately a main place posidae in the process of complication of kriminogennoy situation in the state. Socio-economic and political transformations which take place in the

state require effective counteraction the illegal appeal of narcotic facilities, psikhotropnikh matters, their analogues or prekursoriv from law enforcement authorities.

Such position requires from the side of the state foremost the careful study of kriminogennikh reasons of such crimes, and subsequent development and realization of measures, directed on counteraction to it uttery to the negative social phenomenon of contemporaneity [1, p.47].

One of methods of documenting criminal activity of persons (groups of persons), which prepare, or accomplish criminal offences, related to the illegal sale of narcotic facilities, psikhotropnikh matters, their analogues and prekursoriv, there is an operative purchase.

By legal foundation of the use of operative purchase the National police of Ukraine is the operating Criminal code of practice of Ukraine (farther – KPK of Ukraine), namely st.st. 110, 246, 251, 271; Laws of Ukraine «On the National police», «About operativno-rozshukovu activity» (p. of 2 ch. 1 item 8), «About the measures of counteraction the illegal appeal of narcotic facilities and prekursoriv and abuse by them», and also Order of leadthrough of the controlled delivery and controlled or operative purchase of commodities.

Unfortunately, a current legislation and normative acts which regulate grounds and order of leadthrough of operative purchase is contradictory enough, about what testifies, for example, that Law of Ukraine «On the measures of counteraction the illegal appeal of narcotic facilities and prekursoriv and abuse determines an operative purchase by them» as, – operation in relation to acquisition of narcotic facilities, psikhotropnikh matters or prekursoriv. At the same time, Law of Ukraine «On operativno-rozshukovu activity» determines an operative purchase as right.

In obedience to positions of Instruction About organization of leadthrough of secret consequence (search) actions and drawing on their results in criminal realization, ratified a general order an operative purchase consists in the imitations of acquisition or receipts, including bezoplatnogo, for physical and legal persons regardless of patterns of ownership of commodity the appeal of which is limited or forbidden a current legislation, with the purpose of exposure there is documenting of fact of preparation and commission of crime, and also establishment of person [2, p.11].

Also it costs to mark that the norms of KPK of Ukraine, which fasten the role of participation of public prosecutor in realization of such NSRD as an operative purchase, some differ from positions, certain Order of the Prosecutor general of Ukraine from 03.12.2012 №4/1gn «About organization of directorate of public prosecutions after inhibition of laws by organs which conduct operativno-rozshukovu activity» (farther is Order).

Yes, the norms of KPK of Ukraine mark that a decision about the leadthrough of this NSRD accepts public prosecutor [3], however foreseen Order is by a right for a public prosecutor only on the concordance of solicitor about the

leadthrough of operative purchase [4].

Afore-mentioned blanks of legislation are a ponderable problem during documenting of narcocrimes law enforcement authorities by the leadthrough of the indicated measure, confession of proofs, got by an operative purchase impermissible can become as a result, and actions of subjects of operativno-rozshukovoy activity illegal.

Consequently summarizing vkladene, can do such generalized conclusion. For today an operativno-rozshukove legislation and improvement needs reformation kriminal'no-procesual'ni norms which are used during documenting of narkozbuvachiv, by the leadthrough of operative purchase.

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## **ДЕЯКІ ПИТАННЯ ОРГАНІЗАЦІЇ ВЗАЄМОДІЇ ОРГАНІВ ДОСУДОВОГО РОЗСЛІДУВАННЯ ТА ОПЕРАТИВНИХ ПІДРОЗДІЛІВ КІБЕРПОЛІЦІЇ ПІД ЧАС ВИЯВЛЕННЯ ЗЛОЧИНІВ У СФЕРІ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ**

Взаємодія органів досудового розслідування та оперативних підрозділів знаходить своє відображення на різних етапах кримінального судочинства. Але ефективно вона може бути, тільки за умови чітких та своєчасних першочергових заходів при отриманні інформації про злочин. Необхідність такої взаємодії зумовлена, по-перше, спільністю поставленого завдання, направленого на посилення протидії злочинам, від вирішення якого ніхто не повинен стояти осторонь; по-друге, тим, що слідчий, оперативний працівник та працівники інших підрозділів Національної поліції України