

Враховуючи подвійне проникнення до місця проведення аудіо-, відеоконтролю, чинне кримінально процесуальне законодавство вимагає удосконалення в частині спрощення проведення такої НС(Р)Д.

#### *Література*

1. Конвенція про захист прав людини і основоположних свобод (з протоколами) (Європейська конвенція з прав людини) Рада Європи; Конвенція, Міжнародний документ, Протокол від 04 лист. 1950 р. URL: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text) (дата звернення: 10.01.2023)

2. Кримінальний процесуальний кодекс України від 13 квіт. 2012 р. № 4651-VI. URL: <https://zakon.rada.gov.ua/laws/show/4651-17#n2390> (дата звернення: 10.01.2023)

3. Постанова Верховного Суду від 09 груд. 2020 р. у справі № 756/12749/18 (провадження № 51-3483км20). URL: <http://iplex.com.ua/doc.php?regnum=93505778&red=1000035117e5aa1a010a7326a9c514059a6fb3&d=5> (дата звернення: 10.01.2023)

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### **PROBLEMS OF INVESTIGATIVE ETHICS IN UKRAINE**

A special problem in the study of issues of criminal procedural legislation is the issue of investigative ethics. In general, questions of the moral aspect are quite exciting and controversial, since they deal with the organization and regulation of various social and legal issues and discipline in society and the state. In Ukraine, the problems of implementing the ethical foundations of the investigator's activity have attracted the attention of scientists for a long time.

A.V. Ishchenko and I.I. Zablodska note that the role of investigative units is very important in the process of fighting crime by state law enforcement agencies. Their activities become especially relevant even today, when the level of crime is increasing, and investigators work with maximum physical and moral stress and are exposed to brutal manifestations of crime, are constantly in extreme situations, carry out many urgent and important measures, make responsible decisions in accordance with the procedural legislation [1, p. 5–6].

The moral criteria of admissibility of various methods, means, techniques of influence are important in the activity of the investigator, since it takes place mainly in conflict situations. Physical and also mental violence is unacceptable, which limits or deprives a person of the opportunity to choose own position,

own line of behavior. An equally important basis for the use of all investigative tools and methods should be the complete inadmissibility of deception [2, p. 14].

In accordance with Article 64 of the Law of Ukraine "On Civil Service", for non-performance or improper performance of official duties, defined by this Law and other normative legal acts in the field of public service, job description, as well as violation of the rules of ethical behavior and other violations of official discipline a civil servant shall be subject to disciplinary liability in accordance with the procedure established by this Law [3].

Civil servants who have committed a disciplinary offense - "violation of the rules of ethical behavior of civil servants" may be subject to disciplinary action in the form of a remark, reprimand or warning about incomplete official compliance. It should be borne in mind that for committing this type of disciplinary offense, a civil servant cannot be subject to disciplinary action in the form of dismissal from the civil service position [4, p. 454].

The objective side of the considered disciplinary offense does not provide for the occurrence of negative consequences as a mandatory feature of its composition (just as it does not contain a description of the signs of the subject of the disciplinary offense; the situation, method, place, time, tools or means of committing the disciplinary offense). Therefore, the fact of the actual occurrence of such consequences for the qualification of the offense has no significance, although it must be taken into account in the process of individualization of disciplinary responsibility [5, p. 498].

The analysis of investigative practice shows that there are shortcomings in the implementation of ethical norms and we consider it necessary to focus attention on preventive measures that will not lead to violations, these may be the following points: 1. increasing the headquarters as a guarantee of removing a large burden from person and reducing stress; 2. provision of decent financial support for both the employee and the department for their work; 3. provision of an opportunity to undergo consultations with an independent psychotherapist in order to maintain normal mental health; 4. high-quality work of the department of providing advice to employees and solving work issues so that they feel cared for and their rights and freedoms are ensured; 5. absence of pressure from other representatives of law enforcement agencies and/or applicant and the practical possibility of applying legal norms to them in the event of such pressure; 6. a polygraph, which is used when accepting a position, when questioning suspects, in critical situations to find out reliable information; 7. in order to ensure the protection of the rights and legitimate interests of the interrogated person, his/her dignified treatment during the investigative action, as well as guaranteeing the admissibility and reliability of evidence, we propose to standardize the obligation for the investigator to satisfy the interrogated person's request to record the investigative action by technical means.

However, it is worth understanding that in today's realities we have somewhat limited resources, so some of the proposed solutions may remain a theoretical aspect at the time, and not implemented in solving the problem.

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## **ЗАВДАННЯ ТА ФУНКЦІЇ ПРАВООХОРОННИХ ОРГАНІВ**

Правоохоронні органи в усі часи існування виступали гарантом охорони прав і свобод людини і громадянина, інтересів держави та суспільства.

На сучасному етапі демократичних змін, які відбуваються в Україні, розпочатої реформи правоохоронної системи, важливим є питання визначення завдань та функцій правоохоронних органів. На нашу думку, питання визначення завдань і функцій, які здійснюються правоохоронними органами, потребує не лише наукового обґрунтування, а й належної нормативної регламентації.

Поняття «правоохоронні органи» закріплене на конституційному рівні. Так, відповідно до ч. 3 ст. 17 Основного Закону, забезпечення державної безпеки і захист державного кордону України покладаються на відповідні військові формування та правоохоронні органи держави,