

- 4) obstruction of criminal proceedings in another way;
- 5) the possibility of committing another criminal offense [2].

From the above we can conclude that the legislator in the Criminal Procedure Code of Ukraine tried during the criminal proceedings to ensure the realization of the human right to liberty and security of person, and in case of its restriction, the restriction to the minimum term and compliance with the rule of law. investigative) actions, which manifests itself in the fact that both house arrest and detention as precautionary measures should be applied only after the decision of the investigating judge, and in case of detention, the prosecutor must prove the necessity and effectiveness of this measure, relying on the norms of the Criminal Procedure Code of Ukraine. In addition, a person under Article 55 of the Constitution of Ukraine to whom measures of criminal procedural coercion apply has the right to apply to the court and accordingly appeal against decisions and actions of police officers that may violate his personal right to liberty and security.

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SPECIFIC ISSUES OF DETENTION OF A PERSON WITHOUT DOCUMENTS

In today's realities and unstable political and economic situation in Ukraine, the problem of detaining a person without documents is urgent. After all, in addition to the current military conflict, there are clear restrictions and rules set for the population related to COVID-19 regarding the wearing of identity documents, such as ID, passport, driver's license.

Many studies have been devoted to the issue of detaining a person without documents. Among the important scientific works should be noted research: B. Malyshev, V. Baburin, N. Sotnik, O. Tatarov, I. Usenko and others. At the same time, legislative changes and the impact of force majeure need some clarification and clarification.

In the scientific literature, a person's detention is understood as a temporary measure chosen by an authorized body in case of urgent need for a certain purpose and which consists in depriving a detained person of imprisonment for a certain period of time. Analyzing the provisions of the Criminal Procedure Code, we can note that there are several types of detention: Art. 187-191 of the CPC - detention on the basis of a decision of the investigating judge, the court on permission to detain for the purpose of reason; Art. 207 of the CPC indicates lawful detention; Art. 208 of the CPC emphasizes the detention of an authorized official; in Art. 582 of the CPC focuses on the detention of a person who has committed a criminal offense outside Ukraine [2].

But, in addition to the Criminal Procedure Code, the Law of Ukraine "On National Security of Ukraine" has been in force for several years, according to which it is possible to carry out preventive detention in the area of anti-terrorist operation of persons involved in terrorist activities for more than 72 hours. Based on Art. 208 item 5, it is possible to pay attention that during detention of the person suspected of commission of a crime, the report in which, besides the information provided by article 104 of the CPC of Ukraine, is specified: place, date and exact time (hours and minutes) of detention in accordance with the provisions of Article 209 of the CPC; grounds for detention; the results of a personal search and more [3].

Analyzing the statistical data provided by the National Police of Ukraine for 2020 compared to 2018, the number of detentions without documents under Art. 208 of the CPC decreased by 37%, namely 13,916 people in 2015; 12,371 people in 2016; 11,644 people in 2017; 9437 people in 2018; 8793 people at the beginning of 2020.

After a personal search, it is necessary to record what was in the possession of the person who committed the crime, for example: documents, telephone, money, items similar to cold steel, firearms, drugs, that is, anything that may indicate that the person committed an offense. When inspecting these objects, it is important to use gloves so as not to spoil possible traces of papillary patterns.

Speaking of documents, it is necessary to carefully examine them for signs of changes in the initial changes. The review of any document begins with the study of the form of the document and the correctness of filling in its details. Among the modern methods of forging document forms are such as: the use of copying and duplicating equipment and the use of printing.

In the first case, various types of printers are used, access to which is free and does not require special skills in use, or significant material costs for purchase. The second group of ways to forge a document form is to use certain types of printing, which are available in private printing houses. Most often it is flat and letterpress, but with the naked eye it is difficult to distinguish even a specialist. In such cases, you should pay attention to other signs. Thus, in forged forms of documents or there are no security elements at all, or some of them are

imitated. You can distinguish a document made in this way using different lighting modes, namely UV and IR emitters. Thus, documents made on special forms will be completely or partially absorbed by ultraviolet rays. At the same time, counterfeit forms are usually made on plain paper, which completely reflects ultraviolet rays, resulting in the entire surface luminescent bright color.

If the form of the document is real, ie corresponds to the established sample, its requisites can be subject to changes. Ways to make changes to the details remain constant: correction, addition, cleaning, etching, rinsing, installation. In modern life, they can be used in combination with computer processing, which significantly complicates the detection of changes in the document [1, P. 132].

Of course, if possible, you should use a variety of techniques. However, more qualified assistance will be provided by forensic specialists involved as specialists.

If at the time of detention the data of the detained person are not known, a detailed description of the person must be indicated in the report and this information must be supplemented with a photograph. Of course, it is advisable to use the description by the method of verbal portrait, reflecting all groups of features: general anatomical, functional (dynamic), concomitant and special features. The person who drew up the report shall sign it together with the detainee and immediately hand it over to the detainee and send a copy of the report to the prosecutor.

Meanwhile, the detainee has the right to demand a lawyer and see him alone. A detainee may lawfully refuse to testify and explain until a lawyer arrives. Also, such a person can get acquainted with the materials of the proceedings and during the consideration of the case to give explanations, submit evidence, file a petition. The detainee has the right to appeal the decision on the case to higher authorities, the prosecutor's office and the court. Similarly, in order to prevent complaints, law enforcement officers must strictly comply with the procedural requirements and carefully describe the person.

Thus, during compliance with quarantine conditions, crossing the conditional line of demarcation with the occupied territory, etc., identity documents become relevant, which are not only a passport but also a student card, pension, military and driver's license, and other documents with information about person with a photo. However, there are some difficulties in performing their professional duties, in particular, detaining an undocumented person. Given that there is no responsibility for the lack of documents, the skills of describing a person's appearance by the method of verbal portrait become especially important.

Список використаних джерел:

1. Бідняк Г.С. Застосування спеціальних знань поліцейськими під час перевірки документів Науковий вісник публічного та приватного права, випуск 1, том 2, 2019. С. 130-133.

2. Кримінальний процесуальний кодекс України: Закон України від 21.07.2020. N 817-IX. URL: <https://ips.ligazakon.net/document/T124651?an=5941> (дата звернення: 31.10.2020).

3. Про національну безпеку України, Закон України N 2469-VIII, редакція від 24.10.2020. URL: <https://zakon.rada.gov.ua/laws/show/2469-19#Text> (дата звернення: 31.10.2020).

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ЕКСГУМАЦІЯ: ІСТОРІЯ РОЗВИТКУ ТА ПРОБЛЕМАТИКА ПРОВЕДЕННЯ

Ексгумація – (Exhumation лат. - ex-humatio - извлечение трупа из земли, от ex – из – и humus- земля, почва) це вилучення вже похованого трупу з землі для огляду або розтину, щоб з'ясувати причини смерті або встановити ідентичність трупу.

Взагалі, проаналізувавши кримінальний процесуальний кодекс, ексгумацію відносять до таких слідчих дій як огляд та освідування, хоча деякі науковці відносять дану дію до виїмки. Однак, для більш детального вивчення даної теми, слід трохи занурити в історію розвитку даної слідчої дії.

Койсин А.А. вважає, що ексгумацію можна визнати приватним випадком виїмки, так як вони мають тотожні цілі; пошукові слідчі дії при здійсненні обох процесуальних дій зводяться до мінімуму; об'єкти на які направлені ці дії, видаються добровільно, та взагалі вилучення трупу з місця захоронення нічим не відрізняється від вилучення інших предметів чи документів. Але, ми не згодні з даним твердженням, так як порівнювати померлу особу з предметами та документами є не правильним, хоча б з морально-етичної точки зору. Крім того, ознака добровільності носить