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Differentiation of the Special Investigative Experiment and the Imitation of Crime Situation

The article deals with the definition of the special investigative experiment and the imitation of crime situation given in the subordinate legal acts. The specific elements of such definitions used by scientists and practitioners for distinguishing the special investigative experiment to imitation of crime situation (the subjects, the objects, used material instruments, target, customized nature of the crime, the subject of imitation and the time of the imitations relatively of a crime) are determined. It is shown that these criteria are rather conventional and relative. Therefore, when determining the names of control form for committing an offense the investigators, prosecutors are guided by their own internal conviction (because there are no clear legal characteristics). At the same time, the special investigative experiment and the imitation of crime situation have important common features.

First of all, the staging of activities (events, the situation) that must be perceived by the person as a feature of realization (or possibilities of realization) of its criminal plan underlies both studied forms of control for committing an offense.

Second, the purpose of the special investigative experiment and the imitating of crime situation is the fixation of evidence confirming the decision of the person (independent and final) about the committing a grave or especially grave crime. Such decision may

find their external expression only in the actions of individuals or preparation attempt on specific acts provided of the Criminal Code of Ukraine. Exactly these actions must be seated.

Proved that the definition of special investigative experiment and the imitation of crime situation enough to leave one name – the special investigative experiment. However, in the Criminal Procedure Code of Ukraine should be noted: the special investigative experiment held with the aim of committing by the person of preparation and (or) attempt to grave or especially grave crime and is staged actions (events, situation) that meet the criminal intent of the person and (or) may indicate its committing.

Keywords: covert investigative (detective) actions, control of the crime, special investigative experiment, simulate climate crime.