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Characteristics of Temporary Access to Items and Documents in the Course of Pre-Trial Investigation of Construction Crimes

Article clarifies the characteristics of temporary access to items and documents in the course of pre-trial investigation of construction crimes along with specification of separate temporary access subjects in the abovementioned crime category and focuses on tactical aspects of relevant procedures.

It is identified that temporary access to items and documents is an important procedural step in the course of construction crimes investigation. Typical sources of evidence data in the abovementioned procedural category comprise financial documents, local organizational acts, contractual documents (shipping documentation, valuables etc). Though in actual practice specific complications may obstruct the ensuring of temporary access to items and documents especially when person fails to perform the obligation of authorizing the investigator with temporary access to items and documents which requires adequate legislator's response.

It is offered to change the approach to regulation of response to person's failure to perform the obligation of authorizing the investigator with temporary access to items and documents (according to court ruling) and right to initiate search and seizure of mentioned objects upon immediate notification of prosecutor and judge – therefore it is deemed appropriate to amend the Article 163 of the Criminal Code of Ukraine by additional provision stating that judge must issue a permission for search procedure in case if person fails perform the obligation of authorizing the investigator with temporary access to items and documents.

Keywords: offense, construction, documents, falsification, illegitimate acquisition, money.