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THE “NON-TRADITIONAL” METHODS IN CRIMINAL LAW

The concept of “non-traditional” methods is appeared in Criminal Law in the end of 80-th year. Any methods including non-traditional are based on specialized knowledge’s in a particular industry. Depending on the way of getting information’s they can be:

First, methods which are unrelated with the interrogating perpetrator (they are extrasensory, description the portrait of suspect and others)

Second, methods related with interrogating perpetrator (they are: hypnosis, polygraph, drug analysis and many others)

Consequently, these methods criminal police use for their own goals to solve different crimes.

On the one hand you cannot use scientifically based methods for forensic investigation, but in some cases where traditional methods don’t work, you must find new and innovative methods that can help pre-trial investigation. They can include the polygraph (another its name is "detector lie").

And now I want to tell you some information about polygraph. Polygraph defines a lie thanks for various psychophysiological indicators of human condition. This may be palpitation, temperate body, rhythm breathing, and state of the circulatory system. John Lars created the first polygraph, which was suitable for use in pre-trial investigation. After Larson's success, the detector of lie proved itself as a device with exact results. Examples are present that if we are really concerned, worried, excited, we are scared; we are experiencing the emotional excitement that fixes polygraph.

In Ukraine, during the reform period of police, there was a question about the use of a lie detector and the results obtained using it in the activities of the internal affairs. The problem of the use of the polygraph was the lack of its legislative consolidation in Ukraine, which served as a basis for law enforcement officers and the court for non-recognition of evidence gathered through a polygraph. Today, uses the detector of lie in the police of Ukraine is carried out in accordance Article number 9 of the Law of Ukraine "On Operational and Investigative Activity “. We can uses devices, which doesn’t harm the life and health of a person.

Next non-traditional method is hypnoses. Many scholars treat this problem skeptically, believing that the state of hypnosis is associated with inhibition of the will of man, gross intrusion in his psyche and the possible harm to the mental health of the hypnotized.

And the last method is kinesics. A very interesting direction of non-traditional specialist knowledge in criminology is kinesics, the direction of scientific research to outline the possibility of obtaining non-verbal information about a person based on patterns of behavior in non-verbal communication, which occurs without words in the process of communicating with it. As a result of scientific studies conducted by Professor Lausvillian University in Australia R. Bordwislom, it has been established that in the course of communication a significant part of information is transmitted by non-verbal means, namely: gestures, poses, placement and distance between people. At the same time, the share of non-verbal means in communicating people is more than 65%. The peculiarity of the language of body movements is that it is due to the impulses of the human sub consciousness and the lack of the possibility of counterfeiting these impulses, which makes it possible to trust this language more than the usual verbal communication channel. The exact definition of gestures is possible only with regard to the selection of words, environment, role, mood, their stimuli, and voice tone. Kinesics research results are already used in the activities of people of many professions and may even need to be included in the course of studying at universities.

Currently, the method of hypnотility is not at all ready for use in Ukraine, primarily because of the lack of a scientifically substantiated mechanism for its use. But to abandon this method or in the first stage - from a serious scientific study of the possibilities of hypnosis, of course, it is impossible. Objective study of the possibility of using hypnosis during the disclosure and investigation of crimes can help not only to avoid the wrong decisions, but also to find an additional source of new ways to increase the effectiveness of operational and investigative activities and the fight against crime.

Consequently, we conclude that non-traditional research methods and special knowledge can not become officially accepted simply because they do not give an accurate or concrete result. On the other hand, they can help the investigation to move from a "dead point". They are more optional than mandatory ones. This will be as long as their efficiency and accuracy are not proven. Therefore, in our opinion, the value of non-traditional methods in practice is indisputable.

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DIE WICHTIGSTEN MAßNAHMEN BEI DER NEUERUNG DER ORGANE FÜR INNERE ANGELEGENHEITEN

Der erste Schritt für Neuerung der Organe für Innere Angelegenheiten wurde die Verabschiedung des Beschlusses von Ministerkabinett der Ukraine vom 24.April 1996 №456 „Über Konzeption der Entwicklung im System des Innenministeriums“[1], die ihrer Erwartungen nicht erfüllte, weil sie unüberlegt war und meinte keine Neuerung des ganzen Ministeriums, sondern nur die Strukturveränderung einiger seiner Abteilungen.

In den Jahren 2002-2013 wurden Programme, Konzeptionen, Strategien angenommen, die sich auf Erarbeitung und Verwirklichung der weiteren Maßnahmen für Neuerung im System der Organe des Innenministeriums bezogen wurden[2, S.67].

Ende 2014 unter Mitwirkung der Charkiver Menschenrechtsgruppe und des Zentrum der Forschungen von Rechtsschutztätigkeiten wurden zwei wichtige Dokumente entwickelt, die die Neuerung des Innenministeriums der Ukraine beabsichtigen: 1) Konzeption der vordringlichen Maßnahmen für Neuerung im System des Innenministeriums der Ukraine [3]; 2) Strategie der Entwicklung der Organe für Innere Angelegenheiten der Ukraine [4].

Diese Projekte wurden von Wissenschaftlern und Vertretern des Beratungsdienstes der Europäischen Union hoch eingeschätzt und durch Anordnung des Ministerkabinetts der Ukraine vom 22. Oktober 2014 gebilligt. Um dieses Ziel zu erreichen, wurden folgende Maßnahmen geplant:

Entmilitarisierung des Innenministeriums der Ukraine;

Reduzierung einer Menge von Organen, Abteilungen und Dienste mit ähnlichen Aufgaben und Funktionen;