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SOME PROBLEMS OF INVESTIGATION PRACTICE AND WAYS OF THEIR REMOVAL

Separate blanks and collisions of operating Criminal Procedural Code, that render negative influence on efficiency of investigation of crimes, are reflected in this article. Examples from inquisitional activity, that brightly testify to actuality of the marked range of problems and the ways of removal of existent inaccuracies offer, are made. Operating for today Criminal Procedural Code gave new colouring to criminal judicial activity, however to the already existing in her problems the new was added, not approved by the legal field. The detailed study of experience of inquisitional activity testifies that one of urgent problems there are imperfection and contradiction of separate positions of operating Criminal Procedural Code that too complicates everyday tedious work of inquisitional subdivisions. For this reason the important task of scientists is making of mechanisms of removal of existent inaccuracies.

First of all brings over to itself attention the modern state of setting of norms of constitutional right for the citizens of Ukraine on inviolability of accommodation and derivative from him principles of criminal realization, in particular realization of such inquisitional (of criminal investigation) actions as review and search. Detailed attention displace on the cases of the so-called «urgency» in realization of some judicial actions that prescribed a legislator, as given out us, not really correctly and clear.

Authorial position is also accented in relation to the ambiguous requirement of legislator that realization of secret inquisitional (of criminal investigation) action must be it is immediately stopped, if an inquisitional judge will decree a decision about a refuse in granting permission on realization of secret inquisitional (of criminal

investigation) action, what a legislator creates soil for numerous violations of constitutional rights for citizens in practical activity.

So as there is a row of problems during organization of search of suspected (defendants) in the conditions of new Criminal Procedural Code of Ukraine, authorial position is expounded in relation to the improved judicial order of their detention and detaining in custody.

Marked, that on this time remains not certain a mechanism of closing of realization after crimes from the moment of feasance of that passed 15 is a article 49 Criminal Code of Ukraine, including those, where the suspected are in a search and the own ways of decision of collision situation that was folded offer.

It is set that a term certain in a article 171 Criminal Procedural Code of Ukraine in relation to the arrest of the temporally withdrawn property not later than a next working day after the exception of property does not give an opportunity to conduct necessary examinations of the indicated property with the aim of decision of necessity of his arrest or return to the proprietor. Therefore it follows legislatively to remove this dilemma. Attention is also accented on other collision moments of operating Criminal Procedural Code.

The ways of decision of all marked problem questions is joint activity of scientists, practical investigators and legislator, that would be sent to establishment of present blanks and collisions in operating Criminal Procedural Code their discussion and making of general steps, changes and additions sent to the immediate bringing in Criminal Procedural Code of Ukraine, and also acceptance of other legislative acts that does not contradict position of the marked Code.

Keywords: pre-trial investigation, investigator, investigation activity, criminal offence, consequence (search) actions, criminal realization.