

UDC 343.14:343.132

Current publication on using means of criminal procedural evidence in pre-trial investigation

Review of the book: Means of criminal procedural evidence in the pre-trial investigation: theory and practice: monograph. Kyiv: INFOTECH, 2021. 684 p.

S. Cherniavskiy*

Doctor of Law, Professor, Vice-Rector of the National Academy of Internal Affairs,
Kyiv, Ukraine

<https://orcid.org/0000-0002-2711-3828>

D. Serhieieva

Doctor of Law, Senior Researcher, Professor of the Department of Criminal Procedure
and Criminology of the Institute of Law of Taras Shevchenko National University of Kyiv,
Kyiv, Ukraine

<https://orcid.org/0000-0003-1447-5341>

In the context of the development of Ukraine as a legal, democratic and independent state, unfortunately, the level of crime remains high, which infiltrates all spheres of public life, causing significant losses, and adversely affecting the development of all social and state institutions. Recently, crime in Ukraine has been increasing. Society is particularly concerned about the number of crimes committed in the banking, credit and financial, privatisation spheres, the energy market, the sphere of drug trafficking, weapons, human trafficking, etc. These crimes, as a rule, are committed by organised criminal groups that have the latest forms and methods of counteracting law enforcement and judicial bodies and have close corruption ties in various authorities. Thus, their disclosure and investigation, and adoption of lawful and fair procedural decisions are possible only if appropriate and efficient means of criminal procedural evidence are used in the pre-trial investigation.

The comprehensive monographic research of O.S. Starenkiy is a logical continuation of the further development of scientific ideas initiated in this field by such domestic scientists as: V.V. Vapnyarchuk, V.G. Goncharenko, Y.M. Groshevyi, E.G. Kovalenko, S.O. Kovalchuk, E.D. Lukianchykov, M.M. Mikheenko, V.T. Nor, M.A. Pogoretskyi, S.M. Stakhivskyi, L.D. Udalova, M.E. Shumylo and others, whose works the author comprehensively and critically analysed.

Considering the content of the monograph, note that its author intended to design a theoretical development of the scientific concept of means of criminal procedural evidence in the pre-trial investigation based on the substantiation of proposals and recommendations for improving the provisions of the current criminal procedural legislation of Ukraine and the practice of their application in the activities of pre-trial investigation bodies, prosecutors, lawyers and judges. To achieve this purpose, the author has analysed the modern concepts of criminal procedural evidence which are currently presented in the theory of criminal procedural evidence, national and foreign criminal procedural legislation, law application practice, in particular, the practice of the High Specialised Court of Ukraine for Civil and Criminal Cases, the High Anti-Corruption Court, the Supreme Court of Ukraine, the European Court of Human Rights, and surveyed practitioners (investigators, prosecutors, judges, judicial officers, etc.).

The monograph consists of five subsections, each of which logically and consistently outlines the concept of criminal procedural evidence in the pre-trial investigation.

The first section, "Theory of criminal procedural evidence as a scientific and methodological foundation for the establishment and development of means of criminal procedural evidence in the pre-trial investigation",

■ Suggested Citation:

Cherniavskiy, S., & Serhieieva, D. (2021). Current publication on using means of criminal procedural evidence in pre-trial investigation. *Scientific Journal of the National Academy of Internal Affairs*, 26(2), 137-138.

■ *Corresponding author

■ Received: 03.15.2021; Revised: 05.01.2021; Accepted: 06.03.2021



Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

defines the scientific and methodological foundation of the concept of means of criminal procedural evidence in the pre-trial investigation, develops the concept of means of criminal procedural evidence in the pre-trial investigation and defines their forms, and identifies the types and classification of means of criminal procedural evidence in the pre-trial investigation.

The second section, "Evidence as a means of criminal procedural proof in the pre-trial investigation", is devoted to the disclosure of the concept of evidence in criminal proceedings, establishing their place in the system of means of criminal procedural proof, determining the types of evidence in criminal proceedings and highlighting their essence as means of criminal procedural proof, clarifying the place of the materials of the original investigative detection in the system of means of criminal procedural proof in the pre-trial investigation.

In the third section, "Investigative (search) actions as means of criminal procedural evidence in the pre-trial investigation", the concept of investigative (search) actions as means of criminal procedural evidence in the pre-trial investigation is developed, and the criteria for their classification are identified, ways to optimise using investigative (search) actions as means of criminal procedural evidence in the pre-trial investigation are established.

The fourth section "Covert investigative (search) actions as means of criminal procedural evidence in the pre-trial investigation". It provides the concept of covert investigative (detective) actions as means of criminal procedural evidence in the pre-trial investigation and suggests criteria for their classification, outlines ways to optimise using covert investigative (detective) actions as means of criminal procedural evidence in the pre-trial investigation.

The fifth section, "Other Procedural Actions as Means of Criminal Procedural Evidence in Pre-trial Investigation", defines the place of requesting and ob-

taining things and documents in the system of means of criminal procedural evidence in the pre-trial investigation, covers the legal nature of temporary access to things and documents as a means of criminal procedural evidence in the pre-trial investigation and identifies the criteria for its classification, the place of familiarisation with the materials of criminal proceedings in the system of means of criminal procedural evidence in the pre-trial investigation was established, and the essence of unscheduled audits and unscheduled inspections as means of criminal procedural evidence in the pre-trial investigation was determined.

The material is presented logically, simply and interestingly, which contributes to its perception and accessibility for a wide audience. The work is characterised by creative originality and general methodological culture, as it substantiates the theoretical provisions that correspond to the new concept of criminal procedural law, which determines the degree of civilisation of the procedural system, its compliance with the ideas and fundamental principles of the rule of law, and develops proposals for improving the provisions of the current criminal procedural legislation of Ukraine regulating the application of criminal procedural evidence in the pre-trial investigation.

Considering the above, the monograph "Means of Criminal Procedural Evidence in Pre-trial Investigation: Theory and Practice" can be objectively considered a successful comprehensive and systematic study of the problems of using means of criminal procedural evidence in the pre-trial investigation, which corresponds to the requirements for this type of work. The reviewed monograph is of considerable scientific interest and deserves the attention of researchers, teachers and students of higher educational institutions of the legal profile, lawyers, investigators, prosecutors, judges, and everyone interested in the problems of using criminal procedural evidence in the pre-trial investigation.

Актуальне видання з питань застосування засобів кримінального процесуального доказування в досудовому розслідуванні

Рец. на кн.: Старенький О. С. Засоби кримінального процесуального доказування у досудовому розслідуванні: теорія та практика : монографія. Київ : ІНФОТЕХ, 2021. 684 с.

С. С. Чернявський

Доктор юридичних наук, професор, проректор Національної академії внутрішніх справ,
м. Київ

<https://orcid.org/0000-0002-2711-3828>

Д. Б. Сергєєва

Доктор юридичних наук, старший науковий співробітник,
професор кафедри кримінального процесу та криміналістики Інституту права Київського
національного університету імені Тараса Шевченка,
м. Київ

<https://orcid.org/0000-0003-1447-5341>