

ABSTRACT

Tarkan O. M. Methodology of investigation of acceptance of an offer, promise or receipt of illegal benefit by an official of a police body. – Qualification scholarly paper: a manuscript.

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The dissertation provides a theoretical generalization and a new solution to the scientific problem, which is manifested in the development of a separate forensic methodology for investigating the acceptance of an offer, promise or illegal benefit by a police officer.

The author analyzes scientific approaches to understanding the essence of forensic characterization of crimes and its structural construction. Forensic characteristics of accepting an offer, promise or receiving an improper benefit by a police officer are considered as a system of generalized data on the typical features of this type of criminal offense that have forensic significance. Its structure includes the subject of illegal benefit, the situation of the criminal offense, its methods and traces, the identity of the recipient of illegal benefit and its provider.

According to the results of critical analysis of scientists' work, as well as generalization of materials of criminal proceedings on the investigated criminal offenses, information was obtained on typical features of certain components of forensic characteristics of accepting an offer, promise or illegal benefit by a police officer. In particular, it was found that the typical subject of this crime is property in the form of money in the currency of Ukraine in cash or non-cash form, documents that provide access to property, as well as inventory. The situation of a criminal offense is analyzed, which includes information about the time and place of its commission, features of official activity in police bodies, features of behavior of other persons directly during the event of a criminal offense, conditions that contributed to its commission.

The structure of the method of accepting an offer, promise or receiving an illegal benefit by an official of a police body is determined, typical methods and operations used in the preparation, direct commission and concealment of this type of criminal offense are given. The most typical ways of training are choosing a potential provider of illicit benefits, drawing up official documents in the course of police activities, expressing a desire to provide illicit benefits and / or extorting them, determining the desired subject of illicit benefits and its size, deciding on a comfortable environment, form and method its receipt. When directly committing a criminal offense, such methods are most often used as the transfer of the object of illegal gain in kind during direct contact by the provider to the recipient, leaving in a certain place, transfer to an intermediary, transferring money to bank accounts, payment for goods and services. In turn, concealment of the tort may include such means as involving a mediator, making changes to the situation in case of threat of detention, fleeing the scene, forgery or destruction of documents, the use of veiled forms of illicit gain and giving these operations the appearance of legal, and so on.

It is established that typical traces of the investigated type of criminal offense are the subject of illegal gain and traces on it, traces-layers of special chemicals on the body and clothes of the suspect, video surveillance recordings, protocols of crime control and other covert investigative (search) actions and appendices to them in the form of audio or video recordings, documents, display in memory of participants of event and eyewitnesses.

Typical data on the official status of police officers who accept illicit benefits, socio-demographic information and moral and psychological characteristics of the person acquiring illicit benefits and his provider are highlighted. According to the results of generalization of the materials of criminal proceedings, it was established that the acquirers of illegal benefits were more often employees of patrol police, pre-trial investigation bodies, criminal police, special police and special police. According to socio-demographic characteristics, the recipients of illicit benefits are characterized by male age, up to 35 years, work experience of not more than 5 years. According to the moral and psychological qualities are differentiated persons who

act with pronounced selfish motives and a stable attitude to obtain illegal benefits; persons who accept illegal benefits as a result of incitement by colleagues; persons acting under the influence of the provider of improper benefit, showing instability of character.

The current state of legal regulation of the initiation of pre-trial investigation in terms of improving the recommendations for the initial stage of the investigation of the proposal, promise or illegal benefit of a police officer in the investigation methodology is analyzed. The tasks that arise at the beginning of the pre-trial investigation and the means to solve them are identified. The peculiarities of the evaluation of the results of covert investigative (search) actions carried out at the initial stage of the investigation, the list and sequence of which is determined by the investigative situation, are investigated. In this regard, the investigative situations of the initial stage of the investigation of the investigated type of criminal offense are typified depending on the source and amount of information about the event under investigation. It is established that an important circumstance regarding the specifics of the beginning of criminal proceedings on the acceptance of an offer, promise or receipt of an illegal benefit by an official of a police body is the problem of compliance with the law at this stage. Prevention of problems with the formation of the evidence base at this stage is possible provided that the recommendations for ensuring the completeness of information on criminal offenses, which are entered into the Unified Register of pre-trial investigations, substantiated preliminary criminal law qualification of the act, permission to use information obtained in other criminal proceedings.

Typical general versions in criminal proceedings of accepting a proposal, promise or receiving an improper benefit by a police officer, which relate to the nature of the event as a whole, as well as individual versions of the time, place, manner, subject, subject and consequences of a criminal offense. It is substantiated that typical investigative situations of the initial stage of the investigation should be determined depending on how fully the criminal intent was realized at the time of receiving the information about the criminal offense. According to this criterion,

typical investigative situations are distinguished, when the participants of a criminal offense have a relationship regarding the possibility of providing an illegal benefit in the future or accepting an offer, promise or receiving an illegal benefit has already taken place. Each situation is characterized by certain investigation algorithms.

The investigative situations of the further stage of the investigation are typical of accepting an offer, promise or receiving an improper benefit by a police officer depending on the position taken by the defense, in particular, the suspect fully admits his guilt in committing a criminal offense and cooperates with the investigation. his guilt completely and argues innocence. The specifics of each situation determines the tactical tasks of the investigation and the corresponding techniques, methods and means of solving them.

It is substantiated that in the methodology of investigation of acceptance of the offer, promise or receipt of illegal benefit by the official of police body it is expedient to allocate standard tactical operations "Documentation of process of acceptance of the offer (promise) or reception of illegal benefit", "Detention", "Search and preservation circumstances of realization of the interest of the provider of illegal benefit ", which are aimed at solving the most important tactical tasks of the investigation, and the conduct of which is the most specific and contributes to the effectiveness of pre-trial investigation. The content of these tactical operations is determined.

Based on the generalization of the materials of criminal proceedings, it is established that the most common investigative (search) actions carried out during the investigation of acceptance of a proposal, promise or illegal benefit by a police officer are inspection of the scene, inspection of objects and documents, interrogation of suspects, witnesses victims, involvement of an expert, demand, receipt, seizure of documents, search and examination. Tactical recommendations have been developed for the preparation and conduct of certain investigative (search) actions, taking into account the specifics of the purpose and objects of inspection, search and seizure of documents by implementing the decision on temporary access to things and documents. Depending on the category of the interrogated person

(applicants, eyewitnesses, colleagues in the service of the recipient of illegal benefits, suspects, etc.), the subject of the interrogation was determined. It is emphasized that the choice of tactics of interrogation depends on the situation (conflict or non-conflict). It has been established that a conflict-free situation is more common during the interrogation of witnesses, and the interrogation of a suspect in accepting an offer, promise or obtaining an improper benefit in most cases has to be carried out in a conflict situation. The most effective tactics of interrogation are addressing the positive qualities of the person, detailing the testimony, re-interrogation, analysis of contradictions in the testimony, presentation of evidence.

The specifics of the use of special knowledge in the form of involving specialists in the field of technical protection of information and special equipment to conduct certain investigative (search) and covert investigative (search) actions to conduct certain investigative (search) actions are revealed. Recommendations on the appointment of forensic examination of special chemicals that were used to mark the subject of illicit gain; technical examination of documents in order to establish the facts and methods of making changes to documents, identifying texts on burnt and burned documents, establishing the whole parts of the document, as well as the study of paper money, which have become the subject of illicit gain; examination of video and sound recording for the purpose of research of the materials received during fixing of process of preparation of illegal benefit and directly circumstances of its granting. The tasks that can be solved with the help of handwriting, dactyloscopic and molecular genetic examination are given.

Key words: corruption, illegal benefit, pre-trial investigation, forensic methodology, police officer, acceptance of an offer, promise or receipt of illegal benefit by a police officer, corruption criminal offense.