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METHODS OF COLLECTING AND FIXING EVIDENCE IN CRIMINAL PROCEEDINGS OF VARIOUS LEGAL SYSTEMS

Evidence is the cornerstone of criminal proceedings, and methods of collecting and fixing evidence directly affect the legality, admissibility and reliability of the obtained factual data. Globalization of crime and international cooperation require a deep understanding of the peculiarities of evidentiary law in different legal systems. Comparative analysis allows us to identify the advantages and disadvantages of national approaches and promotes their harmonization.

The world criminal process is traditionally divided into two main systems: continental (inquisitorial/mixed) and Anglo-American (adversarial) ones [1, p. 14].

In the continental system, pre-trial investigation is the prerogative of state bodies (investigator, prosecutor), which have broad powers to collect evidence.

In Ukraine, the prosecution collects evidence by conducting investigative (search) actions (interrogation, search examination etc.), as well as covert investigative (search) actions covert investigative(detective) actions (CIDA) (audio-, video surveillance of a person, removal of information from transport telecommunication networks, etc.) [2, p. 143].

An important aspect is the right of the defense to collect evidence, in particular by requesting documents and objects, conducting its own interviews of persons, obtaining expert opinions [3, p. 121].

The key methods are investigative actions, i.e. procedures formalized by law, aimed at identifying and fixing factual data, and CIDA, i.e. methods that are carried out in a covert manner and aimed at obtaining information about a crime that is being prepared or committed [4, pp. 260–262].

The Anglo-American system is predominantly adversarial, with the parties (prosecution and defense) bearing the main burden of gathering evidence, although the police play a key role at the initial stage.

Key methods of gathering evidence are:

1) "Miranda Warning" (USA): Mandatory warning of a person about his/her rights before interrogation, which affects the admissibility of testimony [1, p. 210]. The absence of such a warning makes the collected testimony inadmissible (fruit of the poisonous tree doctrine).

2) "Rule of Exclusion" (Rule of Exclusion): Strict control over compliance with constitutional rights when collecting evidence (searches, arrests). Illegally obtained evidence is excluded from consideration. In Ukraine, this corresponds to the principle of admissibility of evidence (Article 86 of the CPC of Ukraine) [4, p. 84].

Fixation of evidence is the procedural consolidation of factual data, which is a necessary condition for their admissibility. The main method of recording is the preparation of a procedural document - a protocol of investigative (search) action or NSRD [2, p. 103].

The protocol must contain an accurate description of the actions performed, the results obtained, the time and place of the action, as well as the signatures of the participants [4, p. 104].

It is also mandatory to use technical means that provide for recording by photography, sound or video recording during a series of investigative actions (search, covert actions) and court proceedings. These media are an appendix to the protocol and part of the evidence [2, p. 107].

The recording of testimony is carried out by entering their content into the interrogation protocol or the court session journal [4, p. 353].

In an adversarial process, recording is less dependent on a single procedural document, but is strictly controlled with respect to the chain of custody. In such a system, the methods of recording can be written reports, audio and video recordings, and court session protocols.

A comparative analysis of methods of collection and recording is incomplete without taking into account the rules of admissibility and assessment of evidence, which determine the ultimate procedural weight of the collected information.

The admissibility of evidence is the compliance of the procedure for its collection and recording with the requirements of the law [4, p. 86].

In the continental system, evidence is inadmissible if it was obtained as a result of a significant violation of human rights and freedoms guaranteed by the Constitution and international treaties [4, p. 87]. Such violations include: violation of the right to defense, obtaining testimony under duress, conducting investigative actions without the permission of the investigating judge, if one is required.

In turn, in the Anglo-American system, the Rules of Evidence governing admissibility are stricter and more specific. In addition to constitutional violations, there are rules on hearsay, which are generally inadmissible, as well as rules on admissibility (opinions, not facts).

Regarding the assessment of evidence, it should be noted that in the continental system, evidence is assessed according to the internal conviction of the court (investigator, prosecutor), which is based on a comprehensive, complete and objective study of all the circumstances of the proceedings as a whole [4, p. 94]. Each piece of evidence is important, but no piece of evidence has a predetermined force.

The Anglo-American system attaches greater importance to oral testimony in court. The jury (or judge) evaluates the evidence, guided by the principle of "beyond reasonable doubt" for the prosecution. Evidence collected outside the court (protocols, reports) has less weight than live testimony.

The comparative analysis showed that the methods of collecting and recording evidence differ significantly in the criminal process of different legal systems, reflecting their historical and philosophical foundations.

In the continental system (including Ukraine), the emphasis is on official procedural actions (investigative/search actions) and recording their results in protocols, which is the main evidentiary source.

In the Anglo-American system, the key role belongs to the adversarial nature of the parties in collecting evidence and strict control over their constitutional admissibility ("Exclusion Rule", "Miranda Rule"). When recording, special attention is paid to documenting the chain of custody of physical evidence and live oral testimony in court.

The Ukrainian CPC (2012) is mixed, but in terms of collecting evidence it retains a predominantly continental approach with enhanced

human rights guarantees, which reflects the requirements of the European Court of Human Rights.

Further study of international experience in collecting and recording evidence is crucial for improving the Ukrainian criminal process, in particular in terms of increasing the efficiency of using technical means and clearer regulation of the admissibility of evidence obtained outside of procedural actions.

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FEATURES OF THE UKRAINIAN POLICE IN WARTIME CONDITIONS

Topicality: The topic is highly relevant, as it reflects the transformation of the National Police of Ukraine during the ongoing Russian full-scale invasion. Understanding the adaptation of law enforcement in wartime conditions is essential for ensuring internal security, stability, and resilience of the state.

The purpose of this paper is to analyze the main features, challenges, and new responsibilities of the National Police of Ukraine