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PROBLEMATIC ISSUES OF THE PROCEDURAL USE OF POLYGRAPH EXAMINATION CONCLUSIONS AS A SOURCE OF EVIDENCE IN ORGANIZED CRIME

Organised crime (OC) poses a significant threat to Ukraine's national security and public order. Due to its high level of secrecy, rigid hierarchy, corruption connections, and active resistance to investigation (including the use of countermeasures), traditional forensic methods often prove insufficient. In this context, the polygraph examination serves as a highly informative tool capable of verifying the reliability of provided information. Despite its widespread application, the procedural status of polygraph results in criminal proceedings remains uncertain and controversial. This inconsistency is the main problem. In the absence of explicit regulation in the Criminal Procedure Code (CPC) of Ukraine, courts often treat the results of polygraph

examinations merely as indicative information rather than as a full-fledged, independent type of evidence. This limits the effectiveness of law enforcement authorities in proving the involvement of OC members, where every element of the evidentiary base is crucial.

The main obstacle is the lack of a clear legislative status of the polygraph examination as a source of evidence. Absence of a direct provision in the CPC: The current CPC of Ukraine does not contain a direct provision defining polygraph testing as a procedural action, nor its results as a type of evidence — the list of which is exhaustive (testimonies, physical evidence, documents, expert opinions) [1]. This leads courts, including the Cassation Criminal Court of the Supreme Court, to consistently state that the current legislation does not permit the use of a polygraph to verify testimony or to admit they obtained data as evidence.

Other reasons include the possibility of granting evidentiary value to polygraph results, which exists only if it is conducted in the form of a forensic psychological examination using a polygraph [2]. However, even in this case, questions arise regarding its scientific validity, and the court critically evaluates the conclusion. The conclusion of an ordinary polygraph specialist without the status of a certified forensic expert is not accepted as evidence in court.

Use against organised crime: In OC cases, where defendants are often financially capable and have qualified legal protection, any procedural inaccuracy (including the status of the polygraph) becomes a basis for declaring evidence inadmissible. This renders the investigation efforts [3] null and void.

Thus, after analysing the main aspects, it can be concluded that the problematic issues of the procedural use of polygraph examination results in combating organised crime are systemic and require urgent legislative intervention. The high informational value of the polygraph in investigating complex, covert crimes of organised crime cannot be fully realised due to its procedural vulnerability

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FOREIGN EXPERIENCE IN PREVENTING MILITARY AND ECONOMIC CRIMES

The unstable position of Ukraine in the world political and economic arenas has led to an aggravation of the crime situation in the country. A separate and rather urgent problem has become a sharp increase in the number of criminal offenses of an economic nature, as well as particularly serious crimes committed by servicemen of the Armed Forces of Ukraine.

According to the Scientific Centre for the Prevention of Corruption in the Security and Defense Sector, as of 2018, 2% of whistleblowers disclosed corruption in the ATO and military units; 22% of reports concerned other offences rather than corruption [2, p. 32]. Strengthening the rule of law, prevention of war crimes, especially under martial law, remains extremely important for Ukraine. The Concept of implementation of the state policy in the field of crime prevention identifies the main problems that need to be addressed, including: imperfection of legal, organizational, financial, personnel, information support for crime prevention; inadequate level of comprehensive preventive measures aimed at eliminating the causes and conditions of crime, as well as preventive work with persons prone to commit them. Despite the current state of war in Ukraine, the issue