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PROSPECTS OF SYSTEMATIC METHOD IN MODERN CRIMINAL INVESTIGATION IMPLEMENTATION

Analysis of current thesis on criminal and legal issues allows us to reveal a growing concern over particular criminal and legal regulations, certain chapters of the Criminal Code of Ukraine, as well as the Criminal Law in general, with the predominant use of the dogmatic method of knowledge. Undoubtedly, this is not something negative for the development of domestic criminal and legal science. According to A. Savchenko some categories of criminal law have been made, and appropriate criminal and legal principles have been described, summarized, classified and interpreted by means of this legal method. Moreover, the use of this method implies certain tactical logical consequences: situational specific issues settling, consideration of certain cases of criminal and legal method etc. We suppose the domestic criminal and legal doctrine lacks the strategic directions in scientific research.

Possible opponents assume that such matters may be the subject of doctoral thesis on law. There is no doubt that such studies are being performed, but they are not so numerous to say about a significant impact on modern trends in forming a new criminal and legal state policy. Therefore, it seems appropriate to review not only theoretical matters of the PhD thesis on law, but also to determine its relationship to certain strategic issues. Undoubtedly, such statement of a scientific problem requires a significant amount of any research. How to find a way out of this situation?

We believe that scientific definitions of philosophy should be applied. It means the systematic method of certain processes and phenomena knowledge to be used that after O. Manokha is the most effective research method, so its use in philosophy of law is particularly relevant.

Application of this method requires a consideration of certain issues of criminal and legal science (e.g. regulations, institution) as a microsystem, and relevant issues (e.g. a chapter of the Criminal Code of Ukraine on the whole) as a macrosystem. Undoubtedly, certain system comparison and determination of the amount of their value depends on the components themselves. For example, the relevant paragraphs of the article will be a microsystem towards the article itself, which will be a macrosystem, by-turn. Nevertheless, the equivalent elements (e.g. General and Special Parts of the Criminal Code of Ukraine) interact with each other as macrosystems, but in turn they can be applied in another entity (e.g. the Criminal Code of Ukraine on the whole), i.e. a microsystem.

Besides, the ratio of criminal and administrative law requires a special study. Implementation of the Criminal Justice Reform in Ukraine (approved by the Decree of the President of Ukraine from April 8, 2008) and appropriate Agenda for implementation of this concept (approved by the Cabinet of Ministers of Ukraine dated August 27, 2008) seem to be promising in this context. According to Paragraph 2.2. of the Agenda, in particular, a draft Code of Ukraine on Criminal Offenses and the relevant law on amendments to the Criminal Code of Ukraine have been suggested to develop. Unfortunately, the criminal law has not undergone these changes yet. Therefore, the balance between particular systems of current and perspective legislation is offered to establish in every modern criminal law study: the Criminal Code of Ukraine, the Code of Ukraine on Administrative Offenses, and the model of draft law on the criminal offense institution.

It means that any researcher should not bypass a ratio of these systems; it would be a logical search aims to study their relationship and possible trends towards transformation. This approach is not the latest tool in criminal and legal theory. This is a continuation enhance of the modern requirements for methodological basis of any scientific study.

This perspective, of course, corresponds to both Ukrainian European integration in the development of new educational technologies and Criminal Justice Reform Concept.