

Participation of a private detective in criminal proceedings.

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With the adoption of the Federal Law in 1992 "On private detective and security activities in the Russian Federation," the ranks of suppliers of non-procedural information for use in criminal proceedings has been extended by introducing a new subject - the private detective (detective) who were entitled to a "collection of criminal information on a contractual basis with stakeholders. "

However, these provisions of the Law are inconsistent with the provisions of the Code, in terms of practical implementation of the information obtained by private detectives by the very "parties of criminal proceedings." Thus, it revealed a new particular problem - the use in criminal proceedings of the results of private detective activity. It has already drew the attention of the whole group of legal specialists and needs serious scientific study and even legislative consolidation.

When developing the concept of "results of private detective activity", it should be borne in mind that existing Russian legislation does not use such a phrase.

Under the information collected by a private detective, we should understand any evidence relevant to the criminal case and obtained in the framework of a treaty concluded with a party of criminal proceedings.

It should also be noted that the information collected by a private detective, and the evidence in a criminal case - is not the same thing. A private detective is not entitled to produce investigative actions prescribed in the Code of Criminal Procedure, which are the main method of gathering evidence.

Therefore, participants in the process whom a private investigator gives the information collected, submit bodies of the preliminary investigation and the court not evidence but information that subsequently can be used in the formation of the corresponding type of evidence provided that the requirements of the criminal procedure law will be met.

Martynchik E.G. justifies the failure to use the information obtained by a private detective, by the absence of a rule in the Criminal Procedure Code of the Russian Federation that would include the results of private detective activity, as had been done in regard to the results of the investigation[1].

According to a study conducted by V. Semenov, in more than 50% of criminal cases, the results of private detective activity submitted to the investigating bodies were adopted and used in the proof[2].

In order to directly, rather than through realization of the right to present evidence, legislate the possibility of using the results of private detective activity in criminal proceedings, article 89 of the CODE of CRIMINAL PROCEDURE should be supplemented by the phrase "results of private detective activity".

Источники и литература

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