

Oleh M. Yemets, Olha V. Zlahoda, Yevhen V. Shapovalenko. Genesis of legislation in the field of operational investigative activities in independent Ukraine. The purpose of the article is to study the genesis of national legislation in the field of operational investigative activities in independent Ukraine, with the subsequent identification of conceptual problems, as well as the development and publication of proposals to address them taking into account the experience of post-Soviet countries. It is established that the process of formation and becoming of the legal basis for the work of operative subdivisions of authorized state bodies is not complete and it must be continued, as there are problems even with definition of conceptual bases of such activity, in particular related to the requirements of current legislation regarding its grounds. It is a question of whether the operative subdivisions should initiate operative-investigative cases and conduct operational investigative activities or send materials about preparations for a crime to the pre-trial investigation body, except for minor gravity, that is, about crimes being prepared, as well as persons preparing crimes.

To solve the problem, we propose to discuss amendments to article 6 of the Law of Ukraine «On operational investigative activities», which would exclude from the list of grounds for conducting for operational investigative activities such as the availability of sufficient information obtained in accordance with the law, requiring verification by means of operational investigative measures, about crimes being prepared, as well as persons preparing crimes. At the same time, information about crimes being prepared, as well as persons who are preparing crimes, should be immediately entered into the Unified Register of Pre-trial Investigations, except for minor ones, and preparation for a crime should be investigated immediately by an investigator. This model is more consistent with the work of Western law enforcement agencies, but, as the study showed, is not typical of post-Soviet countries. These proposals, as well as alternative ones, on the harmonization of operational investigative and Criminal procedure legislation require professional discussion, but changes in one form or another are inevitable. The obtained and published results can be used by scientists in further research in this area, as well as law enforcement officers in the conduct of operational investigative activities and crime investigations.

Keywords: *genesis, legislation, crime, criminal process, operational investigative activities.*