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Problematic issues of using a polygraph in the detection, disclosure and pre-trial investigation of criminal offenses

This article retrospectively studies the genesis of emergence and improvement of legal norms on the grounds, necessity and possibility, as well as the theory and practice of using the polygraph in Ukraine in various areas of management and personnel work, in civil, economic, administrative legislation and process, as well as in particular in commercial activity, conditions for emergence and creation of a market for its production, import and the system of fulfilling orders for its use in psychophysiological studies. National regulatory and licensing requirements for the use and prohibition of the use of the polygraph for certain subjects, time issues of application, and in various areas of activity in Ukraine are established, as well as qualification requirements for the positions, rights, duties and powers of psychologists-polygraph examiners who have the right to conduct psychophysiological studies and conduct forensic psychological examinations in criminal proceedings, and state standards for the grounds, requirements and algorithm of their actions when conducting the specified studies are clarified. Separately, problematic issues of using the polygraph in carrying out operational-search measures and in criminal proceedings were studied, in particular in the preparation, appointment and conduct of forensic psychological examinations, and in conducting individual investigative (detective) actions. Based on the results of the study, proposals and recommendations were developed for improving the theory of forensics, criminal process, forensic expertise, psychology and other branches of knowledge in the researched area, as well as the legal framework. In particular, attention was focused on the conceptual change in the text of the Law of Ukraine: On Judicial Examination (№. 4038-XII dated on February 25, 1994) that does not meet modern requirements of forensic science, criminal law and procedure, law enforcement activities in combating criminal offenses and the work of forensic science institutions taking into account the latest achievements of science and technology, and in particular the use of the polygraph. On the same issues, proposals were made for making relevant amendments to the current Criminal Procedural Code of Ukraine.

Keywords: introduction, polygraph, polygraph examiner, requirements, standards, forensic psychologist, truth, lie detector, orienting information, stimulus, consultation, examination, investigator, investigator, prosecutor, pre-trial investigation, screening, specialist, laptop, software, examination conclusion.

Problem Formulation. Creation of such a diagnostic device as a polygraph and the practice of its application in the detection, disclosure and pre-trial investigation of criminal offenses remains a debatable issue today, although it is used in law enforcement activities. People have long been looking for ways to distinguish truth from falsehood, especially in the field of combating crime. Back in 1929, when there were no polygraphs, O. Lipmann and L. Adam noted that “symptoms of lying” during interrogation should include redness,



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The author declare that they have no conflict of interest.

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**ПРОБЛЕМНІ ПИТАННЯ
ВИКОРИСТАННЯ ПОЛІГРАФУ
ПРИ ВИКРИТТІ, РОЗКРИТТІ
ТА ДОСУДОВОМУ
РОЗСЛІДУВАННІ
КРИМІНАЛЬНИХ
ПРАВОПОРУШЕНЬ**

У статті на ретроспективному рівні здійснено дослідження генезису появи і удосконалення правових норм з питань підстав, необхідності та можливості, а також теорії і практики застосування поліграфу в Україні в різних сферах управлінської і кадрової роботи, в цивільному, господарчому, адміністративному законодавстві та процесі, а також зокрема й у комерційній діяльності, умов появи і створення ринку його виробництва, імпорту і системи виконання замовлень щодо його застосування при психофізіологічних дослідженнях. Встановлені національні нормативно-правові та ліцензійні вимоги до використання і заборони застосування поліграфу до певних суб'єктів, часових питань застосування, та у різних сферах діяльності в Україні, а також до кваліфікаційних вимог відносно посад, прав, обов'язків і повноважень психологів-поліграфологів, які мають право здійснювати психофізіологічні дослідження і проведення судово-психологічних експертиз у кримінальному процесі та з'ясовано державні стандарти щодо підстав, вимог та алгоритму їхніх дій при проведенні вказаних досліджень. Окремо досліджено проблемні питання використання поліграфу при здійсненні оперативно-розшукових заходів і у кримінальному

stuttering, eye rolling, changes in the interrogated person's breathing, etc.¹ But other scientists evaluated the above not as evidence, but only as indicative information that is currently used and recorded on a polygraph during psychophysiological studies. Today, investigators, investigators, operational units and other law enforcement officials are interested in obtaining modern technical means that could be used for effective detection, fixation, extraction, research, evaluation and use of evidence in the investigation of criminal offenses. This is especially relevant for identifying "ideal" traces of a crime in the memory of its participants or eyewitnesses. The development of such means or their adaptation, the introduction into the practice of criminal offense investigation of the latest achievements of science and technology in solving the tasks of criminal justice, as well as recommendations for their use are an urgent task of the science of forensics, which must be solved taking into account the achievements of various branches of science and the provisions of criminal procedural and other legislation. In addition, forensics and criminal process involve the use of non-traditional forms and methods for the purpose of exposing, solving and investigating criminal offenses. In their theoretical and applied fields, questions regarding the feasibility, legality, and specific legal grounds for using, in particular, the polygraph (better known in everyday life as a "lie detector") in pre-trial investigation and in operational-search activities in order to obtain indicative information or evidence for the use of certain tactical techniques in the indicated areas have long been debated.

It has been established that Ukraine ranks 3rd in terms of purchasing polygraphs abroad and the presence of national standards for their use. Using foreign experience, the use of the polygraph has become widespread in our country, its market has been created, a trade network and commercial structures have emerged for its implementation and operation, as well as for training specialists in its maintenance, providing paid services in conducting polygraph examinations on it in accordance with commercial orders². In most cases, the polygraph is used in commercial structures when applying for a job on the recommendations of their security services. This form is used by the staff offices of law enforcement and security agencies ("screening") when moving to higher positions in these structures, respectively, with the consent of the person being examined. When a person refuses, as practice has shown, there are bureaucratic methods of refusal, in promoting such a candidate to a higher managerial position, or this is directly stated in departmental legal acts. At the same time, there are urgent problematic issues of using this technical device in the detection, disclosure and investigation of criminal offenses. It is this direction that is currently the most debatable in criminology, criminal procedure, criminal law, psychology and in general in science. Accordingly, there are different, and in particular opposing scientific positions, as well as approaches among representatives of practitioners, in particular from among the judicial authorities, procedural heads of pre-trial investigation (prosecutors), etc. Therefore, it is necessary to highlight

the prospects for further research and directions of using the polygraph, in particular in law enforcement activities for the purpose of exposing, disclosing and pre-trial investigation of criminal offenses and ways to improve them, which is a relevant issue for combating criminal offenses.

Research State. In the last century, some forensic scientists and others were skeptical about the use of the polygraph in



¹ Липманн О., Адам Л. Психология лжи. Ложь в праве. Харьков : Юрид. изд-во Украины, 1929. С. 3-20.

² Градун С. А. Дискусійні питання використання поліграфа в кримінальному провадженні. Правовий часопис Донбасу / Law Journal Of Donbass. №2 (83). 2023. С. 40. Doi: 10. 32782/2523-4269-2023-83-39-44.

criminal proceedings. However, there were also other scientific positions. For example, V.K. Veselskyi, in 1999, noted possibility of using special devices (lie detectors, variographs, polygraphs and other devices of this and other systems in pre-trial investigation³. Today, the issue of using the polygraph, in particular in criminal proceedings, also remains debatable, but not as controversial and categorical as in the past. Certain aspects of using the polygraph were studied by such scientists as: A.I. Bohatyrov, V.K. Veselskyi, A.F. Volobuev, V.I. Vasylynychuk, V.I. Halahan, S.A. Hradun, V.A. Zhuravel, D.V. Zatenatskyi, D.S. Zubrovskyi, M.M. Klymenko, I.I. Kohutych, O.I. Kozachenko, V.S. Kuzmichov, O.V. Lynnyk, V.K. Lysenko, O.R. Malkhazov, V.V. Matviichuk, O.I. Motliakh, T.R. Morozova, O.M. Morozov, S.I. Nikolaiuk, D.I. Nykyforchuk, Yu.Iu. Orlov, M.A. Pohoretskyi, V.V. Palyvoda, M.Ia. Sehai, N.O. Symonenko, D.V. Turenko, L.D. Udalova, T.H. Kharina, V.Iu. Shepitko, M.S. Shumylo, O.O. Yukhno et al. At the same time, today it is necessary to pay special attention to the interesting qualified research papers of recent years by T.R. Morozova, in particular to the monograph: Methodology of detecting hidden information in polygraph research (2023)⁴ and O.M. Morozova to the monograph Pathopsychological analysis of features in law enforcement practice (2023)⁵, as well as to the research of the team of authors in the research paper: Conducting psychophysiological research using a polygraph: regulatory and legal support for the use of a polygraph and psychophysiological research; organization and conduct of psychophysiological research of the Ministry of Defense and the Armed Forces of Ukraine personnel; psychophysiological research using a polygraph when conducting official investigations of military staff (2023)⁶, which have found wide demand among scientists and polygraph experts, psychologists, etc. However, despite a certain number of studies in this area, a single scientific approach to legal regulation and methods for practical application of the polygraph has not been formed either in the current legislation and theory of criminology, in criminal proceedings, forensics, psychology and other branches of science, or in law enforcement activities. Given dubitability of raised issues, the legislator tried to resolve the indicated problematic issues. Thus, the genesis of this area is evidenced by the fact that back in 2015, the Verkhovna Rada of Ukraine received draft laws on these issues for consideration : 1) On the Protection of the Rights of Persons Undergoing Polygraph Examinations⁷, 2) On Polygraph Activities⁸ and amendments to the Criminal Procedural Code of Ukraine on these issues⁹, however, these draft laws were not further refined and adopted and were

провадженні, зокрема при підготовці, призначенні і проведенні судово-психологічних експертиз, проведенні окремих слідчих (розшукових) дій. За результатами дослідження напрацьовано пропозиції та рекомендації щодо удосконалення, теорії криміналістики, кримінального процесу, судової експертології, психології та інших галузей знань з дослідженого напрямку, а також правової бази. Зокрема, акцентовано увагу на концептуальній зміні тексту Закону України «Про судову експертизу» (від 25 лютого 1994 р. № 4038-XII), який не відповідає сучасним вимогам судової експертології, кримінального права і процесу, правозастосовній діяльності у протидії кримінальним правопорушенням і роботі експертних установ, враховуючи новітні досягнення науки і техніки, та зокрема застосування поліграфу. З цих же питань внесено пропозиції щодо внесення відповідних доповнень до чинного Кримінального процесуального кодексу України.

Ключові слова : за-
провадження, поліграф,
поліграфолог, вимоги, стандарти, судовий психолог, правда, детектор брехні, орієнтуюча інформація, стимул-подразник, консультація, експертиза, слідчий, дізнавач, прокурор, досудове розслідування, скринінг, спеціаліст, ноутбук, програмне забезпечення, висновок експертизи.

³ Весельський В. К. Сучасні проблеми допиту (процесуальні, організаційні та тактичні аспекти). Київ : НВТ «Правник», 1999. С. 15-19.

⁴ Морозова Т. Р. Методика виявлення прихованої інформації у поліграфічних дослідженнях / За наук. ред. О. М. Морозова. Київ : Алерта, 2023. 472.

⁵ Морозов О. М. Патопсихологічний аналіз особистості в правоохоронній практиці : монографія. Київ : Алерта, 2023. 402 с.

⁶ Проведення психофізіологічного дослідження з використанням поліграфу : нормативно-правове забезпечення застосування поліграфа та психофізіологічних досліджень; організація та проведення психофізіологічного дослідження персоналу МОУ та ЗСУ; психофізіологічні дослідження із застосуванням поліграфа при здійсненні службових розслідувань стосовно військовослужбовців / Під заг. ред. М. М. Клименко. Київ : ВД «Професіонал», 2023.

⁷ Про захист прав осіб, які проходять опитування (дослідження) на поліграфі : Проект Закону України від 17.02.2016 No 4094. URL: <http://surl.li/cgpfo>

⁸ Про поліграфологічну діяльність : Проект Закону України No 4094-1 від 04.03.2016. URL: <http://surl.li/cgpfy>

⁹ Про доповнення Кримінального процесуального кодексу України положеннями щодо використання поліграфа (детектора брехні) : проект Закону України від 10 жовтня 2015 року No 3611. URL: <http://surl.li/cgpf1>



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**PROBLÈMES LIÉS À
L'UTILISATION D'UN
POLYGRAPHE DANS
L'EXPOSITION, LA
DIVULGATION ET L'ENQUÊTE
PRÉLIMINAIRE DES
INFRACTIONS PÉNALES**

L'article rétrospectivement étudie l'émergence et de l'amélioration des normes juridiques sur les fondements, la nécessité et la possibilité, ainsi que la théorie et la pratique de l'utilisation du polygraphe en Ukraine dans divers domaines de la gestion et du travail du personnel, dans la législation et les processus civils, économiques et administratifs, ainsi que dans les activités commerciales, les conditions d'émergence et de création d'un marché pour sa production, son importation et le système d'exécution des commandes pour son utilisation dans la recherche psychophysiologique. Les exigences réglementaires et d'autorisation nationales pour l'utilisation et l'interdiction de l'utilisation du polygraphe pour certains sujets, les questions de temps d'application et dans divers domaines d'activité en Ukraine ont été établies, ainsi que les exigences de qualification pour les postes, les droits, les devoirs et les pouvoirs des psychologues-examineurs polygraphiques qui ont le droit de mener des études psychophysiologiques et de mener des examens psychologiques médico-légaux dans le cadre de procédures pénales, et les normes de l'État concernant les motifs, les exigences et l'algorithme de leurs actions lors de la conduite des études spécifiées ont été

withdrawn. The above-mentioned draft laws are similar and should in the future regulate problematic and debatable issues regarding the use of polygraphs in the public and private spheres. They were intended to define the basic concepts and foresee amendments to the criminal, civil, economic, and administrative procedural codes regarding the involvement of psychologists, etc. In particular, the amendments to the Criminal Procedural Code of Ukraine in the draft proposed that in the absence of the possibility of performing certain types of forensic examinations in state specialized institutions, other leading specialists who have special knowledge in a specific field of knowledge and specialize in polygraph examinations and meet certain requirements may be involved in their conduct¹⁰. A modern polygraph consists of the following elements: 1) sensors (they are connected to the subject's body, thanks to which data on the psychophysical state of a person is obtained and monitored); 2) computer (most often a modern laptop or desktop computer is used, thanks to which the recording is made and the data obtained from the sensors is processed); an output device (printer, laptop or computer screen), which reproduces (transforms) the reactions of the tested person's body in the form of polygrams. Despite dubitability, at the regulatory and legal level, the corresponding profession - polygraph examiner has still been defined and fixed¹¹. In particular, taking into account the proposals of scientists and practitioners, the Ministry of Economy of Ukraine made amendments to the National Classifier of Ukraine ДК 003:2010 Classifier of Professions, issuing an order dated on October 25, 2021 N 810-21. According to this order, a new professional title was introduced - polygraph examiner (code 2490, subclass 2490 Polygraph examiner, professional group Professionals not included in other classification groups of section: Professionals)¹², which became the 67th of the existing expert specializations in Ukraine. However, such a specialist should necessarily have a higher education (master's degree) in psychology and undergo special training (advanced training) as a polygraph examiner. Studying the practice of using the polygraph in various foreign countries allows us to draw conclusions about the scientific and applied directions of using this technical tool in them, in particular: 1) for checking candidates before hiring for commercial structures and law enforcement agencies; 2) for checking current employees, especially in professions related to maintaining state secrets or confidentiality; 3) during the investigation of criminal offenses; 4) while considering civil, economic or family material and other disputes in courts¹³. But if the first and second directions of using the polygraph in Ukraine do not cause any special discussions in implementation of its capabilities, then the direction, that consists in using the polygraph to obtain evidence or indicative information in criminal proceedings, is accompanied by discussions about the possibilities of obtaining the specified due to the underdevelopment of the necessary instrumental and methodological base and a number of factors, including insufficient legal regulation. Thus, in order to respect human rights during polygraph research, active attempts have begun in the last decade to legally regulate the use of the polygraph in Ukraine, in particular: on the legal grounds for conducting such research, the principles and algorithms for conducting



¹⁰ Градун С. А. Дискусійні питання використання поліграфа в кримінальному провадженні. Правовий часопис Донбасу / Law Journal Of Donbass. №2 (83). 2023. С. 39-44. Doi: 10. 32782/2523-4269-2023-83-39-44.

¹¹ Про затвердження зміни № 10 до Національного класифікатора ДК 003:2010 : Наказ Міністерства економіки України від 25 жовтня 2021 року № 810-21. URL: <https://mon.gov.ua/ua/npa/pro-zatverdzhennya-zmini-10-do-nacionalnogo-klasifikatora-dk-0032010>

¹² Там само.

¹³ Градун С. А. Дискусійні питання використання поліграфа в кримінальному провадженні. Правовий часопис Донбасу / Law Journal Of Donbass. №2 (83). 2023. С. 39-44. Doi: 10. 32782/2523-4269-2023-83-39-44.

interviews, the conditions under which they can occur, contraindications to conducting this type of testing for a certain category of persons, requirements for conclusions, storage conditions for testing materials, etc. The projects provided for the use of polygraph interrogation of individuals in order to obtain private inquiries, operational and investigative data, official and personnel checks, as well as conducting forensic psychological examinations (or in civil relations: psychophysiological researches) related to civil, criminal, administrative, economic and other judicial proceedings in Ukraine. With the advent of such a technical device as a polygraph, criminologists, investigators and operational officers positively perceived its capabilities for solving forensic diagnostics, since it allows registering psychophysiological reactions of a person that are invisible to the human eye. However, legal, procedural and psychological aspects have become acute in this issue, the solution of which does not give an impetus for its wider use in law enforcement activities. Thus, in particular, current Criminal Procedural Code of Ukraine does not contain direct instructions on the use of a polygraph in criminal proceedings, but it also does not contain prohibitions on obtaining statements from participants in criminal proceedings using a polygraph¹⁴. At the same time, in the discussion, some scientists refer to the Law of Ukraine: On Operative Investigation Activity, which states that operational units are granted the right to interview persons with their consent (clause 1, part 1, article 8). At the same time, they refer to the fact that, in accordance with part 16, article 9 of the same law, it is prohibited to use technical means, psychotropic, chemical and other substances that suppress the will or cause harm to human health and the environment to obtain information¹⁵ and draw attention to the norms of part 2, article 28 of the Constitution of Ukraine, which prohibits conducting medical, scientific or other experiments on a person without his or her free consent¹⁶. However, as established by many previous medical, psychiatric, psychological, technical and other studies in Ukraine and in foreign countries, polygraph does not pose a threat in terms of harm to human health and the environment. Based on the foregoing, the problematic issues raised by us in this direction require additional and further scientific research.

Article Purpose. Given debatable nature of the issue of using the polygraph in any field, the purpose of the article is to study the genesis of the emergence of the polygraph in Ukraine and its use in the current state, the process of developing such devices by national manufacturers, as well as the state of previous and existing research on the legal framework, the grounds for the application and use of the polygraph in social and administrative (personnel) issues, in criminal law and procedural relations, in the practice of law enforcement activities of pre-trial investigation bodies and judicial instances, expert activities, the features of using foreign experience in this area and the development of recommendations and proposals for improving the legal framework and practical use in forensic expertology and criminal proceedings.

Research methods. To achieve the goal of the study, a complex of general scientific and special methods was used. In particular, the dialectical method was used to analyze the state of scientific research and law enforcement practice regarding the application of forensic psychological research using the polygraph, as well as the state of scientific development of this area; the historical and legal method was used to illustrate the formation and genesis of the

clarifiées. Par ailleurs, les questions problématiques liées à l'utilisation du polygraphe dans la mise en œuvre de mesures opérationnelles et d'enquête et dans les procédures pénales ont été étudiées, en particulier dans la préparation, la nomination et la conduite d'examen psychologiques médico-légaux, ainsi que dans la conduite d'actions d'enquête (de détective) individuelles. Sur la base des résultats de l'étude, des propositions et des recommandations ont été élaborées pour améliorer la théorie de la médecine légale, le processus pénal, l'expertise médico-légale, la psychologie et d'autres domaines de connaissances dans le domaine de recherche, ainsi que le cadre juridique. En particulier, l'attention est portée sur le changement conceptuel dans le texte de la loi ukrainienne « sur l'expertise médico-légale » (n° 4038-XII du 25 février 1994), qui ne répond pas aux exigences modernes de l'expertise médico-légale, du droit pénal et de la procédure pénale, des activités d'application de la loi dans la lutte contre les infractions pénales et du travail des institutions d'expertise, en tenant compte des dernières avancées de la science et de la technologie, et en particulier de l'utilisation du polygraphe. Sur les mêmes questions, des propositions ont été faites pour apporter des modifications pertinentes au Code de procédure pénale actuel de l'Ukraine.

Mots clés : introduction, polygraphe, examinateur de polygraphe, exigences, normes, psychologue légiste, vérité, détecteur de mensonge, information d'orientation, stimulus, consultation, examen, enquêteur, enquêteur, procureur, enquête préliminaire, dépistage, spécialiste, ordinateur portable, logiciel, conclusion d'examen.



¹⁴ Кримінальний процесуальний кодекс України : станом на 5 листопада 2024 р. Харків : Право, 2024. 454 с.

¹⁵ Про оперативно-розшукову діяльність : Закон України від 18.02.1992 № 2135-XII (зі змінами та доповненнями). Відомості Верховної Ради України (ВВР). 1992. № 22. С. 303.

¹⁶ Конституція України. Харків : Право, 2024. 74[2] с.

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**PROBLEMATISCHE FRAGEN
ZUR ANWENDUNG
DES POLYGRAFEN BEI
AUFDECKUNG, AUFLÄRUNG
UND VORGERICHTLICHER
UNTERSUCHUNG VON
STRAFTATEN**

Im vorliegenden Artikel wird retrospektiv die Entstehung und Weiterentwicklung der rechtlichen Normen zu den Grundlagen, Notwendigkeiten und Möglichkeiten sowie zur Theorie und Praxis des Einsatzes des Polygraphen in der Ukraine untersucht. Dabei werden Einsatzbereiche im Verwaltungs- und Personalwesen, im Zivil-, Wirtschafts- und Verwaltungsrecht sowie deren Verfahren analysiert, einschließlich der kommerziellen Nutzung und der Rahmenbedingungen für Produktion, Import und Durchführung psychophysiologischer Untersuchungen. Nationale normative-rechtliche und Lizenzanforderungen für die Verwendung und das Verbot des Polygraphen gegenüber bestimmten Personengruppen, zeitliche Beschränkungen und Anwendungsbereiche in verschiedenen Tätigkeitsfeldern in der Ukraine werden dargestellt. Ferner werden die Qualifikationsanforderungen an Psychologen-Polygraphologen behandelt, die psychophysiologische Untersuchungen und forensisch-psychologische Gutachten im Strafverfahren durchführen dürfen, sowie die staatlichen Standards zu den Voraussetzungen, Anforderungen und Handlungsabläufen bei

legal framework and law enforcement activities regarding the determination of the grounds for the use of the polygraph in various areas, in particular in criminal proceedings; using logical methods, the provisions of regulatory legal acts, scientific approaches, the essence and content of the use of special knowledge when using the polygraph and the features of the participation of a polygraph examiner in conducting forensic psychological examination in criminal proceedings were analyzed; systemic and structural method was used to identify the types, forms, requirements and prohibitions that must be observed when conducting forensic psychological examination by a polygraph examiner and to clarify the content of the special knowledge used by him and the directions for optimizing their use; The comparative legal method allowed us to compare the national practice of the researched area with the practice of individual foreign countries; the use of the sociological method made it possible to generalize and analyze law enforcement practice and problematic issues of using special knowledge when using the polygraph in the detection, disclosure and pre-trial investigation of criminal offenses.

Main Content Presentation. It was found that the polygraph in Ukraine is used in civil, economic relations, in management activities, as well as in forensic areas, operational and investigative activities, in pre-trial investigation and in expert activities. During the pre-trial investigation of criminal offenses, pre-trial investigation officials, operational and other law enforcement officers are faced with investigative situations in which both the suspect and other participants in the criminal proceedings, for whatever reason, do not want to, provide, or give false testimony. For example, during the investigation of a road accident, each party testifies to his/her rightness.

The use of psychological knowledge by investigator, investigating officer, prosecutor, and judge for the successful and effective disclosure and investigation of criminal offense is of essential importance. How and when to appoint a forensic psychological examination and use its results, they choose a certain tactic of their actions based on the circumstances of the crime, in accordance with the law and based on the presence of investigative situations. Construction of interaction between officials and participants in criminal proceedings depends on this. The interaction of persons participating in criminal proceedings, identifying truth and falsehood, preventing possible and overcoming real opposition prompt the appropriate influence of pre-trial investigation workers and operational units within the limits and means established by current legislation. Such psychological influence, according to the definition of V.O. Kononova, is determined by a set of techniques aimed at diagnosing the mental state of the suspect, witness, and choosing the most effective methods for carrying out investigative actions. According to the generalization and definition of the scientific positions of a number of scientists, it should be emphasized that the psychological impact on the suspect should consist in creating the most favorable conditions for mental processes and the manifestation of positive mental properties of the person in situations created for the interrogated person, which allow obtaining truthful testimony from him¹⁷.

Taking into account specific investigative situations and the technical capabilities of the polygraph in these matters, investigators appoint a forensic psychological examination using a polygraph. In order to legally regulate this issue, the Ministry of Justice of Ukraine issued an order dated on 27.07. 2015 No. 1350/5, with subsequent amendments to it and the adoption of certain state standards (ДСТУ 9366:2023), which should be carried out only with the written consent of the person who, in the opinion of law enforcement officers, is advisable to check with



¹⁷ Коновалова В. Е. Организационные и психологические основы деятельности следователя. Киев : РИО МВД УССР, 1973. С. 102.

the help of a polygraph¹⁸. In accordance with the approved scientific and methodological recommendations during forensic psychological examination (clause 6.8 of Section VI of the order of the Ministry of Justice № 1350/5), in order to obtain indicative information, an interview may be conducted using a special technical device, which is a computer polygraph. The subject of such an interview is obtaining by an expert psychologist (polygraph examiner) indicative information on the degree of probability of the information reported by the interviewed person; the completeness of the information provided by the interviewed person; the source of the information received by the interviewed person; the perceptions of the interviewed person about a certain event; other indicative information necessary for constructing and verifying versions of the investigation of certain events. According to the requirements of the provisions of Art. 110 and Part 1 of Art. 243 of the Criminal Procedural Code of Ukraine, conducting a forensic psychological examination using a polygraph is possible on the basis of: decisions of the investigator, inquirer or prosecutor, appeal of the defense party, suspect or accused, their defense attorneys, etc. (Part 2 of Article 243 of Criminal Procedural Code of Ukraine), court rulings on its own initiative or at the request of the parties or the victim (Article 332 of the Code of Criminal Procedure of Ukraine). Based on the results of conducting a forensic psychological examination using a polygraph, an expert's conclusion is drawn up, which must meet the requirements stipulated in Articles 101, 102 of the Code of Criminal Procedure of Ukraine¹⁹. The conclusion is accompanied by a polygraph and test results. If necessary, in order to confirm compliance with the safety requirements of the person being examined, a hygienic certificate of the safety of using such a polygraph may be provided. Thus, the general requirements relating to tactical techniques in criminal proceedings, in our case when conducting a forensic psychological examination using a polygraph, should include: 1) legality; 2) scientific character; 3) cognitive value; 4) ethics; 5) selectivity, as noted by V.O. Konovalova and O.M. Serbulov regarding the use of investigative tactics in criminal proceedings²⁰.

In order to present the problematic issues raised in the article, it is necessary to provide a technical characteristic of a computer polygraph. According to foreign legislation, a computer polygraph does not belong to measuring equipment and does not require entry into the State Register of Measuring Equipment, and therefore, imported polygraphs are not subject to national state examinations, verification, calibration and metrological certification in Ukraine, the foreign manufacturer is responsible for this. In addition, imported computer polygraphs do not require sanitary and epidemiological examination, as well as their parts and accessories, which meets the requirements of the Cabinet of Ministers dated on October 5, 2011 № 1031: Some issues of state control of goods moving through the state of Ukraine. because, according to the results of the research, they cannot harm the external environment and human health, because they are intended for recording and analyzing data on changes in the psycho-emotional state of a person during special psychophysiological studies, in this case, forensic psychological examinations. However, polygraphs produced in Ukraine must comply with national state standards, therefore they are subject to appropriate certification and the above-mentioned checks and requirements for registration for their use.

der Durchführung dieser Untersuchungen erläutert. Problemfelder beim Einsatz des Polygraphen in operativen Ermittlungsmaßnahmen und im Strafverfahren, insbesondere bei der Vorbereitung, Anordnung und Durchführung gerichtlich-psychologischer Gutachten sowie einzelner Ermittlungshandlungen, werden gesondert beleuchtet. Auf Basis der Untersuchung werden Vorschläge und Empfehlungen zur Weiterentwicklung der Theorie der Kriminalistik, des Strafprozesses, der Gutachtenwesen, der Psychologie und weiterer Fachgebiete sowie der rechtlichen Grundlagen vorgelegt. Vornehmlich wird auf die konzeptionelle Novellierung des Gesetzes der Ukraine „Über die gerichtliche Expertise“ (vom 25. Februar 1994 Nr. 4038-XII) hingewiesen, das den aktuellen Anforderungen der gerichtlichen Expertise, des Strafrechts und -prozesses sowie der Praxis im Kampf gegen Straftaten und im Betrieb forensischer Einrichtungen nicht mehr entspricht. Entsprechende Änderungsvorschläge für das geltende Strafprozessgesetzbuch der Ukraine werden ebenfalls unterbreitet.

Schlüsselwörter: Einführung. Polygraf. Poligrafologie. Anforderungen. Standards. Gerichtspsychologie. Wahrheit. Lügendetektor. Orientierende Information. Stimulus-Reiz. Beratung. Expertise. Ermittler. Untersuchungsrichter. Staatsanwalt. Voruntersuchung. Screening. Fachkraft. Laptop. Software. Gutachten.

¹⁸ Про внесення змін до наказу Міністерства юстиції України від 08.10.1998 № 53/5 : Наказ Міністерства юстиції України від 27.07.2015 № 1350/5. URL: <https://zakon.rada.gov.ua/laws/show/z0915-1> (дата звернення: 20.11.2024).

¹⁹ Кримінальний процесуальний кодекс України : станом на 5 листопада 2024 р. Харків : Право, 2024. 454 с.

²⁰ Коновалова В. Е., Сербулов А. М. Следственная тактика : принципы и функции. Киев : Редакционно-издательский отдел МВД УССР, 1983. С. 19.



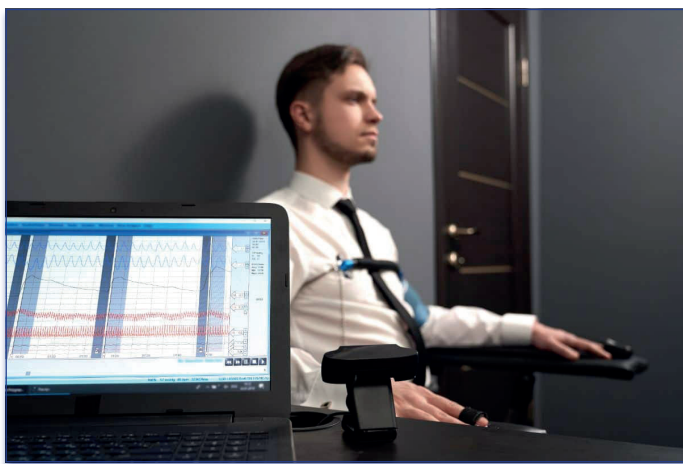
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**PROBLEMY ZWIĄZANE
Z UŻYCIEM
WARIOGRAFICZNYM W
UJAWNIANIU, UJAWNIANIU
I DOCHODZENIU PRZED
PRZESTĘPSTWEM**

Artykuł na poziomie retrospektywnym analizuje genezę pojawienia się i poprawy norm prawnych w kwestiach, konieczności i możliwościach, a także teorii i praktyce korzystania z poligrafu na Ukrainie w różnych sferach zarządzania i pracy personelu, w cywilnym, ekonomicznym, administracyjnym przepisom i procesie, a także w trakcie korzystania z rynku, korzystania z systemu produkcji. Krajowe normatywne wymagania prawne i socjalne dotyczące wykorzystania i zakazu stosowania wariografu dla niektórych przedmiotów, kwestii czasowych oraz w różnych dziedzinach działalności na Ukrainie, a także wymagania kwalifikacyjne dotyczące stanowisk, praw, obowiązków i uprawnień psychologów politycznych. Wymagania i algorytm ich działań podczas przeprowadzania tych badań. Problematiczne kwestie korzystania z wariografu we wdrażaniu środków operacyjnych i dochodzeniowych oraz w postępowaniu karnym, w szczególności w przygotowaniu, mianowaniu i prowadzeniu badań kryminalistycznych i psychologicznych, przeprowadzane są osobno poszczególne działania śledcze (śledcze). Zgodnie z wynikami badania, propozycje i zalecenia dotyczące poprawy, teorii kryminalistyki, procesu kryminalnego, eksperta kryminalistycznego,

Computer polygraphs are used to convert (transform) the display and recording of neurophysiological mechanisms of mental processes of memory, human motivation, in particular blood pressure, heart rate, respiratory rate, galvanic reactions of human skin, tremor, etc. into proportional electrical signals when testing according to polygraph test methods specially selected by a specialist expert psychologist. After that, the specified transformations (transformations) are processed using a developed computer program, and then the polygraphist draws a conclusion about the presence or absence of psychophysiological signs of an internal psychological attitude to conceal or distort certain information in the person being tested. A modern computer polygraph is a special hardware and software technical tool for conducting and processing the results of psychophysiological studies of a certain person. Polygraphs do not measure any physical indicators of a person. A polygraph is not used for medical purposes. Polygraphs are divided into classic ones (4, 5, 6, 7 and more channels by the number of sensors) and modern ones: EyeDetect (that have been in circulation since 2012. But as practice shows, when conducting forensic psychological examinations, classic polygraphs are used in Ukraine. Most often, forensic psychological examinations in Ukraine are conducted on a domestically produced polygraph "Rubikon-2" which has 7 channels and works as a classic polygraph, which has proven itself positively among polygraph examiners today when solving the tasks under investigation. A classic polygraph (in particular, Rubikon-2) consists of: a sensor unit; a hardware device for capturing and registering psychophysiological indicators, made on the basis of a digital polygraph amplifier; sensors for recording psychophysiological indicators (at least 7), in particular: a motor activity sensor; a chest respiratory activity sensor; diaphragmatic respiratory activity sensor (pneumatic); central cardiovascular activity sensor (piezoelectric); electro-cutaneous activity sensor; peripheral cardiovascular activity sensor photodiode); acoustic activity sensor (microphone); breathalyzer; tonometer; software for processing and automatic analysis of psychophysiological data, their qualification and generalization of final results on a desktop computer or laptop.

Despite the dubitability of the issues raised, certain regulatory and legal acts have been developed and established in Ukraine that regulate the use of the polygraph in criminal proceedings when conducting forensic psychological examinations. These include the following. The Constitution of Ukraine (Article 28) establishes the norm according to which "no person may be subjected to medical, scientific or other research without his or her voluntary consent". Criminal Procedural Code of Ukraine at the stage of pre-trial investigation: (Articles 65, 69, 70, 75, 101, 102, 114, 196, 242, 243, at the stage of trial: Articles 273, 310, 312 of the Criminal Procedural Code of Ukraine). Law of Ukraine: On Judicial Examination: (Art. 1, Part 4 of Art. 7, Part 2 of Art. 9, Part 1 of Art. 10, Clause 6 of Art. 10). Civil Procedure Code of Ukraine (Art. 53, 54, 55, 66, 86, 106, 143, 144). Code of Administrative Procedure of Ukraine (Art. 66, 69, 81-85, 92, 129). Code of Ukraine on Administrative Offenses (Art. 273, 275). Resolution of the Plenum of the Supreme Court of Ukraine dated 30.05.1997 No. 8 "On Forensic Expertise in Criminal and Civil Cases". Resolution of the Plenum of the Supreme Court of Ukraine dated 12.06.2009 № 3: On the Use of Civil Procedural Legislation in the Consideration of Cases in the Court of First Instance. At the same time, it is necessary to distinguish the correlation of criminal procedural and civil procedural legislation in the judicial consideration of cases in which, in the event of a suspect's refusal in a pre-trial investigation to undergo a forensic psychological examination using a polygraph, in accordance with the provisions of the Code of Criminal Procedure of Ukraine,



no legal consequences arise for him, and this only creates difficulties for the prosecution in proving. Unlike criminal, national civil proceedings are characterized by more widespread adversarial nature, and in the event of a refusal to undergo such an examination, the significance indicated at the first stage may not be significant, however, this may be an argument of the parties in legal disputes and debates, and their results may lead to direct civil procedural consequences for the party that evades such an examination (examination).

It should be emphasized that one of the first departments to use polygraphs in Ukraine for personnel selection and transfer of specialists was the Ministry of Internal Affairs of Ukraine. In order to improve the quality of professional and psychological selection of employees for work in this system, the Ministry of Internal Affairs of Ukraine issued an order dated 20.08. 2001 No. 743 "On conducting an experiment on the use of computer polygraphs in the activities of internal affairs bodies"²¹. The first regulatory legal act that established the use of the polygraph in Ukraine when conducting forensic psychological examinations was the issuance of an order by the Ministry of Justice of Ukraine dated July 27, 2015 No. 1350/5 "On Amendments to the Order of the Ministry of Justice of Ukraine dated October 8, 1998 No. 53/5", which, in particular, amended the Scientific and Methodological Recommendations on the Preparation and Appointment of Forensic Examinations and Expert Studies, which were supplemented by a new paragraph 6.8 in Section VI: Psychological Examination of the following content: "6.8 In order to obtain indicative information, interviews may be conducted using a special technical device: a computer polygraph"; "6.8.1 The subject of an interview using a special technical device - a computer polygraph is obtaining indicative information regarding; the degree of probability of the information reported by the person being interviewed; completeness of information provided by the interviewee; sources of information received by the interviewee; perceptions of the interviewee about certain circumstances; other indicative information necessary for constructing versions regarding the investigation of certain events". Paragraph "6.8.2: Such interviews may be conducted only with the written permission of the person to be interviewed"²². Taking into account the differences in technical and legal requirements between national and foreign priorities, with the active position of the All-Ukrainian Association of Polygraph Examiners, on May 1, 2024, the Ministry of Justice of Ukraine approved standards for conducting forensic psychological examination using a polygraph, DCTU 9266:2023: Forensic Psychological Examination. Use of a Polygraph. General Requirements. Thus, Ukraine is the third country in the world to have approved such standards regarding requirements for a polygraph, which have existed for over 50 years in Japan and over 10 years in the USA. The specified national standard was developed by the Technical Committee for Standardization: Forensic Science (TC 192), which operates on the basis of the Kyiv Research Institute of Forensic Expertise of the Ministry of Justice of Ukraine, and currently they are undergoing testing and adaptation in practical activities.

There are two main methods of using a polygraph in the world: HIDM and MCQ. In particular, the HIDM is Hidden Information Detection

psychologii i innych dziedzin wiedzy w badanym kierunku, a także ram prawnych. W szczególności uwaga podkreśla się na koncepcyjnej zmianie tekstu prawa Ukrainy „na temat wiedzy sądowej” (z 25 lutego 1994 r. Nr 4038-XII), która nie spełnia współczesnych wymagań eksperta ekspertów kryminalistycznych, prawa karnego i procesu, działalności organów ścigania w zakresie zwalczania przestępstw i pracy ekspertów, a zwłaszcza, a zwłaszcza, w szczególności. W tych samych kwestiach składano propozycje przedłożenia odpowiednich poprawek do obecnego kodeksu postępowania karnego Ukrainy.

Słowa kluczowe: Wprowadzenie, warigraph, warigraph, wymagania, standardy, psycholog kryminalistyczny, prawda, detektor kłamstw, informacje o orientacji, bodźce, konsultacje, badanie, badacz, badacz, prokurator, dochodzenie przedprocesowe, badanie, specjalista, laptop, oprogramowanie.

²¹ Проведення психофізіологічного дослідження з використанням поліграфа : нормативно-правове забезпечення застосування поліграфа та психофізіологічних досліджень; організація та проведення психофізіологічного дослідження персоналу МОУ та ЗСУ; психофізіологічні дослідження із застосуванням поліграфа при здійсненні службових розслідувань стосовно військовослужбовців / Під заг. ред. М. М. Клименко. Київ : ВД «Професіонал», 2023. С. 5.

²² Про внесення змін до наказу Міністерства юстиції України від 08.10.1998 № 53/5 : Наказ Міністерства юстиції України від 27.07.2015 № 1350/5. URL: <https://zakon.rada.gov.ua/laws/show/z0915-1>



Methodology (used in Japan) and it covers : 1) tests for knowledge of a known solution, 2) tests for knowledge of an unknown solution; 3) tests for verifying versions.

MPP is Methodology of Comparison Questions (used in the USA), when using which no more than 6 questions can be put to the examination, which meets the methodological requirements and contributes to increasing the reliability of the results obtained. Taking into account certain positive aspects of foreign experience, the above-mentioned national standards ДСТУ 9266:2023 on forensic psychological examination allow polygraph examiners to use both foreign techniques and to implement their knowledge and skills by representatives of the above-mentioned two leading polygraph areas (schools) of the Ministry of Internal Affairs and the Ministry of Food and Agriculture. The bibliography of ДСТУ 9266:2023 includes primary sources that, in accordance with the requirements of standardization, are available in libraries of Ukraine. Among them are the works of Tetiana Morozova, Oleksandr Motliakh, Vitalii Shapovalov, et al.

National standards create conditions for the transition to the plane of practical proof of the effectiveness of one or another of the specified methodological approaches chosen by the polygraph examiner from among those that are scientifically sound and approved in Ukraine at the appropriate level. The purpose of forensic psychological examinations using a polygraph is to obtain and convert (transform, interpret) a person's physiological reactions to psychological stimuli in order to establish the degree of significance of certain information due to its distortion, concealment or confirmation. A polygraph can be used to conduct such types of examinations, which has at least 6 channels for measuring physiological indicators, in particular: chest and diaphragmatic respiratory activity (phasic component in graphic form and tonic component in the form of digital indicators), central and peripheral blood circulation, dynamics of motor activity and skin. An imported polygraph must have a calibration certificate issued by the manufacturer, which is valid during the warranty period. After the warranty period specified by the foreign manufacturer expires, it is necessary to perform an annual check to ensure that the technical characteristics of the polygraph comply with the indicators declared by the manufacturer in the manner specified by him. This fully complies with the requirements of paragraph 13 of Article 3 of the Law of Ukraine: On Metrology and Metrological Activity and is an insurmountable barrier to the use in forensic practice of contraband devices of dubious origin, whose manufacturers do not provide them with proper and guaranteed after-sale service in the territory of Ukraine.

Given great responsibility for the use of a polygraph in criminal proceedings, the legislation establishes qualification requirements for experts in conducting forensic psychological examination using a polygraph. National standards outline clear requirements for the level of education and professional training of experts in conducting forensic psychological examination using a polygraph. In particular, in accordance with the standard, forensic psychological examination using a polygraph can be carried out by entities specified by the Law of Ukraine "On Forensic Examination"²³, in particular, specialists (experts) with higher education in the Psychology specialization (educational qualification level: master's degree) and postgraduate education (advanced training) in the field of training of polygraph examiners.

In addition, legal framework has developed requirements for compliance with a number of prerequisites (prohibitions) for forensic psychological research using polygraphs for the following categories of persons: for persons who have acute cardiovascular insufficiency; shock and pre-shock states, complications of diseases of the cardiovascular, nervous or respiratory systems; pregnant women in the second half of the term or during a period of severe intoxication; who are in a severe state of alcoholic (narcotic) intoxication, under the influence of psychotropic drugs, in a state of abstinence; recognized by the court as incapacitated or limitedly incapacitated; who have not reached the age of 14 (from 14 to 18 years, the procedure is possible only with the written consent of the parents, and is carried out only in their presence, and if necessary, under the supervision of a teacher or psychologist); who are on the verge of physical and emotional exhaustion.

In order to decide on the possibility of participation in such an examination of a person who is in a certain painful mental or physical condition, a conclusion (certificate) from a medical professional is required on the absence of contraindications specified above in relation to the questioning of a specific person. This is due to the fact that certain types of diseases, as well as painful and variable mental or physical conditions of a person can sharply reduce the likelihood of obtaining significant results, and therefore the use of a polygraph in these circumstances may be inappropriate and ineffective.

²³ Про судову експертизу : Закон України від 25 лютого 1994 року № 4038-XII. URL: <http://zakon.rada.gov.ua/laws/show/4038-12>.

It is necessary to separately determine the methodological principles of using the polygraph, that is, its capabilities and conditions for its use.

According to the definition of S.A. Hradun, the use of polygraph is aimed at diagnosing the human psyche, its inner world, which is a system of subjective images of reality and functions according to certain laws. When a person tells a lie when answering a question, physiological changes occur: increased pulse and breathing, increased pressure, increased sweating, etc. The polygraph is able to detect this and record it (with appropriate sensors), and the polygraph examines the data obtained in this way and decides which questions the person responded to unusually. Reactions that are atypical for this person, registered by such a specialist, give grounds for the conclusion when the person was telling the truth and when he was lying²⁴.

Forensic research using a polygraph allows to establish the following aspects of the inner world and memory traces of studied person.

Availability or lack of certain accentuation in a person, in other words, enhanced personality traits that are within the clinical norm (not a mental disorder), but signal a certain personality disorder that tends to turn into a pathological condition under adverse conditions.

For example, an increased trait of neglect and hatred towards persons with a non-traditional orientation or women may indicate an intrinsic motivation to commit violent or sexual crimes against such categories of persons. Lack of empathy (compassion for people or animals who suffer) signals a tendency toward sadism and pleasure in causing pain to others. There may be other patterns that do not directly confirm the motive for committing crimes, but indicate its potential signs and may indicate a certain propensity to commit certain categories of criminal offenses (violent, mercenary, sexual ones).

Availability or lack of signs of severe pathological abnormalities, in particular socially dangerous sexual disorders: pedophilia, necrophilia, gerontophilia, etc., which indicate the formation of a persistent motive for committing crimes. Persons diagnosed with these dangerous types of perversions may not commit crimes, but they constantly refrain from realizing their painful attraction. Means of deterrence can be medicines, viewing porn content of certain content, implementation through certain actions in the profession.

Availability or lack of traces in the memory of the crime circumstances. The task of the expert is to establish and record data on the presence of memories of the person about the details of his preparation, commission and concealment of the crime; or memories of the crime committed against him; or memories of the circumstances observed by the person as a witness. The object of the study is traces in the memory of a person, that is, those images (visual, auditory, taste, tactile) that are recorded in connection with the crime event and can be restored (recalled) under the influence of stimuli (audio-visual information).

Signs of misrepresentation, concealment or construction (invention) of information. The test is based on the previously given testimony. In contrast to the previous task, the object of study is the peculiarities of brain functioning during prediction, recall of information and its construction.

Thus, medical scientists and specialists in the field of neurology and neurosurgery have determined the functions of the cerebral hemispheres as components of the human nervous system. It is proved that the left hemisphere processes information logically, consistently and is responsible for analysis and decision-making, the right hemisphere operates with existing images (spatial, visual, etc.), and the function of the frontal lobe is the ability to predict the future consequences of current actions, the choice between normal behavior and bad actions, or good and better (which can also be called conscience), the replacement and suppression of socially unacceptable responses, and the determination of similarities and differences between things or events.

Diagnostic research allows to determine which areas of the brain of a person are activated when presenting them with certain stimuli and their answers to questions, and accordingly to draw conclusions about the signs of constructing information when answering (falsehood) and recalling (truth).

It is necessary to pay attention to the circumstances that a crime is an event that always causes extreme emotions in a person, such as anger, fear, hatred, disgust at the sight of blood and wounds, interest, excitement, physical pleasure, etc. These emotions are clearly expressed and can quickly change one another, while, as a rule, blood pressure increases and its composition significantly changes due to the production of hormones (in the case of negative emotions, stress: adrenaline, noradrenaline and cortisol; and in the case of pleasure: serotonin, endorphin). Human memory clearly records

²⁴ Градун С. А. Дискусійні питання використання поліграфа в кримінальному провадженні. Правовий часопис Донбасу / Law Journal Of Donbass. №2 (83). 2023. С. 40. Doi: 10. 32782/2523-4269-2023-83-39-44.

the circumstances of such events, since they are specific to the state of the organism. Memories in the form of images (visual, auditory, olfactory and gustatory), which caused emotions, as well as tactile sensations, remain in memory for a long time. Emotions during memories have the property of being restored, since they cause visualization of images, tactile sensations, sounds, tastes. This restoration causes a physiological reaction of the organism at many levels. The hardware and software of the polygraph is configured to detect and record these reactions. This special technique has ability to record the dynamics of at least five independent psychophysiological processes of the human body, in particular thoracic and diaphragmatic breathing, cardiovascular activity, skin conductivity, and motor activity. The polygraph is equipped with no less than seven to ten highly sensitive sensors of changes in psychophysiological processes of the body, which a person is not able to consciously control (restrain or accelerate).

However, polygraph readings themselves are only a technical component of the study. The content is filled in by the expert when in the research part it reflects the relationship between specially selected stimuli (specially selected audiovisual information, hereinafter referred to as stimuli) and the psychophysiological reactions of organism of the person under research.

The research part of the examination must necessarily reflect such important points as the sequence of a certain response to a stimulus and the repeatability of the response to similar or related stimuli. Thus, in motivational part of the conclusion, the expert may refer to the established pattern of reactions of the investigated person's body, which may be the basis for confirming the existence of certain facts that are important for solving the tasks of the investigation or making certain decisions in criminal proceedings.

The basis of research using a polygraph is the use of a special technique, which includes the following: 1) selection by an expert (polygraph specialist) of a complex of stimuli in the form of blocks of questions, expert opinions, individual material evidence, in particular documents, images (photographs, videos, drawings, diagrams), stolen things, clothes with traces or otherwise; 2) determination of the sequence and order of presentation of the specified audiovisual information to the person under research; 3) fixation of dynamics of changes in psychophysiological processes of the body and corresponding reactions.

The reactions should be consistent (follow clearly from a specific stimulus) and repeatable. In this case, the expert in the motivational part of the study can determine, for example, the following: the person gives reactions to all stimuli related to the details of the victim's injuries, in particular when answering the following questions: "Did you strike Mr. K?", "Did you see blood on Mr. K's body?" "Did Mr. K suffer from pain when you struck him?", "Were you afraid that outsiders would hear Mr. K's screams?", as well as when asking questions about the characteristics of the murder weapon and demonstrating the knife, and demonstrating the pants the person was wearing on the day of the murder and asking questions about blood traces on them. This gives grounds to assert that a person is telling a lie when he or she denies his or her involvement in the murder.

Completeness and content of the obtained research results, the argumentation of the expert's conclusions completely depends on the careful preparation of the set of stimuli-stimuli, as well as the ability to effectively use it when working with the subject. The expert must not only have a psychologist's education, but also obtain it in the specialization (specialty) of Psychophysiology, that is, be a specialist in the field of physiological foundations of mental activity and human behavior, he must be familiar with the regularities of the connections of mental processes and human states with the work of the brain. After all, the basis of the science of psychophysiology is the approach according to which the work of the human brain systems underlies mental processes, individual characteristics and states of a person. The very name of the science indicates the fact that mental processes (states, behavior) and physiological features of the human brain are a single mechanism, the systems of which are closely related, interdependent and work as a single whole. The expert should be familiar with the regularities of the activity of this mechanism, and apply this knowledge during the forensic examination, which he is entrusted to conduct. Conclusions of the study should be based on the scientifically substantiated position of the expert, which was formed on the basis of the analysis and evaluation of the data obtained by him - the technical indicators of the polygraph device. Conclusions are formed on the basis of knowledge of the regularities of psychophysiological reactions of the human body (intellectual component), and are confirmed by the indicators of special equipment (technical component).

Within the framework of conducting a forensic psychological examination, an expert, in addition to knowledge of psychophysiology, requires special technical knowledge and skills in the use of a polygraph and software to fix the physiological parameters of the

reactions of the subject's body. Accordingly, the expert must either independently undergo a training course as part of advanced training and receive a certificate for conducting such studies, having acquired the status of an expert polygraph examiner, or conduct research in the commission together with a certified specialist polygraph examiner²⁵.

In Ukraine, there are currently legal grounds and full-time specialists for the use of polygraphs, in particular: in the Office of the Prosecutor General²⁶, the National Police of Ukraine²⁷, the National Guard of Ukraine²⁸, the Bureau of Economic Security²⁹, the State Bureau of Investigation³⁰ and others, as well as in non-governmental institutions and companies (Ukrainian Bureau of Psychophysiological Research and Security, Polygraph Center Lviv and others), which have certified specialists and appropriate equipment on staff, as well as specialists - private entrepreneurs who provide relevant services on a commercial basis. It should be noted that the certificates and conclusions of such specialists based on the results of research cannot serve as evidence in criminal proceedings, since they are not certified forensic experts of Ukraine. Specialists are sometimes invited by the bodies of inquiry and pre-trial investigation to conduct interviews with persons involved in the case and evaluate their testimony from the point of view of the technical indicators of the polygraph. But this is a non-procedural form of using special knowledge during the investigation, and the result is only obtaining information that is indicative for the investigation.

There are organizational and methodological features in preparing for a forensic psychological examination using a polygraph. Thus, when preparing for a forensic psychological examination, it is advisable for an investigator, inquirer, operational officer, or judge to first consult with an expert, polygraphist to determine the possibility or impossibility of conducting such an examination. If such an examination can be conducted, then possible questions that should be put to the expert for examination should be discussed. Before conducting the forensic psychological examination itself, a preliminary test is conducted with the subject-examiner. The purpose and course of the polygraph test

²⁵ Степанюк Р. Л., Гусева В. В., Кікінчук В. В. Криміналістика. Криміналістична техніка: навч. посіб. Харків : ХНУВС, 2023. С. 362-374.

²⁶ Інструкція про порядок проведення психофізіологічного дослідження із застосуванням поліграфа в органах прокуратури : затв. наказом Офісу Генерального прокурора від 17.09.2021 р. № 293. URL: <https://zakon.rada.gov.ua/laws/show/v0293905-21#Text>; Проведення психофізіологічного дослідження з використанням поліграфа : нормативно-правове забезпечення застосування поліграфа та психофізіологічних досліджень; організація та проведення психофізіологічного дослідження персоналу МОУ та ЗСУ; психофізіологічні дослідження із застосуванням поліграфа при здійсненні службових розслідувань стосовно військовослужбовців / Під заг. ред. М. М. Клименко. Київ : ВД «Професіонал», 2023. С. 9.

²⁷ Про Національну поліцію : Закон України від 2 липня 2015 року. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text>; Інструкція про порядок використання поліграфів у Національній поліції України : затв. наказом МВС України від 13.11. 2017 р. № 920. URL: <https://zakon.rada.gov.ua/laws/show/z1472-17#Text>; Проведення психофізіологічного дослідження з використанням поліграфа : нормативно-правове забезпечення застосування поліграфа та психофізіологічних досліджень; організація та проведення психофізіологічного дослідження персоналу МОУ та ЗСУ; психофізіологічні дослідження із застосуванням поліграфа при здійсненні службових розслідувань стосовно військовослужбовців / Під заг. ред. М. М. Клименко. Київ : ВД «Професіонал», 2023. С. 10.

²⁸ Про Національну гвардію України : Закон України від 13 березня 2014 року. № 876-VII. ст. 6. URL: <https://zakon.rada.gov.ua/laws/show/876-18#Text>; Інструкція про порядок організації та проведення опитування особового складу Національної гвардії України з використанням поліграфа : затверджена наказом МВС України від 01.09.2017 року № 749; Проведення психофізіологічного дослідження з використанням поліграфа : нормативно-правове забезпечення застосування поліграфа та психофізіологічних досліджень; організація та проведення психофізіологічного дослідження персоналу МОУ та ЗСУ; психофізіологічні дослідження із застосуванням поліграфа при здійсненні службових розслідувань стосовно військовослужбовців / Під заг. ред. М. М. Клименко. Київ : ВД «Професіонал», 2023. С. 10-11.

²⁹ Про Бюро економічної безпеки : Закон України від 28 січня 2021 року № 1150-IX. Ст. 24. URL: <https://zakon.rada.gov.ua/laws/show/1150-20#Text>; Про затвердження Порядку проведення психофізіологічного опитування із застосуванням поліграфа у роботі Бюро економічної безпеки України : Наказ Бюро економічної безпеки від 26. 10. 2021 р. № 10. URL: https://zakononline.com.ua/documents/show/502616___762748; Проведення психофізіологічного дослідження з використанням поліграфа : нормативно-правове забезпечення застосування поліграфа та психофізіологічних досліджень; організація та проведення психофізіологічного дослідження персоналу МОУ та ЗСУ; психофізіологічні дослідження із застосуванням поліграфа при здійсненні службових розслідувань стосовно військовослужбовців / Під заг. ред. М. М. Клименко. Київ : ВД «Професіонал», 2023. С. 11.

³⁰ Про державне бюро розслідувань : Закон України від 12 листопада 2015 року № 794-VIII. URL: <https://zakon.rada.gov.ua/laws/show/794-19#Text> ст. 26; Проведення психофізіологічного дослідження з використанням поліграфа : нормативно-правове забезпечення застосування поліграфа та психофізіологічних досліджень; організація та проведення психофізіологічного дослідження персоналу МОУ та ЗСУ; психофізіологічні дослідження із застосуванням поліграфа при здійсненні службових розслідувань стосовно військовослужбовців / Під заг. ред. М. М. Клименко. Київ : ВД «Професіонал», 2023. С. 11.

are explained, preliminary clarifying questions are asked in order to prepare for the testing process itself and to orient the subject-examiner that the answer during the polygraph test itself should be given within 15 seconds and no longer (reaction window).

At the same time, according to the standard, the stages of a forensic psychological examination using a polygraph include: psychological analysis of the circumstances and issues submitted for examination; formulation of a questionnaire; obtaining voluntary written consent of the subject; psychodiagnostic examination; mandatory pre-test interview; inter-test (clarifying) interview; direct testing using a polygraph; analysis of the results and drawing up conclusions³¹.

In order to comply with the rights and freedoms of participants in criminal proceedings, the requirements for a temporary procedure for conducting a forensic psychological examination have also been established. Forensic psychological examination using a polygraph belongs to the class of forensic psychological examinations. Forensic psychological examination using a polygraph can be started from 8.00 am to 3.00 pm and should not last more than 2 hours without a break and more than 6 hours within one day. If an interpreter is involved, he must translate, reading the test questions from the monitor of the polygraph examiner's computer. Methodologically, indicative questions have been developed that are recommended for submission to a forensic psychological examination using a polygraph in Ukraine, which is essential for obtaining the expected result.

According to the requirements of standards, there should be no more than six questions. As practice shows, the formulation of questions without the participation of a forensic psychologist (polygraph examiner) for forensic psychological examination using a polygraph, as well as in most other types of examinations, leads to the fact that the questions posed to the investigator, inquirer, etc. sometimes go beyond the limits of his competence. The generic object of study of such psychological examination using a polygraph is the personality, and the special object is the mental cognitive process - memory. The subject of forensic psychological examination using a polygraph is psychophysiological reactions of participants in the criminal process that arise in connection with the committed criminal offense and its investigation, as a source of legally significant information. The forensic psychologist (polygraph examiner) does not provide answers to questions about the circumstances of the event or individual circumstances of a criminal offense, guilt or innocence of a person, his involvement or (non-involvement) in it, the truth or falsity of his testimony, because the formulation of such conclusions goes beyond his competence and belongs only to representatives of investigative bodies and inquiry and judicial authorities. Duration of recording the reaction of the subject-examiner must be at least 15 seconds after the end of the presentation of the stimulus (question). This requirement prevents the transfer to forensic expert practice of a scientifically and methodologically unjustified reduction in the time for recording reaction of the subject-examiner, which has been observed in recent years among some polygraph examiners from business.

Examples can include the following questions: Does the sub-expert have a psychological predisposition to conceal (distort) information related to the circumstances of the committed crime or criminal offense (the plot of the criminal offense is given). If so, what circumstances of the proceedings are it related to?; 2. Did the sub-expert, for example, commit any violent acts against the victim?; 3. Was the sub-expert in a certain place on the day of the crime?; 4. Did the sub-expert see certain physical evidence?; 5. Did the sub-expert hold certain physical evidence in his hands when he was in a certain place and time, etc. It should be noted that the above questions are not limited to the above and their formulation depends on the existing investigative situations in a specific criminal proceeding. It is methodically recommended that when assigning such an examination, the investigator, the inquirer, the prosecutor draw the expert's attention to those circumstances of the crime and the actions of the subject expert that need to be established during the pre-trial investigation and, in particular, those that are of interest to the investigation representatives, while the above should be described in detail regarding the above. In accordance with the current legislation, the relevant requirements for drawing up a conclusion on forensic psychological examination using a polygraph are established. Thus, the expert's conclusion is a detailed description of the studies conducted by the expert and the conclusions drawn based on their results, substantiated answers to the questions posed by the person who involved the expert, or by the investigating judge or the court that commissioned the examination. The expert's conclusion must indicate: 1) when, where, by whom (name, education, specialty, certificate of qualification of a forensic

³¹ Про судову експертизу : Закон України від 25 лютого 1994 року № 4038-XII. URL: <http://zakon.rada.gov.ua/laws/show/4038-12>; Порядок проведення судово-психологічної експертизи : Затв. наказом Міністерства охорони здоров'я України від 8 жовтня 2001 р. № 397. URL : <https://zakon.rada.gov.ua/laws/show/z0719-18#Text>



expert, certificate of advanced training in the field: 053 Psychology with the right to use a polygraph, length of expert work, academic degree, academic title, position of expert) and on what basis the examination was conducted; 2) place and time of the examination; 3) who was present during the examination; 4) a list of questions that were asked to the expert; 5) a description of the materials received by the expert and what materials were used by the expert; 6) a detailed description of the research conducted, including the methods used in the study, obtained results and their expert assessment; 7) substantiated answers to each asked question.

In order to prevent possible shortcomings and errors in law enforcement, it is advisable to provide examples of judicial and supervisory practice in considering criminal proceedings in which forensic psychological examinations using a polygraph were conducted. 1. By the Resolution of November 12, 2015 of the Board of Judges of the Judicial Board for Criminal Proceedings of the High Specialized Court of Ukraine for the Consideration of Civil and Criminal Proceedings in respect of criminal proceedings No. 5-2095km15 initiated under Part 1 of Article 115 of the Criminal Code of Ukraine on the cassation appeal of the prosecutor in the criminal proceedings of Karnaukh A.P. by the verdict of the Vinnytsia City Court of Vinnytsia Region dated December 4, 2014 and the decision of the Vinnytsia Region Court of Appeal dated March 16, 2015, the evidence - the conclusion of a forensic psychological examination using a special technical device - a computer polygraph - was declared inadmissible by Person_1, since it was conducted without the written consent of the suspect Person_1, which is a significant violation of human rights and freedoms, in particular Part 2 of Article 28 of the Constitution of Ukraine and the Order of the Ministry of Justice of Ukraine dated July 28, 2015 No. 1350/5, and the impossibility of determining by such an examination the reliability of the testimonies of the participants in the trial based on the results of the examination using a polygraph, because this is the exclusive prerogative of the investigator or the court and is not the competence of the expert or the subject of research of a forensic examination using a polygraph[12]. (Link: <http://www.reyestr.court.gov.ua/Review/53570730>).

The verdict of February 6, 2017 of the jury of the Zhovtnevy District Court of Mykolaiv Region in criminal proceedings № 420151503100000023 initiated on the fact of committing a crime provided for in Clause 7 Part 2 of Article 115 of the Criminal Code of Ukraine. This verdict was confirmed by the decision of the Court of Appeal of Mykolaiv Region dated May 16, 2017. However, the court, referring to the statement of the defense regarding the conclusion of the polygraph expert presented by the prosecution, noted that such a conclusion was recognized as inadmissible as evidence, referring to Article 86 of the Code of Criminal Procedure of Ukraine, since the indicated conclusion was drawn up in violation of the requirements of Articles 101 and 102 of the Criminal Procedural Code of Ukraine and does not comply with the methodology of Clause 6.8.1 of the polygraph examination approved by the Ministry of Justice of Ukraine dated on July 27, 2015. and the Code of Criminal Procedure of Ukraine on these issues, as one that does not contain the relevant details: number, date of compilation, absence of the expert's signature and seal of the expert institution; as well as a detailed description of the performed research; conclusion of forensic research does not contain answers to all the questions posed to the expert; the polygraph had a reduced power in accordance with the requirements and standards; the video recording of the study was not carried out. The court drew attention to the fact that the examination was conducted in the conditions of the Pre-trial Detention Center from 15-35 to 18-35, during the period of time when the prisoner, according to the established procedure in the institution, was supposed to eat, which violated his rights. (Link: <http://www.reyestr.court.gov.ua/Review/66714682>).

Resolution of the Supreme Court of Ukraine Criminal Procedure Code dated on March 4, 2020 in case No. 221/3264/16-k: the signs of the subjective side of the committed crimes and the peculiarities of the mental attitude of the convicted person to the committed acts and consequences are established by the courts on the basis of the nature of the committed act and the objective and objective conditions of its commission on the basis of the factual circumstances of the committed crimes established by the court and confirmed by appropriate and admissible evidence collected in the manner prescribed by the Criminal Procedural Code of Ukraine of Ukraine and assessed in accordance with the requirements of Article 94 of the Code of Criminal Procedural Code of Ukraine, where the appointment of a forensic psychological examination using a polygraph to establish a person's mental attitude to the act and consequences is not provided for by law, since a forensic psychological examination using a polygraph establishes only the presence or absence of a psychological attitude to conceal certain information. The issue of the subject emotional attitude towards another person or towards certain events or circumstances may be the subject of consideration of a regular forensic psychological examination, not related to the use of a polygraph. (Link: <http://www.reyestr.court.gov.ua/Review/88103330>).

Conclusions. Thus, it should be concluded that: 1) theory of criminalistics, criminal procedure, psychology, forensic expertise, law enforcement activities of pre-trial investigation bodies and courts indicate the expediency of using a polygraph with the written consent of the person with whom it is appropriate to conduct such a study, and with regard to minors, with the consent and in the presence of parents, legal representatives and defense attorneys; 2) results of a polygraph study can serve as preliminary and indicative information for the purpose of planning further versions and using specific tactical actions in pre-trial investigation and in operational-search activities, *but cannot serve as the main evidence in criminal proceedings*; 3) in order to eliminate certain regulatory inconsistencies, the use of the polygraph should be enshrined not only in the regulatory documents of the Ministry of Justice of Ukraine, but also in the Law *On Judicial Examination*" (which has long required revision and approval in a new edition, in particular in Articles 10-14 and on other issues), in the Procedure for Conducting Forensic Psychological Examination (of the Ministry of Health of Ukraine as well as in current Criminal Procedural Code of Ukraine and in other legislative, regulatory, departmental and interdepartmental acts regulating issues of forensic expertise, criminal law and procedure, psychology, etc. Problematic issues we have indicated are not final and are subject to separate research or scientific study, which is a promising direction in science and practice.

References

- Lypmann O., Adam L. Psykholohyia lzhy. Lozh v prave. [The Psychology of Lying. Lying in law]. Kharkov : Yuryd. yzd-vo Ukrainyi, 1929. S. 3-20 [in Ukrainian].
- Hradun S. A. Dyskusiini pytannia vykorystannia polihrafa v kryminalnomu provadzhenni [Controversial issues of using a polygraph in criminal proceedings.]. *Pravovyi chasopys Donbasu / Law Journal Of Donbass*. №2 (83). 2023. S. 39-44. Doi: 10. 32782/2523-4269-2023-83-39-44 [in Ukrainian].
- Veselskyi V. K. Suchasni problemy dopytu (protseusualni, orhanizatsiini ta taktychni aspekty) [Modern problems of interrogation (procedural, organizational and tactical aspects)]. Kyiv : NVT «Pravnyk», 1999. S. 15-19 [in Ukrainian].
- Morozova T. R. Metodyka vyvaylennia prykhovanoi informatsii u polihrafichnykh doslidzhenniakh [Methods of detecting hidden information in polygraphic research] / *Za nauk. red. O. M. Morozova*. Kyiv : Alerta, 2023. 472 s. [in Ukrainian]
- Morozov O. M. Patopsykholohichniy analiz osobystosti v pravookhoronniy praktytsi [Pathological analysis of personality in law enforcement practice] : monohrafiia. Kyiv : Alerta, 2023. 402 s. [in Ukrainian]
- Provedennia psykhofiziolohichnoho doslidzhennia z vykorystanniam polihrafa : normatyvno-pravove zabezpechennia zastosuvannia polihrafa ta psykhofiziolohichnykh doslidzhen; orhanizatsiia ta provedennia psykhofiziolohichnoho doslidzhennia personalu MOU ta ZSU; psykhyfiziolohichni doslidzhennia iz zastosuvanniam polihrafa pry zdiisnenni sluzhbovykh rozsliduvan stosovno viiskovosluzhbovtiv [Conducting psychophysiological research with the use of a polygraph: regulatory and legal support for the use of a polygraph and psychophysiological research; organization and conduct of psychophysiological research of personnel of the Ministry of Defense and the Armed Forces of Ukraine; psychophysiological research with the use of a polygraph in the course of official investigations of military personnel]/ *Pid zah. red. M. M. Klymenko*. Kyiv : VD «Profesional», 2023. 476 s. Pro zakhyst prav osib, yaki prokhodiat opytuvannia (doslidzhennia) na polihrafi [On the protection of the rights of persons undergoing a polygraph examination]: *Proiekt Zakonu Ukrainy vid 17.02.2016 No 4094*. URL: <http://surl.li/cgpfo> [in Ukrainian]
- Pro polihrafolohichnu diialnist [About polygraphic activities]: *Proiekt Zakonu Ukrainy No 4094-1 vid 04.03.2016*. URL: <http://surl.li/cgpfy> [in Ukrainian]
- Pro dopovnennia Kryminalnoho protseusualnoho kodeksu Ukrainy polozhenniamy shchodo vykorystannia polihrafa (detektora brekhni) [On supplementing the Criminal Procedure Code of Ukraine with provisions on the use of a polygraph (lie detector)]: *proiekt Zakonu Ukrainy vid 10 zhovtnia 2015 roku No 3611*. URL: <http://surl.li/cgpf1> [in Ukrainian]
- Pro zatverdzhennia zminy № 10 do Natsionalnoho klasyfikatora DK 003:2010 [On approval of amendment No. 10 to the National Classifier DK 003:2010]: *Nakaz Minekonomiky Ukrainy vid 25 zhovtnia 2021 roku No 810-21*. URL: <https://mon.gov.ua/ua/npa/pro-zatverdzhennya-zmini-10-do-nacionalnogo-klasifikatora-dk-0032010> [in Ukrainian]
- Kryminalnyi protseusualnyi kodeks Ukrainy : stanom na 5 lystopada 2024 r. Kharkiv : Pravo, 2024. 454 s. [in Ukrainian]
- Pro operatyvno-rozshukovu diialnist : *Zakon Ukrainy vid 18.02.1992 No 2135-XII (zi zminamy ta dopovnenniamy)*. *Vidomosti Verkhovnoi Rady Ukrainy (VVR)*. 1992. № 22. S. 303.
- Konstytutsiia Ukrainy. Kharkiv : Pravo, 2024. 74[2] s. [in Ukrainian]

- Konovalova V. E. Orhanyzatsyonnyi y psykholohycheskye osnovy deiatelnosti sledovatel'ia [Organizational and psychological bases of the investigator's activity]. Kyev : RYO MVD USSR, 1973. S. 102. [in Ukrainian]
- Pro vnesennia zmin do nakazu Ministerstva yustyt'sii Ukrainy vid 08.10.1998 № 53/5 : Nakaz Ministerstva yustyt'sii Ukrainy vid 27.07.2015 № 1350/5 [On Amendments to the Order of the Ministry of Justice of Ukraine No. 53/5 dated 08.10.1998]. URL: <https://zakon.rada.gov.ua/laws/show/z0915-1> [in Ukrainian]
- Konovalova V. E., Serbulov A .M. Sledstvennaia taktyka : pryntsypy y funktsyy [Investigative tactics : principles and functions.]. Kyev : Redaktsyonno-yzdatelskiy otdel MVD USSR, 1983. S. 19. [in Ukrainian].
- Pro sudovu ekspertyzu [About the forensic audit]: Zakon Ukrainy vid 25 liutoho 1994 roku № 4038-XII. URL: <http://zakon.rada.gov.ua/laws/show/4038-12> [in Ukrainian].
- Stepaniuk R. L., Husieva V. V., Kikinchuk V. V. Kryminalistyka. Kryminalistychna tekhnika [Criminalistics. Forensic equipment]: navch. posib. Kharkiv : KhNUVS, 2023. 388 s. [in Ukrainian].
- Instruktsiia pro poriadok provedennia psykhofiziolohichnoho doslidzhennia iz zastosuvanniam polihrafa v orhanakh prokuratury [Instruction on the procedure for conducting psychophysiological examination with the use of polygraph in the prosecutors office]: zatv. nakazom Ofisu Heneralnoho prokurora vid 17.09.2021 r. № 293. URL: <https://zakon.rada.gov.ua/laws/show/v0293905-21#Text> [in Ukrainian].
- Pro Natsionalnu politysiu [About the National Police]: Zakon Ukrainy vid 2 lypnia 2015 roku. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text> [in Ukrainian].
- Instruktsiia pro poriadok vykorystannia polihrafa u Natsionalnii politysii Ukrainy [Instruction on the use of polygraphs in the National Police of Ukraine]: zatv. nakazom MVS Ukrainy vid 13.11.2017 r. № 920. URL: <https://zakon.rada.gov.ua/laws/show/z1472-17#Text> [in Ukrainian].
- Pro Natsionalnu hvardiiu Ukrainy [About the National Guard of Ukraine]: Zakon Ukrainy vid 13 bereznia 2014 roku. № 876-VII. st. 6. URL: <https://zakon.rada.gov.ua/laws/show/876-18#Text> [in Ukrainian].
- Instruktsiia pro poriadok orhanizatsii ta provedennia opytuvannia osobovoho skladu Natsionalnoi hvardii Ukrainy z vykorystanniam polihrafa [Instruction on the procedure for organizing and conducting a survey of the National Guard of Ukraine personnel using a polygraph]: zatverdzhena nakazom MVS Ukrainy vid 01.09.2017 roku № 749 [in Ukrainian].
- Pro Biuro ekonomichnoi bezpeky [About the Bureau of Economic Security]: Zakon Ukrainy vid 28 sichnia 2021 roku № 1150-IX. St. 24. URL: <https://zakon.rada.gov.ua/laws/show/1150-20#Text>
- Pro zatverdzhennia Poriadku provedennia psykhofiziolohichnoho opytuvannia iz zastosuvanniam polihrafa u roboti Biuro ekonomichnoi bezpeky Ukrainy [On Approval of the Procedure for Conducting a Psychophysiological Survey with the Use of a Polygraph in the Work of the Bureau of Economic Security of Ukraine]: Nakaz Biuro ekonomichnoi bezpeky vid 26. 10. 2021 r. № 10. URL: https://zakononline.com.ua/documents/show/502616_762748 [in Ukrainian].
- Pro derzhavne biuro rozsliduvan : Zakon Ukrainy vid 12 lystopada 2015 roku № 794-VIII. URL: <https://zakon.rada.gov.ua/laws/show/794-19#Text> st. 26. [in Ukrainian].
- Poriadok provedennia sudovo-psykholohichnoi ekspertyzy [The procedure for conducting a forensic psychological examination]: Zatv. nakazom Ministerstva okhorony zdorovia Ukrainy vid 8 zhovtnia 2001 r. № 397. URL : <https://zakon.rada.gov.ua/laws/show/z0719-18#Text> [in Ukrainian].

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