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The ethics and morality of a private detective in the field of the legal requirements of the modern universe

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Етика та мораль приватного детектива у полі правових вимог сучасного світу

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***Annotation.** The article is devoted to the analysis of peremptory provisions of ethical behavior and moral charters of private detectives from different countries of the world. A number of moral prescriptions that are characteristic of the institution of private detective activity and their characteristic features are analyzed. The article also explores the phenomenon of “increased level” of moral qualities of a private detective. It is noted that almost all the ethical codes of private detectives of the world actually emphasize the need for moral and ethical improvement of the*

profession of a private detective; collected and arranged the basic requirements that are set before the detectives of modern times. It has been revealed that in almost all international codes of ethics of private detectives, one of the main moral postulates is the rejection of "one's personal" in favor of a "common public" interest, which is seen by society as quite understandable and accepted, because the activities of a private detective in one way or another affect the rights and the legitimate interests of the person, and the fulfillment of the legitimate orders of the client requires an increased sense of duty for their decisions and actions that must comply with the principles and standards of morality, protection of the authority of private detective work in general. The article focuses on the category of "good faith" of a private detective, which is very important for any commercial organizations, because private detective activity is the same commercial structure (company), whose work is aimed at making a profit. It has been revealed that in the modern economically developed world, when considering conducting any business and making profit, the emphasis is on moral and ethical levers, and especially attention is paid to monitoring the moral level of their subordinates who provide services to customers, because it depends on the moral issue image of any company, and hence its future. It is proved that private detective activity should also be based on moral and ethical grounds, because the fulfillment of legitimate customer orders requires an increased sense of duty for their decisions and actions that must comply with moral principles and standards, protecting the authority of private detective activity in general; it is morality that should act as such a regulator, with the help of which a private detective, as a person, should navigate the world of social values, constantly improving personal qualities, which is only possible if the private detective himself realizes his duty to society and the imperative of morality becomes for him, not a compulsory duty, but a matter of honor.

Keywords: private detective, detective work, legal activity, ethics and morality, social values.
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Аномація. Стаття присвячена аналізу імперативних положень етичної поведінки та моральних статутів приватних детективів різних країн світу. Проаналізовано ряд моральних приписів, які характерні для інституту приватної детективної діяльності та виявлені їх характерні особливості. В статті досліджено також феномен «підвищеного рівня» моральних якостей приватного детектива. Зазначено, що майже у всіх етичних кодексах приватних детективів світу фактично робиться наголос на необхідності моральної та етичної вдосконаленості професії приватного детектива; зібрані та скомпоновані основні вимоги, які ставляться перед детективами новітнього часу. Виявлено, що майже у всіх міжнародних кодексах етики приватних детективів одним з основних моральних постулатів виступає відмова від «свого особистого» на користь «загального суспільного» інтересу, що вбачається цілком зрозумілим та прийнятим суспільством, адже діяльність приватного детектива тим чи іншим чином торкається прав та законних інтересів людини, а виконання законних вимог клієнта вимагає підвищеного почуття обов'язку за свої рішення і вчинки, які повинні відповідати принципам і нормам моралі, охороні авторитету приватної детективної діяльності в цілому. У статті акцентується увага на категорії «добросовісної поведінки» приватного детектива, що дуже важливо для будь-яких комерційних організацій, адже приватна детективна діяльність така ж комерційна структура (фірма), робота якої спрямована на отримання прибутку. Виявлено, що у сучасному економічно-розвиненому світі при здійсненні будь-якої підприємницької діяльності і отриманні прибутку наголошується саме на моральному та етичному важелях, а особливо приділяється увага моральності співробітників, які надають клієнтам послуги, тому що саме від питання моралі і залежить імідж будь-якої компанії, а, отже, і її майбутнє. Доведено, що приватна детективна діяльність так само повинна базуватися на моральному

та етичному підґрунті, адже виконання законних замовлень клієнта вимагає підвищеного почуття обов'язку за свої рішення і вчинки, які повинні відповідати принципам і нормам моралі, охороні авторитету приватної детективної діяльності в цілому; саме мораль повинна виступати в якості такого регулятора, за допомогою якого приватний детектив, як особистість, має орієнтуватися в світі соціальних цінностей, постійно удосконалюючи особисті якості, що можливо лише в тому випадку, коли приватний детектив сам усвідомлює свій борг перед суспільством і імператив моралі стане для нього не вимушеним обов'язком, а справою честі.

Ключові слова: приватний детектив, детективна діяльність, законна діяльність, етика та моральність, соціальні цінності.

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The problem solving in general and its connection with important scientific or practical tasks

It can be said with confidence that in Ukraine, practically from the very first steps of its independence, one can notice the dynamic growth of private detective companies, the demand for which services in the modern era of the information society increases sharply. But legally such activity as private detective activity in the country does not exist and never existed, because there is still no special law, although in fact there are more than two thousand private detective agencies, whose number is growing almost exponentially. In addition, detective work is gaining momentum in the framework of the All-Ukrainian Association of Private Detectives registered on May 29, 2012. Thus, it is possible and even necessary to talk about the professional morality of a private detective as an exclusively criterion, according to which the directions of the state's activities should be determined.

An analysis of recent research and publications that initiated the resolution of this problem

Without a doubt, the law on private detective work will be adopted in the not distant future, and then the designated criterion will become as a benchmark for evaluating the activities of the state and its policies on the one hand, and play a sig-

nificant role in the consciousness of the people and public thinking on the other. This is especially relevant today, during political and economic instability, when in almost all countries of the world there is a "moral revolution" of the consciousness of humanity and this situation simply screams about the need to form a "moral immunity" for a private detective.

The purpose of the article is to analyze the moral principles and ethical standards that exist in detective agencies of different states.

Analysis of recent research and publications

The article analyzes the moral and ethical principles of different countries. Used regulations, official websites of private detectives. The issues raised in the article are reviewed by scientists from different countries: Marcin Berent, Código Deontológico, Daymond John, Tim Prenzler.

Unsolved earlier part of the general problem

In modern society, whether the issue of the moral level of society as a whole becomes increasingly relevant, but the special importance is given to the ethical and moral requirements of those bodies and individuals on the actions of which depend the fate of others. Undoubtedly, the priority in this issue is facing law enforcement agencies, prosecutors, the court, lawyers,

but at the same time non-state – private detectives. However, the topic of this study today takes the place of “heightened interest” of the public in our country in connection with attempts of legislative approval of the very institute of private detective work and, thus, experience and developments in this matter of those countries of the world where this institute has already become more important in legal terms.

Presentation of the main research material

Full recognition of the need for the legal consolidation of moral principles in any industry is a kind of “engine” of justice and legal stability. The philosophy of the private detective’s professional activities consists mainly in the knowledge of the truth, subject exclusively to the letter of the law. This task is difficult because even the framework of the lawful activities of a private detective is not clearly limited, but necessary. Private detective today in its work is guided by the principle “that is not prohibited, it is allowed” and thus adheres to the framework of the law, on the part of the moral, the field of activity of a private detective is left to his own will, which must coincide with the will of other people. It follows that, guided by the law, a private detective is obliged to combine his own will with the public. And this volition certainly must be subordinated to reason. Indeed, it is difficult to imagine a private detective who lacks the ability to think analytically, because in the practice of a private detective it is necessary not only the ability to get information, but also to analyze it in order to provide the customer with a real picture of the event.

A private detective in most countries of the world is an autonomous person, a professional who possesses special knowledge, is trained at a high level in the spirit of serving society and high ethical standards, and is capable of self-organization

and responsibility. So, the “increased level” of moral indicators of the personality of a private detective is described in the Polish Code of Ethics of Private Detectives [1]. The ethics code of a private detective in Spain speaks about honesty – as the main quality of a private detective: “a private detective must be honest and act with truthfulness, loyalty and diligence in the performance of his work”, as well as “in carrying out his profession, the detective should give priority the interests of the client over any interests, including their own” [2]. In addition, the Code of Ethics of the Official Association of Private Detectives of the Valencia Community contains the fundamental principles that should regulate the professional practice of a private detective: independence; honesty (according to the document, a private detective must be truthful, faithful and conscientious in fulfilling his role and in relations with his clients, colleagues and public administrations, avoiding conflicts and disrespectful situations); dignity (the private detective must act in accordance with the rules of the honor and dignity of the profession, refraining from any negative behavior that includes breaking the law or discrediting); client’s interest (a private detective should diligently follow the interests of his client, even if it contradicts his own, colleagues or specialists in general); the secret of the investigation (the private detective is obliged to keep secret all information received from the customer); truthfulness (obliges a private detective to report only real information); the accuracy of the information provided to the client [3].

Similar moral principles are also considered by the Code of Professional Ethics of Private Detectives of Brazil, approved by the National Council and the National Union of Detectives on March 10, 2008. Part 3 of this document is interesting, where it is stated that a private detective in Brazil is obliged to “respect himself and

be confident in his value, prevent corruption, refuse gifts from suspicious persons, because these gifts may be negative intentions” [4]. Thus, the said moral code of a private detective is “recognized to serve the common good” and is a set of norms of behavior for a private detective. The moral code itself is a picture of the morality of a particular stratum of society, to which it refers [5, p.114]. It is easy to notice that in these acts focuses on the category of “good faith”, which is not unimportant for commercial organizations. Private detective activity is the same commercial structure (firm), whose work is aimed at making a profit. In the modern economically developed state, when considering doing business and making a profit, the emphasis is placed precisely on the moral side: “Watch the level of morality of your subordinates who provide services to clients, give this issue as much attention as possible, because the image of your company and, therefore, its future, depends on the moral issue” [6, p. 9]. In fact, what could be more effective than the most popular advertising, if not the image that the organization itself earns by its attitude to work and to people? Such a trustful and respectful attitude to a private detective or a detective agency on the part of society can be earned solely by observing moral principles, on the other hand, it is dishonest, immoral acts that a private detective will earn a negative reputation in the market for detective services whether or not he will follow the letter of the law. In addition, the general prestige of the profession may suffer from the non-observance of moral principles by one private agency or a private detective, which is not unimportant. That is why the associations of private detectives all over the world remove from their ranks those who, by their immoral acts, have damaged the reputation of the professional activities of others.

The specifics of the work of a private detective suggests the likelihood of mak-

ing complex psychological decisions that require: delicacy, quick response, confidentiality excerpts, inability to conduct business further, and so on. It is for this reason that a private detective must be prepared or we can even say “trained” so that these decisions are made in compliance with the moral code.

The moral imperativeness is laid still in the bosom of the future detective’s academic preparation and in every learning process in higher education it is important to emphasize moral education as the “foundation” of career development for a future private detective. After all, the behavior of a future lawyer (private detective) is often caused by circumstances prevailing in a country, fluctuations in an incompletely formed mind, desires, pressure from habits or habits and inclinations. And here it is necessary to find the lever, thanks to which the future detective will be able to resist the seeming “logic of facts” that is presented in the spirit of modern time as the “realm of lies” and “universal indifference.” Thus, morality is a must, not actually a motive. Here it is necessary to emphasize that when teaching the technical or legal subtleties of the private detective profession, it is important to present it from the side of complete moral integrity: observe moral principles not only in work but also inculcate them as a habit, as the only acceptable way to adequately respond to the whirlwind of personal and social changes.

It is not surprising that the primary goal of the creation of the World Association of Detectives (World Association of Detectives) founded in 1925 (currently unites about 1000 best specialists of private detective and security structures from 60 countries of the world) is to promote and support “the highest moral practices in the profession private investigator. The annual WAD conferences are held in various cities of the world in order to exchange

experience between private detectives, increase their professional skills, familiarize themselves with local peculiarities, traditions, and investigative practices. But the main goal of WAD at the same time is the development and real support of the highest moral standards of the profession of a private detective, strengthening the spirit of cooperation, mutual trust, goodwill and friendship between its members and members of similar organizations, which ensures rapid interaction in the execution, placement and transfer of international detective orders [7]. You can see that the specificity of the moral evaluation of the actions of a private detective in a certain sense is distracted from the factual explanation of his actions and only finds out the attitude to the moral requirement, whether they meet him or not. In the logic of moral consciousness it is assumed that whatever the problems and circumstances of a private detective, his state of mind and physical health, he must follow the law of morality, remember that for this he is responsible, and all kinds of “negative” circumstances do not eliminate his sanity for perfect. But at the same time, a private detective is morally free, has a choice, and is not simply compelled to this or that action. Thus, it can be said that, on the one hand, moral requirements come from society into which a private detective strives to get (in our case, the Association), and on the other hand, are always “inside” the human soul. The goal of the association is to combine this “external” and “internal”. It should also be noted that the practice of describing the moral principles of detective work, their approval and actual adoption is supported by all members of the Association, but in no case does it claim to be a “universal” solution to the question of what is “really” morality in every corner of the world.

The Code of Ethics for Private Detectives of India (2007) obliges detectives

to fulfill their professional duties with “honor, sincerity, honesty, loyalty, good conscience,” as well as in accordance with paragraph 1.7 of the Code “at any time to fulfill their obligations under the law and not to allow any violation of the law from colleagues and prevent fraud, and in accordance with clause 1.16 of the Code, “observe the accuracy and caution of the perception of truth” [8].

The Council of International Investigators Council of International Investigators CLL (USA) introduced in 2018 for participants a code of ethics for private detectives, where, in particular, it is stated that a private detective is obliged to: show yourself in your profession with honesty, sincerity, honesty, loyalty, morality and a good conscience in all relations with customers; to maintain the trust of clients in all circumstances, except when the interests of clients conflict with criminal law; conduct investigations within the framework of legality, morality and professional ethics; refuse to use listening methods in any form in countries where it is illegal; to keep in the strictest confidentiality information about the interests of clients from requests of third parties, especially in matters related to national fame or publicity; cooperate with all recognized and responsible law enforcement agencies and government agencies on matters within their jurisdiction; advise clients against any illegal or unethical actions; provide the client with an actual cost report; maintain their professional reputation, as well as the reputation of fellow detectives and professional colleagues [9].

However, the code of ethics of private detectives in South Carolina (USA) sounds quite full, where, among other things, it is pointed out that a private detective should not advertise his work, ability or merit in a non-professional way or in a “dramatic delusion” or exaggerate his merits, and he must avoid such behavior or practices

that may discredit or damage the dignity and honor of his profession (s.2); should not criticize the work of other investigators (s.4); must refrain from accepting a task or work if there is a personal conflict of interest (s.6) [10]. The Washington Association of Detectives Code of Ethics also indicates a ban on seeking to receive customers through advertising or another form of inquiry that is false or misleading, includes the use of haunting actions, creates an unreasonable expectation of favorable results or contains self-declared statements that are not verifiable (s. E) [11].

The Association of Private Detectives in Florida (USA) in its Code of Ethics also indicates the responsibility of a private detective to recognize and respect the professionalism of other employees (a.3). In addition, a private detective in Florida is prohibited from accepting compensation from other persons or organizations regarding the same matter without the knowledge and consent of his client (a.9). And in Article 13 of this Code of Ethics, it is actually said about the oath of a private detective: «I will diligently attempt to continually learn about new laws, rules, and regulations, and strive to educate myself in all facets of the work in which I am engaged to be able to better represent both myself, my profession, and my clients» [12]. Interesting points of the Ethical Code of Private Detectives in the UK are paragraph 8, which states that private detectives must act with self-control and tolerance, considering everyone with whom they come in contact, in the course of their activities with respect, justice and courtesy. Act with fairness and impartiality. They will not discriminate unlawfully on the grounds of sex, race, colour, language, religion or belief, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, property, birth or other status. [13]. It is easy to see that in these docu-

ments one of the moral tenets is the rejection of “their” personal interest in favor of the general. And this is quite understandable and acceptable, since the activities of a private detective concern in one way or another the rights and legitimate interests of a person, and the execution of legitimate customer orders requires a heightened sense of duty for his decisions and actions, which must comply with the principles and standards of morality, protect the authority of private detective activity in whole. A kind of ethical agreement in the circle of private detectives in Japan are moral regulations. As the most minimal mandatory ethical standards indicate the following responsibilities:

- be aware of the social mission of the detective that he carries in order to work and conscientiously carry out the instructions taken from the client in order to make life easier for people;
- conscientiously carry out their work in harmony with faith, as the highest measure of justice;
- always abide by laws and rules and not deviate from common sense;
- respect human rights and protect the interests of other people; do not conduct investigations that promote discrimination against a person.
- do not reveal the secrets of the client;
- constantly improve your character and strive to improve your knowledge;
- try to cooperate in harmony with each other, to unite and strive to develop the industry of a private detective story;
- refrain from receiving information by fraudulent methods, deception or false reports of results;
- not to allow improper placement of advertising, not to conduct illegal marketing activities [14]. Such prescriptions, which are complete and comprehensive in their content, are in turn a derivative of the moral and religious component that has developed over the centuries in a given country.

The practice of private detective work in Germany is called “one of the most controlled professions” by the government, justifying such an assertion by a complex system of obtaining permits for private detective work and strict monitoring related to the observance of a number of general laws by detectives, such as the German Data Protection Act. from 2000 and the Law on Privacy Protection and so on. In addition, private detectives in Germany are responsible for the decisions taken by them in accordance with their own instructions [15]. Thus, each detective agency establishes its moral and ethical rules of behavior paying attention to the laws in force and general moral principles and traditions. In the detective agencies of Germany in the rules of conduct (ethical rules) can be identified such indicative requirements as “personal honor”, “high culture”, “confidentiality” [16]. Currently in Australia, the ethical behavior of private investigators is governed by general law. At the same time, the boundaries of the ethical behavior of private investigators lie precisely within the limits of the legal field. We can say that the ethics of Australian private detectives clearly fits into the situation “what is not legal is not ethical”. Thus, the actions of a private detective story are spelled out in the Procedural Code of Private Detectives (2014). For example, a detective has no right to threaten or give empty promises (paragraph 4.2.3), should not give and take bribes (paragraph 4.2.4), should only collect information relating to his investigation. (clause 5.1.1) should not continue observation if it suspects that the subject has become aware of the observation (clause 5.2.6) [17], etc. In addition, it will be considered unlawful and unethical to collect information about a subject if it causes such negative consequences as embarrassment, ridicule or shame, or if the subject discovers that it is being monitored as such. And at the same time, the collec-

tion of information will be considered in the norms of moral and ethical, if it is not noticeable for the subject, and thus “will not confuse the person about whom the requests are being made” [18, p.22]. However, Australian law does not provide for any punishment for prosecuting a person, but complaints about such non-ethical behavior of private detectives are grounds for revoking a private detective’s license, as provided for in the 1979 Law on Licensing Private Agents]. An example of the unscrupulous behavior of private detectives in Australia can be deception (when the detective disguises himself as another person), the disclosure of private information (including misinformatization, the provision of careless recommendations, the creation of a negligent report) that caused “nervous shock” or other nerve shocks [19].

Conclusions of the study and prospects for further study of this topic

The moral law for a private detective in any country, above all, is of course the principle of will, which is subordinate to the mind and should be the fundamental core of behavior for all. In such circumstances, the law of morality can be viewed as coercion. The main regulator of the professional activity of a private detective is moral, the specificity of which as a way of regulating relations, is that moral conditions and evaluations are developed directly by public consciousness and are approved by the will of this community. Morality acts as a regulator, with the help of which a private detective, as a person, is oriented in the world of social values, constantly improving personal qualities. This is possible only when a private detective himself realizes his duty to society and the imperative of morality will become for him not a compulsory duty, but a matter of honor.

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