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## COVERT INVESTIGATIVE (SEARCH) ACTIVITY IN CRIMINAL PROCEEDINGS

Ukraine is the democratic, legal state in which a human, his life and health, honour and dignity, inviolability and safety are the greatest social value, rights and freedoms of human are determined by maintenance and orientation of activity of the state.

The new Criminal Code of practice of Ukraine entered new concepts concerning procedural and investigative actions. In marked new Criminal Code of practice of Ukraine procedural activities include a special range of investigative (detective) actions and secret investigative (detective) actions, and defined a new subject of criminal procedural activities – operative subdivisions (Article 41).

Secret investigative (detective) actions according to the article 246 of Criminal Code of practice of Ukraine is the kind of investigative (detective) measures, information about a fact and methods of realization of that are not subject to disclosure, except as provided by this Code.

The subjects of organization and realization of secret investigative (detective) actions are: investigation judge (except for statutory cases (Article 271, 272 of Criminal Code of practice of Ukraine), investigator that conducts pre-trial investigation, prosecutor that carries out judicial guidance to pre-trial investigation, leader of organ of pre-trial investigation, operative subdivision

that executes commission investigation on realization secret investigative (detective) actions.

The aim of realization of secret investigative (detective) actions are a search and fixing of fact sheets, that is used in finishing telling on the pre-trial and judicial stages of criminal realization, also for the search of persons that disappeared obscurely or hide from the organs of pre-trial investigation and court, or avoid serving of criminal punishment. The search of objects, documents that can be used in criminal realization as proofs also provided realizations of secret investigative (detective) actions.

An investigator, prosecutor, can make decision about realization of secret investigative (detective) actions, and also, in statutory cases, investigation judge after the solicitor of public prosecutor or after the solicitor of the investigator concerted with a public prosecutor.

In part 3 Article 246 of Criminal Code of practice of Ukraine is set that an investigator is under an obligation to report to the prosecutor about a decision-making in relation to realization of certain secret investigative (detective) actions and got results. Accordingly a prosecutor has a right to forbid realization or stop further realization of secret investigative (detective) actions.

Expansion of possibilities of investigator in relation to the receipt of information about a crime and criminal due to the use of events of operational search activity for the criminal process of Ukraine follows to consider the progressive step of legislator, sent to strengthening of the law-enforcement function of the state. Introduction of institute of secret investigative (detective) actions is only a progressive step.