**1. CONCEPT AND FORM OF PRETRIAL INVESTIGATION**

Pretrial investigation - is carried out according to the Criminal Procedure Act the activities of the investigator and the police, aims to collect, research, assessment and use of evidence, prevention, preventing and detecting crimes, establishing the objective truth of correct application of law, protection of rights and lawful interests of individuals and entities. In the pretrial investigation and the police investigator solve such problems as: establishment and damages and to identify and eliminate the causes and conditions conducive to crime; education of citizens in a spirit of respect for the dignity of the citizen, the desire for justice and observance. The legal basis for pre-trial investigation is ruling on a criminal case. Pre-trial investigation may be conducted only with broken affair, carried out pre-trial investigation must in all cases, except in cases of crimes referred to in paragraph 1 of Article 27 and Article 425 CPC of Ukraine (to the right of private prosecution and pretrial preparation protocol form items) on which preliminary investigations in cases where a crime is a minor or a person who because of their physical or mental disabilities can not itself exercise its right to protection, and when it deems necessary prosecutor or court. Pre-trial investigation includes pre-trial investigation and inquiry, pre-trial investigation - investigative activities by the broken and admitted him to his criminal case proceedings, which has included in the collection, testing, inspection, assessment and use of evidence, establishing the objective truth, the implementation of legal action to ensure correct application of law, human rights and legal interests, natural and legal persons, creating conditions for administering justice. Inquest - is based on the law to research, and law enforcement activities dokazuvalna procedural powers vested with administrative and operational jurisdiction, directed to the detection, prevention, crime prevention and detection, investigation and detection of guilty, of the tasks of criminal justice.

**2. Inquest: GENERAL PROVISIONS ORDER PROCEEDINGS, TIME**

The preliminary investigation as procedural activity has two forms, connected between the goal and procedure: a preliminary investigation, carried out investigating prosecutors, investigators, police, investigators, security agencies and police investigating the tax (art. 102 CCP) as the leading form of inquiry and that conducted by the inquiry, listed in Art. 101 CCP, and in fact - the body of inquiry appointed by the chief person (eg, operational attorney criminal investigation, the officer-diznavachem in the Armed Forces) with the approval of his most important decisions in the case (on the search, the selection of preventive measures, etc.). Thus, the inquiry is one of two forms of proceedings in the preliminary investigation that leads to urgency and importance of its research procedures and organization. Inquest - "is based on the procedural law activities specifically authorized administrative organs to stop and solve crimes, track and exposing the perpetrators" [12, c. 331]. In the criminal procedure law of this exhaustive list, have the right to conduct the inquiry. For all their inquiry function is not the main activity. With the need to do criminal investigations they face in specific cases when necessary and inevitable. In such cases, the actions of those governed by rules of criminal procedure law, and they act as organs of inquiry. The police - is the authority empowered to criminal procedural law and investigate violations of criminal cases in connection with the information that came to them about crime and lack of opportunities to investigator proceed to trial proceedings. Inquest - the investigation carried out of necessity by the administrative jurisdiction that granted the status of the body of inquiry. Criminal procedural activities of the inquiry includes: 1. admission, registration, examination, inspection and permit applications and reports of crimes or the decision whether to institute criminal proceedings in case of direct detection of signs of crime (Articles 94-100 CPC of Ukraine); 2. investigation on cases of serious crimes (Part 2 of Art. 104 CPC of Ukraine); 3. inquiry in cases of crimes that are not serious (Part 1 of Art. 104 CPC of Ukraine); 4. pre-trial preparation materials in the form of a protocol (Articles 425 - 429 CPC of Ukraine); 5. conducting investigations in the manner of some investigative commissions of inquiry or other authority (Articles 114, 118 CPC of Ukraine); 6. participation in specific investigative actions that are carried investigator (part 3 art. 114 CPC of Ukraine).

The bodies of inquiry in accordance with Art. PPC 101 Ukraine are: 1) the police; 1.1) Tax Police - in cases of evasion of taxes and duties (mandatory payments), as well as in cases of concealment of foreign exchange earnings; 2) security authorities - in cases within their jurisdiction by law; 3) the commanders of military units, formations, heads of military institutions - for all crimes committed by their subordinates and soldiers indebted during their meetings, as well as in cases of crimes committed by workers and employees of the Armed Forces of Ukraine in connection Connections of duty or in the location of parts, connection establishment; 4) Customs authorities - in cases of contraband; 5) The heads of such establishments, remand prisons, hospitals and dispensaries and labor guilty labor dispensaries - in cases of crimes against the established order of performance of duty, committed by employees of these institutions as well as in cases of crimes committed in the location of these institutions; 6) fire safety authorities - in cases of violation of fire safety and fire regulations; 7) state border guard - in cases of illegal border crossings; 8) captains of ships which are in the distant sea. Inquiry as a form of pre-trial investigation in theCriminal procedure law currently provides for two forms of preliminary investigation activities as procedural. Both of these forms in their tasks, procedures interconnected. The presence of both forms of proceedings in the investigation of every criminal case is optional. The leading form of pretrial investigation is a preliminary investigation, which is investigating prosecutors, investigators, police, tax police investigators and investigative security services that provide art. 102 CPC of Ukraine. The second form of pre-trial investigation is an inquiry. Art. PPC 101 Ukraine provides a comprehensive list of the inquiry, ie, bodies and officials who have the right to conduct inquiry in criminal cases, as discussed above. By June 30, 1993 inquiry types differ depending on whether in a criminal case as a preliminary investigation, is not required. In the Code of Criminal Procedure was presented a list of articles of the Criminal Code and determined that the investigation of criminal cases under these Articles, the police had the right to terminate their drafting an indictment or close by nereabilituyuchymy circumstances. Thus the right of the victim and the accused were slightly narrowed than they had in pre-trial investigation. Since 1993, investigation of all criminal cases may be only the first stage of preliminary investigation. That is, the preliminary investigation is obligatory in all cases except for cases in which the protocol provides a form of pretrial preparation of materials and cases of private prosecution.

Quest by the rules established by the Criminal law for pre-trial proceedings, with some specifically agreed on withdrawal, amendments and regulations. Among the general provisions specific to all forms of inquiry and not inherent in pre-trial investigation are the following. "The person who conducts the inquiry, does not use procedural independence in that extent that the investigator uses. When you disagree with the instructions of the prosecutor: the prosecution as the accused, on the qualification of the crime and the amount of charge, on sending the case to court or to dismiss - the police (the person who conducts the inquiry) the right to challenge their superior prosecutor, but still of these guidelines. Such instructions prosecutor binding, as well as guidance on the election of a preventive measure, change or cancel a preventive measure, classification of crimes proceedings separate investigation and search of persons committed the crime "[11, c. 206].

Authority in conducting certain proceedings law itself confers no person who conducts the inquiry, but "the police". Therefore, in these cases, the chief organ of inquiry instructions required for the person who directly carries out the inquiry. In addition, those procedural documents, which reflect the decision of the investigation (the decision to accept that the law authorized the police) are subject to mandatory approval by the head body of inquiry. Article 104 of the Criminal Procedure Code determines the order an inquiry in criminal cases. This procedure is different for certain categories of criminal cases and depends on the severity of the crime. The severity of the crime is determined not arbitrarily but according to Art. 12 of the Criminal Code of Ukraine. Lines of inquiry and their features Quest for the crimes that are not severe. By checking the signs of the crime is not serious, the police institute criminal proceedings (usually it does is head of the person or body of inquiry diznavach) and, following the rules of criminal procedure law, conducts investigation into identifying the person who committed it. We approached the concept of "identifying the person who committed a crime.

"This concept may not identify with the term 'person is guilty of a crime." According to the Constitution of Ukraine guilty of a crime a person can recognize only the court (part 1 of article 62.).

Can not the concept of "identifying the person who committed a crime identified with the term" suspect "because according to the last village. 43-1 PDAs Ukraine covers a limited number of persons with a certain probability only beginning to be attracted to criminal responsibility, and applied for detention on suspicion of committing a crime or one of the safeguards to an order of arraignment of the accused "[8, c. 83-84]. If "installed by the person who committed a crime to believe the accused, the question arises as whether the police have the right to make decisions about the arraignment of the accused. Art. 131 CCP provides that a decision on an order of bringing the accused person accepts investigator. But this rule does not point to the prosecutor's right (as the body of inquiry), which defines art. 227 CPC of Ukraine. Meanwhile, legislators in the art. 109 CCP allows the body to close the inquiry a criminal investigation if the circumstances under art. 6 PDA. Such circumstances, in particular, may be referred to in paragraph 4 of Art. 6 CCP amnesty act if it eliminates the use of punishment for an act in connection with pardon individuals. Closing a criminal case under these circumstances may only be relatively perpetrators if they pleaded guilty of a crime and did not object to close a criminal case under these grounds. This can be made (define) only by a person is charged and the questioning of the accused. Thus, "giving the body of inquiry to close criminal cases on the grounds under paragraph 4 of Art. 6 CCP, the legislators came from the fact that the police have the right to decide on the prosecution of a person as a defendant. But, given the importance of the decision to bring the accused person (perhaps a fundamental decision on pretrial investigation) and that the police may not finish compiling criminal indictment, to give a final assessment of evidence, in fact, for the arraignment of the accused immediately liable investigator, who finished the preliminary investigation. So we can assume that the police should decide on the arraignment of the accused and the prosecution to present only when there are grounds for termination of criminal proceedings under Art. 6 paragraph 4 device Ukraine "[8. 84].

No criteria, rules, circumstances and conditions when you can come to the conclusion that in a criminal case at an inquiry "set the person who committed a crime, the law does not define. Therefore, in practice the police often determines the time "identifying the person who committed a crime at random - with a person's testimony in which she tells about the circumstances of the offense, and the presence of a minimum of evidence, which enable to believe that a crime is a particular person. This approach to the determination of "identifying the person who committed a crime" enables the police, without making the whole amount of the procedural actions necessary for gathering evidence, send criminal investigators, without bearing any responsibility for it.

Approval or Disapproval prosecutor orders the transfer of criminal investigators, is not a reliable guarantee that "set the person who committed a crime, because the prosecutor's always advantageous to pass criminal investigator to achieve the objectives of criminal justice. Supplement Code of Criminal Procedure Art. 98, which includes "identifying the person who committed a crime even to the criminal case, further underlines the ambiguity of the concept. From the moment when the definition of "prescribed person who committed a crime related to the launching point timing of the investigation. Today, with such uncertainty concept of "identifying the person who committed a crime, not counting the period of pre-trial investigation (inquiry or pretrial investigation) link from the adoption of a procedural decision or at least with the foliation of any specific procedural document. Make a person who commits a crime, the police have the right to continue an inquiry for another ten days, and then must pass a resolution on the transfer of criminal investigators. This regulation gives the police prosecutor for approval. In adopting this resolution the prosecutor, the criminal case is assigned to the investigator. If the prosecutor is not approved the resolution on the transfer of criminal investigators, it is presumed that the person who committed a crime is not established and the police continues to carry out legal proceedings. If the body of inquiry in the case of crime is not serious, does not have a person committed a crime, and all necessary and possible investigations made, the inquiry stops in keeping with Art. 209 CPC of Ukraine. Extension of the inquiry does not involve law. Inquest in cases of serious crimes. The police have the right to bring criminal charges of any crime. "If the police instituted criminal proceedings on serious crime, according to the requirements of art. PPC 104 Ukraine, he must, guided by the rules of criminal procedure law, perform urgent investigation within ten days. In this case we are talking about the investigation, delays in proceedings which might hinder the achievement of objectives investigation that lead to loss of evidence or the possibility of their taking. As a negative consequence of this may be the inability of the crime. Emergency can be any investigatory action. This is determined by the inquiry body, depending on the particular circumstances of the case. Vivid examples of the urgency of the inquiry is the appointment of expertise related to research facilities, perishable detention of suspects, etc. "[8. 86]. Completing urgent investigation, the police must pass criminal investigation by the prosecutor within ten days, regardless of the installed person who commits a crime, not installed. In practice, the question arises whether the prosecutor must approve resolutions of inquiry on the transfer of a criminal investigation of serious crime investigation, if the ten-day period ended and immediate investigation (probably no investigatory action) not held. "Since the prolongation of an inquiry does not involve law, the prosecutor has to approve the resolution on the transfer of criminal investigators under such circumstances. Meanwhile, Attorney must respond to the violation of the law in accordance with Art. 30 of the Law "On Prosecution" [8. 86]. In the event of a criminal investigation of serious crime, which do not have the person who committed it, the police, according to art. PPC 104 Ukraine is obliged to continue the operational-search actions and report on their findings to the investigator. According to Art. PPC 109 Ukraine if the circumstances envisaged by Article 6 of the CPC of Ukraine, the police obliged to close a criminal case. On closing the criminal case the police is a reasoned decision, a copy of a daily period in directing the prosecutor.

On closing the criminal case the police must inform interested persons, or send them a copy of the closure case. Features close a criminal case under paragraph 4 of Art. 6 CPC of Ukraine stated above. Decision to close a criminal case consists of the requirements of Articles 130, 214 CPC of Ukraine. The introduction states: location and time of its making, the officials, who shall rule, its name, the case in which the decision was. In the descriptive-reasoning part of defining all legally significant facts and circumstances set forth in the case, especially crime scene or act, who committed it, a qualification or other legal act of assessment, factual and legal grounds and motives of the case, procedural rules, which at that managed. The operative part must logically run out of descriptive-motivation part of the decision. It should say: The essence of the decisions to close the case, indicating the grounds the case and information on the person against whom the case is closed or the event details in connection with which the case has been infringed; § decision about the fate of evidence and property, which are arrested; § decision to cancel a preventive measure; § decision to cancel the arrest of postal and telegraph messages; § decision to cancel the arrest of deposits; § the decision to bring to the notice of termination of criminal proceedings stakeholders to clarify their rights to appeal this decision and to clarify law on rehabilitation of a person who was illegally brought to justice. If the investigation found evidence that require the application of disciplinary or civil or administrative penalty impact on a person who prytyahalas as defendant or to others, the investigator, closing the criminal case, bring those facts to the attention of the NGO friendly court of the staff or administration enterprise, institution or organization to take appropriate enforcement actions or send the case file to court for application of administrative penalties. Copy of resolution of the case is sent to the prosecutor, the person prytyahalasya criminal charges, the person on the statement which was a violation of the right and the victim and civil party. Pursuant to art. PPC 104 Ukraine for signs of crime is not serious, the police institute criminal proceedings and, following the rules of criminal procedure law, conducts investigation into identifying the person who committed it. Then the police, the Holding periods provided in clause 1 of Art. 108 CCP, is a resolution to refer the case investigator, submitted a prosecutor for approval. In case of violation of the inquiry body of serious crime, he must pass it to the investigator by the prosecutor after the implementation of urgent investigative actions within not more than 10 days (Part 2 of Art. 108 CCP). If in the case of a serious crime, given that the investigator does not have a person who committed it, the police continues to carry out operational-search actions and inform the investigator about their consequences.

After the accession of the investigator in case the police must carry out the instructions of the investigator to conduct investigative and search actions. Problems of judicial forms of inquiry Crime using procedural means by pre-trial stages of the process by inquiry and pretrial investigation. From that, as an organized activity of these bodies, and effectiveness depends on the fight. Today the legal regulation of activities of inquiry and preliminary investigation is unsatisfactory. As some experts believe, preliminary investigation must be conceptually replaced by pre-trial and in addition, the list of bodies entitled to exercise it, should be extended. First, in the context of the National Bureau of Investigation Ukraine, which according to the Decree of President of Ukraine from April 24, 1997 № 371/97 entrusted with preliminary investigation and, secondly, a similar function should be carried out by other bodies. Proponents of this position believe that "preliminary investigations" - a special kind of crime investigation, conducted by investigators Investigators of Interior, Security Service, Prosecutor's Office and the National Bureau of Investigation to court, but the court - in order to establish truth and promote court of criminal responsibility indeed guilty of crimes You must clearly define the purpose of reforming the inquiry and pretrial investigation. According to supporters of radical reform of the existing system in the direction of "preliminary investigation", which fundamentally differs from the preliminary investigation is necessary, first, scientific management and almost exclusion volume of production activity in the investigation of crimes in the form of inquiry and preliminary investigation Secondly, optimization organizational and procedural activities to improve the investigation of crimes that are within the jurisdiction of the inquiry. Thirdly, the release of investigative apparatus of investigation of acts that do not pose a danger or the obvious and not difficult to solve crimes, and the truth on the case. Fourth, intensify and strengthen the fight against crime on the basis of rational use of procedural tools. Thus, issues of procedural form of inquiry and resolve are put in the context of the reform of pre-trial investigation in general. In a growing crime problem further improvement of the investigative organs - the state of criminal justice - is of paramount importance for Ukraine. However, this is difficult and responsible task is solved ambiguously.

Some scholars and practitioners in favor of a single Investigative Committee.

Other - offer to establish courts of the Institute of Legal Investigators. Still others favor of maintaining the existing "institutional" pre-trial investigation. The debate became protracted. Uncertainty on this issue undermines the prestige of the investigation, leading to staff turnover, a negative effect on the results of investigative activities. Impressive proposal on the concentration of investigative work within the judiciary. This "structure" due to the lack of special research on the history of the development of pre-trial investigation. The archives are a lot of documents that undoubtedly point to the ineffectiveness of the institute judicial investigators, its devastating impact on the entire criminal justice system. Supporters of a single Investigative Committee believes that staff should meet investigator principles of unity and centralization. "Investigatory Committee must act in close liaison with the Ministry of Interior, Security Service, Prosecutor's Office and the National Bureau of Investigation Ukraine. His relationship with the Ministry of Interior, Security and UXO have defined the problem of quick and full disclosure of crimes, identification of persons who committed them, to establish the reasons and conditions that contributed to the crime. Solving these problems means operative-detective of Interior, Security, etc. should be based on written instructions of investigators, and if necessary - and appropriate instructions prosecutors' [9, c. 7].

The relationship between the prosecution and investigative committee should be based on general rules between the supervisor and all other pidnahlyadnymy bodies, with the only specificity that determines the need to oversee and guide the previous procedure of criminal cases by prosecutors as the center and at locations . Since according to Art. 121 of Constitution of Ukraine the prosecutor's office has no function preliminary investigation, the question arises about the body that could investigate on the one hand, particularly dangerous for the country's crimes, on the other hand, those criminal acts committed by officials of the entire law enforcement system and statesmen who hold a special public status in the three known branches of government as well as on regional and members of parliament. Such problems could be solved with specially created at the President of Ukraine National Bureau of Investigation.

As we consider world experience fighting crime, preserving evidence in favor of "corporate" organizational structure of the investigating authorities of Ukraine, acting on the basis of common goals and objectives, unity of procedural regulation and public prosecutions. It should proceed from the fact that in its totality "departmental" level investigators in any country is nothing like the only investigative organs. In our opinion, the government associated with improvement of investigative bodies should be directed to another line, in the improved level of cooperation and coordination between all the "departmental" investigative links both among themselves and with operational detective and other law enforcement divisions of Ukraine , expert institutions, NGOs, and to improve training and skills of investigators, their weapons achievements of modern science and technology. In other words, the central place should take the problem of reorganization of the investigation, a comprehensive improvement of the existing relationships with all staff investigating agencies that combat crime. Arguments in favor of retaining "institutional" investigation can continue. Thus, the analysis of official statistics on its work shows the same qualitative characteristics of the investigators of Interior, Security Service, prosecutors and tax police, the same proved their viability and refuted claims of skeptics about the low mobility of "departmental" organizational structure of pre-trial investigation, because the quality of the investigative unit is not depends on the type of legitimate authority in the structure of which it operates.

"The principle of a comprehensive poverty crime requires maximum use of all opportunities of each criminal justice in Ukraine. In this regard, only "departmental" structure and can be fully disclosed to potential investigative unit. It was here that he has the best chances for real interaction with all operational detective, technical and other structural link law enforcement agency. Based on this "mechanism" and perfectly knowing the nature and direction of its work, investigators are working very actively and effectively. The level of interaction with the "alien" law enforcement agencies may not be as tight and efficient. In "his" department liquidated unjustified gap in the unity of actions of all levels of law enforcement agency, working together to combat crime becomes the responsibility of, and interaction - the dominant work. In "his" department concentrated and powerful information sources, which allows the investigator to promptly and fully consult on offense, especially in the initial deployment period of investigation. The investigator has the ability to effectively monitor the actions of the accused and suspects, not to give them an opportunity to counter the truth "[13, c. 57-58].

Thus, the combination of investigative, operational and other law enforcement in one agency, using its potential to solve the issue of fighting crime in an integrated manner, to make it fully and objectively without recrimination, and optimizing individual investigation, keeping judicial resources, enhance the overall level of investigative activity. In the only investigation committee, and especially in the judiciary, by virtue of their specific organization's wide range of different units will never be developed, which significantly narrow the possibility of investigation in the field of proof, even with the use of traditional sources provided by criminal procedure law. The focus of investigation in the structure of many law enforcement agencies in the national procedural traditions, national practice of crime and sometimes justified. Over the decades, has developed an effective system of criminal jurisdiction and specialization preliminary investigation that provides a fast and competent investigation of criminal cases. Full compliance with specific investigative unit general law enforcement in the system which it operates, increases its efficiency. In addition, specialization enhances training of investigators, expanding opportunities for investigating the wide use of scientific and technical means. In other words, the deepening of specialization investigators, which is a prerequisite of their highly productive work, is closely linked with specialized nature of law enforcement to which they belong. Administrative inspec investigator apparatus Ukraine has scientifically based program of action, clearly defined legal authority and legal forms of activity. The negative impact on the outcome of its work is excluded entirely procedural autonomy and independence of the investigator, the regulation of each investigative action rules of criminal procedure law, unity of supervision of the observance of legality in the investigation of crimes, the prosecutor the right to submit the case from one investigator to another device.

"Even with economic and technical points of view departmental investigation has a significant advantage over" only "investigation, because fewer funds for its maintenance. It is optimal in structure, organizational excellence, procedural regime personnel, investigating powers up the machine. You must use all opportunities for further strengthening and improvement "[13, c. 58]. There is also no reason to spark new debate about the contents of the Constitution of Ukraine the term "preliminary investigations", to construct it as something that is different from the preliminary investigation [9, c. 6]. Putting this term the Constitution does not raise the question of changing the legal status of the investigator, but only specify specify the name of this important type of human activity. It should agree with S. Alpert, who believes that this and only this sense is seen introducing the legislation the term "preliminary investigations", which in terms of its content does, in fact, no different from the term "preliminary investigation". Speaking of "reforming" the investigation, we must remember that the investigating unit - a specific organization is sensitive to all sorts of "revolutionary" alterations that can destroy the whole basis of its normal functioning. That is why an organization called the state institutions must be built only on solid scientific grounds. The same applies to the development of inquiry.

**3. DOSUDOVE investigation: investigative jurisdiction, TERMS**

preliminary investigation criminal jurisdiction

Pre-trial investigation - criminal-procedural activity impaired by the investigator and admitted him to his criminal case proceedings, which has included in the collection, testing, inspection, assessment and use of evidence, establishing the objective truth , investigative proceedings and other proceedings and independent enforcement authority to protect the rights and interests of human, natural and legal persons, creating conditions for fair pravosudtsya. Pretrial investigation is investigating prosecutors, investigators rhansh Internal Affairs investigation of the tax police and investigators of the Security Service of Ukraine, preliminary investigations designed to solve or create conditions for further decision by the court most important task - to ensure fairness and all other objectives of criminal proceedings. Investigative jurisdiction - a set of statutory signs of criminal cases, according to which set specific investigatory authority competent provadzhuvaty preliminary investigations. There are substantive (the family), personal, alternative, territorial investigative jurisdiction and investigative jurisdiction over Communications Minister. Preliminary investigations in all cases, except in cases of crimes referred to in paragraph 1 of Article 27 and Article 425 of this Code, for which preliminary investigations in cases where a crime is a minor or a person who because of their physical or mental disabilities can not itself exercising their right to protection, and when it deems necessary or court prosecutor. Begin conducting pre-trial investigation is conducted only after the criminal case and in the manner prescribed by this Code. The investigator shall immediately proceed to the investigation proceedings initiated by him or in cases brought before it.

When it instituted the investigator and approved by him to his execution, it is the only decision to institute proceedings and taking her to his proceedings. In the case of self-referral had been raised earlier investigators shall render a separate decision on acceptance of self-referral. Copy of the adoption of self-referral investigator overnight sends prosecutor. Place conducting pre-trial investigation conducted in the area where the offense was committed. When the crime is unknown, as well as to the most rapid and complete investigation of his investigation may be conducted at the place of crime detection or location of the suspect, accused, or at home most of the witnesses or the prosecutor, by definition. Investigator, finding that the case he was not under investigation, must make all emergency actions, and then refer the case to the prosecutor to direct it to the investigative jurisdiction investigator may conduct investigations in other investigative areas and the right to authorize the conduct of these actions appropriate investigation or inquiry body who must perform this task in ten days. In the city or area, though divided into several stations investigation, the investigator shall personally carry out all investigations. Proceedings in the trial by several investigators if the investigation is particularly complex case charged with several investigators, the matter is stated in the ruling on institution of proceedings or submitted a separate statute. One of the investigators assigned a senior, he takes his case to the proceedings and directly controls the behavior of other investigators. Resolution appointing several investigators in the case declared the accused.

The pre-trial investigation in criminal cases must be completed within two months. During this period included the time since the initiation of proceedings before sending it to the prosecutor a guilty finding or decision to refer the case to the court to consider the application of forced medical measures or the closure or suspension of the proceedings. This period may be extended by the district, city prosecutor, a military prosecutor Army fleets, garrisons and equated the prosecutor failing to complete the investigation - to three months. In a particularly difficult period for pre-trial investigation established by part 1 of this article may be extended by the Prosecutor of the Autonomous Republic of Crimea, the regional prosecutor, the prosecutor of Kyiv, the military district attorney, Navy and equaled to the prosecutors or their deputies on the basis of a reasoned decision of the investigator - to six months. Further continuation of the pre-trial period can only in exceptional cases, Prosecutor General of Ukraine and his deputies. When returning a court case for doing further investigation and recovery term closed cases additional investigation determined prosecutor who oversees the investigation, within one month of acceptance of the proceedings. Further continuation of this term shall be on a general basis. These preliminary investigation can be declared only with the permission of the investigator or prosecutor and in the extent to which they recognize as possible. If necessary, the investigator warns witnesses, victim, civil plaintiff, civil defendant, counsel, experts, specialists, translators, witnesses and other persons present during the investigation proceedings, the duty not to divulge information without his permission preliminary investigation. Those responsible for pre-trial disclosure bear criminal responsibility under Article 387 of the Criminal Code of Ukraine. On the decision taken by the investigator or prosecutor during the pre-trial proceedings in cases referred to in this Code, and when it deems necessary investigator or prosecutor, is a reasoned decision. The resolution shall specify the place and time of its making, the officials, who shall rule, its name, the case in which the investigation is conducted, and justification of the decision, and article of this Code, under which the decision.

Status of investigator investigator - participants of criminal proceedings, which adopted pursuant to law for his criminal proceedings and solves the problem of the criminal process through investigation functions. Procedurally independent investigator in the activity eruyetsya law. Powers of pre-trial proceedings slidchoho.Pry all decisions about directing the investigation and the proceedings investigative investigator shall independently, except when the law provides for obtaining consent from the court (judge) or the prosecutor, and has full responsibility for their legitimate and timely implementation. In case of disagreement with the instructions of the investigating prosecutor on arraignment of the accused, on the qualification of the crime and the amount of charge, on sending the case for the accused to a solemn trial or the case investigator has the right to bring the matter to the superior prosecutor a written statement of its objections. In this case, the prosecutor or the prosecutor cancels subordinate guidance, or instructs the trial proceedings in this case to another investigator. Investigator investigated him for giving authorities the right to order the inquiry proceedings and to instruct detective and investigation and to request the assistance during the inquiry proceedings separate investigation. These orders and instructions of the investigator for investigation bodies is required. In cases in which pre-trial investigation is required, the investigator has the right at any time to begin pre-trial proceedings, without waiting for execution by the actions of inquiry under Article 104 of this Code.

Terms investigator made according to law in a criminal case, which is in its proceedings is mandatory for all enterprises, institutions and organizations, officials and citizens. In a different investigation investigator may use the typing, audio transcription, Filming and recording powers of the chief investigator of the Investigation Department Head oversees the timely action by investigating the disclosure of crimes and prevent them and take measures to the most complete, thorough and impartial pretrial proceedings investigation in criminal cases. Chief of the Investigations Division has the right to review criminal cases to instruct the investigator on the pre-trial proceedings, the arraignment of the accused, on the qualification of the crime and the amount of charge, on sending the case, the proceedings of certain investigative actions, transfer case from one investigator to another, assign the investigation to several investigator, as well as participate in pre-trial proceedings and personally conduct pretrial investigations, using the authority of this investigator. Guidelines chief investigator of criminal case investigation are given in writing and is binding. The appeal of these guidelines prosecutor does not stop their implementation, except under the second paragraph of Article 114 of this Code. Guidelines prosecutor in criminal cases, data in accordance with rules established by this Code, mandatory for the chief investigator of the Department. The appeal of these guidelines superior prosecutor does not stop its execution.

The investigator must take all legal measures for a comprehensive, full and objective investigation of the case, the tasks of criminal justice, defined as exposing and justifying the defendant, and mitigating and aggravating circumstances of his responsibility. The investigator has the right to interpret the obligation of proof on the accused. Do not seek evidence through violence, threats or other illegal activities. In proceedings investigators and other procedural actions investigator must explain to participants their rights and responsibilities, as well as their implementation, strictly observe the law and ensure the rights and legitimate interests of stakeholders and other citizens. In investigating the relationship of the accused based on the constitutional principle of presumption of innocence, according to which the accused is not guilty until his guilt has not been proven and established by the sentence, which came into force, all doubts in the case, if exhausted opportunities to fix them, must be interpreted and resolved in favor of the accused. Investigator is prohibited: Provadzhuvaty-action, non-law or the order does not comply with current legislation. -Not for reasons prescribed by law and the conditions of extreme necessity to limit the constitutional and other rights and freedoms. -Provadzhuvaty investigate the grounds of self-withdrawn.

Traditional duty-proof to the defendant. Procure evidence and obtaining other evidence by violence, threats or other illegal activities. -Use the same case and involve false evidence, the data source and receiving means which are not known, or information obtained illegally, to notify the court clearly not probable) or inaccurate information. -Disclosing information about the circumstances of private life, he became known Ki in connection with the performance of his duties if such data is not evidence of a crime. -Use his powers to the detriment of justice. Do any involvement in procedural activities of the investigator. When dealing investigation investigator independently chooses the tactics and methods of investigation, provadzhuye investigation and decide the case. No one, except the chief prosecutor or the investigating unit and their deputies, within the powers defined by the Criminal Procedure Code and the functional responsibilities, can not request a criminal investigation to verify or material on which the investigators refused to institute criminal proceedings. Prohibited without permission of the investigator in dealing with the criminal case, giving anyone (except the prosecutor, who oversees) detained or arrested suspects or defendants in such a case for questioning or investigation or other forms of communication neprotsesualnyh. These preliminary investigation can be declared only with the permission of the investigator or prosecutor and the extent to which they deem possible. Criminal case can not be disclosed until the end of pre-trial investigation without the permission of the investigator dealing with the case. If necessary, the investigator warns witnesses poterpshoho, civil plaintiff, civil defendant, defender, expert, specialist, interpreter, witnesses and other persons present during the investigation proceedings, the duty not to divulge information without his permission preliminary investigation. Those responsible for their disclosure bear criminal responsibility. Nobody has the right to give any guidance on the investigation proceedings in a criminal case. Investigator untouchable.

Criminal responsibility of the investigator is permitted only with permission of the Verkhovna Rada of Ukraine on the submission of the Prosecutor General of Ukraine. The investigator may be questioned as a witness only with his consent permission chief investigative unit. Disciplinary measures for violations of the investigator on the criminal procedural legislation nayuiadayutsya only with the conclusions of the chief investigator. Do not bring the investigator to perform functions not related to crime investigation. Assistant investigator. Assistant investigator assumed the MIA of Ukraine Decree № 745 of 25 November 1992 "On urgent measures for improving the structure and operation of pre-trial investigation in 'Internal Affairs of Ukraine." Assistant investigator is an employee of the body dosutsovoho investigation in duties which includes assisting ykonannya investigator and his instructions relating to the investigation of criminal cases. Under status it:-is to conduct investigations of witnesses that the victims (suspects), specialists, experts, civil plaintiffs and defendants and other stakeholders;-involves witnesses to participate in the conduct of proceedings-application-makes sound and video equipment for maintenance -documentation of investigative actions;-packs seized in the physical evidence;-delivers to the destination required documents, objects, material evidence.

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