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NON-DISCLOSURE OF PRE-TRIAL INVESTIGATION INFORMATION: INTERNATIONAL EXPERIENCE

In connection with the improvement and optimization of the regulatory framework of our state and its promotion in the world of civilized space, there is a need to implement international law in domestic legislation. The effectiveness of pre-trial investigation bodies in detecting and investigating criminal offenses depends on a number of factors that have common features in the procedural legislation of different countries. The problem of unjustified disclosure of information obtained by pre-trial investigation bodies is relevant in this context. It should be noted that disclosure of pre-trial investigation information in criminal proceedings violates the rights, freedoms and legitimate interests of participants in criminal proceedings, prevents the establishment of circumstances to be proved, so the concept of "secrecy of pre-trial investigation" should be investigated in the light of international experience.

Examining the rules of the countries, we noticed that the term "secret pre-trial investigation" is not used in Anglo-Saxon procedural law, as well as in the rules of criminal procedure in some countries of Eastern Europe (Ukraine, Belarus, Lithuania) and Western Europe (Federal Republic of Germany), France). The procedural law of these states only determines the inadmissibility for participants in criminal proceedings without the appropriate permission to disclose the data of the pre-trial investigation, warning of criminal liability for violation of these obligations.

However, Art. 222 of the CPC of Ukraine contains almost similar provisions, namely the information of the pre-trial investigation can be

disclosed only with the written permission of the investigator or prosecutor and to the extent that they consider possible [1].

For example, in the legislation of the Republic of Belarus, information concerning the secrecy of a pre-trial investigation may be disclosed only with the permission of the investigator or coroner and only to a certain extent, provided that such disclosure does not contradict the interests of the pre-trial investigation criminal proceedings (Article 198 of the Criminal Procedure Code of the Republic of Belarus) [2, p. 334].

At the same time, in the criminal procedure legislation of the Republic of Lithuania, the right to conduct a pre-trial investigation is vested in the prosecutor's office.

In view of this, the right to grant permission to disclose the secrecy of the pre-trial investigation has only the prosecutor and only to a certain extent (Article 177 of the CPC of Lithuania) [3, p. 334].

After analyzing the subject matter in the criminal procedure legislation of the Federal Republic of Germany, it was found that information that belongs to the secrecy of the pre-trial investigation is divided into that which relates directly to the investigation or to individuals. The procedure for disclosing this information also has a different form, depending on the subject (civil servant or individual) to whom this information is provided (Articles 474-477 of the CPC of Germany) [3, p. 336].

In addition, the criminal procedure legislation of Germany contains a direct indication that the personal data of participants in criminal proceedings may be provided only to officials or persons who have special obligations not to disclose or transfer them to third parties.

Provision of this information by employees of pre-trial investigation bodies is possible only in writing.

It is also noted that disclosure of the secrecy of the pre-trial investigation is prohibited if it may adversely affect the achievement of the purpose of criminal proceedings or contradicts the rules of both federal law and the law of the federal states [2, p. 334].

These examples provide an opportunity to conclude that the strengthening of procedural guarantees for the realization of rights,

freedoms and legitimate interests of a person in criminal proceedings, as well as improving the regulation of criminal proceedings cannot be carried out without taking into account international experience.

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PROBLEM ASPECTS OF ENSURING THE RIGHTS, FREEDOMS AND LEGAL INTERESTS OF PERSONS DURING THE EXHUMATION OF THE CORPSE

Such an investigative (search) action as exhumation of a corpse is carried out quite rarely today, because a modern category of cases, where the object of criminal proceedings is a human corpse is quite limited. However, sometimes the exhumation of a corpse is the most important stage, because without it it is impossible to investigate the entire criminal proceedings.

It should be remembered that this investigative (search) action, in turn, differs from others by the presence of a special mechanism for combining the interests of the state with the interests of relatives and friends of the deceased. Our chosen investigative (search) action is very contradictory, because sometimes the purpose of law enforcement agencies does not coincide with the wishes of the relatives of the deceased. Such a