

## INVESTIGATIVE ACTIONS IN UKRAINE, GERMANY AND FRANCE: COMPARATIVE LEGAL ANALYSIS OF REGULATIONS AND APPLICATION PRACTICE

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### **Shyshenko A.A. Investigative actions in Ukraine, Germany and France: comparative legal analysis of regulations and application practices.**

Investigative actions are important in criminal proceedings because they ensure the effective investigation of criminal offenses, the collection of evidence and the observance of human rights throughout the process. However, the legal regulation and practice of conducting them have really clear differences from country to country, which in turn necessitates a comparative legal analysis in this area. Ukraine applies investigative procedures in accordance with the changes introduced after the reform of the criminal procedure legislation, but there are still relevant issues to ensure and maintain a balance between human rights and interests of justice. The legislations of Germany and France, as well as the relevant court practice on conducting investigative actions in these countries, ensure an appropriate level of guarantees for participants in the criminal process. The purpose of this study is to compare the legal regulation and practice of criminal procedure in Ukraine, Germany and France, and to identify effective approaches to improving the national criminal procedure. This article describes the study of key investigative actions, their peculiarities in each of the above-mentioned countries, and the mechanisms for ensuring the legality of the process and protection of human rights during the performance of investigation. Particular attention is paid to the role of judicial control over the investigative process, the standard of admissibility of evidence to cases and procedural guarantees for participants in the criminal process. The results of the study can be used to draw conclusions about the strengths and weaknesses of each of the legal systems under consideration. For example, Germany pays considerable attention to judicial control over investigative actions, and this contributes to the observance of human rights. The French system of investigative actions combines elements of continental and Anglo-Saxon law, which ensures the high efficiency of criminal investigations thanks to the judge-instructor. In Ukraine, despite the recent reform of the criminal procedure system, there are a number of problems in the areas of judicial control, namely the insufficient level of the latter and frequent violations of the rights of participants within investigative actions. The comparative legal analysis can be used to formulate recommendations for improving the Ukrainian system of investigative actions, taking into account the experience and mistakes of European countries. Improving the efficiency of pre-trial investigation, ensuring the proper level of rights of all participants in the process and strengthening trust in law enforcement agencies can be the basis for the Ukrainian criminal process by adopting the best practices of the European Union.

**Key words:** investigative actions, criminal procedure, comparative legal analysis, judicial control, admissibility of evidence.

### **Шищенко А.А. Слідчі дії в Україні, Німеччині та Франції: порівняльно-правовий аналіз нормативного регулювання та практики застосування.**

Слідчі дії мають важливе значення у кримінальному провадженні, оскільки забезпечують ефективне розслідування кримінальних правопорушень, збір доказів та дотримання прав людини протягом усього процесу. Однак правове регулювання та практика їх проведення мають дійсно чіткі відмінності в різних країнах, що, в свою чергу, зумовлює необхідність проведення порівняльно-правового аналізу в цій сфері. Україна застосовує слідчі дії відповідно до змін, внесених після реформування кримінального процесуального законодавства, але все ще залишаються актуальними питання забезпечення та дотримання балансу між правами людини та інтересами правосуддя. Законодавство Німеччини та Франції, а також релевантна судова практика щодо проведення слідчих дій у цих державах дозволяє забезпечити належний рівень гарантій для учасників кримінального процесу. Метою цього дослідження є порівняння правового регулювання та практики кримінального процесу в Україні, Німеччині та Франції, а також визначення ефективних підходів до вдосконалення національного кримінального

процесу. Стаття присвячена дослідженню основних слідчих дій, їх особливостей у кожній із зазначених країн, а також механізмів забезпечення законності процесу та дотримання прав людини під час розслідування. Особливу увагу приділено ролі судового контролю за процесом розслідування, стандарту допустимості доказів у справі та процесуальним гарантіям учасників кримінального процесу. За результатами дослідження можна зробити висновки про сильні та слабкі сторони кожної з розглянутих правових систем. Наприклад, у Німеччині значна увага приділяється судовому контролю за слідчими діями, що сприяє дотриманню прав людини. Французька система слідчих дій поєднує елементи континентального та англосаксонського права, що забезпечує високу ефективність кримінальних розслідувань завдяки судді-інструктору. В Україні, незважаючи на нещодавнє реформування кримінальної процесуальної системи, існує низка проблем у сфері судового контролю, а саме недостатній рівень останнього та нерідкі порушення прав учасників слідчих дій. Порівняльно-правовий аналіз може бути використаний для формулювання рекомендацій щодо вдосконалення української системи слідчих (розшукових) дій з урахуванням досвіду та помилок європейських країн. Підвищення ефективності досудового розслідування, забезпечення належного рівня дотримання прав усіх учасників процесу та зміцнення довіри до правоохоронних органів може стати основою для розвитку українського кримінального процесу шляхом запозичення кращих практик Європейського Союзу.

**Ключові слова:** слідчі дії, кримінальний процес, порівняльно-правовий аналіз, судовий контроль, допустимість доказів.

**Statement of the problem:** Investigative actions are an important element of the criminal process, as they ensure the effective investigation of criminal acts and the preservation of human rights. In Ukraine, there are problems with the imperfection of the relevant procedures and the restriction of the rights of suspects in cases, while in European countries, namely Germany and France, more advanced mechanisms of investigative actions have been developed. A comparative legal analysis of this area allows to identify effective practices that will help improve the Ukrainian criminal process and ensure a balance between interests of justice and human rights.

**Purpose of the study:** The main purpose of this study is to provide a comparative legal analysis of the practice of investigative actions in Ukraine and EU countries (Germany and France). The study is aimed at identifying key differences, effective practices and approaches to resolving criminal cases, as well as opportunities to improve the Ukrainian criminal process, taking into account the experience and mistakes of more experienced and developed countries. This will help to improve the efficiency and quality of pre-trial investigations and help to maintain a balance between human rights and the needs of justice.

**State of development of the problem:** The issue of differences in the regulation and practice of investigative actions in Ukraine and European countries (Germany and France) is actively studied in scientific research. The relevance of the issue is revealed in the works of such scholars as V. Bakhina, E. Blazhivskiy, O. Heselyov, O. Eisman, E. Lukianchuk, I. Mykhailovska, I. Petrukhina, V. Pryadko, O. Tatarov, S. Shafer, V. Shepitka, and others. There is a sufficient amount of literature and analytical materials on this topic, but further, broader analysis is still needed to better understand the identified problems and prospects for further research to improve the national system of investigative actions based on the experience of EU countries.

**Main material:** Investigative actions are one of the most important tools of criminal proceedings aimed at establishing the circumstances of a crime, collecting evidence and ensuring justice of the entire process. Such actions in Ukraine are regulated by the Criminal Procedure Code, and the definition of investigative actions can be found in Chapter 20 entitled "Investigative (detective) actions" Article 223 of the CPC of Ukraine, where they are considered as procedural measures that take place for a specific purpose (collection of evidence of a crime, its verification and evaluation). [1] Similar definitions are also found in the legal literature of foreign countries. For example, in Germany, the term "Ermittlungsmaßnahmen" refers to almost all procedural actions of an investigator aimed at establishing the circumstances of a criminal offense. [2] In France, the same actions are regulated by the Code of Criminal Procedure (Code de procédure pénale), which states that the investigating judge has the primary role and full control over investigations. [3]

There are various criteria for classifying investigative actions. Ukrainian legislation distinguishes between overt (open) and covert (hidden) investigative actions. For example, open investigative actions may include interrogation, search, investigative experiment, etc., while covert investigative actions may include wiretapping and hidden surveillance of suspects and possibly other measures applied on the basis of Article 246 and other articles established in Chapter 21 of the CPC of Ukraine. [1] In Germany, covert investigative actions are regulated by the German Code of Criminal Procedure (100a-100f) and stipulate that such actions, namely the restriction of a person's rights, can be used only after a court order. [2] However, the French system of criminal procedure law has its own specific procedure for covert investigative

actions, which depends on factors such as judicial review, the assessment of the need for such a method of investigating a case in accordance with the principle of proportionality. [3]

One of the most important foundations for regulating investigative actions is principles. The main principles of criminal procedure are considered to be legality (investigative actions must be conducted in accordance with the law and the rules of criminal procedure), proportionality (any restrictions on human rights must be justified by the methods used and the need to obtain the results of the investigation) and respect for human rights (prohibition of ill-treatment, under-torture or use of harsh methods to obtain, for instance, a confession, unlawful interference with privacy, etc.) [4, p. 24–39; 5 p. 6–14] The European Court of Human Rights has repeatedly emphasized the need to respect human rights during investigative actions and this was reflected in the case of “Klass and Others v. Germany” (1978), which confirmed the use of covert surveillance and control of interpersonal communication. [6]

The legal mechanism also depends on the existence of judicial control, which is an integral part of conducting investigative actions in criminal proceedings. In Ukraine, there are a number of investigative actions that can only be carried out by order of the investigating judge in accordance with the CPC of Ukraine (e.g., search of a home or other premises (article 234) or compulsory involvement of a person in a medical or psychiatric examination (article 242 (3))). [1] German criminal procedure law pays significant attention to investigative actions from the side of judicial control and this is evident in the mandatory obtaining of court authorization for most covert investigative actions under Section 8 “Investigative Actions”. [2] France has an instructing judge who has the primary role in the investigation of cases and without his authorization or sanction, certain investigative actions are prohibited under Title 3 “Investigative jurisdictions”. [3]

In Ukraine, legal regulation and practice of investigative actions are carried out in accordance with the Criminal Procedure Code, which defines the process for conducting investigative actions, their types, grounds and relevant procedures. As mentioned above, investigative actions are procedural measures aimed at obtaining evidence of a criminal offense. Pursuant to Article 223 of the CPC of Ukraine, such a process must respect and observe human rights, and it is equally important to comply with the requirements of the law. According to the CPC, there are different types of investigative actions such as search, inspection, interrogation, seizure, investigative experiment, etc. The legislation also provides covert investigative actions that are not disclosed and conducted without the person’s knowledge and consent, but at the same time, such a procedure requires separate grounds for its carrying out. [1]

There are peculiarities of certain investigative actions. For example, interrogation (Articles 224–226 of the CPC of Ukraine) is a procedural action during which information relevant to criminal proceedings is obtained from a witness, victim, suspect, and others. Interrogation is usually conducted by investigators or prosecutors, who must inform the interrogated person of his or her rights and obligations before the process begins, such as the right to refuse to testify if it may harm his or her relatives or family. Interrogation may be conducted with video and/or audio recording, and in cases involving minors or juveniles, a teacher or psychologist shall be invited. Victims and witnesses are criminally liable for giving false testimony, and the suspect has the right to a lawyer during the interrogation process. [1; 7, p. 56–67]

A search is an investigative process used to obtain evidence, tools or other items of a criminal offense. Pursuant to Article 234 of the CPC of Ukraine, a search must be conducted only with the permission of the investigating judge, but there are also exceptional cases when the time spent waiting for this decision may cost the loss of evidence or threaten human life, so in these cases, the investigating authorities act without the written consent of the investigating judge. By law, eye-witnesses must be present during the entire search of the premises, but investigative actions shall also be additionally recorded on video. If the person whose place is being searched is present, he or she has the right to a lawyer, to review the ruling from the investigating judge on such investigative actions, and to receive a second example of the search report. A detailed inventory must be drawn up for the seizure of certain documents and items, meanwhile, only the ruling of the investigating judge on the seizure of property is subject to appeal, while the search warrant is not appealable. [1; 7, p. 72–77; 8, p. 1–14]

Covert investigative (detective) actions (CIDA) are considered an important tool in criminal proceedings, which allows obtaining evidence without the knowledge and consent of the persons in respect of whom the process is being conducted. CIDA is conducted in cases where it is impossible to obtain information about a criminal offense and the person who committed it in any other way (Article 246 of the CPC of Ukraine). Audio and video surveillance of a person, inspection of certain non-public places, information from communication networks, etc., as provided for in Articles 246–275 of the CPC of Ukraine. In order to implement this process, it is necessary to obtain the sanction of the investigating judge, but it is possible to obtain permission after the fact (only in extreme cases). Anything collected during the operation may be used as evidence in criminal proceedings, but only if all the necessary procedural requirements have been met and this has ensured a certain balance between the effectiveness, legality and transparency of the investigation and human rights. [1; 7, p. 94–118; 9, p. 15–23; 10, p. 183–196]

The legality of investigative actions should be ensured by judicial control. This control should be exercised by investigating judges who authorize various overt and covert investigative (detective) actions. For example, according to Article 234 of the CPC of Ukraine, a search of a person's home or other premises must be authorized by an investigating judge. As for the admissibility of evidence, it depends on compliance with all procedural norms and human rights that must be observed during any investigative actions. If not, the evidence will be considered inadmissible. [1; 11, p. 275–279]

Despite the recent reform of the investigative system and clear regulatory framework, there are still a number of problems and challenges in practice that need to be addressed. The main ones are: violations of the investigative procedure, insufficient control by the investigative judge, and abuse of conduct of covert investigative actions. It often happens that non-compliance with the rules of certain investigative actions leads to the inadmissibility of evidence in the case. For example, if a search was conducted without a warrant issued by an investigating judge or without the presence of eye-witnesses, this may be grounds for challenging the legality of obtaining those pieces of evidence. In some cases, insufficient judicial control over the case and the actions of the investigating authorities leads to violations of the rights of the participants in the process. [12, p. 573–576] First of all, this concerns covert investigative (detective) actions that are conducted in violation of established procedures and are carried out without permission. Covert investigative procedures are very often applied without sufficient grounds and violate a number of constitutional rights of citizens. The lack of a clear distinction leads to abuse by law enforcement agencies and legal uncertainty. [13, p. 69–75]

After a detailed study of the Ukrainian system of investigative actions, it is worth exploring the details of criminal processes of more experienced countries, namely France and Germany, where criminal actions are regulated by legislative acts that specify the structure and peculiarities of the processes of these actions.

Germany has its own special features of investigative (search) actions. First of all, the German criminal procedure can be divided into three main stages: pre-trial investigation, intermediate proceedings and the main trial. The first stage begins with the receipt of information about a possible crime by law enforcement agencies (police, prosecutors, etc.). The main task of the prosecutor's office is to supervise the investigation, make the main decisions on the case and file charges against the suspects. The search, interrogation, and seizure of evidence must be conducted in accordance with the German Code of Criminal Procedure (Strafprozessordnung, StPO). The legislation also states that certain investigative actions, especially those that may violate or restrict human rights, must be carried out only with a court order. In such cases, judicial control ensures the protection of human rights and prevents abuse of power by law enforcement agencies. [14, p. 287–323]

Special attention is paid to covert investigative actions. This may include video surveillance, wiretapping, or the use of 'Trojan horses' to monitor communication in electronic programs (§ 100b StPO). [2] Authorization for such actions can be obtained only by a court decision and if there are serious grounds for suspicion. Equally important is ensuring the rights of suspects during interrogation (§ 136 StPO). [2] In accordance with the principle of a fair trial, a person subject to interrogation has the right to a lawyer from the very beginning (the first interrogation), and evidence obtained by force or improperly is inadmissible in the case (BVerfG, 2 BvR 2048/13). [15] Thus, the German criminal procedure, namely investigative actions, is based on key principles such as legality, proportionality and judicial control, which in turn leads to the observance of human rights and freedoms and at the same time affects the effectiveness of the investigation.

The French investigative system also has its own peculiarities. It is worth noting that the justice system is based on the inquisitorial approach (the central role in the investigation belongs to the judge-instructor (juge d'instruction)). The judge must be an independent magistrate and is responsible for the investigative process in cases involving serious or complex offenses. This high-ranking official has broad powers and rights, such as issuing search warrants, ordering various types of investigative examinations, listening to suspects' conversations, conducting interrogations of witnesses and suspects, etc. The judge-instructor has the obligation to collect evidence that aggravates or exonerates, but nevertheless acts in the interests of objective truth. At the end of the pre-trial investigation, the judge-instructor may transfer to the court or dismiss the case, depending on the availability of valid evidence. In addition to the judge-instructor, investigations may also be conducted by the prosecutor's office or law enforcement agencies such as the Gendarmerie nationale and the national police. [14, p. 324–330; 16, p. 730–755]

The main investigative actions in French criminal procedure are searches, interrogations, and wiretapping. Searches (perquisition) must be conducted with a warrant from a prosecutor or judge only if there was no *flagrante delicto* (crime was committed on the spot or immediately afterwards), in which case the search may be conducted without a warrant. Interrogation (audition or interrogatoire) has different forms depending on the category of a person: witness (*témoin*), suspect or person in custody (*garde à vue*). In the case of the latter, the person has the right to a lawyer or other legal assistance and must be brought

to court within 48 hours. Wiretapping of telephones (*écoutes téléphoniques*) is carried out in accordance with Articles 100-100-7 of the French Code of Criminal Procedure and is used mainly in serious crimes with the authorization of a judge. [3; 14, p. 324–330; 16, p. 730–755] Thus, the French system has its own subtleties and peculiarities, characterized by a high level of judicial control, clear regulations on investigative actions, the authorities' desire to strengthen state control over the security sector, and a strict balance between the effectiveness, transparency and legality of investigative actions and human rights.

Despite the common goal, the legal systems of Germany and France have significant differences in their approaches to regulating, executing and controlling investigative actions. In Germany, the public prosecutor's office controls investigative actions, the investigation process, the work of the police and decisions to charge suspects. Judicial control is primarily focused on issuing authorizations for certain investigative actions that may restrict human rights. The French system of criminal procedure, in investigative actions, is subject to the control of the judge-instructor, who is part of the judicial system that allows for independent investigations from the executive branch of the country. The judge-instructor controls the conduct of such actions and makes decisions on the further course of the case. However, the investigation process is significantly prolonged due to the need for the judge-instructor to be personally present at many procedural actions. Thus, the German criminal procedure system gives more powers to the prosecutor's office and the police, but all this must be done under the supervision of the court, while the French system immediately involves judicial control at all stages of the investigation.

Investigative actions in the countries analyzed in detail in this article have both similarities and differences in the application of procedural steps during investigative actions, and this is due to the peculiarities of legal systems. The main goal is to collect evidence and prove the truth, i.e. to resolve the case with the accusation of the real criminal offender, but the procedures and control over the conduction of investigative actions differ significantly in each of the above countries. The criminal procedure in Ukraine is regulated by the Criminal Procedure Code, which clearly distinguishes between the difference and rules of application of overt and covert investigative actions. Germany also has a similar regulatory code (*Strafprozessordnung*, *StPO*). The French system of criminal procedure has its own subtleties, such as the presence of a judge-instructor, whose task is to direct and control the implementation of investigative actions in particularly complex cases in accordance with the Code of Criminal Procedure (*Code de procédure pénale*).

Ukraine, Germany and France focus on human rights and procedural safeguards during the investigation, which is of key importance to the countries. Ukrainian legislation aims to comply with the principles of criminal procedure such as legality, proportionality and respect for human rights during investigative actions, as stated in Articles 87-89 of the CPC of Ukraine. [1] Germany focuses on judicial supervision of procedural actions that may in some way restrict the rights of participants in investigative actions. Such actions should be considered searches, interception of telephone conversations, etc. (§ 100a *StPO*) in accordance with the basic law of Germany (*Grundgesetz*), namely Articles 10 and 13. [2; 17] While the French criminal procedure has detailed procedural safeguards, after the recent reforms in this area, which were aimed at combating terrorism, there was a public debate about the possible risks of violating privacy rights (*Code de procédure pénale*, Articles 81-100). [3]

In the issue of judicial control over investigative actions, both common features and differences were found. The Ukrainian criminal procedure restricts certain investigative actions, such as searching a home or other premises and seizing property or assets without the permission of the investigating judge, as set forth in Articles 234 and 236 of the CPC. However, if a search is conducted without prior judicial authorization, the investigating judge's approval must still be obtained afterward, in accordance with Part 3 of Article 233 of the CPC. [1] German law requires authorization for investigative actions that may in any way restrict human rights (searches, wiretapping, covert investigative actions (very commonly surveillance) (§ 100a, 102, 105 *StPO*). [2] The role of the judge-instructor in investigative actions is even more active in the French system of investigative actions, as this person directs and supervises their conduct, as well as ensures compliance with such principles as adversariality and the rights of suspects. [3; 16, p. 730–755]

Reform of the Ukrainian investigative system should be based on the effective practices of European countries, in particular Germany and France, which have developed mechanisms that allow for a certain balance between human rights protection and the efficiency of criminal proceedings. These countries ensure strict judicial control over overt and covert investigative actions, which guarantees their legality, proportionality and compliance with due process. Such oversight strengthens the independence and impartiality of investigations and minimizes the risk of abuse of power by law enforcement agencies.

Taking into account the analysis of the legal systems of Germany and France, it is advisable to reform the Ukrainian criminal procedure in several directions. Firstly, there is a clear need to develop a strict system of judicial control over most types of investigative actions in order to reduce the risks of unjustified interference with the privacy of citizens and violation of their rights. Secondly, there are very often cases of abuse of power by law enforcement agencies during investigative actions, which is a problem that can be solved by

improving the mechanisms for overseeing their activities. Thus, such reform of criminal legislation, namely investigative (detective) actions, will result in an increase in the level of legality, enhanced guarantees of human rights during the investigation and beyond, as well as a reduction in cases of unlawful interference with the privacy of Ukrainian citizens. In addition, public confidence will increase due to the improvement of the system and procedures of judicial control over investigative actions. This has a very good prospect for the country, as such reforms will have an impact on bringing the Ukrainian criminal procedure system closer to European standards and facilitate integration into the EU legal space.

**Conclusion:** The analysis of investigative actions in different countries made it possible to identify the peculiarities of regulatory regulation and implementation of investigative actions in Ukraine, Germany and France. Conclusions were drawn regarding the existence of certain shortcomings in the Ukrainian criminal procedure system, which are related to insufficiently strict judicial control over the activities of law enforcement agencies during investigative actions, which leads to abuse of power by them, as well as the lack of a clear procedure for recording procedural actions. In turn, European countries demonstrate effective practices of ensuring human rights during investigative actions based on the principles of legality, transparency and efficiency.

The practical significance of this study is to use the European experience to find ways to improve the Ukrainian investigative system. A clear distinction should be made between operational and investigative actions, which will reduce legal conflicts and contribute to increased human rights guarantees during investigations. Judicial control over both overt and covert investigative (detective) is already significant, but further improvements can enhance its effectiveness in ensuring legality, proportionality, and the protection of human rights.

The study allows us to make a certain list of recommendations for the Ukrainian criminal procedure system. Firstly, there is a need to expand The list of investigative actions should be specified to include searches, interrogations, seizures, covert surveillance, wiretapping, controlled deliveries, and other procedural measures aimed at collecting evidence in criminal proceedings that can be performed only with a court order and only when absolutely necessary, which will reduce the number of cases of abuse of power by law enforcement agencies. Secondly, it is equally important to enhance the existing judicial control mechanism over investigative actions, ensuring its greater transparency, impartiality, and effectiveness as in the EU countries (Germany and France). Third, Ukraine has a well-developed system for documenting investigative actions, but the procedure of proper documentation of the process should be further implemented in Ukrainian legislation, which will give an impetus to increasing the legitimacy of investigative actions and their procedural transparency and fairness. Thus, all of the above measures together will ensure that the public trust in the Ukrainian criminal justice system is strengthened and harmonization with European standards is significantly enhanced.

#### REFERENCES:

1. Criminal Procedure Code of Ukraine: Law of Ukraine dated 13.04.2012 No. 4651-VI. URL: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text> (date of access: 12.02.2025).
2. Strafprozessordnung (StPO) – Die deutsche Strafprozessordnung, zuletzt geändert durch Gesetz vom 25. Juni 2021 (BGBl. I S. 2099) URL: <https://www.buzer.de/StPO.htm> (date of access: 17.02.2025).
3. Code de procédure pénale, Version consolidée au 1 janvier 2024 URL: <https://www.legifrance.gouv.fr/loda/id/LEGITEXT000006071154/2024-01-24> (date of access: 18.02.2025).
4. Kuchynska O. P., Fuley T. I., Barannik R. V. Principles of criminal proceedings in the light of the practice of the European Court of Human Rights: monograph. Nizhyn: LLC "Publishing house "AspectPoligraph", 2013. 228 p.
5. European Convention on Human Rights. URL: [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG) (date of access: 14.02.2025).
6. European Court of Human Rights. no. 5029/71, 06.09.1978. URL: <https://hudoc.echr.coe.int/eng?i=001-57510> (date of access: 14.02.2025).
7. Osaulenko O.A., Samodin A. V., Stepanova G. M. Investigative (search) actions in criminal proceedings [educational visual aid in diagrams and tables]. Kyiv: «Center for Educational Literature», 2015. 140 p.
8. Shvydkova O.V. Search as a method of collecting evidence. *Journal of the National University «Ostroh Academy»*. Series «Law». 2014. No. 2(10). P. 1–14.
9. Sklysh E. Undisclosed investigative (search) actions under the criminal procedural legislation of Ukraine. *Bulletin of the National Academy of the Prosecutor's Office of Ukraine*. 2012. No. 2, p. 15–23.
10. Lukianchykov E., Lukianchykov B., Petriaev S. Covert investigative (search) actions – means of information support for crime investigation. *Criminalistics and Forensics*. 2020. No. 65. P. 183–196.

11. Zhovtan P.V. On the definition of the concept of evidence in criminal proceedings. *Scientific notes of the Lviv University of Business and Law*. 2013. No. 11, pp. 275–279.
12. Zhuravel V.A. Some problematic issues of conducting investigative (search) actions under the current Criminal Procedure Code of Ukraine. Pp. 573–576.
13. Tatarov O. Certain problems in conducting covert investigative (search) actions. *Bulletin of Criminal Procedure*. 2016. No. 3, p. 69–75.
14. Moldovan V., Moldovan A.V. Comparative Criminal Procedure Law: Ukraine, Germany, France, England and the USA. Kyiv: Yurinkom Inter, 1999, p. 362.
15. Federal Constitutional Court of Germany (Bundesverfassungsgericht, BVerfG). 2 BvR 2048/13, 25.08.2014. URL: [https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2014/08/rk20140825\\_2bvr204813.html](https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2014/08/rk20140825_2bvr204813.html) (date of access: 20.02.2025).
16. Freed D.J. Aspects of French Criminal Procedure. *Louisiana Law Review*. 1957, p. 730–755.
17. Basic Law of the Federal Republic of Germany: from 23.05.1949. URL: <https://www.gesetze-im-internet.de/gg/BJNR000010949.html> (accessed: 21.02.2025).