

#### SUMMARY

**Yurchyshyn V. M. Procedural order of selection of biological samples in the person in the pre-examination investigation.** The article deals with ascertaining of the concept, essence, legal character of biological samples for conducting an expertise in criminal proceeding. The legal grounds of getting samples for the expertise are generalized. The purpose, reasons and tasks of getting biological samples are distinguished. Procedural and tactical features of getting biological samples from the person at the organizational, preparatory and subsequent stages are revealed, the methods of fixing selected biological samples are characterized. The procedural powers of the investigator, prosecutor, investigating judge and court in the forcible selection of biological samples from the suspected or accused person are investigated.

The prerequisite for obtaining specimens for examination at the stage of pre-trial investigation is the request of the criminal proceedings party to conduct the examination (decision of the investigator or prosecutor on the order of examination) in the case of consent to voluntarily submit biological samples or appointment at the request of the prosecution for selection (at the investigating judge's request, the investigating judge's decision). Thus, a sufficient or legal basis for obtaining such samples from both the suspect, accused, or the victim or witness has a real need for them in the course of the criminal proceedings.

For the purpose of obtaining the eligibility for expert judgment, samples may be divided into those that are used to solve identification problems and those that are used to solve unidentifiable problems, whether diagnostic or classification, or related to situational tasks. The ultimate purpose of obtaining biological specimens is to obtain from a party to criminal proceedings or a court a reasoned expert opinion, drawn up both on the basis of the investigation of these specimens and on the basis of their comparison with the evidence in the case. There is no other law in Ukraine, so there are no grounds for obtaining samples for a different purpose.

Collecting reference material (sample) that can be used to conduct comparative expert examination of evidence in criminal proceedings can be considered as a task for obtaining samples. Subjects of deciding to obtain biological specimens for expert examination in accordance with the current Criminal Procedural Code of Ukraine are the prosecution party, the defense party, the investigating judge at the pre-trial stage, the court at the trial stages.

**Keywords:** *investigator, prosecutor, investigating judge, court, forced selection of biological specimens, person.*