

Andriy V. Zakharko. Fixation of evidence in the course of proving. The article deals with criminal procedural regulation of the powers of the parties to criminal proceedings, the investigating judge, the court to consolidate evidence in the evidentiary process. Criminal procedural scientific and methodological sources, textbooks are analyzed to clarify the essence of the construction of "consolidation of evidence". The position of scientists on the coverage of the "consolidation of evidence" activities related to the adaptation of traces of the crime and other facts to use in evidence has been supported.

The competence of different subjects of evidence at the stages of pre-trial investigation and trial to consolidate evidence in criminal proceedings is differentiated. It is proved that the consolidation of evidence is carried out mainly at the stage of pre-trial investigation by the parties during the collection of evidence and by the investigating judge during the control court proceedings. In addition, in exceptional cases, the consolidation of evidence may be carried out by a judge (court) when collecting evidence during the trial.

The attention has been paid to the relevance of qualitative regulation of the use of computer data in the collection (consolidation) of evidence. Electronic data placed on flash media should be referred to as "computer data". The factual data contained in this computer data, by their procedural nature, act as evidence, and the computer data itself - the procedural source of evidence. Namely - a document, because the document in accordance with Art. 84, 99 of the CPC of Ukraine is one of the types of procedural sources of evidence.

The author has argued that the need to assign "computer data" to a separate type of evidence (they supplement Part 2 of Article 84 of the CPC of Ukraine) stems from the peculiarities of fixing computer data during their collection and due to the specifics of computer data, ease their modification and destruction, the difficulty of ensuring their authentication (creating appropriate conditions to allow further verification of their authenticity). The construction of "consolidation of evidence", in particular, should cover special criminal procedural rules and the procedure for converting computer data into a written form of existence, suitable for direct human perception and preservation for further use in evidence with the obligatory observance of the condition – creation of possibility of repeated authentication of such data.

Keywords: *gathering evidence, fixation of evidence, computer data, procedural sources of evidence.*