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JUDICIAL CONTROL AS AN INSTRUMENT FOR ENSURING LEGALITY IN PRE-JUDICIAL CRIMINAL PROCEEDING

The article is devoted to research of the legal nature and essence of judicial control as means of ensuring legality in pre-judicial criminal proceedings, to establishment of its intrinsic difference from control activity of the prosecutor and the head of body of pre-judicial investigation.

It is established that the history of development of criminal trial testifies the increasing distance of pre-judicial proceeding from judicial examination. It is one of guarantees of independence of judges at the resolution of the judgment from executive authorities which are bodies of pre-judicial investigation and the prosecutor. Respectively pre-judicial criminal proceeding uses

the means of ensuring legality among which the important place is taken by judicial control.

Judicial control as activity of court in pre-judicial criminal proceedings, unlike activity of the head of body of pre-judicial investigation and the prosecutor, is filled with other content and aimed only at providing lawful and reasonable restriction of basic constitutional rights and freedoms of the person.

Relevant and important in this direction is the formulation of the general criminal procedural rule which would establish a uniform procedure of control activity in pre-judicial criminal proceedings carried out by the investigative judge.