

*Neledva N.V.,
Candidate of Law Sciences,
Associate Professor of criminal law department,
procedure and criminalistics,
International Humanitarian University*

LEGAL AND CONTRACTUAL REGULATION OF CRIMINAL-PROCEDURAL LEGAL RELATIONSHIPS

Considered the problem of the relation of the legal and contractual sides of one of the key institutions of the criminal-procedural legislation of Ukraine – criminal proceeding under the agreement, which is the principle of freedom of action of the parties, has law-making character under the agreement. Considered as legal fact and as a democratic form of law at the same time.

With the adoption of the Criminal Procedural Code of Ukraine was further elaborated mechanisms to improve democratic institutions in the criminal proceedings, in particular because of the

relationship on the basis of agreements between the victim and the suspect.

Regulatory and contractual regulation of criminal legal proceedings in criminal procedure proceedings have not been investigated. The conclusion of agreements on the principle of freedom of action allows investigators, prosecutors, judges' decisions closer to the expectations of the parties. The use of contractual regulation due to natural necessity as society in general and individuals in keeping the balance of rights, duties sides of criminal legal proceedings and most optimal implementation of the criminal proceedings.

*Rybalka O.V.,
Candidate of Law Sciences,
Associate Professor, Senior Lecturer, Department of special law disciplines,
Cherkasy faculty, National University «Odesa Law Academy»*

PROBLEMATIC ASPECTS OF CIVIL DEFENDANT STATUS AS A SUBJECT OF PROOF IN CRIMINAL PROCEEDINGS

In the article the features of a legal status of a civil defendant, as a participant of the evidence.

Determined that the civil defendant in criminal proceedings may be natural or legal person who, by virtue of the law shall bear civil liability for damage

caused by criminal acts (omissions) of the suspect, accused or a deranged person committed a socially dangerous act, and to which a civil suit in the order established by the present Code.

Specifies that among more practical and effective rights of the civil Respon-

dent on participation in the process of proof in a criminal case, have the right to object to the claim, the right to give explanations on the merits of the claim, the right to submit petitions, including the issues of the collection, validation and assessment of the evidence officials, leading the process.

As a result of research the following conclusions: envisaged by the criminal procedure code of Ukraine the rights of the civil Respondent on participation in the process of proof in criminal proceedings and the level of implementa-

tion show that today, despite enshrined in the Constitution of Ukraine and in the new Criminal procedure code of Ukraine the principle of competition, and there is the problem of equality of all participants of criminal proceedings. Logical and necessary to amend, namely to define clearly, since when a person acquires the status of a civil defendant, what rights and responsibilities endowed with exactly the civil defendant and not contain provisions on the rights and obligations of other participants of criminal proceedings.

*Skryhoniuk M.I.,
Candidate of Law Sciences,
Senior Lecturer, Department of justice,
Kyiv National University named after Taras Shevchenko*

TACTICS SOURCES OF INTERROGATING A SUSPECT WHICH ARE BASED ON NONVERBAL COMMUNICATION KNOWLEDGE

Some issues related to the sources of tactics of interrogating a suspect that are based on the knowledge of nonverbal communication are researched in the article. Some issues related to the sources of tactics of interrogating a suspect that are based on the knowledge of nonverbal communication are researched in the article. The conceptual aspect of the research in question is exposing false information during a suspect's interrogation by an investigator that has been possible due to applying some up-to-date nonverbal communicative tactic methods. The research conclusions are proved by specific results of the conducted criminalistics experiment.

In the modern theory of criminalistics in Ukraine, in interrogation tactics

in particular, the subject in question has not been covered well. So it is relevant and necessary for interrogation practice. In this respect it is worth noting that scientific works of other authors do not resolve the problem of the suspect interrogation tactics based on knowledge of nonverbal communication. The author investigates the issue of tactics of the suspect interrogation the source being knowledge of nonverbal communication in two tactical aspects. The first aspect is that the investigator has to apply nonverbal communication while interrogating the suspect. In these conditions, the investigator has to know how to analyze media of every kind of nonverbal communication. The second tactic aspect