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| Партнери і замовники |  | Department of Information , Economic and Administrative Law |

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| **Criminal procedural law. The general part**    **Work program of the discipline ( Syllabus )**  **Details of the discipline**  **Level of higher education***First (bachelor's)*  **Field of knowledge***08 Law*  **Specialty***081 Law*  **Educational program***Law*  **Status of the discipline***Normative*  **Form of study***full-time / full-time / distance / mixed*  **Year of preparation, semesters***3rd year, autumn semester*  **Volume of discipline***3 credits. ECTS / 90 hours*  **Semester control /**  **Control measures***offset*  **Class schedule***Lectures:*  *Practical training*  **Language of instruction***Ukrainian*  **Information about the***lecturer and practical: d.yu.n . Professor Lukyanchikov Eugene*  **Course leader***Dmitrovich +380984815690*  [*Evgenlyk1947@gmail.com*](mailto:Evgenlyk1947@gmail.com)*;*; *kpp\_fsp\_kpi@ukr.net*  **Course location**[*http://ipp.kpi.ua/about/vikladachi/lukianchykov/*](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=http://ipp.kpi.ua/about/vikladachi/lukianchykov/) |
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**Curriculum of the discipline**

**1. Description of the discipline, its purpose, subject of study and learning outcomes**

Educational discipline "Criminal procedural law. General part "belongs to the disciplines of general training. The study of the criminal process is conditioned by the fact that it is an effective and real means of protection of state and social order, law and order, rights and legitimate interests of citizens from criminal offenses. Its mastering gives an idea of ​​the subject of criminal procedure law, its tasks and basic principles of criminal proceedings, criminal procedural form, procedural legal relations and procedural guarantees, participants in criminal proceedings, the institution of evidence and proof in criminal proceedings, procedural decisions, procedural deadlines and procedural costs. compensation for damage in criminal proceedings, measures to ensure criminal proceedings.

The subject of the discipline of the criminal process is the properties of the criminal process, its connection, patterns of origin, functioning and development as a socio-legal phenomenon.

The purpose of teaching the discipline "Criminal procedural law. The general part "is the formation of students' ability:

-apply knowledge in practical situations (LC 2);

- knowledge and understanding of the subject area and understanding of professional activity (LC 3);

- be critical and self-critical (LC 8);

- work in a team (LC 9);

- respect the honor and dignity of man as the highest social value, understanding of their legal nature (FC 3);

- understand international human rights standards, regulations Nia Convention on Human Rights and Fundamental Freedoms and the European Court of Human Rights (FC 4);

- apply knowledge of the tasks, principles and doctrines of national, in particular, criminal procedural law (FC-7);

- understand the peculiarities of the implementation and application of substantive and procedural law in criminal proceedings (FC 8);

- determine the appropriate and acceptable for legal analysis facts (FC 11);

- analyze legal issues, form and justify legal positions (FC 12);

- critical and systematic analysis of legal phenomena and application of acquired knowledge in professional activities (FC1 3 ) ;

- advising on legal issues, in particular, possible ways to protect the rights and interests of participants in the proceedings, in accordance with the requirements of professional ethics, proper compliance with the rules on non-disclosure of personal data and confidential information (FC 14);

- independent preparation of draft procedural documents (FC 15);

- logical, critical and systematic analysis of documents, understanding of their legal nature and significance (FC 16) .

The main objectives of the study are given th of discipline is mastering the general provisions of the criminal procedure law: its concepts of criminal procedural form, function and security, criminal procedural law and its sources, principles and participants in criminal proceedings, evidence and proof, the procedural deadlines and procedural costs , measures to ensure criminal proceedings.

Together with other educational components, the discipline is also aimed at the formation of individual components of ability:

- apply the necessary knowledge of basic legal institutions and norms of fundamental branches of law in practical situations ( LC-2 );

- be critical and self-critical (LC 8);

- work in a team (LC 9);

- explain the nature and content of the main legal phenomena and processes of professional activity ( ZK-3 );

- use information and telecommunication technologies in practice ( ZK-6 );

- act on the basis of ethical considerations, provide advice on possible ways to protect the rights and interests of clients in various legal situations ( LC-10 ).

As a result of studying the discipline students will be able to:

- apply modern methods of research , analysis and evaluation of source information in specific situations that arise during criminal proceedings ( 1 );

- determine the procedural status of persons involved in criminal proceedings , respect their honor and dignity ( 4 );

- independently determine the possibility of using as evidence the facts obtained during the proceedings , to make a brief conclusion ( 5 );

- assess the shortcomings and advantages of the arguments, analyzing the known problem, prepare procedural documents for the appeal to the investigating judge on the application of measures to ensure criminal proceedings ( 6 );

- to analyze legal problems, to draw up procedural acts in criminal proceedings in the state and foreign languages ( 10 );

- have basic skills of rhetoric and legal writing (11);

- independently interpret the content of the Criminal Procedure Code and other legislation on the tasks, competence, structure and powers of the pre-trial investigation, prosecutor's office and court , accessible and clear to the respondent ( 1 2 ) ;

- work in a group, forming their own contribution to the tasks of the group of investigators (17);

- to show knowledge and understanding of the basic modern legal doctrines, values ​​and principles of functioning of the national legal system (18);

- demonstrate the necessary knowledge and understanding of the nature and content of basic legal institutions and norms of fundamental branches of law (19);

- explain the nature and content of the main legal phenomena and processes (20);

- apply the acquired knowledge in different legal situations, highlight legally significant facts and form sound legal conclusions (25);

- to prepare drafts of the necessary acts of application of the law according to the legal conclusion made in various legal situations (26);

- provide advice on possible ways to protect the rights and interests of participants in various legal situations (27) .

**2. Prerequisites and post requisites of the discipline (place in the structural and logical scheme of education according to the relevant educational program)**

Study subjects criminal procedural law prior learning disciplines " T eoriya of law", "constitutional right" of Ukraine, "Criminal Law", "Legal and law enforcement bodies of Ukraine", "Civil Law", "Fundamentals of the European Union."

The discipline as a component of the cycle of professional training is in organic connection with such disciplines of this cycle as "Criminology", "Advocacy", for which this discipline is basic.

**3. The content of the discipline (General part)**

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| |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | № n \ n | Names of sections and topics |  |  |  |  | | Total | Lectures | Practice .  busy . | Alone .  work | | **1** | **2** | **3** | **4** | **5** | **7** | | 1.1. | The concept, essence and objectives of the criminal process | 11/10 | 4/2 | 4 | 3/8 | | 1.2. | Criminal procedural legislation | 7/8 | 2 | 2 | 3/8 | | 1.3. | Principles of criminal proceedings | 12/14 | 4/2 | 4/2 | 4/10 | |  | **Total:** | **30/30** | **10/4** | **10** | **10/26** | | 2.1. | Participants in criminal proceedings | 16/12 | 6/2 | 6 | 4/10 | | 2.2. | Evidence and proof in criminal proceedings | 15/12 | 6/2 | 6 | 3/10 | |  | **Total:** | **31/24** | **12/4** | **12** | **7/20** | | 3.1. | Compensation for damage in criminal proceedings | 11/12 | 4/2 | 4 | 3/10 | | 3.2. | Procedural terms and proce su teal and costs | 7/10 | 2 | 2 | 3/10 | | 3.3. | Measures to ensure criminal proceedings | 11/12 | 4 | 4/2 | 3/10 | |  | **Total:** | **29/36** | **10/2** | **10/4** | **9/30** | |  | Test: | - | - | - | - | |  | **Together:** | **90/90** | **32/10** | **32/4** | **26/76** | |

After "/" the number of hours for distance learning

Individual work in the form of preparation of abstract reports on topical issues of criminal proceedings.

**4. Training materials and resources**

To successfully study the discipline, it is enough to study the teaching material that is taught in lectures and recommended for practical classes, as well as to refer to the recommended sources:

4.1 Basic literature

1. CRIMINAL second process: pi staves nickname. K .: "Center for Educational Literature" , 201 7 . 5 44 s.
2. Criminal process: textbook / [O. B. Kaplin , A. G. Shilo, B. N. Trofimenko]: the total . ed. A. B. Kaplin , A. G. Shiloh. Kharkiv: Pravo, 2019. 584 p.
3. Criminal process: textbook / [O. B. Kaplin , A. G. Shilo, B. N. Trofimenko]: the total . ed. A. B. Kaplin , A. G. Shiloh. Kharkiv: Pravo, 2019. 824 p.
4. Criminal proceedings: a textbook. Part 1: Textbook / Robert J. Blahuta , V. Gutsulyak , A. M. Dufenyuk and others. by the Society . ed. A. J. Sly, Robert M. Shehavtsova , V. V. Lutsyk. Lviv: Lviv Department of Internal Affairs . 2019. 532 p.
5. Criminal proceedings: a textbook. Part 2 . : Manual / Robert J. Blahuta , V. Gutsulyak , A. M. Dufenyuk and others. by the Society . ed. A. J. Sly, Robert M. Shehavtsova , V. V. Lutsyk. Lviv: Lviv Department of Internal Affairs . 2019. 616 p.
6. Pre-trial investigation: a textbook. Lviv: Lviv Department of Internal Affairs , 2019. 600 p.

4.2. Supporting literature:

6. Andrushko OV Theory and practice of legal liability for offenses in the criminal process: a monograph. Khmelnytsky: Published by NADPH, 2020. 480 p.

7. Kasapoglu SO Realization of norms of criminal procedural law: monograph . Dnipro: Publisher Bila KO, 2018. 306 p.

8. Criminal Procedure Code of Ukraine: Scientific and practical commentary / Resp. ed. : SV Kivalov, SM Mishchenko, V. Yu. Zakharchenko. H.: Odyssey, 2013. 1104 p.

9. Kuchynska OP Principles of criminal proceedings in the mechanism of ensuring the rights of its participants: a monograph. К.: Юрінком Інтер, 2013. 288 с.

10. Mamka GM Principles of criminal proceedings: scientific and legal bases: monograph. K .: Greta, 2018. 338 p.

11. Makarov MA Judicial control in criminal proceedings: a monograph. K.: Center for Publishing Literature, 2016. 340 p.

12. Sayenko G. Yu. Proceedings on the basis of agreements in the criminal process of Ukraine: monograph. К.: Видавничий центр «Кафедра», 2019. 224 с.

13 Scriabin OM Participation of the defender in separate criminal proceedings: monograph. Zaporozhye: Prosvita, 2017. 380 p.

Legislation:

1. Constitution of Ukraine. Information of the Verkhovna Rada of Ukraine (VVR), 1996, № 30, Art. 141. URL: http://zakon4.rada.gov.ua/laws/show/254k/96-vr
2. Law of Ukraine “On Forensic Examination”. Information of the Verkhovna Rada of Ukraine (VVR), 1994, № 28, Art. 232. URL: http://zakon1.rada.gov.ua/laws/show/4038-12.
3. Law of Ukraine "On Advocacy and Advocacy". Information of the Verkhovna Rada (VVR), 2013, № 27, Art. 282. URL: http://zakon0.rada.gov.ua/laws/show/5076-17
4. Law of Ukraine "On Notaries". Information of the Verkhovna Rada of Ukraine (VVR), 1993, № 39, Art. 383. URL: http://zakon1.rada.gov.ua/laws/show/3425-12
5. Criminal codex of Ukraine. Information of the Verkhovna Rada of Ukraine (VVR), 2001, № 25-26, p.131. URL: http://zakon4.rada.gov.ua/laws/show/2341-14.
6. Criminal Procedure Code of Ukraine. Information of the Verkhovna Rada of Ukraine (VVR), 2013, № 9-10, № 11-12, (13, Art. 88. URL: http://zakon1.rada.gov.ua/laws/show/4651-17
7. Civil st Procedural Code of Ukraine. Information of the Verkhovna Rada of Ukraine (VVR), 2004, № 40-41, 42, Art. 492. URL: http://zakon4.rada.gov.ua/laws/show/1618-15
8. Instruction on appointment and conduct of forensic examinations, approved by the order of the Minister of Justice of Ukraine dated 08.10.98 № 53/5.
9. Amendments to the [Instruction on appointment and conduct of forensic examinations and expert examinations were](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=http://zakon2.rada.gov.ua/laws/show/z0705-98/paran14%23n14#n14) approved by the order of the Ministry of Justice of Ukraine dated 27.07.2015 № 1350/5. URL: http://zakon2.rada.gov.ua/laws/show/z0705-98/paran14#n14

Email links:

−Official web portal of the judiciary of Ukraine [http://court.gov.ua/](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=http://court.gov.ua/)

−Official web portal of the Verkhovna Rada of Ukraine [http://rada.gov.ua/](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=http://rada.gov.ua/)

−Official website of the Ministry of Justice of Ukraine [https://minjust.gov.ua/npa](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=https://minjust.gov.ua/npa)

−Official website of the Ministry of Internal Affairs of Ukraine [http://mvs.gov.ua/](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=http://mvs.gov.ua/mvs/control/main/uk/index)

Official website of the Ministry of Health of Ukraine [https://moz.gov.ua/nakazi-moz](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=https://moz.gov.ua/nakazi-moz)

This literature can be found in the Scientific and Technical Library . G.I. Denisenko, as well as the methodical office of the FSP ( room 322, building 19 )

To search for information on case law, it is advisable to use official Internet portals:

1. rada.gov.ua - Official portal of the Verkhovna Rada of Ukraine

2. court.gov.ua - Judiciary of Ukraine

**Educational content**

**5. Methods of mastering the discipline (educational component)**

Full-time and part-time form

**5.1Lecture classes**

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|  | № s / n | Title of the lecture topic and list of main questions (tasks on VTS) |
|  | 1 | |  | | --- | | **Topic 1.1 The concept, essence and objectives of the criminal process.** |   The concept, essence and significance of the criminal process. Criminal proceedings as a special type of state activity. Criminal procedural activity is based on criminal procedural law or a branch of law as a set of legal norms governing this activity. Criminal proceedings are a means of protecting the state and social order, law and order, rights and interests of citizens from criminal offenses. Historical forms of criminal proceedings (investigative, adversarial, mixed). Tasks of the criminal process. The system of stages of the criminal process. |
|  | 2 | **Topic 1.1 The concept, essence and objectives of the criminal process.**  Criminal procedural form. Generality, unity and obligation as features of the procedural form. The concept, types and essence of criminal procedure functions. Basic and other criminal procedure functions. Subjects of realization of procedural functions. The concept and essence of criminal procedural relations and guarantees. Subjects of criminal procedural relations. Criminal procedural guarantees in the narrow and broad sense. The duty to ensure the rights of participants in criminal proceedings rests with the investigator, coroner, prosecutor and court. Criminal procedure acts. |
|  | 3 | **Topic 1.2. Criminal procedural legislation.**  The concept, essence and significance of criminal procedure law. Organizes criminal proceedings and creates optimal conditions for achieving the objectives of criminal proceedings. Subject and method of legal regulation. Imperative and dispositive methods of regulation of criminal procedure relations. Types of legal regulation: general-permitting and special-permitting. Connection with other branches of law. Sources of criminal procedure law. The concept, structure and types of criminal procedure. The validity of the criminal procedure law in space, time and in relation to persons. |
|  | 4 | **Topic 1. 3. Principles of criminal proceedings.**  The concept, meaning and classification of the principles of criminal proceedings. The content and significance of the principles of criminal proceedings: 1) the rule of law; 2) legality; 3) equality before the law and the court; 4) respect for human dignity; 5) ensuring the right to liberty and security of person; 6) inviolability of the home or other property of the person |
|  | 5 | **Topic 1. 3.**Principles of criminal proceedings.  The content and significance of the principles of criminal proceedings: 1) the secrecy of communication; 2) non-interference in private life; 3) inviolability of property rights; 4) the presumption of innocence and ensuring proof of guilt; 5) freedom from self-disclosure and the right not to testify against close relatives and family members; 6) prohibition to prosecute twice for the same offense; 7) ensuring the right to protection; 8) access to justice and binding judicial decisions; 9) adversarial nature of the parties and their freedom to present their evidence to the court and to prove their persuasiveness before the court; 10) publicity.  **Tasks on VTS:**  1. How do the categories "criminal proceedings", "criminal proceedings", "justice in criminal proceedings" relate?  2. Identify the structural elements of the concept of criminal procedure.  3. Describe the tasks of the criminal process.  4. The subject and method of criminal proceedings.  5. What are the historical types (forms) of criminal proceedings?  6. Define the stage of the criminal process.  7. From what moment do criminal procedural relations begin?  8. The system of sources of criminal procedure law.  9. The structure of the Criminal Procedure Code of Ukraine.  10. Interpretation of criminal procedure rules.  11. The value of international regulations for the criminal process in Ukraine.  12. Why Speaking count on a system basis, rather than on their set?  13. What are the principles of criminal procedure proclaimed in international legal instruments and how are they implemented in Ukraine?  14. What are the views on the classification of principles in the literature?  15. What is the principle of publicity?  16. What is the difference between the principle of publicity and publicity?  17. What is the content of the principle of dispositiveness in criminal proceedings? |
|  | 6 | **Topic 2.1. Participants in criminal proceedings.**  [The concept of participants in criminal proceedings.](https://translate.googleusercontent.com/translate_f#_Toc324717506)Klasyfikatsiya participants in criminal proceedings in their capacity. [The court, the investigating judge, the jury as participants in criminal proceedings.](https://translate.googleusercontent.com/translate_f#_Toc324717507)Dependence on the composition of the court on the court, the sanctions of the article of the law on criminal liability, as well as the person against whom criminal proceedings are taking place . The procedure for electing an investigating judge and his powers depending on the procedural orientation. Juror his rights and responsibilities.  [The prosecution.](https://translate.googleusercontent.com/translate_f#_Toc324717508)The prosecutor and his powers in criminal proceedings. Procedural powers of the prosecutor are related to: ensuring the legality of the pre-trial investigation; the organism and this movement and criminal proceedings; protection of the state, as well as the rights and legitimate interests of the person in criminal proceedings; formation of public prosecution; international cooperation during the proceedings; maintenance of public prosecution in court; review of court decisions, etc. The head of the pre-trial investigation body (investigation, inquiry) and its powers. Investigator (coroner) his powers and procedural independence. Operational units and their participation in the proceedings. |
|  | 7 | **Topic 2.1. Participants in criminal proceedings.**  Suspect, accused, their procedural position. Acquisition of the status of a suspect by a person. The rights of the suspect, the accused. The legal representative of the accused. Defender in criminal proceedings, his rights and responsibilities. Mandatory participation of the defender. The victim and his representative in the criminal proceedings. Their procedural status. Legal status of the civil plaintiff, civil defendant and their representatives in criminal proceedings. |
|  | 8 | **Topic 2.1. Participants in criminal proceedings.**  Translator, witness, witnesses, guarantor, mortgagor, applicant, court clerk, court administrator, their rights and responsibilities. Persons who cannot be questioned as witnesses. Civil plaintiff . Grounds for acquiring the status of a civil plaintiff. Civil defendant. Correlation of concepts civil defendant, accused, suspect. Representatives and legal representatives of the civil plaintiff, civil defendant.  Expert and specialist in criminal proceedings, their role, powers and differences in procedural status. The procedure for involving a specialist and an expert in criminal proceedings.  [Withdrawals of subjects of criminal proceedings.](https://translate.googleusercontent.com/translate_f#_Toc324717512)Grounds for removal of individual participants in criminal proceedings. |
|  | 9 | **Topic 2.2. Evidence and proof in criminal proceedings.**  The concept, essence and significance of criminal procedural evidence. Evidence as a form of cognition in criminal proceedings. Characteristic features of cognitive activity: retrospectiveness, stagedness, normative regulation. Evidence and procedural form. Evidence in criminal proceedings, their features and classification . Properties of evidence: belonging, admissibility, reliability, and totality - sufficiency. Subject and subjects of criminal procedural evidence. |
|  | 10 | **Topic 2.2. Evidence and proof in criminal proceedings.**  The process of proof in criminal proceedings. Collection, verification of evidence and their procedural sources. Collection of evidence by the parties. Duty to prove. Activity of the parties in proving. Ways of gathering evidence by the parties to the proceedings. The role of the court in the evidentiary process. Elements of the evidentiary process: collection, verification, evaluation of evidence and their procedural sources. Conditions and procedural procedure for declaring evidence inadmissible. The concept and classification of evidence and their procedural sources. |
|  | 11 | **Topic 2.2. Evidence and proof in criminal proceedings.**  Testimony of a witness, victim, suspect, accused, expert. Requirements for indications. Testimony from other people's words. Expert opinion. Unambiguity and categorical conclusion. The structure of the expert's opinion. Material evidence and documents. On what grounds the subject can be material evidence. Signs that distinguish physical evidence from other evidence. Procedural registration of material evidence. Documents, their characteristics and types. Procedural sources of evidence and their types.  **Tasks on VTS:**  1. Formulate the concept of "participants in criminal proceedings" and show its relationship with the subjects of criminal proceedings.  2. Grounds for classification of participants in the proceedings.  3. What is meant by the party to the proceedings, and which of the participants is assigned to each of the parties.  4. How to interpret the concept of the court as a body of justice.  5. The role and main powers of the prosecutor at all stages of the criminal process.  6. Mandatory participation of defense counsel in criminal proceedings.  7. Civil plaintiff and civil defendant in criminal proceedings, their rights and responsibilities.  8. The concept and its procedural position.  9. What are the rules of evidence?  10. How is evidence collected and its sources?  11. What are the procedural rules for evaluating evidence and their procedural sources?  12. What is the classification of evidence and their sources in criminal proceedings? |
|  | 12 | **Topic 3.1. Compensation for damage in criminal proceedings.**  The concept and types of damage that is subject to compensation (compensation) in criminal proceedings. The relationship between the concepts of "compensation" and "compensation" for damage in the proceedings. Voluntary compensation. Compulsory damages: a) civil lawsuit; b) application of bail for execution of the sentence in part of property penalties; c) compensation for damage at the expense of the State Budget of Ukraine; d) criminal restitution. Compensation (compensation) for damage caused by illegal decisions, actions or inaction of the body carrying out operational and investigative activities, pre-trial investigation, prosecutor's office or court in cases and in the manner prescribed by law. The concept, meaning, subject and grounds of a civil claim for compensation (compensation) for property (moral) damage caused by a criminal offense. Ways to compensate for damage in criminal proceedings. |
|  | 13 | **Topic 3.1. Compensation for damage in criminal proceedings.**  Procedural procedure for filing and resolving a civil lawsuit in criminal proceedings. Requirements for the statement of claim. Within what time to be announced civil action. To whom can a civil lawsuit be filed. Seizure of property as a means of securing a civil lawsuit. Court decision during the consideration of a civil claim. In what amounts a civil claim can be satisfied. Advantages of considering a civil lawsuit in criminal proceedings. Compensation for damage from the State budget. Compensation for damage caused by illegal decisions, actions or omissions of the body carrying out the ADR, pre-trial investigation, prosecutor's office or court. |
|  | 14 | **Topic 3. 2. Procedural deadlines and costs.**  The concept of procedural terms and their significance in criminal proceedings. Classification of terms in criminal proceedings. Subjects of setting procedural deadlines. Timing moments and timing periods. Consequences of non-compliance with the terms of duty and realization of the right. Distribution of terms of periods into definite and indefinite. The procedure for calculating procedural deadlines. Calculation of detention terms. Calculating the deadline for filing a complaint or other document. The concept and types of procedural costs. Distribution of procedural costs into groups. |
|  | 15 | **Topic 3.3 . Measures to ensure criminal proceedings.**  The concept, classification and general rules for the application of measures to ensure criminal proceedings. The purpose of the application of measures to ensure criminal proceedings. A common feature of measures to ensure criminal proceedings. To which subjects can measures to ensure criminal proceedings be applied . Guarantees that ensure the lawful and reasonable application of measures to ensure criminal proceedings. List of measures to ensure criminal proceedings. Classification of measures to ensure criminal proceedings for the purpose of application. Precautions: concepts, types, purpose and grounds for their application. General procedure for application, change and cancellation of precautionary measures. Personal commitment and personal guarantee. |
|  | 16 | **Topic 3.3 . Measures to ensure criminal proceedings.**  Bail and house arrest as precautionary measures. Detention, its types and procedural order of application. Detention: grounds and procedural order of election, terms of detention of a person. Summons by investigator, prosecutor, summons and pretext; imposition of a monetary penalty. Temporary restriction on the use of a special right, removal from office: the procedural order of their application. Temporary access to things and documents, temporary seizure and seizure of property as measures to ensure criminal proceedings.  **Tasks on VTS:**  1. What is the procedure for filing a civil lawsuit in criminal proceedings?  2. Form and content of the statement of claim.  3. Who is responsible for proving a civil lawsuit in criminal proceedings?  4. What procedural measures ensure compensation for damage caused by a criminal offense?  5. What are the consequences of non-appearance at the hearing of the civil plaintiff and the civil defendant or their representatives?  6. What is the classification of terms in criminal proceedings?  7. What is the procedure for setting procedural deadlines by the prosecutor, investigating judge, court?  8. In which cases are procedural deadlines not considered missed?  9. What is the procedure for reducing the amount of procedural costs or exemption from their payment, deferral and installment of procedural costs.  10. How many guarantors can a suspect or accused have?  11. Who and by what rules determines the amount of collateral?  12. In which criminal proceedings can a pre-trial detention measure be applied?  13. What are the valid reasons for a person's absence from a call?  14. What property can be seized? |
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**Seminar (practical) classes**

**Full-time education**

**The main tasks of the cycle of seminars (practical) classes:**

to form in students:

* understanding the essence of the criminal process as a type of activity and the system of legal norms governing such activity;
* experience with legislative and other regulations;
* ability to interpret and evaluate the content of the norms of the CPC, apply them in accordance with specific situations during the pre-trial investigation and in court proceedings;
* ability to form and substantiate procedural decisions in relevant procedural documents.

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| № s / n | The name of the topic of the lesson and a list of main questions  (list of didactic support, questions for current control and tasks on VTS) |
| 1. | **Topic 1.1. The concept, essence and objectives of the criminal process.**  1. The concept and essence of the criminal process.  2. The science of criminal procedure.  3. Tasks of the criminal process.  4. Types of criminal proceedings.  5. Criminal procedure form |
| 2. | **Topic 1.1. The concept, essence and objectives of the criminal process.**  1. Criminal procedure and functions  2. Criminal procedure relations.  3. Criminal procedural guarantees  4. Criminal procedure acts.  5. The system of stages of the criminal process.  **Tasks on VTS:**  How do the categories "criminal proceedings", "criminal proceedings", "justice in criminal proceedings" relate? What are the historical types (forms) of criminal proceedings? Provide a definition of the stage of the criminal process. From what moment do criminal procedural relations begin? |
| 3. | **Topic 1.2. Criminal procedural legislation.**  1. The concept, essence and significance of criminal procedure law.  2. Sources of criminal procedure law.  3. The concept, structure and types of criminal procedure.  4. The validity of the criminal procedure law in space, time and in relation to persons.  **Tasks on VTS:**  System of sources of criminal procedure law. The structure of the Criminal Procedure Code of Ukraine. Interpretation of criminal procedure rules. The value of international regulations for the criminal process in Ukraine. |
| 4. | **Topic 1. 3. Principles of criminal proceedings.**  1. The concept and meaning of the general principles of criminal proceedings.  2. System and classification of principles of criminal proceedings.  3. Constitutional principles of criminal proceedings.  The student must show the relationship between the concepts of "principles" and "principles" of criminal proceedings. For this purpose it is necessary to study the recommended literature, to try to substantiate personal opinion using the knowledge acquired during the study of such subjects as the theory of law and the state, constitutional law, etc. |
| 5. | **Topic 1. 3. Principles of criminal proceedings.**  1. Common legal principles and the specifics of their application in criminal proceedings.  2. General procedural principles and specifics of their application in criminal proceedings.  3. Criminal procedural principles and their characteristics.  **Tasks on VTS:**  In Part th is the essence and importance of the principles of the criminal proceedings ? What are the principles of the criminal process proclaimed in international legal documents and how are they implemented in Ukraine? What are the views on the classification of principles in the literature? What is the principle of publicity? Is it different from the principle of publicity? What is the content of the principle of dispositiveness in criminal proceedings? |
| 6. | **Topic 2.1. Participants in criminal proceedings.**  [1. The concept and classification of participants in criminal proceedings.](https://translate.googleusercontent.com/translate_f#_Toc324717506)  [2. The court, the investigating judge, the jury as participants in criminal proceedings.](https://translate.googleusercontent.com/translate_f#_Toc324717507)  [3. The prosecutor, as a participant in the proceedings of the prosecution.](https://translate.googleusercontent.com/translate_f#_Toc324717508)  4. Head of the pre-trial investigation body. |
| 7. | **Topic 2.1. Participants in criminal proceedings.**  1. Investigator and his procedural powers.  [2. Party of defense](https://translate.googleusercontent.com/translate_f#_Toc324717509) :  - suspect, accused, legal representative;  - defender (characteristics, procedure for involvement and appointment).  [3. The victim and his representative in the criminal proceedings. Their procedural status.](https://translate.googleusercontent.com/translate_f#_Toc324717510) |
| 8. | **Topic 2.1. Participants in criminal proceedings.**  1 [. Other participants in the criminal proceedings:](https://translate.googleusercontent.com/translate_f#_Toc324717511)  - the applicant;  - civil plaintiff;  - civil defendant;  - representatives and legal representatives of the civil plaintiff, civil defendant.  2. Characteristics of persons with special knowledge.  3 Persons facilitating criminal proceedings: witness, translator, witnesses.  4. Persons involved in criminal proceedings in connection with the application of precautionary measures: guarantor; mortgagor.  [5. Withdrawals of participants in criminal proceedings .](https://translate.googleusercontent.com/translate_f#_Toc324717512)  **Tasks on VTS:**  The role and main powers of the prosecutor at all stages of the criminal process. Mandatory participation of defense counsel in criminal proceedings. Civil plaintiff and civil defendant in criminal proceedings, their rights and responsibilities. The concept and its procedural position. |
| 9. | **Topic 2.2. Evidence and proof in criminal proceedings.**  1. The concept, essence and significance of criminal procedural evidence.  2. Subject, boundaries and subjects of criminal procedural evidence.  3. The process of proof in criminal proceedings.  4. Methods of taking evidence by the parties. |
| 10. | **Topic 2.2. Evidence and proof in criminal proceedings.**  1. Verification of evidence and their procedural sources.  2. Evaluation of evidence and their procedural sources.  3. The concept and classification of evidence and their procedural sources.  4. Conditions and procedural procedure for declaring evidence inadmissible. |
| 11. | **Topic 2.2. Evidence and proof in criminal proceedings.**  1. Testimony of a witness, victim, suspect, accused, expert.  2. Expert opinion.  3. Material evidence and documents.  4. Procedural sources of evidence and their types.  **Tasks on VTS:**  What are the rules of evidence? How is evidence collected and its sources? What are the procedural rules for evaluating evidence and its procedural sources? What is the classification of evidence and its sources in criminal proceedings? |
| 12 | **Topic 3.1. Compensation for damage in criminal proceedings**.  1. The concept and types of damage that is subject to compensation (compensation) in criminal proceedings.  2. Forms of compensation (compensation) for damage in criminal proceedings.  3. Voluntary compensation (compensation) for damage in criminal proceedings.  4. The concept, meaning, subject and grounds of a civil claim for compensation (compensation) for property damage caused by a criminal offense. |
| 13 | **Topic 3.1. Compensation for damage in criminal proceedings**.  1. Compensation for non-pecuniary damage in criminal proceedings.  2. Debatable issues of determining the amount of non-pecuniary damage.  3. Compensation (compensation) for damage caused by illegal decisions, actions or omissions.  **Tasks on VTS:**  What is the procedure for filing a civil lawsuit in criminal proceedings? Form and content of the statement of claim. Who is responsible for proving a civil lawsuit in criminal proceedings? What procedural measures ensure compensation for damage caused by a criminal offense? What are the consequences of the non-appearance of the civil plaintiff and the civil defendant or their representatives in court? |
| 14 | **Topic 3. 2. Procedural deadlines and costs.**  1. The concept of procedural deadlines and their significance in criminal proceedings.  2. Classification of terms in criminal proceedings.  3. The procedure for calculating procedural deadlines.  4. The concept and types of procedural costs.  **Tasks on VTS:**  What is the classification of terms in criminal proceedings? What is the procedure for setting procedural deadlines by a prosecutor, an investigating judge, a court? In which cases are procedural deadlines not considered missed? What is the procedure for reducing the amount of procedural costs or exemption from their payment, deferral and installment of procedural costs. |
| 15 | **Topic 3.3 . Measures to ensure criminal proceedings.**  **1. The concept, classification and**general rules for the application of measures to ensure criminal proceedings.  2. Precautions: concepts, types, purpose and grounds for their application.  3. General procedure for application, change and cancellation of precautionary measures.  4. Personal commitment and personal guarantee.  5. Bail and house arrest as precautionary measures. |
| 16 | **Topic 3.3 . Measures to ensure criminal proceedings.**  1. Detention, its types and procedural order of application.  2. Detention: grounds and procedural order of election, terms of detention of a person.  3. Summons by investigator, prosecutor, summons and pretext; imposition of a monetary penalty.  4. Temporary restriction in the use of a special right, removal from office: the procedural order of their application.  5. Temporary access to things and documents, temporary seizure and seizure of property as measures to ensure criminal proceedings.  **Tasks on VTS:**  How many guarantors can a suspect or accused have? Who and by what rules determines the amount of collateral? In which criminal proceedings can a pre-trial detention measure be applied? What are the valid reasons for a person not arriving for a call? What property can be seized? |

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**5.2 Seminar (practical) classes**

**External form of education**

|  |  |
| --- | --- |
| № s / n | The name of the topic of the lesson and a list of main questions  (list of didactic support, questions for current control and tasks on VTS) |
| 1 | **Topic 1. 3. Principles of criminal proceedings.**  1. The concept, meaning and classification of the principles of criminal proceedings.  2. The content and significance of the principles of criminal proceedings: 1) the rule of law; 2) legality; 3) equality before the law and the court; 4) respect for human dignity; 5) ensuring the right to liberty and security of person; 6) inviolability of the home or other property of a person ; 7) the secret of communication; 8 ) non-interference in private life; 9 ) inviolability of property rights; 10 ) presumption of innocence and proof of guilt; 11) freedom from self-disclosure and the right not to testify against close relatives and family members; 12 ) prohibition to prosecute twice for the same offense; 13 ) ensuring the right to protection; 8) access to justice and binding judicial decisions; 14 ) adversarial nature of the parties and freedom in presenting their evidence to the court and in proving their persuasiveness before the court; 1 5 ) publicity.  **Tasks on VTS:**  Why Speaking count on a system basis, rather than on their set? What are the principles of the criminal process proclaimed in international legal documents and how are they implemented in Ukraine? What are the views on the classification of principles in the literature? What is the principle of publicity? What is the difference between the principle of publicity and publicity? What is the content of the principle of dispositiveness in criminal proceedings? |
| 2. | **Topic 3.3 . Measures to ensure criminal proceedings**  1. The concept, classification and general rules for the application of measures to ensure criminal proceedings.  2. Precautions: concepts, types, purpose and grounds for their application.   |  | | --- | | 3. General procedure for application, change and cancellation of precautionary measures. | | **Tasks on VTS:**  How many guarantors can a suspect or accused have? Who and by what rules determines the amount of collateral? In which criminal proceedings can a pre-trial detention measure be applied? What are the valid reasons for a person not arriving for a call? What property can be seized? | |

**6. Independent student work**

**(full-time education)**

Writing an abstract (a short report or presentation on a particular topic, which processed information from one or more sources). The volume of the abstract should be within 3-5 pages. The student speaks with him in a practical lesson, followed by discussion. The maximum weight score is 8: 8 - points - excellent; 7-6 points - good; 5 - satisfactory.

**(external form of education)**

During the semester the student oprats o in uye material general part of the criminal process . Questions for study are set out after each topic of the lecture or practical lesson. Among these questions, the student has the opportunity to choose what is most interesting to him, to study it in depth and prepare an abstract report or a generalized scientific report, which will be presented during the class. For such work the student is awarded incentive points, which are added to the rating.

It is recommended to pay attention to the following topics and questions on topics that were not presented in the classroom and were not discussed with the teacher:

**Topic 1.2.**Criminal procedural legislation .

*Questions for consideration:*

1. The concept, essence and significance of criminal procedure law.

2. Sources of criminal procedure law.

3. The concept, structure and types of criminal procedure.

4. The validity of the criminal procedure law in space, time and in relation to persons.

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| --- |
| *Literature:*1-5, 7, 11. |

**Topic 3. 2.**Procedural deadlines and procedural costs .

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| --- |
| *List of main issues:* |

1. The concept of procedural deadlines and their significance in criminal proceedings.

2. Classification of terms in criminal proceedings.

3. The procedure for calculating procedural deadlines.

4. The concept and types of procedural costs.

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| --- |
| *Literature:*1-5, 7. |

**Part-time students independently perform enrollment, tasks and requirements for which are defined in the Appendix.**

**Policy and control**

**7 . Course policy (educational component)**

**Attending classes**

Attendance at lectures and practical classes is mandatory, except for good reasons. Points for attendance at lectures are not added. By visiting practical classes, students also do not get points, but the main part of the student's ranking is formed through active participation in workshops and level trained at art and to them. During the lectures the activity of the student's work, the ability to evaluate the perceived material, compare it with previously acquired knowledge, ask questions to the lecturer and express personal opinion on the questions of the lecturer are assessed .

**Working out the material in case of skipping classes**

Checking the level of self-mastery by the student of the discipline in connection with the omission of classes is carried out by agreement between the teacher and students at the time provided for consultations of the teacher or at another time (by agreement) to eliminate debt.

**Forms of work**

The lectures cover the content of the main issues that make up the essence of the criminal process, its historical forms, means of forming judicial evidence and measures to ensure criminal proceedings. Questions from students to the teacher and answers to the teacher's questions during the lecture are positively perceived, which indicates activity during the perception of the material. The teacher can ask questions, both to a particular student and to the audience as a whole. Dialogue between students and the teacher in lectures is allowed to resolve discussion issues.

In practical classes, students will develop skills in analyzing specific situations that arise in criminal proceedings and assessing the compliance of their solutions to the general principles of criminal proceedings and European standards of human rights protection.

It is expected that students will demonstrate the ability to logically and reasonably present their views on the topic of the lesson. During the practical lessons the teacher will organize discussions with students or between students carefully hearing yuch and each other, students will critically evaluate the response of colleagues, give clarifications and additions.

Each student should be ready to present a legal position or a reasoned opinion on an issue that is the subject of a practical lesson. Preparation of individual reports for presentation in a practical lesson is carried out only at the request of the student after agreement of the relevant topic with the teacher and only within the topic of the lesson.

**University policy**

**Academic integrity**

The policy and principles of academic integrity are defined in Section 3 of the Code of Honor of the National Technical University of Ukraine "Kyiv Polytechnic Institute named after Igor Sikorsky". Details: https://kpi.ua/code.

**Norms of ethical behavior**

Norms of ethical behavior of students and teaching staff are defined in Section 2 of the Code of Honor of the National Technical University of Ukraine "Kyiv Polytechnic Institute named after Igor Sikorsky". Details: [https://kpi.ua/code](https://translate.google.com/translate?hl=uk&prev=_t&sl=uk&tl=en&u=https://kpi.ua/code) .

**8. Types of control and rating system for assessing learning outcomes (RSO)**

Current control: surveys on the topic of the lesson, preparation of abstracts , presentations, generalizations based on the results of processing scientific literature or materials of investigative or judicial practice .

Calendar control: conducted twice a semester as a monitoring of the current state of implementation of the program.

Semester control: credit.

**Evaluation and control measures**

Rating of student discipline consists of points that a student receives is for:

1) answer, addressing situational backside part and supplement answers to other students during discussions at the workshops;

2) participation in a group game (on the topic of choosing a measure of restraint; trial);

3) the answer during the test interview.

The student's work in practical classes is 80% of his rating in the discipline. Participation in the group game determines 20% of the rating.

The student will receive the highest rating if he takes an active part in all practical classes (timely completes the relevant topics of missed classes during the semester), mostly provides complete and reasoned answers, presents them logically, expresses his own position on discussion questions, supports theoretical answers with examples. and case law, correctly solves problems with proper justification, correctly complements the answers of other students, critically evaluates such answers.

Missed classes, inaccuracies, incompleteness, errors in answers or problem solving, poor justification in solving problems, passivity in class reduce the student's rating.

It is expected that in the practical class, each student expresses a reasoned position on matters examining topics performing the task, will try to explain and you why the formuva in a position to express is a personal opinion on the positions of other students.

Proper preparation of a student for a practical lesson will take an average of 1.5-2 hours.

The teacher evaluates the student work on each class ranging from 1 to 5 and presents the evaluation results into an electronic " for ampus" that allows the student to independently monitor the status of their academic rating, promptly dropping off classes and learning enough topics of the course. The student's rating as of the 8th week (according to the results of work on 6-8 practical classes) and the 16th week (according to the results of work on the next 6-8 practical classes) of training is reported to the student in class, and he has the opportunity to get acquainted with him independently in the personal account of the electronic " campus ".

A prerequisite for admission to offset student is to get at least 30 % of the maximum possible rating in the discipline.

Detailed criteria for assessing student learning outcomes are defined in the regulations on RSO in the discipline (supplement to the syllabus), available from the student's personal account on the electronic " campus ".

**Conditions of admission to the semester control: 30**% of the maximum possible rating in the discipline

Table of correspondence of rating points to grades on the university scale:

|  |  |
| --- | --- |
| *Scores* | *Rating* |
| 100-95 | Perfectly |
| 94-85 | Very good |
| 84-75 | Fine |
| 74-65 | Satisfactorily |
| 64-60 | Enough |
| Less than 60 | Unsatisfactorily |
| Admission conditions are not met | Not allowed |

**9 . Additional information on the discipline (educational component)**

**Recommendations for students**

P Eid, a lecture by student Bazhan, to listen carefully to the speaker and to outline a xit any position: the concept, features, classification, system, structure determination algorithms, which will tell the teacher. During independent work on the railway theme supporting student can complement points lectured additional material recommended for each class, as well as additional information on the results of individual search in published reports judiciary Ukraine and the ECHR. This will contribute to high-quality preparation for practical training and acquisition of skills in working with regulatory material for the preparation of appropriate procedural decisions. If after that the student presents his reasonable position (opinion), critically evaluates the positions (opinions) of other students, asks questions to the teacher and students - the amount of learned material and the depth of his understanding will increase significantly.

During fe from ovky the practical classes the student to recommend is ARE required to process the material of lectures her on a particular topic and to read additional resources in the network. In case of occurrence of I in student issues, identifying me incomprehensible regulations should apply to the teacher and for sharing them discuss the spare and resolution. In practice, even a well-prepared student should not remain a passive observer. It is expedient to involve him in discussions and debatable issues, to provide an opportunity to substantiate personal opinion. If the student is not familiar with the educational material, he should be careful about listening to speakers, and thanks to the information received to try to compensate for the shortcomings of preparation for employment. You should not refuse to answer the teacher's questions. Even if the student doubts the correctness of the answer to the question, it is advisable to try to answer, express their opinion, based on knowledge acquired during the study of other disciplines and previous topics of criminal procedure, as well as personal experience, question logic and more. You should not be embarrassed and afraid of inaccurate and insufficiently complete answers. At dnym and important task of studying the humanities is produce spare ability to think logically and according to substantiate and suggest your own. At the same time, it is worth remembering that gaps in mastering the material of the discipline are a significant shortcoming of the student's work and will negatively affect his overall rating. A responsible attitude to the preparation for each practical lesson allows not only to master the educational material at a sufficient level, but also to save effort during the semester control.

Remember that 's due and trained pupil student contributes to the elaboration th in his ability to work with regulations and other documents that have legal significance. When getting acquainted with a new law, code, resolution, instruction, court decision, one should, first of all, try to identify the scope of their application (ie, the content of social relations they regulate), the purpose and objectives of their creation, how detailed a regulation regulates the relevant public relationships. It is necessary to get acquainted with the structure of the document, trying to understand the logic of its construction (ie, the presentation of normative material) and the content of the main provisions. This analysis will allow students not only to better assimilate the information contained in the document, but later quickly find the right legal norm in the district azi occurrence I specifically her situation is the need to appropriate procedural decision to conduct the necessary proceedings .

Legal science (academic discipline) operates mainly with abstract phenomena and concepts. Some students with underdeveloped abstract thinking may find it difficult to imagine a clear image of a particular abstract phenomenon. In such cases, it is recommended to link such an abstract phenomenon with a specific life situation, an example from one's own life, the lives of friends or acquaintances, situations that have been reported in the media. Imagine what such a phenomenon or abstract situation would look like in your real life. In case of further difficulties with understanding, you should not be ashamed and leave such questions unanswered. In a convenient way it is precipice and t is smiling at the teacher and try to reach a joint effort for the correct answer. W anovni students would azhayu you progress towards obtaining legal education.

**Extracurricular activities**

Students can participate in an informal circle for novice lawyers.

**Distance Learning**

Synchronous distance learning using video conferencing platforms and a distance learning educational platform at the university is possible.

**Inclusive education**

Allowed

**Work program of the discipline (syllabus):**

**Compiled:**

Professor of Information, Business and Administrative Law

Ph.D., prof. Lukyanchikov E.

**Approved by the**Department of Information, Economic and Administrative Law

(Minutes № \_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_)

**Approved by the**Methodical Commission of the faculty (protocol № \_\_ from \_\_\_\_\_\_\_ )

**Appendix 1**

to the work program (syllabus)

"Criminal procedural law (general part)"

**Questions for the test interview**

**from the General part of criminal procedural law**

1. In what meanings is the concept of criminal procedure.

2. Define the elements of the concept of criminal procedure.

3. Tasks of the criminal process.

4. What is the subject and method of science of criminal procedure?

5. Characteristics of the types of criminal proceedings.

6. Criminal procedural form: concept and meaning.

7. Characteristics of criminal procedural functions.

8. Criminal procedure relations: concepts and elements.

9. The system of criminal procedural guarantees.

10. The system of criminal procedure.

11. The concept of criminal procedural law.

12. The subject and method of legal regulation in criminal procedural law.

13. The connection of criminal procedural law with other branches of law.

14. Sources of criminal procedural law.

15. The role and significance of the Constitution of Ukraine as a source of criminal procedure law.

16. What is meant by "international treaty of Ukraine".

17. What laws of Ukraine are sources of criminal procedural law.

18. Judgment of the European Court of Human Rights as a source of criminal procedural law of Ukraine.

19. Interpretation of the rules of criminal procedural law.

20. Features of the rules of criminal procedural law.

21. What is criminal procedural law?

22. Components of the criminal procedural legislation of Ukraine.

23. The effect of criminal procedure law in space.

24. What legislation is applied when performing certain procedural actions on the territory of Ukraine at the request (order) of the competent authorities of foreign states in the framework of international cooperation?

25. For which categories of persons does the special procedure of criminal proceedings apply?

26. Application of criminal procedural law to persons enjoying diplomatic immunity.

27. The concept, nature and significance of the principles of criminal proceedings.

28. Principles of criminal proceedings.

29. Principle of the rule of law in criminal proceedings.

30. Respect for human dignity as a basis for criminal proceedings.

31. Adversarial nature of the parties in criminal proceedings.

32. Principle of equality before the law and the court.

33. Inviolability of property rights in criminal proceedings.

34. Ensuring the right to protection in criminal proceedings.

35. What is meant by access to justice?

36. Publicity and dispositiveness in criminal proceedings.

37. Reasonable time in criminal proceedings.

38. Presumption of innocence in criminal proceedings.

39. The language of criminal proceedings.

40. The concept of participants in criminal proceedings.

41. Classification of persons involved in criminal proceedings.

42. What is meant by criminal proceedings?

43. The court as a body of justice.

44. Functions and powers of the prosecutor at different stages of the criminal process.

45. Procedural position of the head of the pre-trial investigation body.

46. ​​Procedural position of the investigative body of pre-trial investigation.

47. Characteristics of the rights of the suspect and accused.

48. Defense counsel in criminal proceedings.

49. Characteristics of the victim and his representative.

50. Characteristics of other participants in criminal proceedings.

51. The concept of evidence in criminal proceedings.

52. Classification of evidence.

53. Conditions of inadmissibility of evidence.

54. What is meant by the affiliation of evidence?

55. What is meant by the subject of proof?

56. The ratio of the subject and the limits of proof.

57. Characteristics of the process of proof.

58. Subjects of the evidentiary process.

59. Evaluation of evidence.

60. Testimony as a procedural source of evidence.

61. Evaluation of testimony in criminal proceedings.

62. Material evidence in criminal proceedings.

63. The order of storage of material evidence.

64. Documents as sources of evidence.

65. Expert opinion as a source of evidence.

66. Forms of fixation of procedural actions.

67. Procedural procedure for drawing up the protocol.

68. What can be an annex to the protocol of procedural action?

69. The order of application of technical means of fixing of procedural action.

70. Procedural decision. Its features and structure.

71. What information is indicated in the message?

72. Procedural terms and their significance in the performance of criminal proceedings.

73. Rules for calculating procedural time limits.

74. The procedure for establishing procedural deadlines by the prosecutor, investigating judge, court.

75. The concept and structure of procedural costs in criminal proceedings.

76. Forms of compensation (compensation) for damage in criminal proceedings.

77. Voluntary damages in criminal proceedings.

78. The concept of civil action in criminal proceedings.

79. Filing, consideration and resolution of a civil lawsuit in criminal proceedings.

80. Compensation for damage from the State Budget of Ukraine.

81. What measures to ensure criminal proceedings are provided by the CPC?

82. General rules for the application of measures to ensure criminal proceedings.

83. Grounds and procedural procedure for summoning by an investigator, prosecutor, investigating judge.

84. Procedural order of application of the drive.

85. The grounds and procedure for dismissal are provided by the CPC.

86. Temporary access to things and documents.

87. Grounds and procedure for temporary seizure of property.

88. Grounds and procedure for the application of seizure of property.

89. Precautions under the CCP and the purpose of their application.

90. General grounds and procedural procedure for the application of precautionary measures.

91. Circumstances to be taken into account when choosing precautionary measures.

92. The content of the petition for the election of a measure of restraint.

93. Terms of detention of the suspect and the procedure for their extension.

94. Grounds and procedural order of detention.

95. Procedural procedure for changing and revoking precautionary measures.

Annex 2

**Rating system for assessing learning outcomes**

**(for full-time students)**

Rating of a student in the discipline "Criminal procedural law. The general part " consists of points that the student received during the semester for:

1) reports, answers, problem solving and supplementing the answers of other students in the process of discussion in practical classes;

2) preparation of presentations and participation in activities to solve situational problems with the distribution of relays between participants;

3) in the performance of control work on the basis of training during the semester.

**System of rating (weight) points and evaluation criteria:**

*1. Work on practical classes (the maximum number of points in 16 practical classes is 80 and 20 points for the test :*

|  |  |
| --- | --- |
| Preparation and presentation of a report on the subject of the lesson | 8 |
| active participation in the lesson; providing a complete and reasoned, logically presented report, answer, expressing one's own position on the discussion questions or completely correct solution of the problem with appropriate justification, in combination with appropriate additions to the answers of other students in the discussion | 5 |
| active participation in the lesson; providing correct answers or correct solution of problems with minor inaccuracies, violations of the logic of the answer or justification in solving the problem | 4 |
| providing answers with numerous significant errors or solving a problem with gross errors, solving the problem without justification | 3 |
| Complementing students' answers, trying to provide an answer | 1 |
| Performing a test based on the results of training during the semester | Until 20 |

***Rating scale (R):***

The sum of weight points of control measures during the semester is:

***RD = 100 points.***

*A prerequisite for admission to the test is a rating (****RD****) of at least 30 % of****R****, ie 30 points.*Students who scored 60 or more points during the semester (***RD ≥ 0.6 R)***receive a credit according to the grade scored without a final interview with the teacher.

For students who have received during the term of 3 0 to 59 points ( ***0, 3 R ≤ RD <0,6 R)***provided a positive performance final second control work conducted interviews, which provides theoretical answer on the question of educational material and solving situational problems .

**Interview evaluation criteria.**

|  |  |
| --- | --- |
| Complete, clear, set out in a logical sequence answer to the question, which indicates a deep understanding of the essence of the question, acquaintance of the student not only with the material of lectures, but also with the textbook and additional literature; statement by the student of own position concerning discussion problems if such are raised in a question; | 90 -1 00 |
| Not quite complete or not clear enough answer to the question, which indicates a correct understanding of the essence of the question, acquaintance of the student with the material of lectures and textbooks | 7 0-89 |
| Superficial answer, significant errors in the answer | 60 - 69 |
| The answer is correct only for part of the question, and no for other questions. Incorrect or insufficiently complete solution of a practical problem. | 30-59 |
| Wrong answer, indicating ignorance of the material, but the student's attempt to express their own understanding of the essence of the question | 0-29 |

Terms of calendar control:

Calendar control is performed by determining the current rating of the student at the time of control.

The condition of a positive outcome of the calendar control is the value of the current rating of the student at least 3 0 % of the maximum possible time to control. Otherwise, the student is considered to have received unsatisfactory results of calendar control.

In order for a student to receive appropriate grades (ECTS and traditional), his rating **( *R***) is translated according to the table:

|  |  |
| --- | --- |
| ***R = Rc + Re*** | **The assessment is traditional** |
| 95 - 100 | Perfectly |
| 85 - 94 | Fine |
| 75 - 84 |
| 65 - 74 | Satisfactorily |
| 60 - 64 |
| ***R***<60 | Unsatisfactorily |
| ***R***< 30 | Not allowed |

Penalty and incentive points are calculated for:

Incentive points:

-student participation in the Olympiad (faculty, university) - 3 points;

-preparation of generalizations based on case law - 2 points;

-preparation and publication of abstracts at scientific conferences, seminars, symposia, round tables, etc. - up to 6 points.

The sum of both incentive and penalty points should not exceed 0.1 R /

Compiled by: Professor Lukyanchikov ED. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                            (signature)

Approved at a meeting of the Department of Information , Commercial and Administrative Law

Protocol № \_\_\_\_\_ from "\_\_\_\_" \_\_\_\_\_\_\_\_\_\_ 202 1 p.

Head of the department \_\_\_\_\_\_\_\_\_\_\_ S. And . B eV with

                                          (signature)

Annex 3

**Tasks for DKR in the discipline**

**for distance learning**

Writing DCR in criminal procedural law is carried out in accordance with the curriculum for part-time students and aims at in-depth study of the essence of criminal procedural law, acquisition of skills and practice of its application by investigators, prosecutors and courts, deeper learning and legal awareness. Homework is one of the forms of independent study of this subject and involves written disclosure of theoretical issues and practical problems.

The implementation of the work should contribute to the further consolidation and deepening of theoretical knowledge, the formation of students' ability to navigate in a variety of practical situations, make the right decisions, accurately apply the relevant legal norms. On the other hand, the performed test allows to find out the level of theoretical training of a part-time student, his ability to work independently and creatively with literary sources, to analyze and correctly apply the current criminal procedure legislation of Ukraine. Before performing the test, the student must listen to the planned course of lectures and get acquainted with the provisions of the recommended regulations and scientific literature.

The answers to the questions that arise during the control work must be substantiated, fully set out with reference to the relevant provisions of regulations relating to a particular issue and the relevant scientific literature with the mandatory use of investigative and published case law.

Incomplete disclosure of the topic or certain issues of the content of the test is regarded as incomplete mastery of the selected topic, as a result of which the score for the work is reduced.

The term of performance of work is established by the dean's office of faculty. It is performed according to the appropriate option. The option number corresponds to the last digit of the student's record book.

When performing the control work it is necessary to follow the relevant rules of its design:

­ highlight paragraphs and refer to the sources that were used in writing the work;

­ pages in the work should be numbered and have a field for comments from the teacher;

­ at the end of the work should be a list of sources used in its writing;

­ on the first page of the work (title) it is necessary to indicate the number of the variant of the work and the name of the theoretical question, the surname of the executor and the teacher, and on the last - the date of its execution and personal signature of the executor.

The volume of control work should not exceed 10 - 12 pages of A4 size with double spacing in Times New Roman format, size № 14.

The test, which was assessed as unsatisfactory, is subject to refinement. After taking into account the comments of the reviewer, the department together with the newly performed work should be submitted and not enrolled work and a review of it.

The test consists of one theoretical question and two tasks. The presentation of a theoretical issue should be detailed, substantiated, with reference to the rules of criminal procedure law, bylaws (orders and instructions of the Prosecutor General of Ukraine, resolutions of the Plenum of the Supreme Court, etc.), which address issues covered in the work.

When answering a theoretical question it is necessary to show knowledge of literary sources, judicial and investigative practice.

When solving problems, it is necessary to accurately form an idea of ​​the essence of the situation that needs to be solved, and then clearly formulate the answer to the question posed in the conditions of the problem. The answer must be substantiated, with reference to the relevant provisions of criminal procedure law and other regulations.

In cases where in the conditions of the problem there are provisions that are not subject to unambiguous interpretation, the student must consider all possible options and propose a solution to each of them.

*Option 1.*

Theoretical question:

"The concept, essence and objectives of the criminal process."

When answering the question, it should be borne in mind that the definition of the criminal process is debatable and is covered in different ways in monographs, textbooks and manuals. Tasks of criminal proceedings are specified in Art. 2 of the Criminal Procedure Code of Ukraine. It is necessary to reveal the essence of each of these tasks.

Task 1.

In the decision rendered in the criminal proceedings, the investigator referred to the decision of the Plenum of the Supreme Court.

Is such a link valid?

Is the decision of the Plenum of the Supreme Court a source of law?

Task 2.

Of the three participants in the robbery, two were identified and remanded in custody. The third participant could not be identified.

Can the task of a full investigation of a criminal offense be considered fulfilled?

*Option 2.*

Theoretical question:

"Criminal procedural functions and their types"

When covering this issue, it is necessary to realize that criminal procedural functions express the purpose, purpose and subject of activity of the participant, determine his procedural status in criminal proceedings. The paper should reveal the essence of these concepts in relation to each of the functions, indicate the range of persons who perform them.

Task 1.

A sailor of a foreign ship "Edelweiss", which entered the port of Odessa, went ashore where he committed a robbery and was detained.

What criminal procedural laws should be followed during the pre-trial investigation and trial on this fact?

Task 2.

Changes in the criminal procedure law have worsened the suspect's procedural status.

Does this provision of the law have the opposite effect?

*Option 3.*

Theoretical question:

"Principle of presumption of innocence"

In disclosing this question, students should understand that according to this principle, a person is presumed innocent of committing a crime until his guilt is legally proven and established by a court conviction. The paper should reveal the content of this principle and its significance in the activities of law enforcement agencies, taking into account the decisions of the ECtHR.

Task 1.

Galkin, who suffered damage from the crime and was recognized as a victim, twice did not appear before the investigator on summons.

Is the investigator entitled to apply a pretext to Galkin?

Task 2.

The investigator found that Badzo was wasting the seized property.

Is this a reason to change the precautionary measure chosen for Badzo in the form of a personal commitment?

*Option 4.*

Theoretical question:

"The victim and his representative in the criminal proceedings."

Disclosing the content of this issue, it is necessary to determine who is the victim and the representative of the victim in criminal proceedings, what is their procedural position and the difference in powers.

Task 1.

The investigator decided to ensure the possible confiscation of the property belonging to the suspect Klymenko. It is established that he has a private house, garage, car, cash deposit in the bank.

What procedural steps need to be taken to ensure the possible confiscation and preservation of property pending a court decision?

Task 2.

The prosecutor denied the investigator's request to apply measures to ensure criminal proceedings.

What can be the actions of the investigator in such a situation?

*Option 5.*

Theoretical question:

"Subject and limits of proof."

In answering this question, students should realize that evidence is the activity of participants in criminal proceedings to collect, verify and evaluate evidence and their procedural sources, as well as the formation of certain theses on this basis and provide arguments for their justification. The subject of proof is the range of circumstances that must be established in each criminal proceeding.

It is necessary to reveal the meaning of these circumstances, to show how the concepts of "subject of proof" and "limits of proof" relate.

Task 1.

During the pre-trial proceedings, the investigator came to the conclusion that the CPC of Ukraine does not contain a norm that accurately reflects the current situation.

Can a criminal procedure law be applied by analogy and under what conditions?

Task 2.

Judge Tsareva of the Pechersk District of Kyiv was elected to the Kyiv Court of Appeal.

Does she have the right to consider in the court of appellate instance the sentence that was passed by her earlier?

*Option 6.*

Theoretical question:

"Procedural terms, their meaning and calculation procedure".

Answering this question, it is necessary to define the concept of procedural terms, indicate their significance for criminal proceedings, and to disclose the procedure for calculating them.

Task 1.

The detainee, on suspicion of robbery, filed a motion to participate in the defense counsel's proceedings and to acquaint him with all the materials of the proceedings.

Is this request subject to satisfaction and why?

Task 2.

Sachko 's father and brother , who was killed during the fight, appealed to the investigator to recognize them as victims.

What decision should the investigator make in this situation?

*Option 7.*

Theoretical question:

"Procedural costs, their types and meanings"

When disclosing this issue, it is necessary to define the concept of procedural costs, indicate who is responsible for their reimbursement, indicate what types of these costs are divided and what is the significance of this procedural institution for criminal proceedings.

Task 1.

At a lawyer's reception, a relative of one of the suspects asked him to explain whether there was a difference between the legal concepts of "right to defense" and "right to have a lawyer."

Answer this question.

Task 2.

Sirenko is accused of poisoning several people. At the court hearing, it was established that she intended to poison her husband, but he accidentally overturned a glass of poisoned liquid, which he had to drink.

Should Sirenko's husband be recognized as a victim in the proceedings?

*Option 8.*

Theoretical question:

"Investigator and his procedural position."

Answering this question, it is necessary to indicate who is considered a body of pre-trial investigation under the legislation of Ukraine, to indicate who is such an investigator as a participant in the proceedings, to disclose his powers in the pre-trial investigation.

Task 1.

His belongings were stolen from Titko's apartment and a portable TV set was borrowed from his friend Voitko . Aunt asks to recognize him as a civil plaintiff for the full amount of the abducted, and Voitko - for the amount that is the cost of the TV.

What should be the investigator's decision on this issue?

Task 2.

The father of the juvenile convict due to illness missed the deadline for filing a cassation appeal against the court verdict.

Can the term for cassation appeal of the verdict be renewed?

*Option 9.*

Theoretical question:

"Evidence in criminal proceedings and their classification"

Disclosing the content of this issue, it is necessary to indicate what is meant by evidence in criminal proceedings, what is their significance for clarifying the circumstances of a criminal offense, to present and shed light on the existing classifications of evidence in the procedural literature.

Task 1.

Bourbius received a significant amount of money for a fake lottery ticket.

What kind of sources of evidence does a lottery ticket and money belong to?

Task 2.

The decision of the European Court of Human Rights states a violation of the right of the accused to defense and the right not to testify against himself.

Is a decision of the ECtHR a source of law?

*Option 10.*

Theoretical question:

"Civil lawsuit in criminal proceedings."

Answering this question, it is necessary to provide a definition of a civil lawsuit, to determine the participants who have the right to file it, the procedure for filing, measures to ensure it, the benefits of a civil lawsuit in criminal proceedings.

Task 1.

The investigator attached to the materials of the proceedings the information of the operative units, which was obtained during the operative-search activities.

Is operational and investigative activity included in the process of proving?

Can the materials submitted to the investigator be a source of evidence?

Task 2.

In a conversation with his lawyer, Sakvarelidze , a suspect in the robbery , said that he was not involved in the crime, but pleaded guilty in order to complete the investigation as soon as possible. He explained his actions by hoping to avoid responsibility for the two murders he had committed earlier.

What should be the procedural position of the defender?

Is he obliged to report serious crimes committed by his client?