

# THE CONCEPT OF EFFECTIVENESS OF ENSURING THE RIGHTS AND LEGAL INTERESTS OF A PERSON IN PRE-TRIAL CRIMINAL PROCEEDINGS

Marynych Olha

DOI: <https://doi.org/10.61345/1339-7915.2024.1.9>

**Annotation.** The following factors have a significant impact on the level of effectiveness of ensuring human rights and legitimate interests in criminal proceedings: the political regime in the country, the level of legal culture of the population, the level of economic well-being of the population, the state of compliance with the rule of law, etc. It is possible to assess the effectiveness of ensuring human rights and legitimate interests in criminal proceedings only taking into account the above factors. The purpose of this scientific work is a legal analysis of signs of the effectiveness of ensuring human rights and legitimate interests in criminal proceedings; based on the studied characteristics, formulate the concept of the effectiveness of ensuring the rights and legitimate interests of a person in pre-trial criminal proceedings. The methodological basis of the research is based on general scientific and special methods, in particular, dialectical, comparative legal, formal logical, structural and functional, and the method of theoretical generalization. It was found that the effectiveness of ensuring the rights and legitimate interests of a person in criminal proceedings is manifested in two aspects: 1) the ability of procedural guarantees to achieve the goal of providing an individual with a legal and actual opportunity to use the right and satisfy the legitimate interest in a minimum period of time; 2) the ability of procedural guarantees to achieve the goal of providing individual with a legal and actual opportunity to renounce the right and legitimate interest in a minimum period of time. It has been determined that the effectiveness of ensuring the rights and legitimate interests of a person in criminal proceedings is the ability of procedural guarantees in a minimum period of time to achieve the goal of providing individual with the legal and actual opportunity to use the right and satisfy a legitimate interest or the opportunity to renounce the right and legitimate interest in pre-trial criminal proceedings.

**Key words:** use of law; legitimate interest; procedural guarantees; pre-trial criminal proceedings; waiver; waiver of legitimate interest.

## 1. Introduction.

The effectiveness of ensuring human rights and legitimate interests in criminal proceedings depends on the following factors: the political regime, the level of legal culture of the population, the level of economic development of society, the state of the rule of law, etc. It is possible to assess the effectiveness of ensuring human rights and legitimate interests in criminal proceedings only taking into account the above factors. Efficiency is not a static concept, and therefore depends on the characteristics of legal relations, their participants, and situations that arise during pre-trial criminal proceedings. The definition of the essence of the concept of efficiency in ensuring human rights and legitimate interests in pre-trial criminal proceedings will be useful in further developments of directions for increasing the efficiency of ensuring human rights and legitimate interests in pre-trial criminal proceedings.

## 2. Analysis of the latest research and publications.

Certain problematic issues of ensuring human rights and legitimate interests in pre-trial criminal proceedings were studied by the following scientists: Venediktova I.V., Hlynska N.V., Kubrak P.M.,

Kuchynska O.P., Loboyko L.M., Loskutov T.A., Melnyk A.M., Simonovych D.V., Teteriatnyk G.K., Turuta O.V., etc. However, among the works of scientists there are no studies aimed at defining the concept of the effectiveness of ensuring human rights and legitimate interests in pre-trial criminal proceedings.

### 3. Presentation of the main material.

Regulatory means of ensuring human rights and freedoms provide for the existence of rights and freedoms at the highest level - in the Constitution and Laws. The constitutional consolidation of rights and freedoms, developed legislation in various fields are the first important element of the analyzed mechanism. Stable legislation in the field of human rights provides not only laws for the "development" of the blanket norms of the Constitution, but also laws providing for the powers of the relevant public authorities to ensure rights and freedoms [1, p. 184].

According to Art. 3 of the Constitution of Ukraine, human rights and freedoms and their guarantees determine the content and direction of the state's activities. The government is responsible to the people for its activities. The affirmation and ensurance of human rights and freedoms is the main responsibility of the state [2]. Ensuring the rights and legitimate interests of participants in criminal proceedings is an independent criminal procedural function (type of activity), stipulated by the provisions of Art. 3 of the Constitution of Ukraine and is necessarily carried out by every government entity at all stages of the process [3, p. 182]. Having secured this position at the highest normative level, the state creates the basis on which human rights are not only affirmed, but also effective mechanisms for ensuring rights are created, the purpose of which is the ability of each person to implement effectively their rights in everyday life [4, p. 599]. Thus, at the national level, appropriate the current priority direction (standard) of all law enforcement activities. National standards for ensuring human rights, freedoms and legitimate interests, in turn, meet international standards in this area.

The first obligation imposed by human rights standards is the requirement that any deviation from human rights standards must have a clear legal basis [1, p. 186]. International standards for ensuring human rights in the field of criminal proceedings have been developed by the international community of advanced norms and principles that establish the statutory position of a person when deciding on the initiation of a criminal case, as well as during the proceedings on it. International standards for ensuring human rights in the field of criminal proceedings are classified according to: 1) standards that have the status of generally recognized norms; 2) standards for persons against whom coercive measures have been applied or may be applied; 3) standards for victims of crime; 4) standards in the field of juvenile justice; 5) standards for the development of criminal proceedings; 6) standards in the field of ethics and humanization of criminal proceedings [5, p. 14]. Domestic substantive and procedural guarantees are based on generally recognized international legal guarantees enshrined in the relevant international legal norms that have become part of the national law of the state [6, p. 8].

Of scientific interest is the search for answers to the following questions: Is each standard/norm regulating the provision of human rights and freedoms in pre-trial criminal proceedings equally effective? What does such effectiveness depend on and what are its criteria? How is the effectiveness of ensuring human rights and legitimate interests demonstrated in pre-trial criminal proceedings?

Special reference literature defines the concept of "efficiency/effective" as a characteristic of an object (device, process, event, type of activity), reflecting its social benefit, productivity and other positive qualities; absolute efficiency - economic efficiency, assessed by the ratio of the obtained effect and the total amount of costs [7]; effective - causing an effect, leading to the desired results, consequences, gives the greatest effect [8]. Accordingly, if we are talking about the effectiveness of ensuring the rights and legitimate interests of a person in criminal proceedings, such effectiveness may depend on the ratio of the funds spent (time, complexity of procedural actions and other procedural costs) and the result achieved (achieving the goal of ensuring the possibility of using legal rights), or satisfaction of legitimate interest).

Melnyk A.M., in her dissertation research, formulated a definition of the concept "mechanism for ensuring the rights of a detainee in criminal proceedings," by which the author understands a complex interacting system of procedural guarantees, institutional powers of authorized officials and bodies, as well as general social conditions, which ensure together the lawful, proper effective implementation rights of a

detainee in criminal proceedings, and, in necessary cases, their protection, protection and/or restoration [9, p. 16]. Based on this definition, the mechanism for ensuring human rights in criminal proceedings may include the following elements: procedural guarantees, powers of authorized officials and general social conditions. The purpose of ensuring rights is to create conditions for the lawful, proper and effective implementation of rights. Consequently, an integral element of ensuring any right or legitimate interest is the presence of procedural guarantees, thanks to which the proper implementation of the use of a right enshrined in law or the satisfaction of a legitimate interest of an individual takes place. Procedural guarantees are the driving force for ensuring rights and satisfying the legitimate interests of a person in criminal proceedings.

In the theory of law, legal guarantees of human rights, freedoms and responsibilities are understood as a system of normatively defined, organizationally formalized methods and means that ensure the real embodiment of the rights, freedoms, responsibilities of a person and a citizen [10, p. 223]. Without guarantees, the rights, freedoms and responsibilities of a person and a citizen turn into a kind of "statement of intent" that has no value either for the individual or for the society [10, p. 221]. Turuta O.V. writes that the mechanism for ensuring the reality of the rights and freedoms of man and citizen is a system of necessary conditions that determine the "movement" of the rights, freedoms and legitimate interests of man and citizen, that is, they transfer them from a declarative, "dead" state to a real one [11, p. 520].

The effectiveness of guarantees depends on the level of development of general legal principles, democratic institutions, the state of the economy, the reality of the political system of society, the presence of perfect laws in the state, the effectiveness of mechanisms for implementing legal provisions, the degree of legal consciousness and culture of the population, cash presence of highly effective control bodies and other factors [6, p. 5]. The effectiveness of procedural guarantees is determined by their ability to achieve a certain goal. In turn, the effectiveness of guarantees depends on the "conditions" of their operation and is a dynamic phenomenon.

By procedural guarantees, Kubrak P.M. understands the system of means, conditions and the existing political and legal regime and socio-economic components provided for by the criminal procedural law, which together ensure the functioning of the rule of law, which contributes to the achievement of the goals and tasks of criminal proceedings [12, p. 24].

Kuchinskaya O.P. emphasized that the presence of a whole system of legal guarantees, even those enshrined in law, is not an evidence of high-quality provision of individual rights yet. The law in its norms establishes the elements of the guarantee system only statically. At the same time, the functioning of this system is closely connected and is largely determined by the organizational work of public authorities, and is also inseparable from the legal consciousness and legal culture of the population and officials [6, p. 7].

Motorigina M.G., analyzing the procedural guarantees of ensuring the rights of the defense, points out that criminal proceedings represent means that are different in their specific content and, in their totality, provide the participants in criminal proceedings related to them with the opportunity to realize the rights granted to them. The Criminal Procedure Code of Ukraine has established not only guarantees of the rights of participants in criminal proceedings on the part of the defense, but also a procedural mechanism that ensures the implementation of these guarantees. This mechanism includes the entire system of procedural norms aimed at achieving the objectives of criminal proceedings [13, p. 124].

It is believed that the effectiveness of ensuring the rights and legitimate interests of a person in criminal proceedings directly depends on the "quality" of guarantees that ensure the use of the right established by law or the realization of a legitimate interest. In addition to the presence of procedural guarantees on which the implementation of the rights and legitimate interests of an individual depends, an indicator (criterion) of effectiveness is the goal pursued by a person by using a right or realizing a legitimate interest.

Perepelyuk A.M. writes that the criteria for the effectiveness of the mechanism for applying the law are measures by which one can determine the effectiveness of the mechanism for applying the law; they presuppose the achievement of the corresponding goals that face it [14, p. 16]. Also, in our opinion, the criterion for the effectiveness of ensuring the rights and legitimate interests of a person in pre-trial criminal proceedings is the period (time) during which a person, using procedural guarantees, achieves

his or her goal. Accordingly, the shorter the given period, the more effective the provision of human rights and freedoms in pre-trial criminal proceedings.

The effectiveness of ensuring human rights and legitimate interests in criminal proceedings is significantly influenced by the quality of criminal procedural decisions, with the adoption of which the rights and legitimate interests of a person are ensured in criminal proceedings. Hlynska N.V. points out that the quality of criminal procedural decisions is an evaluative category, which means the comparative degree of the ability of a law enforcement act to fulfill its functional purpose in the overall dynamics of criminal proceedings, to satisfy social and legal expectations from its implementation in accordance with the tasks that were set at the time of its adoption [15, p. 25]. An assessment of the significance of any defects in the quality of criminal procedural decisions and the selection of appropriate measures to respond to them must take into account their harm in order to ensure the rights and legitimate interests of participants in the proceedings and to solve other problems of criminal proceedings, the solution of which was aimed at making the corresponding decision [15, p. 15-16]. A reasonable procedural decision is based on the law and common sense, aimed at effectively solving the problems of criminal proceedings by choosing by the law enforcement officer the optimal option for balancing public and personal interests, taking into account the specifics of the special circumstances of criminal proceedings. An indispensable sign of the reasonableness of criminal procedural decisions is that the option of legal behavior chosen when making it takes into account as much as possible the requirement to ensure the rights and legitimate interests of the participants in the process in respect of whom this act is adopted. In the case where the adopted decision provides for the application of certain restrictions on the constitutional rights and freedoms of the individual, these restrictions should be the least burdensome for such a person in a particular situation and proportionate to the goal to be achieved by the implementation of such a procedural decision [15, p. 29]. Criminal procedural decisions that ensure the rights and legitimate interests of a person must be "high-quality" and comply with the "reasonableness" parameter. Ensuring the rights and legitimate interests of a person in pre-trial criminal proceedings can be considered effective if the relevant criminal procedural decisions are capable of providing the opportunity to use the right granted by law or satisfy a legitimate interest.

Ensuring the rights of participants in criminal proceedings is carried out by the entire system of guarantees operating in criminal proceedings (both legal and general). Consequently, certain types of guarantees, for example, even criminal procedural guarantees, can only be considered statically. In the dynamics or reality of the application of rights, they all exist as a system, and only a system of guarantees can ensure compliance with the rights and legitimate interests of participants in criminal proceedings, as well as the achievement of its objectives [6, p. 7].

Thus, guarantees of ensuring the rights and legitimate interests of a person in criminal proceedings are a tool for implementing the declared legal provisions. The effectiveness of guarantees to ensure the rights and legitimate interests of a person in criminal proceedings depends on the quality of the law, the quality of criminal procedural decisions of authorized persons, the amount of time spent and the totality of means and methods of achieving the goal.

In the context of clarifying the influence of criminal procedural guarantees on the effectiveness of ensuring human rights and legitimate interests in pre-trial criminal proceedings, we consider it necessary to dwell on the definition of the goals pursued by the guarantees of ensuring human rights and legitimate interests in pre-trial criminal proceedings.

Perepeliuk A.M. in her dissertation research defined the category "effectiveness of the mechanism for applying the law" as its objective characteristic, which includes the entire range of legal phenomena and elements, as well as social connections, with the help of which the mechanism achieves compliance with the requirements contained in the rules of law, ensures their implementation, and guarantees rights and responsibilities, as well as the main objectives pursued by this mechanism [14, p. 6].

Venediktova I.V. defined zeal for the realization of interests protected by law as the lawful behavior of an interested person. The nature of legal norms provides for a ban on the implementation of active actions that directly violate the interests of an individual protected by law. Protection of rights and interests protected by law is an objective category that is not simply declared, but in most cases is implemented through the rules of substantive and procedural law [16, p. 26]. At the same time, it is considered that the

lawful behavior of an interested person can cover not only actions aimed at using a right or satisfying a legitimate interest, but also refusing to use a right or satisfy a legitimate interest.

Analyzing socio-economic guarantees as a sign of general guarantees of ensuring the rights of participants in criminal proceedings, Kuchynska A.P. points out that socio-economic guarantees of ensuring the rights of participants in criminal proceedings are the material basis that makes it possible in all cases for a person to achieve the desired legitimate interest, regardless of the financial situation of this person, specific law enforcement or any other bodies, or even the state as a whole. These include the availability of state resources to pay for free legal assistance provided by law; availability of funds to carry out all necessary investigative actions, conduct examinations, reimbursement of expenses associated with calling witnesses; the presence of a sufficient number of judicial and law enforcement officials to resolve cases quickly in compliance with procedural deadlines; availability of pre-trial detention centers, temporary detention facilities, etc. that meet internationally recognized standards. Unfortunately, it is precisely the sphere of economic guarantees for ensuring the rights of participants in criminal proceedings that today is very weak and does not sufficiently fulfill its functions [6, p. 6].

The purpose of criminal procedural guarantees of the rights, freedoms and legitimate interests of the individual is:

- providing participants in criminal proceedings with a legal opportunity to actually exercise their rights;
- ensuring that these persons actually exercise their rights;
- comprehensive protection of the rights of individuals, including prevention and prevention of violations of their rights both by persons conducting criminal proceedings and by other participants in criminal proceedings;
- reliable protection of the rights of individuals, which consists in stopping violations of their rights and restoring the violated right [17, p. 44-45].

Taking into account the above, the goal of ensuring the rights and legitimate interests of a person in criminal proceedings may include ensuring the legal and real opportunity to use a right or satisfy a legitimate interest, ensuring the implementation of rights and legitimate interests, preventing violations of rights and legitimate interests, stopping the violation of rights and legitimate interests of a person and their recovery.

Loskutov T.A. writes that the more fundamental and necessary needs are reflected in subjective rights, and the least significant ones are reflected in the legitimate interests of participants in legal relations. Subjective rights are guaranteed by legal obligations, which cannot be said about legitimate interests, which are ensured only by the possibility of applying for protection to the competent state body [18, p. 264].

Venediktova I.V. notes that the protection of legally protected individual interests is implemented by the same rules that protect subjective rights. In turn, if we consider the interest protected by law as an independent category, which exists not "in the middle", but "along with" subjective law, but, unlike the latter, does not have a corresponding debt, then the protection of legitimate interest is ensured by legal norms and basic principles and spirit of legislation [16, p. 29].

In his study Perepeliuk A.M. substantiated the idea that the mechanism of application of law is characterized by efficiency, since it pursues the goal of achieving specific goals specifically defined for it, which are determined by its functional purpose and ensures the occurrence of the corresponding result. If the goals set for the mechanism for applying the law are achieved, as reflected in the relevant law enforcement act, and nothing prevents its implementation, from a legal point of view, it can be argued that the specified mechanism is characterized by efficiency [14, p. 13]. Indeed, it can be argued that the criterion for the effectiveness of the mechanism for applying the law is the achievement of goals (goals). This criterion is considered the main one, since it clearly demonstrates the result of law enforcement activities, however, the achievement of a result (goal) in itself does not indicate the effectiveness of the application of legal norms. When assessing the effectiveness of the mechanism for applying the law (including the effectiveness of ensuring the rights and legitimate interests of a person in criminal proceedings), the fact of achieving the goal is taken into account, as well as the time and totality of means and methods spent

to achieve the goal. Ensuring rights can be considered effective when achieving the goal with minimal expenditure of time and procedural resources.

Going beyond the normative limits of criminal procedural law, the legitimate interests of participants in criminal proceedings are directed towards the realization of personal legitimate needs, the possibility of satisfying which is not provided for by law as corresponding rights. Thus, legitimate interests complement the subjective rights of participants in criminal proceedings [18, p. 272].

Thus, procedural guarantees can be considered effective if their action is capable of achieving the goal of providing the individual with the legal and actual opportunity to use the law and satisfy the legitimate interest of a person in a minimum period of time and with optimal expenditure of procedural resources.

As an example of guaranteeing the rights of the victim in pre-trial criminal proceedings, we can consider the activities of the prosecutor. Arbuz D.M. writes that the prosecutor ensures the rights and legitimate interests of the victim by explaining to the victim his right to file a civil claim; supervision over compliance with the law by the investigator on the timeliness and validity of granting the victim the status of a civil plaintiff; filing by the prosecutor personally of a civil claim in the interests of the victim in cases specified by law, etc [3, p. 186]. The prosecutor and the victim have a monopoly in exposing the person who committed a criminal offense. For the first, this is a state duty, and for the second, it is a personal legitimate interest. Based on this, the legislator gives the victim the right to participate actively in proving the case in various forms: testifying, participating in investigative actions, presenting evidence, filing petitions, filing a civil claim, etc [3, p. 184].

In a preliminary study, we formulated the concept of “ensuring the rights and legitimate interests of a person in pre-trial criminal proceedings” as providing a person with a legal and actual opportunity to use the right and satisfy a legitimate interest or the possibility of renouncing a right and legitimate interest through legal regulation and the implementation of procedural guarantees of rights and legal human interests in pre-trial criminal proceedings [19, p. 174]. As an example of a waiver of a legal right, we considered the ban on self-incrimination. The prohibition of self-incrimination is a legally enshrined right of an individual not to testify against himself, family members and close relatives. The suspect will have the actual opportunity to exercise this right if he or she is familiar with this right. The prosecution ensures the use of the right to prohibit self-incrimination by properly familiarizing the suspect with this right. At the same time, the suspect has the opportunity to waive this right by voluntarily providing relevant evidence regarding himself or close relatives. In this case, the guarantee of the suspect’s voluntary renunciation of the above-mentioned right will be the proper procedure for the prosecution to familiarize the suspect with his or her rights and the essence of the suspicion through the use of the introduction of mandatory video recording or the participation of a defense lawyer [19, p. 173].

It can be argued that the effect of procedural guarantees in the field of efficiency in ensuring the rights and legitimate interests of a person in pre-trial criminal proceedings can also be aimed at achieving the goal by providing the individual with the legal and actual opportunity to renounce the right and legitimate interest in a minimum period.

#### 4. Conclusions

Therefore, taking into account all of the above, we can formulate the following conclusion: the effectiveness of ensuring the rights and legitimate interests of a person in pre-trial criminal proceedings is manifested in two aspects: 1) the ability of procedural guarantees in a minimum period of time to achieve the goal of ensuring the individual the legal and actual opportunity to use the law and law satisfy a legitimate interest; 2) the ability of procedural guarantees to achieve the goal of providing the individual with the legal and actual opportunity to renounce the right and legitimate interest in a minimum period of time.

We believe that the effectiveness of ensuring the rights and legitimate interests of a person in pre-trial criminal proceedings is the ability of procedural guarantees in a minimum period of time to achieve the goal of providing an individual with the legal and actual opportunity to use the right and satisfy a legitimate interest or the opportunity to renounce the right and legitimate interest in pre-trial criminal proceedings.

Research into such areas as determining the effectiveness of ensuring the rights and legitimate interests of individual participants in criminal proceedings, determining the effectiveness of ensuring individual rights and legitimate interests of a person during trial, etc. is considered promising for further scientific research.

### References:

1. Lemak V. V., Turyanitsya V. V. (2014). The warehouse mechanism protects the rights and freedoms of people. *Visegrad Journal on Human Rights*, 2, 183-187 [in Ukrainian].
2. Constitution of Ukraine № 254k/96-VR. (1996, June 28). Retrieved from : <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> [in Ukrainian].
3. Kavun D. M. (2016). Prosecutor in the mechanism for ensuring the rights and legitimate interests of the victim (individual) during the pre-trial investigation of a criminal offense. *Current problems of criminal justice*, 3, 182-186 [in Ukrainian].
4. Romanova A. A. (2012). The system of ensuring the rights and freedoms of people and citizens in Ukraine. *Law Forum*, 2, 599-602 [in Ukrainian].
5. Simonovich D. V. (2011). *European standards for ensuring human rights at the pre-trial stages of the criminal process in Ukraine*. Extended abstract of candidate's thesis. Kharkiv : HNUIA [in Ukrainian].
6. Kuchinska O. P. (2012). The concept of guarantees for ensuring the rights of participants in criminal activities. *Advocate*, 7, 4-8 [in Ukrainian].
7. Great Dictionary (GTS) of the current Ukrainian language. Retrieved from : <https://1531.slovaronline.com/> [in Ukrainian].
8. Public electronic dictionary of Ukrainian language. Retrieved from : <http://ukrlit.org/slovyk/%D0%B5%D1%84%D0%B5%D0%BA%D1%82%D0%B8%D0%B2%D0%BD%D0%B8%D0%B9> [in Ukrainian].
9. Melnik A. M. (2015) *Securing the rights of the criminally involved: author's abstract*. Extended abstract of candidate's thesis. Kiev : KNUNTS [in Ukrainian].
10. Skakun O. F. (2009). *Theory of the state and law (Encyclopedic course): handbook. Version 2, revised and expanded*. Kharkiv : Espada [in Ukrainian].
11. Turuta O. V. (2010). Legal mechanism for ensuring the reality of the rights and freedoms of citizens. *Law Forum*, 2, 519-523 [in Ukrainian].
12. Kubrak P. M. (2016). The essence of procedural guarantees in the criminal sector of Ukraine. *Book of hours of the National University "Ostrozka Academy" Series "Law"*, 2 (14), 1-30. Retrieved from : <https://lj.oa.edu.ua/articles/2016/n2/16kpmkpu.pdf> [in Ukrainian].
13. Motorogina M. G. (2013). Procedural guarantees for ensuring the rights of the parties to the protection of criminal cases. *Legal register of the National Academy of Internal Affairs*, 2, 120-125 [in Ukrainian].
14. Perepelyuk A. M. (2016). *The mechanism of the establishment of law: structure and criteria of effectiveness (beyond-theoretical aspect)*: Extended abstract of candidate's thesis. Kiev : ISALNVK [in Ukrainian].
15. Glinska N. V. (2015). *Conceptual ambushes to establish and ensure standards of integrity in criminal procedural decisions*: Extended abstract of doctoral thesis. Kharkiv : NLUNYM [in Ukrainian].
16. Venediktova I. V. (2011). Form the protection of interests protected by law. *Entrepreneurship, dominion and law*, 10, 26-29. Retrieved from : [http://www.pgp-journal.kiev.ua/archive/2011/10\\_2011.pdf#page=26](http://www.pgp-journal.kiev.ua/archive/2011/10_2011.pdf#page=26) [in Ukrainian].
17. Drozd V. G., Ponomarenko A. V., Ablamskyi S. E. et al. (2019) *Securing the rights, freedoms and legitimate interests of an individual at the stage of pre-trial investigation*. Kherson : HNUIA [in Ukrainian].



- 
18. Loskutov T. O. (2016). *Subject of regulation of criminal procedural law*. Kiev : DLI [in Ukrainian].
  19. Marinich O. Y. (2024). The concept of ensuring the rights and legitimate interests of people in pre-trial criminal proceedings. *These are notes from the Tavia National University named after V. I. Vernadsky. Series: Legal sciences*, 1, 35 (74), 171-176 [in Ukrainian].

---

**Olha Marynych,**  
*postgraduate*  
Donetsk State University of Internal Affairs  
ORCID: 0009-0006-9303-8180