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TAKING PART CIVIL DEFENDANT IN PROVING A CIVIL CLAIM

The article considers the problem and resolve issues relating to the procedural status of civil defendant in proving a civil claim in criminal proceedings.

Participation persons in criminal proceedings procedure require a clear knowledge of the rights and obligations of each subject (user) of these relations. It is in the course of criminal proceedings the question of making the criminal liability – significant limitation of rights and freedoms. All this is aimed at achieving the rule of law in our country; protect its main values – human rights and legal interests.

Among the subjects of criminal procedure of proof are those whose role in evidence of incomplete and insufficiently investigated thoroughly. One of these subjects – civil defendant. The damage that caused to person or entity criminal offense shall be refunded to the individuals – potential carriers of material and moral responsibility in criminal proceedings, namely a suspect or accused. However, in many cases, the responsibility rests not on the suspect, and the others are referred to as civil defendants.

In the article the author points out its proposals for amending the existing rules of the CPC of Ukraine concerning civil defendant: a) to clarify on what basis and at what point a person acquires the status of civil defendant; b) what rights and duties vested it civil defendant, and not contain a reference to rules on the rights and obligations of other participants in criminal proceedings; c) the status of civil defendant in any criminal proceedings must be properly designed – motivated procedural decision of the investigator, prosecutor or court.

Keywords: criminal proceedings; harm; material and moral responsibility; civil defendant; the civil procedural status of the defendant; the subjects of Criminal Procedure Evidence.