



O. Kostiuchenko,

Candidate of Law Sciences,
Associate Professor at the Department of Justice,
Law Faculty,
Taras Shevchenko National University of Kyiv

I. Dmytriieva,

Student of the Law Faculty,
Taras Shevchenko National University of Kyiv

**THE PRINCIPLE OF COMPETITION
DURING PRE-TRIAL INVESTIGATION**

The article is devoted to the implementation of the principle of competition in criminal proceedings during the pre-trial investigation. Principle of competition of the criminal trial proceeding is implemented during pre-trial proceedings as well as during trial proceedings. In the pre-trial stage of criminal investigation implementation of this principle has several peculiarities.

It appears that the object of competition in the pre-trial proceedings of criminal procedure is the conflict that arises between the opposite sides of the process on the criminal legal dispute within the criminal legal proceedings.

The author notes that the main characteristic features of competition in the pre-trial proceedings are the procedural equality of the parties and the presence of an independent and impartial court. All other features distinguished by legislators and scientists are covered by

foregoing, besides differentiation of the basic functions, which are its essence. The implementation of the principle of competition during pre-trial investigation is manifested in equality of the victim and the suspect. It should be noted that the expansion of the rights of the suspect is only one-sided, not conducive to their equality.

The author states that determined by the laws of Ukraine equality of rights between the prosecution and defense at the pre-trial proceedings require further legislative regulation for their expansion.

The solution of these problems, namely, providing realization of the principle of competition is necessary in such directions: firstly, expansion of the rights of defenders in criminal proceedings; secondly, expansion of the rights of the victim in a stage of pre-trial investigation, thirdly, expansion of judicial control in a stage of pre-trial investigation.

