

**T. Loskutov,**

Candidate of Law Sciences,  
Associate Professor at the Department of Criminal Procedure,  
Donetsk Law Institute of the Ministry of Internal Affairs of Ukraine

## **DOGMATIC AND AXIOLOGICAL APPROACHES TO DEFINITION OF A SUBJECT OF LEGAL REGULATION IN CRIMINAL PROCEEDING**

The article analyzes the use of dogmatic and axiological methodological approaches to definition of a subject of legal regulation in criminal proceedings.

The purpose of the article is the scientific result in the form of the characteristics of the use of dogmatic and axiological methodological approaches to definition of a subject of criminal procedure regulation.

For achievement of the specified purpose such tasks were set: 1) to analyze the use of dogmatic approach to definition of a subject of criminal procedure regulation; 2) to analyze use of axiological approach to definition of the specified subject of regulation.

As a result of research it is proved that definition of the subject of legal regulation in criminal proceeding in modern criminal trial can not be sufficiently determined using only dogmatic approach. The criminal procedure legislation written according to the doctrine of the criminal procedural relations (criminal procedural activity) is not

always able to satisfy needs of certain participants of criminal legal proceedings. Decisions of the European Court of Human Rights concerning Ukraine confirm it.

It is also stated that at the present stage of development of the procedure theory, axiological approach is used for definition of a subject of regulation, according to which the procedural law has to regulate issues which are valuable for the person.

Use of axiological approach to definition of a subject of legal regulation in criminal proceeding will promote creation of a criminal legal procedure which conforms with the international and European standards of ensuring human rights in criminal trial.

The further directions of scientific development are defined: 1) research of a subject of criminal procedural regulation using comparative methodological approach; 2) research of the specified subject of regulation applying synergetic methodological approach.