

***Kateryna Biletska** – Post-Graduate Student of the Criminal Procedure Department of the National Academy of Internal Affairs*

The Meaning of «Freedom» While Choosing Preventative Measure

This article investigates the definition of «freedom», its essence and development in different historical periods. The place of the «freedom» in a criminal process during electing preventive measures is examined. The points of view of different scientists are considered and the international and national legislative acts, which restrict the human's freedom one way or another to ensure the public interest, are analysed. Given the definition of «restriction», in particular «restrictions of freedom».

So, the freedom is extremely complex, multidimensional phenomenon. It is means the ability to act on their own, no shame, bondage, slavery, subordination to the will of another. Restriction is always set the limit of the freedoms. Restriction for some person can used if there is risks to damage for other people's interests, as provided by law. Right (freedom) and restriction, as consequential rights guaranteed to them constitute the legal freedom as a system of legal limits of free will and human behavior in society and the citizen. and the state. Restriction of the freedom is the specific method and its means establishing, for each person the opportunity to exercise their rights and freedoms, without causing harm to others and to society as a whole.

«Restriction of personal freedoms» expressed in prohibitions, duties, responsibilities, the existence of which is caused by the need to protect the values, which determined by the law and ensure the necessary balance between the interests of individual, society and state. From the above we can see that preventive measures used later when the suspect, the accused has been committed certain acts (criminal offenses) and he should be held responsible. Thus, the category of «freedom» and «responsibility» are inseparable.

It was determined that the responsibility and freedom are inseparable concepts as responsibility is the price of freedom. Exactly, for the observance of the freedoms of all the members of the society, in order the offender not to elude the responsibility of his doings, in

the system of criminal law there exists the system of preventive measures, which were developed and improved during the centuries. After a long way of development, they continue to be an instrument which should put in order personal freedom and freedom of society.

Keywords: freedom; criminal procedure; preventive measures; responsibility; measures to ensure criminal proceedings.