

*Nataliia Makarenko – Ph.D in Law, Professor of the Department  
of the National Academy of Security Service of Ukraine*

### **Topical Problems of Risk during Criminal Proceedings**

The article describes the content and main characteristics of the risks that arise during criminal proceedings. On the basis of the analysis the author proposed classification of the studied social and legal phenomenon.

It is noted that in the sphere of criminal proceedings, the notion of risk can be understood as a specific manifestation of the counter pre-production, and a situational characteristic of the process of making procedural decisions.

The concept of risk as covered in the «tactical risks», and a specific undesirable criminal proceedings consequences of the behavior of suspects and accused persons. The latter can be called risks that hinder the implementation of tasks of criminal proceedings. In turn, these risks can be preceded by tactical risks that arise in connection with the adoption of the decision on the application of the preventive measures. In criminal justice and criminology the term «risk» («risk») is used as a synthesis, because it can be understood as «tactical risks», and specific undesirable criminal proceedings consequences of the behavior of suspects and accused persons. It is advisable to call the latter «risks» that hinder the implementation of tasks of criminal proceedings. They cover ways of counteraction to criminal proceedings, in particular: concealment from bodies of pre-judicial investigation and (or) the court; the destruction, concealment or misrepresentation of any of the things or documents, which are essential for establishing circumstances of criminal offence; unlawful influence on the victim, witness, another suspect, accused, expert, specialist in the same criminal proceedings; obstruction of criminal proceedings in other way; the commission of another criminal offence or continue criminal offences in which the person is suspected, accused. Therefore, further investigations with the perspective can be: to study ways to counter pre-trial production and to develop mechanisms to prevent these risks; improvement of mechanisms of proper justification of procedural decisions.

**Keywords:** measure; measures of procedural coercion; decision; risk; tactical risk; criminal proceedings.