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The Essence of Legal Nature of Preventive Measures in the Criminal Proceedings of the Juvenile Offenders

This article is devoted to the definition of the essence of effective and reasonable usage of preventive punishment of juvenile offenders (suspected, defendant) by means of the criminal procedure law. As far as the preventive punishment institution is the strictest type of the criminal and commitment enforcement used for the assurance of the successful realization of the prejudicial inquiry and judicial proceeding of the criminal infringement of the law.

Such type of the criminal procedure assurance as preventive punishment in fact doesn't include either punishment facts or state's attitude to the person indeed as a criminal because, according to the resolution of the Constitutional Court of Ukraine, preventive punishment put into practice of the suspect or defendant, isn't by its nature a criminal punishment. According to the Basic Constitutional Rights of Ukraine (article 62 of the Constitution of Ukraine, it is mentioned, that the person is innocent and can't be punished till the guilt of the accused is proved according to the legal order and established by the charge sheet of the court and this means that there is and there must be the Presumption of Innocence Doctrine as a legal guarantor of the democratic state. That's why the preventive punishment can't be observed as a term, it is only a certain limitation of a person suspected of committing a crime, although it is used only by the court.

The preventive punishment by its nature is the enforcement procedure that is applied to the person, when he or she isn't admitted to be guilty. That's why this part of the preventive punishment is empowered to the prejudicial injury institutions, public prosecutors, courts and is responsible for the correct goal and reason's understanding in the certain situation and call for the decision-making concentration.

Keywords: legal nature; preventive measure; criminal proceedings; the presumption of innocence; juveniles; a suspect; an accused.