

Thus, the priorities in the fight against corruption are: 1) Measures of Political Economy (accountability of political leadership, political parties and campaigns financing reform); 2) reform of civil service (adequate salary, motivation policies); 3) civil liberties (the system of social and legal control, as well as influence over politicians by civil society).

### ***Список використаних джерел***

1. Антикорупційне законодавство: міжнародні стандарти та їх запровадження в Україні: метод. посібник / уклад.: В.І. Григор'єв, М.А. Микитюк, Г.О. Гончарук. К., 2013. 92 с.
2. Мельник М.І. Німеччина на шляху боротьби з корупцією // Право України. 1997. № 11. С. 111-115.
3. Предотвращение коррупции на отраслевом уровне в странах Восточной Европы и Центральной Азии (на примере сферы образования, добывающей отрасли и полиции). URL: <https://www.oecd.org/corruption/acn/OECD-ACN-Study-Corruption-Prevention-Sector-Level-2017>.
4. V. Kuzmenko «Foreign anti-corruption experience». URL: <https://www.vkksu.gov.ua/ua/about/visnik-vishoi-kvalifikatsiynoi-komisii-suddiv-ukraini/foreign-anti-corruption-experience/>

***Самборська М.,***

курсант Національної академії внутрішніх справ

***Консультант з мови: Гончаренко Н.І.***

## **DETENTION: CONCEPT, NATURE AND LEGAL REGULATION**

Detention as a precautionary measure constitutes the most significant intrusion in to the sphere of the right guaranteed by the Constitution of Ukraine for freedom and personal inviolability, so it can only be justified for the purpose of protecting even more important social values. International standards of detention enshrined in a number of normative acts ratified by Ukraine. Having examined the latter, DV Kolodchyn proposes to the basic international standards, the observance of which should be ensured in the procedures related to

- the use of detention as a precautionary measure
- the use of detention as an exceptional precautionary measure in cases and in the manner prescribed by law;
- the judicial lawfulness of the taking and detention;
- detention for a reasonable period;
- providing the detained person with access to legal aid [1, с. 4].

Detention is the most severe precautionary measure, and since this precaution substantially restricts citizens' freedom, it should be applied only where other measures are ineffective. According to AL Dahl, the use of a preventive measure in the form of detention is a temporary restrictive measure and should be selected taking into account the presumption of innocence [2, c. 147].

The essence of this preventive measure is the imprisonment of the accused, the defendant, the convicted person and the detention of the pre-trial detention facilities. Detention is the most severe precautionary measure that significantly limits a person's constitutional right to liberty and security of person. Being natural, it must be afforded increased protection in criminal justice and, therefore, may be restricted only by observance of the general principles of law, based on the criteria of reasonableness, necessity and appropriateness. For this reason, detention should be chosen when it is impossible to ensure the proper conduct of the suspect, accused, defendant and the procedural obligations of him by other, more lenient precautionary measures[5, c. 263].

A pre-trial detention measure can not be applied except as follows:  
1) to a person suspected or accused of committing a crime, for which the law provides for a basic penalty of a fine of more than three thousand tax-free minimum incomes,

- only if the prosecutor proves, in addition to there as on provided for in Article 177 of the CPC of Ukraine, that the suspect, the accused has failed to fulfill the duties assigned to him in the application of another precautionary measure, or has failed to comply with the prescribed procedure in accordance with the established procedure, depositing funds as collateral and providing a document confirming it;

2) to a previously convicted person suspected or accused of committing a crime for which the law provides for imprisonment for a term up to three years, unless the prosecutor proves, except for there as on provided for in Article 177 of the CPC of Ukraine, that, while at liberty, the person was hiding from a pre-trial body or a court, obstructing criminal proceedings or being informed of suspicion of another crime;

3) to a previously unconvicted person suspected or accused of committing a crime for which the law provides for imprisonment for a term up to five years – only if the prosecutor, except for there as on provided by Article 177 of the CPC of Ukraine, it will be shown that, while at large, the person was hiding from a pre-trial investigation or court, obstructing criminal proceedings or being informed of a suspected other crime;

4) to a previously unconvicted person suspected or accused of committing a crime for which the law provides for imprisonment for a term exceeding five years;

5) to a previously convicted person suspected or accused of committing a crime for which the law provides for a sentence of imprisonment for more than three years;

6) to a person wanted by the competent authorities of a foreign state for a criminal offense, in connection with which the issue of extradition of a person (extradition) to such state for criminal prosecution or execution of a sentence may be resolved, in the manner and on the grounds provided by the section IX of this Code or international treaty, the consent of which was provided by the Verkhovna Rada of Ukraine [3, c. 567].

Thus, the purpose of the precautionary measure is to ensure the proper course of criminal proceedings, to prevent an delimitate there all and possible obstacles on the part of the suspect (accused) in carrying out this trial, ensuring the participation of the suspect (accused) in the procedural actions in which such participation is required, and his early arrival at the place of their holding, preventing the commission of new crimes by the suspect (accused); also the educational impact on the minor [4, c. 93]. It should be noted that in almost every fifth case the request for pre-trial detention is denied or a milder measure of restraint is applied.

Grounds for the application of pre-trial detention in the form of detention, from a theoretical point of view, should be considered as facts that bind the emergence of the right of authorized persons of the CPC of Ukraine to restrict within the criminal proceedings the constitutional right of the suspect, accused of liberty and personal integrity the use of custody.

#### *Список використаних джерел*

1. Колодчин Д. В. Тримання під вартою як запобіжний захід : автореф. дис. ... канд. юрид. наук : 12.00.09 / Нац. юрид. ун-т ім. Ярослава Мудрого. Харків, 2018. 20 с.

2. Агакерімов О. Н. Значення запобіжного заходу у вигляді взяття під варту та його роль в забезпеченні правопорядку. – Електронний ресурс. – Режим доступу: [http://legalactivity.com.ua/index.php?option=com\\_content&view=article&id=215%3A120222-17&catid=39%3A-5&Itemid=56&lang=ru](http://legalactivity.com.ua/index.php?option=com_content&view=article&id=215%3A120222-17&catid=39%3A-5&Itemid=56&lang=ru)

3. Кримінальний процесуальний кодекс України: Науково-практичний коментар / Відп. ред.: С. В. Ківалов, С. М. Міщенко, В. Ю. Захарченко – Х.: Одиссей, 2013. – 1104 с.

4. Вакуленко О. Ф. Проблеми застосування запобіжних заходів щодо неповнолітніх / О. Ф. Вакуленко // Науковий вісник національної академії внутрішніх справ. – № 1. – 2015. – С. 91–99.