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## **TEMPORARY RESTRICTIONS IN THE USE OF SPECIAL RIGHTS: PROBLEMS OF THEORY AND PRACTICE**

The adoption of the Criminal Procedural Code of Ukraine introduced a number of new institutions, in particular, identify measures to ensure the criminal proceedings, which require practical and scientific processing. One of these measures, which requires an analysis of a temporary restriction in the use of special rights (the right to drive a vehicle or vessel, the right to hunt, the right to carry out business activities), which is applied on the basis of the decision of the investigating judge against the suspect (for extension of time limit, the court the accused), if there are sufficient grounds to believe that the termination of a criminal offense or prevent the commission of another, stop or prevent the wrongful conduct of the suspect with respect to preventing the criminal proceedings, ensure compensation for damage caused by a criminal offense. The use of temporary restrictions in the use of the special law provides for a certain order, in particular, temporary seizure of documents and their storage.

**Keywords:** temporary limitation special law; investigator; Attorney; investigating judge; West provision of criminal proceedings; application; decision.

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## **PROCEDURAL STATUS OF A VICTIM: CHALLENGES AND WAYS OF IMPROVING**

Changes in the criminal procedural legislation that occurred in 2012 in Ukraine, created the necessary prerequisites for the functioning of the legal, social state and enforcement of procedural rights of participants in criminal proceedings. Objects that are taken under the protection of criminal offences with the norms of the CPC are: personality; society; state. The

objects of protection are rights, freedoms and legitimate interests of participants of criminal proceedings. The current criminal procedure code of Ukraine determines the order in criminal proceedings and contains innovations, which, until recently, were not enshrined in the provisions of the criminal procedure law. One of them is the dedication of a separate paragraph of Chapter 3 of the CPC to the victim, which is evidence of self-importance that is given to the victim in criminal proceedings.

In accordance to Art. 55 of the Code of criminal procedure, a victim in criminal proceedings can be a physical person who has been damaged morally, physically or whose property has been damaged by a criminal offence, as well as a legal entity, whose property has been damaged by a criminal offence. They can be citizens of Ukraine, foreigners and persons without citizenship. A legal entity is determined on the basis of the provisions of articles 80–112 of the Civil Code. It is pointed out quite correctly that a legal entity injured by a crime has the right to submit only a civil action for recovery of such damages in criminal proceedings, that is not equal to recognizing it the victim with appropriate legal status. The rights of the victims are significantly wider than the rights of the plaintiff, who has only the right to submit a civil action. So fixing on the constitutional level the equality of all forms of ownership existing today in the criminal procedural legislation in the case of causing damage by the offense, a physical person is more secure than a legal entity because having submitted a civil action, he uses dual legal status of the victim and the plaintiff, while a legal entity under similar conditions has only the legal status of the plaintiff, whose scope of rights is much narrower than the rights of the victim.

It should be noted, that provisions of the current criminal procedure legislation of Ukraine regulating the status of the victim are analyzed, the issues of protection of rights of the victim are discussed, and the ways of its improvement are offered in this article. Domestic and foreign regulatory legal acts of Latvia, Republic of Moldova and Kazakhstan relating to procedural status of the victim are thoroughly analyzed as well.

**Keywords:** procedural status; the victim; the implementation of the right to protection of victims.