Согласно международной практике, Кодекс о правосудии в отношении несовершеннолетних основывается на стандартах и принцыпах, одобренных международными нормами. Целью этого Закона являются защита наилучших интересов несовершеннолетних в процессе правосудия, ресоциализация и реабилитация несовершеннолетних, находящихся в конфликте с законом, защита прав несовершеннолетних потерпевших и несовершеннолетних свидетелей, предупреждение вторичной виктимизации несовершеннолетних потерпевших и несовершеннолетних свидетелей и повторной виктимизации несовершеннолетних потерпевших, предупреждение нового преступления и защита правопорядка.

В Кодексе о правосудии в отношении несовершеннолетних регламентированы специально установленные принципы, которые основываются на наилучших интересах несовершеннолетних, а именно: приоритетность наилучших интересов несовершеннолетних; запрет на дискриминацию; право несовершеннолетних на гармоничное развитие; соразмерность меры, которая применяется в отношении несо-вершеннолетних, совершенному деянию и соответствовать личности, возрасту, образовательным, социальным и другим потребнотсям несовершеннолетнего; приоритетность самого легкого средства и альтернативной меры; содержание под стражей как крайняя мера; участие несовершеннолетних в процессе правосудия в отношении несо-вершеннолетних; недопустимость затягивания процесса правосудия в отношении несовершеннолетних; судимость несовершеннолетних считается погашенной с отбытием наказания, а при условном осуждении – с истечением испытательного срока; защита личной жизни несовершеннолетних; индивидуальный подход к несовершеннолетним; процессуальные права несовершеннолетних [1].

Принятие нового Кодекса о правосудии в отношении несовершеннолетних является весомым шагом в реформировании системы ювенальной юстиции в Грузии и ее законодательства в целом.

ЛИТЕРАТУРА:

1. Кодекс о правосудии в отношении несовершеннолетних от 12.06.2015 № 3708-IIс [Электронный ресурс]. – Режим доступа : https://matsne.gov.ge/ru/document/download/2877281/0/ru/pdf

2. Конвенция о правах ребенка от 20.11.1989 [Электронный ресурс]. – Режим доступа : http://zakon2.rada.gov.ua/laws/show/995_021.

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CRIMINAL JUDICIARY IN SLOVAKIA

In the execution of the judiciary the courts in the Slovak Republic hear and decide criminal matters pursuant to regulations on criminal proceedings [1].[1]Judge is a representative of the judiciary. Jurisdiction of the court is executed by a judge

[1] Act. No. 757/2004 Coll. on courts, Sec. 2 par. 1 letter. b).

in an independent and impartial court separately from other state bodies.[1] Court decision-making is independent and impartial. This is the institutional independence of the courts at all instances from any other bodies, even from superior courts, as well as to the impartiality to the parties to the criminal proceedings. No petition may interfere with in the independence of the courts.[2]

The independence of courts on other branches of state power is a determining feature of the judiciary, which determines the proper performance of its functions. It presupposes the existence of constitutional and other guarantees that protect courts and judges from duress and influence from other branches of state power, but also from the influence of the judicial system itself. However, the constitutional principles of the independence of courts and judges cannot be separated because the independence of the judiciary is a prerequisite for the independence of judges.[3]

The decision-making activity of the courts in the Slovak Republic is governed by the Constitution of the Slovak Republic (Ch. 7, Sec. 2. Specif., Art. 142), which states that the courts shall decide in civil and criminal matters; the courts shall also examine the legality of decisions of the public authorities and the legality of decisions, measures or other interventions by public authorities, if so provided by law.[4] The system of courts comprises of the Supreme Court of the Slovak Republic and other courts.[5] More detailed regulation of the role and tasks of courts is included in the Act No. 757/2004 Coll. on courts, Act No. 385/2000 Coll. on judges and lay judges, Act No. 549/2003 Coll. on court officers, Act No. 371/2004 Coll. on seats and districts of courts of the Slovak Republic and Act No. 291/2009 Coll. on Specialized Criminal Court.[6]

The purpose of the independence of the courts is to ensure that they are in a position corresponding to their role in the rule of law, both in relation to other state bodies and in relation to entities subject to their jurisdiction (vertical level). In general, the notion of the independence of the courts may be characterized by the fact that the decision-making process as well as the decisions of courts themselves take place without any legal or factual influence on the exercise of their competence; the independence of judges means that they are not subject to anybody else in the performance of their functions. The independence of the judiciary and the independence of judges are therefore connected with the fulfilment of those tasks conferred on them by the Constitution of the Slovak Republic in the rule of law. Legal guarantees of judicial and judiciary independence usually do not form a coherent system but they are a part of legislation of a different kind in each country (Constitution of the SR, law). In principle, they may be divided into guarantees securing the institutional independence of the judiciary as a whole, individual courts and judges (in the sense that they do not have to be subordinated to any other component of state authority) , furthermore so-called procedural guarantees for the independence of judges arising directly from procedural regulations, such as the principles of the publicity of court hearing, the verbalisation, directness of the free assessment of evidence, and finally the so-called personal guarantees of judicial independence (functional

[1] Act. No. 385/2000 Coll. on judges and lay judges, Sec. 2 par. 2 letter. b).
[2] IVOR, J., POLÁK, P., ZÁHORA, J.: *Trestné právo procesné I.* Bratislava, Wolters Kluwer, 2017, pg. 136.
[3] ČENTÉŠ, J. et al.: *Trestné právo procesné. General part.* Šamorín: Heuréka, 2016 pg. 88.
[4] Act No. 460/1992 Coll. - Constitution of the Slovak Republic, Article 142 par.1
[5] Act No. 460/1992 Coll. - Constitution of the Slovak Republic, Article 143 par.1
[6] IVOR, J., POLÁK, P., ZÁHORA, J.: *Trestné právo procesné I.* Bratislava, Wolters Kluwer, 2017, pg. 136.

stability, non-transferability during the term of office), manner of their appointment to office, incompatibility of the function of judge with other functions, remuneration and social security of judges corresponding to the nature and importance of their activities,[1]

The principle of the independence of the judiciary is one of the essential features of the democratic state and the rule of law (Art. 1 par. 1 of the Constitution of the SR) resulting from the neutrality of judges as a guarantee of fair, impartial and objective judicial proceedings. This principle contains a number of aspects to create prerequisites for courts to be able to fulfil their roles and responsibilities, in particular, to protect the fundamental rights and freedoms of citizens.[2]

Impartiality may be subjective or objective. Subjective impartiality is a mental category expressing the inner mental relationship of the judge to the present case in a broader sense, the relationship with the subject matter, parties to proceedings, their legal representatives, etc., which the judge himself is able to consider. Subjective impartiality is presumed until the opposite is proven, generally assessed by the judge's behaviour. Objective impartiality is not assessed by the judge's subjective opinion but in accordance with the objective criteria. The judge may make a subjective decision with absolute impartiality, but his impartiality may be subject to legitimate doubts with regard to his status or functions he performed in the case. The theory of delusion is applied right here, pursuant to which it is not enough that the judge is subjectively impartial, but shall also appear objectively as such in the eyes of the parties, while the meaning itself might be delusive. It may be emphasized that justice shall not only be provided, but shall also appear to be provided.[3]

In proceedings before a court the Chairman of a Panel or court shall decide not only about all apprehending operations and on executing evidence but also whether they shall request information that is subject to trade secret, bank secret, tax secret or data from the records of booked securities, and in pre-trial proceedings on apprehending actions and on executing the evidence except decisions falling within the jurisdiction of a prosecutor.

The system of courts in criminal cases consists of: a) district courts (54), b) regional courts (8), c) Specialized Criminal Court, d) Supreme Court.[4]

The decision-making process of the courts of the Slovak Republic is not ivided only pursuant to the district of the court system, but also pursuant to the individual procedural stages. Thus, in the hierarchy of courts, the power to decide in selected procedural acts is being divided as well.

In court proceedings, a Panel, single judge or judge decide on the pre-trial.

Lay judges from the public participate alongside with judges in the Panel at the first instance in the District Court. The Chairman of the Panel, single judge or judge for the pre-trial may only be a judge[5] The citizen of the Slovak Republic who who may be elected to the National Council of the Slovak Republic, has reached the age of 30, has a university degree in law and fulfils the prerequisites of the judge's competence, which guarantee that they will perform the function of the judge properly, may be appointed a judge. Further prerequisites for an appointment

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[1] ČENTÉŠ, J. et al.: *Trestné právo procesné. General part.* Šamorín: Heuréka, 2016 pg. 88 - 89.
[2] ČENTÉŠ, J. et al.: *Trestné právo procesné. General part.* Šamorín: Heuréka, 2016 pg. 89.
[3] ČENTÉŠ, J. et al.: *Trestné právo procesné. General part.* Šamorín: Heuréka, 2016 pg. 89.
[4] ČENTÉŠ, J. et al.: *Trestné právo procesné. General part.* Šamorín: Heuréka, 2016 pg. 91.
[5] OLEJ, J., ROMŽA, S., ČOPKO, P., PUCHALA, M.: - *Trestné právo procesné*. Košice: UPJŠ 2012, pg. 37.

of a judge and their functional advancement as well as the extent of the immunity of judges shall be stipulated by law.[1]

The organization of criminal justice has undergone substantial changes in Slovakia. The new criminal codes effective until 1 January 2006 have brought, inter alia, changes in the organization of the criminal justice system. Today it is possible to investigate the strict specialization of criminal justice, since the quality of crime is relatively specific and sophisticated today. It may be worth considering for the future the need for small courts. At such small courts with a number of judges around 8 to 9, it is not possible to objectively ensure strict specialization on just one type of agenda. This is ultimately the cause of the damage. It will also be necessary to consider the need or need for the prosecution of the criminal proceedings and their legal framework when taking part in evidence.[2] Certainly, it will be necessary to mitigate the action District Courts in the seat of Regional Court with the Specialized Criminal Court because their agenda is quite often similar, but the legal status is different.

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ВИСНОВОК ЕКСПЕРТА ЯК ДЖЕРЕЛО ДОКАЗІВ. КРИТЕРІЇ ТА ОСОБЛИВОСТІ ЙОГО ОЦІНКИ

Судова експертиза є найбільш вагомою та кваліфікованою формою використання спеціальних знань у процесі доказування обставин злочину.

Питання оцінки висновку експерта як процесуального джерела доказів розглядали в своїх роботах такі вчені як: Р.С. Бєлкін, А.І. Вінберг, О. О. Волобуєва, В.Г. Гончаренко, О.О. Ейсман, Н.І. Клименко, І. Л. Петрухін, С.М. Строгович, Л.Д. Удалова та ін.

Сучасний КПК України, закріплюючи засаду змагальності, наділив правом звернення сторін кримінального провадження (або за дорученням слідчого судді чи суду) до експертної установи або експерта для проведення експертизи, якщо для з’ясування обставин, що мають значення для кримінального провадження, необхідні спеціальні знання (ч. 1 ст. 242 КПК). Отже, кожна сторона кримінального провадження має право надати суду висновок експерта, який грунтується на його наукових, технічних або інших спеціальних знаннях (ч. 2 ст. 101 КПК) [1].

Відповідно до ч. 1 ст. 69 КПК експертом у кримінальному провадженні є особа, яка володіє науковими, технічними та іншими спеціальними знаннями, має право на проведення експертизи і якій доручено провести дослідження об’єктів, явищ і процесів, що містять відомості про обставини вчинення

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[1] Act No. 460/1992 Coll. - Constitution of the Slovak Republic, Article 145 par.2

[2] Today, the law in force says that if the Senate changes (as well as from the people), it is necessary to inform the accused and allow him to repeat all the evidence in the main hearing, which in the end is only a lengthy process.