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DETENTION AS A TEMPORARY PREVENTIVE MEASURE

The Constitution of Ukraine fixes the basic principles of creation, development and consolidation of a democratic, legal and social state, according to which a human, his/her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value. However, at the same time representatives of the judiciary are empowered to apply measures of criminal-procedural coercion, which are intended to create an effective mechanism for review and resolution of the case. Detention is one of such measures and has a temporary character [1].

According to Article 176 of the Criminal Procedure Code of Ukraine (CPC) detention is a temporary preventive measure, which may be applied for the reasons and in the order clearly defined in the CPC. Detention may be carried out on a suspected or accused person upon the decision of the investigating judge or court by an authorized official, as well as in precisely established cases by anyone who is not an authorized officer.

The reason for the application of a preventive measure is the existence of a reasonable suspicion that the criminal offense was committed by the person, as well as the presence of risks which give sufficient grounds to the investigating judge, the court to consider that the suspect, the accused, the convict may carry out the actions provided by Article 177 [2].

The aim of this measure is to find out whether the detainee was involved in committing the crime or not. The detention of a suspect excludes the possibility for him/her to escape from inquiry, pre-trial

investigation or trial, to continue criminal activity, to threaten the participants in the process, to interfere otherwise in criminal proceedings [3, p. 11].

According to our criminal procedural law six types of detention are set:

– detention of the suspect, accused, witness by the investigating judge's decision or court in order to drive participation in the conduct of proceedings during the preliminary investigation or proceedings, if their participation is mandatory and they did not come for call of the investigator or the court without good reason;

– detention of the suspect, accused by the decision of the investigating judge, the court, if to one of them the preventive measure not related to detention should be applied;

– the lawful detention in precisely specified circumstances without approval of the investigating judge or the court;

– detention without approval of the investigating judge or the court in precisely specified circumstances by an authorized official;

– the detention of deputies, judges and other persons specified by Art. 480 of the Criminal Procedure Code of Ukraine;

– detention of a person who committed a criminal offence beyond boarders of Ukraine.

All these types of detention differ in the subjects of their implementation, the grounds and procedural order [4, p. 86].

Equally important from a legal point of view is the question of the lawful, timely and reasonable release of a person from custody. According to Article 191 of CPC a person detained by the investigating judge's decision or the court must be released or delivered to this investigating judge, court in 36 hours from the moment of detention. Article 202 enlists other circumstances when a person has to be released from custody by the investigating judge's decision. The term of detention without investigating judge's or court's decision may not be longer than 72 hours [2].

Despite the short duration of detention, it also remains one of the most severe preventive measures. That's why in every case detention must be legal and motivated, and necessary according to the circumstances which were the reason for applying this measure. At the same time statistics shows that violation of human rights during detention is a systematic problem in Ukraine. The most common are: detention without legal reason, violation of

the terms of detention, violation of the right to protection, detention without drafting of a protocol of detention etc. It means that the institute of detention is not perfect yet and needs to be changed and improved in the nearest future [5, p. 324].

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THE LEGAL BASIS FOR DECENTRALIZATION IN UKRAINE

Today it is possible to state that in the majority of local communities of Ukraine the issues of local significance are unsatisfactory. A large number of local communities are declining, especially in rural areas and small towns. The active part of the population migrates to bigger cities, more developed regions and even other countries. Therefore, we consider it is necessary to reveal the relevance of decentralization in our time.

The aim of the thesis is to explore the legal framework for decentralization in Ukraine. To highlight the goal we set the following **objectives**:

– to identify the reasons for decentralization in Ukraine;

– to consider laws passed by the Verkhovna Rada;