

ABSTRACTS

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CORRELATION BETWEEN PROTECTION AND LEGAL ASSISTANCE IN CRIMINAL PROCESS

The article deals with the concept of protection and legal assistance to be carried out during the criminal proceedings. The author analyzes the meaning of protection and legal aid on the basis of which concluded that the concept of protection is somewhat narrower in content to the concept of legal aid.

The concept of defense in criminal proceedings author proposes to consider it in three ways:

- protection as a function of Criminal Procedure (main line of criminal procedure of the suspect, the accused (defendant) protection function, etc.);
- protection as a form of law enforcement that somehow implemented during criminal proceedings (protection of rights and legitimate interests of all who need it, the protection of personal data, information, security, etc.);
- providing legal aid lawyer witnesses, victims and others, sometimes (not very successfully) called protection.

The concept of «legal aid», according to the author, is the notion of a broader content than the concept of «protection».

It is concluded that the concept of legal aid covered all the diversity of the lawyer who can act as the side of the defense, helping the suspect or the accused (defendant), and on the side of the prosecution, making legal aid to the victim, which makes the charge, as well as providing legal assistance to other members of the criminal proceedings (witnesses, civil plaintiff, civil defendant, etc.).

The author concludes that it is justified to use the term «legal aid» for the disclosure of the contents of any kind of advocacy, as observed in the CCP and literature.