

Dmytro Kastarnov – Post-Graduate Student of the Department of Criminal Proceedings of the National Academy of Internal Affairs

The Circumstances which Characterize the Personality of the Accused in Criminal Proceedings Legislation of Foreign Countries

In the Criminal Proceedings Legislation in Europe, in the US and in the former Soviet Union a legislator must specify the object of proof in general and discover the circumstances that characterize that the particular accused person has both common and distinctive features. The common aspect lies in the fact that these circumstances are considered important and are established as evidence in any proceeding, excellent - isolated as a separate legal norm (usually part of it) and content specified circumstances that characterize the identity of the accused, and the conditions of admissibility of the evidence. These approaches are explained by legal traditions and experience in law enforcement activity. In Europe this approach may be noted as forming the object of proof, focusing on the task of criminal

proceedings directly, without additional corrections, clarifications. The countries of the Anglo-Saxon legal family define signs of evidence as a separate branch that determines the specificity of proof. In criminal procedural law of the former Soviet Union there is a legal tradition to identify and specify the object of proof with simultaneous borrowing of certain provisions on the content and structure of the legal provisions of legislation of foreign countries.

Keywords: identity of the accused; the circumstances that characterize the identity of the accused; subject of proof; criminal proceedings abroad.