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Term «purpose» as Philosophical and Pragmatic Reference at Criminal Proceedings

There are incorrectly used examples of «purpose» and «task» categories in the article based on the scientific analysis of certain norms of the Ukrainian Criminal Procedure Code. Also the methodological recommendations are formulated in order to prevent these discrepancies.

The attention is drawn to the fact that some shortcomings are of methodological nature and also of partially technical and legal one. Although the attempts to define the purpose of some individual institutions and procedural actions at CPC are pretty clear, sometimes the meanings of «purpose» and «task» are equalized. Often the purpose of individual institutions and proceedings is not defined at all. Sometimes the Clause title declares about the purpose, but it is not defined as such. Sometimes the content of this definition clearly indicates that it is not about the purpose, but about the task. Sometimes the Clause title is not identifying the purpose, but it is determined in part 2, not in part 1 of the Clause. There are cases when the official definition of the purpose is controversial.

So we justify the following conclusions: 1) the reason for errors in usage of these categories is that lately the investigation of this issue was not paid enough attention. These problems have not attracted the scientists' attention lately. The previous research of this topic was handled inconsistently and contradictory by them; 2) the terms «purpose» and «task» should not be identified because the purpose is a mentally predictable and expected result of a specific activity and task is what you do to achieve it; 3) as «purpose» and «task» terms are always the elements of a certain system, which is the purposeful activity, their value is of a dialectical nature; 4) in order to correctly

determine the «purpose» and «task» terms while implementing them at jurisdiction, the special requirements should be met.

It is proved that today the purpose of criminal proceedings is not generally defined, and the purpose of some of its institutions and proceedings is not defined properly neither in legislation nor on the theoretical level. But they are hierarchically arranged though. Thus, the purpose of criminal proceeding is achieved by solving its tasks, which is formulated at Clause 2 of CPC. And this purpose achievement becomes a general means of purpose achievement of the whole jurisdiction. In turn, the realization of the justice purpose becomes a means of achieving a higher level purpose for the whole country and society itself, in particular the justice system.

Keywords: purpose; task; criminal proceeding; evidence; investigating actions.