

# THE STATE OF SCIENTIFIC DEVELOPMENT OF THE PROBLEM OF HUMAN RIGHTS COMMUNICATION OF THE VICTIM IN CRIMINAL PROCEEDINGS IN UKRAINE

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**Abstract.** The article examines the state of scientific development of the problem of human rights communication of the victim in the criminal proceedings of Ukraine.

According to Article 2 of the Criminal Procedure Code of Ukraine, the primary task of criminal proceedings and the essence of the criminal procedure are the protection of the victim, their rights, freedoms, and legitimate interests. The right of the victim to human rights communication is understood as the possibility provided by the criminal procedural law for the victim, their representative, legal representative, or successor to receive information about criminal proceedings, exchange information about the state of criminal proceedings, and influence criminal proceedings in order to protect and restore the violated rights, freedoms, and legitimate interests of the relevant participant in criminal proceedings. The problem of human rights communication of the victim is intended to thoroughly and holistically integrate numerous aspects related to the protection of the rights and legitimate interests of the victim. It also strives to direct new impulses of scientific research in the field of protection of victim rights to the improvement of the mechanism for the implementation of relevant rights in the adversarial criminal process based on a victim-centered approach.

This article examines the issues that have not been raised in scientific works yet but are essential for criminal procedure theory and law enforcement. The article emphasizes that it is relevant to substantiate and study the victim's right to procedural communication and the concept of human rights communication of the victim in criminal proceedings. It also highlights communicative equality as a fundamental value, which permeates the rules of criminal law and procedure, the criminal procedure activity of the victim, and communication guarantees and barriers that contribute to or interfere with the latter.

**Keywords:** criminal proceedings, victim, representative of a victim, protection of victim's rights, criminal procedure communication, human rights communication, scientific development.

## **INTRODUCTION**

The legislator adopted the current Criminal Procedure Code of Ukraine in 2012, which did not refer a victim to the prosecution exclusively but defined a victim as an independent participant in criminal proceedings. Thus, § 4 of Chapter 3 of the Criminal Procedure Code of Ukraine regulates the participation in criminal proceedings of such participants as victims and their representatives.

Pursuant to Part 1 of Article 55 of the Criminal Procedure Code of Ukraine, a victim in criminal proceedings may be a natural person, who has sustained moral, physical, or material damage as a result of a criminal offense, as well as a legal entity that has sustained material damage as a result of a criminal offense. A victim in criminal proceedings may also be a bond issue administrator, who has sustained material damage as a result of a criminal offense and who, in accordance with the provisions of the Law of Ukraine "On Capital Markets and Organized Commodity Markets," acts in the interests of bondholders.

The authors of this article believe that modern doctrinal evolution and the practical application of the law of criminal procedure make it possible to conduct a relevant discussion about the formation and existence of another "image of a victim" in criminal proceedings. This image differs from the one to which scientists and practitioners in this field are accustomed. This image should not be perceived as a victim who constantly undergoes secondary victimization but as an independent participant in criminal proceedings. The procedural status of such a victim should ensure the efficient protection of their rights and legitimate interests and endows them with effective rather than declarative procedural mechanisms for exercising their rights in criminal proceedings. Given the above, it is necessary to develop appropriate amendments to the law of criminal procedure in the same direction that could contribute to the fulfillment of the tasks of criminal proceedings.

## **MATERIALS AND METHODS**

The methodological framework for studying the current state of scientific development of the problem of human rights communication of a victim in criminal proceedings in Ukraine involves a set of philosophical, general scientific, and special scientific methods of cognition. The authors of this article applied the methods of philosophical dialectics to clarify the essence of

human rights communication of the victim in criminal proceedings through interrelations and interdependencies between state-legal phenomena and public life in the context of the knowledge of the communicative paradigm of criminal procedure reality based on the criminal procedure doctrine. These methods were also used to examine the concept of communication in the law of criminal procedure.

A systematic approach, as well as analysis and synthesis, made it possible to analyze scientific works in the field of enforcement of victim rights in criminal proceedings and draw appropriate conclusions.

The authors of this article used the hermeneutic method to analyze the law-enforcement interpretation of particular rules of criminal law and procedure regulating a victim's right to procedural communication.

Asociological method helped the authors to clarify individual issues under the study. The questionnaire was addressed to scientists, practitioners, and victims in criminal proceedings. Thus, the questionnaire involved investigators of the Investigation Department of the Main Directorate of the National Police of Ukraine in Odesa Oblast (31 people), investigators of the Department for Investigation of Crimes in the Field of Transport of the Main Directorate of the National Police of Ukraine in Odesa Oblast (19 people), investigators of the Investigation Department of the Main Directorate of the National Police of Ukraine in Zhytomyr Oblast (7 people), victims (36 people), and academic staff (50 people). According to the results of the questionnaire, the current state of the enforcement of victim rights in criminal proceedings is assessed as follows: 1) critical, the rights are insufficiently secured (58%); 2) the rights are partially secured, the mechanism for implementing certain victim rights is not provided by the Criminal Procedure Code (36%); 3) excellent, the rights are fully secured (6%). 95 % of respondents agreed on the need to recognize a victim as a subject of the right to free legal assistance in criminal proceedings if a victim is unable to or express a desire to involve a representative or if the investigator, prosecutor, investigating judge, or the court comes to such a conviction, pointing out, in particular, the need to clearly define the cases of providing such legal assistance to the victim of a criminal offense in the law.

## **RESULTS AND DISCUSSION**

The study of the problems related to the protection of the rights, freedoms, and legitimate interests of a victim in criminal proceedings would be impossible without a doctrinal framework. Furthermore, the interdisciplinary nature of the problem of human rights communication of a victim requires analyzing scientific works in the field of philosophy of law, theory of state and law, constitutional law, criminal law, the law of criminal procedure, and psychology. Therefore, the doctrinal framework of this study is the works by such scientists as S. Ye. Ablamskyi, Yu. I. Azarov, Yu. P. Alenin, N. R. Bobechko, V. V. Vapniarchuk, V. V. Vvedenska, V. K. Voloshyna, L. A. Harbovskyi, O. P. Herasymchuk, I. V. Hloviuk, V. V. Honcharov, K. V. Horobets, M. I. Hoshovskyi, O. V. Hryshchuk, Yu. M. Hroshevyi, Yu. O. Hurdzhi, L. M. Hurtiieva, V. M. Husarov, S. V. Davydenko, O. H. Danilian, H. V. Didkivska, I. V. Dubivka, V. V. Dudchenko, V. S. Zelenetskyi, H. T. Iskenderova, D. Yu. Kavun, O. V. Kaplina, K. Yu. Karmazina, T. S. Kyrylenko, O. Yu. Kostiuhenko, N. M. Krestovska, O. V. Krykunov, A. P. Kripak, O. M. Krukevych, S. A. Krushynskyi, R. O. Kuibida, O. P. Kuchynska,

O. V. Lytvyn, T. V. Lukashkina, T. V. Matiiak, O. M. Martynov, N. V. Mykhailova, M. M. Mykheienko, I. Yu. Miroshnykov, A. V. Murzanovska, V. T. Nor, T. V. Omelchenko, O. M. Osinska, M. A. Ostrovska, T. I. Pashuk, S. I. Perepelytsia, D. P. Pysmennyi, M. A. Pohoretskyi, V. H. Pozhar, P. M. Rabinovych, M. V. Senatorov, D. B. Serhieieva, O. F. Skakun, M. I. Smyrnov, O. O. Solonova, I. I. Tataryn, I. A. Titko, M. I. Tlepova, A. S. Tokarska, S. V. Tolokolnikov, V. V. Topchii, O. O. Torbas, V. M. Trofymenko, V. O. Tuliakov, O. Yu. Khablo, A. V. Khammudi, Yu. Yu. Tsymbal, M. I. Shevchuk, V. P. Shybiko, O. H. Shylo, O. K. Chernovskyi, D. V. Yahunov, O. H. Yanovska.

The protection of a victim's rights and legitimate interests in criminal proceedings was actively studied in the doctrine before the Criminal Procedure Code of Ukraine was adopted and after it entered into force. The number and depth of scientific works and discussion on the studied subject area indicate the extreme relevance of the issue of a victim's procedural status in Ukraine and the presence of numerous problems of theoretical significance and legal regulation, which still require comprehensive solutions.

The authors of this article classified the works of scientists-practitioners who touched upon the problems of criminal procedure communication of a victim according to research directions in the issue of protecting victim rights in criminal proceedings. The classification is as follows:

Scientific works that examine the issue of granting a victim the right to professional legal assistance, in particular, free legal assistance (S. Ye. Ablamskyi, V. V. Vvedenska, V. K. Voloshyna, O. P. Herasymchuk, M. I. Hoshovskyi, Yu. M. Hroshevyi, I. V. Dubivka, H. T. Iskenderova, D. Yu. Kavun, O. Yu. Kostiuhenko, O. V. Krykunov, O. M. Krukevych, O. P. Kuchynska, T. V. Omelchenko, O. M. Osinska, M. A. Ostrovska, O. O. Solonova, M. I. Tlepova, V. P. Shybiko) (Ablamskyi, 2015; Vvedenska, 2009, 2013; Voloshyna, 2018; Herasymchuk, 2008; Herasymchuk, 2011; Hoshovskyi, 1998; Hroshevyi, 1998; Dubivka, 2017; Iskenderova, 2016; Kavun, 2017; Kostiuhenko, 2006; Krykunov, 2001; Krukevych, 2017, 2018; Kuchynska, 1998; Omelchenko, 2004; Osinska, 2016; Ostrovska, 2018; Solonova, 2015; Tlepova, 2016; Shybiko, 2013).

Scientific works that analyze the issue of law-enforcement interpretation of rules of criminal law and procedure (O. V. Kaplina) (Kaplina, 2008, 2009).

Scientific works that study a victim's right to compensation for damage caused by a criminal offense (H. V. Didkivska, O. M. Ovcharenko, Yu. I. Azarov, D. P. Pysmennyi, O. Yu. Khablo, I. I. Tataryn, M. A. Pohoretskyi, D. B. Serhieieva) (Didkivska, 2018; Ovcharenko, 2015; Azarov, Pysmennyi, Khablo, 2014; Tataryn, 2015; Pohoretskyi, Serhieieva, 2017).

Scientific works that study the theory and methodology of the legal protection of a person in criminal proceedings (Yu. O. Hurdzhi) (Hurdzhi, 2008, 2010);

Scientific works that comprehensively analyze the procedural status of a victim as a participant in criminal proceedings (I. V. Hloviuk, V. H. Pozhar, O. P. Kuchynska, H. V. Didkivska, Yu. O. Hurdzhi, O. O. Torbas, M. I. Tlepova, V. V. Vvedenska, O. M. Osinska) (Hloviuk, 2013, 2014, 2015, 2016, 2017, 2018, 2021; Pozhar, 2010, 2013; Kuchynska, 2009, 2017; Didkivska, 2018; Hurdzhi, 2008; Torbas, 2021; Tlepova, 2016; Vvedenska, 2009; Osinska, 2016).

Scientific works that examine the features of the protection of victim rights and legitimate interests in criminal proceedings in the form of a private prosecution (S. V. Davydenko, I. V. Hloviuk, M. I. Smyrnov, S. I. Perepelytsia,

I. A. Titko, O. H. Yanovska, S. A. Krushynskiy) (Davydenko, 2012, 2014; Hloviuk, 2013; Smyrnov, 2013; Perepelytsia, 2014; Titko, 2016; Yanovska, 2013; Krushynskiy, 2015).

It should be noted that legal communication in the context of postclassical legal understanding was the subject of the PhD thesis by A. S. Tokarska (Tokarska, 2008). The researcher analyzed the interdependence of law and communication and thus actualized the need to develop and institutionalize a special branch of law. This special branch of law is communicative law, which covers extralegal relations and legal communication. The researcher substantiates the foundation of the right to communication, which is the communicative rights and obligations of participants in the communicative process, taking into account the system of legal rules. These rules provide for the boundaries of legal regulation of interrelations between the implementation of the sovereign right of a person and their autonomy and mutual responsibility for the consequences of communication. The researcher formed the fundamentally important maxims of legal communication standardization and determined the guarantees for an effective legal mechanism for ensuring criminal procedure communication that was strategically coordinated within the law.

The studies on the human rights communication of a victim in criminal proceedings by A. S. Tokarska are essential for determining the concept and meaning of criminal procedure communication. Furthermore, these studies help develop the main theoretical issues and enforcement mechanisms for ensuring victim rights and legitimate interests through their human rights communication during the criminal procedure.

K. V. Horobets (Horobets, 2012) highlighted the communicative nature of recognition and acceptance of legal values in the research. The researcher noted, "normativity can exist in the form of a norm itself, which is perceived as an interpersonal communicative act that contains a prescription and presupposes the active or passive behavior of its addressee."

It is necessary to single out the research by O.P. Kuchynska among the scientists who dedicated their works to the issue of granting a victim the right to professional legal assistance. The researcher studied the problem of implementing victim rights in the criminal procedure of Ukraine. The research by Kuchynska has numerous significant provisions that can increase the level of criminal procedure communication of a victim. Thus, the researcher suggested cases when legal assistance should be provided to victims in a mandatory manner and at the expense of the state. The list of these cases is as follows: 1) the prosecutor refuses to support the state prosecution (a representative is provided to a victim at their request); 2) the victim is a juvenile (legal assistance is provided from the moment of committing an offense against them); 3) the victim has physical or mental disabilities that prevent sufficient unassisted protection of their rights; 4) the victim does not speak the language of the criminal proceedings; 5) in all cases of intentional homicide.

M. I. Hoshovskyi and O. P. Kuchynska indicate that the law of criminal procedure should be amended with the following rules: a) grounds and procedure for the mandatory participation of a representative of an incapacitated or partially incapacitated victim; b) grounds and procedure for a representative to participate in a case on behalf of a victim throughout the proceedings or during particular investigative or judicial procedures;

c) grounds and procedure for the suspension of a legal representative from participation in the case and the replacement by a lawyer representative.

S. Ye. Ablamskyi studies the protection of victim rights and legitimate interests in criminal proceedings and comes to conclusions that are essential for improving the criminal procedure communication of a victim. Thus, the researcher notes that the participation of a victim's representative in criminal proceedings is mandatory and is ensured in the following cases: 1) if a criminal offense caused the death of a person, and the procedural rights applied to their close relatives or family members (as from the date of death of a person and filing an application by such persons to be engaged in the proceedings as a victim); 2) if a victim is incapacitated or partially incapacitated (as from the date on which a person is determined to be incapacitated or partially incapacitated); 3) if a victim is a juvenile (as from the date on which a person is determined to be a juvenile or doubts about the age of such a person arise); 4) if a victim has mental or physical disabilities that make it difficult to fully exercise their procedural rights (as from the date on which the fact of such disabilities is established); 5) if a victim does not speak the language of the criminal proceedings (as from the date on which such a fact is established); 6) if security measures are taken for a victim (as from the date on which such measures are taken); 7) if a legal entity is recognized as a victim, which is limited in a legal capacity in the manner prescribed by the current legislation (as from the date on which such a fact is established); 8) if a victim and a suspect agree on the conclusion of a settlement agreement (from the date on which such an agreement is reached); 9) if a prosecutor refused to support the state prosecution in court, and the victim expressed the desire to support it (as from the date on which a prosecutor refused to support the state prosecution, and the written consent from a victim to support it was obtained).

D. Yu. Kavun studied the criminal procedure mechanism for ensuring victim (natural person) rights in the pre-trial investigation. This study is essential in the context of the human rights communication of a victim. Thus, the researcher defined the concept of the criminal procedure mechanism for ensuring the rights and legitimate interests of a victim (a natural person) in the pre-trial investigation. Furthermore, D. Yu. Kavun determines that the participation of a representative of a victim (a natural person) is mandatory in criminal proceedings in the following cases:

- a criminal offense has been committed against a person who is under the age of 18 years;
- a criminal offense has been committed against a person who is recognized to be incapacitated or partially incapacitated;
- a criminal offense has been committed against elderly persons (over 70 years) or persons who cannot exercise their rights to the full extent due to mental or physical disabilities (blind, deaf, dumb, etc.);
- a criminal offense has been committed against a person who does not speak the language of the criminal proceedings;
- a criminal offense caused the first- or second-degree disability of a person against whom it was committed;
- persons are engaged in criminal proceedings as successors due to the death of a victim caused by a criminal offense committed;
- a person cannot involve a lawyer representative in criminal proceedings at their expense for financial and other objective reasons but files a request to do so.

M. I. Tlepova determines in the PhD thesis, "Procedural status of a victim during the pre-trial investigation," that the participation of a lawyer-representative of a victim should be recognized as mandatory in the following cases: 1) when a victim is a juvenile who has no legal representatives; 2) when a victim is a person who has mental or physical disabilities that complicate the performance of the procedural functions assigned to them; 3) when a victim does not speak the language of the criminal proceedings.

O. M. Krukevych dedicated the PhD thesis to the examination of the administration of justice in criminal proceedings with the participation of juveniles. The researcher suggests that the law should stipulate the cases of mandatory participation of a lawyer-representative in criminal proceedings to protect the rights and legitimate interests of a juvenile victim.

It is necessary to consider such works by O. V. Kaplina as "Law enforcement interpretation of the rules of the criminal law and procedure" and "Law enforcement interpretation of rules of the criminal law and procedure by the court." These works reveal the significance of the law enforcement interpretation of particular rules governing a victim's right to procedural communication in criminal proceedings. The researcher defines the law enforcement interpretation of the rules of criminal law and procedure as the intellectual and volitional activity of the subjects of interpretation. Such activity should clarify the meaning of the rules conditioned by modern social needs and explain the information learned and objectified in the interpretative act. Interpretation is necessary to fill the gaps in the regulation of criminal procedure and resolve the conflicts of law that may arise.

The authors of this article highlight the importance of law enforcement interpretation of particular criminal procedure rules that regulate a victim's right to procedural communication in criminal proceedings. Furthermore, it is necessary to indicate the advantages of a dynamic approach to the interpretation of the criminal procedure rule. The need for such an interpretation is conditioned by the following reasons: gaps, conflicts of law, evaluative concepts, and legal and technical errors in criminal law and procedure; problems concerning the degree of legal regulation of the compositional structure of the criminal procedure rule; issues related to the structural linguistic elements of the criminal procedure rule that regulates a victim's right to procedural communication in criminal proceedings.

H. V. Didkivska dedicated the monograph to the international experience of the legal status of a victim in criminal proceedings. The researcher notes that the most important right of a victim is the right to compensation for damage caused by a criminal offense, provided for by the current Criminal Procedure Code of Ukraine. Didkivska has developed suggestions on the model of the State Fund for Assistance to Victims of Criminal Offenses, which can be created as a special-purpose fund, a legal entity, that has an independent balance sheet or other accounts in banking institutions, bank details and symbols, and territorial and internally organized structure. The researcher believes it is necessary to establish the maximum amount to be compensated and the minimum damage caused that entitles a victim to the right to apply to the Fund. At the same time, the payment queues should be established at each appeal in inverse proportion to a victim's financial condition. It is advisable to distinguish between two types of cases when the compensation for damage is paid. In the first case, the crime is solved, and 50% of the due amount is

paid to a victim at once. A victim will be compensated the remaining amount within the next two years. In this case, the grounds for payment are a victim's application to the Fund and the court verdict. In the second case, the crime is not solved, and a victim receives 50% of the due amount on a lump sum basis. However, the payment of the remaining amount is made within two years after a guilty person is identified. If the proceedings in a case are terminated, a victim has the right to file a civil claim for compensation by the state for the damage caused. In this case, the grounds for compensation are a victim's application to the Fund, the decision to terminate the proceedings in a case, and the relevant court judgment.

Yu.I. Azarov, D.P. Pysmennyi, and O.Iu. Khablo note that only material damage should be compensated at the expense of the state. The material damage involves funds spent on restoring a victim's health. In the case of the death of a victim, the material damage involves funds spent on funerals and payments for the maintenance of minor children and unemployed members of a victim's family.

Yu. O. Hurdzhi studied the issues of theory and methodology of the legal protection of a person in criminal proceedings in Ukraine. The researcher justifies the provision, which is valuable for the problem of human rights communication of a victim. Thus, the researcher argues that the following legal remedies make it possible to achieve human rights goals in criminal proceedings: those that ensure the operation of the court, the procedural form as a remedy for human rights infringements, and a socially acceptable way for resolving a criminal conflict; those that ensure the operation of the legal protection mechanism as one of the main tasks of criminal proceedings; those that ensure the operation of the protection mechanism as one of the primary functions of criminal procedure. Yu. O. Hurdzhi considers the multilevel nature of the purpose of human rights protection and emphasizes the importance of parity in the procedural capacity of subjects, which necessarily implies a balanced approach of the state to the provision of procedural support (professional legal assistance) to both parties.

I. V. Hloviuk examines various aspects of the protection of the rights, freedoms, and legitimate interests of a victim in criminal proceedings that also touch upon the problem of human rights communication of a victim. The researcher provided important suggestions and recommendations in relation to the following: the introduction of some content elements of an agreement on the termination of proceedings in a case into the plea agreement; the right of a victim to involve experts for the (mandatory) examination independently on contractual terms; the assignment of a victim to the subjects of the request for hearing a witness and a victim during the pre-trial investigation in the court session; the right of a victim to initiate imposition, change, and repeal of restraint during the proceedings in the first-instance court; restriction of the right of a victim, their legal representative, or representative to appeal and cassation appeal; the inconsistency between paragraph 7 of Part 1 of Art. 284, Part 4 of Art. 26, and Part 4 of Art. 110 of the Criminal Procedure Code of Ukraine.

O. O. Torbas studied the need to examine the category of discretion in criminal proceedings. The researcher also investigated a victim's opinion on the possibility of release of a person from criminal liability and the renunciation of suit by a victim as a ground for termination of a criminal case. In the context of the protection of the rights and legitimate interests of a victim, it is advisable



to consider the researcher's suggestion provided below. Thus, the researcher believes a criminal case may be separated into separate proceedings if a prosecutor partially dismisses a charge while a victim supports it in court. If it is impossible to separate a case into a separate proceeding, the prosecutor must completely dismiss a charge. It is possible to conclude that if a victim supports the prosecution in court (after the dismissal of a charge by a prosecutor), a victim (as a party of charge) may also be a subject authorized to exercise discretion in the criminal procedure. For example, a prosecutor exercises active alternative discretion when deciding on the dismissal of a charge, and limited alternative discretion is exercised by a victim who supports a charge in the court and enjoys all the rights of the prosecution when the latter does not appear in court.

N. I. Tlepova dedicated the PhD thesis to the problem of the procedural status of a victim during the pre-trial investigation. The following conclusions of the researcher are significant in the context of the human rights communication of a victim. In case of the death of a victim, the list of participants in the criminal proceedings shall include a victim's legal successor if there is no causal relationship between the death of a person and the criminal offense (socially dangerous act). In order to prevent a violation of a victim's right to appeal a prosecutor and investigator's decision on refusal to recognize him as a victim, it is necessary to supplement the Criminal Procedure Code of Ukraine with the following provision: a prosecutor and investigator are obliged to send or hand over to a person a copy of the decision on the refusal to recognize him as a victim immediately after its issuance and not later than 24 hours from the moment of acceptance of a statement on a criminal offense or socially dangerous act and an application for involvement in the proceedings as a victim. If a victim's condition caused by a crime of grave or especially grave severity prevents this person from filing an appropriate application, a prosecutor or investigator shall initiate a pre-trial investigation within the framework of the criminal proceedings in the form of a private prosecution. In case of the death of a victim, the researcher also offers a new procedure for resolving disputes about the right to participate in the proceedings, which involves conducting a draw between close relatives and family members of a deceased victim.

V. V. Vvedenska examined the issue of criminal procedure guarantees for the realization of the right to legal assistance of persons affected by a crime. This study is essential in the context of the human rights communication of a victim. V. V. Vvedenska offers to introduce the concept of "supportive protection" into the theory of criminal procedure, which is a non-professional representation of the interests of close relatives or persons under guardianship or care, aimed at providing moral, material, and social support to victims of a crime during criminal proceedings. The researcher also suggests introducing the concept of "assertion of the rights of victims of a crime" as the activities of subjects of professional representation to protect and restore the violated rights of victims of a crime.

V.H. Pozhar examined the positive steps and gaps in the legal regulation of the procedural status of a victim under the Criminal Procedure Code of Ukraine of 2012. The researcher comes to a reasonable conclusion that an investigator, prosecutor, or court should be authorized to recognize a person as a victim in any case, with or without the consent of this person, if a criminal offense has been committed against this person. An investigator, prosecutor,

or court should also explain to such people their rights and obligations and decide on their participation in the proceedings, depending on their will.

I. A. Titko discussed the issue of legal support and the practice of realization of private interest in the criminal procedure. This research is essential for studying the criminal procedure communication of a victim in criminal proceedings of a private prosecution since I. A. Titko has identified the most common negative consequences of activities of law enforcement agencies that contradict the position of a victim in the criminal proceedings of a private prosecution.

S. I. Perepelytsia dedicated the PhD thesis to criminal proceedings in the form of a private prosecution. The researcher studied the features of communication of a victim in criminal proceedings of a private prosecution and drew the following conclusion: further proceedings in the form of a private prosecution, which has been opened without a victim's statement for one reason or another, are possible only if an investigator or prosecutor receives the victim's consent to continue such proceedings. In case of failure to provide such consent, the proceedings are subject to closure.

## **CONCLUSIONS**

Even though numerous scientific papers are devoted to the issue of the procedural status of a victim in criminal proceedings, the conducted review of the scientific literature makes it clear that the problem of human rights communication of a victim during pre-trial investigation and criminal proceedings is not comprehensively examined. However, the development of this issue is relevant and contributes to the theoretical and practical improvement of procedural mechanisms for the implementation of the rights and legitimate interests of a victim in criminal proceedings. Thus, the authors of this article believe that the following issues have not been but should be examined in the works of scientists and practitioners in the studied field:

- The concept of communication in criminal law and procedure in a broad and narrow sense;
- The right of a victim to human rights communication as the possibility provided by the criminal procedural law for the victim, their representative, legal representative, or successor to receive information about criminal proceedings, exchange information about the state of criminal proceedings, and influence criminal proceedings in order to protect their rights and legitimate interests;
- Human rights communication of a victim in criminal proceedings as an exchange of information which allows a victim, their representative, legal representative, or successor to protect their rights in criminal proceedings and carry out criminal procedure activities;
- Human rights communication as the possibility regulated by criminal law and procedure to effectively exercise and protect their rights and legitimate interests or represent them by relevant participants in criminal proceedings;
- Communicative equality as a fundamental value that permeates the rules of criminal law and procedure; as the possibility provided by criminal law and procedure for a victim, their representative, legal representative, or successor to communicate with the prosecution on an equal footing in adversarial criminal proceedings;
- Law enforcement interpretation of particular rules of criminal law and

procedure governing a victim's right to procedural communication in criminal proceedings;

- Forms of human rights communication of a victim that do not duplicate victim rights in criminal proceedings but reproduce the external manifestation of exercising these rights in one way or another, provided by law;

- Types of human rights communication of a victim that do not duplicate victim rights in criminal proceedings but indicate the ways for implementing forms of human rights communication of a victim;

- Communicative guarantees of victim rights in criminal proceedings and communication barriers that are interdependent and determinative for the evolution of a victim's right to procedural communication in criminal proceedings.

Based on the above, the authors of this article argue the relevance of the study of the concept, meaning, main categories, forms, and types of human rights communication of a victim in criminal proceedings.

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