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THE VALUE OF FORMING QUESTIONS DURING THE JUDICIAL INTERROGATION FOR THE FULLEST TESTIMONY

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The interrogation in criminal proceedings is an investigative action that is performed in order to establish the actual circumstances of the criminal proceedings. This investigative action can be done either during the preliminary investigation or during the trial. The interrogation conducted during the trial can be named a “judicial interrogation”. It is difficult to overstate the importance of judicial interrogation for the case as through a number of its features, testimony got from such judicial interrogation may be crucial for sentencing.

To get the most complete evidence, the person that will conduct the interrogation has to follow certain tactical recommendations. Such recommendations can be divided into:

- tactic of preparing of judicial interrogation;
- tactic value of sequence of people during interrogation;
- interrogation tactics, depending on the procedural status of interrogatee;
- tactic of forming questions during judicial interrogation;
- features of tactic depending on the type of judicial interrogation.

Not the least important tactical significance in the judicial interrogation has a way of forming and asking questions to interrogatee. After all, accuracy, truthfulness and informative of testimony depend on how clearly and legally correctly questions are formulated by the person conducting the interrogation. It is worth remembering the basic recommendations for the formulation of questions.

There are some tactical requirements for the formulation of questions:

1. Any question of the interrogation must be connected with the case, referred to the material of the case and be interested to the trial.

2. Questions should be brief, clear and those that do not allow ambiguous interpretation, but such as encourage to complete the answer. The first question should encourage the person to give as much information as it is possible.

3. Questions should be asked straight forward.

4. Questions should not be suggestive and should not contain the information needed to answer.

5. Questions cannot be unethical.

6. In formulating the question the level of mental and cultural development of interrogatee should be taken into account.

The success of the interrogation largely depends on the choice of the best sequences of questions. Practice shows that firstly it is best to ask questions about the circumstances that characterize good features of interrogatee, then about the neutral characterized circumstances. In this way a psychological contact is established with the interrogatee, it reduces his/her mental stress, which is inevitable while bringing a person into a dialogue on the events that are interested to the court. At least there are asked questions that affect the interests of the interrogatee.

Scientists propose to use "group method" of asking questions, according to which there are three blocks of questions. The first block contains questions that encourage a questioned person to give all information in the form of free story. The second set of questions aimed at demonstrating to interrogatee inaccuracies and discrepancies in his words. The third block involves a direct reference to the errors in the interrogatee's testimony, referring to specific evidence. This group method means logical and effective influence on the person and helps to expose lies.

We have to remember that the pre-trial interrogation has the searching character. The judicial interrogation is not as search, but test-convincing, and therefore the questions should be mainly aimed at verifying the gained knowledge.

That's why simple recommendation connected with main rules of psychology and criminalistics tactic can much rise the level of gained testimony.

DIFFERENT VIEWS ON DEMOCRACY AT PRESENT TIME

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The word 'democracy' has its origins in the Greek language. It combines two shorter words: 'demos' meaning whole citizen living within a particular city-state and 'kratos' meaning power or rule.

Democracy also means a belief in the individual: since the individual is believed to be both moral and rational;

a belief in reason and progress: based on the belief that growth and development is the natural condition of mankind and politics the art of compromise;

a belief in a society that is consensual: based on a desire for order and co-operation not disorder and conflict;

a belief in shared power: based on a suspicion of concentrated power (whether by individuals, groups or governments).

Liberal democracy (that is, one that champions the development and well-being of the individual) is organised in such a way as to define and limit power so as to promote legitimate government within a framework of justice and freedom. There are four critical elements to the framework:

- legitimacy;
- justice;
- freedom; and
- power.