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FORMATION AND DEVELOPMENT OF INSTITUTE OF DETENTION IN CRIMINAL PROCEEDINGS

The article is devoted to research of process of formation and development of institute of detention in criminal trial.

Studying of the standard sources regulating detention of the person on suspicion in commission of crime, at different stages of development of the domestic criminal procedure legislation testifies that the detention is one of the most ancient legal institutes which emergence was objectively caused by a problem of disclosure and investigation of crimes.

Throughout the entire period of development of the criminal procedure right the continuity of norms about detention of the person with more careful subsequent regulation of bases and an order of its application is observed.

It is established that existence of theoretical and practical problems of standard regulation of institute of detention, not resolution and dilatability of single questions in science of criminal trial testify to need of further development of the directions of reforming of institute of detention for criminal trial.

Development of institute of detention has to be carried out on the way of ensuring balance and an optimum combination of interests of the bodies which are carrying out criminal proceedings, in the course of investigation and judicial review of crimes and persons, whose rights, freedoms and legitimate interests are exposed to restriction as a result of detention application.