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TOWARDS THE DEFINITION OF OBJECTIVITY IN LEGAL PROCEEDINGS

The article is concerned with research of the meaning of the definition of “objectivity” in legal proceedings. This term is widely used both in the theory of law and the law enforcement. Specificity of this term in law stipulates consideration of its general theoretical understanding. For this purpose the meaning of the principle of objective truth in civil and criminal proceedings is examined. It is fundamental principle for judges, prosecutors, investigators. The author comes to conclusion that historical aspects of this principle in civil and criminal proceedings show that this principle was formed in XX century when ideological persuasions took place. However, nowadays the principle of objective truth entails many problems in law enforcement in Ukraine and looks rather as oxymoron.

New Criminal Procedure Code of Ukraine was passed without principle of objective truth. This decision has no theoretical basis. This raises the question about the meaning of the principle of objective truth in criminal proceedings. The concept of “objectivity” has an abstract and ambiguous meaning. It can not be verified. Many Ukrainian judges, prosecutors, investigators use the term “objectivity” in procedural documents for justifying their laziness in giving arguments during legal proceedings. It led to unfavorable results: the level of confidence in the judiciary and law enforcement agencies has been diminished.

The author offers to revise the attitude to the objectivity in legal proceedings and questions the advisability of terms “objectivity” and “principle of objective truth” in criminal proceedings.