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AGREEMENT ON THE RECONCILIATION OF THE PARTIES IN CRIMINAL PROCEEDINGS AS AN ELEMENT OF RESTORATIVE JUSTICE

Institute of the settlement in court as an alternative of sentencing emerged in 1970 in the United States of America and Canada. The emergence of this institution did not attract much attention by legal scholars and practitioners. The first written mention of the deployment of conciliation agreements is in the collection of judgments Ontario (Canada) in 1974. From 1970 to the early 90's program of this institute applied only in some states in the US and Canada, but not widespread.

Procedural order of conclusion of an agreement and its approval is clearly defined in 469-475 Articles of Criminal procedure code of Ukraine. The first stage begins with informing the investigator or prosecutor parties about the possibility of reconciliation, explains their rights and mechanism of reconciliation.

The second phase contains a signing the agreement between the suspect and

the victim. This agreement is signed by the parties.

The third stage of conciliation begins, or after referral by the prosecutor to the court indictment act with the agreement on reconciliation, if the agreement was reached at the pre-trial investigation, or from the date the parties during the trial sign an agreement, then the court proceeds to review the agreement.

The fourth stage of reconciliation between the victim and the suspect or the accused himself involves implementation of the settlement.

Thus, the institution of a settlement agreement in a criminal trial in Ukraine can be seen as an element of restorative justice, whereby given an opportunity to settle the conflict between the two parties. The implementation of this institution in Ukraine demonstrates the readiness of our country to change the concept of criminal proceedings in accordance with European standards.