

A. Yevmin
Degree Seeking Applicant,
National Academy of Prosecution of Ukraine

LEGAL NATURE OF CASSATION IN CRIMINAL PROCEDURE

In the article, basing on scholars' point of view and provisions of the Criminal Procedure Code of Ukraine, which was adopted on April 13th, 2013 and came into force on November 20th of the same year, the legal nature of cassation in criminal procedure is revealed. As the result of it, the conclusion was made that it is necessary to treat it as examination of legitimacy and validity of court rulings that has not taken legal effect and was not reviewed by the court of appeal. The national regulatory acts and international normative legal acts that regulate criminal process within cassation are analyzed briefly and subsequent to the results of it the conclusion is made that there are only a few sources of law of this kind and the provisions of these sources prescribe cassation as one of the main principles of the criminal process. The similarities and distinctions between

new and later version of the Criminal Procedure Code of Ukraine are described thoroughly in the part of cassation procedure. The attention is paid to principal criminal procedure innovations in court of cassation under the Criminal Procedure Code of Ukraine of 2012 and to scholars' points of view as well as criminal procedure branch in relation to its correspondence with international criminal procedure standards. Principal problems concerning criminal procedure activity in course of court decisions' review within cassation procedure and possible ways of its solving are stated in the article. In this regard, the attention is paid to the fact that despite initiation of operation of the Criminal Procedure Code on November 20th 2012, the cassational court's decision review requires continuation of theoretical discussion and consequent legislation alteration.