**SYLLABUS OF THE ACADEMIC DISCIPLINE**
**Criminal Procedure**

**Status of the discipline:** compulsory.

**Instructor, Department of Private and Public Law:** O. M. Koval.

**Level of higher education:** the first (bachelor's) level.

**Field of study:** D8 Law.

**Educational programme:** Commercial and Legal Activity.

**Prerequisites:** students need to have knowledge of the principal legal disciplines, in particular constitutional law, civil law and criminal law, as well as a general understanding of justice, judicial proceedings and international human rights standards. Important prerequisites are also the ability to carry out legal analysis, to work with procedural documents, and an understanding of the principles of criminal liability, the principles of the rule-of-law state, human rights and the main provisions of the Criminal Code of Ukraine. In addition, communication and argumentation skills are important for understanding and applying theoretical knowledge in the practical situations of criminal procedure.

## 1. Course Description

**Semester(s):** 8.

**Volume:** total number of hours – 180; number of ECTS credits – 6.

**Aim of the discipline** – to master the following competences: the ability to apply knowledge in practical situations; knowledge and understanding of the subject area and understanding of professional activity.

**Learning outcomes of the discipline:**

***to know:*** the principal terms of criminal law and legislation, its tasks, subject matter, system and methods; the concept of a criminal offence and its elements; the concept of the corpus delicti, of the object and subject matter of a criminal offence, of the objective element, and of the perpetrator and the subjective element of a criminal offence; the concept of complicity in a criminal offence, the forms of complicity, and the concept of multiplicity of offences; the significance of circumstances excluding the criminality of an act; the procedure for release from criminal liability; the imposition of punishment and its types; the procedure for release from punishment and from serving it; the concept of a criminal record;

***to be able to:*** analyse the provisions of criminal-law legislation; know the rules for the classification of a criminal offence; identify the object and subject matter of a criminal offence; characterise the objective element of a criminal offence, the perpetrator, and the subjective element of a criminal offence; apply the provisions of criminal legislation to the resolution of specific legal situations; resolve practical situations concerning the expiry and expungement of a criminal record; draw up an indictment and an application for the imposition of coercive measures of an educational or medical nature; resolve practical tasks in the field of offences against property; analyse the provisions of criminal procedure legislation;

***to be capable of demonstrating the ability:*** to draw up an indictment and an application for the imposition of coercive measures of an educational or medical nature; a judgment (of conviction and of acquittal) and a ruling on the closure of criminal proceedings;

***to have the skills of:*** drawing up the principal procedural acts on questions of proceedings in criminal cases (decisions, rulings, records); applying the provisions of criminal procedure legislation to the resolution of specific legal situations; searching for, processing and analysing information

from various legal resources; drawing up records of the conduct of the principal investigative actions;

***to resolve independently:*** the preparation of procedural documents (applications, motions) in cases; the consequences of the possible courses of conduct available to participants in commercial proceedings.

**Programme learning outcomes: GC2 –** The ability to apply knowledge in practical situations. **GC3 –** Knowledge and understanding of the subject area and understanding of professional activity. **GC11 –** The ability to exercise one's rights and obligations as a member of society, to be aware of the values of a civil (free democratic) society and of the need for its sustainable development, of the rule of law, and of human and civil rights and freedoms in Ukraine. **PC7 –** The ability to apply the rules and institutions of law, at least in such branches as: constitutional law, administrative law and administrative procedural law, civil law and civil procedural law, labour law, and criminal law and criminal procedural law. **PC8 –** The ability to apply legal principles and doctrines. **PC9 –** The ability to use the databases of the justice authorities and the information technologies required in the course of legal activity. **PC10 –** The ability to use a variety of information sources for the full and comprehensive establishment of particular circumstances. **PC11 –** The ability to identify facts that are relevant and admissible for legal analysis. **PC12 –** The ability to analyse legal problems and to formulate and substantiate legal positions. **PC13 –** The capacity for critical and systematic analysis of legal phenomena. **PC15 –** The capacity for the independent preparation of draft acts of law application. **PC16 –** The capacity for logical, critical and systematic analysis of documents and for understanding their legal nature and significance. **PC17 –** The ability to analyse legal phenomena in the field of commercial and legal activity. **PC18 –** The ability to formulate and substantiate legal positions in the field of commercial and legal activity. **PLO 8 –** To apply the institutions of public international law and also of private international law. **PLO 12 –** To convey material on particular legal issues to the recipient in an accessible and comprehensible manner. **PLO 13 –** To know and understand the specific features of the implementation and application of the rules of substantive and procedural law. **PLO 18 –** To apply in professional activity the principal contemporary legal doctrines, values and principles of the functioning of the national legal system. **PLO 19 –** To explain the nature and content of the principal legal phenomena and processes. **PLO 20 –** To isolate and analyse legally significant facts and to draw well-founded legal conclusions. **PLO 21 –** To prepare drafts of the necessary acts of law application in accordance with the legal conclusion reached in various legal situations. **PLO 22 –** To provide advice on the possible means of protecting clients' rights and interests in various legal situations. **PLO 23 –** To explain legal phenomena in the field of commercial and legal activity.

**Content of the discipline:** Topic 1. The concept, essence and tasks of criminal procedure. Topic 2. Criminal procedure law. Topic 3. The principles of criminal procedure. Topic 4. The subjects of criminal procedure. Topic 5. Evidence and proof in criminal procedure. Topic 6. Compensation for harm in criminal proceedings. Topic 7. Procedural time limits and costs. Topic 8. Measures to secure criminal proceedings. Topic 9. General provisions of the pre-trial investigation. Topic 10. The conduct of investigative (search) actions. Topic 11. Notification of suspicion. Topic 12. Suspension and completion of the pre-trial investigation. Topic 13. Challenging decisions, acts or omissions during the pre-trial investigation. Topic 14. Jurisdiction and preparatory court proceedings. Topic 15. The trial. Topic 16. Proceedings for the review of court decisions. Topic 17. Enforcement of court decisions. Topic 18. International cooperation during criminal proceedings. Topic 19. Problems and trends in the development of criminal procedure. Topic 20. Special procedures in criminal procedure. Topic 21. Counteracting crime in criminal procedure. Topic 22. Mediation and alternative conflict resolution in criminal procedure. Topic 23. Protection of human rights in criminal procedure. Topic 24. Cooperation with the law-enforcement authorities of other countries in criminal procedure.

**Form of final assessment:** examination (semesters 8).

**Means of diagnosing learning achievement:** individual assignments, namely: presentations, essays, tests, and questions for current, thematic and final assessment.

**Language of instruction:** Ukrainian.

**2. Assessment**

**Distribution of the points for the discipline awarded to students**

| Current assessment and independent work | | | | | | | | | | | | | | MC 10 | Exam 10** | Total 100 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **T1** | **T2** | **T3** | **T4** | **T5** | **T6** | **CC *** | **Presen-tations** | **T7** | **T8** | **T9** | **T10** | **T11** | **T12** | | | |
| 2 | 2 | 2 | 2 | 2 | 2 | 10 | 10 | 2 | 2 | 2 | 2 | 2 | 2 | | | |
| **T13** | **T14** | **T15** | **T16** | **T17** | **T18** | **CC*** | | **T19** | **T20** | **T21** | **T22** | **T23** | **T24** | | | |
| 2 | 2 | 3 | 3 | 2 | 2 | 10 | | 2 | 2 | 2 | 2 | 2 | 2 | | | |

** – the number of thematic controls (TC) / current controls (CC) and the points for them are determined by the instructor;*

*** – a normative value; adjustment is not permitted.*

**Distribution of points by type of work**

| **Types of work assessed in points** | **T1** | **T2** | **T3** | **T4** | **T5** | **T6** | **T7** | **T8** | **T9** | **T10** | **T11** | **T12** | **Total** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Presentation in a practical class | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | **24** |
| Presentations | – | – | 10 | – | – | – | – | – | – | – | – | – | **10** |
| Current control (CC) | – | – | – | – | – | – | – | – | – | – | – | – | **10** |

| **Types of work assessed in points** | **T13** | **T14** | **T15** | **T16** | **T17** | **T18** | **T19** | **T20** | **T21** | **T22** | **T23** | **T24** | **Total** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Presentation in a practical class | 2 | 2 | 3 | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | **26** |
| Presentations | – | – | – | – | – | – | – | – | – | – | – | – | **–** |
| Current / thematic control (CC/TC) | – | – | – | – | – | – | – | – | – | – | – | – | **10** |
| Module control (MC) | – | – | – | – | – | – | – | – | – | – | – | 10 | **10** |
| Examination | – | – | – | – | – | – | – | – | – | – | – | – | **10** |
| Total for the discipline | – | – | – | – | – | – | – | – | – | – | – | – | **100** |

**Criteria for assessing the types of work**

**Criteria for assessing a presentation in a practical class:**

Substance of the answer – 2 points (completeness of the coverage of the topic, use of examples).

Logic of presentation – 1 point (consistency, clarity of argumentation).

Answers to questions – 1 point (cogency and correctness of the answers).

Observance of the time limit – 1 point (keeping within the time allotted).

**Criteria for assessing a presentation:**

Quality of the visual materials – 1 point (clarity, design, correspondence to the topic).

Substance of the presentation – 2 points (depth of the coverage of the topic, novelty, analytical quality).

Oratorical skills – 1 point (clarity of delivery, interaction with the audience).

Observance of the time limit – 1 point (correspondence to the time allotted).

**Criteria for assessing current control:**

Activity in classes – 2 points (participation in discussions and debates).

Quality of the completion of homework – 2 points (completeness and correctness of performance).

Class attendance – 1 point (presence at all scheduled classes).

**Criteria for assessing module control:**

Module control consists of two theoretical questions and a practical assignment. The first theoretical question is assessed at 3 points (coverage of the theoretical material, use of examples). The second theoretical question is assessed at 3 points (logic and consistency of presentation, completeness of the answer). The practical assignment (problem) is assessed at 4 points (accuracy of performance, cogency of the answer, correctness of the application of theoretical knowledge). In total, the student may receive 10 points for successfully passing the module control.

**Criteria for assessing the examination:**

The examination paper consists of two theoretical questions and also a practical assignment. The first and second questions are assessed at 3 points each, and the third, the practical assignment (problem), at 4 points. In total, the student receives 10 points for successfully passing the examination.

**Correspondence of the scales for assessing the quality of mastery of the course material**

| Grade on the national scale for an exam, course project, course paper / pass-fail assessment | Grade on the KNUTD scale | ECTS grade | Explanation |
|---|---|---|---|
| Excellent / passed | 90–100 | A | Excellent (outstanding performance with only a minor number of errors) |
| Good / passed | 82–89 | B | Very good (above the average level, with several errors) |
| | 74–81 | C | Good (generally correct performance with a certain number of significant errors) |
| Satisfactory / passed | 64–73 | D | Satisfactory (fair, but with a considerable number of shortcomings) |
| | 60–63 | E | Sufficient (performance meets the minimum criteria) |
| Unsatisfactory / not passed | 35–59 | FX | Unsatisfactory (with the possibility of retaking) |
| | 0–34 | F | Unsatisfactory (with compulsory repeat study of the discipline) |

**3. Policy**

**Mandatory observance of academic integrity by students, namely:**

- independent completion of all types of work, assignments and forms of assessment provided for by the working programme of this academic discipline;
- citation of the sources of information where ideas, statements or data are used;
- compliance with the legislation on copyright and related rights;
- provision of accurate information about the results of one's own academic (scholarly, creative) activity, the research methods used and the sources of information.

Recognition of learning outcomes obtained through non-formal education is permitted (10 points), or recognition of learning outcomes using a coefficient (1.0) of the total number of hours indicated in the certificate or other document.

To obtain a positive grade for the discipline, it is necessary to obtain the minimum number of points for each practical class, to complete additional assignments in the form of preparing presentations, writing essays, solving case-based problems, and participating in conferences and round tables of the department's student research groups, and to take the tests in the MSOP. Obtaining the minimum grade for the discipline is possible provided that the compulsory assignments for each topic are completed in full and that the tests in the MSOP are passed.

Where work is not completed on time, the student is granted the right to resubmit the assignment, where there is a substantial reason for the missed deadline, within two weeks of the date of the missed deadline.

Postponement of submission deadlines and resits:

- for valid reasons (sick leave, academic mobility) this is possible until the end of study in the semester concerned, by agreement with the instructor;
- without valid reasons, the work is awarded a lower number of points, and a resit is permitted within one week of the date of the missed deadline.

Where plagiarism is detected, no points are awarded for the assignment, presentation, essay or conference abstract concerned.

Missed classes must be made up at the time set aside for resits and consultations at the department.

An appeal against the assessment awarded following a pass-fail assessment or an examination is possible where a commission of three instructors of the department is formed, with the compulsory presence of the head of the department.