

Syllabus



“Comparative Criminal Procedure”

Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International Law
Educational and Professional Program - International Law

Study year – 3 Semestr – 5

Number of credits: 4, Language of study: english

Head of the course:

Igor METELSKYI, PhD in Law, Acting Head of the Department of Security and Law Enforcement

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Description of the discipline

The purpose of teaching the discipline "Comparative Criminal Procedure" is to reveal the place and importance of criminal procedure in national legal systems, as well as to familiarize students with the provisions of evidence law, the initiation of criminal prosecution and investigation of criminal cases, criminal proceedings in courts of first instance and review of court decisions in Ukraine and states of the common law legal system.

The main objective of the course "Comparative Criminal Procedure" is to study the criminal procedure of the main legal systems of our time, to acquire the ability to apply a comparative approach to the study of criminal law institutions of Ukraine and foreign countries, to provide a critical view of the study of domestic criminal procedure, as well as the ability to use the acquired knowledge in practice.

Course structure

Number of hours (lectures, seminars)	Theme	Learning outcomes	Tasks
4/2	Topic 1. General characteristics of the criminal process.	To provide a description of general characteristics of the criminal process.	Questions
2/2	Topic 2. General characteristics of the criminal process in world practice.	To improve knowledge about characteristics of the criminal process in world practice.	Questions, cases
2/1	Topic 3. Evidence and proof in the criminal process of Ukraine.	Analyze evidence and proof in the criminal process of Ukraine.	Questions, cases
2/1	Topic 4. Evidence law in the criminal process of the countries of the world.	To deepen knowledge about evidence law in the criminal process of the countries of the world.	Questions, cases
4/1	Topic 5. General provisions of pre-trial investigation in the criminal process of Ukraine.	Analyze provisions of pre-trial investigation in the criminal process of Ukraine.	Questions, cases
2/1	Topic 6. Investigative actions in criminal procedural law of Ukraine.	To deepen knowledge about investigative actions in criminal procedural law of Ukraine.	Questions, cases
2/1	Topic 7. Violation of criminal prosecution and investigation of criminal cases in foreign practice.	Consolidate knowledge about violation of criminal prosecution and investigation of criminal cases in foreign practice.	Questions, cases
2/1	Topic 8. Judicial review of criminal cases in Ukraine.	To deepen knowledge about judicial review of criminal cases in Ukraine.	Questions, cases
2/1	Topic 9. Proceedings in criminal cases in courts of first instance.	To improve knowledge about criminal offenses against traffic safety and operation of transport	Questions, cases
2/1	Topic 10. Proceedings for review of court decisions.	Provide a description of proceedings in criminal cases in courts of first instance.	Questions, cases
2/1	Topic 11. Execution of court decisions	Consolidate the execution of court decisions	Questions, cases
2/1	Topic 12. The procedure for reviewing court decisions and their implementation in the criminal	Improve knowledge of the procedure for reviewing court decisions and their implementation in the criminal	Questions, cases

	procedural law of foreign countries.	procedural law of foreign countries.	
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Recommended sources

1. Hloviuk I. V. Criminal procedural functions: theory, methodology and practice of implementation based on the provisions of the Criminal Procedure Code of Ukraine of 2012: monograph. Odesa: Legal Literature, 2021. 712 c.
2. Criminal Procedure Law of Ukraine Study guide for preparation for exams. Kyiv: Center for Educational Literature. 2019. 216 c.
3. Criminal Procedure: textbook. Collective of authors; head of the collective of authors, Doctor of Law, Associate Professor O.F. Kobzar. In 2 parts. Part 2. Dnipro: Dnipro State University of Internal Affairs ; Lira LTD, 2020. 235 c.
4. Criminal Procedure of Ukraine in 2 parts: Part 1: Pre-trial proceedings: textbook / Boyko O.P., et al. Dnipro: Dnipro State University of Internal Affairs; 2021. 327 c.
5. Criminal Procedure Code of Ukraine: current legislation as amended and supplemented as of July 24, 2020: Official text. K.: Alerta. 2020. 324 c.
6. Moldovan V.V., Moldovan A.V., Kanavets R.S. Criminal Procedure of Ukraine: Lectures. Procedural documents. Study guide. 2nd ed. with changes and additions. K.: Alerta, 2019. 360 c.
7. Pogoretskyi M.A., Kuchynska O.P. Procedural documents of pre-trial investigation (investigator, prosecutor, lawyer and investigating judge). Edition 2, revised and supplemented. 2020. 254 c.
8. Cherepiy P.M. System and Powers of Criminal Justice Authorities in Germany and Ukraine: a textbook. K. : Center for Educational Literature, 2021. 416 c.
9. Robert M. Bloom. Cases on Criminal Procedure. Aspen Publishing. Boston, 2022. 1 112 p.
10. Erwin Chemerinsky, Laurie L. Levenson. Criminal Procedure: 2023 Case and Statutory Supplement. Aspen Publishing. Boston, 2023. 150 p.
11. Jens David Ohlin. Investigative Criminal Procedure Doctrine, Application, and Practice. Boston: Aspen Publishing, 2019. 784 p.
12. Ronald Jay Allen, Joseph L. Hoffmann, Debra A. Livingston, Andrew D. Leipold, Tracey L. Meares. Comprehensive Criminal Procedure. London: Wolters Kluwer, 2020, 1 104 p.
13. Jefferson L. Ingram. Criminal Procedure Theory and Practice. Athens: Taylor & Francis, 2022. 736 p.
14. Jerold H. Israel, Yale Kamisar, Wayne R. LaFave, Nancy J. King, Eve Brensike Primus, Orin S. Kerr. Criminal Procedure and the Constitution, Leading Supreme Court Cases and Introductory Text. New York: West Academic, 2023. 1 301 p.

Additional:

1. Gerasymchuk O. Comparative analysis of the legal status of the victim under the criminal procedure legislation of Poland, Russia and Ukraine. Problems of state-building and human rights protection in Ukraine: materials of the XII regional scientific and practical conference (February 8-9, 2016). JI., 2019. C. 591-592.
2. Comparative analysis of the functioning of criminal justice systems in the countries of the Romano-Germanic legal family. Modern Problems of the Legal System of Ukraine: Collection of materials of the IV International Scientific and Practical Conference, November 22. 2012 p. K., 2020. Issue 4. C. 94- 96.
3. Classification of forensic examinations: the Polish approach. Comparative and Analytical Law. 2019. № 1. C. 330-333.

4. Kozachenko V. Peculiarities of the application of arrest under the Criminal Procedure Code of the Federal Republic of Germany. Bulletin of the National Academy of Prosecution of Ukraine. 2020. No. 1, special issue: Problems of application of the Criminal Procedure Code of Ukraine. C. 166-171.
5. Obrizan N. The role of defense counsel in collecting evidence in criminal proceedings in Ukraine and foreign countries: a comparative analysis. Law of Ukraine. 2019. № 7. C. 100-104.
6. The Institute of Admissibility of Evidence in Criminal Proceedings of the United States and England: a Comparative Legal Aspect. Law of Ukraine. 2020. № 10. C. 132-137.
7. Serbin M. M. Detention of a suspect in criminal proceedings: a comparative legal analysis. Law and Society. 2022. № 5. C. 84-87.

Evaluation policy

- Policy on deadlines and rescheduling: Rescheduling of modules takes place with the permission of the dean's office if there are good reasons (for example, sick leave).
- Academic Integrity Policy: Copying during tests and exams is prohibited (including using mobile devices).
- Attendance Policy: Attendance is a mandatory component of assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final score (on a 100-point scale) from the internship is determined as a weighted average value, depending on the specific weight of each component:

Credit module 1	Credit module 2	Credit module 3	Exam	Total
20	20	20	40	100
Oral survey during classes (4 topics) – 10 points per topic - max. 40 points. Modular control work - max. 60 points	Oral survey during classes (8 topics) – 10 points per topic - max. 80 points. Modular control work - max. 20 points	Preparation of CPIT - max. 80 points. Protection of CPIT - max. 20 points. Participation in trainings - max. 20 points	Test tasks (25 tests of 2 points per test) - max. 50 points 2. Task 1 - max. 25 points 3. Task 2 - max. 25 points	100

Student evaluation scale:

ECTS	Marks	Content
A	90-100	excellent
B	85-89	good

C	75-84	good
D	65-74	satisfactorily
E	60-64	enough
FX	35-59	unsatisfactory with the possibility of reassembly
F	1-34	unsatisfactory with a mandatory repeat course