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Differentiation of a Criminal Procedural form as a Condition of Development of Modern Legislation

Диференціація кримінальної процесуальної форми як умова розвитку сучасного законодавства

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Abstract

The purpose of the article is to study the current state of differentiation of a criminal procedural form as one of the conditions of legislation development. To this end, the tasks are as follows: 1) to analyze scientific periodicals devoted to the problem of definition of the concept of "procedural form" and "differentiation of procedural form"; 2) to distinguish the differentiated forms of pre-trial investigation and judicial proceedings on the basis of a systematic examination of the current criminal procedural legislation. While writing the article, a set of general scientific and special methods of scientific knowledge was used, namely: historical-legal, dialectical, formal-legal and system-structural method. The interrelated application of these methods led to the science-based conclusions and suggestions.

The article presents scientific points of view regarding the interpretation of the concept of "criminal procedural form" and "differentiation of procedural form", which made it possible to state the lack of unity of their understanding. Legal understanding of the essence of criminal procedural form is not only theoretical, but also applied, because: first, it is the key to achieve the

Анотація

Метою статті є вивчення сучасного стану диференціації кримінальної процесуальної форми як однієї з умов розвитку законодавства. Задля цього на вирішення поставленні наступні завдання: 1) здійснити аналіз наукової періодики, присвяченої проблематиці визначення поняття «процесуальна форма» та «диференціація процесуальної форми»; 2) на підставі системного дослідження чинного кримінального процесуального законодавства виокремити диференційовані форми досудового розслідування та судового провадження. При написанні статті використано сукупність загальнонаукових і спеціальних методів наукового пізнання, а саме: історико-правовий, діалектичний, формально-юридичний та системно-структурний метод. Взаємопов'язане застосування вказаних методів забезпечило отримання науково-обґрунтованих висновків і пропозицій.

У статті приведені наукові точки зору стосовно тлумачення поняття «кримінальна процесуальна форма» та «диференціація процесуальної форми», що дало змогу констатувати про відсутність єдності їх розуміння. Праворозуміння сутності

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tasks of criminal proceedings; secondly, it guarantees the implementation of the principles of criminal proceedings and respect for the rights of the participants in the proceedings; third, its violation leads to the inadmissibility of evidence. In the context of the development of criminal procedural legislation differentiated forms of pre-trial investigation and judicial proceedings are of great importance. The latter also provide an additional guarantee for a particular category of persons (e.g. juveniles, persons who have committed a socially dangerous act in the state of insanity, etc.). Based on an analysis of the CPC of Ukraine, particular and special differentiated forms of pre-trial investigation and court proceedings are distinguished.

Key words: criminal procedural form, differentiated forms, particular and special procedures.

Introduction

The constitutional obligation to ensure the rights and freedoms of every person in the state is fulfilled by establishing appropriate legal rules, including criminal procedural ones. By regulating and perpetuating the procedural status of the participants in criminal proceedings, the legislator thereby empowers them with the corresponding rights and duties. At the same time, considerable attention should be paid to the procedural form of criminal proceedings, which provides for an external expression of the implementation of criminal procedural law. However, in the course of criminal proceedings, authorized persons, taking into account the grounds and in the manner prescribed by law, have the right to apply coercive measures. This has made it necessary to legislate on clear legal guarantees of ensuring and respecting the rights and freedoms of persons involved in criminal proceedings.

Rationalization as a complex feature of law is a synthetic expression of efficiency, effectiveness, economy, and legitimacy. Legal norm is considered rational to the extent it fulfills proclaimed goals, which have to be legitimate to the same extent the legal means are legitimate, and not only to the extent its implementation is insured; and the legal norm has to be formulated in accordance with the requirements of economy,

кримінальної процесуальної форми має не лише теоретичне, а й прикладне значення, оскільки: по-перше, вона є запорукою досягнення завдань кримінального провадження; по-друге, виступає гарантією реалізації засад кримінального процесу та дотримання прав учасників провадження; по-третє, її порушення тягне за собою визнання доказів не допустимими. З огляду на це в сучасних умовах розвитку кримінального процесуального законодавства важливого значення набувають диференційовані форми досудового розслідування та судового провадження. Останні також виступають додатковою гарантією для окремої категорії осіб (наприклад, неповнолітніх, осіб, які вчинили суспільно-небезпечне діяння в стані неосудності тощо). З урахуванням аналізу КПК України виділено особливі та спеціальні диференційовані форми досудового розслідування і судового провадження.

Ключові слова: кримінальна процесуальна форма, диференційовані форми, особливі та спеціальні порядки.

and in such a correlation with the legal environment, as to eliminate or reduce unforeseen negative effects. Inefficiency of the criminal procedure is, first of all, determined by high rate of criminality, which is the result of refusal to report a criminal offence and by a selective approach or authorities towards crime detection and prosecution. The inefficiency of criminal procedure is confirmed by distinctive "effect of losing the criminal offence", which leads to indictment of only one-half of the incriminated persons, of which only one third is declared guilty (Brkic, 2006).

In criminal theory, concepts such as "criminal procedural form" and "differentiation of criminal procedural form" belong to the fundamental definitions, which, despite an in-depth study, remain underdeveloped at the level of scientific doctrine. The doctrinal approaches to their essence, which are well represented in scientific sources nowadays, reflect the debating nature of these issues, as well as different perception of the problem of unity and differentiation of the criminal procedural form. All this demonstrates the relevance of the topic chosen in the article and the feasibility of its comprehensive study.

Theoretical framework

The theoretical framework contains a number of scientific works devoted to the study of the "procedural form" and "differentiation of procedural form". The new criminal procedural legislation of Ukraine inevitably attracts interest to almost settled concepts of the theory of criminal proceedings. The interpretation of the concept "criminal procedural form" is not an exception. Alekseev V. B. (1989), Alekseev N. S. (1977), Alekseeva L. B. (1989), Banchuk O. A. (2014), Bardash A. (2012), Bozhiev V. P. (1989), Brkic S. (2006), Changuli G. I. (1977), Dobrovolskaya T. N. (1977), Elkind P. S. (1977), Hroshevyi Yu. M. (2010, 2013), Kalynovskyi K. B. (2004), Lenskii A. V. (2001), Loboiko L. M. (2012, 2014), Morshchakova T. G. (1977), Protasov V. N. (1991), Shylo O. G. (2010), Slyvych I. I. (2015), Smyrnov A. V. (2004), Strogovich M. S. (1939, 1974), Teteriatnyk G. K. (2017), Trofymenko V. M. (2012, 2016, 2017), Trubnikova T. V. (2001), Tsyganenko S. S. (2004, 2007), Velykyi D. P. (2001), Yakimovich Yu. K. (2001) and others studied this problem in their works. At the same time, the current Criminal Procedure Code of Ukraine has opened up new aspects for its doctrinal interpretation, since it introduced a number of previously unknown procedural institutions, which as a whole affected the structural and systematic nature of criminal proceedings. That is why the urgent and at the same time the important issue is to find out the meaning of the concept of "criminal procedural form" and its differentiation through the prism of recent legislative changes. Thus, we will be able to trace how the current state of regulation of criminal proceedings (it is meant procedure for its implementation) meets the needs of the protection of the rights, freedoms and legitimate interests of the participants in the criminal proceedings.

Methodology

The methodological basis for writing the article was a set of general scientific and special methods of scientific knowledge used to achieve the goal and tasks, taking into account the specifics of the chosen topic. The chosen methods were used in interconnectedness and interdependence, which ensured the comprehensiveness, completeness and objectivity of the scientific results obtained.

The use of the *historical-legal method* has allowed tracing and analyzing the development

of scientific views on the understanding of the essence of "criminal procedural form" and its differentiation. The *dialectical method* determines the nature and content of legal categories and phenomena, their elements and the formation of the conceptual apparatus in the context of the research topic. The *formal legal method* was applied in the development of science-based theoretical provisions, conclusions and proposals for improving the current criminal procedural legislation of Ukraine. The differentiated forms of pre-trial investigation and court proceedings provided for in the current CPC of Ukraine are distinguished using the *systemic-structural method*.

Scientific and theoretical basis of the article is the works of domestic and foreign scientists in the field of theory of state and law, criminal procedural, criminal constitutional, civil and other branches of law.

Results and discussion

The study of any legal phenomenon is advisable to start with the clarification of the conceptual apparatus, because a variety of interpretations can lead to the loss of its essence. Thus, the theory of legal process is the determinant in the study of the essence, content and legal nature of the concept of "criminal procedural form". The researchers of this area set the benchmarks for the further development of the conceptual apparatus of particular branches of law.

Within our article, it is interesting to reveal the essence of the sectoral procedural form, namely criminal procedural. It is worth mentioning the definition of the prominent scientist M. S. Strogovich (1939, p. 32) and what he meant by the criminal procedural form was the legal form, which is a set of homogeneous procedural requirements for the actions of the participants of the process aimed at achieving a substantive result, as well as a set of conditions established by the procedural law for the investigative authorities, prosecutor's office and court to carry out their actions which they perform during the investigation and addressing the criminal cases. A similar definition is also contained in Bozhiev's (1998, p. 8) works. Gorshenov's (1973, p. 29), who is the Soviet scientist, opinion is also worth noting. He stated that the procedural form is a special legal structure that embodies the essential principles of the most appropriate procedure of the implementation (realization) of specific powers. The definitions given by modern scientists should also be cited. Thus, Yu. M. Hroshevyi

(2013, p. 14) notes that the criminal procedural form is a legal regime of criminal procedural activity, which includes compliance with the legal procedures, fulfillment of certain procedural conditions and provides assurances in criminal proceedings. In the concept of criminal procedural form, it is emphasized that the activities of operational units, pre-trial investigation bodies, prosecutors, investigating judges and courts are formalized. In other words, such activity is ordered, regulated, and has certain forms, which are created by a number of requirements imposed to it.

Under the criminal procedural form, L. M. Loboiko (2012, p. 15) understands the procedure, set out by law, for criminal proceedings as a whole, the procedure for the execution of individual procedural actions and procedural decision-making. The importance of the criminal procedural form is that it creates a detailed, legally determined regime of criminal proceedings. Given this definition, it can be understood that the scientist has neglected the procedure for exercising the rights and obligations of the participants in criminal proceedings who are not the subjects of authorities.

There are other authorial definitions of the concept of "criminal-procedural form". In particular, that the criminal procedural form is an integrative entity that covers the criminal procedure law and the system of relations that are the subject of legal regulation. It is the system and structure of criminal procedural institutes and rules regulated by criminal procedural law, procedure and sequence of stages of criminal proceedings, conditions, methods and terms of committing procedural actions, directly or indirectly related to the collection and investigation of the evidence at the inquest and in the proceedings, their consolidation in legal acts, as well as the procedure for making and documenting decisions on individual issues and in the case in general (Alekseev et al., 1989, p. 121).

Yu. M. Hroshevyi and O. V. Kaplina's (2010, p. 11-12) position also deserves attention. They believe that the criminal procedural form is a legal regime of procedural activity, which includes the fulfillment of certain procedural conditions, compliance with legal procedures and the provision of guarantees during criminal proceedings. According to them, the generality of the criminal procedural form is that during the investigation and judgment of criminal proceedings the rules applicable to a particular

category of cases are applied. In general, we consider it would be useful to support the above scientific views, because in the context of changes that have occurred in recent years in the theory of criminal proceedings, they most fully reflect the essence and content of the concept of "criminal procedural form". It is appropriate to indicate that procedural actions are performed and decisions are made by authorized persons in the manner and on the grounds provided by the CPC of Ukraine. It is pertinent to point out that procedural actions are performed and decisions are made by authorized persons in the manner and on the grounds provided by the CPC of Ukraine.

In modern domestic theory of criminal proceedings, it is pointed out that in the concept of criminal procedural form it is emphasized that the activities of operational units, pre-trial investigation bodies, prosecutors, investigating judges and courts are formalized. In other words, such activity is ordered, regulated, and has certain forms, which are created by a number of requirements imposed to it (Hroshevyi et al., 2013, p. 14).

Considering the diversity of scientific views, V. M. Protasov (1991, p. 139–140) noted that the concept of "procedural form" is widely used in procedural literature, and there are quite ambiguous interpretations of it among scholars. Based on the research, the author concluded that some authors believe that the procedural form is not a category of criminal procedural law, but a criminal process; others identify the procedural form with the rules of procedural law and understand it as a set of rules established or authorized by law, which regulate the procedure for justice, the activities of participants in the process; some qualify the procedural form as an external form of the process, some scientists do not see any differences between the form and the process. That is why V. N. Protasov (1991, p. 141–142) criticizes the use of the concept of "procedural form", because, in his opinion, this is yesterday's question of the process theory and procedure in general. The use of this category in a broad sense was justified when it was not yet about the development of regularities for all procedural branches about the procedural mechanisms and its elements. The author considers that at the present level of the development of the theory of criminal process the concept of "procedural form" can be used to emphasize the general purpose of the legal process as a way (form) of realization of other substantive relations. However, in our opinion, such an author's position cannot be accepted

because, without understanding the essential meaning of this concept, persons involved in criminal proceedings will not be able to exercise their rights and fulfill their responsibilities effectively and timely. On the contrary, nowadays there is a need to reach a unanimous consensus on this issue, which will allow for the formation and implementation of effective procedural mechanisms aimed at fulfilling the tasks of criminal proceedings.

In the view of the rapid reform of criminal procedural legislation, the issue raised must be considered particularly important, as the international community has repeatedly stated the need to introduce legislation to meet the nowadays challenges. The single institutional procedure for criminal proceedings should be the priority of reform. At the same time, it is necessary to ignore the introduction of specific procedures of criminal proceedings, since in the cases and the procedure provided by the CPC of Ukraine, certain categories of persons (juveniles, foreigners, persons with mental and physical disabilities, etc.) use additional guarantees during criminal proceedings.

Analyzing different statements in this area of research, we have grounds to claim that there are: 1) branch procedural forms (civil procedural form, criminal procedural form, etc.); 2) intra-branch procedural forms (this is a manifestation of the differentiation of the branch procedural form); 3) procedural forms of individual procedural actions. In addition, since criminal proceeding is a kind of legal process, the elucidation of the essence and content of the concept of "procedural form" is based on common tendencies of the development of scientific thought. The current CPC of Ukraine significantly expands the scientific search in this area, but even today some institutions remain poorly researched or have not been fully tested by practice. In this case, the achievements of the legal mechanism and the definition and application of the appropriate criminal procedural form are essential.

Considering the above, it can be argued that the content of the concept of criminal procedural form is determined by law the procedure of carrying out procedural actions in criminal proceedings, their appropriate registration in procedural documents and decision making by authorized persons in the manner and on the grounds provided by the CPC of Ukraine. That is why the effectiveness of the implementation of the basic principles of criminal proceedings, namely: legality, transparency, publicity,

dispositiveness, equality of all before the law, etc., depends on the compliance of the authorized persons with the procedural form.

Without seeking to cite all existing doctrinal positions on the concept of criminal procedural form, it should be noted that at the present stage of the development of science there is no consensus regarding its understanding among scientists. However, most scholars are in favor of interpreting the criminal procedural form as a complex legal phenomenon, which is reflected by the complexity of its components, which reflect its various sides.

One of the main features that characterize the criminal procedural form is its generality. However, we cannot agree with the view that prevailed during the development of the science of the criminal process of the Soviet period, in particular that the procedural form should be unified in all criminal proceedings. M. S. Strogovich (1974, p. 52), T. M. Dobrovolskaya and P. S. Elkind (1977, p. 4-8) maintained this position in their writings.

At present, the process of reforming and improving of criminal procedural legislation has contributed to significant changes regarding the implementation of criminal proceedings. Therefore, of course, the approach to the unification of the procedural form does not meet the current provisions, which regulate the procedure for criminal proceedings. However, the differentiation of the procedural form should not be considered as a dominant tendency for the development of criminal proceedings, since the unity of the form is aimed at applying unified rules for certain categories of proceedings during the pre-trial investigation and judicial proceedings. In a fundamental sense, it promotes both the respect for the rights, freedoms and legitimate interests of participants in criminal proceedings, and the ensuring of the legitimacy of criminal proceedings as a whole.

On this issue, scientific sources indicate that aspiration towards the differentiation of criminal justice is a tendency that is characteristic of almost all modern states of the world, which origins date back to the distant past. It is based on the desire to apply such forms of justice that would be adequate to the gravity and complexity of the proceedings and to the legal consequences that may result from such proceedings (Tsyganenko, 2007, p. 28). In view of this, it is necessary to support the scientific position that the unity of the criminal procedural form does

not preclude its differentiation, the idea of which starts from unity. Any differentiation is derived from the ordinary (unified) form. The unity and differentiation of the criminal procedural form are two opposites that are in dialectical unity (Lazareva, Tarasov, 2015).

At the present stage of the development of the science of criminal process most researchers such as S. S. Tsyganenko (2004, p. 8), D. P. Velykyi (2001, p. 35), O. V. Smyrnov and K. B. Kalynovskyi (2004, p. 645), G. K. Teteriatnyk (2017, p. 137) and others take this position on this issue. In earlier scientific sources, the position of the need to introduce a new principle of criminal process - the principle of optimal organization, differentiation and acceleration of the process was presented (Alekseev, Morshchakova, Changuli, 1977, p. 23). In the context of our study, V. M. Trofimenko's (2012, p. 140; 2017, p. 145) scientific position should be mentioned, who carried out a systematic analysis of the procedural form of criminal proceedings, stating that differentiation is a tendency for the development of modern legislation. In view of this, the statement of O. G. Shylo (2010, p. 181) is worth noting, who points out that the feasibility and usefulness of the differentiated procedure of criminal justice has been proven over time, has been recognized not only by the national legislator but also by the international community.

In the science of criminal process, the approach to understanding the "differentiation of the criminal procedural form" as a method of procedural organization is represented, according to which the individual proceedings are autonomous in the criminal process system and the general and differentiated procedures for their implementation are established (Trofymenko, 2016, p. 180) or "as the presence of proceedings under a single criminal process, which differ greatly from each other by the degree of complexity of procedural forms" (Bardash, 2012).

Doctrinal approaches to define the essence of the procedural form suggest that there are two possible ways of differentiation: complication of form in some categories of criminal proceedings and its simplification in others. In this context, we should mention L. M. Loboiko and O. A. Banchuk's (2014, p. 20) position who note that the proceeding is usually uniform (unified) in all criminal proceedings, but in some cases the legislator establishes specific, differentiated, proceedings. The differentiation of the criminal

procedural form can be connected with both complication and simplification of proceeding.

Another point of view is expressed in the scientific literature about this issue, in particular, about the existence of two types of criminal procedural form: accelerated and simplified, which are different phenomena, which should be distinguished from each other (Slyvych, 2015, p. 98-99). In this scientific discussion, the classical position of scientists on the differentiation of procedural form on the basis of simplification or complication should be supported. Traditionally, complication of the procedural form is connected with the introduction of additional guarantees of the rights of participants in criminal proceedings, the participation of more subjects, and its simplification – with minor offence, the obviousness of its commission, the complexity of the proceeding.

Regarding the differentiation of criminal-procedural form, as O. V. Smyrnov and K. B. Kalynovskyi (2004) believe, it should be considered such a construction of justice, whereby, along with the usual procedure, there are procedural forms, which provide as a simplification of the procedure in simple cases, so and its complication in the case of the most dangerous crimes or cases requiring special procedural protection of the legitimate interests of the accused or other participants in the proceeding.

Having analyzed the views presented in the theory of criminal process, Yu. K. Yakimovich, O. V. Lenskyi and T. V. Trubnikova (2001, p. 7-12) defined the following approaches to interpreting the meaning of the concept of "differentiation of criminal proceeding":

- 1) differentiation is the simplification of criminal proceeding, the elimination of part of procedural guarantees;
- 2) differentiation is a tendency to develop a criminal process that causes (or may cause) coexistence within the criminal process of different proceedings: ordinary proceeding, as well as simplified proceedings and proceedings with more complex procedural forms;
- 3) the evidence of the existence of differentiation is differences in the proceeding of certain cases, the possibility of preliminary investigation either in the form of investigation or in the form of inquiry, the existence of generic and substantive jurisdiction, obligatory participation of defense counsel, translator,

legal representative, prosecutor, provided for by law in some cases (depending on the characteristics of the person, participants in the process), etc.;

- 4) differentiation should be addressed only if there are proceedings in the judicial system that differ greatly from each other in the complexity of procedural forms.

Nowadays, the differentiation of the procedural form should be understood as the property of criminal justice, aimed at ensuring its stability through the functioning of special procedures for pre-trial investigation and judicial proceedings, which differ from the unified procedural form, and thus, due to its specificity, contribute to the ensuring of the legality of the criminal proceedings and protection of the rights of its participants.

There is a clear example of the differentiation of the procedural form in the provisions of the current Criminal Procedure Code of Ukraine, where section VI sets out specific procedures for criminal proceedings. The systematic analysis of the norms of the CPC of Ukraine allows us to conclude that, in addition to the specific criminal proceedings set out in section VI of the CPC of Ukraine, there are also several differentiated forms of pre-trial investigation or judicial proceedings. Based on the above circumstances, it is possible to identify two types within the differentiated forms of criminal proceedings, namely the special and specific procedures for pre-trial investigation and judicial proceedings. Special procedures for criminal proceedings include those contained in section VI of the CPC of Ukraine, in particular:

- criminal proceedings based on agreements (Chapter 35);
- criminal proceedings in the form of private prosecution (Chapter 36);
- criminal proceedings regarding a particular category of persons (Chapter 37);
- juvenile criminal proceedings (Chapter 38);
- criminal proceedings for the use of compulsory medical measures (Chapter 39);
- criminal proceedings containing state secrets (Chapter 40);
- criminal proceedings in the territory of diplomatic missions, consular posts of Ukraine, on an aircraft, sea or river vessel outside Ukraine under the flag or with the distinguishing mark of Ukraine, if the vessel is assigned to a port located in Ukraine (Chapter 41).

Specific proceedings for criminal proceedings include such individual proceedings, which provide for differentiation of the procedural form either during the pre-trial investigation (Chapters 24-1, 25 of Section III, Section IX-1 of the CPC), or during judicial proceedings in the first instance court (Art. 323; § 1, 2 of Chapter 30 of Section IV of the CPC), in particular:

- specific pre-trial investigation of criminal offenses (Chapter 24-1);
- pre-trial investigation of misconducts (Chapter 25);
- specific court proceedings (Part 3 of Article 323);
- special regime of pre-trial investigation under martial law, in a state of emergency or in the area of anti-terrorist operation (section IX-1);
- simplified proceedings regarding criminal misconducts (§ 30 of Chapter 30);
- jury trial proceedings (§ 30 of Chapter 30).

Conclusion

Thus, it should be concluded that in the context of reform of criminal procedural legislation, there is a tendency for new criminal proceedings to emerge.

Due to their specific features, special criminal proceedings differ greatly from the general procedure of criminal proceedings towards simplification or complication.

The basic procedural guarantees of the participants in the proceedings must be preserved during the special and specific procedure of criminal proceedings. In turn, the principles of criminal proceedings must be respected in the course of simplified or complicated criminal proceedings.

The further development of the criminal procedural legislation towards the differentiation of the criminal procedural form should be scientifically justified, taking into account the achievement of theoretical developments that meet current level of development of social relations.

Thus, during the development of the science of criminal process, there is a tendency to differentiate the procedural form of criminal justice, which, we are profoundly convinced, is a necessary condition for the development of modern legislation.

Bibliographic references

- Alekseev V. B., Alekseeva L. B., Bozhiev V. P. and others (1989). The course of the Soviet criminal process. Common part /ed. by A. D. Boikov, I. I. Karpets. M.: Juridical literature. 640 p.
- Alekseev, N. S., Morshchakova, T. G., Changuli, G. I. (1977). Criminal Procedure Law. Berlin: Gosizdat GDR. 623 p.
- Bardash, A. (2012). On the issue of differentiation of procedural form. *Law Bulletin*, 3, 131-136.
- Bozhiev, V. P. (ed.) (1998). Criminal process: a textbook for higher education institutions. M.: Spark. 591 p.
- Brkic, S. (2006). Rationalization of criminal procedure and differentiation of procedural forms. In: FENYVESI Csaba – HERKE Csongor – MÉSZÁROS Bence (szerk.): Bizonyítékok. Tiszteletkötet Tremmel Flórián egyetemi tanár 65. születésnapjára. Pécs, pp. 97-107.
- Dobrovolskaya, T. N., Elkind, P. S. (1977). The fundamental unity of the criminal-procedural form is an important guarantee of the legitimacy of justice and the rights of the individual. Guarantees of individual rights in socialist criminal law and process. Yaroslavl.
- Gorshenev, V. M. (1973). The procedural form and its purpose in Soviet law. *Soviet state and law*, 12, pp. 28–35.
- Hroshovyi Yu. M., Kaplin O. V. (ed.) (2010). Criminal process: a textbook / Kharkiv: Law. 608 p.
- Hroshevyi Yu. M. and others (2013). Criminal process: a textbook. Kh.: Law. 824 p.
- Lazareva, V. A., Tarasov, A. A. (2015). Criminal Procedure Law. Topical problems of theory and practice: a textbook for master's degree. M.: Yurait Publishing House, URL: http://stud.com.ua/68188/prava/problemi_yedno_sti_diferentsiatsiyi_protseusualnoyi_formi_zdiysnennya_pravosuddya.
- Loboiko, L. M. (2012). Criminal process: a textbook. K.: Istyna, 432 p.
- Loboiko L. M., Banchuk O. A. (2014). Criminal Process: a textbook. Kyiv: VAITE. 280 p.
- Protasov, V. N. (1991). Fundamentals of common law procedural theory. M.: Juridical literature. 143 p.
- Shylo, O. G. (2010). On the issue of differentiation of criminal procedural form. *Law of Ukraine*, 9, pp. 180-186.
- Slyvych, I. I. (2015). Accelerated and Simplified Proceedings in Criminal Procedure: Definition and Feasibility of Existence. *Scientific Bulletin of Uzhgorod National University. The Law Series*, 31 (3), pp. 97-100.
- Smyrnov, A. V., Kalynovskyi, K. B. (2004). Criminal process: a textbook. St. Petersburg: Piter, 586p.
- Strogovich, M. S (1939). Nature of the Soviet criminal process and the adversarial principle. M.: Juridical Publishing House of the NKU of the USSR. 151 p.
- Strogovich, M. S. (1974). On the uniform form of the criminal process and the limits of its differentiation. *Socialist legitimacy*, 9, pp. 49-53.
- Teteriatnyk, G. K. (2017). Unification and differentiation of procedural form: a synergistic approach. *Rule of Law*, 1, pp. 136 - 143.
- Trofymenko, V. M. (2012). On the issue of the concept and significance of differentiation of criminal procedural form. *Scientific Bulletin of Uzhgorod National University. Series: Law*, 18, pp. 139-142.
- Trofymenko, V. M. (2016). The Definition of Criminal Procedural Form Differentiation. *Bulletin of the National Academy of Legal Sciences of Ukraine*, 4, (87), pp. 171-183.
- Trofymenko, V. M. (2017). Theoretical and juridical fundamental principles of differentiation of the criminal proceeding of Ukraine: Dissertation for obtaining the degree of Doctor of Juridical Sciences in the specialty 12.00.09 – criminal proceeding and criminalistics; forensic enquiry; operational investigations. The Yaroslav Mudryi National Law University. Kharkiv.
- Tsyganenko, S. S. (2004). The general and differentiated order of criminal proceedings: Dissertation for obtaining the degree of Doctor of Juridical Sciences: 12.00.09. St. Petersburg, 498 p.
- Tsyganenko, S. S. (October 11-12, 2007). Differentiation as a model of criminal process (criminal-procedural strategy). Materials of the international conference on the 160th anniversary of the birth of prof. I. Y. Foinitskii. St. Petersburg,
- Velykyi, D. P. (2001). Unity and differentiation of the criminal-procedural form: history, modernity, perspectives: dissertation of the Candidate of Juridical sciences: 12.00.09. M. 211 p.
- Yakimovich Yu. K., Lenskii A. V., Trubnikova T. V. (2001). Differentiation of the criminal process. Tomsk: TSU Publishing House. 300 p.