

емоційно забарвленим по відношенню до тієї чи іншої людини, з якою взаємодіє у сфері юриспруденції. Професіонал має виконувати свої обов'язки однаково добре для будь-якого типу людей, - це є показником його компетентності.

У принципі жодна людина, і юрист у тому числі, не має ніякого морального права осуджувати інших людей. Будь-який осуд є показником надмірності та може розцінюватися як непрофесійність чи некомпетентність.

Юрист покликаний захищати інтереси людей, суспільства, держави, нести мир через врегулювання проблемних аспектів людського співіснування. Якщо юрист виступає стороною, яка є осередком формування негативу, що безпосередньо або опосередковано буде породжувати нові конфлікти і негаразди – його, безумовно, слід вважати некомпетентним.

Таким чином, можна стверджувати, що моральні якості юриста слугують одним із вагомих показників його компетентності.

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POSSIBILITY AND MORAL SIDE OF USING MIRANDA'S WARNING BY UKRAINIAN POLICE

The legal system in the United States is considered by many to be the most advanced in the world. That is why a significant number of legislators tries to at least partially take on the US experience and institute certain institutions in their legislation; Ukraine is no exception in this process. Today, the United States of America is the most democratic state in the world, in the legal system of which human and civil rights and freedoms occupy the most important place [1].

In the US, every policeman can tell the history of Miranda's rule. Since 1966, this rule has become important, an integral part of the US legal system.

Miranda rights are the rights given to people in the United States upon arrest. Anyone who has watched a U.S. detective show or two can rattle off the words: "You have the right to remain silent. Anything you say can and will be used against you in a court of law..." The speech must be recited by law enforcement officials when detaining suspects to ensure they are aware of their right to an attorney and against self-incrimination. The rights are also called the Miranda warning and they stem from a 1966 Supreme Court case: *Miranda v. Arizona*.

In the original case, the defendant, Ernesto Miranda, was a 24-year-old high school drop-out with a police record when he was accused in 1963 of kidnapping, raping and robbing an 18-year-old woman. During a two-hour interrogation, Miranda confessed to the crimes. Lawyers would contend that Miranda had not been clearly informed of his rights to have a lawyer and against self-incrimination. Their appeal to the U.S. Supreme Court would forever change U.S. criminal procedure [2].

As a result of the case of Miranda, he created a precedent that obliged all police authorities to inform detainees of their rights to lawyer and silence. These warnings were called "The Rules of the Miranda".

Despite the widespread use of the Miranda rule in the world and the active exploration of this issue by such domestic scientists as V.V. Kryzhanivsky, V.M. Makhov, E.A. Mishina, as well as foreign specialists, including Paul Marcus, Paul G. Cassel, Stephen Markman and others, the results of attempts to implement such an institution in Ukraine and the post-Soviet countries are not always effective, which may indicate problems and significant differences between domestic rights and international norms as well international experience on this issue [3].

The Miranda Warning protects an individual's rights by explaining their options clearly and upholds police authority when they properly read the Miranda Warning and get a clear, intelligent answer that the suspect understands his or her rights as they have been explained. The Miranda Warning is a legal necessity throughout the United States, and varies only slightly in its wording in different states [4].

Today, reform is taking place in Ukraine all institutions of power. Respect for democratic principles, human rights and fundamental freedoms, as defined in particular in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Paris Charter for a New Europe and in other relevant protection documents human rights, as well as respect for the rule of law principle should become the foundation of the domestic and foreign policy of our state [5].

On November 19, 2012, the Criminal Procedural Code of Ukraine, Part 4 of Art. 208, which obliges law enforcement officers to inform detainees of their right to keep silence and the right to a lawyer.

This is the Ukrainian version of the Miranda's rule, which reads as follows: "An authorized official who has arrested a person must immediately inform the

detainee in a language which he understands, the grounds for his detention and in which he is suspected of committing a crime, and explain the right to have a defense counsel etc.»).

Certainly, this can't be considered a Miranda rule in the sense of the criminal procedural law of the United States, but such a norm is an important step in protecting human rights and citizen in Ukraine. On the other hand, in today's conditions of increased criminal activity in Ukraine there is a problem where suspects often change their testimony during pre-trial investigation: they first acknowledge their guilt, and at the trial stage, they completely or partially refuse their testimony.

Taking into account the above-mentioned facts, we can conclude that today Miranda's rule in Ukraine, although it is enshrined at the legislative level, but cannot act in full measure. We believe that in order to eliminate the problems and the normal functioning of this criminal-law institute, there is a need to further improve Ukraine's criminal-procedural legislation on the activities of law enforcement bodies and the observance of human and civil rights in order to eliminate contradictions between the criminal procedure norms, as well as to reform the prosecutor's offices and judicial system.

We consider it expedient to develop a single Ukrainian Miranda rule for all law-enforcers, which should be fixed at the legislative level and will necessarily be handed over to all persons while detained by law enforcement officers. Given that international human rights law seeks to promote and protect human rights at the international, regional and national levels, it can be argued that the "Miranda Rule" actually went beyond the American national system of law and takes its place among the norms as national legal systems, and the norms of international law.

Taking into account the tendencies of the spread of this norm in the world, in our opinion, the Miranda rule can be considered an integral part of international human rights law [1].

In modern Ukraine, unfortunately, there is no real respect for a person, his rights and freedoms. This is a consequence of the deformation of justice and neglect of human rights that took place over decades. The relevant situation causes insecurity of the individual to the state, the impossibility of foreseeing the actions of the authorities. Ensuring the proper observance of human rights in law enforcement is a problem that has not yet been resolved in our country.

The specifics of the activities that law enforcement is conducting bodies associated with conflict and stress situations, which are often ambiguous but require prompt response. The National Police of Ukraine is a body that is called to serve society by ensuring protection of human rights and freedoms, combating crime, maintaining public safety and order, training of police officers should focus on acquiring them with practical knowledge, skills and abilities in conjunction with their education in the spirit of respect for natural human rights, their awareness of their role in the protection of these rights, the cessation and prevention of their violations [6].

Conclusion. Human rights are organically linked with human social activi-

ty. They are the normative form of interaction of individuals, the regulation of their relations, the prevention of contradictions and conflicts. Such human rights as the right to life, honor and dignity, inviolability of the individual, freedom of conscience, opinions, beliefs, the right to privacy, the right to participate in political processes are necessary the conditions of human existence in a civilized society and must definitely be recognized protected by the state.

Ukrainian policemen must adhere to the culture of communicating with victims, the rules of etiquette, and properly express their requests, orders and remarks. The rule of the Miranda is needed in order for the police to explain to the citizens their rights, because not every person has legal education and a high level of accountability in the field of legislation.

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ФОРМИРОВАНИЕ КОМПЕТЕНЦИИ ВЛАДЕНИЯ ИНТЕРНЕТ-ТЕХНОЛОГИЯМИ КУРСАНТАМИ УО МВД

Перед современной высшей школой стоит задача подготовки специалистов с достаточным уровнем ключевых компетенций для качественного выполнения в будущем своей профессиональной деятельности. Переход общества в новое положение влечет за собой важные изменения социальных ролей образования и самообразования, их целей, содержания, функций, технологий. По мнению А.И. Жук, направление на развитие профессиональной личности обозначает перестройку учебного процесса из пассивного усвоения знаний в активный процесс формирования навыков их применения в процессе жизнедеятельности. Основой педагогической технологии в данном случае становится компетентностный подход в образовании, который предполагает