

Kirbyatyev O.O. Criminal legal dimension of the problem of presumption of innocence of law enforcement officers who perform professional duties. The criminal-legal dimension of the problem of the presumption of the rightness of law enforcement officers who carry out professional duties in Ukraine is carried out.

It is proved that the very presumption of the right of law enforcement officers is nothing more than a legal fiction - it is in advance a false decision of the legislator, but it contributes to the protection of the rights and freedoms of man and citizen, including a representative of the authorities. The Law of Ukraine "On National Police" is proposed to supplement Art. 81 "Presumption of legitimacy of actions and decisions of the police officer", which is an actual legal presumption, and not a fiction, as a presumption of justice.

It is assumed that the very presumption of legitimacy of actions and decisions of an employee of a law enforcement body during the performance of professional duties should be on the fact of legal consolidation – legal; in the sphere of action – sectoral; with the possibility of refutation – rebuttal (for the removal of tension and discussion of the problem); depending on consolidation in material or procedural law and taking into account the meaning in legal regulation - material, and not pro-fool; in the direction of action – is aimed at ensuring human rights, respect for its honor and dignity (the policeman performs his professional duties in the first place precisely for this purpose); depending on the legal force of the normative legal act in which they are contained – such that it will be contained in the laws and by-laws of normative legal acts.

It is proposed to move away from the "presumption of righteousness" to the "presumption of legitimacy of actions and decisions" – the cancellation of administrative materials by the court should not be the basis for opening a criminal proceeding against a policeman who has applied a special tool such as shackles to offenders through certain exceptional subjective circumstances.

Keywords: *respect, dignity, rights and freedoms, professional duties, law enforcement officer, legal fiction, legal presumption, presumption of justice, presumption of lawfulness of actions and decisions of a policeman.*