

SUMMARY

Berezyuk V. V. A role of court in fixation of judicial proceedings. Despite the fact that the Ukrainian legislation contains provisions on the recording of court proceedings by technical devices, the current Criminal Procedural Code of Ukraine does not contain a clear definition concerning a person who fulfills and an order of this procedure. After all, the effectiveness of recording court proceedings and performing its functional tasks depends largely on whom, in what order and with what consequences such fixing will be carried out.

The author has analyzed the role of the court in recording court proceedings, has paid attention to the actors authorized to record court proceedings, and has examined their powers. The issues of improvement of the criminal procedural status of the court clerk and his/her role in fixing the court proceedings have been considered. The conclusions about the necessity of legislative regulation of the criminal procedural law of the rights, duties and responsibilities of the persons empowered to carry out the recording of court proceedings, as well as the need for approval of the Instruction “On the procedure of working with technical devices of recording the court proceeding (court hearing)”, approved by the State Judicial Administration of Ukraine of September 20, 2012 No. 108, with the rules of the current criminal procedural law.

In particular, it is the court, and not the court clerk, who should be charged with overseeing the full fixation of court proceedings, since it is the court, during the exercise of its main criminal procedural function – justice, that ensures that the participants of criminal proceedings exercise their procedural rights and fulfill their obligations; in particular, it is the court during the trial that ensures that the basic principles of criminal proceedings must be respected.

As for the court session logbook as an independent form of court proceedings record, it is necessary to unify its form and the amount of procedural information it should contain, and to control the observance of such requirements of criminal procedural legislation should be entrusted to the court.

Keywords: *full record of court proceedings, forms of record, technical devices, court session logbook, actors of court proceedings record, order of court proceedings record.*