

Concept of organization of court proceedings

Abstract: It is considered an issue on concept of organization of court proceedings on criminal cases. Points of views of leading scientist-criminalists, stated in past years on this topic, are analyzed. It is presented analysis of theoretical provisions of court proceedings organization.

Keywords: organization; court proceedings; court; procedural activity.

Court proceedings of the criminal cases are an important final procedural act, in which is examined and assessed the results of an investigation. Defence of the rights and legal interests of a man and citizen are the most significant matter of a state. Administration of justice is one of the directions of the public activity. Through the justice there are ensured the rights and freedoms of citizens in conflict situation of a criminal proceedings. Therefore, in order to improve criminal proceedings it should to be done a profound cognition and constructive influence in the primary, main provisions of it.

Organization of court proceedings has the features of fundamental provisions as implementation of the main task of judicial process – resolution of court proceedings – is formed through of it. The state requires qualitative court proceedings. Improvement of judicial activity, which has criminal procedure and criminalistical nature, provides a necessity of its criminalistical supporting. It is important and necessary to arrange a scientific development of various elements of criminalistical supporting of court proceedings, including the issues of organization.

Ensuring the rights and freedoms of man and citizen is the most important task, which directly linked with strengthening of the Russian statehood.

According to the Constitution of Russian Federation, the state and its organs are

♦ **Kobylynskaya Svetlana Viktorovna** – PhD in Law, Associate Professor of the Department of Ecological and Land Law of the Juridical faculty of Kuban State Agrarian University, Krasnodar (Russia). E-mail: svvik11@yandex.ru

obliged to create necessary legal and organizational conditions for realization by the citizens of their rights, freedoms and legal interests.

At the first place, the state regulates the most part of spheres of activity of society through the law. Administration of justice is one of the directions of public activity, which is a variety of social activity. Judicial action of the state is a competence of the bodies of judicial authority.

Human activity is implemented in certain organizational forms. Actually, spheres of social life are closely interlinked and interacted between each other.

It is quite often their organizational forms are the common for different areas and under this, variety of their features are manifested in different relations.

Activity is a purposeful thinking and action of a person. Main constituent elements of it are an object, goals, instruments, subjects and participants.

Just they impart a specific content to an activity.

Social activity might be determined like a process of influence of a subject to object [10, p. 87; 20, p. 43; 33, p. 173; 49, p. 194]. Aspiration to improvement and increasing social activity effectiveness (first of all, socio-economic) has provided an interest to research of organizational aspect of this activity, to studying its organization.

It is generally known that the four main factors determine people's activity – goals, subjects, material technical supporting and organization. Organizational should be understood such activity, which is based on optimal and logical interlinks between separate elements of the system, provides a high effectiveness of a labour to implement of concrete tasks.

Criminal procedure law should be reliable guarantee of legalism ensuring in criminal proceedings, directly provide necessary legal level of the law enforcement bodies on protection of man, society and the state from influence of criminality [7, p. 124]. It is important organization of judicial proceedings. Consequently, it is necessary deepen cognition, constructive influence onto primary, main provision, on which it is based, i.e. determination of criminal procedural basis of its organization

like fundamental provisions, without which there is impossible to be judicial proceedings.

Considering a problem of court's proceedings organization, first of all, one needs to determine what means a concept "organization", its application and interpretation in frames of problem studied. So to say, this is a key matter. In depend on what we understand under "organization", which elements are included in it, how they are correlated and interacted between each other, depend much that is associated with idea about court's proceedings organization.

"An organization is good, planned and elaborated construction, inner discipline" [37, p. 392].

Word "organization" is interpreted by Brockhaus and Efron Encyclopedic Dictionary as construction, location in order and system; that has right construction, reasonable correlation of parts and whole [34, p. 823].

Organization like a specific form of human practice has exclusively place in reasonable activity of men. But, it never is an end in itself and has always certain object, in dependence on which is filled with concrete content, taking the appropriate form. Accordingly to content of organizational processes, people apply appropriate organizational methods that say not about universality and opposite about concreteness and specificity of the organizational methods [40, p. 26, 33].

Any joint activity requires a consistency, ordering and organization. Efforts of various people should be harmonized in time and space, subordinated to a certain goal, unit safety rules.

Internal unity and mutual consistency of the legal norms, which consists the law system, determine a necessity of systemic analysis to discover an essence as separate branches of the law, but so separate legal institution and even the norm. Stated situation is characterized also for institution of organization.

There are expressed a lot of opinions and judgements in literature, brought various theoretical conceptions concerning a notion and content of organization, its ties with managing. Though, despite this, the matter is still actual and discussable in certain extent [41, p. 50].

Multiformity of the judgements about notion of organization and management makes harder consideration and resolution of important theoretical problems, including on specifics of judicial activity, role of organization in it, content of organization and its subject etc. as result, there are appeared considerable difficulties under preparation and realization of practical measures on improving of organization in judicial activity and its effectiveness.

Studying of the problems of organization in criminal proceedings, undoubtedly, is an actual task of criminalistics, procedural science and has the two main aspects. First of them is comparatively traditional and directed to understand meaning of judicial proceedings organization, its concept and content, realization criteria.

Second aspect, as it seems, associated with attempts to define a notion of organization of court proceedings as independent of legal institute. Analysis of this aspect allows determining the regularities of organization of judicial proceedings in procedural activity.

Joint activity supposes the management, the latter objectively and necessarily and is an integrate sign of public being, its attribute. And this means that managerial relationships always were and will be unless human society exists. They, like family, economic ties, are much earlier than legal norms. The latter do not create managerial relationships, and are used to order, protect them.

Management supposes a dominance of one will over other one and often also subordination one person other one. There the subjects are not equal in a system of managerial ties and, in addition, they have different social roles.

It is not often any important result is a consequence of a separate act in organization, which committed by one person at this moment. Activity is multiply repeated actions, which causing a chain of consequences operations and involve a lot of persons, each of who assists to achievement of a final result.

Thus, a combination of certain mental and material operations might be called an order of a work or organization.

To manage – means not only influence on a system, in which it functions at present time, but also to discover the tendencies of its development [8, p. 76], to

foresee the alternatives of its movement in future, and in compliance with these tendencies to build at this time the managing influences on the system. Indeed they say that to manage is meant to foresee [4, p. 64].

According to A.S. Petrov, management is understood a specific function of human activity, through of which is determined a goal of action, and realized by the actions itself [40, p. 36-42].

D.M. Gvishiani notes that an essence of management is always associated with the managed system and its specific regularities, and scientific research of managing function supposed a detailed analysis of the managed system, an integrated element of which this function is [12, p. 22]. Really, a sense of the managing subject existence and its influences consists in satisfaction of the objective needs of the managing objects in these or those subjective managing actions. Management is a senseless and socially not provided in isolation from an object [3, p. 445].

Analysis of scientific works dedicated to organization and management allows making a conclusion that view on organization like a process of creation of a system's structure (activity) and its qualitative improvement, and on management as retention of structure created in a certain state is a common for a more part of scientists.

According to Belkin R.S., management in criminal proceedings has some specific peculiarities determined with the nature of this activity. It linked with process of court examination and its elements, which are under influence of certain regularities of the objective reality, independent on a subject of managing; with procedural independence of person carrying out judicial examination; with regulation of the frames of a management subject's influence into managing activity. R.S. Belkin believed that, first of all, management in area of criminal proceedings consists in organization of work with evidences at stage of preliminary investigation [5, p. 445].

Supporting indicated point of view, we would like to note that management in sphere of criminal proceedings is concluded also in organization of the work at stage of preparation of judicial proceedings.

There are existed various points of view concerning a notion of “organization”. According to Apenko L.M., organization like a function of production’s management is a formation of managing and managed systems for achievement of a certain goal at the base of functional division of a labour, formation of the rational structure and system of information, optimal selection and distribution of staffs and creation of motivational factors, stimulating of organization to function in direction of the most effective achievement of the goal [2, p. 10].

Organization enters in all areas of public life. Saving of system’s integrity, its qualitative certainty, providing its functioning and development might not be without organizational processes.

It is undoubtedly that independence in what kind of activity they are conducted there are a lot of common in method and technique of managing of organization.

If to take into account that management might not be without organizational processes then it is justified a conclusion that organization and management is inseparably connected. Organization appears in practice, and first of all, in the practice of management, and finally, services of it. Organization is a mandatory attribute of management. Just owing to organizational processes, a system is able to implement reasonable interaction to environmental conditions, to coordinate and subordinate of the relations of own components, to direct their movement to programmed in advance goal. As result an autonomic system is able to save its integrity, qualitative specifics, and often not only be saved, but also be improved, developed.

So, managing inseparably linked with organization, with flowing of organizational processes. It is impossible to manage effectively with a system, to provide its rational functioning and successful development, achievement of the goals without organization.

Despite the indicated commonalty, there are deep qualitative differences between management and organization. Consideration of all these differences is not included in our task. But we note, that management is very complicated process associated with conscious activity of people, with big organizational work on

preparation of the decisions, on their realization, regulation of a system, control and record of its functioning results. Organization is something like a guiding thread, which allows orienting of people in complicated labyrinth of public phenomena, to influence on them, to achieve of the goals planned. In addition, organization is one of the instruments to influence on a system, whether to be enterprise, economy or a society in whole, together with other ones – stimulation, various sanctions etc.

Definitely, there all other instruments of influence have some organizational capacity, but organization inside them is only a form, in which this or that action is clothed. In addition, organization may be as much as full and well-timed. Though organization would not be effective if people are not ready to work, is not worked out the procedures of decisions making, the functions between subjects are distributed insufficiently clear and definitely.

Organization consists on direction, ordering, coordination of activity and behaviour of people, i.e. influences onto public relations and ties. As result of this influence, there is achieved certain proportion between subjective activity and objective regularities.

In addition, organization has clearly determined goal, possesses with instrument to reach of it, and uses the appropriate forms and methods of resolution of the tasks aimed. Therefore, organization is characterized, first of all, with purposefulness.

Planned character is one of the features of organization. Development of the plan provides well-timed choice of the ways of development and content of activity [1, p. 63], establishes sequence of the concrete goals resolution, determines necessary for it instruments, term of solution of the tasks aimed.

Organization is a complex of various actions, which interlinked between each other with one goal. It contains a probabilistic picture relatively far future and is a reflection of real processes flowing at present time, and characterizes possible state of the process in future.

Under this, the parameters of the possible future are not determined exactly and have predominantly presumptive, approximate nature. Connection of organization

with the present time has approximate nature, and what is more certain thinking operations are a mediator.

Schematically a mechanism of organization might be expressed through a unit chain of interlinked phenomenon with the following way: goals – structure – principles – information – knowledge – ideas (models) – actions – results (process).

Consequently, organization of any social activity, including in criminal proceedings, allows assessing its rationality and effectiveness, to find and eliminate existing gaps, to correct managing influence, to forecast possible changes and to prevent of negative consequences.

Thus, organization like a phenomenon is characterized with the following signs: purposefulness, integrity, complexity, conformity to plan, complicacy, and dynamics.

As it seen, organization has different signs. Since, there are a lot of the signs, a question is arisen: what are from them preferred? We believe that a choice of the signs (features) is determined with practice, those practical and scientific purposes, to which this or that activity has to serve. As we are talking about organization of court proceedings then organization has to serve of optimization of criminal process and court proceedings. It is important that organization would be systematic, considered with using of those actions, which are more reasonable in these conditions to resolve a specific task.

G.A. Tumanov analyzed the views of scientists concerning to an essence of organization and management and their correlation, and divided them into five groups. He distinguished abstractive logical, concrete logical, managing organizational, organizational managing and spontaneously organizational approaches. In compliance with them, organization and management are close, but different notions: organization is a part of management; organization is management's function; management is needed in organization. According to G.A. Tumanov, organization is an activity on creation of structural ordering of an object [45, p. 38-45].

Examination of actual circumstances of criminal case carries out in the two main stages – investigation and court proceedings, which have one common goal – search and establishment of objective truth [14, p. 164; 17, p. 74; 38, p. 115; 39, p. 73-74].

Materials of preliminary investigation are the basis, on which are built a court's activity. Just, they determine the primary position, to which a court examination is begun. If an investigator begins his activity on concrete case, having minimum information about crime and its guilty persons, then during consideration of a case, a court has in its disposal completed investigative production. This gives to a court an opportunity to determine arguable, unclear issues, to detect weak sections in a chain of evidences, to which checking should be drawn attention [26, p. 5, 11].

But, court should not and cannot be limited only with checking of these materials. It is obliged one more to examine all evidences and directly arrange judicial investigation. In compliance with article 240 of the CPC of RF, a court's sentence might be based only on those evidences, which were examined at court session.

Organization of court proceedings closely associated with organization of investigation. There are various views among the scientists on a notion, content of organization of investigation. Analysis of the most part of them was made by V.D. Zelensky [18, p. 74-98].

An idea about organization like forming start of investigation was first expressed by A.V. Dulov. To organize an investigation is, first of all, to determine its goals [15, p. 48-49]. This reflects an essence of organizational process like a forming structure of investigation. Under organization of investigation A.V. Dulov is understood a process of its ordering and optimization through determination and concretization of the goals, defining the forces, means and planning of their usage, creation of the conditions for qualitative production of investigative actions [16, p. 273]. This is a scientifically substantiated definition of the investigation.

V.E. Konovalova relates to organization of investigation the following: planning, choice and combination of investigative actions and operational searching measures, specifics of resolution of thinking tasks, saving of procedural funds [23, p.

56-59]. She formulated the principles of organization of investigative activity: planning of investigation, combination of operational searching and investigative actions; saving of procedural funds; specifics of resolution of thinking tasks and others.

Under organization of investigation A.M. Larin was understood a rational choice, placing and application of the forces, instruments and means, creation and usage of the optimal conditions to achieve the goals of proceedings [31, p. 59].

Organization of concrete act of investigation was determined by S.I. Tsvetkov like a process “of distribution of powers on collection, evaluation and usage of the evidences in time, space and on circle of persons brought to investigation of more effective and reasonable application at specific investigative situation of the techniques and methods of investigation, rational usage of the forces and funds...” [47, p. 9-10]. If an author meant under stated also determination of the goals, planning and managing with investigation, then we may agree with this definition, just supplementing of it.

Under organization N.P. Yablokov is understood a concretization, ordering, qualitative improvement of the structure of investigation like a system, creation of the conditions of fulfillment of investigation plan [50, p. 116]. This definition reflects a core of organizational process in investigation, and distinguished a forming and providing role of organization, its link with management, i.e. managing with investigation.

Under organization S.A. Kucheruk is understood an ordering and regulating of the actions by the subjects of investigation and interacting to them bodies and persons for effective prevention, detection and disclosure of crimes. There is drawn attention to managing with investigation in forms of interaction and coordination [30, p. 13].

Analysis of considered definitions of organization gives grounds for conclusion that organization of investigation is, first of all, creation of its structure, ordering, and optimization of activity. Managing is mixed with organizational process in a separate investigation. Therefore, in context of separate investigation we may say about organization, understanding under it also managing.

Organization of investigation directed at creation of the structure this activity, its qualitative improvement and saving in a state, which allows achieving the final goals. First of all, organization is structuring of investigation, its ordering [19, p. 15-16].

A goal of organizational process is to determine structural elements in their interconnection. We are talking here about general (strategic) goals of investigation and defining of private (interim, tactical) goals, process of planning. Character and significance of this process is an unambiguous; it is a forming for investigation. Just through of it is implemented an application of scientific and practical recommendations of criminalistical technique and investigatory tactics at situation of concrete investigation. We note that this is an objective process; it is an obvious. The task of criminalistics is to study its content, regularities, and to work out scientific and practical recommendations on optimization.

Second constituent part is to provide planning actions, to create conditions for qualitative production of them. At last, there are managing by investigation, managing by investigative actions, coordination and interaction to the participants. In actually, management is a managing [6, p. 445]. But since a much part of administrative actions directed to a main subject of investigation – an investigator and have an organizational and administrative nature then in context of separate investigation we are considering a management as a part of organization [47, p. 20].

So, organization is a determination of a goal, planning, creation of the conditions and management. All these constituent parts are implemented on interconnection. To organize an investigation means to determine and concretize its goals, to prepare a plan, create conditions and to manage of practical production of the actions, their combinations and whole investigation.

Organization of investigation is an ordering through creation of a mental model of forthcoming activity, conditions for qualitative production of it, and managing with practical realization. Stated notion of investigation's organization should be taken in account when it is considered a notion of organization of judicial proceedings. Studying of organization of judicial proceedings we should proceed from its characteristics like a form of activity.

Judicial power is a variety of public power [43, p. 74]. It is presented itself the public and legal relationships between a court, citizens and organizations. Criminal proceeding is a social activity of people on realization of judicial power [25, p. 93]. Court proceeding is a complicated activity of the subjects with opposite interests, and it needs to be supported in criminalistical plan and organization.

Successful conducting of investigation and further judicial resolution of a case depends in much part from organization of each indicated stages of criminal proceedings. At the same time, organization of investigation and organization of court proceedings have their own specifics and directed to creation of optimal conditions for resolution of concrete goals and tasks.

There are a lot of works in theory of procedural law and criminalistics dedicated to organization of investigation [11, p. 194; 24, p. 97; 36, p. 134], and problem of organization of court proceedings has not worked out sufficiently. Introduction in criminal proceedings of new procedures made look at some issues of organization of judicial proceedings under the other angle of sight. Therefore, it is necessary a detailed research of the theory of court proceedings organization.

Procedure of institution, investigation and examination of criminal cases presents a whole unit¹, separate parts of which are closely linked each other. Therefore, any actions on organization at any stage of procedural activity influence at a process. We cannot ignore this. In connection with this, organization presents itself that low level, from which begins criminal procedural activity and which accompanies all activity on initiation, investigation and examination of criminal cases.

According to definition given by Korchagin A.Yu., organization of court proceeding is a based on criminal procedure law, process of ordering of court process through determination and concretization of its goals, planning, creation of conditions and management with court proceeding [27, p. 34].

¹ See the works of authors Velichkin S.A., Zelensky V.D., Larin A.M., Luzgin I.M., Yablokov N.P. and others.

We note that organization of court proceeding is only an important part of integral criminal process. As this part is complied with whole one then it means that in final extent, organization serves to achievement of those goals, which a judge put before himself when organizing a court process.

Consideration of organization of judicial proceeding in this aspect allows coming to conclusion that organization has signs of the fundamental provisions, which, reflecting specificity of court activity, are its carriers, forming elements. Organization has an important procedural significance as directly forms judicial proceedings for implementation its main task.

Necessity of examination of the relationships appeared in criminal proceedings, not regulating by the law, is dictated with the needs of practice. Researches of these relations have to assist of improvement of procedural legislation, strengthening of legal base of criminal proceedings. In our opinion, it is necessary to formulate the criteria, on basis of which might be provided common approach to definition of notion “organization of judicial proceedings”.

Theoretical provisions of organization of court proceedings based on a concept of organizational processes in different kinds of investigative activity; principles of the Russian criminal process and norms of criminal procedure law; theoretical provisions of criminalistics about a core of judicial proceedings like a specific kind of social activity [28, p. 10].

Organization of court proceedings is a complex process, an essence of which might be discovered only through deep analysis all its sides, all material and functional manifestations. Moreover, character of these manifestations, their qualitative characteristics is determined, first of all, with features and regularities of criminal procedural activity, i.e. with their specifics. Organization of judicial proceedings has a clear determined goal and possesses with the instruments of movement to it, using appropriate forms and methods resolution of the tasks required. Thus, organization of court proceedings is characterized with purposeful and reasonable influence on criminal procedural relations.

Though, purposefulness is only a constituent element of a notion of organization and characterizes it in one manifestation. Another element of organization is its conformity to plan.

Especially important role in defining of a content and structure of the organization of court proceedings belongs to an object. Each element of any system always oriented to an object. In connection with this, the attempts to study the structure without orientation at specifics of the object might reduce efficiency of these researches. Therefore, the object, in great extent, influences in organization of a system, content and method its implementation.

We are not analyzed any concrete definition of organization of a court proceedings, and only are emphasizing necessity of registration of additional parameters. With considering of this notion "organization of judicial proceedings" should determine like based on the law and scientific provisions, and also analysis of judicial practice purposeful and planned activity of a judge, which directed to ordering of court proceedings.

We suppose that organization of court proceedings, first of all, answers on question, at what way judge should build his work in order to administer of justice.

In our view, scientifically substantiated and tested in practical activity organization has to include the following matters:

- purposeful research of an issue about sequence of judicial actions, based on constant analysis planning like resolution of the tasks on order and terms of fulfillment of a complex or separate kinds of actions with registration of concrete circumstances of a case;
- systematic analysis of court practice;
- training of judges, their legal and informational support.

Volume of the cases considered by the courts cases, updating of valid legislation, appearance of new theoretical and practical issues determine a necessity of detailed development of organizational matters of courts' activity on consideration of criminal cases.

We should confess that deep changes in sphere of criminal procedural relationships, determined by a modern socio-economic reforms in the Russian society, and also imperfectness of valid legislation requires independent complex research, comprehension and improvement of practice and method of organization of judicial proceedings no consideration of criminal cases.

On actuality of organizational and legal matters of criminal proceedings is testified also analysis of court practice, which allows making a conclusion that violation of requirements of the law about complete, comprehensive and objective research of circumstances of a case are the reasons of sentence's dismissal. Superficial studying of the materials of a case, essential violations of criminal procedure law, which expressed, in particular, in violation of the right to defence, non-researching of information about a personality of accused persons or other circumstances, having an essential significance for a case. Though there would be avoided a lot of mistakes caused changes or dismissal of sentences under more attentive approach of judges to application of the law.

Organizational and preparative actions include in organization of court proceedings. Conditions of trial investigation are created through these actions.

Analyzing of case's materials, judge determines what matters should be clarified in course of forthcoming court proceedings. Through intellectual activity is determined and concretized the circumstances subjected to checking, i.e. is concretized an object of court proceedings.

Organizational and analytical process includes a combination of different material operations: analysis of evidences, designing of presuppositions, forming of conclusions. Forthcoming of court proceedings is planned through this way. Planning like an element of organization consists mainly on determination of sequence of judicial actions, in their content (character and sequence of clarified issues). Planning is a part of organizational process [28, p. 10]. Planning is fulfilled mainly parallel with goal determination.

First part - up to trial investigation; second one - in course of trial investigation [5, p. 445].

Thus, a structure of court proceedings is created through determination of a goal, planning. It is necessary management's actions in course of court process in future. Presiding determines a place and time of court session, makes an issue about call to a court certain persons, controls actions of the process' participants, watches for ensuring their rights and legal interests.

Especial significance of organization of court proceedings supposes a deep studying of interconnection of its elements, concrete ways of influence and specifics. Researching of all complex of conditions and factors of organization of court proceedings allows more right determining its content and structure.

We would like to draw attention that organization of judicial proceedings is an objective necessity. Lower level of preparation of criminal cases to the court proceedings are caused with judicial mistakes, is resulted by violation of the constitutional rights and interests of citizens, makes inadmissibly or gets in doubt this or that evidence on criminal cases.

Being an aspect, element of court proceedings, organization has a certain structure. Under structure is understood a construction and internal form of system's organization, which acts like unity of stable interlinks between its elements [46, p. 395].

There are two components distinguished in it - a construction, combination of the elements and system of relationships between them. Research of the structure of whole in various levels, with consideration of the links' specifics of its elements helps to understand a nature and regularities of a whole, deliberately to influence at its development and state.

There are a lot of factors, which influence at the structure of organization. The content of activity, i.e. a complex of certain functions, is the most important among them.

It cannot be given a clear definition to each character, when considering iterative features of the internal characteristics of any system. Consequence of link each of the main elements of system's construction each other requires to determine them through

this interaction. Though it is also necessary relatively independence informative characteristics of separate kind of the structure.

The main elements of organization of court proceedings are: goals, subjects and participants, object of examination, actions and conditions, in which a judicial proceedings is produced, managing with court process. They just in their combination are a content of organization of court proceedings combination [29, p. 23].

Disclosure of a concept of organization of court proceedings through a content of its elements, certain abstraction from established in advance any system allow working out such way of studying of organization's problems, which places the objective moments of its manifestations at first level and determine its essence basing on peculiarities of criminal process and nature of interaction between the subjects. Features discovered assist of idea's formation about organization of judicial proceedings and create the requisites for separation it from organization of other kinds of activity.

It is senseless any activity, which has not a concrete goal. This axiom is applicable to any process including criminal one.

Certainly, each stage of criminal process might be rightly arranged only under determination its correct and clear goal that corresponds to a goal of whole process.

Obviously that result of any activity might be more effective only when a goal of this activity is formulated [42, p. 96], are determined the tasks, main direction of activity, provided with forces, instruments and ways that necessary for achievement of the goal defined and resolution of the tasks, determined a status and competence of the subjects.

Organization of any activity has always clearly determined goal, possesses with instruments of movement to it, uses the appropriate forms and methods of resolution of the goals. Therefore, organization is characterized with purposeful influence onto appeared relations. The goal is acted like movable forces of a subject and simultaneously directing factor of its activity.

Goal is a main form of imaginable reflection, which cover as cognitive so and projecting of advancement case [13, p. 11]. In common plan the goal might be

understood as provision of certain social needs, and the law is concretized the goal in the last of tasks and the functions done with the subjects.

The essence of the category like a goal had understood and is understood in the law in different way. According to P.S. Elkind: "Being a movable force of appropriate activity, a category "goal" answers the question on what this activity is directed and what for it is carried out" [48, p. 3]. In opinion of A.V. Borzenko, "goal is an ideally kept result of forthcoming actions" [9, p. 34]. V.T. Tomin asserted that there is existed only concrete nearest goals, and perspective goals - a core of a task. In his opinion, the goal expresses a directness of production on specific case, and the tasks - directness of production on all criminal cases like an area of public activity [44, p. 65-70]. P.S. Elkind believed that "cannot confess justified the attempts to formulate in theory of soviet criminal process the two systems of appropriate categories - goals and tasks. Any criterion of their division on content would be artificial and far-fetched" [48, p. 38]. Position of T.G. Morschakov and I.L. Petrukhin is presented to be more right. They wrote: "It is difficult to establish difference between notion of goal and task in area of the law. Term "tasks" is used more often in legal acts in sense of concretization of a goal. Though, theoretically some differences between named notions are obviously existed. For ascertaining of a system's goal is enough to have an act of cognition of the regularities, determining its development, whereas determination of the tasks is a volitional, imperative act, coming from knowledge of the goals. In addition, the task, as rule, contains the grounds of its resolution (algorithm) that cannot be said about the goal" [35, p. 254]. despite the last statement calls doubts, as a resolution of the tasks is the algorithm for achievement of a goal, in the rest their point of view is presented to be right, like a position of L.D. Kokorev, who derived the task from the goals, to which these tasks should be served [22, p. 68]

Thus, organization of court proceedings is a preparation, making decisions and its realization by a judge. The decisions are made on the basis of examined in the court's sessions materials of a case, which are based on the principles of proceedings

and formed procedural, organizational and legal features of the public activity, without observance of which implementation of the tasks is impossible.

Organization of judicial proceedings has the signs of independence of procedural notion and is distinguished with the following peculiarities:

- this is conscientious, purposeful activity;
- this is planned on achievement of certain results, directed to resolution of criminal cases;
- interim and final results of organization are fixed in procedural documents;
- actions of a judge on organization of court proceedings in certain extent are regulated with criminal procedural norms.

Stated above come to conclusion, that an issue on a content and necessity of application of the notion “organization of judicial proceedings” cannot be considered resolved in theory of criminal process.

In our view, determination of problem of organization of court proceedings has a practical perspective. It is important to know in law enforcement practice from what primarily is depended efficiency of work, opportunity of complete realization of court proceedings, and finally, success of fight to criminality.

Organization of court proceedings is mental process and actions directed to ordering of judicial proceedings, determination and concretization of the main goals, planning of the ways of their achievement. Organization is an aspect of judicial activity, having forming and providing significance.

Thus, an issue about organization of court proceedings is very actual, requires detailed attention all scientific and practical employees and needs to be developed.

In our view, a notion of organization of court proceedings is needed to be corrected. It is necessary to research an object and structure of organization of court proceedings of criminal cases, principles and levels of process' organization, place of organization in a system of criminalistics.

On a base of studying of indicated provisions of common part of organization of court proceedings, there is necessary researching of a content of a core of

organizational-normative part of court proceedings and organizational-tactical features of trial investigation.

Bibliography

1. Antipov V.P. Planning of investigation in problem situations // Issues of fight to criminality. M., 1981. p. 59-68.
2. Apenko L.M. Organization as function of management. Krasnodar, 1976.
3. Atamanchuk G.V. Public administration: problems of method of legal research. M., 1975.
4. Afanasyev V.G. Social information and managing with society. M., 1975.
5. Belkin R.S. Course of criminalistics. M., 1997.
6. Belkin R.S. Course of criminalistics. In 3 volumes. M., 1997. - V. 2.
7. Bibilo V.N. Special-legal basis of justice on criminal cases. Dissertation of Doctor of Law. Minsk, 1995.
8. Bogolepov V.P. On place of managing in organizational processes and structures//Methodological problems of theory of organization. L., 1976.
9. Borzenko A.V. Problem of goal in public development. M., 1963.
10. Buyeva L.P. Man: activity and communication. M., 1978.
11. Gavlo V.K. Problems of theory and practice of criminalistical methods of crimes' investigation. Dissertation of Doctor of Law. M., 1983.
12. Gvishiani D.M. Organization and management. M., 1972.
13. Golovin M.V. Problems of goals' determination. Krasnodar. 2005.
14. Dulov A.V. System of the goals of criminalistics and problem of managing with processes of their realization//Actual problems theory and practice of criminal process and criminalistics:: article collection in 2 parts. M., 2004.
15. Dulov A.V. Tactical operation under investigation of crimes. Minsk, 1979.
16. Dulov A.V. Criminalistics. Minsk, 1998.
17. Zazhitsky V.I. Truth and methods of its establishment in the CPC of RF// Gosudarstvo i pravo. 2005. No. 6. p. 68-79.

18. Zelensky V.D. Criminalistical problems of organization crimes' investigation. Dissertation of Doctor of Law. Krasnodar, 1991.
19. Zelensky V.D. Organizational functions of the subjects of crimes' investigation. Krasnodar, 2005.
20. Kagan M.S. Human activity. M., 1974.
21. Kemerov V.E. Introduction in social philosophy. M.: Nauka, 1994.
22. Kokorev L.D. Participants of justice on criminal cases. Voronezh, 1971.
23. Konovalova V.E. To an issue about principles of scientific organization of investigative activity// Voprosy gosudarstva i prava. M., 1970; Konovalova V.E. Organization and psychological basis of an investigator's activity. Kiev, 1973.
24. Kolesnichenko A.N. Scientific and legal basis of the investigation's method on separate kinds of crimes. Dissertation of Doctor of Law. Kharkov, 1967.
25. Concept of informational policy of judicial system// Ros. Yustitsiya. 2002.
26. Korenevsky Yu.V. Judicial practice and production of preliminary investigation. M., 1974.
27. Korchagin A.Yu. Organizational and tactical and methodological basis of criminal cases' proceedings. Krasnodar, 2002.
28. Korchagin A.Yu. Organizational and tactical and methodological basis of providing of court proceedings in criminal cases. Thesis of dissertation. Doctor of Law. M., 2008.
29. Korchagin A.Yu. Court proceedings of criminal cases: notion, organization, tactics. M. 2006.
30. Kucheruk S.A. Tactics and interaction of the bodies of investigation and inquiry like a basis of activity under disclosure of the crimes in especially complicated conditions. Thesis of dissertation of PhD in Law. Krasnodar, 2002.
31. Larin A.M. Investigation on criminal case. Planning, organization. M., 1970.
32. Larin A.M. Management with investigation and measurement of its effectiveness//Sov.g osudarstvo i pravo. 1979. No. 10. p. 78-89.
33. Leontyev A.N. Activity. Conscience. Personality. M., 1975.
34. F. Brockhaus and I. Efron Encyclopedic dictionary. M., 1997.

35. Morschakova T.G., Petrukhin I.L. Sociological aspects of studying of justice effectiveness//Pravo i sotsiologiya. M., 1973.
36. Obraztsov V.A. Problems of improvement of scientific basis of crimes' investigation method. Dissertation of Doctor of Law. M.,1985.
37. Ozhegov S.I. Dictionary of Russian language. M.,1986.
38. Orlov Yu.K. Problems of truth in criminal process//Gosudarstvo i pravo. 2007. No. 3. p. 112-119
39. Palchikova N.V. Establishment of the truth in criminal proceedings of RF like a way of combat to criminality//Ros. Sledovatel. 2007. No. 22. p. 71-78.
40. Petrov A.S. What is an organization of management? M., 1967.
41. Popov A.P. Determination of a goal in modern home criminal proceedings. Dissertation of Doctor of Law. N. Novgorod, 2006.
42. Popov A.P. Goal determination in modern home criminal proceedings. Pyatigorsk, 2005.
43. Rzhnevsky V.A., Chepurnova N.M. Judicial power in Russian Federation: Constitutional basis of organization and activity. M., 1998.
44. Tomin V.T. Concept of a goal of soviet criminal process. Pravovedenie. 1969. No. 4. p. 61-72.
45. Tumanov G.A. Organization like a function of public administration// Soviet gosudarstvo i pravo. 1986. No. 1. p. 36-47.
46. Philosophical dictionary. M., 1975.
47. Tsvetkov S.I. State and perspectives of usage of data of management science in criminalistics. Thesis of dissertation of PhD in Law. M., 1977.
48. Elkind P.S. Goals and instruments of their achievement in soviet criminal procedure law. L., 1976.
49. Yudin E.T. Systemic approach and principles of activity. M., 1978.
50. Yablokov N.P. Criminalistics. M., 1995.