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REFORMING OF THE MORAL ETHICAL REQUIREMENTS TO PROSECUTOR

The Code of professional etiquette and behavior of prosecutors is installed. The morally-ethical requirements to public prosecutors' are investigated in article.

The preconditions and order of acceptance of the Code of professional etiquette and behavior of prosecutors are described by authors. The basic requirements of the Code concerning morally-ethical standards for public prosecutors and investigators behavior are analyzed.

The author studies the essence and tasks of professional ethics of a prosecutor along with its role and importance in his professional duty performance.

Moral and ethical norms of prosecutor's conduct when off duty are considered.

With the enhancing of the role of the prosecution office in ensuring the rights and freedoms of individuals and the interests of the state, the value of the moral and ethical principals of prosecutor's behavior is increasing.

Requirements to prosecutor's professional ethics are identified in a number of international legal acts.

We believe that international experience should be applied with regard to traditions, experience, features of national culture that prevailing in society.

Particularities of prosecutorial activity require from prosecutors to be holders of specific principles, in particular to be objective, do not lend themselves to accusatory deviation or temptation to protect the "esprit de corps", to penetrate into the essence of legal and social phenomena, have the courage to admit their mistakes and think critically about them.

In order to enhance the reputation and image of the prosecution bodies, on the Pan-Ukrainian Conference of the Prosecutor Office Officers, took place on November 28, 2012, was approved and adopted the Prosecutor's Code of Professional Ethics and Conduct, enacted by the Directive of the Prosecutor General of Ukraine from December 1, 2012.

Ukraine's Prosecutor General Viktor P. Pshonka said: "This document is a collection of high moral and ethical standards of conduct for prosecutors. The Code is mandatory for execution for prosecutors Ukraine of all levels. It applies to all actions of the prosecutor whether on duty or in everyday life. This systemized collection of basic moral norms and principles is to be followed by prosecutors of Ukraine.

FEATURES OF CRIMES INVESTIGATION COMMITTED IN SPHERE OF LAND RELATIONS, COMBINED WITH THE LEGALIZATION OF PROPERTY ACQUIRED THROUGH CRIME

The article discusses the features of tactics and methods of investigation of criminal proceedings on crimes that infringe on public relations in the protection, conservation and restoration of land resources of the state, coupled with the legalization (laundering) of proceeds from crime.

The analysis of investigative practices prosecutors can distinguish several kinds and ways of committing criminal assault in land relations, each of which requires its own features tactics and investigation techniques.

Knowledge and understanding of these features will contribute an investigator in performing the tasks of the criminal proceedings in the above category of crimes to ensure a quick, full and impartial consideration to the fact that everyone who has committed a criminal offense, was held accountable to the extent of his guilt, and no innocent has not been accused or convicted.

Proved that proper detection and investigation of crimes in the sphere of land relations, especially associated with the legalization of proceeds from crime, should be an important factor in ensuring the observance of the interests of society and the state for the protection, conservation and rational use of land resources as a major national wealth Ukraine.

Therefore, investigators and prosecutors at all levels need to focus improvement of forms and methods of this kind of performance, to provide a complete, thorough and objective investigation of the circumstances of each case, exposing the perpetrators, bring them to the legally prescribed, and the maximum compensation for damages caused by wrongful acts.

Eugeniya CHUPRYNSKA

Head of the Department for Prosecutor Participation in Criminal Proceedings at the Procecutor's Office of Kyiv region

PROCEDURAL POWERS OF THE SUPREME COURT OF UKRAINE IN CRIMINAL PROCEEDINGS

Analysis of the procedural status of the Supreme Court of Ukraine in the judicial system of Ukraine as an institution is impossible without defining the legal status of the highest judicial body in the system of courts of general jurisdiction being also the mandate of the Supreme Court, which, in particular, is implicated in the procedural aspect, and is generally understood as justice.

Legal status is the legal standing of the subject. Since the status of the Supreme Court of Ukraine is enshrined in the Constitution of Ukraine, it should be regarded as the legal status of this Court in the constitutional sense.

The cornerstone of the procedural status of the Supreme Court of Ukraine is essentially the issue of its competence, for a court exists as such only when it has the authority provided for by the legislation and is able to administer justice in compliance with the procedural law .

Obviously, in order to efficiently and effectively protect and enforce the rights and freedoms of man and citizen, as well as public benefit, the Court ought to be granted not only the appropriate mandate, but also a proper place in the court hierarchy. So the best solution would be to build a system of regular courts, which would correspond to the stages of the proceedings and would have a single central axis, in other words, would be centralized (unfortunately, today's reforms have led to an undue decentralization of the judiciary).

Art. 125 of the Constitution provides only for the place of the Supreme Court of Ukraine [in the judicial system] without specifying its powers in the administration of justice.

It may be concluded that the Supreme Court of Ukraine has no constitutionally established judicial powers (as, for example, is the case with the higher specialized courts as courts of cassation, the functions of which in matters of civil and criminal jurisdiction were performed by the Supreme Court of Ukraine before the applicable law was updated). Therefore, the law stipulates that its powers are governed by the law of Ukraine, whereof the provisions are based on the constitutional status of the Supreme Court of Ukraine as the highest body in the system of courts of general jurisdiction and the ensuing mandate. So, the powers of the Supreme Court of Ukraine should be viewed as powers of the court assigned to it by law in order to achieve the objectives pursued by the bodies with similar status.

Thus, there is every reason to believe that the competence of the Supreme Court of Ukraine is recognized as a set of statutory rights and responsibilities that serve for the implementation of its tasks and enforcement of its statutory powers.

Oleksandr KOTLYARENKO

MILITARY SERVICE – THE SUBJECT OF LAW PROTECTION ACTIVITY OF THE STATE

With proclaiming an independence, Ukraine became on the way of construction of the own legal state and civil society. One of essential issues, that arises up in the sphere of a state functional mission, is efficiency of accomplishment and implementation of its functions, particularly law-enforcement. But state law enforcement activity can not be effective without a proper regulatory and legal framework as well as without system of law enforcement authorities that provide implementation of legal standards. Without it impossible to attain a stable law and

order in the state. Development of public relations and legal system of country reflects functions of the state, that are implemented by appropriate authorities.

Some law enforcement institutions realize special law-enforcement activity that corresponds their name and special status in the mechanism of the legal regulating. One of such law enforcement authorities is Military police that provides a law and order and military discipline in the Armed Forces of Ukraine. Today, Military police has some actual issues while performing the law-enforcement activities that need to be discussed.

Taking into account mentioned above, author of the article considered activity of Military police of law and order as an entity of realization of law-enforcement function. For this purpose, using the method of normatively-comparative analysis, was delivered analysis of Military police authority within a Law and Order scope. According to this, author got conclusion, that Military police is a special entity for implementation

law-enforcement function of the state in such constitutional institute, as the Armed Forces of Ukraine.