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COORDINATING ACTIVITY OF PUBLIC PROSECUTION BODIES OF UKRAINE AGAINST CRIME AND CORRUPTION

Key words: *coordination; interaction; forms and directions of coordination*

Coordinating activity of prosecution agencies in fighting crime and corruption is one of essential preconditions for efficient crime prevention as it enables to join efforts of state authorities and improve coordination between them to achieve the most efficient results.

It is the coordination that plays a key role in consolidation of efforts of law enforcement agencies. Its tasks and objectives are ensuring well-coordinated, goal-seeking, joint actions of law enforcement agencies in fighting crime, strengthening legality and legal order. Properly organized coordination, intended to avoid parallelism, overlapping, inconsistency, ensures efficient fulfilment of crime prevention tasks by law enforcement agencies, as well as excludes interfusion of their functions, substitution of agencies by each other.

It should be noted that today coordinating activity of prosecution agencies acquires particular significance due to the amendment of the Law of Ukraine on Prosecutor's Office, adoption of the Law on Principles of Preventing and Fighting Corruption and approval of the Regulation on Coordination of Crime and Corruption Prevention Activities of Law Enforcement Agencies etc.

Coordination of activity of the Prosecutor's Office was subject of researches conducted by V.V. Dozhelan, L.M. Davydenko, M.V. Kosiuta, V.I. Maliuha, M.I. Mychko and other scientists.

Despite plenty of works in this field and taking into account the complexity of the problem investigated, it remains of high priority and needs additional examination.

For the purpose of genuine understanding of the coordination activity we should first of all define the concept of coordination.

Thus, many scientists suggest that coordination means: 1) special system of theoretical and methodological and praxeological principles, interpretation of methods and techniques of arrangement and reciprocal balancing of institutional and managerial activity of law enforcement agencies and other state and non-state bodies and organizations to create efficient organization and management system,

legal system for permanent control over criminogenic processes in society and crime prevention actions; 2) methods of exercise of management functions targeted at achievement of the overall objective of security agencies [1, 33].

According to M.V. Kosiuta, coordination of activity of law enforcement agencies by the Prosecutor's Office encompasses organizational and law-enforcement, multilateral relations, intended to develop and take cooperative measures within jurisdiction of each participant for the purpose of elimination and prevention of criminal actions [2, 13].

O.M. Lytvynov suggests that coordination is the arrangement (according to various components of activity) of operations of tactically independent subjects of crime prevention system having equitable relations between them and joint strategic objective to increase the level of crime prevention. [3, 75].

Analysing the above-mentioned it may be concluded that coordinating activity of prosecution agencies is the prosecutor's activities intended to provide interaction between state bodies and achieve socially desired goal that is strengthening legality.

Oleg LITVAK, Petro SHUMSKY

PROBLEMS OF CRIMINAL JUSTICE REFORM

At this article it was researching the historical reasons of occurrence and development of public prosecutor's system. The Author has concentrated attention to the problem moments at modern model of Public Prosecutor activity in Ukraine. He has specified features of realization of supervision at transport sphere and also at system of civil aviation.

Justified preconditions and procedure of adoption of the Prosecutor's Code of Professional Ethics and Conduct. The basic set out in the Code that ensure the compliance of prosecutor's and investigator's behavior with ethical standarts are analized.

With the enhansing 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.

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LEGAL TECHNOLOGY OF CONSTRUCTING THE RULE OF LAW

Questions about the construction of the legal norm is a matter of its structure. «Structure» is a category of systematic approach and underneath understood reasonable relationship between elements in the system. With the structure of any system is other party – composition of necessary and sufficient elements that connects the structure. Therefore, to reveal the structure of a whole object (system) should talk about it and how the structure (mode coupling elements in the object), and how the composition – the same elements. Although traditionally in the legal literature questions about the construction of the law treats it as its «structure».

Legal norms have the following features.

1. Reflect the most important social relationships that are valuable for society, individual or social group. The subject of mental processing and subsequent legislative consolidation are primarily public relations, defined ideas of justice and freedom.

2. Is a model of regulated public relations. The law simulate not only the rules of conduct, but the state of social relations, their features, object and subject composition. Parked in a legal act of the law as a model of social relations give a fairly complete picture of social reality, right mediated.

3. Reflect and reinforce the typical social processes, phenomena, relationships as a result of their repeatability. Typicality belongs usually to existing relationships, but can also apply to new social ties, repeatability are expected in the future, if not with certainty, it is highly probable.

By tradition, the legal norms comprises three elements, which are called «hypothesis», «disposition» and «sanction». Such logical and legal structure have the legal norms that set a certain pattern of behavior in a given situation, that is the rules of conduct.

The main features of the legal system is integrity, unity and interrelation of legal norms, not their random set. The legal norms, of which formed a system of law, mutually consistent and purposeful. The system of law consists of varying the content and scope of structural elements which are logically combined, normative base material for a functional orientation.

The norms of law, as the original unit of law system form a system where you can find elements and their relationships. The issue of the legal norm structure should be, in fact, only those rules that directly regulate behavior, to obligating norms. In the literature, this time almost does not count. After all, in the law, there

are other kinds of legal norms. For example, norms-definitions, norms-principles, etc.

The structure and construction of any legal norm forms the unity of its constituent elements. However, the nature of these items, quantity, location, method of communication and destination depends on the type of legal norms. Thus, it is necessary to distinguish the structure of legal statutory norms and norms of conduct.

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POWERS OF PROSECUTOR DURING CLOSING OF CRIMINAL PROCEEDING

The important current issues of determination of procedural status of a prosecutor and his authorities in closing pre-trial investigation are considered in the article. The author emphasizes on forms of the finalizing investigation. The definition “shortest time” is analysed and its correlation with the definition of “reasonable time” is given in the article. The institute of “closing criminal proceedings” is suggested to suppose like one of the forms of finishing pre-trial investigation. The grounds of closing criminal proceedings and demands to the decision on closing criminal proceedings are investigated. The author analyses prosecutor’s powers of supervision on closing decision of criminal proceedings. The appeal to investigative judge against decision of investigator or prosecutor to close the criminal proceedings and its legal consequences are considered in the article. The refuse of a prosecutor to charge as separate type of closing criminal proceedings is analysed as well as the author suggests considering it as exculpatory ground.

Micola TURKOT

FEATURES OF SUPPORT OF STATE ACCUSATION IN CRIMINAL PROCEEDINGS FOR OFFICIAL CRIMES

In the article light up the problem aspects of description of military public servant as subject of military post crimes.

An author considers that the public danger of this group of crimes consists in that they trench upon activity of vehicle of military management and provided with conformable plenary powers in a command sphere.

The characteristic features of crimes of this category, which must be taken into account an investigator and public prosecutor at the judicial managing pre-trial investigation and maintenance of the state laying to the court, are certain an author.

The approximate circle of persons which belong to the number law enforcement authorities of Ukraine is outlined, and also those which behave to the employees of skilled composition reconnaissance organs of Ukraine.

It is also suggested to consider the worker of law enforcement authority of captain of military ship at finding in swimming outside Ukraine.

Attention applies on realization of separate judicial actions in regard to soldiery public servants – workers of law enforcement and reconnaissance authorities of Ukraine.

A conclusion is done that to the features of process it is necessary to take the specific of setting and norms of law for these types of crimes.

Determination of tactic of public prosecutor is offered in criminal procedure, related to the military post crimes. The order of setting of public prosecutor is recommended for the judicial managing investigation on his initial stage. Tactic of public prosecutor in judicial realization about soldiery official crimes is the system of the most rational and effective measures, receptions (facilities), which are used a public prosecutor with the purpose of leading to before the court of prosecution and providing of criminal responsibility of person, which committed crime. Thus drawn conclusion that it is expedient to appoint the group of public prosecutors for investigation, one of which is a leader and carries all responsibility for end-point of investigation of crimes of this category.

In connection with written attention is offered especially to spare the questions of qualification of crimes, rapid assembly of proofs of guilt or innocence of soldiery public servants, correct application of tactical receptions in the judicial meeting with the purpose of achievement of tasks of criminal procedure in Ukraine.

Anna SHERBAKOVA

INVESTIGATIVE TRACES OF CRIMES COMMITTED ON THE BASIS OF RACIAL OR NATIONAL INTOLERANCE

Racial, national or religious enmity as object of criminalistics research is this difficult social phenomenon which is the motivational constituent of crimes of the noted category, and which not only influences on a conduct, relation and sense of people (victims, criminals, witnesses, extraneous observers and on the whole society), but also also is the key constituent of evidential information, which turns out during realization of criminalistics activity. The important element of such activity is an exposure, fixing and verification of track picture of crime.

In the article on the basis of studying the materials of the Prosecutor's investigative and litigation, and also scientific sources, selected typical tracks

which more frequent all appear at investigation of crimes, that to doing on soil of racial or national intolerance. The specific of track picture of this category of crimes opens up, depending on that they had violent or non-violent character. Drawn conclusion that during realization of criminal pursuit for committing crime, on soil of racial or national intolerance it is necessary to work from by tracks in a wide value: with material and ideal (on tracks memory of man).

In the article an author marks, that allows to find out knowledge of typical tracks of inherent these crimes and properly fix by the lead through of the proper consequence (search) actions, tracks which have an important evidential value.

Georgiy POPOV, Oleksandr GAFYNETS

PROVIDING LEGALITY IN COMMERCIAL RELATIONS BY PROSECUTORS IN UKRAINE

The article analyzes the legal nature of the concept of „economic police” and examines the role of the Prosecutor of Ukraine in its provision. According to the authors, the role of the prosecution to provide the economic order is realized primarily in the following areas:

1. Activity prosecutor outside the criminal-procedural relations:
 - a) extra-judicial activities of the prosecution in the area of commercial law. This activity is implemented, including through publication of acts of prosecutorial response.
 - b) request the prosecutor to the court in case of rejection of representation, failing to report the outcome of the submission or presentation of case was not brought.
 - c) the participation of the prosecutor in commercial proceedings in order to protect the interests of citizens or the state as part of a mechanism to ensure economic order.
2. Attorney Activity in the field of criminal procedural relations:
 - a) procedural manual pre-trial investigation of crimes in the economic sphere.
 - b) the maintenance of public prosecutions for crimes in the sphere of economic activity.

The paper addresses the issue of prosecutorial rights of businesses in the commercial courts. The authors concluded that the prosecutor in the context of the function representing the citizens and the state in court has to protect the rights of businesses and legal persons, by participating in the trial, despite of the lack of regulations that would directly regulate the protection issues such sub 'objects.

Attention is drawn also to the representation of individual entrepreneurs in the commercial courts. The authors believe that such representation is possible both in the context of the representation of citizens and in the context of representing the state in court.

The study provides some suggestions about improving the current legislation and proposed to establish the legal definition of „economic law and order” and to

amend Art. 2 of the Commercial Code of Ukraine to consolidate the legal rights prosecutor to initiate commercial litigation in the public interest.

Gennady MOVCHAN

SUPERVISION OVER OBSERVANCE OF LAWS IN PUBLIC HEALTH

In the article the state of keeping law and order in the field of health guard in Ternopil region and public prosecutor's supervision of these issues was considered. There were analyzed the results of public prosecutor's checking which showed the presence of essential violations of the law and problematic issues in the medical field. They are: improper funding of the branch, lack of medicines for patients, providing of low – skilled medical assistance. Material – technical base of medical institutions is out of date and is very weak. The work on disease preventions is being done improperly. The cases of selling the drugs of questionable quality, violation of right for free medical treatment, providing medical treatment by persons, who don't have corresponding, that leads to deterioration of patient's health.

Thanks to measures taken by public prosecutors in this field, the growing of social tension wasn't allowed, the measures were taken to improve the quality of medical treatment and real renovation of constitutional rights of citizens.

So, the activities of public prosecutor's office in Ternopil region in detection and elimination of violations of legislation in the field of health guard, real renovations of constitutional rights of citizens was demonstrated on practical examples. There was conducted an analysis of reasons and conditions, that contributed to a violation of the law.

Oleksandr MRYHYN

PROBLEMS OF PROSECUTORIAL ACTIVITY IN PROVIDING LEGALITY IN THE SPHERE OF LAND RELATIONS

The Article analyzes the main legal aspects relating to prosecutorial supervision and the problems of the prosecutors' activity concerning the law protection and enforcement in the field of land relations.

The author highlights the most typical violations of the Land Code of Ukraine, the Law of Ukraine "On Protection of Land" and the Code of Ukraine on Administrative Violations which were discovered during prosecutor's inspection carried out by the employees of the Public prosecutor's office in Vinnytsia region and subordinate prosecutors. In addition, the article separates certain directions of law enforcement in the field of agricultural lands protection.

Igor PAPUSHA

SPECIFICITY IN THE DEFINITION OF ENCROACHMENT ON MILITARY PROPERTY

The article deals with the problematic issues of definition of money as military property, as well as to the legal position of specialized prosecutor offices for Supervision of laws in military sphere for consideration of criminal proceedings on the encroachment on such property.

The article presents statistics of criminal offenses related to the seizure of military property during the 2005-2012 years.

It draws attention on the fact that at the legislative level the belonging of money funds of military formations to another military property is not defined.

There was demonstrated the ambiguity and contradiction of judicial practice regarding qualification the malicious actions of military personnel concerning money funds that belong to military formation.

Ksenia GREYDINA

CURRENT STATE AND PROSPECTS OF DEVELOPMENT OF LEGISLATION FOR CHILDREN'S RIGHTS PROTECTION BY PROSECUTOR

The principles of legislative regulation of the prosecutor's activity on protection of the rights and freedoms of children outside criminal proceedings are analyzed in the article.

The main disadvantages of this area are specified. It is concluded that the current state of legislative regulation of the prosecutor to protect the rights and freedoms of children outside criminal proceedings is characterized by the large number of regulations. Despite some disadvantages, laws of Ukraine, which determines the framework for the prosecution in this area is considered as the most accomplished among CIS countries. It is noted that granting the prosecutor such a wide scope of powers in this area is quite justified. In fact, statistics show that today are frequent cases of violation of rights and freedoms of children by both parents (guardians) and the authorities entrusted with the responsibility of ensuring the rights and freedoms of minors. So only in 2012 the courts granted 1.5 thousand claims alleged by prosecutors to protect the rights of minors. In favor of children compensated ten million. For intervention of prosecutor's office canceled one thousand illegal acts to eliminate children's health facilities, lease of schools and orphanages, deprivation of social benefits.

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MAGISTRATES' COURTS OF SECOND HALF OF THE XVI CENTURY

Certain global justice features are being scrutinized. The aforementioned are peculiar to the courts of that time that existed in the Moscow State during the second half of the XVI century. Part of the territory of Ukraine was a part of this formation. Attention is focused on the research of the courts, which are subsequently transformed in magistrates' courts. The law of each community at that time, reflection of the latter on the regulative level, performing the local judges election – are analyzed in particular. The procedures for such elections, some specifications in respect of this are covered as well. One of the means of the implementation facilitating of those times by these judges of the "fair" justice is adduced, namely, compiling the oath, which is also regarded as a reflection of the rule of princely power in relation to their own society. In addition, the list of candidates for the judge post forming procedure is researched.

General information referred on the period they stay in office including the features that are inherent in some communities is also considered. The case examination procedure, court's jurisdiction, namely triable case categories and quantitative composition of the judges in trial on the merits are analyzed. The appeal procedure of their decisions is considered as well. The relationship between global justice representatives with the other local authorities that were appointed by the prince in the field is analyzed. The process and cause of the further deprivation by the princely power of the right given to the community to choose their own judges in the field is reflected as well.

Olena MASLIY

PHILOSOPHY AMENDMENT OF CRIMINAL PROCEDURE IN LEGISLATION IN UKRAINE

In view of the adoption of the new Criminal Procedural Code there is a necessity in urgent research of the practice of application of its norms, as well as of the theoretical foundations of its main institutions. Particular attention herein should be paid to the new norms and regulations.

Based on these tasks the most significant innovations in the criminal process are analysed in the article, the author's system of the classification of previous transformations is offered. Herewith the main innovations are highlighted: the abolition of the procedure for initiation of a criminal case, the institute of supplementary investigation; the establishment of investigating judges subsystem, as well as procedures facilitating criminal proceedings.

The author analysed the first publications on the results of application of the new criminal procedural law and warned against quick and positive evaluation. An attempt is also made to identify the philosophy of the late changes and attention is given to the need for systematic study of the practice of application of the Criminal Procedural Code of Ukraine (2012).