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Irina ZARUBYNSKA,

Chief of main department of protection of rights and freedoms of citizens and interests of the state, counteractions of corruption and criminality in the sphere of transport of the Prosecutor General's Office of Ukraine, State Counselor of Justice of the Class 3

Natalia NAULIK,

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SUPERVISION OF THE OBSERVANCE AND APPLICATION OF LAWS AS A MECHANISM FOR PROTECTING THE RIGHTS AND FREEDOMS IN UKRAINE

The analysis of the rights and freedoms enshrined in the Constitution of Ukraine is conducted. The subjects which carry out the protection are defined in the article as well. Attention is focused on the mechanism of protection of rights and freedoms, as a priority of prosecutor's supervision in Ukraine.

In particular, the constitutional rights and freedoms – are guaranteed by the state capabilities that enable each person and citizen freely and to choose the type and extent of their behavior, use the social benefits given to him as a private, and in public interest.

The Constitution of Ukraine secured personal rights and liberties, political rights and freedoms, economic, social and cultural rights.

Protecting the rights and freedoms of man and citizen is constitutionally legal and international legal responsibility of the modern state, which is realized by a system of principles, institutions, mechanisms and procedural legal rules.

There is a clearly defined system of bodies and officials at various levels in Ukraine, which should protect the rights and freedoms of man and citizen. Represented by the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, local administrations, courts of general jurisdiction and specialized courts, the Constitutional Court of Ukraine, the Verkhovna Rada of Ukraine Commissioner for Human Rights, prosecutors, lawyers and other law enforcement agencies in Ukraine.

The prosecutor's supervision - is an activity of prosecutors focused on compliance and correct application of laws Cabinet of Ministers of Ukraine, ministries and other central executive authorities, state and economic management and control, the Council of Ministers of the Autonomous Republic of Crimea, local councils and their executive bodies, military units, political parties, NGOs (Non–governmental organizations), mass movements, enterprises, institutions and organizations regardless of ownership, affiliation and belonging, officials and citizens.

The effectiveness of supervision of the observance and application of laws depends not only on quantitative indicators, but based on state law, timeliness and completeness of response to violations of the law, the actual restoration of the rights and freedoms of citizens and the interests of the state, reimbursement of actual costs and damages, especially officials of state power and control.

The public and authorities are regularly informed about the actions of violations of human rights and freedoms and interests of the state taken by prosecutors. Therefore, timely and complete the following information is displayed on prosecutor's websites in the media.

The features of the supervision over the observance and application of laws in the field of environmental protection, land relations, to protect the rights and freedoms of children, military, international, and transport sectors are defined by individual branch orders of the Prosecutor General of Ukraine.

In any case, creating a model of the prosecution must be guided by international standards concerning its role and place in a democratic society, taking into account the mentioned international experience and consider the historical traditions and the real state of socio-economic development of Ukraine.

So, in terms of reforming prosecutors supervision in Ukraine it is very important that under no circumstances the rights and human freedoms guaranteed by the Constitution, were not violated and the government provided protection and guarantee redress.

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THE CONCEPT OF "LEGAL POSITION", "LEGAL STATUS", "LEGAL MODUS" AND "LEGAL REGIME": THEORETICAL AND LEGAL ANALYSIS

The article is devoted to the question of determination and finding out of maintenance of such legal constructions as "legal status", "legal position", "legal modus" and "legal regime". The article mentioned the problem of the uniqueness of the application in scientific studies and regulations specified legal categories. It is marked that lately a term "legal status" started to be used in relation to the objects of right that caused the necessity of differentiation with such category, as a "legal regime". Under "legal position" understand legal provisions of a specific subject that is determined both him by general legal status, branch legal status and by totality

concrete legal bonds of the protracted character, in that he is, in particular in relation to the State the citizen of which he is. Every legal subject as concrete personality, legal entity and others like that owns legal position that for each is individual, that appears such by combination of separate legal statuses. Legal status of personality becomes all less than dependency upon a domestic right, that became the consequence of confession of the world all states as a standard of complex of rights and freedoms of man, human rights and pacts accepted on her basis envisaged in General declaration. Acknowledge the special legal status foremost totality of rights and duties that specify and complement common laws and duties in relation to different persons that have different official, domestic and other position.

For each entity set legal status is excellent. In turn legal category "legal mode" gets more recognition and is a specification of legal status of its elements as such, that realized only on the certain stages of corresponding processes or in the separate spheres of public relations.

A term "legal regime" has received its wide consolidation of legislation, including the names of laws of Ukraine and in a greater measure characterizes principles, terms, legal limits of realization the subject of him legal status, especially rights and duties that is set in a legislation.. The legal regime sets the special limits of realization of legal status of subject.

Mykola TURKOT
Head of Department of the State prosecution
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Senior Counselor of Justice,
PhD in Law

FACTORS OF MILITARY CRIMINALITY

In the article the separate aspects of military criminality are considered as the dangerous phenomenon, which influences on military efficiency of the military formings and law enforcement authorities military service is foreseen in which.

When the question is about criminality, it is necessary to take into account many reasons such as objective and subjective, main and second-rate reasons.

It is thus necessary to take into account that criminality is related to the negative political, economic, demographic, legal phenomena, characteristic for society.

An author considers that at research of such phenomenon. as criminality, it is necessary to use a concept "factors", but not "reasons". which more applicably for single crime.

On the maintenance the factors of war crime can be divided on: financial (absence of the proper budgetary financing of Military Powers of Ukraine and other soldiery formings); political character (for example, repeated changes of political

decisions in relation to the doctrine of functioning of military powers); socially - psychological (unhealthy moral climate in society, legal nihilizm, lacks of education); legal character (imperfection of legislation which regulates passing of military).

One of problems of counteraction soldiery crimes there is imperfection of legislative base through this question. Yes, without regard to the enhanceable public ununconcern of soldiery crimes, by approval of not a single article, which are in the section of the XIX Criminal code of Ukraine, additional punishments are not foreseen.

For prevention of criminality of servicemen at zagal'nosocial'nomu level state measures, which are directed on neutralization, limitation of sphere and power of action of base, in the first turn economic, its reasons and terms, have a near-term value. It follows to pick up thread prestige of military service, provide real profesionalizaciyu of troops, accordance of all personnel high-quality to the new requirements of segodennya. Only on this basis it is possible to decide the task of general and special prevention crimes.

Vladislav KUBALSKIY,

candidate of legal sciences

CRIMINAL RESPONSIBILITY FOR ILLEGAL ENRICHING IN CONTEXT OF PRINCIPLE OF INNOCENCE PRESUMPTION

The article 20 of the UN Convention against corruption of 2003 sets presumption of a criminal character for a significant increase in the assets of a public official that cannot be reasonably explained in relation to his or her lawful income. And the indicated person who is accused of the illegal enriching must refute this presumption. Some researchers do not support a suggestion of entering a special article that will provide responsibility for the illegal enriching. Introduction of such rule, according to their opinions, is inconsistent with the provisions of the presumption of innocence and enters into a criminal law the elements of the objective attitude for guilt. As for the contradictions between the principle of presumption of innocence and the norm about the «illegal enriching» it should be noted the following. The presumption of innocence does not eliminate from a possibility of realization of various legal proceedings in order to obtain evidences in a criminal case. In such case it will be needed to prove not a fact of committing certain crimes, that caused the enrichment, but rather an absence of the legal grounds for the considerable increase in the assets of an official. Thus, it is quite possible to take off from an official that is checked up a load of justification of the legitimacy of her

property of a considerable cost. It is known, that the load (responsibility) of proving of guilt lies on the accuser.

In practice a fact of presence of such exceeded real incomes over a significant amount of lawful actually can be regarded as a crime (illegal enriching) if an official herself or himself will not prove another or otherwise will prove the legitimacy of the resulting benefits. A fact that the real assets of an official considerably exceed his lawful income can indicate the presence of signs of a corrupt behavior and raises serious doubts in that he is not corrupted. In such case it is possible to talk about the presumption of doubt in his innocence.

Indictment evidence of bribery should be considered as any property of considerable value of an accused person, that substantially exceeds the incomes declared by him and the origin of which he can not properly explain. This will be the deriving material proof of criminal activity, as he carries a part of that information, that would be contained by the subjects of crime, if they could to be searched and attached to the case. An event of the crime – the receipt of a bribe - can «form» the illegal enriching of a defendant. From the point of view of the mechanism of the transmission of the information, some essential features that are contained in the missing objects in this case are recreated in money, values, real estate and etc., or otherwise a fact of the illegal enriching, possessing property which origin is incomprehensible, indirectly exposes an accused of bribery.

It is clear that any principle, provision can contain certain exceptions. Exceptions provided by a legislation of a many countries when a defendant has an obligation to prove his innocence in the certain categories of cases,. The states defined independently, in what cases it is expedient to limit the effect of the principle of presumption of innocence. Thus a practice of the national courts of these states and the European Court on human rights on this issues constantly changes and develops. In particular, the provisions on the load of proving in the English criminal process purchased original sense and provides the following exceptions. In obedience to Law on warning of corruption an official who received the gift is obliged to prove that his actions are not connected with a corruption.

As stated in the French legal literature, the principle of presumption of innocence is just a principle, but not a dogma, that is why in some categories of cases the load of proving lies on the defense. An exception from a traditional position about the load of proving is provided by the Criminal Procedure Codes of Italy and Poland. Criminal Procedure Code of Belgium, in particular, does not extend fully the effect of the principle of presumption of innocence on the so-called formal crimes. Exceptions from the provisions about the load of proving are provided by the decision of the European court on human rights (Castelua case). Specifically a question about the possibility of shifting of the loaf of proof in criminal proceedings is decided in the USA. In 1987 in the case «Martin - the state of Ohio» Supreme Court of the USA decreed that imposing on the defendant the duty of proving circumstances of self-defense does not violate the principles of fundamental rights, including the presumption of innocence.

The legislation of Norway, Poland, Portugal, Hungary and many other states places the load of proving the legality of the income received during a criminal activity on the accused. Criminal Procedure Code of Ukraine in 2012 does not contain provisions that would provide the laying-on of the load of proving the legality of the income received during the criminal activity on an accused.

Introduction of the special article for the illegal enriching is expedient, provides law enforcement agencies in Ukraine with an important additional legal instrument for the combating of the corrupt enrichment. The article about the illegal enriching in the Criminal code must provide the conventional signs of act and include disposition of the following content: « The exceeding in the assets by the officials, and the assets of their close relatives above the lawful income in a considerable amount…». Taking into account modern realities with the aim of strengthening of the counteraction of the corruption principle of presumption of innocence requires a revision and must contain certain exceptions.

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HUMANIZATION OF THE LITIGATION IN CRIMINAL PROCEEDINGS IN THE CONTEXT OF INTERNATIONAL LEGAL STANDARDS

The article examines the nature and components of international legal standards, the trial of criminal cases, that is his justice.

In a democratic society by the right to a fair trial is the most guaranteed. International legal standards of fair trial enshrined in Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The minimum procedural guarantees defined presumption of innocence, adversarial in proceedings, equality of the parties in the procedural proving, the right to legal assistance, the right to an interpreter.

Understanding the nature of international legal standards for fair trial contained in the decisions of the European Court of Human Rights.

The new Criminal Procedural Code of Ukraine indicates that everyone is guaranteed the right to a fair consideration and resolution of the case within a reasonable term by an independent and uninfluenced court generated according to the Law (Part 1 of Art. 2 CPC of Ukraine). Considered reasonable time that objectively required for the proceedings and adopts procedural decisions (Art. 28 CPC of Ukraine). Conduct of the proceedings within reasonable terms provides the court.

According to the European Court reasonableness of the length of proceedings must be determined in light of the circumstances of the case and taking into account the following criteria, particular complexity of the case, the conduct of the applicant and the authorities, occurring with the case.

Research of the European Court in determining the criteria fair hearing demands from Ukraine creating conditions for transparency of the judiciary; introducing a mechanism of state legal aid in the fulfillment of costs; improvement of the order providing qualified legal assistance, including free; improve the efficiency enforcement of judgments, the introduction of real competition in the judicial process.

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PLEA AGREEMENT INSTITUTE IN CRIMINAL TRIAL

The scientific article is devoted to the study of plea agreement institute in the theory of criminal procedural law and legal practice. In the article theoretical interpretations of «plea agreement» concept are analyzed and on their bases there are such main features of this agreement determined as follows: the parties plea agreement negotiations; execution of plea agreement between the prosecutor and the suspect or the accused; achievement of the mutually acceptable compromise in the matters of the suspect's or the defendant's legal liability.

Special attention is given to the matter of participation of the defense counsel when entering, considering and approving the plea agreement. The analysis of the provisions of the Criminal Procedure Code of Ukraine on the rights of the suspect, the accused (Article 49) and committing the defense counsel to participate in criminal proceedings (Article 48) arrived at the conclusion that the suspect (accused) has the

right for legal assistance at any stage of the criminal proceedings and «at any time». Moreover, the authors point out that participation of a defense counsel in criminal proceedings in terms of the plea agreement would contribute to the suspect, accused fuller and more comprehensive understanding of the agreement's form and content and the consequences of its execution and approval.

There was such particularity of the plea agreement content uncovered as the obligation of the suspect or the accused to cooperate in the matter of the exposer of the criminal offense committed by another person (subject to respectful agreements). It was determined, that one of the ways for the suspect or accused to perform his/her obligation to cooperate in criminal offenses exposing, is disjoining by the prosecutor in compliance with Article 217 of the Criminal Procedural Code of Ukraine of the related materials of pre-trial investigation in separate proceedings with respectful records registration in the Unified Register of Pre-trial Investigations.

The study also points out, that in accordance with Article 470 of the Criminal Procedural Code of Ukraine, a prosecutor when taking decision on the conclusion of a plea agreement is required to consider the following circumstances: availability of public interest in ensuring a faster pre-trial investigation and trial, and detection of more criminal offenses; availability of public interest in prevention, detection or termination of more criminal offenses or other more serious criminal offenses. Knowing about the availability of public interest, the authors note that the plea agreement may be concluded with an individual concerned in the course of covert investigative (detective) actions, such as: control of the commission of a crime (Article 271 of the Criminal Procedural Code of Ukraine) carrying out special assignment to expose criminal activities of an organized group or criminal organization (Article 272 of the Criminal Procedural Code of Ukraine); covertly obtaining samples, which are necessary for comparative analysis (Article 274 of Criminal Procedural Code of Ukraine) etc.

There were suggestions developed to the current criminal procedural legislation of Ukraine regarding possible assignment at the private session of the court of case on trial in case of the court's waiver of the agreement provided that pre-trial investigation was carried out in full.

Julia BEZMASHCHUK,
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Oleksandr HAFYNETS,
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THE CATEGORY OF "STATE INTERESTS" IN THE CONTEXT OF PROSECUTORS REALIZATION OF FUNCTIONS IN THE REPRESANTATION OF CITIZEN OR THE STATE IN COURT IN CASES DETERMINED BY LAW

In article the content of the category "state interests" in the context of representative functions of prosecution is analyzed. The authors point out that the "state interests" have legal expressions, and theirs support have a legal character. After analyzing the relationship between the concepts "state interests" and "national interest", the authors concluded that the category of "state interests" has a broader meaning. This is due to the fact that the body of the value of the laws, that covered by the category of "state interests"- is bigger, as far as wrongful acts, that infringe on these values -is somewhat broader.

Also the problem of intermediation by procurator the interests of the business entities in sphere of the private property in the courts was examined. Attention is drawn to the fact that in a market economy the position, according to which, the prosecutor may see the country's interests in such entities, has become more and more relevant. This position is quite logical, due to the fact, that under the current conditions, the state encourages and supports private enterprise, and the correct operation of private enterprise, and in general any entities ,privately owned, covered by category of "the state's interests." As far as low violation of the subjects (regardless of their legal form and ownership), on activity of which the state is interested, and infringes on the interests of the state.

The question of "unreplacement" by the prosecution of plenipotentiary subjects, when are applying to the court, was analyzed. The authors point out to unregulated of this question at legislative level ,and mention ,that the reforming of the representative function,in the context of representing "the state's interests" requires prior reform of regulatory bodies, and improve their performance in the sphere of supervision over the observance of the laws.

Alexander POPOVYCH,

Head of the Presidential Administration Main Office
for Law Enforcement Agencies Activity Affairs in Ukraine

ENGLISH ABSTRACT ON THE "PROCEDURAL LEADING SUBJECTS ON THE PRE-TRIAL INVESTIGATION STAGE IN THE CRIMINAL PROCEDURE OF FRANCE" ARTICLE

Procedural leading under preliminary investigation institute of France is being researched. The aforementioned country had made the most considerable impact on the criminal justice system in due time and continues it in the present time. Attention

is focused on the subjects of criminal prosecution that during the preliminary investigation process has the most influence regarding the direction of the criminal proceeding inquiry to move. In particular, there are local and foreign researchers' estimations on the criminal proceeding in France, namely the pre-trial investigation stage. In addition, the abovementioned views are being generalized and the conclusions are drawn up in respect of the specific pre-trial investigation entity authorities that should be analyzed as the procedural leading institute. In this regard, the Criminal Procedure Code of France is being highlighted in the field of the prosecutor and the investigator authorities during the criminal proceeding investigation. In addition, the analysis of the procedural leading institute begins with the pre-trial investigation comprehension, namely the nature of the inquiry and preliminary investigation, - in their common understanding. In order to identify the entity, whose powers include the procedural leading institute on the pre-trial investigation stage, it is necessary to determine the range of subjects, participating during the inquiry, their powers at this stage of the investigation and the relationship between them. A similar analysis is also being taken in respect of the preliminary investigation stage in this country. The powers of the investigating judge and the prosecutor are being accented separately. A comparative analysis is being conducted between the prosecutor and the investigating judge role in the preliminary investigation stage.

Hanna VLASOVA

CONCLUSION OF PLEA AGREEMENT IN THE U.S. AS A FORM OF SUMMARY JUDGMENT

Simplified procedures are used extensively by leading foreign countries. In particular, the U.S. has the common practice of plea agreements. It means that the criminal procedural law of that country provides for a kind of "trade" between the accuser and the defendant, which by the consent of the accuser has the right to plead guilty of committing less serious crime than the crime, which is specified in the indictment or statement of prosecution. This is a special agreement between the prosecution and the defense, according to which the prosecutor shall retrain less serious crime and the accused - fully admit his guilt.

In the U.S. criminal proceedings the recognition of the fault usually involves the simplification of further proceedings and conviction; while the judicial investigation of other evidence is not performed. In addition, the fact of finding guilty of the accused directly affects the volume of the right to appeal the sentence, and even the definition of punishment. «Plea of guilt» in the U.S. criminal proceedings is usually concluded on stage of pre-trial criminal proceedings. Preliminary hearing is not mandatory stage of the U.S. criminal proceedings; defendant can refuse from it. But the judge may still consider the evidence of the prosecution, despite the refusal of the defendant to secure it procedurally.

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THE PLACE OF LEGITIMACY IN THE SYSTEM OF CRIMINAL PROCEDURE OF FEDERAL REPUBLIC OF GERMANY AND UKRAINE

The best way to develop „the rule of law" meaning is to define its close ties with the criminal justice principles of Ukraine and the Federal Republic of Germany as well as to show its effect on the system of procedural principles.

There is no a common approach to the definition of the criminal procedure principles in German theory. For example, in some cases, the system includes all the principles called "the general criminal procedural principles". In other cases, the same principles are classified according to their individual characteristics.

Of all the principles, the Criminal Procedural Code of the FRG establishes only the basic four - the formality, the prosecution, the rule of law, the duty to investigate all the circumstances of the criminal case.

Meanwhile, Ukrainian legislation defines and regulates more clearly the content and the concept of the criminal procedure principles.

For example, chapter 2 of the first section of the Criminal Procedural Code of Ukraine contains 22 principles to be met by the criminal procedure.

The principle of the rule of law holds a special place among them, which is also included in the Constitution of Ukraine.

All principles of the criminal procedure both in Ukraine and in Germany compose the common interacting system as they are closely related. As the rule of law has a direct and immediate impact on the principles, so they, in turn, contribute to the implementation of the rule of law.

Ksenia GREYDINA

THE CURRENT STATE AND PROSPECTS OF DEVELOPMENT OF THE LEGISLATION WHICH REGULATES PROSECUTOR'S ACTIVITY ON PROTECTION OF THE RIGHTS AND FREEDOMS OF CHILDREN OUTSIDE CRIMINAL PROCEEDINGS

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.

Iryna MIROSHNYCHENKO,
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CRIMES AGAINST THE ELDERLY: CRIMINOLOGICAL CHARACTERISTICS OF OFFENDER

The problem of a person, who commits a crime, is a decisive issues for criminology. Analysis of the characteristics of individual and possible models of behavior is influential for the crime prevention in the future.

Under development of criminology offender considered from the standpoint of its existing biological deficiencies. Later it was found to be influenced by the surrounding social environment of individuals acquire social and psychological characteristics that enable different ways to perceive the surrounding events and have a reaction on them. This has led to the conception that illegal actions of people are caused be their social characteristics.

For the needs of criminology it is important to know whether a person could control his actions, to understand its nature, whether such actions are caused by the biological characteristics of a person. However, the article states that personal property rights are not the only prerequisites for the crime because crime is essentially a consequence of the relationship of the individual human personality characteristics of situational factors.

The article presents the main offender classification of personality traits and their impact on the behavior of a person while committing a crime. Particular attention is paid to the causes of female criminality, which include socio-demographic conditions, social tensions due to unemployment, instability of the current economic situation and analysis of juvenile individuals. For example, persons aged under 30 years are usually characterized by the spontaneity of criminal assault (especially in offenses against life, health and property against), increased aggression, cruelty and greed.

Special attention should be obtained during research by Russian scientists data on mental abnormalities persons convicted of committing violent crimes.

Anastasiia BOGUTSKA

EXTRADITION OF A PERSON AS A DIRECTION OF PARTICIPATION GENERAL PROSECUTOR OF UKRAINE IN INTERNATIONAL LEGAL COOPERATION

Based on analysis of international treaties of Ukraine the cooperation and the interaction of the Prosecutor General's Office of Ukraine with the competent authorities and officials of foreign countries for international legal assistance during the proceedings, extradition, criminal proceedings in the order of adoption are considered. One of the form of international cooperation of the General Prosecutor – international legal assistance, which is its official activity and puts in force on the basis of international agreements is analyzed in this work. Such important structural element of international legal cooperation of the General Prosecutor as extradition is considered.

According to the international treaties and ratification laws of Ukraine the Prosecutor General's Office is one of the central authorities of Ukraine regarding to the extradition. It acts as a central authority of Ukraine concerning to suspects who are accused in criminal proceedings during pretrial investigation. Powers of the Prosecutor General's Office of Ukraine regarding to the extradition are specified.

Article 12 of the European Convention on Extradition, 1957 and Article 58 Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, 1993 are analyzed in this paper, which establish requirements on the request to issue supporting documents.

Conditions that must be considered by the Prosecutor General's Office in deciding questions about denial extradition are shown.

Also the practice of Main department for international legal cooperation of the Prosecutor General's Office of Ukraine in criminal proceedings is examined.

In this article is stated that the participation of the Prosecutor General's Office of Ukraine in international legal cooperation will continue to grow.

Pavlo GYLTAY

PROSECUTOR'S SUPERVISION AFTER THE APPLICATION OF PREVENTIVE MEASURES AS HOUSE ARREST IN THE CRIMINAL PROCEEDING

Article is devoted to research of questions of public prosecutor's supervision of observance of laws at application of house arrest in criminal proceedings. Is defined that features of public prosecutor's supervision of observance of laws at application of house arrest are caused by the legal nature of the last as measures of restraint. It is proved that application of house arrest acts as a certain compromise option, a transitional position between other measures of restraint and detention. Practice of application of house arrest is analyzed, the attention is focused on the problems interfering appropriate distribution of this measure of restraint.

The algorithm of public prosecutor's supervision of legality of application of this measure of restraint is considered. Locates that it is made by the following aspects: 1) definition and check by the prosecutor of the bases for application of this measure of restraint at a stage of coordination of the corresponding petition of the investigator or independent drawing up such petition; 2) upholding before the investigative judge (court) of need of application of a measure of restraint in the form of house arrest during consideration of the corresponding petition by it; 3) check of compliance to the law of an order and conditions of stay of the suspect accused under house arrest at a stage of execution of this measure of restraint; 4) supervision of observance of laws concerning extension of terms of application of house arrest, and also the termination of its application.

Is defined that law-enforcement bodies are objects of public prosecutor's supervision at a stage of execution of a measure of restraint in the form of house arrest, and observance of provisions of the law by them makes the greatest specific weight of a subject of supervision. The separate attention is paid to implementation of public prosecutor's supervision of legality of application of electronic control devices.