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**REPRESENTATIVE OFFICE OF INTERESTS OF CITIZENS OR
STATE IN COURT AS CONSTITUTIONAL FUNCTION OF OFFICE OF
PUBLIC PROSECUTOR**

In the article the role of organs of office of public prosecutor is examined in pose a criminal sphere, taking into account international recommendations and conclusions that done on the basis of generalization of existing in the countries of Europe experience.

The analysis of changes is conducted to the judicial legislation, that the KM of RE (2012) accepted in accordance with Recommendation 11, which are set an one-year term for an appeal a public prosecutor, by public authorities and organs of local self-government of decisions of courts in appellate and appeal orders, that in same queue does not answer basic principles foreseen in an item 129 Basic Law of Ukraine.

Maintenance of the last short stories of legislation is probed, what correct representative function of office of public prosecutor. Examined change in relation to the volume of judicial plenary powers of public prosecutor, and also practical aspects which more in detail characterize changes brought in in Law of Ukraine «About the office» of public prosecutor and judicial legislation are reflected.

Changes in a legislation, which are directed on realization of positions of international documents in the field of public prosecutor's activity and status of public prosecutors, are analyzed, in investigation what correct of representative function took place.

The exhaustive list of grounds is thus set for the representative office of interests of citizens, and also the volume of judicial plenary powers of public prosecutors is changed and a right for a public prosecutor to support the lawsuit given by him then is foreseen, when organ a public prosecutor appealed in interests of which, from a lawsuit renounced, that mattered in those cases, when the public servants of these organs were instrumental in the breach of law.

Igor KOZYAKOV

**PROBLEMS OF REALIZATION OF FUNCTION OF
REPRESENTATION, THE PROSECUTOR OF INTERESTS OF THE
CITIZEN OR THE STATE IN COURT**

Article is devoted to research of separate problems of realization of function of representation by prosecutor's office of interests of the citizen or the state in

court and to formation of scientific approaches concerning improvement of realization by the prosecutor of the specified function out of the sphere of criminal legal proceedings in the conditions of reforming of bodies of prosecutor's office.

It is marked that reformation of office of public prosecutor as needs public authority realization of modification of the legislative and organizational providing of public prosecutor's activity, man sent foremost to the protection of rights and predetermines the necessity of forming of new doctrine approaches. In this connection of important value acquire the question of realization of office of public prosecutor of function of representative office of interests of citizen or state organs in a court, providing of plenitude and efficiency of the use of the plenary powers given by a law public prosecutors. Basic changes in relation to realization of function of representative office of interests of the state and citizens a public prosecutor in a court, grounds of public prosecutor's representative office are reflected.

It is marked that a legislator is not succeeded to the attempt to mark the types of interests of the state, that can be broken, and also mark reason of their violation - протиправні actions of physical or legal persons that is accomplished as between them or with the state. Such position of legislator deserves a positive estimation and must be stored in a future release Law of Ukraine "On the office" of public prosecutor, as, having regard to різноплановість of government activity and ramified of her interests, to define the clear list of state interests that can be broken, and also reason of their violation it is impossible and beside the purpose.

The lighted up idea is in relation to a necessity to add to the objects public prosecutor's defence and protection of rights and legal interests of organs of local self-government, that carry out a management communal property, that also must be entered in a legislation that regulates a representative office the public prosecutor of interests of the state and citizens in a court.

A necessity is conditioned of addition of codes of practice a norm, that would envisage a right for a public prosecutor on an address to the court with a statement about defence of interests of the state not only in the cases when public, control and local self-government, authorities on that corresponding legislative acts are fix a duty to protect interests of the state, do not accept statutory measures for this purpose.

Displace attention to the points of view of other scientists, that marked that a representative office actually existed in two forms, : violation of process in business in a court; entering into a process in business on any stage of process. Also distinguish such forms of representative office, as: a 1) violation of civil procedure on business is an address to the court with a statement about the protection of rights and legal interests of citizens and state interests; bringing of appellate and appeal complaint is about a decision, court ruling; handing in an application is about the second in connection with нововиявленими circumstances or statement thought about the second of Ukraine Supreme Court thought; 2) entering into civil procedure in business on any stage for the grant of conclusions with the aim of implementation of the fixed duties.

The problem aspects of representative office are exposed by the public prosecutor of interests of citizens and state during implementation of court decisions and it is marked that a public prosecutor is not indicated among the participants of executive production, that is why he can not properly perform the representative duty and realize the ultimate goal of the activity - defence and proceeding in rights and interests of citizens and state.

It is suggested in Law of Ukraine "On the office" of public prosecutor to envisage such forms of public prosecutor's representative office : as an address to the court with a lawsuit(by a statement, presentation); entering into the business broken after the lawsuits(by statements, presentations) of other persons, on any stage of consideration; initiation of revision of court decisions, including in business, broken on a lawsuit other person; participating is in consideration of businesses; participating is in an executive production at implementation of decreets.

Drawn conclusion, that the legislative fixing of the offered positions in relation to adjusting of representative office of interests of citizens and state in a court will give an opportunity to provide them maximal defence and will answer the requirements of reformation of office of public prosecutor as public authority, that pulled out by the Venetian commission and Consultative advice of the European public prosecutors.

*Victor SUKHONOS,
Petro MALANCHUK*

**REALIZATION OF REPRESENTATION OF CITIZENS' OR STATE'S
INTERESTS IN COURT AS A CONSTITUTIONAL FUNCTION OF
PROSECUTION IN THE CONTEXT OF APPLICABLE LAW AND DRAFT
LAW OF UKRAINE "ABOUT PROSECUTOR'S OFFICE"**

The paper considers the formation, and the task of reforming Ukraine prosecutor general of the prosecution function representation of interests of citizens or state court in accordance with the present Constitution of Ukraine and the draft Law of Ukraine "On Prosecutor's Office" international commitments of our country in particular.

Analysis of the current and the new draft Law of Ukraine " On Prosecutor's Office ", prepared by the Administration of the President of Ukraine , sent to the Venice Commission , subject to the recommendation, including paragraph 9: "Given the systemic shortcomings of the judiciary , the Assembly deplores the fact that Ukraine is not Prosecution reformed in compliance with the Council of

Europe, while the reform is one of the commitments made during its introduction. Consequently, the prosecutor remains extremely strong centralized institution with excessive powers".

The legal nature of representation in legal proceedings and in which the prosecutor, realizing the Constitution of Ukraine and laws of Ukraine powers to protect the interests of the citizen and the state has in court proceedings. Studies the types of representation.

Analyzed some justification representing citizens or the state in court under the current draft Law of Ukraine "On Prosecutor's Office" pursuant to take over the responsibility to implement the recommendations of the Parliamentary Assembly of the Council of Europe and the Venice Commission of the European model creation prosecution.

Defined the legal nature of representation prosecutor in the proceedings, considered the essence of the institute prosecution as a body that performs the function of law, public relations. The term "representation" defined in large glossary of modern Ukrainian language - is the implementation of certain legal action by one person on behalf of another or others, duties or ownership of representative institutions, organizations representing the interests of someone else.

Expounded his views on the human rights of Prosecution and representation of interests of its citizens or the state in court.

Also noted that adoption of the new Law of Ukraine "On Prosecutor's Office" is extremely imperative and important issue for the reform of the criminal justice system as a whole. Ukraine has assumed responsibilities for implementation of the recommendations of the Parliamentary Assembly of the Council of Europe and the Venice Commission to establish the prosecution European standard.

Specified, representative base Prosecutor interests of the state, namely the presence of disturbances or threatened violations of economic, political and other public interest as a result of illegal actions (inaction) of natural or legal persons who committed between them and the state.

In view of the need to establish narrowing as functions of prosecutors general and prosecutors function representation of interests of citizens or state court in particular. However, we believe that it would be in conjunction with the narrowing of the scope of prosecutorial expand opportunities for representation.

Oleg KUCHER

A QUESTION OF INTERNAL CO-OPERATION OF ORGANS OF OFFICE OF PUBLIC PROSECUTOR IS FROM REPRESENTATIVE OFFICE OF INTERESTS OF CITIZENS OR STATE IN COURTS

This article is devoted an important theme, namely to the question of internal

co-operation of organs of office of public prosecutor from the representative office of interests of citizen or state in a court.

Conducted analysis of researches of co-operation, as a mandatory member of organization of representative office in the organs of office of public prosecutor of Ukraine. The special attention is spared differentiating of internal and external co-operation of organs of office of public prosecutor in relation to the representative office of interests of citizens or state.

Public prosecutor's practice is analysed in relation to the forms of realization of internal co-operation: between subsections of representative office of offices of public prosecutor of different regions; between the office of public prosecutor of regional level and offices of public prosecutor of district level of other regions; between the workers of office of public prosecutor, which separate subsection of representative office is not in; between subsections of representative office and other subsections within the limits of vehicle of one office of public prosecutor.

The special attention is accented on legal framework of co-operation of structural subdivisions of office of public prosecutor of Ukraine, department documents – Regulation of the General prosecution of Ukraine, ratified the order of the Prosecutor general of Ukraine from April, 12, 2012 are Analysed ¹ 35, of a particular branch orders of the Prosecutor general of Ukraine and orders about distributing of duties between workers.

Analysed positions of order ¹ 6gn in relation to differentiating of plenary powers of offices of public prosecutor depending on the level of court, which will examine a lawsuit, statement or complaint. More in detail considered plenary powers of offices of public prosecutor of different level.

The question of the registration accounting is considered on questions the representative office of form ²² «Report on work of public prosecutor» (ratified the order of the Prosecutor general of Ukraine from May, 27, 2013 ¹ 64), it is necessary to bring in the proper information in the Unique system of statistics and analysis of work in the organs of office of public prosecutor of Ukraine (ESSA) by creation of electronic observant realization.

The timely reacting is probed on illegal court decisions in civil, economic, administrative cases and high-quality preparation of, appeal petitions of appeal, statements, about the revision of court decisions. Plenary powers of public prosecutors of different level and mechanism of realization of these plenary powers are determined.

Important direction of co-operation – initiator of question lights up about disciplinary or criminal responsibility of judges. Also plenary powers of vehicle of the General prosecution of Ukraine and offices of public prosecutor of areas open up from initiator of question about responsibility of judges.

Conclusions and suggestions are given through question of internal co-operation of organs of office of public prosecutor in relation to the representative office of interests of citizens or state in a court.

*Taras DUNAS,
Mykola RUDENKO*

LEGAL STATUS PROSECUTORS IN CIVIL PROCEEDINGS: SOME PROBLEMS

This paper examines the legal nature of representation prosecutor interests of citizens or the state in court, considering the merits institute prosecution as a body that performs the function of the law.

Detailed considered joining the prosecutor in civil litigation as an equal participant who is subject to the rules governing the relationship in the course of civil proceedings. This fact is an internal relation that Attorney - first representative government (law enforcement) body with advocacy function.

It is emphasized that in court representing the interests of citizens or the state prosecutor only implements the constitutional provisions set forth in articles 3, 13 of the Basic Law of Ukraine, according to which the state is obliged to protect the rights and freedoms of citizens, and all subjects of property rights and management.

Created scientifically based proposals aimed at improving the legal rules governing the exercise of the prosecutor representation in court. Formation of such offers made through the formulation and solution of such basic tasks as analysis of existing modern theory and conceptual approaches to the nature of the legal representative of the prosecutor in court, making reasonable provisions relating to the nature and objectives of this type of representation, defining the concept and types of procedural forms of representation in the civil prosecutor stage of the proceedings and civil proceedings in which it is implemented , the definition of the background and basis of representation prosecutor interests of a citizen or of the State in civil proceedings , to study specific procedures representative of the prosecutor in the trial court , as well as reviewing and enforcement of judgments in civil cases , development of proposals for changes and additions to the current Civil Procedure Code and other legislation governing the participation of the prosecutor in civil proceedings .

Determined that the prosecutor is a member of civil procedure , and its participation in civil proceedings due to the need to perform the functions representing the citizen or the State in court in cases determined by law. It also pointed out that the function of representation referred to in court for the prosecution is constitutional.

The results of studies that are conceptual in nature and can be used in particular in the provision of specialized Supreme Court of Ukraine for Civil and Criminal Cases separate clarify the representation of citizens' interests prosecutor or the state in civil proceedings.

Solved the issue of representation by the prosecutor in the trial court process in violation of the rights and legitimate interests of general public, violating mass interest .

It is concluded that the interests of a citizen of the prosecutor or the state in court is a different type of establishment which has a number of these specific characteristics that significantly distinguish it from contractual or legal representation. Determined that the representation should be independent institutions of civil procedural law.

Natalia NAULIK

**KEY ASPECTS OF FORMATION AND DEVELOPMENT
PROSECUTION OF REPRESENTATIVES INTERESTS OF CITIZENS OR
THE STATE IN COURT**

The paper defined the functions representing the state, or in the court in which the prosecutor implements the constitutional provisions enshrined in the Constitution of Ukraine, according to which the state is obliged to protect the rights and freedoms of citizens, as well as all business ownership and management.

We describe the activities of prosecutors in the representation at the time of the Commonwealth, the Russian Empire, the Austro-Hungarian Empire and modern Ukraine.

The basic aspects of the formation and development of the representation of the interests of the prosecution, or the state in court.

Established institute representing the interests of citizens and the state in court for some categories of cases that have been defined in the Charter of Civil Procedure 1864 Reports of Judgments and decrees.

It is noted that an important role in shaping the Prosecutor of Ukraine played establishment and activities of prosecutors in Galicia in the Austrian and Austro-Hungary in the period from 1849 to 1918. The significance of the prosecution in this region due to the fact that it was formed on samples of European legal system.

It was determined that the main task of the prosecutor in civil, commercial and administrative cases are the rights and legitimate interests of citizens, the state court's legal decisions. He has a special status and powers provided by law. During

the trial the prosecutor acts as a representative body of state power that enables him to act as the guarantor of legality in the exercise of justice.

It is noted that an important role in shaping the Prosecutor of Ukraine played establishment and operation of the procuracy in Galicia in the Austrian and Austro-Hungary in the period from 1849 to 1918. The significance of the prosecution in this region due to the fact that it was formed on samples of European legal system.

It is concluded that the historical development of the institution of representation prosecutor interests of citizens and the state in court in Ukraine has become the foundation of its operation at the present stage, the rules of which are set at the time of the Commonwealth, the Russian Empire, the Austro-Hungarian Empire, translated into Ukrainian legislation since independence that is of great importance for the further development of the Institute offices.

Valeriy KRAVCHUK,

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representation of interests of the citizens and states in
the court of the National Academy of Prosecutors of
Ukraine*

FEATURES APPLICATION OF THE PROSECUTOR POWERS OF REPRESENTATIONS IN ADMINISTRATIVE LEGAL PROCEEDINGS

The article examined the specific of interest representation by the prosecutor, or the state in the Administrative Court and worked the characteristics, and the most common shortcomings of Attorney procedural powers in administrative proceedings.

The relevance of this topic is justified by a number of key factors of which are the following: firstly, the relatively recent prosecutor's representation of interests of the citizens and states in the court, were added to the scope of the administrative procedure; secondly, there is a tendency to transfer the powerful influence of the prosecutor in the field of public relations in plane of the trial; thirdly, the most common implementation of the Prosecutor of its powers in the status of the plaintiff is in administrative proceedings; fourthly, only in administrative proceedings the prosecutor acquires the status of the defendant as an authority.

This article analyzes the diverse legal status of the prosecutor in administrative proceedings that are unlike than other types of proceedings. Since, in addition, that the prosecutor in administrative proceedings, or represents the state in court as a legal representative, it can also take the legal status of the plaintiff and the defendant.

Also, the author notes that the essential organizing factor representative of the prosecutor in administrative proceedings is installed: 1) the system of administrative courts (including the administrative courts of first instance are local general courts (district; borough; city and city-district courts) as administrative and district administrative courts); 2) the powers of the administrative courts to hear cases of administrative jurisdiction; 3) the procedure for appeal to the administrative courts; 4) the exercise of administrative proceedings and so on.

Sergiy BANACH

STRENGTHENING THE INSTITUTE OF IN THE PROSECUTION AS A GUARANTOR FORMATION OF LAW

The article examines issues arising in the performance of the constitutional functions of Attorney - representing people in court, and proposed solutions.

Determined that the establishment of the rule of law depends on the success of the prosecution constitutional functions, so today there is an objective need for strengthening the institution of representation in the prosecution by amending the Law of Ukraine "On Prosecutor's Office" in terms of change and expansion bases and criteria for representation of the interests of the public prosecutor citizens in the courts.

The aim of the paper is a comprehensive study of general analysis of existing legislation and identify problems of legislative support and regulatory imperfections in its practical application, proposing to improve and strengthen the functions of the designated prosecutor in the exercise of human rights and the rule of law.

The study focused on the following areas as: clarification of the concept of "institution of representation " in the prosecution , establishing sources of legal regulation of this concept , the formation and refinement of conceptual and terminology in the field of selection criteria and basis of representation in the prosecution , a comprehensive theoretical and practical analysis of individual bases of representation , research institute legal nature of representation under the laws of Ukraine , the study of theoretical and practical problems , the development and justification of recommendations and suggestions to improve the legislative and the rights and obligations of the prosecutor for his representation in court.

It is appropriate in the new legislation to enable the prosecutor independently determine whether there are grounds for its intervention in a

conflict, whether a citizen of the category of persons in need of protection from the State, because nearly set in the relevant legislation all cases where it may submit to the court's interests, not because this status is constantly changing, a person is involved in numerous legal, regulated by different regulations.

It is noted that the changes are accepted without analysis of the legislation and practice of the prosecutor makes the performance of a representative function and reduces the number of persons, protection of which can act as prosecutor.

It was concluded that a wider basis it would be to organize and specify the internal regulations, taking into account the relevance and modernity problems resonance cases.

*Anatoly MATVIYETS,
Alexander GOLOVKIN,
Oleksandr KOBETS*

PROSPECTS OF REPRESENTATIVE ACTIVITY OF THE PROSECUTOR IN ENVIRONMENTAL CONTROL

In this article speech is about the illumination of the state of public prosecutor's activity of the office of public prosecutor out of limits of criminal pursuit in this sphere on the modern stage of reformation of organs of the office of public prosecutor and prospects of its improvement.

It's actuality consists in that, directly the article of the 16 of the Constitution of Ukraine providing of ecological safety maintenance of ecological equilibrium on territory of Ukraine, overcoming of consequences of the Chernobyl accident, – catastrophes of planetary scale, maintainance of gene pool of the Ukrainian people, are the duty of the state.

Moreover, the collective of authors in this article has analysed normatively legal acts by positions of actual in this sphere, in particular The Law of Ukraine «About the bases of national safety of Ukraine», where it is marked that an ecological sphere is one of basic directions of public policy of the national safety of Ukraine, The Law of Ukraine «About the guard of natural environment», The Law of Ukraine «About the office of public prosecutor», the particular branch orders of the General Prosecutor of Ukraine, the methodical recommendations on questions activity of office of public prosecutor in the field of guard of environment and out of criminal sphere, in particular in relation to the guard of waters, bowels of the earth, landed resources, and others like that which were developed by the National academy of office of public prosecutor of Ukraine together with the General public prosecution of Ukraine.

Authors spared considerable attention to the meeting of college of the General public prosecution of Ukraine from July, 4, 2013 «About balances of the work of organs of office of public prosecutor in And half-year of 2013 and measures, directed on the increase of efficiency of their activity, basic tasks on next period»where certainly, that public prosecutors must spare the special attention to legality of earths of forest fund, providing of free access of citizens, to the lakes, rivers and other water objects during the use on the having a special purpose setting. In his appearance the Genaral public prosecutor of Ukraini V.P. Pshonka marked that questions of guard of natural environment had always been and will be priority in activity of organs of office of public prosecutor, because the ecology in the state is in a critical condition and in most cases reasons of such state is inactivity of people, including public servants.

The special attention in the article is spared because the active stage of reformation of the office of public prosecutor in Ukraine. The project of law of Ukraine «About the office of public prosecutor», which was geared-up by the Administration of President of Ukraine, which is on consideration in VerkhovnaRada of Ukraine, foresees realization the public prosecutor of fastened in ch. 2 st. 121 Basic Law of Ukraine of function of representative office of interests of citizen or state in a court in cases, certain a law. The function of supervision after inhibition and application of laws is liquidated. The project of Law provides for, that the public prosecutor in the cases foreseen in a law is of interest in a court the state and citizens, grounds the presence of violation or threat of violation of interests of the state, citizens, and necessity of their defence.

The collective of authors turns the special attention on that activity of organs of office of public prosecutor in the field of guard of environment, in particular in pose a criminal sphere, which are the important instrument of providing of national safety of our state and specify on the possible ways of subsequent improvement of the normative adjusting, structure, jurisdiction of organs of office of public prosecutor, take care about the questions of activity of office of public prosecutor in the field of guard of environment.

Andrey FIGEL

PECULIARITIES OF PROTECTION OF HOUSING RIGHTS OF PHYSICAL ENTITIES IN COURT BY THE BODIES OF PUBLIC PROSECUTOR'S OFFICE

The given article is devoted to the important and topical problem – protection of housing rights of physical entities in court by the bodies of Public Prosecutor's Office. The aim of the present article is the consideration of contradictions that arose in the present area, and prospects and tendencies of improvement of the given problems.

In the article it is established the essence of representation activity of the bodies of Public Prosecutor's Office, its legal nature and it is investigated legal issues of correlation of functions of the bodies of Public Prosecutor's Office that are fixed in the Law of Ukraine "On Public Prosecutor's Office" and the Housing Code.

The attention is drawn to the grounds of representation of citizens' interests by Public Prosecutor's Office in courts with specific examples taken from prosecutors' practice.

It is revealed the content of procedural status of a prosecutor in the role of plaintiff comparatively to a status of other persons who bring a civil action to a court.

The article embraces the issue of eviction of physical entities from accommodations in the administrative order by a prosecutor's approval; the attention is drawn to introduction of relative changes to the current Housing Code in connection with "non-constitutionality" of such function in activity of the bodies of Public Prosecutor's Office.

In addition to that, the forms of citizens' interests representation in courts are emphasized, which allowed to come to a completely suitable conclusion about the necessity to assign the bodies of Public Prosecutor's Office as one of jurisdictional bodies that fulfill protection of housing rights and interests of physical entities. In connection with this there appears a necessity to make further scientific researches in this subject area as well as to make corresponding changes and additions to the Civil Code and Housing Code of Ukraine.

Anton OGIENKO

PROBLEM QUESTIONS OF REPRESENTATIVE ACTIVITY OF OFFICE OF PUBLIC PROSECUTOR ARE IN ADMINISTRATIVE LEGAL PROCEEDING

In the study paper focuses on issues of representation prosecutor citizens' interests in court and proposed solutions. The main areas of legislative regulation of prosecutor offices interests in court, the prosecutor features of functions representing the citizen or the state in court and clarified the role and place of the public prosecutor in the administrative process.

Indicated that the prosecution function representation of interests of citizens or the state in court stipulated in paragraph 2 of Art. 121 of the Constitution of Ukraine. Clearly identified legal forms representative of the prosecution in the Law of Ukraine "On Prosecutor's Office" on: going to court with claims (statements, representations), since in the case brought claims (statements, representations) of others at any stage of the proceedings; initiation judicial review, including in the case brought by the claim (application, presentation) of another person; participate in the proceedings.

Determined in accordance with the Code of Administrative Procedure of Ukraine Attorney forms of representation in administrative proceedings, such as recourse to administrative action (representation) participate in the proceedings in his claims, and the entry on its own initiative in cases where proceedings which opened for administrative suit other people at any stage of the proceedings; filing appeals, complaints, petitions for judicial review by the Supreme Court of Ukraine for judicial review under the new circumstances.

Representative activities of the prosecutor in administrative, economic, civil litigation based on many common principles, while its functions with regard to representation in court the rights and interests of citizens and the state, regardless of the legal process and its stages, is always carried out within the procedural form.

In the context of legally enforceable powers of the prosecutor highlighted the problems of representation of citizens' interests or the state in administrative proceedings.

It is concluded that the participation of the prosecutor in administrative proceedings requiring further study, since scientific theories have been mixed up, sometimes even diametrically opposed approaches to the powers of the Prosecutor of Ukraine during the representation in administrative court interests of citizens or the state.

Alona OLIFIR

**ORGANIZATIONALLY LEGAL PRINCIPLES OF
REPRESENTATIVE ACTIVITY OF PUBLIC PROSECUTOR ARE
DURING REALIZATION OF DEFENCE OF INTERESTS OF THE STATE
IN ECONOMIC LEGAL PROCEEDING**

The purpose of the article is a decision of order of organization of activity of public prosecutor in the economic legal proceeding.

It is analysed normatively legal acts which regulate participation of public prosecutor, as the special subject of representative office in economic, legal proceeding.

Paid regard to order of the Prosecutor general of Ukraine from November, 28, 2012 ¹ 6 gn «About organization of work of organs of office of public prosecutor in relation to the representative office of interests of citizens or state in a court and their defence at implementation of court decisions», which certainly, that the basic task of representative office in a court is defence of interests of the state, which are violated or can be broken as a result of illegal acts of physical and legal persons, actual removal of breaches of law.

Importance of the informative providing of organs of office of public prosecutor is selected, and systematization of information generators on the basis of which taken measures civil legal character is offered.

Paid regard to importance of co-operation of structural subdivisions of organs of office of public prosecutor, which are the basic element of organization

of representative office of interests of citizens or in the states in a court. Selected orders which regulate organization of co-operation of structural subdivisions.

Judicial practice is analysed on questions misinterpretation of laws and decisions of Constitutional Court of Ukraine.

Considered procedure of entry of public prosecutor in business and him judicial plenary powers.

Done conclusions in relation to unadmission of narrowing of plenary powers of office of public prosecutor in representative activity on the project of Law of Ukraine «About the office» of public prosecutor, taking into account insolvency of supervisory organs to protect interests of citizens or states.

Viktoriya USTIMENKO

LEGAL FRAMEWORK OF REPRESENTATIVE OFFICE BY PUBLIC PROSECUTOR OF INTERESTS OF CITIZEN OR STATE IN COURT

The separate problem questions of legal framework which regulates functioning of representative office the organs of office of public prosecutor of Ukraine of interests of citizen or state in a court and suggestion in relation to the ways of their decision are examined in the article.

Some problem pressing questions of legal framework of functioning of representative office are selected by the public prosecutor of interests of citizen or state in a court and suggestions in relation to the ways of their decision.

It is considered normatively legal acts which regulate participation of public prosecutor, as the special subject of representative office, in the economic, civil, administrative, criminal legal proceeding (with a civil action) and executive realization. Legal framework of function and forms of representative office of interests of citizen or state of office of public prosecutor of Ukraine, statutory is selected, namely: by the article of a 121 Constitution of Ukraine, by the articles 2, 45, 46, 297, 328 Civilly judicial to the code of Ukraine, by the articles 2, 18, 29, 91, 107, 111-15, 113 the Economic code of practice of Ukraine, by the articles 60, 61, 189, to 214 Codes of the administrative legal proceeding of Ukraine, item, 128 the Criminal code of practice of Ukraine, by the articles 7, 10, to a 19 Law of Ukraine «On executive realization», by the articles 5, 20, 36-1, to a 37 Law of Ukraine «On the office of public prosecutor».

Investigational separate operating normatively legal and department acts which determine: terms of participating in the trial of organs and persons, which a right to protect rights, freedoms and interests of other persons, legal status of

public prosecutor, foundation and form of realization of representative office, plenary powers of public prosecutor, right of statutory and appeal is given, order of presentation of lawsuits (statements, presentations), appeal petitions of appeal, statements about the judicial second thought after by new circumstances, statements, about the judicial second thought by Supreme Court of Ukraine and others like that.

The expounded suggestions are in relation to the improvement of positions of legal frameworks which regulate realization of representative office the public prosecutor of interests of citizens or state. Certainly, that the indicated documents need improvement by making alteration, which would foresee the decision of such concepts: interests of citizen, interests of the state, interests of society; participants of trial, in particular, that a public prosecutor has equal rights with other participants of process. Marked, that an improvement also requires order of entry of public prosecutor in a case, grant a conclusion in business.

Suggestions are offered in relation to changes in a legislation will be instrumental in effective implementation of representative function and realization of basic task of representative activity of office of public prosecutor of Ukraine is the real defence and proceeding in rights and legal interests of citizens, and also defence of interests of the state.

Petro TOMILENKO

PROBLEMS OF PROSECUTOR'S ORGANIZATION TO REPRESENT THE INTERESTS OF CITIZENS AND THE STATE IN COURT

Prosecutor's Representation of interests of citizens or the state in court - interdisciplinary (integrated adjacent) Law Institute, which consists of a system of law governing the activities of prosecutors and civil procedural rules that establish legal procedure prosecution protection of rights, freedoms and interests of individuals the rights and interests of legal persons in the private and public sectors and the public interest.

The value function of the representative of the prosecutor in the present is determined by the relevance of certain categories of cases to protect the rights and legitimate interests of citizens and the state, and resonance of a dispute with regard to the importance of the results of its review to the public.

Practice shows that in recent years the actual restoration of the rights of citizens provided mainly on the basis of court decisions in numerous cases with claims and petitions prosecutor.

Efficiency of this, one of the most important legal means to combat offenses depends primarily on the proper organization of the district (city) prokurora. Orhanizatsiya this work is quite mnohohranna in general include:

a) The division of responsibilities between prosecutors in preparing materials for a claim, and b) the information and analytical support this activity, c) learning (generalization) practices resent the appearance of claims (claims); d) accounting related work.

Problems of organization of the prosecutor as to represent the interests of citizens and the state in court were the subject of research in a number of research papers and publications. The present legal phenomenon engaged in by such scholars as M. Rudenko, Teslenko A.M Yakymchuk M.K, P. Karkacha, Prytyka D.M and other scientists.

The paper defines the organization of representative works in the narrow and broad sense, distinguishes problematic aspects.

Narrow meaning of representative works is to organize a representative of labor (in order to increase its effectiveness), namely the proper distribution of responsibilities between the prosecutor's office, a representative of reasonable planning, monitoring of implementation of the planned activities, the creation of good order and working conditions. Organization in the broadest sense includes: streamlining and optimization of prosecutorial system, reasonable distribution of representative labor timely statement to an employee and subordinate prosecutors operational tasks and monitoring their implementation, evaluation done of representative works and other management measures. [Ynt.res.]

General principles of the organization representing the interests of the state or citizens in court by the Prosecutor General of Ukraine Decree of 28 November 2012 number 6hn "On the organization of the prosecution as to represent the interests of citizens and the state in court and protect the execution of judicial decisions", states that the main objectives of representation the court is the real protection and restoration of the rights and legitimate interests of citizens who are unable because of physical or economic status, failure to adulthood, old age, incapacity or limited legal capacity to protect their rights or exercise procedural powers, and the protection of state interests that are violated or may be affected as a result of wrongful acts of individuals and entities, the actual elimination of violations of the law.

Anastasia GUSAROVA

SOME ASPECTS OF ENTRY OF PROSECUTOR IN PROCEEDINGS OPENED BY THE COURT UPON APPLICATION OF ANOTHER PERSON

Changes in a national legislation and unitization of representative function of office of public prosecutor in relation to the protection of rights and freedoms of citizens and interests of the state predetermine actuality of research of the indicated question. From the point of view of science of judicial right and organization of work of organs of office of public prosecutor qualificatory are problems of entry of public prosecutor in a trial.

Constitution of Ukraine the representative office of interests of citizen or state in a court provides for as one of basic functions of office of public prosecutor. Representative office in a court it is also envisaged the office of public pro

Arguments over are brought in behalf on the point of view in relation to realization a public prosecutor at entering into a case exceptionally constitutional function and presence of the special status - status of representative of the state and special judicial position, different from status plaintiff and representative in business. The point of view is supported, that the legal founding of participation of public prosecutor Constitution of Ukraine is in business, foremost,, in this connection on a public prosecutor a duty to give to the court any to the warrant or other documents can not be fixed, except an official certification. The difference of judicial position of public prosecutor that entered into business is also set, from status of public prosecutor, it is declared that lawsuit, that consists in absence for a public prosecutor, that entered into business, rights to change founding or subject of an action, increase or decrease the size of lawsuit requirements, give up a lawsuit, as he did not put an action, and such right is given to parties in business. secutor of interests of citizens or state and in the operating codes of practice of Ukraine and the century of a 36-1 Law of Ukraine is well-regulated "About the office" of public prosecutor.

In the article an author is investigate the questions of procedure of entry of public prosecutor in businesses that is examined by courts after the different forms of rule-making out of criminal sphere, and legal status of public prosecutor in the indicated businesses.

It is suggested to complement a legislation an author by norms, that would settle the necessity of receipt from a person interests of that are presented by a public prosecutor, statements in relation to the necessity of representative office of her interests. It touches and to the necessity of entry of public prosecutor for the business begun by a court after the appeal of other person. The vexed questions of entry of public prosecutor are examined in business by presentation of appellate or appeal complaint.

Yulia MALASHUCH

ACTUAL ISSUES OF IMPROVEMENT OF REPRESENTING CITIZENS' INTERESTS IN COURT BY PROSECUTOR

Practice shows real restoration of the rights of citizens provided mainly on the basis of court decisions in numerous cases with the claims of the prosecutor.

However, according to the statistics of the prosecutor claims to defend the interests of citizens in the prosecution of the Kiev region decreased from 1035 (Statistics of 12 months in 2011) to 687 applications (Statistics for 12 months in 2012).

First of all, this is a consequence of changes in legislation.

At the same time, the Law of Ukraine "On free legal assistance" does not provide procedure of concluding agreements or treaties applied on legal assistance to citizens. Are not specified documents certifying authority representative, the person who applied for legal aid and so on.

It is necessary to clearly define these issues. Because, the new draft Law of Ukraine "About Prosecutor's Office" provides an exhaustive and fairly narrow list of reasons of representation of citizens' interests' prosecutor in court.

Function representation enhances human rights and potential prosecution is one of the most important guarantees of the rights and interests of citizens.

In this connection, there are situations explanation citizen need recourse to the respective claim and agree with his chosen path protection.

Lack of expression of the citizen will prevent the emergence of representational relationships. Currently, the law is not settled: in what way should make out a will, matching the chosen path protection, content claim.

Analyzing national legal and scientific practice, we conclude the ambiguity of the status of the prosecutor during the implementation of procedural powers in the representation of citizens in court.

So, in some cases, the prosecutor acts as a representative of the person in the other - as a separate entity, endowed with procedural powers parties represented. In our opinion, in all cases, while representing citizens prosecutor cannot represent only a person. By so doing, he also represents the state, implementing legislated rule of law and order, which are essential components of democracy.

Under such circumstances, it would be appropriate to clearly define the procedure further representation by prosecutor of the state in cases, where citizen refused from claim.