Dmytro Velykodnyi

Doctor of Philosophy in specialty 081 "Law",
Master of Public Administration and Administration
https://orcid.org/0000-0002-2489-3929

PRINCIPLES OF COOPERATION OF THE PROSECUTOR'S OFFICE WITH STATE AND LOCAL SELF-GOVERNMENT BODIES

Abstract. The article is devoted to the establishment of the system of principles of interaction of the prosecutor's office with the offices of public power and local self-government and its analysis.

The author emphasized that the interaction between the prosecutor's office, public authorities and local self-government offices should take place in accordance with certain principles - general guidelines that serve to achieve the tasks of joint activities and are mandatory for all participants. It is noted that the principles of the studied interaction are derived from the general principles of organization and activity of public and municipal authorities, and also have relative regulatory certainty.

The article also points out that the principles of cooperation of the prosecutor's office with public authorities and local self-government bodies represent a complex systemic phenomenon. In view of this, it is proposed to divide the entire system of researched principles into two groups: general and special. At the same time, it is proposed to assign a number of constitutional principles of public administration to the first group, in particular, the rule of law, legality, independence and equality, transparency and openness. Instead, the author suggests that the principles of scientificity, planning and continuity, efficiency, as well as the obligation to implement agreed measures and monitor their implementation should be attributed to the second group. The article pays special attention to highlighting the specifics of each of the above principles in the context of the interaction of the prosecutor's office with public authorities and local self-government bodies.

The author comes to the conclusion that the principles of the studied interaction are interdependent, complement each other, and also determine the direction and character of the joint activity of the interacting subjects. At the same time, it is emphasized that the specified list is not exhaustive and may be the subject of further scientific developments, however, in the opinion of the author, the outlined principles are the most important for achieving the most significant result of the interaction of the prosecutor's office with public authorities and local self-government bodies.
Keywords: principles, interaction, prosecutor's office, public authorities, local self-government offices.

Introduction: In Ukraine, the effective functioning of the prosecutor's office, public authorities, and local self-government bodies is pivotal for safeguarding human rights and upholding state interests. These entities, while operating within the scope of national legislation, rely heavily on their cooperative efforts to fulfill their duties efficiently. The interaction among these bodies is governed by a set of principles that reflect the nature and importance of their collaboration. These principles not only outline the responsibilities and powers of each entity but also define the framework within which they operate to achieve common goals. Understanding and adhering to these principles is essential for fostering a cohesive and effective system of governance.

The activities of the prosecutor's office, public authorities and local self-government in Ukraine are primarily aimed at establishing and ensuring the proper implementation of human rights and freedoms, as well as the interests of the state. For this purpose, each of the above-mentioned subjects performs specific powers defined by the current national legislation. At the same time, an important guarantee for the successful completion of individual tasks is the unification of their joint efforts.

When interacting with each other, the prosecutor's office, public authorities and local self-government bodies must act in accordance with certain requirements. The latter reflect the essence and significance of interaction for the state and society, establish the tasks and powers of the interacting subjects, and also determine the nature of the application of various forms of interaction. In general, these requirements can be called "principles".

Analyzing the literature devoted to the problems of the principles of activity of public authorities and local self-government, we can confidently note that many scientists interpret the term "principle" as a basic rule, a starting point, a guiding idea of the activity of any system that reflects regularities and relationships between its elements [4, c.696]. Fully sharing this statement, we believe that the principles of cooperation between the prosecutor's office and public authorities and local self-government bodies should be understood as general guidelines that serve to achieve the goals of such cooperation and are binding for all participants.

Going directly to the disclosure of the selected issues, we note that the researched principles were formulated based on the results of knowledge of the nature and mechanism of interaction of the prosecutor's office with public authorities and local self-government bodies and reflect the content and interrelationships of such activities as a system. In their essence, they are derived from the general principles of organization and activity of public and municipal authorities. In addition to the above, the signs of these principles can also include compliance with general principles of public administration, systematality, and relative normative certainty.
The provisions of the current national legislation do not directly establish the principles of interaction of the prosecutor's office with public authorities and local self-government bodies. Individual principles of such activity can be determined from the orders of interacting bodies. As an example, we can cite the order of the Prosecutor General dated February 8, 2021 No. 28 "On approval of the Procedure for coordinating the activities of law enforcement agencies in the field of combating crime." Clause 7 of Section 1 of this regulatory act specifies that law enforcement and other state bodies coordinate among themselves in order to combat crime, based on the principles of: "the rule of law, legality, independence and equality of the subjects of coordination activities, the obligation to implement agreed measures and control according to their implementation, systematicity and completeness of coordination forms and publicity, transparency and openness of coordination measures" [6].

The principles of interaction of the prosecutor's office with public authorities and local self-government bodies represent a complex systemic phenomenon. Conventionally, they can be divided into two main groups: general and special. The first group includes a number of constitutional principles of public administration, in particular, the rule of law, legality, independence and equality, transparency and openness. Instead, the second group should include the principles of scientificity, planning and continuity, efficiency, as well as the obligation to implement agreed measures and control their implementation.

Based on the content of the first part of Art. 8 of the Constitution of Ukraine, the principle of the rule of law is decisive for the constitutional system of the state [3]. Therefore, it is one of the key factors in any activity of public and municipal authorities in our country, as a universal value that is the basis of human development. In general, the rule of law is a diverse, complex and multi-level theoretical and philosophical-legal construction, which is not only a means of understanding law and the state, but a real, effective mechanism for ensuring law and order [7, p. 7]. In the context of our research, this principle is interpreted in the sense that the interaction of the prosecutor's office with public authorities and local self-government bodies should be aimed at achieving justice and providing effective protection of human rights and freedoms. At the same time, both the process of such interaction and its result should be fair and effective.

The principle of legality is closely related to the principle of the rule of law. This principle provides that the relations between the prosecutor's office, public authorities and local self-government should be built exclusively on the basis of the provisions of current national legislation and rules of professional ethics, and the activities of these subjects should be carried out only within the limits of the powers granted to them by law. We note that full and comprehensive compliance with the current legislation of Ukraine must be ensured both in the work process and in the decision-making process.
Another general principle of interaction of the prosecutor's office with public authorities and local self-government bodies is the principle of independence and equality. In the context of the investigated issue, this principle primarily means that in the process of interaction, its participants must remember the independence of each of them and the inadmissibility of interference, pressure, other influence, and the need to be guided only by the Constitution and laws of Ukraine in their activities. Also, joint activity should in no way interfere with the performance of the main functions of public or municipal authorities assigned to them by the state. Equality, as a principle of the studied interaction, should be interpreted as giving the participants the same amount of authority at all its stages. At the same time, it is important to note that equality should exist despite the general differences in the functional activities of the prosecutor's office, public authorities and local self-government, because in the process of interaction they are practically homogeneous, because they actually perform the same tasks at different levels. In addition, we share the opinion of V.V. Dudchenko, that this principle also "presupposes equal administrative, legal, financial and economic opportunities during decision-making" [1, p. 48].

It is also appropriate to include the principle of transparency and openness among the general principles of interaction of the prosecutor's office with public authorities and local self-government bodies. In the context of this study, this principle should be interpreted as ensuring constant and timely information of all layers of society about the joint activities of interacting subjects in order to solve the tasks. To this end, through the mass media, various briefings and round tables, the prosecutor's office together with public authorities and local self-government bodies must report to members of the public on the adopted agreed measures on certain issues and the results of their implementation. Openness of interaction is not unlimited: in the event that information is of exceptional importance for the realization and protection of human rights and freedoms, the interests of the state, and in other cases determined by legislation, it may remain confidential.

As for the special principles of interaction of the prosecutor's office with public authorities and local self-government bodies, the principle of scientificity should be attributed to them first of all. As rightly noted by V.V. Dudchenko, "a scientific approach is an urgent need arising from the objective prerequisites of the development of society, the fundamental goal of ensuring progress in all spheres of life" [1, p. 48]. In the context of the outlined problems, this principle provides for the scientific justification of the strategy, forms, measures and means of interaction, as well as forecasting possible social consequences and the final results of such activities. To this end, the interacting subjects should take into account various studies of domestic and foreign scientists on the issues that determine the relevant interaction. Please note that such monitoring must necessarily be based on the current legal framework and be conducted by the most competent prosecutors or specialists of public and municipal authorities.
The principle of planning and continuity is also connected with this principle, since as M.V. Zavalny "any social activity without appropriate planning often acquires a chaotic character, which, in turn, will not allow timely response to the changing conditions of interaction" [2, p. 116]. This principle is implemented through the preparation of comprehensive plans for mutual activities. At the same time, we note that in order to achieve the maximum result from the interaction of the prosecutor's office, public and municipal authorities, it is necessary to first study and take into account the capabilities of its participants, namely the specifics of functioning, available forces and means. In the future, taking into account the received information, the available forces and means should be distributed to ensure a purposeful and multifaceted impact on the legal relations that arise in the process of the investigated interaction. It should also be noted that the researched interaction should take place constantly and continuously, since temporary measures or short-term solutions will have a negative impact on the existing legal order and weaken it.

Among the special principles of cooperation of the prosecutor's office with public authorities and local self-government bodies, it is also appropriate to include the principle of efficiency. This principle is due to the need to respond appropriately to the changing external and internal circumstances of the studied interaction and is aimed at ensuring the latter in case of their existence. The COVID-19 pandemic and the full-scale war of the Russian Federation against Ukraine can definitely be counted among the rather acute external circumstances today. The above-mentioned circumstances had a strong impact on all processes in our country, in particular on the process of interaction of the prosecutor's office with public authorities and local self-government bodies, significantly changing and complicating it. The existing situation necessitated the urgent "reformatting" of the researched interaction and its implementation mainly in a remote format.

The last principle of this group is the principle of mandatory implementation of agreed measures and control over their implementation. An integral stage in the implementation of the interaction of the prosecutor's office with public authorities and local self-government bodies is the approval of coordination measures by a joint order of interacting subjects. As an example, we can cite the joint order of the Prosecutor General, the Minister of Internal Affairs of Ukraine, the head of the Security Service of Ukraine, the Minister of Agrarian Policy and Food of Ukraine, the Minister of Environmental Protection and Natural Resources of Ukraine "On approval of the Procedure for interaction between the bodies of the Prosecutor's Office, the National Police of Ukraine, the Security Service of Ukraine, authorized bodies of state supervision (control), state specialized institutions during the detection and pre-trial investigation of criminal offenses against the environment" dated June 16, 2022 No. 94/363/150/226/356 [5]. Mandatory implementation of agreed measures means that all participants in the interaction are obliged to implement and obey a jointly adopted normative legal act, and other subjects,
regardless of whether they participate in it or not, must take into account such an act, and in case of need to contribute to its implementation. At the same time, the implementation of agreed measures can be both voluntary and compulsory.

In order to ensure the timely and proper implementation of the agreed measures, appropriate control can be carried out. In particular, as can be seen from Section 6 of the Order of the Prosecutor General dated February 8, 2021 No. 28 "On approval of the Procedure for coordinating the activities of law enforcement agencies in the field of combating crime", "appropriate control is carried out by the leadership of law enforcement and other state bodies in accordance with their competence, and general control is carried out by the head of the relevant prosecutor's office, its first deputy or deputy (head of the meeting). Also, to ensure proper control, information may be heard from the above persons. In case of non-fulfillment or improper fulfillment of jointly agreed measures, the management of the prosecutor's office of the corresponding level initiates the issue of bringing guilty persons to justice" [6].

The interaction of the prosecutor's office with public authorities and local self-government bodies is a complex and multifaceted process that requires detailed analysis and understanding. The main objectives of this interaction are to ensure the rule of law, legality, the protection of citizens' rights and freedoms, and the effective management of state and municipal affairs. These objectives require coordinated efforts and close coordination between different authorities.

The first step in ensuring effective interaction is to define clear and understandable principles that regulate the activities of all involved entities. The principle of the rule of law ensures that all actions of the prosecutor's office, public authorities, and local self-government bodies are based on and subject to the law. This means that any decisions and actions must comply with national legislation and international legal standards.

The principle of legality is an important complement to the rule of law. It guarantees that all participants in the interaction act within their powers defined by law and adhere to professional ethics. This ensures transparency and accountability in the activities of government bodies, which fosters public trust in state institutions.

The principle of independence and equality emphasizes that all subjects of interaction must act independently, without interference or pressure from other participants. This ensures equality in decision-making and the performance of functions, contributing to balanced and fair cooperation.

The principle of transparency and openness ensures that the public is informed about the activities of government bodies. This includes regular reporting on adopted measures, conducted activities, and their results. Such information fosters public trust in state institutions and ensures their participation in decision-making processes.

Scientific approach as a principle of interaction requires that all strategies, forms, and measures be grounded in scientific research and based on contemporary
knowledge. This ensures rational planning and the anticipation of possible outcomes of joint activities. Using a scientific approach allows taking into account the results of research conducted by both domestic and foreign scientists.

The principle of planning and continuity emphasizes the importance of careful planning of joint actions and ensuring their continuity. This prevents chaos and ensures a systematic approach to addressing set tasks. Preparing comprehensive plans that consider the capabilities of all participants allows for the effective distribution of resources and ensures their targeted impact on legal relations arising in the process of interaction.

The principle of efficiency requires timely and adequate responses to changing external and internal conditions of interaction. This is particularly important in the face of modern challenges such as the COVID-19 pandemic and the full-scale war with the Russian Federation. These circumstances have significantly impacted all processes in the country, including the interaction of the prosecutor's office with public authorities and local self-government bodies. The need for rapid adaptation to new conditions requires a review and reorganization of cooperation approaches.

The final special principle is the obligation to implement agreed measures and control their implementation. Joint orders, enshrined in normative legal acts, must be executed by all participants in the interaction. Ensuring proper control allows for monitoring the implementation of measures and holding accountable those who fail to fulfill or improperly fulfill agreed actions.

Conclusions. Thus, the interaction of the prosecutor's office with public authorities and local self-government bodies is ensured by a system of general and special principles. These principles are interdependent, complement each other, and also determine the direction and character of the interaction of the studied subjects. At the same time, the list defined by us is not exhaustive and may be the subject of further scientific developments, however, in our opinion, the outlined principles are the most important for achieving the most significant result of such interaction.

The principles of the rule of law, legality, independence and equality, transparency, and openness provide the foundation for the interaction between the prosecutor's office, public authorities, and local self-government bodies. These principles contribute to the creation of a fair and effective system of governance that supports the protection of human rights and freedoms, as well as state interests.

Special principles, such as scientific approach, planning and continuity, efficiency, and the obligation to implement agreed measures and control over their implementation, emphasize the need for a rational approach to interaction. They ensure that joint measures are based on scientifically grounded strategies, involve clear planning and continuity, and include effective control over their implementation.

Implementing these principles into practical activities will enhance the effectiveness of the interaction between the prosecutor's office, public authorities, and local self-government bodies, which, in turn, will contribute to improving the quality of governance and the protection of citizens' rights.
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