

Summary

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Institute or Higher school: Law University.

Department of criminal law disciplines and forensic expertise

The subject of the final qualifying work: "Place and role of the Prosecutor's office in the system of state bodies of the Russian Federation".

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The relevance of this topic is determined by the fact that at the moment the problem of the Prosecutor's office's place in the system of separation of powers, as noted in the scientific literature, still does not find its unambiguous solution.

At the same time, the precise definition of the place and role of the Prosecutor's office in the mechanism of the Russian state is of great importance for the concept of the essence of the Prosecutor's system, its functioning, legal status, organizational structure, forms and methods of activity.

Scientific discussions on this issue have been going on for a long time, and various points of view have been expressed and are being expressed, which seems to be due to the lack of a clear and logical consolidation of the place of the Prosecutor's office in the system of state authorities at the legislative level.

To date, this topic is relevant because the President of Russia initiated the referendum on amending the Constitution, one of which concerns the legal status of the Prosecutor's office, of course, this amendment does not remove the question of ownership of the prosecution to any of the branches of government, but will give new food for scientific discussions, especially regarding change the appointment procedure of prosecutors.

The purpose of the final qualification work is a General theoretical study of the place and role of the Prosecutor's office in the system of Russian authorities.

To achieve this goal, the following tasks were set:

- to consider the historical stages of formation and development of public prosecution in the system of state bodies
- to assess the relationship of the Prosecutor with the President of the Russian Federation,
- to investigate the interaction between the legislative bodies of the Russian Federation and the Prosecutor's office,
- consider the relationship of the Prosecutor's office of the Russian Federation with the judicial and Executive authorities.

The theoretical and practical significance of the study is that the scientific results and theoretical conclusions contained in the work on the conceptual and legal aspects of the functioning of the Prosecutor's office in the system of separation of powers of the Russian Federation will expand theoretical views on the nature and content of this phenomenon, and identify new approaches to its conceptual and normative development.

The work includes an introduction, two chapters consisting of seven paragraphs, a conclusion, and a list of sources used.

The introduction reflects the relevance, goals, objectives, and methods of research.

The first Chapter is devoted to the study of the stages of formation and development of the Prosecutor's office in the system of state bodies, the second Chapter analyzes the relationship and interaction of the Prosecutor's office with public authorities.

The conclusion contains conclusions on the results of the work.

Research result:

1. today, there are many points of view on the role and place of the Prosecutor's office in the system of separation of powers, each of them has its own justification and has the right to exist. At the same time, the most correct view is that the Prosecutor's office does not belong and should not belong to any of the branches of government, otherwise the principle of checks and balances will be violated, which will prevent the performance of Supervisory functions, as well as productive interaction with unsupervised authorities.

In the theory of law enforcement agencies today there are a number of main directions regarding the determination of the legal status of the Prosecutor's office. First, the Prosecutor's office is recognized as a state Supervisory body.

Speaking about the Supervisory function of the Prosecutor's office and its relations with the Executive power, it should be emphasized that the Prosecutor's office oversees compliance with the Constitution and the implementation of laws in force on the territory of the Russian Federation, Federal ministries, state committees, services and other Federal and territorial Executive authorities.

Secondly, the Prosecutor's office has a special place in the structure of the Russian state. They are functionally related to all branches of government. While not completely related to any of them, Prosecutor's supervision is designed to balance them, ensuring optimal functioning.

Third, in the Russian Federation, the Prosecutor's office itself is seen by many as an institution, and more often as a mechanism of checks and balances in the triad of authorities. Some authors suggest defining the Prosecutor's office not as an authority, but as a "system of checks and balances".

Fourth, the Prosecutor's office is considered not only a Supervisory body, but also an active participant in criminal proceedings. The Prosecutor in criminal proceedings has the power to check the legality and validity of conclusions.

The fact that the Prosecutor's office does not belong to any of the branches of government is quite natural, since subordination of the Prosecutor's office to the Executive or judicial power will lead to the destruction of the established order of "checks and balances" in the state, and increase the threat of violation of laws.

Both the Executive and judicial apparatus use laws that are dangerous to violate and violate with grave results.

In the absence of independent Prosecutor's supervision, there will be no mechanism for responding to violations of laws, and if the Prosecutor's office is subordinated to the Executive power, it will appear that it will supervise the implementation of laws by representative bodies and, to a certain extent, by the judicial administration.

Achieving the rule of law and legal security is likely if there is an independent and centralized external authority with the authority to identify violations and eliminate them. Only the Prosecutor's office can play this role.

Returning to the question of determining the place of the Prosecutor's office in the mechanism of the country, we can agree with the judgments of those scholars who believe that the prosecution refers to atypical branches of government and included in the oversight branch of government, as

it has its organizational structure, characterized by nepodkupnosti other branches of government, is in a position of authority in the process of their professional activity, has its own methods, forms and procedures.

2. The assignment of prosecutors to particular branches of government, it seems inappropriate for the following reasons:

- the Prosecutor's office is not a legislative branch of government, as it does not correspond to any of the characteristics of legislative bodies;
- the attempt to refer the Prosecutor's office to the Executive authorities also immediately raises a large number of issues that will need to be resolved;
- part 3 of article 1 Of the law on the Prosecutor's office gives this body the power to challenge decisions, sentences, rulings and decisions of courts that contradict the law.

The Prosecutor cannot independently cancel a judicial act, thereby interfering with the exclusive function of the courts in the administration of justice. his task is to ensure that the decision made by the judge, although based on internal conviction, is primarily based on the norms of law, and corruption factors are excluded.

20.01.2020 President of the Russian Federation submitted to the State Duma a draft law of the Russian Federation on the amendment to the Constitution of the Russian "About perfection of regulation of issues of organization of public authority", after the passage of this act the legal status of the Prosecutor's office will be reflected in the Russian Constitution that will remove the sharpness of the debates regarding the status and nature of the Prosecutor's office, but since the amendments do not address the question concerning its place in the system of state bodies, the question will remain open.

Recommendations:

After making amendments to the Constitution of the Russian Federation establishing the legal status of the Prosecutor's office, we consider it appropriate to consider the adoption of a new Federal constitutional law "on the Prosecutor's office" and invalidation of Federal law No. 2202-1 "on the Prosecutor's office of the Russian Federation" dated 17.01.1992.

This necessity is due to the fact that the almost thirty-year-old law contains many outdated provisions and contradictions.

In addition, there is an objective need to raise the status of the Prosecutor's office, establish the legal basis for relations with other constitutional bodies of state power and administration, and regulate the functions and activities of the Prosecutor's office and Prosecutor's supervision.