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PROSECUTOR'S OFFICE IN THE NATIONAL SECURITY SYSTEM OF UKRAINE

Y. SEMCHUK,

Teacher of The judiciary, advocateship and prosecutor's office department
Private Institute of High Education «Lviv Law and Business University»

SUMMARY

The article represents the content and concept of Ukraine national security formation. The main points of prosecutor's office are characterized; the part of Ukraine prosecutor's office in the mechanism of national security ensuring is discovered. National security ensuring is the key direction of Ukraine prosecutor's office objectives and tasks hierarchy. National security is the level of protection, ensuring the safety of human and citizen, society and state security in general. On the basis of the mentioned authors fundamental works analysis, the factors, composing the principles of prosecutor's office in national security ensuring are discovered. Prosecutor's office implements the systematic and adjusting impact on activities of all the parties of national security ensuring. The functional component of prosecutor's activity must be analyzed, proceeding from typology of the national interest threats of military, economic, informational and social fields and etc.

Key words: prosecutor's office, advocateship, national security, person, society, state.

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В статье приведены содержание и концепция формирования национальной безопасности Украины. Охарактеризована сущность прокуратуры. Раскрыта роль прокуратуры Украины в механизме обеспечения национальной безопасности Украины. Ключевым направлением в иерархии целей и задач прокуратуры Украины выступает обеспечение национальной безопасности. Национальная безопасность – уровень защищенности, который обеспечивает безопасность человека и гражданина, безопасность общества и государства в целом. На основании анализа фундаментальных работ указанных авторов, раскрыты признаки, которые составляют основу прокуратуры в обеспечении национальной безопасности. Прокуратура осуществляет системное и корректирующее воздействие на деятельность всех субъектов обеспечения национальной безопасности. Функциональную составляющую прокурорской деятельности необходимо исследовать, исходя из типологии угроз национальным интересам в сферах военной, экономической, информационной, социальной и т.д.

Ключевые слова: прокуратура, правозащитная деятельность прокуратуры, национальная безопасность, закон, человек, общество, государство.

INTRODUCTION. Today, under conditions of comprehensive legislative reforms, the tendency of extension the part of prosecutor's office in the national security system ensuring increases. Especially it is applied to the mechanism of realization of the Ukraine President power, as [1]: the guarantee of state sovereignty, territorial integrity of Ukraine, observance of the Constitution of Ukraine, the human and citizen rights and liberties. Manifestations of this are: including of the Attorney General of Ukraine to the membership of the National Security and Defense Council of Ukraine and other structures; the President assignment on concrete form of national security threats in the fields of crime control, resistance to corruption, observance of the laws in the budgetary sector, in land relations, in remuneration of labour and etc.

Analysis of the recent researches and publications. Today, the problem (theory and methodology) of national security is actively considered by: V. Bilous, V. Hodovanets, O. Honcharenko, V. Horbulin, M. Horelov, O. Dz'oban, O. Kapinus, I. Kardashova, A. Kachynskyj, O. Kopan, V. Kopejchikov, V. Lipkan, N. Nyzhnyk,

M. Pendyura, H. Perepelytsya, V. Pylypchuk, Y. Rymarenko, V. Ryabtsev, H. Sytnyk, V. Sukhonos, Y. Todyka, O. Yarmysh and etc. The fundamental works of the mentioned authors contain different researches in the field of national security. Mainly, their results are aimed at the matter and components of national security rather

than at the systemacy of mechanism and the instruments of different threats opposition. Thus, the given article is dedicated to the research of Ukraine prosecutor's office activity in the system of national security ensuring.

The aim of the research. On the basis of analysis of jural sources and practice of the problem: 1) to track the content and conception of Ukraine national security formation; 2) to describe the essence of prosecutor's office; 3) to discover the part of prosecutor's office of Ukraine in the mechanism of national security ensuring.

Account of the basic materials of research. There is no clear definition to the notion «national security». According to the definition of the ex-deputy of Secretary of National Security and Defense Council of Ukraine – S. Pirozhkov, – «national security is the system of state and social guarantees, which ensure steady development of nation, protection of basic values and interests, the sources of clerical and material prosperity from external and internal threats» [3; 4, c. 82]. In accordance with the methodological approach, taking into account [2; 4]

development, which are peculiar to the complicated systems. Taking notice of the character and level of threats, problems of national security are can be solved by combining the following dimensions:

- 1) national (N);
- 2) regional (R);
- 3) global (G).

To ensure the national security effectively, the dimensions N, R and G must be synchronized and increase each other.

However, taking into consideration the features of formation the main principles and creating the appropriate mechanisms of Ukraine national security ensuring under conditions of social transformations, allowing for [2; 5, c. 10 – 11], it is rational to consider it from such basic levels as: human, state and society security and their optimal maintenance by creating all the necessary conditions for realization of essential interests. That is, national security is the level of protectability, which ensures human prosperity, society stability, sovereignty and state territorial integrity. Sovereignty is the independence of state, consisting in

necessary political and jural feature of state [6, c. 643].

Conception of formation the national security of Ukraine is demonstrated in the Fig. 1.

Hence is obvious (see Fig. 1), that the important criterion of this notion consists in the forthcoming: mutual responsibility of human, society and state lies in the principles of security ensuring, where the last must be in the center of state politics attention of national security of Ukraine. Allowing for information in [2; 7; 8], the system of national security contains an authorized activity of social subjects body (state authority, public institutions, functionaries, individual citizens), organized by the state in the legislation framework, as to security of national interests, prevention and overcoming of threats. According to V. Pshonka's definition – «a protectability of essential interests of human and citizen, society and state, which ensures a stable revelation, prevention and neutralization of real and potential threats, represents the sense of national security» [2, c. 6].

The Law of Ukraine "On National Security of Ukraine" [9], determining the main principles of state policy, aimed at protection of national interests and ensuring the security of human, citizen, society and state from external and internal threats in all fields of life activities, calls the prosecutor's office of Ukraine as the subject of national security (art. 4). The functional component of prosecutor's activity must be explored, proceeding from the threats typology of national interests in such fields, as [2, c. 6]: military, economical, informational, social, ecological, humanitarian and etc. A place of prosecutor's office of Ukraine in the system of Ukraine national security ensuring is shown on the Fig. 2.

The analysis of the Law of Ukraine «On Prosecutor's office of Ukraine» [10] enables to affirm, that activity of authorities of Prosecutor's office of Ukraine as to national security ensuring contains a complex character of all the directions of its activity, connecting with the control over the abidance in Ukraine as to protection of rights and freedoms of human and citizen, legal

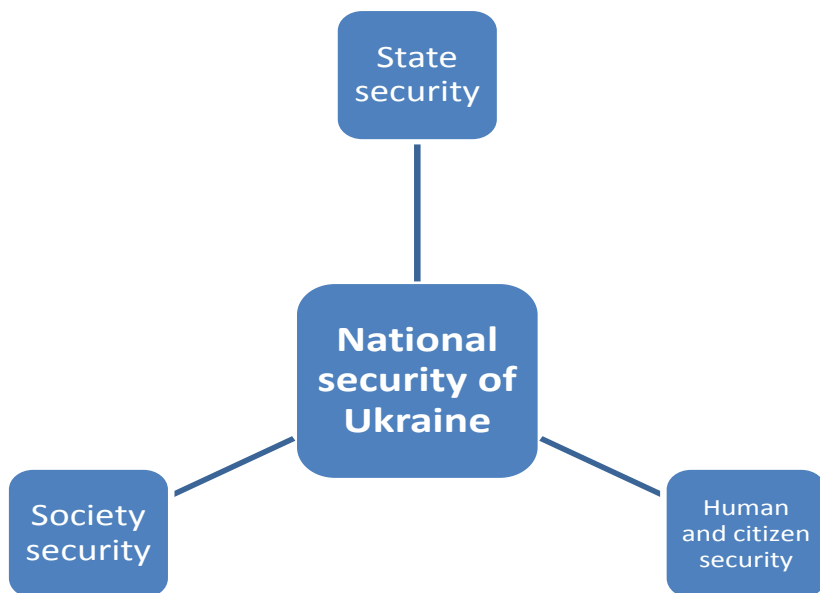


Fig. 1. Conception of formation the national security of Ukraine.

The source: on the basis [1 – 5; 7 – 20; 21, c. 152]

– this is the complex category with the 3-leveled structure subordinates to the regularities of functioning and

its right to solve its internal or external affairs to its own mind without any foreign intervention. Sovereignty is the



Fig. 2 Place of Prosecutor's office of Ukraine in the system of Ukraine national security ensuring
Source: formed on the basis of [9].

Source: formed on the basis of [9].

interests of society and state. Hence, the key direction in the hierarchy of aims and tasks of Prosecutor's office of Ukraine is the ensuring of national security (see the Fig. 2).

Characteristics, constituting the essence of Prosecutor's office, are given in the Fig. 3.

As it evident from the Laws of Ukraine [9; 10] and the Fig. 2 – 3, – the Prosecutor's office of Ukraine, as a state authority, is: 1) to a certain extent – the guarantee of reliable and legitimate functioning of the national security system; 2) determined by the social and political (authoritative) features, structure and content functions, character of mutual relations with the other social subjects to ensure national security of Ukraine. A special part of Prosecutor's office, while ensuring national security, is determined to be the backbone center of control and law-enforcement state system. Especially, it is meant to be a coordinator of law-enforcement agencies, when fighting against crime. In law-enforcement a principle of national security ensuring activity must be: a balance of human, state and society interests [2, c. 7].

In addition, according to the art. 3 of the Law of Ukraine «On Prosecutor's office» [10], appropriately as to its authority, Prosecutor's office of Ukraine

shall decide all the issues, expiring from the admitted international law and inter-state agreement, concluded by Ukraine. It is expressed in a form of international relations and legal assistance to law-enforcement and other agencies and specialized structures of foreign states.

Supporting the view of Prosecutor General of Ukraine V. Pshonka [2, c. 8], for the objective defense of objects of security, such as: human, state and society, there is a further improvement of Ukrainian legal system in the field of national security ensuring by means of forming a flexible legal

frame in legal safety, which responds adequately to economical, social and political changes in society. Taking into account the structural and logical analysis of the Law of Ukraine «On the national security of Ukraine» [9], the key question is still an abundance of basic disposition of a law. However, the reviewing and control mechanisms for national security ensuring must be precisely structured and specified.

At the same time, according to the art. 9 of the Law of Ukraine «On the Prosecutor's office» [10], Prosecutor General of Ukraine and his deputies are eligible to participate in all the sessions of Verkhovna Rada of Ukraine and its authorities, Cabinet of Ministers of Ukraine, the Collegium of Ministries and other executive agencies. It would be practical to confer a Prosecutor General of Ukraine a legislative initiative in Verkhovna Rada of Ukraine to expedite both: a process of introduction of changes and supplements to the legislative acts, and adoption of new laws.

As to the Strategy of national security «Ukraine in the changing world» [12], the logic of positioning of Ukraine on the international arena must be clear determined. In such a context, it must be a document, aimed at the world community with the statements of key basics of national security ensuring (political and ideological), vested with the supplemental legislation.

Thus, the fundamental elements of legal framework of national security

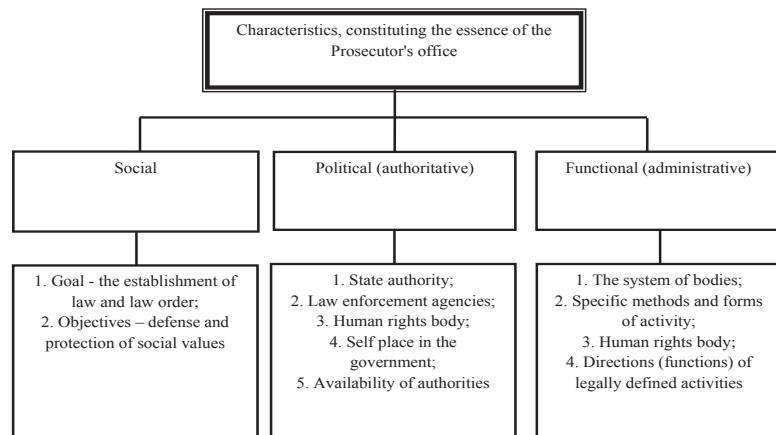


Fig. 3. The Essence of Prosecutor's office.

Source: [11, c. 8]



ensuring of Ukraine by the Prosecutor's office are [2, c. 9; 13]:

- 1) legal innovation, right explanation and practice enforcement;
- 2) justicement;
- 3) legality and law order ensuring;
- 4) the systems of preventions of crime and social and legal control;
- 5) the organizational infrastructure of protection of human rights and fundamental freedoms ;
- 6) legal ideology and legal culture.

In addition, today, the efficiency of Prosecutor's office of Ukraine is influenced by legal, methodological and organizational and structural basics.

Conclusions

A functional prosecutor's activity is applying integrately to all the fields of legal terms, where the main forms of national security threats might appear. The Prosecutor's office performs a systematic adjusting effect on the activities of all the subjects of national security ensuring.

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