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MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE

National Aviation University

Educational and Research Institute of Law

Department of Criminal Law and Process

APPROVED

Rector

\_\_\_\_\_\_\_\_\_\_\_\_ «\_\_\_»\_\_\_\_\_\_\_\_\_\_2018



# Quality Management System

**SYLLABUS**

**on**

**“Procurator's Supervision”**

### Field of Study: 08 “Law”

### Speciality: 081 “Law”

Educational Professional Program: “Jurisprudence”

Year of Study – 2 Semester – 3

Classroom Sessions – 34 Examination – 3 semester

Self-study – 56

Total (hours/ECTS credits) – 90/3.0

Index СB – 9-081/17-3.8

**QMS NAU S 13.01.03-01-2018**

### The Syllabus on “Procurator's Supervision” is based on the educational and professional program and Bachelor Curriculum № CB-9-081/17 for Speciality 081 “Law” Educational Professional Program “Jurisprudence” and correspondent normative documents, and order № 207/od of 27.04.18.

Developed by

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Discussed and approved by the Department of Criminal Law and Process, Minutes № \_\_ of " " 2018.

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Discussed and approved by the Graduate Department Speciality 081 “Law” Educational Professional Program “Jurisprudence” – The Commercial, Air аnd Space law Departament, Minutes № \_\_\_ of " " 2018.

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Discussed and approved by the Scientific – Methodological – Editorial Board of the Educational and Research Institute of Law, Minutes № \_\_ of “\_\_\_\_” \_\_\_\_ 2018.

Head of the SMEB \_\_\_\_\_\_\_\_\_\_\_\_ **V. Vyshnevetskii**

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| AGREED  Director of the Educational and  Research Institute of Law  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I. Sopilko  "\_\_\_\_\_"\_\_\_\_\_\_\_\_\_\_2018. | Director of the Institute  of Innovative Technologies and Leadership  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ K. Babikova |
|  | "\_\_\_\_\_"\_\_\_\_\_\_\_\_\_\_2018. |

Document level – 3b

The planned term between the revisions – 1 year

**Master copy**

**1. INTRODUCTION**

The educational curriculum "Procurator's Supervision " is developed on the basis of "Methodological Guidelines for the Development and Design of Educational and Work Curriculum Programs of disciplines", put into effect by the order of 16.06.2015. №37 / order.

Discipline "Prosecutor's Supervision" is assigned to a group of criminal-law disciplines studying offenses and measures to combat them. The training of a highly qualified specialist – a lawyer is impossible without the possession of theoretical and practical knowledge in the field of prosecutorial supervision.

Discipline "Prosecutor's Supervision" is a systematic course designed to serve the expansion and consolidation of legal knowledge among students.

The purpose of teaching the discipline is to form students with the necessary legal knowledge regarding the activities of the prosecutor's office and its functioning in Ukraine, namely: the Constitution of Ukraine, the Laws of Ukraine "On the Prosecutor's Office", "On the National Police", "On the Security Service of Ukraine", "On the Operational Investigation activity ", the criminal legislation of Ukraine, as well as other normative documents regulating the activities of the prosecutor's office of Ukraine.

The tasks of studying the discipline are:

* training of highly qualified lawyers with a profound knowledge profile in the field of prosecutorial activities;
* awareness of the students of the rule of law, which is aimed at protecting the independence of the state, the social and state system, the political and economic system, the rights of national groups and territorial entities, as well as socio-economic, political, personal and human rights and freedoms and citizens from unlawful encroachments;
* practical use of the acquired knowledge in the field of prosecutorial supervision and investigation of dangerous crimes.

As a result of studying the discipline "Prosecutor's Supervision" the student must:

Know:

* history, preconditions and stages of formation of the Prosecutor's Office in Ukraine;
* the legal basis for the work of the prosecutor's office and its functioning;
* system and structure of the prosecutor's office;
* concept, meaning, system of principles of organization and activity of the prosecutor's office;
* guarantees of the independence of prosecutors, investigating prosecutors in the exercise of their powers;
* essence of prosecutorial supervision;
* the main problems of reforming the prosecutor's office.

Be able:

* analyze and evaluate the current state of law, crime and other offenses;прогнозувати розвиток криміногенних процесів та стану законності;
* plan and evaluate the results of the work of prosecutors and prosecutors;
* control the implementation of the decisions taken in the course of prosecutorial supervision;
* to apply scientific and technical means in the organization of the activities of the prosecutor's office;
* draw up legal acts in the form of protest, order, submission, resolution, claim;
* coordinate the actions of the prosecutor's office with other law enforcement agencies in the fight against crime;
* to summarize and implement in practice the positive experience of the organs of the prosecutor's office.

The educational material of the discipline is structured on a modular basis and consists of one training module, namely, "Judicial and Law Enforcement Bodies of Ukraine", which is a logically complete, relatively independent, integral part of the academic discipline, the mastering of which involves modular control work and analysis of the results of its implementation.

The academic discipline "Prosecutor's Supervision" is based on the knowledge of such disciplines as: "State and Law Theory", "History of the State and Law of Ukraine", "Legal Deontology", "Prosecutor's Office of Ukraine", "Organization of Judicial and Law Enforcement Bodies", "Criminal Procedure "," Criminal Law "and others.

Knowledge and skills received by a student during the study of this discipline are used further in the study of many of the following disciplines of vocational training of a specialist with basic and complete higher education.

**2. CONTENT OF EDUCATIONAL DISCIPLINE**

**2.1. MODULE # 1 «Procurator's supervision»**

**Topic 2.1.1. Subject, system, basic concepts of discipline and legal basis of the prosecutor's office of Ukraine.**

General characteristics of the discipline "Prosecutor's Supervision". The concept of prosecutor's supervision in Ukraine. Its object and subject, task and system. The role and place of the prosecutor's office in the system of state bodies of Ukraine. History of formation and development of the prosecutor's office of Ukraine. Legal basis of the organization and activities of the prosecutor's office. The conceptual apparatus of the prosecutor's oversight. The ratio of prosecutorial supervision to related legal disciplines.

**Topic 2.1.2 Tasks, principles of organization and activities and functions of the prosecutor's office of Ukraine.**

Tasks of the prosecutor's office of Ukraine. Functions of the Ukrainian Prosecutor's Office and their means of responding to violations of laws.

**Topic 2.1.3. System and structure of the prosecutor's offices of Ukraine**

**General Prosecutor of Ukraine. Regional Prosecutor's Office. Local Prosecutor's Office.**

The Office of the Prosecutor General of Ukraine is the highest level prosecutor's office in relation to regional and local public prosecutors, and the regional prosecutor's office is the highest level prosecutor's office in relation to local prosecutors located within the administrative-territorial unit that falls under the territorial jurisdiction of the relevant regional prosecutor's office.

The unity of the prosecution system of Ukraine is ensured by: 1) the sole principles of the organization and activities of the prosecutor's office; 2) the only status of prosecutors; 3) the only procedure for organizing the activities of prosecutors; 4) financing of the Prosecutor's Office exclusively from the State Budget of Ukraine; 5) the decision of the internal affairs of the prosecutor's office by the authorities of the prosecutor's self-government.

**Topic 2.1.4. The prosecutor's self-government and bodies that provide the prosecutor's office. Their interaction and relationship**

General principles of the prosecutor's self-government and its task. The prosecutor's self-government is an independent collective decision by the prosecutors on the issues of the internal activity of the prosecutor's office in order to: ensure the organizational unity of the functioning of the prosecutor's office, and improve the quality of the work of prosecutors; strengthening of the independence of prosecutors, protection against interference in their activities; participation in determining the needs of personnel, financial, logistical and other support of prosecutors, as well as control over observance of established norms of such provision; election or appointment of prosecutors to other bodies in cases and in the manner prescribed by law.

The issues of the internal work of the prosecutor's office include the issues of organizational support of the prosecutor's office and the activities of prosecutors, social protection of prosecutors and their families, as well as other issues that are not directly related to the execution of the powers of prosecutors.

Organizational forms of prosecutor's self-government. The prosecutor's self-government is carried out through an all-Ukrainian conference of the Prosecutor's Office and the Council of Prosecutors of Ukraine.

**Topic 2.1.5. Maintaining a public prosecution in court**

The notion of maintaining a public prosecution as a kind of activity of a public prosecutor (public prosecutor). Legal regulation of maintaining a state prosecution in court. Participation of the public prosecutor (state prosecutor) in a judicial investigation. Participation of the prosecutor (state prosecutor) in court debates. The refusal of the prosecutor (public prosecutor) from the prosecution and its legal consequences. Participation of the prosecutor in reviewing court decisions.

**Topic 2.1.6. Representation of the interests of a citizen or state in court**

The notion of representation by the prosecutor's office of the interests of a citizen or a state in court in cases specified by law and its legal regulation. The content of the prosecutor's office's representation of the interests of a citizen or state in civil cases. Contents of the representation in commercial courts. The content of the representation in the courts of administrative cases. Representation by the prosecutor of the interests of a citizen or a state in criminal proceedings. Forms of representing the interests of a citizen or state in court. Prosecutor's statement of claim. Appeal, cassation appeal, application for review of a court decision for newly discovered circumstances. Application for review of a court decision by the Supreme Court of Ukraine.

**Topic 2.1.7. Procedural status of prosecutor in criminal proceedings and peculiarities of prosecutor's supervision during pre-trial investigation**

The status of the prosecutor in criminal proceedings and the peculiarities of prosecutorial supervision during the pre-trial investigation. The powers of the prosecutor and the specifics of the prosecutor's oversight over the enforcement of laws by the authorities conducting search operations, inquiries and pre-trial investigation according to the current legislation of Ukraine. Prosecutor's oversight of law enforcement by pre-trial investigation bodies and operational units. Object, subject and limits of prosecutorial supervision over the implementation of laws by the bodies of pre-trial investigation and operational units. Means of responding to a violation of the law in this area.

**Topic 2.1.8. Supervision of the prosecutor for the observance of laws in the execution of judicial decisions in criminal cases, as well as in the application of other measures of a coercive nature related to the restriction of personal freedom of citizens**

The concept, essence, task, object, objects and legal regulation of supervision over compliance with laws during the execution of court decisions in criminal proceedings, as well as in the application of other measures of a coercive nature. The powers of the prosecutor and the peculiarities of their implementation, depending on the object of supervision. Features of the prosecutor's oversight of observance of laws in places of deprivation or restraint of liberty. Supervision over the legality of staying in places of detention, pre-trial detention, in other institutions that apply measures of a coercive nature. Supervision over the lawfulness of the punishment, not related to imprisonment. Supervision over the legality of staying persons in places where enforced medical measures are imposed, which are appointed by the court. Supervision over the legality of dismissal and conditional release.

**Topic 2.1.9 International cooperation of the prosecutor's office**

Essence, legal bases, principles and subjects of international cooperation of the prosecutor's office of Ukraine. The main directions and forms of international cooperation of the prosecutor's office of Ukraine.

**3. BASIC CONCEPTS OF GUIDANCE ON THE SUBJECT**

**3.1. List of references**

Basic literature

3.1.1. Конституція України // Відомості Верховної Ради України. – 1996. – № 30. – С. 141.

3.1.2. Про прокуратуру: Закон України від 14.10.2014 № 1697-VII // Відомості Верховної Ради України. – 2015 № 2-3. – Ст. 12.

3.1.3. Про оперативно-розшукову діяльність: Закон України від 18.02.1992р. №2135-12 // Відомості Верховної Ради України. – 2006, №15. – Ст.128.

3.1.4. Про Службу безпеки України: Закон України від 25.03.1992 р. № 2229-ХІІ // Відомості Верховної Ради України. – 1992. – № 27. – Ст. 382.

3.1.5. Про Державну прикордонну службу України: 3акон України від 03.04.2003р. № 661-IV// Відомості Верховної Ради України 2003, № 27. – ст. 208.

3.1.6. Про організацію роботи з кадрами в органах прокуратури України: наказ Генерального прокурора України № 2гн від 15.12.2011 р. –[Електронний ресурс]: Режим доступу: http://www.gp.gov.ua/ua/gl.html?\_m= publications&\_t=rec&id=94102. – Заголовок з екрана.

3.1.7. Про затвердження Порядку прийняття Присяги працівника прокуратури та заходи щодо його виконання: наказ Генерального прокурора України № 5 від 21.01.2011 р. –[Електронний ресурс]: Режим доступу: http://www.nau.kiev.ua/druk.php? name=353813-21012011-0.txt. – Заголовок з екрана.

3.1.8. Положення про порядок стажування в органах прокуратури України: затв. наказом Генерального прокурора України № 80 від 30.12.2009 р. // (Правові основи прокур. діяльності в Україні: наук.-практ. посіб. / П.М. Каркач, А.В. Лапкін.) – Х.: Право, 2011. – С. 175-183.

3.1.9. Про засади запобігання і протидії корупції: Закон України від від 07.04.2011р. № 3206-VI // Відомості Верховної Ради України – 2011, № 40, ст. 404 .

3.1.10. Наджафов О.Г. Корупційні правопорушення і види відповідальності за їх вчинення / О.Г. Наджафов // Вісник прокуратури. – 2012. – № 3 (129). – С. 52-58.

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3.1.14. Хавронюк М.І. Науково-практичний коментар до Закону України «Про засади запобігання і протидії корупції‖ / М.І. Хавронюк. – К.: Атіка, 2011. – 424 с.

3.1.15.Наджафов О.Г. Корупційні правопорушення і види відповідальності за їх вчинення / О.Г. Наджафов // Вісник прокуратури. – 2012. – № 3 (129). – С. 52-58.

**3.2 Additional literature**

3.2.1. Про судоустрій і статус суддів: Закон України від02.06.2016 № 1402-VIII  // Відомості Верховної Ради України. – 2016, № 31, ст. 545.

3.2.2. Кримінально-процесуальний кодекс України. від 13.04.2012 № 4651-VI // Відомості Верховної Ради України – 2013, № 9-10, № 11-12, № 13, ст.8

3.2.3. Кримінальний кодекс України від 05.04.2001 р. № 2341-III// Відомості Верховної Ради України –2001, № 25-26, ст. 131.

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**АРКУШ ПОШИРЕННЯ ДОКУМЕНТА**

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**АРКУШ ОЗНАЙОМЛЕННЯ З ДОКУМЕНТОМ**

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**АРКУШ РЕЄСТРАЦІЇ РЕВІЗІЇ**

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**АРКУШ ОБЛІКУ ЗМІН**

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| № зміни | № листа (сторінки) | | | | Підпис особи, яка  внесла зміну | Дата внесення зміни | Дата  введення зміни |
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**УЗГОДЖЕННЯ ЗМІН**

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