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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

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«\_\_\_»\_\_\_\_\_\_\_\_\_\_\_\_2018.



# Quality Management System

**SYLLABUS**

**on**

## **«Prosecution of Ukraine»**

### Field of Study: 08 “Law”

### Speciality: 081 “Law”

Education 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 - 9-081/17-3.7

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

### The Syllabus on «Prosecution of Ukraine» is based on the educational and professional program and Bachelor Curriculum № СB– 9-081/17 for Speciality 081 “Law” Education Professional Program “Jurisprudence” and correspondent normative documents, order № 207/од of 27.04.2018.

Developed by

Associated Professor of the Department of

Criminal Law and Process **I. Litvinova**

Senior Lector of the Department of

Criminal Law and Process **N. Semchuk**

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

Head of the Department **S. Likhova**

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

Head of the Department\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **S. Yuldashev**

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 | Director of the Institute of  Innovative Technologies and Leadership  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_K. Babikova  “\_\_\_”\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2018 |
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Document level – 3b

The planned term between the revisions – 1 year

**Registered copy**

**1. INTRODUCTION**

The Syllabus «Prosecution of Ukraine» 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 «Prosecution of Ukraine» is classified as a group of criminal-legal and civil-law disciplines which 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 area of prosecutorial supervision.

This discipline is a systematic course designed to serve the expansion and consolidation of legal knowledge among students.

The purpose of teaching the discipline is to study the necessary legal knowledge regarding the activities of the prosecutor's office and its functioning in Ukraine, including: The Constitution of Ukraine, the Laws of Ukraine "On the Prosecutor's Office", "On the National Police", "On the Security Service of Ukraine", "On Operational Investigative Activity", the Criminal and Civil Procedure Law of Ukraine, as well as other normative documents regulating the activity 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 area 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 " Prosecution of Ukraine " 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;
* the task of the prosecutor's oversight of the implementation of laws;
* the main problems of reforming the prosecutor's office.

**To be able to:**

* analyze and evaluate the current state of law, crime and other offenses;
* to predict the development of criminogenic processes and the state of law;
* 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, 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 educational discipline " Prosecution of Ukraine " is based on the knowledge of such disciplines as: "Theory of State and Law", "Legal Deontology", "Constitutional Law of Ukraine" and is the basis for studying such disciplines as "Notary 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 "Public Prosecutor's Service of Ukraine"**

**Topic 2.1.1. The history of the prosecutor's**

The beginning of the prosecutor's office as an institution, the causes and conditions that contributed to the creation of a prosecutor by Peter I. Activities in Ukraine during the UNR, Hetmanate and the Directory. Prosecutor's Office of Soviet Ukraine to create a centralized system of the USSR. Development of the prewar and post-war time and the period of independent Ukraine.

**Topic 2.1.2. The system of the prosecutor's office of Ukraine and the organizational and legal principles of its activities**

The concept of the prosecutor's office (district attorney office –DA,  procuratorship). Subject and system of the course "Prosecution of Ukraine". Place of the prosecutor's office in the system of state authorities. Tasks of the prosecutor's office. Areas of activity of the prosecutor's office. Legal basis of the organization and activities of the prosecutor's office. The system of the prosecutor's office of Ukraine and the structure of its organs. Prosecutor-General (Judge Advocate General,   
Attorney-General, Director of Public Prosecutions, Chief State Prosecutor) and his status. The transitional provisions of the Constitution of Ukraine to implement the prosecution of certain functions.

**Topic 2.1.3 Prosecutors**

Status of the prosecutor (prosecuting attorney; crown agent; crown lawyer; counsellor; public prosecutor, public procurator). The procedure for occupying the post of prosecutor and the procedure for dismissal of the prosecutor from an administrative position. Disciplinary liability of the prosecutor. Grounds for bringing prosecutors to disciplinary responsibility. Types of disciplinary penalties and the procedure for their appeal. Dismissal of the prosecutor from office, termination, termination of his office in office. Social and material security of the public prosecutor.

**Topic 2.1.4 The prosecutor's self-government and agencies that provide the prosecutor's office**

General principles of the prosecutor's self-government. Agencies that provide the prosecutor's self-government. All-Ukrainian Conference of Prosecutor's Officers. Council of prosecutors. Qualification-disciplinary commission of prosecutors. Status and composition of the qualification-disciplinary commission of prosecutors. Organization of work and holding of a meeting of the qualification-disciplinary commission of prosecutors. The National Academy of Public Prosecutors’ Office of Ukraine (http://napu.com.ua/).

**Topic 2.1.5 Prosecution on behalf of the state or government in court**

The notion of prosecute before a сourt as a kind of activity of the prosecutor. Participation of the prosecutor in pre-trial investigation. Preparation of the prosecutor for his participation in the proceedings. Participation of the prosecutor in court debates.

The essence and tasks of the participation of the prosecutor in the consideration of criminal proceedings in the courts. Acts of the prosecutor's response to unlawful and unreasonable court decisions.

**Topic 2.1.6 Representation by the prosecutor's office the interests of citizens or the state in court**

The notion of representation by the public prosecutor's office the interests of citizens or the state in court in cases specified by law. Content prosecution representation of interests of citizens or state courts in the trial of civil cases. Contents of the representation in commercial courts. The prosecutor's civil claim. The prosecutor's entry into the civil process. Cases in which the participation of the prosecutor is compulsory.

**Topic 2.1.7. Supervision over observance of laws by the authorities conducting operative search activity, inquiry and pre-trial investigation**

The subject, object and tasks of the prosecutor's oversight of the implementation of laws by the authorities conducting operational search activities. The powers of the prosecutor to supervise the operational investigatory authorities.

The powers of the prosecutor in the process of overseeing the bodies of inquiry and pre-trial investigation. Methods of detection by the prosecutor in police authorities of possible facts of concealment from the registration and registration of applications and reports of crimes.

**Topic 2.1.8 Supervision over compliance with laws in executing court decisions in criminal proceedings.**

The subject and object of supervising the observance of laws during execution of court decisions in criminal proceedings. The powers of the prosecutor and the peculiarities of their implementation, depending on the object of supervision. Supervision over the legality of punishment, not connected with imprisonment. Supervision over the legality exemption from punishment. The prosecutor's supervision in places of detention. Prosecution supervision in penal establishments and prisons. Supervision of the prosecutor on the change in the regime of detention of prisoners.

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

Essence, legal bases, principles and subjects of international cooperation of the prosecutor's office of Ukraine. Basic provisions on the organization of prosecutor's offices in foreign countries. The main directions and forms of international cooperation of the prosecutor's office of Ukraine.

**3. THE READING LIST**

**3.1. Basic recommended sources**

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. Про державну службу: Закон України від 16.12.1993 № 3723-XII // Відомості Верховної Ради України. – 1993, № 52, ст. 490.

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

3.1.12. Крайник С.С. Поняття та система корупційних злочинів в Україні / С. С. Крайник // Вісник прокуратури. – 2015. – № 1 (163). – С. 78-86.

3.1.13. Про основи національної безпеки України: Закон України» від 19 червня 2003 року № 964-IV (Відомості Верховної Ради України (ВВР), 2003, № 39, ст. 351.

3.1.14. Дудоров О. Незаконне збагачення : сумнівна новела антикорупційного законодавства України / О. Дудоров, Т. Тертиченко // Вісник Національної академії прокуратури України. – 2011. – № 3. – С. 28-34

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

3.1.16.Наджафов О.Г. Корупційні правопорушення і види відповідальності за їх вчинення / О.Г. Наджафов // Вісник прокуратури. – 2012. – № 3 (129). – С. 52-58.**3.2. Other recommended sources**

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.

3.2.4. Про Національне антикорупційне бюро України: Закон України від 14.10.2014 № 1698-VII // Відомості Верховної Ради України. – 2014, № 47, ст. 2051.

**(Ф 03.02 – 01)**

**АРКУШ ПОШИРЕННЯ ДОКУМЕНТА**

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| №  прим. | Куди передано (підрозділ) | Дата  видачі | П.І.Б. отримувача | Підпис отримувача | Примітки |
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**АРКУШ ОЗНАЙОМЛЕННЯ З ДОКУМЕНТОМ**

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| № пор. | Прізвище ім'я по-батькові | Підпис ознайомленої особи | Дата ознайом-лення | Примітки |
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**АРКУШ РЕЄСТРАЦІЇ РЕВІЗІЇ**

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| № пор. | Прізвище ім'я по-батькові | Дата ревізії | Підпис | Висновок щодо адекватності |
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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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