

Учитывая вышеизложенное, следует отметить, что система привлечения инвестиционного потенциала страховых компаний должна быть ориентирована на:

- 1) систематическое проведение мониторинга и анализа основных показателей инвестиционной деятельности страховых компаний;
- 2) определение приоритетных направлений инвестирования, качественную разработку проектов и экспертную оценку объектов инвестирования страховыми компаниями;
- 3) определение возможных источников инвестирования страховыми компаниями и оценку их эффективности, проведение рекламных кампаний;
- 4) построение механизма вложения инвестиций страховых компаний путем проведения гибкой налоговой политики, превращение амортизационных отчислений в инвестиционный источник, создание конкурентной рыночной среды, формирование и развитие денежного и фондового рынков, создание системы гарантий защиты прав инвесторов;
- 5) создание системы государственного надзора, применение государственного контроля и создание соответствующего инфраструктурного обеспечения для инвестиционной деятельности страховых компаний.

#### *Литература*

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**Bolotna Tetiana,**  
National Aviation University, Kyiv, Ukraine

#### **PROSECUTING AGENCY: PROBLEM OF REFORMING**

The law of Ukraine “On Prosecuting agency” became a foundation for the creation of a unified and centralized system of prosecutor's authorities in our state. It is important to mention that this law restricted functions (duties) of prosecuting agency especially while supervising law compliance in business activities, court decisions, protection of human rights etc. Later such legal collision was eliminated and according to the changes to the current legislation prosecuting agencies are obliged to supervise law compliance by local authorities and their executive committees, administration authorities, legal and natural persons, public organizations and officials. At the same time prosecuting agencies supervise law compliance by organs which carry out operational and detective activities, investigation and inquisition, law compliance in the places of detention and preliminary confinement, execution

of sentences imposed by courts, law compliance by military organs, army units and institutions.

Problems and needs to reform prosecuting agency as a component of law-enforcement system of the state are widely discussed in Ukraine by scientists and practical workers especially after adoption of Constitution. All this time different scientific researches were held, certain steps of legislative and practical character were made to improve legal basis of the activities of prosecuting agency.

Policy of European integration which was officially proclaimed by Ukrainian state provides for obligatory creation of conditions for our country to enter into the European Community. It is difficult and long process as all norms and standards of the home policy of the Ukrainian community should be adjusted in accordance with norms and standards of Europe.

Reformation of law enforcement authorities, prosecuting agency and courts of Ukraine is the most important task of this process as they are key instruments of the state with the help of which such values of the nation as life and health of people, their rights and liberties can be protected.

It is a well-known fact there is a system of check and balances in the democratic state which secures interaction and interconnection of separation of powers and does not allow any of them to subordinate another.

Functions and powers of prosecuting agency, aims, task and type of its activities depend on the place it has in the system of separation of powers.

Views of Ukrainian and foreign scientists and practical workers concerning the place of prosecuting agency in the system of separation of powers are quite different. The majority of them express an opinion that prosecuting agency is a state constitutional institution and this fact gives no reason to refer it to any branch of the power. Moreover its activities do not fit in within the framework of any branch of power.

Modern history of Ukraine shows that prosecuting agency may cooperate efficiently with any branch of the power in the interest of the law. And they (branches of the power) may use potential of prosecutor's supervision to solve tasks of development of democratic society, rights and liberties of citizens.

In mass media politicians, scientists, other specialists express different and even contrary opinions concerning the role of prosecuting agency in the society and prospects of its development in the future. Participants of these discussions while defending their opinions refer to the European democratic standards of the pattern of prosecuting agency. Despite of this fact the pattern of Ukrainian prosecuting agency is quite different from world democratic standards.

Some of them consider that prosecuting agency is an institution of soviet totalitarian system which should be dissolved, it is a weapon of the authority, organ of authoritarian government and "there is no place for it in the democratic

legal state”. Others support the idea that prosecuting agency should have a central role while controlling law compliance.

There are various opinions concerning the place of prosecuting agency in the system of state authority in soviet and post-Soviet literature: 1) prosecuting agency has to be included into the judicial branch of the power and its main function has to be fulfilment of prosecutive jurisdiction in the state; 2) prosecuting agency has to be referred to neither executive nor judicial power, it has to be the organ of the Supreme Rada to provide lawfulness; 3) taking into account the status of the President who is recognized as the guarantee of the main law (Constitution), rights and liberties of citizens prosecuting agency should be designed as a subdivision of presidential power which controls law compliance of the President of Ukraine in the state in the name of the President; 4) activities of prosecuting agency are very special and independent and based on principles and powers inherent to this organ.

Experience of soviet and post-Soviet period of the history of Ukraine shows that numerous attempts to reform state structures were carried out by means of “trial and error”. That’s why before reforming the system of prosecutor's supervision one should deeply analyze on the scientific basis if systematized novelties are really able to improve providing rights of citizens. Reformative changes may be justifiable when they are based on experience and expediency.

The main problem which is to be solved while carrying out constitutional reform is to define the place of prosecuting agency in the system of state authorities.

Nowadays prosecuting agency is a complex and versatile legal institution with united centralized legal system which fulfills a particular type of state activities connected with the whole system of state mechanism and is not referred to any branches of the power.

While fulfilling supervision prosecuting agency acts as a body of state and authoritative powers. Activities of prosecuting agency of Ukraine is one of the important mechanisms of carrying out of state authority which guarantees rule of law, unity and consolidation of lawfulness, protection of rights and liberties of a person and citizen.