

FOREIGN EXPERIENCE IN THE REGULATING OF ADMINISTRATIVE LEGAL FUNCTIONS OF THE PROSECUTION SERVICE

Pavlenko Dmytro

DOI: <https://doi.org/10.61345/1339-7915.2023.5.9>

Annotation. The aim of the work is to summarize the international experience in regulating the administrative legal functions of the prosecutor's office and identify which positive foreign experience Ukraine should utilize in the context of improving the legal regulation of the implementation of administrative functions by prosecutorial bodies. The methodological basis of the study consists of the comparative legal method, which was used in the study of international experience and the experience of foreign countries regarding the organization and functioning of the prosecutor's office and its administrative functions. Additionally, the formal-legal method was employed to identify gaps and contradictions in relevant legal acts and formulate proposals for its improvement in the context of foreign country experience. The research is also underpinned by the dialectical method, applied to determine approaches to studying the improvement of the structure of administrative functions of the Prosecutor's Office of Ukraine by considering the study of the composition of administrative functions of prosecutor's offices in other countries. The abstract summarizes the foreign experience in regulating the administrative legal functions of the prosecution service. It explores international practices and their relevance to enhancing legal frameworks for prosecutorial bodies. The focus is on improving decision-making procedures, personnel processes, and accountability measures, drawing insights from various jurisdictions to inform potential reforms in Ukraine. The results of the research represent a generalization of positive foreign experience that Ukraine should leverage in the context of improving the legal regulation of the implementation of administrative functions by prosecutorial bodies in several directions. The conclusion emphasizes the importance of improvement of the procedure for adopting and implementing managerial decisions, improvement of personnel procedures in the activities of prosecutorial bodies in Ukraine, improvement of the procedure for holding employees of prosecutorial bodies accountable.

Key words: prosecution, functions of the prosecution, powers of the prosecution, subject of power, law enforcement body.

1. Introduction.

The issues of the organization and activities of the prosecutor's office, ways to enhance its effectiveness and efficiency and the performance of administrative functions by prosecutorial bodies have repeatedly been the focus of researchers. However, there is currently a deficit of fundamental theoretical knowledge about the institutional improvement of the administrative functions of the prosecutor's office in Ukraine.

The relevance of improving the administrative functions of the prosecutor's office and the process of such changes should be based on a corresponding theoretical and practical foundation. This, in turn, emphasizes the need for both summarizing the results of numerous previous scientific works and reassessing the existing doctrine of the prosecutor's office and its activities, considering the successful experience of Ukraine's partner countries. The changes in the normative-legal regulation of



the prosecutor's office's functioning require both theoretical and practical consideration. Therefore, it is crucial not to underestimate the ways to improve the administrative functions of the prosecutor's office in Ukraine, taking into account international and foreign experience.

As of today, there are several organizational and legal problems that hinder the qualitative and effective implementation of administrative and legal functions by the prosecutor's offices. This necessitates comprehensive research dedicated to exploring positive foreign experience in this field.

2. Analysis of scientific publications.

In the science of administrative law, the investigation of foreign experience in regulating the administrative legal functions of the prosecutor's office has been undertaken by researchers such as Melnyk R.S., Zaiika O.V., Bernaziuk Y., Yatsyk T.P., Ozvynchuk O.V., Naulik N., Banakh S.V., Tsyhanok S. Therefore, the author refers to some results of their scientific studies in this work.

3. The aim of the work.

To summarize the international experience in regulating the administrative legal functions of the prosecutor's office and identify which positive foreign experience Ukraine should utilize in the context of improving the legal regulation of the implementation of administrative functions by prosecutorial bodies.

4. Review and discussion.

In the context of the scientific topic, the viewpoint of R.S. Melnyk deserves attention. In his reflections, he emphasizes that foreign experience contributes to expanding our understanding of researched legal phenomena, helps to look at a particular problem from a different perspective, compare our achievements with those of foreign colleagues, and avoid wasting time on solving issues that have already found solutions in foreign publications [1, p. 55].

Moving directly to the examination of the experience of specific countries, let's start with the United Kingdom. In England, there is no independent system of prosecutor's offices in the state mechanism. Tasks and functions typical for the prosecutor's office are performed by other officials – the Attorney General and his representatives, local attorneys. The Attorney General is the head of the bar in England and simultaneously acts as a representative of the state and the government in civil proceedings in cases that have a societal impact on a broad population scale [2, p. 119].

The Crown Prosecution Service (CPS) deals with criminal cases investigated by the police and other investigative organizations in England and Wales. CPS is independent, making decisions regardless of the police and the government. The main duty of the prosecutor is to ensure that the person responsible for a specific crime is held accountable and brought to justice. Thus, the prosecutor decides which cases to prosecute, determines relevant charges in more serious or complex cases, advises the police in the early stages of the investigation, prepares and presents cases in court, and provides information, assistance, and support to victims and prosecution witnesses. According to the Code of Professional Ethics for Prosecutors, they must be fair, objective, and independent. This means that prosecutors must be confident in the presence of sufficient evidence supporting a realistic prospect of conviction and that the prosecution aligns with societal interests.

State Prosecutor (PPS) was established in June 2005 by the Justice (Northern Ireland) Act 2002. The Act creates PPS and defines its statutory duties and responsibilities, as well as the legislative framework within which it provides its services. After the transfer of law and justice responsibilities to the Northern Ireland Assembly in April 2010, PPS was designated as a non-departmental government department. As a non-departmental department, the Prosecutor's Office produces its own annual report and resource reports in accordance with guidance set out in the Government Financial

Reporting Manual and other directions from the Department of Finance. PPS funding is provided by the Northern Ireland Assembly, and as an accounting officer, the Director of Public Prosecutions is responsible for the efficient and effective use of allocated public funds. The corporate governance structure of PPS provides information on the leadership and control system within the Prosecutor's Office and confirms the extent of corporate governance mechanisms created to ensure proper and effective management of PPS affairs. This governance is intended to be a "living document" that will evolve as corporate governance mechanisms within the Prosecutor's Office develop [3].

In the Federal Republic of Germany, there is no federal basic law governing the prosecutor's office comprehensively at both the federal and state levels. The activities of the prosecutor's office in Germany are regulated by the Basic Law of the Federal Republic of Germany, state constitutions, regulatory orders of the Federal Ministry of Justice, state justice authorities, and other legislative acts [4]. Prosecutors in Germany are not considered part of the "independent judicial system." As noted by German experts, prosecutors are not part of the judicial system but belong to the executive branch of the state structure. However, the Federal Constitutional Court (BVerfG) considers them part of the judicial system, with a special duty to maintain public order and organizationally assigned powers to the courts according to Articles 141, 144 of the Courts Constitution Act. It is also necessary to note that prosecutors in Germany are not independent since they are obliged to report to their superiors (senior prosecutors, the Attorney General, etc.) and must follow their instructions. Only judges in Germany are guaranteed complete independence under Article 97 of the Basic Law (GG).

The Attorney General of the Federal Republic of Germany is appointed by the president of the country and performs duties at the Federal Supreme Court, while other prosecutors work at other relevant courts. The competence of the prosecutor's office is determined by the competence of the court it operates under. However, courts do not report to the prosecutor's office regarding its supervisory function. The Constitution of the Federal Republic of Germany stipulates that prosecutors are independent of the courts and are not part of their composition. Courts and the prosecutor's office, in Germany, cooperate with each other, attempting, within their competencies, to jointly achieve the correct decision. The main function of the prosecutor is to conduct a preliminary investigation, including with the assistance of the police, which, essentially, they supervise. The prosecutor's office in Germany performs three tasks: firstly, it investigates cases and conducts criminal prosecution, acting as the prosecutor in court; secondly, it participates in the judicial process as an independent party; thirdly, it ensures the enforcement of judgments [5, p. 40].

It is worth noting that the international community generally views the effectiveness and efficiency of the German prosecutor's office positively. However, German experts, judges, and prosecutors themselves have a somewhat different perspective. In a survey conducted for "Roland Rechtsreport," a total of 988 judges and prosecutors were interviewed in writing. Only eleven percent of respondents have a positive impression of the federal government's judicial policy. Compared to previous years, 57 percent see a deterioration in the overall basis for good precedent law. Respondents from Hesse are particularly critical, with over 60 percent expecting the situation to worsen.

Despite the above, Germany's key issue remains personnel, exacerbated by an impending wave of retirements in the judicial system. In Thuringia, for example, two-thirds of judges and prosecutors will retire by 2031, according to data from the state's Ministry of Justice. The Thuringian Judges Association does not believe that positions can be filled adequately. "Politics has long suppressed this problem," criticizes government spokesperson Holger Prebstel. According to the Ministry of Justice of Rhineland-Palatinate, approximately 23.5% of the current 987 judges and prosecutors will retire by 2026, and about 34% each year over the next eight years. According to the German Judges Association, around 40 percent of all judges and prosecutors nationwide will retire by 2030. Moreover, a significant problem in Germany is the private sector becoming a substantial competitor in the job market. Young people quite often opt for non-governmental positions in recent years.

Moving on to the French Republic, the prosecutor's office in France is part of the Ministry of Justice. Its activities are regulated by various general legislative acts (ordinances) and sectoral legislation. The structure of the prosecutor's office corresponds to the structure of the judicial system. All prosecutors are appointed and dismissed by the president of the republic on the recommendation of the minister of justice. The Attorney General supervises all officials of the prosecutor's office, taking into account

the competence of the appellate court. In civil proceedings, the prosecutor actively participates in the consideration of cases as an independent or third party. However, the prosecutor's involvement in civil proceedings is limited to cases directly defined by law [6]. The prosecutor also participates in the consideration of administrative cases, overseeing the implementation of laws, court decisions, and seeking enforcement when necessary in the public interest. The prosecutor does not take sides but participates as a representative of the state in court. Mandatory participation of the prosecutor in legal proceedings is provided by law for cases related to issues of state importance, citizenship, legality in the realization of the bankrupt company's property, etc., as well as issues related to the protection of the interests of citizens with limited capabilities (disabled, minors, mentally ill) [6].

In addition to European countries, the experience of the United States is noteworthy, where the model predominates with the function of criminal prosecution, and its system is built on three levels. There is a point of view regarding the existence of two levels, but we propose to adhere to the first option since, in fact, the following levels operate: Federal Prosecution Service; prosecution service of individual states; local prosecution service [7, p. 238]. It is essential to define terms such as "attorney" and "attorney's office" to understand the functioning of the prosecution in the United States, as their existence can cause misunderstanding of the structure of the prosecutor's office in this country. It is generally considered that the term "attorney" is used concerning prosecutors, and the "attorney's office" is the name of the service within the prosecutor's office. In other words, a prosecutor in the United States is an attorney, and the service within the prosecutor's office is called the attorney's office.

State prosecutors have their peculiarities; however, a common characteristic is that each state has its Attorney General, primarily indicating a high level of independence. Local prosecutors in the United States, in turn, operate in cities under the jurisdiction of local government bodies, indicating the level of organization of their activities [7, p. 239].

State and local prosecutors in the U.S. face a constantly growing set of tasks and responsibilities, including recruiting and retaining talented and diverse prosecutors, as well as processing, storing, and utilizing increasing volumes of evidence obtained through modern technologies. In March 2018, the Criminal Justice Priorities Initiative convened a group of experts to identify the priority needs and solutions to enhance the efficiency and effectiveness of the prosecutorial component of the criminal justice system. Some of the most serious problems prosecutors face are related to challenges in hiring, training, managing, and retaining personnel. Prosecutors struggle with labor-intensive and complex tasks related to detecting, tracking, storing, and disclosing violations of professional conduct and discipline, as well as collecting and reporting obligations regarding information disclosure related to Brady and Giglio standards. Prosecutors face the issue of inadequate or inconsistent data collection and other information exchanged by agencies, their partners, and the community, as well as the emergence of new digital and forensic technologies.

The priority needs and solutions for the above-mentioned problems are as follows:

implementing innovations to enhance the potential of state and local prosecutors in the United States;

activating scientific research aimed at better understanding ways to improve the recruitment, training, and retention of personnel, which, in turn, will help address many issues faced by prosecutors;

prosecutors need guidance on maximizing resources for investigating cases and court proceedings;

creating conditions to prevent witness intimidation and falsification and determining the most effective ratio of prosecutor staff to support staff, assessing whether different combinations of problem-solving and litigation strategies can reduce crime, as well as preserving and retrieving digital evidence in the long term.

The experience of administrative and legal support of the organization and activities of the prosecutor's office in Poland deserves special attention. The Republic of Poland is a priority partner for Ukraine on the path to integration into the European Union and the best example of bringing national legislation and law enforcement systems into compliance with international and European standards.

According to the Prosecutor's Office Law of June 20, 1985 [8], the Prosecutor's Office of the Republic of Poland was part of the Ministry of Justice; accordingly, the positions of the Attorney General and the Minister of Justice were combined. The Attorney General was an associated member of the Council of Ministers, the Sejm, and the Senate of the Republic of Poland.

The legal modernization of the legal status of the prosecution in Poland was carried out in 2010 when changes were introduced to the Prosecutor's Office Law regarding the distribution of powers between the Attorney General and the Minister of Justice. This included the introduction of term limits for the Attorney General, appellate, district, and county prosecutors, restrictions on the prosecutor's investigative actions, the obligation for the prosecutor to document instructions in case materials, regulation of the relationships between the Attorney General and the Sejm, President, and Prime Minister, and the definition of the basic principles of funding for the prosecution. As of 2022, the status of the prosecution in the Republic of Poland is defined by the Constitution [9] and the Prosecutor's Office Law [8] in its current version after relevant improvements and changes. As rightly noted by N. Naulik, the Constitution of the Republic of Poland does not define the functions of the prosecution but only establishes the prosecutor's right to appeal to the Constitutional Court (Article 191) and prohibits the prosecutor from acquiring a parliamentary mandate (Article 103) [10, p. 115].

At the same time, the constitutional and legal status of the prosecution in the Republic of Poland is regulated by the Prosecutor's Office Law of June 20, 1985 (with the latest amendments dated March 30, 2010). According to these changes, the prosecution in Poland was removed from the Ministry of Justice system and granted the status of an independent state body, and the position of the Attorney General was separated from the position of the Minister of Justice. According to Article 2 of the mentioned Law, the tasks of the prosecution include ensuring the supremacy of the law and the criminal prosecution of crimes, which are implemented through the following prosecutor's powers: conducting or supervising preliminary investigations in criminal cases and supporting state prosecution in courts; participating in civil and criminal cases and submitting motions in civil cases on matters of violation of labor or social guarantees if law enforcement, public interest, property, or citizens' rights require it; taking measures defined by legislation for the accurate and uniform application of the law in judicial proceedings, when bringing a person to administrative responsibility, and other processes; overseeing the implementation of decisions on temporary detention and other decisions on depriving a person of liberty; cooperating with scientific institutions in the study of issues related to crime and its prevention, as well as cooperating with relevant state authorities to prevent manifestations of crime; appealing court decisions and participating in the consideration of such appeals in administrative cases; performing other powers defined by law.

The prosecution system of the Republic of Poland includes the General Prosecutor's Office, appellate prosecutor's offices, district and county prosecutor's offices, prosecutors of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation. From the deputies of the Attorney General, the President appoints the director of the central commission. Also, in Poland, there is a system of military prosecutors, which includes the General Military Prosecutor, district military prosecutor's offices, and military prosecutor's offices in garrisons.

In the exercise of their powers, the prosecutor is independent and obliged to execute orders, directives, and orders of the higher prosecutor. It is worth noting that in Poland, there is the National Prosecution Council, consisting of 25 members, which ensures independence, provides consultations on draft laws on criminal prosecution, hears information from the Attorney General about the activities of prosecution authorities, and elects a candidate for the position of Attorney General. Moreover, the National Prosecution Council serves as a disciplinary court to decide on disciplinary responsibility for the Attorney General.

It should be emphasized that in 2010, the constitutional and legal status of the prosecution in Poland was significantly changed by separating the position of the Attorney General from the position of the Minister of Justice. Also, according to Polish scholars, the legislature attempted to ensure the independence of the prosecution in the Republic of Poland from the executive authorities and remove it from the executive branch. However, the Law of the Republic of Poland "On the Prosecution" does not provide a provision directly indicating the independence of the prosecution from the executive branch. Some Polish researchers believe that to determine the place of the prosecution in the system

of state authorities in the Republic of Poland, a new law is needed, as many changes have been made to the current "On the Prosecution" Law that are not entirely consistent. Additionally, defining the constitutional status of the prosecution in Poland is necessary for a clear understanding of what the prosecution in the Republic of Poland should be [11, p. 145].

In the context of the reform of the legal status of the prosecution in Ukraine, a crucial element of legal modernization in the organization and activities of the prosecution in Poland, in our opinion, is the attempt to clearly define the place of the prosecution in the constitutional-legal system of state power, both among branches of power and among other state bodies with authority in ensuring the rights and freedoms of individuals and citizens, as well as societal and state legitimate interests.

As evident from the recent Polish experience in perfecting the legal status of the prosecution, starting from 2010, there is a noticeable trend towards removing the prosecution system from direct subordination to the executive branch or towards an independent status (as is the case in Ukraine today), or towards the gradual inclusion of the prosecution in the structure of the judicial branch of power (which, in our view, may be considered optimal for future transformations in the constitutional-legal status of the Ukrainian prosecution).

It is perceived that the main goal of such changes in the position and role of the prosecution within the legal system of state bodies is an attempt to reduce, even potentially, the possibility of political influence on the activities of prosecutors, including the Attorney General. This is relevant for Ukraine, especially during the transitional phase of building a rule-of-law state in accordance with the fundamental system-forming principles of modern European constitutionalism.

According to Article 3 of the Prosecutor's Office Law, the prosecution in the Republic of Poland performs the following tasks (functions): conducting or overseeing preparatory proceedings in criminal cases and acting as a public prosecutor in courts; filing lawsuits in civil cases and participating in judicial proceedings in civil cases in the field of labor law and social security legislation, if the protection of the rule of law, social interests, property, or the rights of citizens requires it; taking measures provided by law aimed at the correct and uniform application of the law in judicial and administrative proceedings, in cases of offenses, and in other proceedings specified by law; supervising the execution of decisions on pre-trial detention and other decisions on deprivation of liberty; conducting investigations into criminal activities, combating and preventing crime, cooperating with other entities in this direction; collecting, processing, and analyzing data in IT systems, including personal data, from proceedings conducted or supervised under the law, and participating in judicial and administrative proceedings in cases of offenses or other proceedings specified by law; transferring data and analysis results to relevant authorities, including authorities of another state, if provided for by law or an international agreement ratified by the Republic of Poland; appealing to the court against illegal administrative decisions and participating in judicial proceedings regarding the legality of such decisions; coordinating activities in the prosecution of crimes or fiscal offenses conducted by other state bodies; cooperating with state authorities, state organizational units, and public organizations to prevent crime and other violations of the law; cooperating with the head of the National Criminal Information Centre to the extent necessary for the performance of its statutory tasks; participating in events organized by international or supranational organizations and international teams operating on the basis of international agreements, including those concluded by international organizations ratified by the Republic of Poland; issuing opinions on draft legislative acts; cooperating with organizations uniting prosecutors or prosecution employees, including co-financing joint research or educational projects; and performing other types of activities defined by the statute [8].

Thus, prosecutors are granted a range of powers in the field of criminal and civil cases, as well as various administrative, managerial, and organizational-administrative powers, including powers in coordinating other branches of power, representative powers, scientific-research powers, information-analytical powers, etc. [12, p. 344]. The aforementioned experience of granting broad and multifaceted powers to the prosecution authorities in the Republic of Poland can be borrowed and implemented in national legislation and legal practice, thereby fostering increased respect for the prosecution authorities by the public and enabling prosecutors to more effectively protect the rights and freedoms of individuals and the interests of the state.

In accordance with Article 56 of the Prosecutor's Office Law, the Prosecutor initiates and conducts preparatory proceedings or issues orders to initiate and conduct such proceedings to another authorized body, and then performs the functions of a prosecutor in court. During the preparatory proceedings, the prosecutor applies preventive measures to suspects in cases provided for by laws. Preparatory proceedings can be conducted in electronic form. The prosecutor may submit to the court an indictment together with the materials of such preparatory proceedings drawn up in electronic form. Documents drawn up in electronic form are signed by the prosecutor with an electronic signature [8].

In Ukraine, there is also a need to transition from paper to electronic criminal proceedings, taking into account the positive experience of the Republic of Poland mentioned above.

Given the ongoing aggression by the Russian Federation against Ukraine, it is pertinent to adopt the positive experience of Poland in the field of administrative-legal support for the organization of the activities of military prosecutors and to grant military prosecutors the status of military personnel, which will ensure more effective procedural guidance of pre-trial investigations into military crimes.

The experience of organizing the prosecutor's offices in the State of Israel deserves attention as a positive example for many countries in the field of combating and preventing crime, as well as organizing the activities of the criminal justice system.

The legal system of Israel is headed by the Attorney General, who possesses exclusive powers as the state's representative in all serious criminal, civil, and administrative cases. If the courts do not make a different decision, the state must refrain from any actions that the Attorney General deems illegal. Although appointed by the government, the Attorney General is independent of the political system [13].

The Attorney General heads the State Prosecutor's Office and is the highest-ranking official in this organization. The Attorney General provides instructions to various units of the prosecution on specific legal issues (e.g., cases of special significance or cases requiring the Attorney General's approval according to the law) and on fundamental issues (such as formulating guidelines and defining prosecution policies in various areas), as well as administrative matters (such as creating new units, organizational changes, etc.). The current tasks facing the modern Israeli prosecution include reducing the duration of proceedings and increasing the efficiency of prosecutorial work, combating corruption in government structures, and integrating civil and economic instruments in the fight against organized crime.

The Attorney General of Israel has four deputies: for criminal cases, civil cases, economic matters, and special positions. The Deputy Attorney General for Criminal Law operates in the field of criminal jurisprudence, dealing with issues of significant importance at all levels, developing instructions in criminal law for all units of criminal law in the prosecution. In addition, the Deputy for Criminal Law issues instructions for other prosecution authorities in the field of criminal law.

The duties and tasks of the Deputy Attorney General for Criminal Law include defining goals and standards in the field of criminal law and issuing relevant instructions for all prosecution authorities, execution, and investigation in criminal law; organizing professional forums; initiating and overseeing legislative processes in criminal law; overseeing complex criminal cases investigated by the criminal law department and making relevant decisions; reviewing protests against decisions to close cases in the prosecution; participating in decision-making in criminal cases of special importance, together with the government's legal advisor and the Attorney General. The Deputy Attorney General for Criminal Law has two prosecutors, an office administrator, and an intern working in their office [13].

The Deputy Attorney General for Civil Law coordinates the "staff" work in the civil department of the prosecution and deals with a wide range of issues in all areas of civil law that are significant at all levels. The Deputy heads the work on forming comprehensive policies on civil law issues arising from the daily work of the civil department of the prosecution, as well as those on the national agenda. The duties of the Deputy Attorney General for Civil Law include acting as a source of professional information for all prosecution units in the field of civil law, developing professional instructions in the field of civil law, coordinating actions of the prosecution with professional units in the Israel Police.

The Deputy Attorney General for Economic Affairs: serves as a source of professional information for all prosecution units in the field of economic law; develops professional instructions in the field of economic law; coordinates the activities of the prosecution with professional units in the Israel Police [13].

The Deputy Attorney General for Special Affairs acts in the field of criminal law, dealing with cases and issues related to state security and having far-reaching consequences at all levels. Among other things, the Deputy Attorney General for Special Affairs is responsible for enforcing legislation in the field of crimes against state security and overseeing particularly important cases in the field of state security, in cooperation with representatives of the Israel Defense Forces and the General Security Service [13].

Considering the above, Israel's experience in creating the position of Deputy Attorney General for Special Affairs, collaborating with security services and the military on matters of ensuring state security, counterterrorism, and other crimes against national security, is positive for Ukraine. The experience of establishing the position of Deputy Attorney General for Economic Affairs is also noteworthy.

5. Conclusions.

Thus, the positive foreign experience that Ukraine should use in the context of improving the legal regulation of the implementation of administrative functions by prosecutorial bodies should be applied in the following directions:

Improvement of the procedure for adopting and implementing managerial decisions. In this context, it is necessary to:

- a) Build a more effective management system for prosecutorial bodies.
- b) Review the information support system of individual management units of the prosecution and ensure more efficient information exchange between them.
- c) Ensure higher quality material and technical support for all units of the Prosecutor's Office of Ukraine.

Improvement of personnel procedures in the activities of prosecutorial bodies in Ukraine. This includes:

- a) Reviewing the system of training prosecutors at all levels.
- b) Providing them with continuous professional training and retraining.
- c) Establishing stricter requirements for individuals aspiring to hold positions in prosecutorial bodies.
- d) Increasing the overall level of economic and social security for prosecutors in our country.

Improvement of the procedure for holding employees of prosecutorial bodies accountable. In this context, it is necessary to:

- a) Firstly, refine the requirements regarding the business and professional qualities that prosecutors and their professional ethics should meet.
- b) Secondly, improve the procedures for holding prosecutors accountable.

References:

1. Melnyk, R.S. (2010). Administrative and Economic Law as a Structural Element of the Administrative Law System: Foreign Experience and National Specifics. *Law and Security*, 2(34), 55–59 [in Ukrainian].

2. Zaiika, O.V. (2018). One of the Paths to Modernizing Ukrainian Justice: International Experience Regarding the Legal Status of the Prosecutor's Office. In *Perspective Directions of Scientific Thought: Materials of the International Scientific-Practical Conference (Ternopil, April 18, 2018)*, Vol. 1, 117–120 [in Ukrainian].
3. Corporate Governance. (n.d.). PPS governance and accountability arrangements. Retrieved from <https://www.ppsni.gov.uk/corporate-governance> [in English].
4. Our legal state requires commitment and trust! (n.d.). Retrieved from https://www.generalbundesanwalt.de/DE/Home/home_N°de.html [in German].
5. Bernaziuk, Y. (2020). International standards of prosecutor participation in judicial proceedings beyond criminal process. *Judicial Power of Ukraine*, June 11, 2020. 40–44. [in Ukrainian].
6. News from the Minister of Justice. (n.d.). Retrieved from <http://www.justice.gouv.fr/le-garde-des-sceaux-10016/> [in French].
7. Yatsyk, T.P. & Ozvynchuk, O.V. (2018). Reforming the Institute of Criminal Prosecution in Ukraine: The Experience of the United States. *Actual Problems of the Present (Theory and Practice)*, 3-4, 234–241. [in Ukrainian].
8. Prosecutor's Office Law (2016). Retrieved from <https://lexlege.pl/ustawa-z-dnia-28-stycznia-2016-r-prawo-o-prokuraturze/> [in Polish].
9. Constitution of the Republic of Poland (1997). Retrieved from <https://www.sejm.gov.pl/prawo/konst/polski/kon1.htm> [in Polish].
10. Naulik, N. (2015). The Prosecutor's Office in the System of State Authorities of the Republic of Poland. *Scientific Journal of the National Academy of Prosecutors of Ukraine*, 4, 114–119 [in Ukrainian].
11. Banakh, S.V. (2020). International Standards of Organization and Management in Prosecution Authorities. *Scientific Notes of the Central Ukrainian State Pedagogical University named after Volodymyr Vynnychenko. Series: Law*, 8, 140–148 [in Ukrainian].
12. Tsyhanok, S. (2019). Independence of the Prosecutor's Office: Experience of Poland. *Entrepreneurship, Economy, and Law*, 6, 343–346 [in Ukrainian].
13. Ministry of Foreign Affairs of Israel: Official Website. Law and Order. Attorney General's Office. Retrieved from <https://mfa.gov.il/MFARUS/AboutIsrael/State/Pages/StateLawPolice.aspx> [in English & Hebrew].

Dmytro Pavlenko,
*Post Graduate Student (081 «Law» PhD),
Department of Administrative and Financial Law,
Faculty of Law,
National University of Life and Environmental Sciences of Ukraine
E-mail: lemon1302@gmail.com
ORCID: <https://orcid.org/0009-0008-8882-2231>*