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Basic principles of coordination by prosecutor of law enforcement bodies' activity on combating corruption in Ukraine

Abstract: It is examined the similarities concept of “coordination” that applies to the prosecutor coordination of law enforcement on anti-corruption. Highlighted features of the principles of such activities, as well as the principles themselves are characterized by the prosecutor coordination of law enforcement on combating corruption in Ukraine under the legislation of the state.

Keywords: coordination; cooperation; prosecutor; anti-corruption; law enforcement agencies; prosecutor principles coordination activities.

Focal power of the prosecutor in combating crime and corruption provided for in the laws of Ukraine “On Prosecutor’s Office” [1] “On Preventing and Combating Corruption” [2], in the Order of the Prosecutor General of Ukraine no. 1/1 GN of 16 January 2013 “On the coordination of law enforcement agencies in combating crime and corruption” [3].

First of all, we note that the word “coordination” is derived from the Latin word “co”, which translates as jointly and “ordination” - distribution, arrangement, ordering, and organization. The same word signifies the end result of organizational activity – “order”, “order”, and the way to achieve it. In the modern Ukrainian language dictionary “coordination” is interpreted as “1. The agreement, in line construction, linkages, contacts activity in people between the actions, concepts, etc. 2. Consistency movements, actions, etc.” [4].

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In legal literature, under the coordination of activities commonly are understood mutually different actors to achieve a common goal [5, p. 21].

Today in the literature devoted to the characterization of coordination takes place two approaches to solving this problem. In particular, some scholars argue that the main features of the coordination is to coordinate actions between independent entities systems to the most appropriate solution of the tasks assigned to the system [6, p. 148; 7, p. 7]. Another look at the coordination is that this agreement purpose, time and program behavior of subjects [8, p. 80-81; 9, p. 36].

Read that coordination - this agreement by ordering actuation system in accordance with something. As the V.M Plishkin without coordination as a means of ordering the parts and elements of the system, there is, in fact, the system [10, p. 505].

Management theory is often parallel with the term “coordination”, the term “interaction”. We believe that these concepts are not the same volume. We shall consider such demarcation of their signs:

- coordinated by one party organizes relations, and the other - only fulfills terms of the relationship and the interaction of both parties are obliged to organize the relationship as one of the participants reluctance to terminate the existence of the relationship;

- under the coordination of the first party - the organizer - acts as a control system component that is the subject of management, and the second side is controlled components, i.e. management entity, which do not need to carry the burden of organizing. In each case, the interaction of one or the other side of the relationship takes over the management of relations;

- coordination carried out by specially created for this structural unit coordinating body, to improve the responsiveness of the system of prevention in the form of preventive measures. Interaction is adjusted daily by the subjects of prevention in the case when there is no need to hold the case features a coordinating body [11, p. 505].

Relevant features are inherent and coordination activities prosecutor law enforcement officials to fighting crime and corruption.

In article 10 of the Law of Ukraine “On Prosecutor’s Office” are the focal power of the prosecutor in combating crime and corruption. Ukrainian Prosecutor General and subordinate prosecutors to improve the effectiveness of fighting crime and corruption coordinate the activities of law enforcement agencies on combating crime and corruption. Focal power of the prosecutor realized through joint meetings, the establishment of inter-agency working groups, coordinated action, analytical work, etc. [1]. According to Part 5 of Article 3.5 of the Law of Ukraine “On Preventing and Combating Corruption”, stated that the coordination of law enforcement agencies on combating corruption carried out within the limits of the powers defined by law, Ukrainian Prosecutor General and subordinate prosecutors [2].

Believe that wonder coordination of law enforcement anti-corruption lies with the Prosecutor General of Ukraine and subordinate prosecutors. Indeed, the prosecutor’s office, oversees compliance with the law during the pre-trial investigation, has a wide range of legal and organizational measures in combating corruption, which allows for appropriate organizational activities of other law enforcement agencies. And coordinates the activities of the prosecutor’s office of law enforcement agencies to combat corruption has a specific object - their law enforcement activities to combat corruption. Specific control methods and are coordinated action. The prosecutor’s office, with administrative capabilities of other entities coordinating activity, can use them to a limited extent - organizational assignments for the convening and coordination meetings and other activities in the organization of joint action.

Attorney coordination of law enforcement on combating corruption in Ukraine is subject to certain principles, which are defined in the Regulation “On the coordination of law enforcement agencies in the fight against crime and corruption”, approved by joint order of the General Prosecutor’s Office and other law enforcement agencies on April 26, 2012 no. 43/375/166/353/284/241/290/236 (hereinafter - Regulations) [12]. In accordance with clause 3 of this provision such principles are:

- Rule of law;
- Equality of subjects of coordination activities in the definition of problematic issues to prevent and combat crime and corruption, developing proposals for measures to overcome them;
- Independence of each law enforcement agency in the implementation of agreed solutions;

The responsibility of law enforcement authorities, within their competence, for quality and timely implementation of agreed measures;

- Publicity on coordination arrangements, lighting results of the ongoing work in the media to the extent not inconsistent with the requirements of legislation to protect the rights, freedoms and civil rights, state and other secrets.

By defining the principles of coordination among prosecutors, we point out their essential, necessary and sufficient criteria.

First of all, it is the systemic nature of principles, reflecting the fact that the principles of coordination among prosecutors must be consistent, coordinated among themselves. Possible conflicts between them must be overcome by referring to the general principle in this system.

The scientific validity of the principles is a sign indicating that they reflect objectively existing laws governing the functioning of law. So, the principles can not be recognized any provisions, but only those that have their basis in other legal categories.

Stability as a sign of the principles of coordination among prosecutors, suggests that the relevant provisions have stood the test of time, tested during the theoretical research and practice in law enforcement. They can not be changed by a strong-willed to the needs of today.

The definition should reflect the principles of the traditional symbols of this particular legal category attribute - is the most common position. Accordingly, the principles - these are the ideas that apply to prosecutors' coordination activities in general.

Thus, the principles of coordination among prosecutors in matters of combating crime and corruption - a system of scientifically sound, stable, general rules under which prosecutors carried out coordination activities in matters of fighting crime and corruption.

Characterize them.

Legality. In fact, this principle is related to the solution of all issues coordination activities prosecutors in matters of combating crime and corruption. He has a decisive influence on the content of all the principles, so is chief among them. The principle of legality means that coordination activities prosecutors in matters of fighting crime and corruption should be carried out in accordance with the laws of Ukraine

Equality of subjects of coordination activities in the definition of problematic issues to prevent and combat crime and corruption, developing proposals for measures to overcome them. Specificity prosecutor coordination of law enforcement is that the prosecution does not go beyond the implementation of the organizational process of coordination in combating crime and corruption. Coordination does not replace or dismisses heads of law enforcement agencies on the implementation of their tasks in the sphere of combating crime and corruption. Complexity of the issues facing law enforcement agencies in this area makes it necessary for their interaction solutions office tasks with a clear delineation of competence and accounting forms and methods of the specifics of each law enforcement agency. It performs its tasks within its competence, and only those methods that are inherent to it. This together is an important guarantee of completeness, objectivity, comprehensiveness and lawfulness of pre-trial investigation of corruption crimes.

Independence of each law enforcement agency in the implementation of agreed solutions. The principle of independence within the powers granted to each law enforcement agency in the performance of agreed decisions, recommendations and implementation of activities inherent means and methods is an important condition for the equality of all members of the coordination of activities and the effectiveness of joint activities. Necessary component of proper coordination is the

independence of the prosecutor in the performance of the coordination responsibilities. Independence means having its own competence of the prosecutor's office, the implementation of which has no right to interfere with any outside person or body. The State protects the court officials and law enforcement. The procedure and conditions for such protection are provided in the Law of Ukraine "On State Protection of court officials and law enforcement authorities" [13] as well as other legal acts. In the prosecutor's office, an internal security, which is related to the issues of the protection of personnel from undue interference in official duties, assault on life, health, honor and dignity of prosecutors and investigators, information security bodies (paragraph 2 of the Regulations) [12]. Prosecutors appropriate level must take the necessary measures to protect the rights and interests of subordinate prosecutors. Pre-trial investigation of criminal proceedings on the facts of attacks on their lives, health and property is necessary to take personal control. Ensure prompt disclosure of such crimes and the inevitability of punishment of those who committed them. Personally coordinate the authorized state bodies in carrying out activities of state protection prosecutors and members of their families (paragraph 4.9). In article 7 of the Law of Ukraine "On Prosecutor's Office" provided guarantees of independence in exercising the powers of the prosecutor's office. Government authorities and local government officials, the media, political organizations (movements) and their representatives in the activities of the Prosecutor's Office to oversee compliance with laws or to investigate acts that contain elements of a crime, is prohibited. Influence in any way on the employee prosecutors in order to prevent the performance of his official duties or to achieve the adoption of an unlawful decision entails responsibilities as provided by law. Contacting the authorities and other officials to the prosecutor about specific cases and materials in the production of the prosecutor's office can not contain any instructions or on the results of their decisions. Nobody has the right without the permission of the prosecutor to disclose the test data and preliminary investigation prior to their closure.

Responsibility of law enforcement authorities, within their competence, for quality and timely implementation of the agreed measures. Law enforcement

agencies in the terms fixed by the coordination meeting, participating in its deliberations, the Chairman informed the meeting on the results of specific activities, their impact on the legality and effectiveness of combating crime and corruption (paragraph 9 of the Regulation). Perform agreed measures in full must be completed in the month, which is defined in the regulation. In case of inability to perform activities within the prescribed period, the appropriate deputy head of the prosecutor's office or the head of law enforcement or other authority not later than one week before the end of the month refers to the chair of the meeting to extend the period of performance. On lifting solutions coordination meeting (special events) to control or its corresponding letter continued prosecutor informs the participants of the meeting (§ 10 of the Regulation) [12].

Publicity on coordination arrangements, lighting results of the ongoing work in the media to the extent not inconsistent with the requirements of legislation to protect the rights, freedoms and civil rights, state and other secrets. This principle is a general principle of organization and activities of the prosecution. In paragraph 5 of Part 1 of Article 6 of the Law of Ukraine “On Prosecutor’s Office” provides that the prosecuting authorities in a transparent manner, inform the public authorities, the general public about the state of law and measures to strengthen it.

Thus, the prosecutor coordination of law enforcement on combating corruption in Ukraine is subject to certain principles, the existence of which is due to the importance of appropriate activities to strengthen law and order in the state. Only complete adherence to these principles is able to make such coordination effective.

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