

Oleksii KALCHUK

*Foreign Experience Concerning Legal Regulation of the
Prosecutor's Office Functioning*

DOI: [https://doi.org/10.34625/issn.2183-2705\(36\)2024.ic-17](https://doi.org/10.34625/issn.2183-2705(36)2024.ic-17)

Secção I

Investigação Científica*

* Os artigos presentes nesta secção foram sujeitos a processo de revisão segundo o método *blind peer review* / The articles in this section have undergone a blind peer review process.

Foreign Experience Concerning Legal Regulation of the Prosecutor's Office Functioning

Experiência estrangeira sobre regulamentação jurídica do funcionamento do Ministério Público

Oleksii KALCHUK¹

ABSTRACT: The purpose of the article is to clarify foreign experience concerning legal regulation of the prosecutor's office functioning. Based on a comparative study of foreign prosecutors' offices, data on their place in the government system, type of model and main functions are given, and this gives an idea of the role and directions of development of the prosecutor's office in the leading countries of the modern world. In Germany, public prosecutor's offices function at all levels of general courts. The Federal Prosecutor General exercises his powers under the overall direction of the German Minister of Justice. It is noted that the modern French prosecutor's office belongs to the executive branch of government and is subordinate to the Ministry of Justice. Officials of the prosecutor's office are very close to the judicial corps, as they receive the same training and in the course of their careers often move from prosecutors to judges and vice versa. According to the special law defining the legal position of the prosecutor's office in Latvia, the prosecutor's office is a judicial authority that independently supervises the observance of legality within the limits of the established competence. In Great Britain, there is no public prosecutor's office or its direct counterpart at all. In the system of state authorities, the Royal Prosecutor's Office functions as a self-consistent and independent authority, whose activities are coordinated by the Attorney General. In the Republic of Lithuania, prosecutors organize and manage the process of pre-trial investigation, and they also support the state prosecution in criminal cases. It has been concluded that there is no single standard in Europe regarding the model of the prosecutor's office. The analyzed models of prosecutor's offices have advantages and disadvantages, but none of them is excluded and neither of the models is preferred.

KEYWORDS: prosecutor's office, organization of the prosecutor's office, model of the prosecutor's office of foreign countries, location of the prosecutor's office, powers of the prosecutor of foreign countries.

RESUMO: O objetivo do artigo é esclarecer a experiência estrangeira sobre a regulamentação legal do funcionamento do Ministério Público. Com base em um estudo comparativo de Ministérios Públicos estrangeiros, são fornecidos dados sobre seu lugar no sistema governamental, tipo de modelo e principais funções, e isso dá uma ideia do papel e das direções de desenvolvimento do Ministério Público nos principais países do mundo moderno. Na Alemanha, os Ministérios Públicos funcionam em todos os níveis dos tribunais gerais. O Procurador-Geral Federal exerce seus poderes sob a direção geral do Ministro da Justiça alemão. Note-se que o moderno Ministério Público francês pertence ao poder executivo do governo e é subordinado ao Ministério da Justiça. Os funcionários do Ministério Público são muito próximos do corpo judiciário, pois recebem o mesmo treinamento e, no curso de suas carreiras, muitas vezes passam de promotores para juízes e vice-versa. De acordo com a lei especial que define a posição legal do Ministério Público na Letônia, o Ministério Público é uma autoridade judicial que

¹ Phd, candidate of legal sciences, doctoral student, Kiev university of intellectual property and law of national university "Odessa law academy", Ukraine. ORCID ID: <https://orcid.org/0009-0002-0582-8168>

supervisiona de forma independente a observância da legalidade dentro dos limites da competência estabelecida. Na Grã-Bretanha, não há um Ministério Público ou sua contraparte direta. No sistema de autoridades estaduais, o Royal Prosecutor's Office funciona como uma autoridade autoconsistente e independente, cujas atividades são coordenadas pelo Procurador-Geral. Na República da Lituânia, os promotores organizam e gerenciam o processo de investigação pré-julgamento e também dão suporte à acusação estadual em casos criminais. Concluiu-se que não há um padrão único na Europa em relação ao modelo do Ministério Público. Os modelos analisados de Ministério Público têm vantagens e desvantagens, mas nenhum deles é excluído e nenhum dos modelos é preferido.

PALAVRAS-CHAVE: Ministério Público, organização do Ministério Público, modelo do Ministério Público de países estrangeiros, localização do Ministério Público, poderes do Ministério Público de países estrangeiros.

1. Introduction

The current stage of development of foreign countries in some aspects, and especially in the field of protection of rights and freedoms, is ahead of Ukraine's experience. In the light of permanent reforms in Ukraine and given the desire of Ukraine to join the European community, from our point of view it is useful to study the experience of functioning of state legal institutions, in particular, that of the prosecutor's office in the USA and some countries of the European community. In our opinion, research of the experience in the sphere of building a system of prosecutor's offices is of particular importance, for the purpose of clarifying Ukraine's further steps in this area. From our point of view already existing studies are not sufficient today, because they are mostly based on previously conducted studies and they do not take into account many aspects of modern legal regulation and changes that are made to the current legislation, including in foreign countries.

Lapkin A. notes that in the context of studying international standards of prosecutorial activity the factors of foreign influence are the reverse aspect of their influence on the national model of the prosecutor's office, which is the displacement of its unique internal features in favor of general external ones, which is generally inherent in the processes of globalization.² Voytovych R points out that globalization does not always have a positive effect on national development, since only highly developed countries benefit from it, thanks to the fact that they manage to expand the boundaries of their influence on other

² LAPKIN, Andrii. Prosecutor in criminal proceedings: theoretical, legal and organizational and methodological problems: monograph. Kharkiv: Pravo, 2020. 1304.

countries, while transitional societies are not ready to face their challenges. If a separate state has an effective national strategy for social development, it will be quite cautious about external influences.³ With regard to the influence of international standards on the prosecutor's office of Ukraine, this was manifested in the fact that they did not so much complement but faster replaced its national characteristics. To a large extent, this was due to the fact that due to ideological and political reasons when forming the standards of prosecutorial activity, their developers (at least at the initial stage) actually did not take into account experience of functioning of the prosecutor's offices of the post-Soviet states, including Ukraine, moreover, they considered it as negative in the light the Soviet past.⁴

Today, in Ukraine, there is a small amount of research on foreign experience of administrative and legal regulation of the organization and activities of the prosecutor's office, which does not allow to clearly define construction models of this body of state power, and to find out the possibilities of introducing foreign experience into the legal system of Ukraine. At the same time, in this direction we should point out the thesis of O. V. Khorusnenko "The Prosecutor's Office of Ukraine and the member countries of the European Union: a comparative study"⁵; in this thesis the author conducted a comprehensive study, found out the main shortcomings of the prosecutor's office models in the countries of the European Community and came to the conclusion that "the legal status of the prosecutors of the EU member states largely depends on the place that the prosecutor's office occupies in the system of the state authorities, which affects the procedure, term and definition of the subject of the appointment of prosecutors at different levels, and at the same time it was concluded that each EU member state establishes and guarantees independence of prosecutors in

³ VOYTOVYCH, Radmyla. Globalization as a universal form of historical dynamics of transitional societies. Bulletin of the National Academy of Public Administration under the President of Ukraine. No. 1. 2012. 21–32.

⁴ SPASKA, Anastasiya. SAVISHCHENKO, Viktoriia. KOMAR, Olha. HRITCHENKO, Tetiana. MAIDANYK, Olena. Enhancing analytical thinking in tertiary students using debates. *European Journal of Educational Research*, 10(2), 2021. 879-889. <https://doi.org/10.12973/eu-jer.10.2.879>

⁵ KHORSUNENKO, Oleh. Prosecutor's office of Ukraine and the member countries of the European Union: a comparative study: dissertation. ... candidate law of Sciences: 12.00.10 / Odesa Jurid. Acad. Odesa, 2019. 221. Repository of the National University of Odesa Law academy": <https://dspace.onua.edu.ua/items/98b34aad-7a94-4cd4-9f92-c1ade3f875df>

exercising their powers.”⁶

One may also point out the thesis by S. L. Nazaruk “Administrative and legal support of the activities of the prosecutor's office of Ukraine and the leading countries of the European Union: comparative study”, where the author correctly determined that “a comparative study of the administrative and legal support of activities performed by the prosecutor's office of Ukraine and those of the leading EU states makes it possible to identify and single out relevant measures aimed at improving the administrative and legal support of the activities inherent to the prosecutor's office of our country”.⁷

The purpose of the article is to reveal peculiarities of the modern legal regulation of the organization and activities of the prosecutor's office of the United States and some countries of the European Union as well as clarify possible prospects of applying positive foreign experience in prosecutor's activities in Ukraine.

2. Results and Discussion

At the current stage, development of the prosecutor's office is connected with the approval of the general principles of its activity at the international level, with the preservation of various organizational and functional models based on the peculiarities of national legislation.

At the same time, there is no single model of the prosecutor's office in the world, and each separate model has its own shortcomings and advantages; and in connection with this we believe that the prosecutor's office should be determined from the point of view of the social and political conditions of its organization and functioning, taking into account peculiarities of national states, and based on the mentality of this or that society.⁸

⁶ VOLOSHANIVSKA, Tetiana. POZHUN, Inna. LOSYCH, Serhii. MERDOVA, Olha. LEHEZA, Yevhen. Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors'. *Journal of Drug and Alcohol Research*, 12(10). 2023. 1-8. <https://doi.org/10.4303/JDAR/236269>

⁷ NAZARUK, Serhii. Administrative-legal support of the activities of the prosecutor's office of Ukraine and the leading countries of the European Union: a comparative study: diss. ... Doctor of Philosophy: 081 "law" / Govt. teacher. Univ. named after V. Vinnichenko. Kropyvnytskyi, 2021. 235. Central Ukrainian State Repository V. Vinnichenko University. https://cusu.edu.ua/images/autoreferats/2021/Nazaruk/D_Nazaruk.pdf.

⁸ VAKULYK, Olga. PETRENKO, Pavlo. KUZMENKO, Iulia. POCHTOVYI, Maksym. ORLOVSKYI, Ruslan. *Cybersecurity as a Component of the National Security of the State*, *Journal of Security and Sustainability*. Issues 9, no. 3, 2020, 775-784, [https://doi.org/10.9770/jssi.2020.9.3\(4\)](https://doi.org/10.9770/jssi.2020.9.3(4))

Therefore, from the point of view of understanding the role and place of the prosecutor's office, it is quite important to study experience of foreign countries regarding the basic principles of the prosecutor's office on the example of the United States of America (hereinafter - the USA) and some European countries.

Thus, in the USA, the prosecutor's office is called the "attorney's office" headed by the US Federal Prosecutor or a federal attorney, whose position was introduced in 1789 in the Judiciary Act of 1789 (Law on the Judiciary).⁹ The federal attorney is appointed to the position, including based on the provisions of Section 2 of Art. 2 of the US Constitution.¹⁰ According to the US Code (28 U.S. Code § 541) The federal attorney is appointed to the position by the President of the United States with the consent of the Senate of the United States for a four-year term, at the same time, at the end of the term, he/she continues his/her activity until his/her successor is appointed to the position.¹¹

Among other things, unlike in Ukraine, the Federal Attorney in the USA is the head of the United States Department of Justice (Justice Department), but this Department should be distinguished from the Ministry of Justice of Ukraine, because in the USA it is essentially the headquarters of the Federal Attorney, namely thanks to the Department of Justice, the Federal Attorney General regulates activities of federal attorneys, in federal judicial districts.¹²

In the USA, there is an attorney service (Executive Office for United States Attorneys "EOUSA"), that is, an institution of state power that has no analogue in any other part of the world. The EOUSA was created in 1953 on the basis of the Attorney General Order No. 8-53 in order to ensure constant interaction between the Department of Justice and 93 US Attorneys located respectively in the 50 states, the District of Columbia, Guam, the Mariana Islands, Puerto Rico and the US Virgin Islands. Thus, the U.S. Attorney's Office is a totality of U.S. executive authorities, including at the state level and local levels, that advises the government at the appropriate level, represents interests of the Government in

⁹ JUDICIARY ACT OF 1789. *THE LIBRARY OF CONGRESS*. <https://memory.loc.gov/cgibin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=196>.

¹⁰ CONSTITUTION OF THE UNITED STATES written in 1787, ratified in 1788, and in operation since 1789. *United States Senate*. <https://www.senate.gov/about/originsfoundations/senate-and-constitution/constitution.htm>.

¹¹ ORGANIZATIONAL STRUCTURE OF THE US DEPARTMENT OF JUSTICE. *US Department of Justice*. <https://www.justice.gov/our-work>.

¹² GENERAL STRUCTURE OF EOUSA. *Offices of the United States Attorneys*. <https://www.justice.gov/usao/eousa/organizational-chart>

court, and ensures general implementation of the existing legislation. Among other things, the US Attorney's Office acts as a prosecution service, it has the right to initiate a criminal case, investigate cases of violations of existing law, prosecute and support prosecutions in court.¹³

The Federal Prosecutor's Office in the United States has its own investigative bodies, including the FBI, and it is only one of the law enforcement agencies that is subordinate to the Ministry of Justice. Among other things, the Ministry of Justice is subordinated to the service of marshals, or as we say bailiffs, the administration dealing with narcotics, the bureau controlling implementation of laws on alcoholic products, tobacco products and criminal distribution of narcotic substances.¹⁴

At the same time, it should be noted that in the USA the prosecutor's office is a completely independent body, which, according to T. Peebles, is achieved through a properly organized crime prevention system, and the prosecutor's office acts based on the following priorities: high professional competence with knowledge of crime and its high-tech means; an exclusive emphasis on professional aspects and a rather significant sensitivity to the violation of human rights; emphasis on effective cooperation with counteraction bodies, including in the spheres of global threats of crime and terrorism.¹⁵

Thus, the prosecutor's office in the USA is a body that conducts criminal prosecution, supports public prosecution and participates in court hearings as a representative body of public authority. The prosecutor's office is characterized by decentralization and lack of supervisory powers. From an organizational point of view, the prosecutor's office in the USA is more drawn not to a state authority, but to a kind of professional corporation of lawyers, who at the same time are in

¹³ LEHEZA, Yevhen. YEROFIEIENKO, Larysa. KOMASHKO, Volodymyr. Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects. *Revista Justiça Do Direito* 37, no. 3. 2023. 157–72. <https://doi.org/10.5335/rjd.v37i3.15233>.

¹⁴ SMIESOVA, Viktoriia. PYLYPENKO, Anna. IVANOVA, Marina. KARPENKO, Roman. Economic and Institutional Conditions for Implementation of Economic Interests in the Countries of the World. *Montenegrin Journal of Economics, Economic Laboratory for Transition Research (ELIT)*, vol. 15(4), 2019. 75–86. <https://doi.org/10.14254/1800-5845/2019.15-4.6>

¹⁵ THE CHANGING ROLE OF THE AMERICAN PROSECUTOR / John L. Worrall, M. Elaine Nugent-Borakove. Albany: State University of New York Press. 2008. 284. *ResearchGate*. https://www.researchgate.net/profile/Hung-En-Sung/publication/258839592_Prosecutor_and_Treatment_Diversion_The_Brooklyn_NY_Drug_Treatment_Alternative_to_Prison_Program/links/0deec5292b9d4477dd000000/Prosecutor-and-Treatment-Diversion-The-Brooklyn-NY-Drug-Treatment-Alternative-to-Prison-Program.pdf

the civil service of representatives of public authorities.¹⁶

In European countries, the system of prosecution differs significantly from that of the United States. Thus, in Germany, according to the Law on the Constitutional Court (Article 149 GVG), the Federal Prosecutor General (*Generalbundesanwalt*) and federal prosecutors are appointed by the President of the country on the proposal of the Minister of Justice and with the approval of the Bundesrat.¹⁷ According to the German Federal Civil Service Act (5BBG), the Federal Prosecutor General, federal prosecutors, senior prosecutors are appointed for life and are civil servants.¹⁸ At the same time, with regard to the Federal Prosecutor General, he/she acts, including as a political figure and can be dismissed by the Minister of Justice at any time. At the same time, the Law provides that no justification is required for this.¹⁹

It is known that in Germany the organizational structure of the prosecutor's office is divided into federal one and state one, which follows from the provisions of the Order on the Organization and Procedure of the Prosecutor's Office in Germany dated 12 March, 1975.²⁰

From our point of view this experience of Germany can be useful for Ukraine regarding the issue of significant independence of prosecutors and a fairly high level of their material and technical support.

The French prosecutor's office also has its peculiarities. The legal regulation of the activities of the prosecutor's office in France takes place at the

¹⁶ SYCH, Tetiana, BONIAK, Valentyna. DOKUCHAIEVA, Valentyna. KHRYKOV, Yevhen. VASYNOVA, Nadiia. Publication of education management research in Ukrainian issues from Scopus and Web of Science bases. *Asia Life Sciences*, 22(2), 2020. 127-141.

¹⁷ GERICHTSVERFASSUNGSGESETZ (GVG) BUNDESRECHT: IN DER FASSUNG VOM 09.05.1975, zuletzt geändert am 08.10.2023. *Justiz-online*. https://www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi?xid=137459,1.

¹⁸ FÜR BEAMTE: BUNDESGESETZ BUNDESBEAMTENGESETZ VOM 05.02.2009, zuletzt geändert am 17.07.2023. *BBG-Bundesbeamtengesetz*. https://www.gesetze-iminternet.de/bbg_2009/BJNR016010009.html.

¹⁹ LEHEZA, Yevhen. YUROVSKA, Viktoriia. ZAMRYHA, Artur. ULOZHENKO, Vadym, BOHDAN. Bohdana. Administrative and legal regulation of the status of internally displaced persons in Ukraine during the war. *University of Western Australia law review*. 51 (2). 2024. 297-313. <https://www.uwa.edu.au/schools/-/media/documents/uwa-law-review/volume-51-issue-2/leheza-et-al-formatted.pdf>

²⁰ ANORDNUNG ÜBER ORGANISATION UND DIENSTBETRIEB DER STAATSANWALTSCHAFT (ORGSTA): vom 04.07.1995, letzte Änderungen vom 01.04.2014. *Niedersächsisches Vorschrifteninformationssystem (NI-VORIS)*. <https://voris.wolterskluweronline.de/browse/document/6edf9705-df13-3d63-abba-0e51afbe0c52>

level of the French Constitution of 1958,²¹ the Criminal Procedure Code of France (Articles 31-48 of the Section "On the Prosecutor's Office"),²² the Judicial Code of 1978, and the French Code of Civil Procedure).²³

As in Germany, the French prosecutor's office is subordinate to the Ministry of Justice and is a centralized system of bodies. The Prosecutor General performs his/her activities at the Court of Cassation. The structure includes assistants of the Prosecutor General, who are the First Advocate General and 19 advocates general. The General Prosecutors and their assistants also act at the courts of appeal, to which the prosecutors of the Republic (*les procureurs de la République*) being in the sphere of influence of these courts are subordinated accordingly. The prosecutors of the Republic are the district prosecutors at the tribunals, who mostly handle civil cases. All prosecutors are appointed by the President of France on the proposal of the Minister of Justice, who directly supervises their activities. In terms of their status, prosecutors are quite close to judges, with some exceptions, but they conduct their activities based on the same principles. The main organizational principles of the prosecutor's office include integrity, independence, subordination and responsibility. The court and the prosecutor's office thus form a single corps and have the right to change the position of a prosecutor to position of a judge and vice versa during the career.²⁴

In the event that the prosecutor violates the law during a criminal prosecution, he/she is not responsible, the prosecutor is not held liable for reimbursement of court costs, he/she shall not compensate for damages to the convicted person, which mostly represents a certain guarantee of independence and relieves the prosecutor of the need to participate in cases related to his/her persecution by citizens. Thus, taking into account the above, the French prosecutor's office is a body independent from the court or from the parties to

²¹ CONSTITUTION DU 04.10.1958. *LA CONSTITUTION LE BLOC DE CONSTITUTIONNALITE*. <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-dela-constitution-du-4-octobre-1958-en-vigueur>

²² CODE DE PROCEDURE PENALE AU 31.12.1957. *REPUBLIQUE FRANÇAISE LEGIFRANCE*. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154/.

²³ CODE DE PROCEDURE CIVILE AU 30.12.1976. *REPUBLIQUE FRANÇAISE LEGIFRANCE*. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070716/.

²⁴ LEHEZA, Yevhen. PISOTSKA, Karina. DUBENKO, Oleksandr. DAKHNO, Oleksandr. SOTSKYI, Artur. The essence of the principles of Ukrainian law in modern jurisprudence. *Revista Jurídica Portucalense*, December 2022. 342-363. [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)

criminal proceedings.²⁵

According to the French Code of Criminal Procedure, officials and agents of the judicial police are under the supervision of the Prosecutor General, who has the right to instruct them to collect the necessary information if it is important for the administration of justice. The Prosecutor of the Republic accordingly manages the judicial police, receives information about crimes from the police, gives instructions on the investigation, monitors the police's compliance with the law. The prosecutor has the right to come directly to the scene of the crime instead of the police and can himself/herself carry out all the actions that are actually assigned to the judicial police, also the Prosecutor of the Republic personally or through deputies supports the prosecution in jury court, police or correctional tribunals, and has the right to issue orders to search for criminals.²⁶

Thus, in contrast to Ukraine, the prosecutor's office in France is not just independent, but, among other things, it can actually replace the body of inquiry and, in general, carry out all the necessary investigative actions in the case, and the difficulty of distinguishing powers of the prosecutor in the civil process in the legislation makes the French prosecutor's office similar to the German prosecutor's office, where this issue is also not sufficiently regulated.²⁷

In the countries of the former Soviet socialist camp the prosecutor's office also has its peculiar features. Thus, according to the Constitution of Estonia, in Article 151, it is quite succinctly defined that the procedure for maintaining the prosecution and representation in court is established by law.²⁸ According to the Statute on the Prosecutor's Office, the Estonian Prosecutor's Office is a state institution subordinate to the Minister of Justice. The Ministry of Justice is defined as the highest state body of the prosecutor's office. Thus, prosecutors are accountable to the Minister of Justice, who oversees activities of the prosecutor's

²⁵ KUCHUK, Andrii. SERDIUK, Liliia. ZAVHORODNIA, Yuliia. Modern law education in the context of natural understanding of law. *Asia Life Sciences*. 21 (2). 2019. 359-365

²⁶ KUZNICHENKO, Yana. FROLOV, Serhiy. ZHURAVKA, Fedir. YEFIMOV, Mykola. FEDCHENKO, Volodymyr Regulatory assessment of the bank market risk: international approaches and Ukrainian practice. *Banks and Bank Systems*, 13(4), 2018. 73-84. doi:10.21511/bbs.13(4).2018.07

²⁷ LEHEZA, Yevhen, YANKOVYI, Mykola. MEDVEDENKO, Nadiia. VAIDA, Taras. KOVAL, Marat. Application of Artificial Intelligence in Motivating Court Decisions: Legal Basis and Foreign Experience. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(1), 2024. 58-69. <https://doi.org/10.30631/alrisalah.v24i1.1531>

²⁸ EESTI VABARIIGI PÕHISEADUS. VASTU VÕETUD 28.06.1992. RT 1992, 26, 349. Jõustumine 03.07.1992. *Riigi Teataja*. <https://www.riigiteataja.ee/akt/115052015002>

office in criminal proceedings.²⁹

The prosecutor's office system is directly managed by the Prosecutor General, who is appointed to the position by the government on the proposal of the Minister of Justice for a term of five years. The prosecutor's office manages the pre-trial criminal investigation, supports the state prosecution, and may participate in investigative activities. Two general bodies are included in the prosecutor's office system, namely the State Prosecutor's Office and 4 district prosecutor's offices.³⁰

According to the law the tasks of the prosecutor's office include: ensuring legality and effectiveness of pre-trial criminal proceedings; supervising legality of operational investigative activities of investigative bodies, which are bodies of pre-trial investigation, during the detection of crimes or pre-trial proceedings of criminal cases; representation of the state prosecution in court; performance of tasks arising from international cooperation, participation in the work of Eurojust; other tasks assigned by law to the prosecutor's office.³¹

The Prosecutor's Office of Estonia, like the Prosecutor's Office of France, manages the pre-trial investigation, but does not replace it. Thus, the prosecutor's office mostly supports the criminal prosecution in court, participates in the planning of investigative actions, conducts proceedings in cooperation with the police, state border guards, fiscal and other services.³²

In practically the same way activities of the prosecutor's office are regulated in the Republic of Latvia, at the same time, it is interesting that the prosecutor's office here is completely excluded from the Constitution of the Republic of Latvia,

²⁹ ARTYUKHOV, Artem. VOLK, Iurii. SUROWIEC, Agnieszka. SKRZYPEK-AHMED, Sylwia, BLIUMSKA-DANKO, Kseniia. DLUHOPOLSKYI, Oleksandr. SHABLYSTYI Volodymyr. Quality of Education and Science in the Context of Sustainable Development Goals—From Millennium Goals to Agenda 2030: Factors of Innovation Activity and Socio-Economic Impact. *Sustainability* 14, no. 18: 2022. 11468. <https://doi.org/10.3390/su141811468>.

³⁰ DYMKO, Iegor. MURADIAN, Arsen. LEHEZA, Yevgeny. MANZHULA, Andrii. RUDKOVSKYI, Oleksandr. Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products. *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90). 2017. 26–34. <https://doi.org/10.15587/1729-4061.2017.119500>.

³¹ VOLOSHANIVSKA, Tetiana. NITSEVYCH, Olesia. MOROZOV, Oleh. BEREZNIAK, Vasyl. KUZNIETSOV, Mykola. Legal regulation of release of minors from punishment and from service of punishment: foreign experience, administrative and criminal aspect. *Syariah: Jurnal Hukum dan Pemikiran*, 23(2), 2023. 151–161. <https://doi.org/10.18592/sjhp.v23i2.12286>.

³² LEHEZA, Yevhen. DUBENKO, Oleksandr. PAVLYK, Liudmyla. PRASOV, Oleksandr. PAVLOV, Volodymyr. Foreign Experience of Responsibility for Driving Vehicles in Condition of Alcohol Intoxication: International Standards, Administrative and Criminal Aspects. *Revista Jurídica Portucalense*, 2024. 161–174. [https://doi.org/10.34625/issn.2183-2705\(35\)2024.ic-08](https://doi.org/10.34625/issn.2183-2705(35)2024.ic-08).

because we do not find any regulation regarding the prosecutor's office. The main principles of activities performed by the prosecutor's office are enshrined in the Law "On Prosecutorial Supervision in the Republic of Latvia", namely: the prosecutor's office is a single centralized system of three-level structural units headed by the Prosecutor General; prosecutors of the same position are interchangeable.³³

Unlike the previously considered European countries, in Latvia the prosecutor's office is directly defined as a body of judicial power that independently oversees legality. The task of the prosecutor's office is to respond to violations of the law and ensure the resolution of related cases in accordance with the procedure established by law.³⁴

The entire prosecutor's office system in Latvia is managed by the Prosecutor General. The Prosecutor General appoints and dismisses prosecutors, as well as employees with whom establishment of labor relations is within the competence of the Prosecutor General. District judicial prosecutor's offices are formed by the Prosecutor General in accordance with the distribution of territories of judicial activity. According to the Law "On the Judiciary", district prosecutors' offices perform the functions of prosecutors in the territories of judicial districts.³⁵

According to the Latvian legislator the main functions of the prosecutor's office include: implementation of control over pre-trial investigation and operational investigative activities, intelligence and counter-intelligence activities of state security agencies and compliance with the legislation on the system of protection of state secrets; carrying out a pre-trial investigation; initiation and implementation of criminal prosecution; support of the state prosecution; supervision over execution of sentences; protection of the rights and legitimate interests of the individual and the state in accordance with the procedure established by law; submission of a statements of claim or filing a court compliant

³³ PROKURATŪRAS LIKUMS. TAS STĀJAS SPĒKĀ 01.07.1994. Izdevumā no 06.10.2021. *Likumi*. <https://likumi.lv/ta/id/57276-prokuraturas-likums>.

³⁴ KORNIIENKO, Maksym. DESYATNIK, Anatolii. DIDKIVSKA, Galina. LEHEZA, Yevhen. TITARENKO, Oleksiy. Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors: Criminal Law Aspect'. *Khazanah Hukum* 5, no. 3, 2023. 205–15. <https://doi.org/10.15575/kh.v5i3.31742>.

³⁵ PAR TIESU VARU DATĒTS AR 15.12.1992. Stājies spēkā: 01.01.1993. *Likumi*. <https://likumi.lv/ta/id/62847-par-tiesu-varu>.

in accordance with the procedure established by law; participation in court proceedings in cases specified by law.³⁶

In Article 6 of the Law on the Prosecutor's Office it is clearly defined that the prosecutor in his/her activities is independent from the influence of other institutions or officials who exercise state power and management, and he/she obeys only the law. Neither the Saeima, nor the Cabinet of Ministers, nor other state and local government institutions, state and local government officials, nor any types of companies and organizations, nor individuals have the right to interfere with the work of the prosecutor's office during investigation of cases or during performance of other functions inherent to the prosecutor's office. At the same time, any actions of the prosecutor can be appealed exclusively in accordance with the procedure established by law.³⁷

In addition, a prosecutor has immunity, and initiation of a case against him/her and his/her detention, arrest, forced return or search may take place in the manner provided by law and with immediate notification of the Prosecutor General. Prosecutors bear no material responsibility for damages caused to a person by illegal or unjustified actions or decisions, such damages can be compensated only in exceptional cases, and exclusively by the state.³⁸

Thus, in Latvia, the prosecutor's office is the only centralized system headed by the Prosecutor General, and prosecutors are independent in their activities, and they obey exclusively the law. It can be said that in Latvia, as in other countries of the European Community, prosecutors are endowed with quite significant powers, and their responsibility is limited at the legislative level, which allows them to perform their duties, relying exclusively on the provisions of the current legislation, regardless of subordination, and therefore prosecutors have

³⁶ LEHEZA, Yevhen. SHCHERBYNA, Bogdan. LEHEZA, Yulia. PUSHKINA, Olena. MARCHENKO, Olesia. Características de la suspensión o denegación total/parcial del cumplimiento de una obligación en caso de incumplimiento de la contraparte según la legislación civil de Ucrania. *Novum Jus*, 18(2), 2024. 131–150. <https://doi.org/10.14718/NovumJus.2024.18.2.5>

³⁷ VOLOBUIEVA, Olena. LEHEZA, Yevhen. PERVII, Vita. PLOKHUTA, Yevhenii. PICHKO, Roman Criminal and Administrative Legal Characteristics of Offenses in The Field of Countering Drug Trafficking: Insights from Ukraine. *Yustisia*. Vol 12, No 3. 2023. 262–277. DOI: <https://doi.org/10.20961/yustisia.v12i3.79443>

³⁸ ARTYUKHOV, Artem. VOLK, Iurii. SUROWIEC, Agnieszka. SKRZYPEK-AHMED, Sylwia, BLIUMSKA-DANKO, Kseniia. DLUHOPOLSKYI, Oleksandr. SHABLYSTYI Volodymyr. Quality of Education and Science in the Context of Sustainable Development Goals—From Millennium Goals to Agenda 2030: Factors of Innovation Activity and Socio-Economic Impact. *Sustainability* 14, no. 18: 2022. 11468. <https://doi.org/10.3390/su141811468>.

considerable independence.³⁹

In 1976 the democratic Constitution of Portugal was adopted and the legislation was updated.⁴⁰ Thus, the country has successfully passed the "test of totalitarianism" and is improving the democratic state regime. One of the democratic state structures in Portugal is the prosecutor's office.⁴¹ In Ukraine, the issues of its activity in scientific terms were not covered. Meanwhile, the specified topic is of interest to scientists and practitioners in terms of comparative jurisprudence.

According to part 1 Art. 219 of the Constitution of Portugal, the competence of the prosecutor's office includes representation of the state - Article 2 of the Public Prosecutor's Statute The Public Prosecutor's Office represents the State, defends the interests determined by law, participates in the execution of the criminal policy defined by the sovereign bodies, exercises criminal action guided by the principle of legality and defends democratic legality, under the terms of the Constitution, this Statute and the Law.⁴² However, Statute of the Public Prosecutor's Office (Law no. 47/86, of 15 October, as amended by Law no. 68/2019, of 27 August), specifying the content of the specified functions, assigned to the prosecutor's office some other tasks that are in no way related to the field of criminal justice.⁴³

According to Article 4 Statute of the Public Prosecutor's Office (Law no. 47/86, of 15 October, as amended by Law no. 68/2019, of 27 August), the Public Prosecutor's Office is especially responsible for: a) Defend democratic legality; b) Represent the State, autonomous regions, local authorities, the incapable, the uncertain and those absent in an uncertain part; c) Participate in the execution of criminal policy defined by sovereign bodies; d) Carry out criminal action guided

³⁹ VITVITSKIY, Sergij. KURAKIN, Oleksandr. POKATAEV, Pavlo. SKRIABIN, Oleksii. SANAKOIEV, Dmytro. Formation of a new paradigm of anti-money laundering: The experience of Ukraine. *Problems and Perspectives in Management*, 19(1), 2021. 354-363. doi:10.21511/ppm.19(1).2021.30

⁴⁰ CONSTITUIÇÃO DA REPÚBLICA PORTUGUESA VII REVISÃO CONSTITUCIONAL. 2005. <https://www.parlamento.pt/Legislacao/Documents/constpt2005.pdf>

⁴¹ REENT, Olyver. Classification and characteristics of rights and freedoms in the constitutional law of foreign countries. *Problems of jurisprudence and law enforcement activity: 36irnik of scientific works*. Donetsk, Lee 4, 2002. 60-71.

⁴² CONSTITUIÇÃO DA REPÚBLICA PORTUGUESA VII REVISÃO CONSTITUCIONAL. 2005. <https://www.parlamento.pt/Legislacao/Documents/constpt2005.pdf>

⁴³ STATUTE OF THE PUBLIC PROSECUTOR'S OFFICE (Law no. 47/86, of 15 October, as amended by Law no. 68/2019, of 27 August). <https://diariodarepublica.pt/dr/detalhe/lei/68-2019-124220738>.

by the principle of legality; e) Direct the investigation and criminal prevention actions that, within the scope of its competences, it is responsible for carrying out or promoting, assisted, whenever necessary, by the criminal police bodies; f) File actions in administrative litigation to defend the public interest, fundamental rights and administrative legality; g) Exercise official sponsorship of workers and their families in defense of their social rights; h) Assume, in the cases provided for by law, the defense of collective and diffuse interests; i) Assume, in accordance with the law, the defense and promotion of the rights and interests of children, young people, the elderly, adults with reduced capacity, as well as other especially vulnerable people; j) Defend the independence of the courts, in the area of their responsibilities, and ensure that the judicial function is exercised in accordance with the Constitution and laws; k) Promote the execution of court decisions so that they have legitimacy; l) Monitor the constitutionality of normative acts; m) Intervene in insolvency and similar processes, as well as in all those involving public interest; n) Carry out advisory functions, in accordance with this law; o) supervise the procedural activity of criminal police bodies, in accordance with this Statute; p) Coordinate the activity of criminal police bodies, in accordance with the law; q) Appeal whenever the decision is the result of collusion between the parties in order to defraud the law or was made in violation of express law; r) Perform other functions conferred by law.⁴⁴

According to the Law, the prosecutor's office represents the state, local administrative-territorial entities, unidentified persons or persons whose place of residence is unknown, participates in the implementation of criminal policy, carries out criminal prosecution in accordance with the principle of legality, undertakes (in cases provided for by law) protection of collective and general interests, protects the independence of courts and ensures that judicial functions are carried out in accordance with the Constitution and laws, conducts criminal proceedings investigation even when it is entrusted to other bodies, carries out actions to prevent crime, supervises the constitutionality of normative acts, the procedural activities of criminal police bodies, ensures the protection of employees and their families, participates in bankruptcy and insolvency

⁴⁴ STATUTE OF THE PUBLIC PROSECUTOR'S OFFICE (Law no. 47/86, of 15 October, as amended by Law no. 68/2019, of 27 August). <https://diariodarepublica.pt/dr/detalhe/lei/68-2019-124220738>.

procedures and in all other procedures relating to public interests, exercise advisory functions, challenge any decisions resulting from collusion between the parties to violate the law or issued from an obvious violation of the law.⁴⁵

Analysis of the nature of these functions allows us to conclude that the concept of "state protection" actually has a broader meaning, and the activities of the prosecutor's office can be related to the protection of other public, collective and individual rights and interests. This is done in the form of judicial representation.⁴⁶

From the content of the Law, it is possible to see some signs of supervision over the observance and application of legislation, albeit in unusual forms for us. Thus, the prosecutor's office is tasked with expressing an opinion on the legality of contracts in which the state is a party, if the prosecutor's office receives a request from the government on this matter; to propose to the Ministry of Justice legislative measures aimed at increasing the efficiency of judicial institutions, to inform the Assembly of the Republic (parliament) through the Ministry of Justice about the imperfection and contradictions of the texts of laws (Article 16 of the Law).⁴⁷

The Prosecutor General's Office of the Republic performs advisory functions through its Advisory Council, endowed with its own competence. This Council is given the right to give opinions on legal issues at the request of the Speaker of the Assembly of the Republic or the government, to speak at the request of the government regarding the wording and legal content of draft laws (Article 37 of the Law). Moreover, after the official recognition of the conclusions by the bodies that requested them, they acquire the character of official interpretation of normative acts and are published in official state publications

⁴⁵ SHKUTA, Oleh. KARBOVSKYI, Dmytro. PUSHKINA, Olena. POTIP, Mykola. VARHULIAK, Olena. Object and Subject of State Control in the Sphere of Legal Turnover of Narcotic Drugs, Psychotropic Substances and Their Precursors in Ukraine: Administrative, Criminal and Civil-Legal Aspect. *Journal of Drug and Alcohol Research* 12, 2023. <https://doi.org/10.4303/JDAR/236255>.

⁴⁶ YUROVSKA, Viktoriia. LEHEZA, Yevhen. ZAMRYHA, Artur. ULOZHENKO, Vadym, BOHDAN, Bohdana. Administrative and legal regulation of the status of internally displaced persons in Ukraine during the war. *University of Western Australia law review*. 51 (2). 2024. 297-313. <https://www.uwa.edu.au/schools/-/media/documents/uwa-law-review/volume-51-issue-2/leheza-et-al-formatted.pdf>

⁴⁷ YANKOVYI, Mykola. LEHEZA, Yevhen. MEDVEDENKO, Nadiia. VAIDA, Taras. KOVAL, Marat. Application of artificial intelligence in motivating court decisions: legal basis and foreign experience. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(1), 2024. 58–69. <https://doi.org/10.30631/alrisalah.v24i1.1531>

(Article 43 of the Law). Against this background, it seems particularly inappropriate that the Prosecutor General of Ukraine does not have both the right of legislative initiative and the right to constitutionally submit to the Constitutional Court.

What is the place of the Portuguese prosecutor's office in the state mechanism? According to part 2 Art. 219 of the Constitution (The Public Prosecutor's Office shall enjoy its own statute and autonomy, under the terms of the law) "the prosecutor's office has its own status and is granted autonomy within the limits of the law", and the representatives of the prosecutor's office are "...subordinated to each other in the order of subordination of magistrates...".

The relations of the Prosecutor's Office of Portugal with the courts and justice bodies have a peculiar character. According to Art. 8 of the Law, the prosecutor's office is represented at the courts: the Supreme Court of Justice, the Constitutional Court, the Supreme Military Court, at the Accounts Court — by the Prosecutor General of the Republic; at appeal courts and the Central Administrative Court.

The Public Prosecutor's Office is part of the judicial system and is autonomous. It is the Public Prosecutor's Office that controls judicial decisions, not the other way round as is stated.

According to Article 96(1) of the Public Prosecutor's Act, the Public Prosecutor's Office is parallel to the judicial magistracy and independent of it, without prejudice to the specific characteristics of the function.⁴⁸

The General Prosecutor's Office of the Republic is the highest body of the prosecutor's office. It consists of the Prosecutor General of the Republic, the High Council of the Prosecutor's Office, and the Advisory Council. The Central Criminal Investigation Department is under the authority of the General Prosecutor's Office.

The Prosecutor General of the Republic carries out general management of the prosecutor's office, issues directives, orders and instructions to which the actions of the relevant magistrates must be subordinated. He appoints the deputy

⁴⁸ STATUTE OF THE PUBLIC PROSECUTOR'S OFFICE (Law no. 47/86, of 15 October, as amended by Law no. 68/2019, of 27 August). <https://diariodarepublica.pt/dr/detalhe/lei/68-2019-124220738>.

Prosecutor General, assistants of the Prosecutor General and inspectors of the prosecutor's office.

The Supreme Council of the Prosecutor's Office occupies a special place in the prosecutor's system. The order of formation and competence of this collegial body indicates a principled tilt in the ratio of unity of leadership and collegiality towards the latter.

The Supreme Council of the Prosecutor's Office (SPC) consists of the Prosecutor General of the Republic, district prosecutors general, one of the assistants of the Prosecutor General, elected by other assistants from among themselves, two prosecutors of the Republic, elected by the prosecutors of the Republic, four assistant prosecutors, one from each of the judicial district, elected by other assistants, two persons appointed by the Ministry of Justice. The Assembly of the Republic elects five members of the VRP [4]. Members of the Public Prosecutor's Office, elected from middle and lower-level prosecutor's offices, perform their duties for a three-year period, which can be renewed once (Articles 15, 24 of the Law).

3. Conclusion

Thus, the higher degree of development and orientation of European states to democratic principles within functioning of all state institutions of the legislative, executive, and judicial branches of power, as well as a clear definition of the role and place, tasks and functions of the prosecutor's office in this system, leads to the absence or narrowing of the need to establish the prosecutor's office of supervisory powers. When reforming and optimizing activities performed by the Prosecutor's Office of Ukraine, one should take into account the fact that even in conditions of political and economic stability in the state, with the presence of civil society, it is difficult to create a benchmark for the system of prosecutor's offices. At the international level, there is no unified standard for the organization and functioning of such a system. That is why all innovations in the aspect of improving organization of the modern prosecutor's office must be related to the historical, cultural and legal processes regarding formation and development of the state; and such innovations must be also acceptable to the society of this country.

From the analysis of the above positions, it is possible to conclude that

there is no single standard regarding the model of the prosecutor's office in Europe. The mentioned models of prosecutor's offices have advantages and disadvantages, but none of them is excluded and neither of the models is preferred. Regardless of the organizational structure of the prosecutor's office, "... states must take appropriate measures so that the legal status, competence and procedural role of prosecutors are established by law in such a way that there can be no legitimate doubts about independence and impartiality of judges" (para. 17 Recommendations (2000) 19).

It is emphasized that in the practice of borrowing experience of legislative regulation of the administrative and legal bases of activities inherent to the prosecutor's office and its officials in foreign countries, it is necessary to take into account the realities of today in activities of the prosecutor's office in Ukraine, and namely: significant workload, personnel starvation, insufficient funding. At the same time, we can state that what should really be implemented in Ukraine, even immediately, is the experience of European countries regarding guarantees of independence of the prosecutor on the example of Germany, France or Latvia.

Autonomy of the Public Prosecutor's Office' about the other powers requires the weighing up of the principle of 'opportunity' (German, Italian, French, Belgian, Dutch, Egyptian, Japanese, Israeli, American and English law, as set out in the Rapports published in *Revue Internationale de Droit Pénale*, nos. 2 and 3) against the principle of 'officiousness', as for the use of what, in safeguarding the legal order, but ensuring that the 'administration of justice [takes place] in the shortest time compatible with the guarantees of the defense' (Articles 32(1) and 20 of the Portuguese Constitution and Article 6 of the European Convention on Human Rights), is qualified as 'diversionary measures' (Resolution 18 of the Committee of Ministers of the Council of Europe of 11 September 87).

An analysis of the powers of the Prosecutor General's Office shows that it cannot be considered as an analogue of the board of our General Prosecutor's Office, as it is endowed with certain administrative powers. In particular, it has the right to appoint, second, transfer, promote on the official ladder, dismiss, evaluate professional merits, carry out disciplinary actions and any actions of a similar nature in relation to prosecutor employees, with the exception of the Prosecutor General of the Republic; adopt the Regulations on the Council on Elections to the VRP and internal regulations, issue directives related to the

organization of personnel work, approve the annual inspection plan and make decisions on conducting inspections and investigations, etc. (Article 27 of the Law). Issues related to disciplinary actions belong to the competence of the disciplinary commission — a structural element of the VRP. Thus, Portugal, like the vast majority of European states, has introduced a collegial order of disciplinary proceedings by an independent body. This experience should be taken into account when developing the new Disciplinary Statute of the Prosecutor's Office of Ukraine.

Thus, the Portuguese prosecutor's office is based on the principle of centralism (subordination in the sense of the Portuguese legislator). It is "...a strictly hierarchical system of prosecutorial institutions". As for independence, this term has been replaced by a less categorical one - "autonomy". Perhaps it is appropriate to consider the Prosecutor's Office of Ukraine as an autonomous system, since in reality it is not independent from either the President or the Parliament, although it carries out its activities autonomously from them and is endowed with functions that do not coincide with the functions of other bodies. "The autonomy of the prosecutor's office," says Article 3(2) of the Law, is characterized by its connection with the criteria of legality and objectivity, with the exclusive subordination of prosecutorial employees to directives, orders and instructions provided for by law" and Article 2 - The Public Prosecutor's Office represents the State, defends the interests determined by law, participates in the execution of the criminal policy defined by the sovereign bodies, exercises criminal action guided by the principle of legality and defends democratic legality, under the terms of the Constitution, this Statute and the Law.

REFERENCES

- ANORDNUNG ÜBER ORGANISATION UND DIENSTBETRIEB DER STAATSANWALTSCHAFT (ORGSTA): vom 04.07.1995, letzte Änderungen vom 01.04.2014. *Niedersächsisches Vorschrifteninformationssystem (NI-VORIS)*. <https://voris.wolterskluweronline.de/browse/document/6edf9705-df13-3d63-abba-0e51afbe0c52>
- ARTYUKHOV, Artem. VOLK, Iurii. SUROWIEC, Agnieszka. SKRZYPEK-AHMED, Sylwia, BLIUMSKA-DANKO, Kseniia. DLUHOPOLSKYI, Oleksandr. SHABLYSTYI Volodymyr. Quality of Education and Science in the Context of Sustainable Development Goals—From Millennium Goals to Agenda 2030: Factors of Innovation Activity and Socio-Economic Impact. *Sustainability* 14, no. 18: 2022. 11468. <https://doi.org/10.3390/su141811468>

- CODE DE PROCEDURE CIVILE AU 30.12.1976. *REPUBLIQUE FRANÇAISE LEGIFRANCE*.
https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070716/.
- CODE DE PROCEDURE PENALE AU 31.12.1957. *REPUBLIQUE FRANÇAISE LEGIFRANCE*.
https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154/.
- CONSTITUIÇÃO DA REPÚBLICA PORTUGUESA VII REVISÃO CONSTITUCIONAL. 2005. <https://www.parlamento.pt/Legislacao/Documents/constpt2005.pdf>
- CONSTITUTION DU 04.10.1958. *LA CONSTITUTION LE BLOC DE CONSTITUTIONNALITE*. <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-de-la-constitution-du-4-octobre-1958-en-vigueur>
- CONSTITUTION OF THE UNITED STATES written in 1787, ratified in 1788, and in operation since 1789. *United States Senate*.
<https://www.senate.gov/about/originsfoundations/senate-and-constitution/constitution.htm>.
- DYMKO, Igor. MURADIAN, Arsen. LEHEZA, Yevheny. MANZHULA, Andrii. RUDKOVSKIY, Oleksandr. Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products. *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90). 2017. 26–34. <https://doi.org/10.15587/1729-4061.2017.119500>.
- EESTI VABARIIGI PÕHISEADUS. VASTU VÕETUD 28.06.1992. RT 1992, 26, 349. Jõustumine 03.07.1992. *Riigi Teataja*.
<https://www.riigiteataja.ee/akt/115052015002>
- FÜR BEAMTE: BUNDESGESETZ BUNDESBEAMTENGESETZ VOM 05.02.2009, zuletzt geändert am 17.07.2023. *BBG-Bundesbeamtengesetz*.
https://www.gesetze-iminternet.de/bbg_2009/BJNR016010009.html.
- GENERAL STRUCTURE OF EOUSA. *Offices of the United States Attorneys*.
<https://www.justice.gov/usao/eousa/organizational-chart>
- GERICHTSVERFASSUNGSGESETZ (GVG) BUNDESRECHT: IN DER FASSUNG VOM 09.05.1975, zuletzt geändert am 08.10.2023. *Justiz-online*.
https://www.lexsoft.de/cgibin/lexsoft/justizportal_nrw.cgi?xid=137459,1.
- JUDICIARY ACT OF 1789. *THE LIBRARY OF CONGRESS*.
<https://memory.loc.gov/cgibin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=196>.
- KHORSUNENKO, Oleh. Prosecutor's office of Ukraine and the member countries of the European Union: a comparative study: dissertation. ... candidate law of Sciences: 12.00.10 / Odesa Jurid. Acad. Odesa, 2019. 221. Repository of the National University of Odesa Law academy":
<https://dspace.onua.edu.ua/items/98b34aad-7a94-4cd4-9f92-c1ade3f875df>
- KORNIIENKO, Maksym. DESYATNIK, Anatolii. DIDKIVSKA, Galina. LEHEZA, Yevhen. TITARENKO, Oleksiy. Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors: Criminal Law Aspect'. *Khazanah Hukum* 5, no. 3, 2023. 205–15. <https://doi.org/10.15575/kh.v5i3.31742>.
- KUCHUK, Andrii. SERDIUK, Liliia. ZAVHORODNIA, Yuliia. Modern law education in the context of natural understanding of law. *Asia Life Sciences*. 21 (2). 2019. 359-365
- KUZNICHENKO, Yana. FROLOV, Serhiy. ZHURAVKA, Fedir. YEFIMOV, Mykola. FEDCHENKO, Volodymyr Regulatory assessment of the bank market risk: international approaches and Ukrainian practice. *Banks and Bank Systems*, 13(4), 2018. 73-84. doi:10.21511/bbs.13(4).2018.07
- LAPKIN, Andrii. Prosecutor in criminal proceedings: theoretical, legal and organizational and methodological problems: monograph. Kharkiv: Pravo, 2020. 1304.
- LEHEZA, Yevhen. YUROVSKA, Viktoriia. ZAMRYHA, Artur. ULOZHENKO, Vadym, BOHDAN. Bohdana. Administrative and legal regulation of the status of internally

- displaced persons in Ukraine during the war. *University of Western Australia law review*. 51 (2). 2024. 297-313. <https://www.uwa.edu.au/schools/-/media/documents/uwa-law-review/volume-51-issue-2/leheza-et-al-formatted.pdf>
- LEHEZA, Yevhen, YANKOVYI, Mykola. MEDVEDENKO, Nadiia. VAIDA, Taras. KOVAL, Marat. Application of Artificial Intelligence in Motivating Court Decisions: Legal Basis and Foreign Experience. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(1), 2024. 58–69. <https://doi.org/10.30631/alrisalah.v24i1.1531>
- LEHEZA, Yevhen. DUBENKO, Oleksandr. PAVLYK, Liudmyla. PRASOV, Oleksandr. PAVLOV, Volodymyr. Foreign Experience of Responsibility for Driving Vehicles in Condition of Alcohol Intoxication: International Standards, Administrative and Criminal Aspects. *Revista Jurídica Portucalense*, 2024. 161–174. [https://doi.org/10.34625/issn.2183-2705\(35\)2024.ic-08](https://doi.org/10.34625/issn.2183-2705(35)2024.ic-08)
- LEHEZA, Yevhen. PISOTSKA, Karina. DUBENKO, Oleksandr. DAKHNO, Oleksandr. SOTSKYI, Artur. The essence of the principles of Ukrainian law in modern jurisprudence. *Revista jurídica portucalense*, december, 2022. 342-363. [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)
- LEHEZA, Yevhen. SHCHERBYNA, Bogdan. LEHEZA, Yulia. PUSHKINA, Olena. MARCHENKO, Olesia. Características de la suspensión o denegación total/parcial del cumplimiento de una obligación en caso de incumplimiento de la contraparte según la legislación civil de Ucrania. *Novum Jus*, 18(2), 2024. 131–150. <https://doi.org/10.14718/NovumJus.2024.18.2.5>
- LEHEZA, Yevhen. YEROFIEIENKO, Larysa. KOMASHKO, Volodymyr. Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects. *Revista Justiça Do Direito* 37, no. 3. 2023. 157–72. <https://doi.org/10.5335/rjd.v37i3.15233>
- NAZARUK, Serhii. Administrative-legal support of the activities of the prosecutor's office of Ukraine and the leading countries of the European Union: a comparative study: diss. ... doctor of philosophy: 081 "law" / Govt. teacher. Univ. named after V. Vinnichenko. Kropyvnytskyi, 2021. 235. Central Ukrainian State Repository V. Vinnichenko University. https://cusu.edu.ua/images/autoreferats/2021/Nazaruk/D_Nazaruk.pdf
- ORGANIZATIONAL STRUCTURE OF THE US DEPARTMENT OF JUSTICE. *US Department of Justice*. <https://www.justice.gov/our-work>.
- PAR TIESU VARU DATĒTS AR 15.12.1992. Stāties spēkā: 01.01.1993. *Likumi*. <https://likumi.lv/ta/id/62847-par-tiesu-varu>
- PROKURATŪRAS LIKUMS. TAS STĀJAS SPĒKĀ 01.07.1994. Izdevumā no 06.10.2021. *Likumi*. <https://likumi.lv/ta/id/57276-prokuraturas-likums>.
- REENT, Olyver. Classification and characteristics of rights and freedoms in the constitutional law of foreign countries. Problems of jurisprudence and law enforcement activity: 36irnik of scientific works. Donetsk, Lee 4, 2002. 60-71.
- SHKUTA, Oleh. KARBOVSKYI, Dmytro. PUSHKINA, Olena. POTIP, Mykola. VARHULIAK, Olena. Object and Subject of State Control in the Sphere of Legal Turnover of Narcotic Drugs, Psychotropic Substances and Their Precursors in Ukraine: Administrative, Criminal and Civil-Legal Aspect. *Journal of Drug and Alcohol Research* 12, 2023. <https://doi.org/10.4303/JDAR/236255>
- SMIESOVA, Viktoriia. PYLYPENKO, Anna. IVANOVA, Marina. KARPENKO, Roman. Economic and Institutional Conditions for Implementation of Economic Interests in the Countries of the World. Montenegrin Journal of Economics, Economic Laboratory for Transition Research (ELIT), vol. 15(4), 2019. 75-86. <https://doi.org/10.14254/1800-5845/2019.15-4.6>

- SPASKA, Anastasiya. SAVISHCHENKO, Viktoriia. KOMAR, Olha. HRITCHENKO, Tetiana. MAIDANYK, Olena. Enhancing analytical thinking in tertiary students using debates. *European Journal of Educational Research*, 10(2), 2021. 879-889. <https://doi.org/10.12973/eu-jer.10.2.879>
- STATUTE OF THE PUBLIC PROSECUTOR'S OFFICE (Law no. 47/86, of 15 October, as amended by Law no. 68/2019, of 27 August). <https://diariodarepublica.pt/dr/detalhe/lei/68-2019-124220738>
- SYCH, Tetiana, BONIAK, Valentyna. DOKUCHAIEVA, Valentyna. KHRYKOV, Yevhen. VASYNOVA, Nadiia. Publication of education management research in Ukrainian issues from Scopus and Web of Science bases. *Asia Life Sciences*, 22(2), 2020. 127-141.
- THE CHANGING ROLE OF THE AMERICAN PROSECUTOR / John L. Worrall, M. Elaine Nugent-Borakove. Albany: State University of New York Press. 2008. 284. *ResearchGate*. https://www.researchgate.net/profile/Hung-En-Sung/publication/258839592_Prosecutor_and_Treatment_Diversion_The_Brooklyn_NY_Drug_Treatment_Alternative_to_Prison_Program/links/0deec5292b9d4477dd000000/Prosecutor-and-Treatment-Diversion-The-Brooklyn-NY-Drug-Treatment-Alternative-to-Prison-Program.pdf
- VAKULYK, Olga. PETRENKO, Pavlo. KUZMENKO, Iulia. POCHTOVYI, Maksym. ORLOVSKYI, Ruslan. *Cybersecurity as a Component of the National Security of the State*, *Journal of Security and Sustainability*. Issues 9, no. 3, 2020, 775-784, [https://doi.org/10.9770/jssi.2020.9.3\(4\)](https://doi.org/10.9770/jssi.2020.9.3(4))
- VITVITSKIY, Sergij. KURAKIN, Oleksandr. POKATAEV, Pavlo. SKRIABIN, Oleksii. SANAKOIEV, Dmytro. Formation of a new paradigm of anti-money laundering: The experience of Ukraine. *Problems and Perspectives in Management*, 19(1), 2021. 354-363. doi:10.21511/ppm.19(1).2021.30
- VOLOBUIEVA, Olena. LEHEZA, Yevhen. PERVII, Vita. PLOKHUTA, Yevhenii. PICHKO, Roman. Criminal and Administrative Legal Characteristics of Offenses in The Field of Countering Drug Trafficking: Insights from Ukraine. *Yustisia*. Vol 12, No 3. 2023. 262-277. DOI: <https://doi.org/10.20961/yustisia.v12i3.79443>
- VOLOSHANIVSKA, Tetiana. NITSEVYCH, Olesia. MOROZOV, Oleh. BEREZNIAK, Vasyi. KUZNIETSOV, Mykola. Legal regulation of release of minors from punishment and from service of punishment: foreign experience, administrative and criminal aspect. *Syariah: Jurnal Hukum dan Pemikiran*, 23(2), 2023. 151-161. <https://doi.org/10.18592/sjhp.v23i2.12286>
- VOLOSHANIVSKA, Tetiana. POZHUN, Inna. LOSYCH, Serhii. MERDOVA, Olha. LEHEZA, Yevhen. Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors'. *Journal of Drug and Alcohol Research*, 12(10). 2023. 1-8. <https://doi.org/10.4303/JDAR/236269>
- VOYTOVYCH, Radmyla. Globalization as a universal form of historical dynamics of transitional societies. *Bulletin of the National Academy of Public Administration under the President of Ukraine*. No. 1. 2012. 21-32.
- YUROVSKA, Viktoriia. LEHEZA, Yevhen. ZAMRYHA, Artur. ULOZHENKO, Vadym, BOHDAN, Bohdana. Administrative and legal regulation of the status of internally displaced persons in Ukraine during the war. *University of Western Australia law review*. 51 (2). 2024. 297-313. <https://www.uwa.edu.au/schools/-/media/documents/uwa-law-review/volume-51-issue-2/leheza-et-al-formatted.pdf>

Data de submissão do artigo: 03/10/2024

Data de aprovação do artigo: 03/12/2024

Edição e propriedade:

Universidade Portucalense Cooperativa de Ensino Superior, CRL

Rua Dr. António Bernardino de Almeida, 541 - 4200-072 Porto

Email: upt@upt.pt