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PROSECUTOR AS A SUBJECT OF LEGAL PROCEEDINGS

The prosecutor is the subject of a criminal process, which according to Art. 121 of the Constitution of Ukraine is entrusted with: supervision of observance of laws by the bodies of pre-trial investigation, inquiry and operative-prosecution jurisdiction; maintenance of state prosecution in court; representation of the interests of citizens or the state in court in cases determined by law; supervision of observance of laws in execution of judicial decisions in criminal cases, as well as in the application of coercive measures related to the restriction of freedom of citizens. In criminal proceedings on behalf of the CPC of Ukraine, the prosecutor carries out supervision, investigation, prosecution and representation of the interests of citizens or the state.

Supervision is the activity of the public prosecutor for ensuring the rule of law, accurate and equal understanding and enforcement, in compliance with laws by executive authorities, pre-trial investigation, ensuring human rights and freedoms in the activities of enterprises of institutions, organizations and officials.

The prosecutor loses supervisory powers when considering the case in court. He also cannot supervise the execution of powers of an investigating

judge in pre-trial investigation. In the court, the prosecutor, exercising the function of prosecution or representation of the interests of a citizen and the state, becomes one of the parties to the process and, having no power or control of powers on an equal footing with the protective conditions in the competitive process, must fulfill the tasks assigned to him.

Representation by the public prosecutor of the interests of a citizen or a state in a court is his/her execution on behalf of the state of procedural and other actions aimed at ensuring the interests of the state and protecting the rights, freedoms and legitimate interests of citizens, in the event of their inability to protect them independently. Partially the function of representation can be carried out in the stage of pre-trial investigation.

Support for the public prosecution is one of the functions of the prosecutor, which includes his direct participation in the trial and the use of the powers of the accused for the comprehensive study of evidence, the protection of the rights of the victim and other participants in the process, the provision of justice and the inevitability of criminal liability for the commission of a crime.

The investigator is obligated to execute the instructions of the prosecutor, which are provided in writing. Failure to follow orders of the prosecutor, provided in the manner prescribed by this Code, entails the liability provided for by law (Article 40). Such provisions are not corrected with the proclaimed procedural independence of the investigator.

Meanwhile, the prosecutor's office remains the last place where a person can find real, assistance in protecting his or her rights. It is one of the traditional institutions for the domestic legal system, which should be strengthened and improved as a multifunctional law-enforcement structure.

The prosecutor in a criminal proceeding, performing the function of supervision and investigation should be objective and impartial. They should not be the embodiment of rigor, intolerance and hatred to the accused. It should be borne in mind that no punishment will replace the moral injury that was inflicted on the victim. And there is nothing more terrible than the miscarriage of justice and putting an innocent person behind the bars.

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