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PROSECUTOR AS THE SUBJECT OF CRIMINAL PROCEEDINGS ON THE BASIS OF AGREEMENTS

The urgency of the chosen subject is caused by the fact that one of the most important innovations of the Criminal Procedure Code of Ukraine of 13.04.2012 is introduction of a special procedure of criminal proceedings on the basis of agreements. As one of the main subjects of these proceedings is the prosecutor, problems of definition of its role in criminal proceedings on the basis of agreements require detailed scientific research.

As problems of participation of the prosecutor in criminal proceedings on the basis of agreements were considered only indirectly, the purpose of this scientific article is filling of the theoretical gaps and definition of a role of the prosecutor in criminal proceedings on the basis of agreements.

The leading role of the prosecutor in criminal proceedings on the basis of agreements is defined by a number of the factors having general, as well as special character. The fact that procedural activity of the prosecutor acts as a generating factor of criminal trial belongs to the general factors, causing emergence of all

other procedural functions. It is possible to refer need of acceleration of criminal proceedings which is assigned to the prosecutor to number of special factors. In aggregate, it causes a key role of the prosecutor in criminal proceedings on the basis of agreements.

The characteristic of this role should be based on the functional characteristic of public prosecutor's activity in the criminal proceedings, including activity of the prosecutor on the basis of agreements. Thus, it is necessary to note that the international standards consider activity of the prosecutor in the sphere of criminal justice within implementation of criminal prosecution. At the same time, the domestic legislator provides that procedural powers of the prosecutor in criminal proceedings of Ukraine are realized within implementation of the procedural management of pre-trial investigation. Thus, activity of the prosecutor in criminal proceedings on the basis of agreements should be considered within implementation of the procedural management of pre-trial investigation.

