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THE ORGANIZATIONAL AND LEGAL ASPECTS OF CRIME PREVENTION BY THE PROSECUTOR'S OFFICES OF UKRAINE

This article is dedicated to studying the organizational and legal aspects of crime prevention by the prosecution bodies of Ukraine. In the current criminogenic situation, the effective functioning of the public administration system requires close cooperation between various state institutions, including the prosecutor's office. The main aim of this article is to highlight the legal foundations, organizational mechanisms, and effectiveness of interaction between these institutions, as well as to identify key problems and provide recommendations for their resolution. The author has analyzed the essence of organizational and legal measures carried out by the prosecutor's office in the field of crime prevention, defining its tasks and principles of implementation.

Particular attention in the article is given to issues of regulatory and legal support, organizational coordination mechanisms, staffing, the use of information technologies and data management systems, as well as aspects of transparency and accountability. The legal foundations of crime prevention include an analysis of the current legislation regulating the activities of the prosecutor's office. It has been found that the existing regulatory framework is insufficient, complicating the coordination process.

It has been established that organizational mechanisms include the creation of joint working groups, holding regular meetings, developing joint programs and action plans, which are chosen based on the goals of coordination activities and their participants. It is emphasized that an important practical aspect of implementing crime prevention by the prosecutor's office is the clear definition of the powers and responsibilities of each participating body, particularly in matters of information exchange, staffing, monitoring, and evaluating the effectiveness of coordination measures, as well as public oversight.

Key words: *prosecutor's office, crime prevention, organizational and legal aspects, legal foundations, organizational mechanisms, practical aspects.*

Formulation of the problem. The current criminogenic situation in Ukraine is complex and unpredictable, especially in the context of the ongoing Russo-Ukrainian war, which has lasted for over ten years. In these conditions, for the effective functioning of the public administration system in Ukraine, coordination between prosecutorial bodies and other public administration authorities in the field of crime prevention is a crucial aspect of ensuring legality, law and order, and efficient governance. The problem lies in the lack of appropriate legal and organizational mechanisms, complicating effective interaction between these institutions. Unclear or contradictory legal norms create legal conflicts and gaps, complicating the coordination process. Insufficient communication and information exchange between

various bodies hinder the prompt resolution of joint tasks. Organizational barriers related to structural and procedural inconsistencies also create obstacles for effective interaction. Limited financial and human resources negatively impact the possibility of proper coordination. The absence of a unified coordination strategy that would combine the efforts of the prosecution service and other public administration bodies in achieving common goals in crime prevention complicates the implementation of joint tasks. Addressing these issues is a crucial task for ensuring the effective functioning of the public administration system and increasing public trust in state institutions.

Analysis of recent research and publications. In recent years, the institutional aspects of the coordination between the prosecutorial

bodies and public administration authorities in Ukraine have been the subject of numerous studies and publications. Notable among these are the scientific contributions of scholars such as O.M. Bandurka, V.V. Dolezhan, Yu.M. Groshevyi, M.V. Kovaliv, M.V. Kosyuta, V.T. Nor, Y.O. Popovych, A.O. Falkovskiy, and V.Y. Shepitko. These scholars highlight the problems and shortcomings in this area in their research and propose solutions.

The purpose of the article. The aim of this article is to elucidate the institutional aspects of coordination between prosecutorial bodies and public administration authorities in the field of crime prevention in Ukraine.

Presenting main material. Crime prevention is a complex and multifaceted legal phenomenon that involves a range of measures aimed at influencing individuals to eliminate the possibility of committing offenses, as well as targeting the subjects and objects of prevention. The prosecution service occupies a key position in the system of public authorities and plays a leading role in utilizing the anti-criminogenic potential of these bodies. Although Article 2 of the Law of Ukraine "On the Prosecutor's Office" does not explicitly highlight its preventive function, it is inherent in all areas of prosecutorial oversight activities within the prosecution's powers and cannot be considered secondary. The prosecution coordinates the activities of law enforcement and other public authorities in preventing criminal offenses with the aim of fundamentally improving these efforts.

Coordination between prosecutorial bodies and public administration authorities in the field of crime prevention in Ukraine is crucial for ensuring effective governance and law and order.

It should be noted that the term "coordination" derives from the Latin words "co" – together and "ordinatio" – arrangement, and in essence, it means not just agreement, but an organization jointly established by several independently existing systems. Such coordination can be carried out by the systems (subsystems) themselves during their functioning or be the result of the activity of a specific body [9, p. 163]. Coordination between the prosecutor's office and public administration authorities in the field of crime prevention is crucial for the effective execution of law enforcement functions in Ukraine. Important aspects of this coordination are the legal and administrative mechanisms that ensure the interaction of the prosecutor's office with other public authorities. The prosecutor's

office performs the function of coordinating the activities of law enforcement agencies in combating crime, which includes the use of various forms and methods of coordination, determining the main directions, and providing organizational support for this function [2].

Agreeing with the views of M.V. Kovaliv, it should be noted that the coordination under study essentially involves the synchronization of activities by place and time, combining efforts, and uniting actions of these bodies aimed at achieving goals and solving tasks related to strengthening law and order and increasing the effectiveness of counteracting illegal activities. As the scholar rightly points out, such coordination is an organizational direction of the prosecutor's office's activities and should not be considered part of its oversight functions. This is due to the fact that coordination and oversight activities have different subjects of influence, goals, tasks, and methods of resolution. These directions have different principles and legal regulations [3, p.230].

The coordination activities of the prosecutorial bodies in the field of crime prevention are carried out in conjunction with a large system of public authorities, including the National Police, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Tax Service of Ukraine, the State Customs Service of Ukraine, and local self-government bodies.

The coordination of these authoritative entities is aimed at accomplishing several tasks, including: a) identifying the main ways to prevent and combat crime based on the analysis of its structure, dynamics, and forecasting future trends; b) developing, agreeing on, and implementing joint measures aimed at timely detection, investigation, suppression, and prevention of criminal activities, as well as eliminating the causes and conditions that contribute to their spread; c) preparing proposals for improving legislation to enhance the effectiveness of public authorities and combat crime.

The achievement of these tasks by the prosecutorial bodies and other public authorities is carried out in accordance with the basic principles of coordination, which include: a) legality; b) equality of participants in coordination activities in solving crime prevention problems and developing measures to overcome them; c) autonomy of each public authority in implementing agreed decisions; d) responsibility of leaders for the quality and timely execution of agreed measures within their powers; e) transparency in

the conduct of coordination measures and public reporting of the results of these measures within the framework of legislation on the protection of human and civil rights and freedoms, as well as state secrets.

Institutional aspects of the coordination between prosecutorial bodies and public administration authorities in the field of crime prevention in Ukraine include legal foundations, organizational mechanisms, and practical interaction aspects.

The legal foundations of coordination between the prosecutor's office and public authorities in crime prevention involve establishing clear regulatory mechanisms and cooperation procedures between these bodies. This enables avoiding function duplication and ensures the effective operation of each body in the crime prevention sphere. The fundamental act in this area is the Constitution of Ukraine, which stipulates that the activities of the prosecutor's office and other public authorities must be carried out in accordance with the rule of law, legality, and constitutional norms, as well as relevant legal provisions [4]. The general aspects of these provisions are enshrined in part 2 of Article 25 of the Law of Ukraine "On the Prosecutor's Office." According to it, "The Prosecutor General, heads of the respective prosecutor's offices, their first deputies, and deputies according to the division of duties coordinate the activities of law enforcement agencies of the respective level in the field of crime prevention. The main form of coordination is holding coordination meetings with the heads of law enforcement agencies, where information about their activities in crime prevention is heard. The decision of the coordination meeting is mandatory for all law enforcement agencies mentioned in it. The procedure and other forms of coordination are approved by the order of the Prosecutor General" [6].

However, as rightly pointed out by Ya.V. Stupnyk, O.V. Bilash, and V.Y. Danko, "one of the main problems faced by the prosecution is the lack of sufficient legal support and organizational backing for coordination activities" [8]. This necessitates the adoption of joint subordinate regulatory legal acts by the subjects of coordination activities. One such act is the joint order of the Prosecutor General of Ukraine and the heads of law enforcement agencies dated April 26, 2012, No. 43/375/166/353/284/241/290/256, which approved the Regulation on the Coordination of Law Enforcement Activities in Combating Crime and Corruption [5].

Organizational mechanisms include a set of measures and processes aimed at ensuring coordination between the prosecutor's office and various public authorities in the field of crime prevention. The primary form of such coordination is the holding of coordination meetings between the heads of authoritative entities. Heads of executive authorities and local self-government bodies are invited to meetings chaired by prosecutor's office staff to provide information about their activities in combating crime. Based on the obtained information, decisions are made that are mandatory for all participants to implement.

An example of such a meeting is the coordination meeting of the heads of law enforcement agencies of the district, the leadership of the Zviahel District Military Administration, the Zviahel District Council, the Zviahel City Council, the Baranivka City Council, and the Yemilchyn Town Council regarding the state of crime and corruption prevention and counteraction in the Zviahel district, which took place under the chairmanship of the head of the Zviahel District Prosecutor's Office on July 11, 2023. After discussing the agenda items, a decision was made that included specific measures aimed at ensuring legality and law and order in the district, particularly regarding the prevention, detection, and proper investigation of "corruption-related criminal offenses, criminal offenses in the budgetary and environmental spheres, related to the fraudulent acquisition of citizens' funds, as well as in the field of illegal circulation of firearms, ammunition, and narcotic substances, and offenses where children are victims" [1].

Additionally, according to the Regulation on the Coordination of Law Enforcement Activities in Combating Crime and Corruption, the following forms of coordination can be used: holding joint meetings of public authority boards; conducting interdepartmental meetings with the participation of heads of law enforcement agencies, executive authorities, and local self-government bodies; issuing joint orders, directives, information letters, and other organizational and methodological documents; exchanging information on the state of crime; developing and implementing coordinated measures to detect, stop, and prevent criminal offenses, as well as eliminating the causes and conditions that contributed to their commission; conducting joint trips to regions to organize joint measures, inspections, and provide assistance to law enforcement agencies on-site; forming joint investigative and operational groups to solve

and investigate specific serious and particularly serious crimes; jointly using the capabilities of law enforcement agencies for training and educating employees, enhancing their professional level; organizing joint classes, meetings, and other practical training activities; creating proposals to improve legislative regulation to prevent and combat crime; jointly organizing and conducting scientific research in the field of crime prevention [5]. Despite the wide variety of these forms, the prosecutor selects the necessary form of coordination, taking into account the proposals of public authority leaders, the state of legality, the structure and dynamics of crime, and other factors affecting these phenomena.

It should be noted that the organizational mechanisms for coordinating the activities of prosecutorial bodies with public administration authorities in the field of crime prevention in Ukraine involve establishing an effective communication system that allows for the exchange of information between various coordination participants, thereby avoiding difficulties and conflicts in their activities. An important aspect is the clear definition of powers and responsibilities of each body involved in the coordination. This helps avoid duplication of functions and ensures the efficient use of resources.

The organizational mechanisms of coordination also include processes for planning and resource allocation. This enables the efficient distribution of tasks and responsibilities among employees and departments, as well as the optimal use of organizational resources. A crucial component of the organizational mechanisms of coordination is the change management system, as crime is a dynamic phenomenon, and public authorities must be ready to adapt and implement new strategies and initiatives.

The practical aspects of coordination between the prosecutor's office and public administration authorities in the field of crime prevention involve the implementation of organizational mechanisms in accordance with legal foundations.

Among the organizational mechanisms for coordinating the activities of prosecutorial bodies with public administration authorities in the field of crime prevention, particular attention should be paid to ensuring information exchange between the subjects of such coordination. Effective information exchange ensures a quick and accurate response to events requiring the attention of prosecutors and is essential for the successful fulfillment of crime prevention tasks. It is

important to establish clear and understandable channels of information exchange during the coordination of the prosecutor's office with other public authorities to avoid misunderstandings and ensure effective cooperation among all parties. Information exchange should be carried out within the framework of the law and considering data confidentiality.

One of the key aspects of information exchange during coordination by the prosecutor's office is the speed of data transmission. The faster the information is transmitted, the quicker necessary decisions can be made and measures taken to protect the rights and interests of citizens. Therefore, it is important that information exchange is organized and systematized. Additionally, information exchange during the coordination of the prosecutor's office should be two-way, meaning not only receiving information from other authorities but also providing them with necessary data for the successful fulfillment of their tasks. This approach fosters interaction and trust among all process participants.

However, existing information systems often do not provide a sufficient level of integration, complicating the timely exchange of data. This can lead to delays in decision-making and reduce the effectiveness of joint measures.

A crucial aspect is also staffing, as effective work of the prosecutor's office in coordination with public authorities requires a sufficient number of personnel with high qualifications and the ability to work in conditions of constant change and challenges. Such employees must be ready to quickly respond to situations arising in the process of coordination with other public authorities. Additionally, it is important that the staffing of the prosecutor's office is distributed rationally and effectively. This means that each employee should have clear duties and responsibilities, as well as the ability to cooperate with colleagues and other public authorities.

Providing necessary support and enhancing the qualifications of prosecutorial staff is also an important aspect of personnel support. This ensures continuous improvement in the work of the prosecutor's office and its ability to effectively perform its functions. In this context, it is also important to ensure transparency and openness in the selection and appointment of personnel to the prosecutor's office. This prevents corruption and ensures high-quality staff working in the prosecutor's office.

Equally important is the aspect of monitoring and evaluating the effectiveness

of coordination measures. Monitoring involves continuous observation of the implementation process of coordination measures, including the collection and analysis of data on plan implementation, resource use, and goal achievement. Regular monitoring of joint task execution and evaluation of cooperation results allow for timely identification of problems and necessary adjustments. To this end, it is advisable to implement systems of indicators and performance measures that reflect the actual results of joint activities. This also allows for identifying problematic aspects and proposing solutions.

One of the key aspects of coordination is public oversight, which guarantees the protection of human rights in Ukraine and promotes public trust in the coordination and overall activities of its participants. Public oversight is necessary to ensure the transparency and effectiveness of the work of the prosecutor's office and other public authorities in crime prevention. It allows the public to monitor the activities of coordination participants and identify potential legal violations. Public oversight includes public participation in the discussion and preparation of regulatory legal acts, citizen and civil society institution appeals to the prosecutor's office, and conducting citizen surveys on the activities of the prosecutor's office. Continuous informing of the public about the activities of the prosecutor's office promotes an increased level of trust in this institution [7].

Conclusions. Summarizing the above, we conclude that Ukraine is actively working on ensuring law and order and combating crime. One of the important tools in this area is the coordination of actions between the prosecutor's office and public administration authorities. This is necessary for effective crime prevention and the establishment of a rule-of-law state.

The institutional aspects of coordination between the prosecutor's office and public administration authorities in Ukraine are an important component of the crime prevention system. These include legal foundations, organizational mechanisms, and practical aspects of interaction. Each of these elements has its own characteristics and, when properly implemented, facilitates the coordination of activities between the prosecutor's office and public administration authorities in crime prevention, protecting the rights of citizens and the state, and enhancing public trust in public authorities.

At the same time, it is important to continue improving this coordination, as there are already a number of problems that need to be addressed, especially given the dynamic criminogenic situation in our country.

Bibliography:

1. Відбулась координаційна нарада керівників правоохоронних органів. URL: <https://zvyagel-rayrada.zt.gov.ua/index.php/3922-vidbulas-koordynatsiina-narada-kerivnykiv-pravookhoronnykh-orhaniv>
2. Войтенко А. Особливості координаційної діяльності органів прокуратури України у сфері протидії злочинності та корупції. *Traektoriâ Nauki = Path of Science*. 2021. Vol. 7. № 5. P. 4001-4010.
3. Ковалів М.В. Координаційна діяльність прокуратури. Електронне наукове видання «Аналітично-порівняльне правознавство». 2023. № 5. С. 228-232.
4. Конституція України від 28 червня 1996 року. *Відомості Верховної Ради України*. 1996. № 30. Ст.141.
5. Про затвердження Положення про координацію діяльності правоохоронних органів по боротьбі із злочинністю та корупцією: спільний наказ Генерального прокурора України та керівників правоохоронних органів від 26.04.2012 р. № 43/375/166/353/284/241/290/256. URL: <https://zakon.rada.gov.ua/laws/show/v0043900-12#Text>
6. Про прокуратуру: Закон України від 14 жовтня 2014 року № 1697-VII. *Відомості Верховної Ради України*. 2015. № 2-3. Ст.12.
7. Скриньковський Р.М., Ковалів М.В., Чистоклетов Л. Г., Крамар Р.І., Хмиз М.В., Хитра О.Л., Кайдрович Х.І. Громадський контроль за діяльністю органів прокуратури як гарантія дотримання прав людини в Україні. *Міжнародний науковий журнал «Інтернаука»*. Серія: «Юридичні науки». 2022. № 3. <https://doi.org/10.25313/2520-2308-2022-3-7952>
8. Ступник Я. В., Білаш О. В., Данко В. Й. Координація діяльності правоохоронних органів у сфері протидії наркозлочинності. *Науковий вісник Ужгородського національного університету*. Серія: *Право*. 2021. Т. 64. С. 322–327.
9. Федосова О.В. Сутність та напрями координації діяльності правоохоронних органів щодо протидії злочинності в Україні. Реформування законодавства України та розвиток суспільних відносин в Україні: питання взаємодії: Матеріали міжнародної науково-практичної конференції (м.Ужгород, 24-25 квітня 2015 р.). Ужгород: Ужгородський національний університет, 2015. С.162-165.

Великодний Д. В. Організаційно-правові аспекти профілактики злочинності органами прокуратури України

Ця стаття присвячена вивченню організаційно-правових аспектів профілактики злочинності органами прокуратури України. В умовах сучасної криміногенної ситуації ефективно функціонування системи публічного управління потребує тісної співпраці між різними державними інституціями, включаючи прокуратуру. Основною метою цієї статті є висвітлення правових основ, організаційних механізмів та ефективності взаємодії між цими інституціями, а також визначення основних проблем та надання рекомендацій щодо їх вирішення. Автор проаналізував сутність організаційно-правових заходів, що здійснюються органами прокуратури у сфері профілактики злочинності, визначив завдання та принципи їх реалізації.

Особлива увага в статті приділяється питанням нормативно-правового забезпечення, організаційним механізмам координації, кадровому забезпеченню, використанню інформаційних технологій та систем управління даними, а також аспектам прозорості та підзвітності. Правові основи профілактики злочинності включають аналіз чинного законодавства, яке регулює діяльність органів прокуратури. Виявлено, що чинне нормативно-правове регулювання є недостатнім, що ускладнює процес координації.

Встановлено, що організаційні механізми включають створення спільних робочих груп, проведення регулярних нарад, розробку спільних програм і планів дій, які обираються залежно від мети координаційних заходів та їх учасників. Наголошено, що важливим практичним аспектом реалізації профілактики злочинності органами прокуратури є визначення чітких повноважень та відповідальності кожного з органів, що беруть у ній участь, зокрема, у питаннях забезпечення інформаційного обміну, кадрового забезпечення, моніторингу та оцінки ефективності координаційних заходів, а також громадського контролю.

Ключові слова: прокуратура, профілактика злочинності, організаційно-правові аспекти, правові засади, організаційні механізми, практичні аспекти.