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## **MECHANISM OF AN ADMINISTRATIVE AND LEGAL REGULATION OF THE CONTROL OF THE PUBLIC PROSECUTOR'S OFFICE AFTER THE ACTIVITIES OF THE ORGANS OF INTERNAL AFFAIRS**

*In the paper an attempt is done to distinguish mechanism of legislative regulation in the sphere of procurator's supervision after the activities of the units of Internal Affairs of Ukraine. It is found out and comparison is done about main parts of the mentioned mechanism, the conclusions about the peculiarities of the mentioned mechanism in the process of procurator's supervision after the work of the units of Internal Affairs of Ukraine were drawn, several proposals for the changers in some legislative acts are suggested.*

**Key words:** *mechanism of administrative regulation, legal norms, procurator's supervision, organization of procurator's supervision, supervision activity, control activity.*

As it is known, "the mechanism of legal regulation" originated within the general theory of law, for the display and functioning of the legal norm. In each case we can determine the administrative and legal norms that regulate these or other legal relationship. Some scholars do not emit the mechanism of administrative-legal regulation of social processes, and offer to highlight the process of implementing the norms of administrative law, which is carried out in four forms: execution, use, application and compliance. You can agree with this point of view, however, in our opinion, the more accurate is the definition of the mechanism of administrative-legal regulation, as a basic tool of administrative law.

It should be noted that the administrative-legal regulation is manifested in different forms. This is caused by the fact that his mobility and agility to respond to changes in governance and change in the process of regulation. Especially important is the regulation of legal relations related to the application of legal regulations in the individual subjects of the legal relationship, in this case, the employees of the bodies of Internal Affairs of Ukraine. However, the application

of legal norms may be lawful and unlawful. To determine the legitimacy of the application of the law and the legality of its use there is supervision of the Prosecutor's Office over the activities of the police in carrying out her duties. The mechanism of legal regulation of the process of oversight of the Prosecutor's Office has its own characteristics, and his analysis is necessary, since this aspect is still insufficiently studied. Thus, the task of our articles is to determine the features of the legal regulation in the sphere of prosecutorial supervision over the activities of the police in the performance of their duties. The issue of supervision over the activities of the police by the public prosecutor's Office in the performance of their duties, it was regarded by many scientists. For example, M. Kurochka, examining the supervision of the Prosecutor's Office, on the first place raises questions of compliance with the law [1], and the mechanism of legal regulation of the supervision over the activities of the bodies of Internal Affairs of Ukraine is not considered.

O. Sinieoky, describing the prosecutors as control supervisory institution in the field of crime prevention, examines the individual components of the mechanism of supervision over the activities of the police, but in general, the mechanism is not singled out [2]. V. Ivanov, examining the history of prosecution supervision and stages of development of the Prosecutor also does not emit the mechanism of administrative-legal regulation of the legal relations arising in connection with the Organization and holding of such surveillance [3]. In considering the Organization of police and prosecution activities of the supervision in the sphere of operative investigation activity P. Koziakov [4,5], but it also does not set the mechanism of administrative-legal regulation of this activity. L. Gricayenko selects institute prosecution in the mechanism of State power, but about the organisation of supervision and the mechanism of legal regulation, he also mentions [6].

Analysis of the individual elements of the mechanism of legal regulation of the Organization of the supervision of the prosecution was conducted by other scientists, but in general this is a problem in the legal literature not questionnaire.

Scientists administrativists consider the mechanism of legal regulation as a set of legal instruments by which the legal regulation of social relations in the sphere of administrative law [7]. It also highlights in the mechanism of administrative-legal regulation of the organic and functional components. The organic components of the mechanism of administrative-legal regulation are those who actually define the essence of the phenomenon, that is, without which the mechanism may not function properly. Functional components are those that largely affect the mechanism of administrative-legal regulation, but are non-binding elements. To organic (essential) parts of the mechanism of administrative-legal regulation of the related provisions of the law, acts of the implementation of the law and legal relations. In the system of prosecution supervision over the activities of the militia, as in every legal system the legal regulation mechanism is determined by the provisions of the law which established the laws and other normative acts. In most cases, such norms are contained in the implementing regulations. That is the law of Ukraine "About Prosecutor's Office" [8], section forms the basic concept and prosecution supervision and detailed aspects of the Organization's prosecution supervision defined in the decrees Attorney General of Ukraine [9, 10].

Acts of the implementation of the law in this case is the process of implementation of the prescriptions of the regulations because of the behavior of the subjects of administrative law. In the mechanism of administrative-legal regulation and prosecution supervision of implementation of the law is through the implementation of the process of supervision and preparation of acts of prosecution response to the identified shortcomings and violations of legality in the activities of the bodies of Internal Affairs of Ukraine. Since the implementation of the law in the end necessarily presupposes the existence of the Act, which must be settled legal relations arising as a result of the supervisory activity of the Procuracy for the actions of the police, then we can determine that such acts are resolutions, views, prescriptions, protests, orders, contracts, orders and other regulatory documents. Administrative acts of prosecution are classified according to specific criteria: depending on the competence of the organs of the Procurator's Office, the

functions of the public prosecutor, from the direction of the activity of the Prosecutor's Office, on the subject of adoption, the consequences and the recipient, in the following areas of influence, in the form and under the name [11].

In general, the question of the mechanism of administrative-legal regulation in the structure of supervision of the public prosecutor of the activities of the bodies of Internal Affairs of Ukraine in most cases is not distinguished. It was believed that a supervisory proceedings are governed by the provisions of the criminal procedural law and the mechanism of this process lies in the plane of the criminal process. We disagree with this point of view and believe that the supervision and supervisory activities of the Prosecutor's Office is the administrative law and the mechanism of administrative-legal regulation has all the components that are set off visually scientists administrativists. The third component, which is mandatory in the mechanism of administrative-legal regulation, is the legal relations which arise on the basis of norms of the law. Such legal relations in the field of supervision of the public prosecutor over the activities of the police arise only as a result of the application of legal norms, and their response is a consequence of the Act required the Attorney. These relationships can be classified as the legal relations in the sphere of supervision over the activities of bodies that conduct the inquiry and pre-trial investigation, the activities of bodies that carry out operative-search activity, and compliance while protecting public order and public safety. It should be noted that the last view of the supervisory activities of the Prosecutor's virtually has not been not learned.

As it was already mentioned, distinguish and functional components of the mechanism of administrative-legal regulation, which affect the mechanisms of administrative-legal regulation, however, is not binding. In the system of supervision over the activities of the Prosecutor's Office bodies of Internal Affairs of Ukraine we can highlight the following functional components: legal facts, legality, acts of interpretation of the law and the acts of the application of the law. Legal facts are known by specific circumstances, with the onset of which emerge, change or terminate the legal relationship [12]. For example, we take the following

event as holding a football match, during which a collision between fans of different teams, and police who intervened, used force, causing bodily injury caused by a certain number of citizens. Whether it was a legitimate use of force, whether such application correspond to the circumstances that have arisen during the skirmishes, whether police officers guilty of bodily harm caused an? The answers to these questions should give the results of the supervisory activities of the Prosecutor's Office. The legal fact specifies the legal relationship that emerged during the public employees police public order and public safety.

In this note that the supervision of the Prosecutor's Office carried out regardless of these facts, so we can only State the legal fact as such, that is involved in the organisation of supervision over the activities of police and when it detects abnormalities in responding. The question of legality is mandatory when supervising prosecutor. In fact, if we take, for example, the prosecution of the legality of administrative detention of citizens, the main direction of the supervisory activity to be precisely set legally or illegally citizens zatrимуvalisâ and held in the premises of the bodies of Internal Affairs of Ukraine. However, we must consider and the legality of methods of verification, which may apply to employees of the public prosecutor in the exercise of supervision. Acts of interpretation of the law in the mechanism of legal regulation in the sphere of prosecutorial supervision over the activities of the bodies of Internal Affairs of Ukraine have an optional character. If, for example, there is a need for interpretation of the provisions of the law, then the Prosecutor has the opportunity to appeal to the official interpretation, in order to avoid abuses.

As it was already mentioned, the acts of the application of the law in the mechanism of legal regulation is not a mandatory element. When supervising prosecutor can apply certain legal norms, and in some cases, it is obliged to do so, however, in a number of cases, it may not apply appropriate standards when citizens' rights are not violated, and employees of the bodies of Internal Affairs made relevant conclusions and practical steps to prevent violations in the future. The mechanism of legal regulation of the system of supervision over the activities

of the Prosecutor's Office bodies of Internal Affairs of Ukraine basically coincides with the general areas of application of the law. However, we can talk about specific features that distinguish it from other areas of legal norms.

First and foremost is the fact that the mentioned mechanism clearly regulated regulations and does not provide for independent actions of the Prosecutor's Office. On the other hand, in this mechanism there is a clearly defined list of acts application of law, and it cannot be changed. The Prosecutor in the exercise of supervision has the right to write the order or other document, because it is not in the list of acts of the Prosecutor's response to the actions of employees of the bodies of Internal Affairs of Ukraine. However, it is a question of supervision over the activities of the Prosecutor's Office of Internal Affairs of Ukraine during the protection of public order and public safety are the most unregulated and requires organizing and detail. The mechanism of legal regulation of activity different from the controlling activities. Supervision is carried out by the Prosecutor of all actors including the employees of the bodies of Internal Affairs of Ukraine, while the control activity involves verification, which may be sudden or scheduled.

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