ANNOTATION

for the graduate qualification work

of the master's student on the program "Lawyer in criminal proceedings" Naklonov Ilya Dmitrievich on "Features of prosecutorial supervision of the investigation"

The purpose and objectives of the study:

The purpose of this study is to analyze the historical changes in the scope of powers of the prosecutor, due to the functions assigned to him in criminal proceedings that form his procedural status, as well as to analyze the legislative regulation of the prosecutor at the stage of institution of criminal proceedings and the stage of preliminary investigation. In addition, the aim is also to analyze the effectiveness of prosecutorial and supervisory practices in the implementation of prosecutorial oversight at these stages.

In order to achieve these objectives the author has set the following tasks:

- To trace the changes in the procedural status of the prosecutor, to determine its current state and trends of change;

- to define the concept, essence and content of the methodology of prosecutorial supervision at the stage of initiation of a criminal case and at the stage of preliminary investigation;

- to summarize and analyze unpublished prosecutorial practice and statistical data on the activities of the prosecutor's office at the stage of initiation of a criminal case, at the stage of preliminary investigation.

Conclusions drawn from the results of the study:

1. The procedural status of the prosecutor in supervising the investigative bodies is subject to significant, sometimes directly opposite changes, which is due to the lack of the legislator's conceptual understanding of the final type of the corresponding procedural status.

2. The consequence of the previous conclusion is the perception of the modern procedural status of the prosecutor as incomplete, requiring more detailed elaboration of the legislative regulation.

3. 3. The reforms of the criminal procedure in 2007 and the following contradictory legislative initiatives have introduced a significant imbalance in the range of powers of the prosecutor realized for the bodies of inquiry and investigation at the pre-trial stages of the criminal process, which could not but affect the overall level of legality in the implementation of the relevant activities.

4. At the pre-trial stages of criminal proceedings the supervisory function should be characterized as the main (priority) for the prosecutor. At the same time, its effective implementation is achieved only if the prosecutor has a set of powers, which are a consequence of the prosecutor's function of criminal prosecution.

5. 5. The methodology of prosecutorial supervision at the pre-trial stages of criminal proceedings is understood as a set of techniques and methods enshrined in normative legal acts and other documents, which have scientific justification, tested in practice and are in systemic unity, which allows to ensure the effectiveness of the prosecutor's activities in supervising the procedural activity of investigative and inquiring bodies that perform procedural activities at the stage of initiation of criminal proceedings and the stage of production.

6. Filling the missing in the criminal procedural law legal regulation of record-registration discipline through the adoption of departmental acts cannot be considered reasonable. In this regard, it seems more correct to enshrine the relevant norms in the Criminal Procedure Code of the Russian Federation.

7. We should agree with the position of the authors who propose to give the prosecutor the power to initiate a criminal case, if there are grounds for that, which are identified by him in the course of implementation of supervisory activities.

8. It is necessary to determine the balance between the powers of the prosecutor and the head of the investigative body in respect of the investigator. It seems reasonable to allocate such powers on the organization of preliminary investigation, procedural management of the investigator and the investigation to the head of an investigative body in detail, and the issues of elimination and prevention of violations of the norms of federal legislation during the investigation, and not identified by the head of an investigative body, should be left to the prosecutor.