



INTERNATIONAL PERSPECTIVES ON THE LEGAL FRAMEWORK GOVERNING PROSECUTORIAL ACTIVITIES*

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Abstract

This article seeks to illuminate how prosecutors' offices are legally regulated internationally. Through a comparative analysis of various foreign prosecutors' offices, the study presents information regarding their position within the government, the models they utilise, and their core functions. This allows for understanding the role and evolution of prosecutors' offices in prominent countries today. Germany, for instance, has public prosecutors' offices operating within all levels of its general court system. The Federal Prosecutor General operates under the general oversight of the German Minister of Justice. Meanwhile, the French prosecutor's office is considered part of the executive branch and is subject to the authority of the Ministry of Justice. French prosecutors share a close relationship with the judiciary, undergoing similar training and often transitioning between roles as prosecutors and judges. Latvian law designates the prosecutor's office as a judicial body. This office independently oversees adherence to the law within its defined jurisdiction. The United Kingdom has no specific "public prosecutor's office" or equivalent.

Keywords: prosecutor's Office; Organisation of the prosecutor's office; Models of foreign prosecutor's Offices; Positioning of the Prosecutor's Office; Powers of Foreign Prosecutors

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A. INTRODUCTION

In several areas, specifically regarding safeguarding rights and freedoms, the progress made by foreign nations surpasses that of Ukraine. Considering the ongoing reforms within Ukraine and its ambition to integrate with the European Union, it appears beneficial to investigate the operational practices of state legal institutions. This includes the prosecutor's offices in the United States and certain European countries. We believe that exploring the creation of a prosecutor's office system holds significant value in informing Ukraine about future actions in this domain. Our assessment shows that existing studies are currently insufficient. They predominantly rely on past research and overlook many facets of current legal frameworks and legislative revisions, including those implemented internationally.

According to A. Lapkin, when examining international prosecutorial standards, external factors can inadvertently undermine a nation's unique characteristics in its prosecutorial model. This effect stems from a preference for broader, global aspects over internal ones, a trend often associated with globalisation. R. Voytovych highlights that globalization's impact on national development isn't always positive. Its benefits predominantly accrue to highly developed countries, allowing them to broaden their influence. Conversely, societies undergoing transition may struggle to manage their complexities. A nation's careful management of external influence depends on the effectiveness of its national strategy for social progress.¹ The impact of international standards on Ukraine's prosecutor's office didn't supplement national traits; rather, it quickly superseded them. This stemmed mainly from the developers, driven by ideological and political factors, who, at the outset, neglected the practical experiences of post-Soviet states, including Ukraine, in crafting prosecutorial standards. They even viewed this experience, born from its Soviet history, unfavorably.

Ukraine has limited scholarly research into the administrative and legal frameworks governing the prosecutor's office across different nations. This scarcity hinders the clear identification of organisational models for this state authority and exploration of integrating foreign practices into Ukraine's legal structure. However, we must acknowledge the work of O.V. Khorusunenکو and his "The Prosecutor's Office of Ukraine and the member countries of the

¹ Voytovych R. Globalization as a universal form of historical dynamics of transitional societies. Bulletin of the National Academy of Public Administration under the President of Ukraine. 2012. No. 1. P. 21–32.

European Union: a comparative study" in this area.² This dissertation presents the results of an exhaustive investigation where the author analysed the core weaknesses inherent in prosecutorial models across the European Community. The central finding reveals that the legal standing of prosecutors within the EU member states is heavily influenced by the position their respective prosecutors' offices hold within the broader framework of governmental authority. This, in turn, significantly impacts the processes, timelines, and the definition of who is eligible for prosecutorial appointments at all levels. Despite these variations, the research concludes that each EU member state establishes and safeguards the independence of its prosecutors in discharging their duties.³

Furthermore, it is pertinent to consider S. L. Nazaruk's thesis, "Administrative and legal support of the activities of the prosecutor's office of Ukraine and the leading countries of the European Union: comparative study." The author accurately states that "a comparative analysis of administrative and legal support for the Ukrainian prosecutor's office, alongside its counterparts in prominent EU nations, facilitates the identification of pertinent strategies for refining administrative and legal backing for the functions of our nation's prosecutor's office."⁴

This paper examines the distinct characteristics of prosecutors' offices in the United States and certain nations within the European Union based on contemporary legal frameworks. It also seeks to identify potential benefits of adopting successful international practices within the Ukrainian prosecutorial system.

B. METHODS

In this article, the research method used is qualitative research with a

² Khorsunenko O. V. Prosecutor's office of Ukraine and the member countries of the European Union: a comparative study: dissertation. ...candidate law of Sciences: 12.00.10 / Odesa Jurid. Acad. Odesa, 2019. 221 p. Repository of the National University of Odesa Law academy": <https://dspace.onua.edu.ua/items/98b34aad-7a94-4cd4-9f92-c1ade3f875df>

³ Voloshanivska, Tetiana, Inna Pozihun, Serhii Losych, Olha Merdova and Yevhen Leheza. 'Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors'. *Journal of Drug and Alcohol Research*, 12(10) (2023). <https://doi.org/10.4303/JDAR/236269>

⁴ Nazaruk S. L. Administrative-legal support of the activities of the prosecutor's office of Ukraine and the leading countries of the European Union: a comparative study: diss. ... doctor of philosophy: 081 "law" / Govt. teacher. Univ. named after V. Vinnichenko. Kropyvnytskyi, 2021. 235 p. Central Ukrainian State Repository V. Vinnichenko University. https://cusu.edu.ua/images/autoreferats/2021/Nazaruk/D_Nazaruk.pdf.

literature and legal approach. Qualitative research was chosen because it aims to deeply understand the concepts, principles, and variations in legal regulations that govern prosecutorial activities in various countries. Through a literature approach, the author collects and analyzes multiple secondary sources such as books, scientific journals, legal documents, and international reports to obtain a comprehensive theoretical and empirical picture. Meanwhile, the legal approach examines the norms, principles, and regulatory instruments that apply at the national and international levels, including a comparison of different legal systems. The combination of these two approaches allows the author to explore the differences, similarities, and challenges in the legal framework that regulates the duties and authorities of prosecutors globally. This method also supports a critical analysis of how the law shapes prosecutors' independence, accountability, and professionalism in various jurisdictions. Thus, this study produces a systematic and in-depth understanding of the dynamics of law related to prosecutorial activities at the international level.

C. RESULTS AND DISCUSSION

Currently, the evolution of the prosecutor's office hinges on international agreement regarding its core operational tenets, while simultaneously acknowledging the persistence of diverse organisational structures and operational styles, each tailored to the nuances of individual national legal frameworks. Furthermore, a globally uniform model for the prosecutor's office remains elusive. Each existing model presents a unique blend of strengths and weaknesses. Consequently, we advocate for a definition of the prosecutor's office that considers the socio-political context underpinning its organisation and operational effectiveness, factoring in the particularities of each nation and the prevailing societal values. Consequently, gaining insight into the prosecutor's office's role and function necessitates studying international practices, focusing on the fundamental principles. To that end, examining the prosecutor's office in the United States of America (hereafter, the USA) and certain European nations is helpful.

Specifically, in the USA, the prosecutor's office functions under the designation "attorney's office," led by the U.S. Attorney, also known as a federal attorney. The establishment of this position can be traced back to the

Judiciary Act of 1789.⁵ The federal attorney is appointed to the position based on the provisions of Section 2 of Article 2 of the US Constitution.⁶ According to the US Code (28 U.S. Code § 541) The federal attorney is appointed to the position by the President of the United States with the consent of the Senate of the United States for a four-year term, at the same time, at the end of the term, he/she continues his/her activity until his/her successor is appointed to the position.⁷

Unlike the situation in Ukraine, the United States Department of Justice (the Justice Department) is led by the Attorney General. However, it's essential to differentiate this Department from Ukraine's Ministry of Justice. Essentially, the Department functions as the Attorney General's central office. Through the Department, the Attorney General oversees the operations of federal attorneys throughout the federal judicial districts.⁸

Within the United States, a unique legal entity exists: the Executive Office for United States Attorneys (EOUSA). This government institution doesn't have a counterpart in other global regions. The EOUSA's establishment dates back to 1953, formalized by Attorney General Order No. 8-53. Its core function is maintaining ongoing communication between the Department of Justice and the 93 United States Attorneys. These attorneys operate across the 50 states, the District of Columbia, Guam, the Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

The U.S. Attorney's Office encompasses a collective of executive powers within the United States. This includes operations at both the state and local levels. The Office provides counsel to the government at the relevant administrative levels, safeguards the government's legal interests in court, and generally oversees the enforcement of prevailing laws. One of the crucial roles of the U.S. Attorney's Office is serving as a prosecutorial body, holding the authority to begin criminal proceedings, examine infractions of established laws, bring charges against

⁵ Judiciary Act of 1789. *The Library of Congress*. <https://memory.loc.gov/cgibin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=196>.

⁶ Constitution of the United States written in 1787, ratified in 1788, and in operation since 1789. *United States Senate*. <https://www.senate.gov/about/originsfoundations/senate-and-constitution/constitution.htm>.

⁷ Organizational structure of the US Department of Justice. *US Department of Justice*. <https://www.justice.gov/our-work>.

⁸ General structure of EOUSA. *Offices of the United States Attorneys*. <https://www.justice.gov/usao/eousa/organizational-chart>

individuals and organisations, and offer support to prosecution activities during court proceedings.⁹

The US Federal Prosecutor's Office utilizes investigative resources such as the FBI, and is just one element within the justice system, all under the purview of the Department of Justice. Under the DOJ's authority are also the Marshals Service (akin to bailiffs), the Drug Enforcement Administration, and the agency responsible for regulating alcohol and tobacco, as well as combating the illicit distribution of narcotics. However, the prosecutor's office in the US operates autonomously. T. Peebles asserts that an effectively structured crime prevention system maintains this independence. The office operates with several key tenets: high professional standards informed by comprehensive knowledge of crime, including its technologically advanced methods; an unwavering focus on professional considerations, tempered by a strong sensitivity to human rights; and robust collaboration with other law enforcement bodies, particularly in addressing international crime and terrorism.¹⁰

Here's the rewritten text in English, maintaining the same logical structure and meaning, but with different phrasing and sentence construction:

The American prosecutor's office is the primary institution for conducting criminal prosecutions, advocating for public interest in legal proceedings, and representing the government within the court system. A key characteristic is its decentralised structure, lacking hierarchical oversight. Organizationally, the US prosecutor's office leans towards being a professional body of lawyers, even though these individuals are simultaneously civil servants acting on behalf of public authority.

The prosecution model in Europe presents marked contrasts to the American approach. For instance, in Germany, under the Law on the Constitutional Court (Article 149 of the GVG), the appointment process for the Federal Prosecutor General and federal prosecutors involves the nation's

⁹ Leheza, Yevhen, Larysa Yerofieienko, and Volodymyr Komashko. 'Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects'. *Revista Justiça Do Direito* 37, no. 3 (2023): 157–72. <https://doi.org/10.5335/rjd.v37i3.15233>.

¹⁰ The Changing Role of the American Prosecutor / John L. Worrall, M. Elaine Nugent-Borakove. Albany: State University of New York Press. 2008. 284. *ResearchGate*. https://www.researchgate.net/profile/Hung-En-Sung/publication/258839592_Prosecutor_and_Treatment_Diversion_The_Brooklyn_NY_Drug_Treatment_Alternative_to_Prison_Program/links/0deec5292b9d4477dd00000/Prosecutor-and-Treatment-Diversion-The-Brooklyn-NY-Drug-Treatment-Alternative-to-Prison-Program.pdf

President. The President makes appointments based on recommendations from the Minister of Justice, with the final approval needed from the Bundesrat.¹¹ According to the German Federal Civil Service Act (5bbg), the Federal Prosecutor General, federal prosecutors, and senior prosecutors are appointed for life and are civil servants.¹² At the same time, about the Federal Prosecutor General, he/she acts as a political figure and can be dismissed by the Minister of Justice at any time. At the same time, the Law provides that no justification is required for this.¹³

In Germany, the prosecutor's office's organisational structure is divided into federal and state ones, following the provisions of the Order on the Organisation and Procedure of the Prosecutor's Office in Germany dated 12 March 1975.¹⁴ From our point of view, Germany's experience can be helpful in Ukraine regarding the issue of significant prosecutors' independence and a relatively high level of their material and technical support.

The French prosecutor's office also has peculiarities. The legal regulation of its activities takes place at the level of the French Constitution of 1958.¹⁵ The Criminal Procedure Code of France (Articles 31-48 of the Section "On the Prosecutor's Office"),¹⁶ the Judicial Code of 1978, and the French Code of Civil Procedure.¹⁷ Like Germany, the French prosecution service is a centrally managed system, operating under the authority of the Ministry of Justice. The

¹¹ Gerichtsverfassungsgesetz (GVG) Bundesrecht: in der Fassung vom 09.05.1975, zuletzt geändert am 08.10.2023. Justiz-online. https://www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi?xid=137459,1.

¹² Für Beamte: Bundesgesetz Bundesbeamtengesetz vom 05.02.2009, zuletzt geändert am 17.07.2023. BBG-Bundesbeamtengesetz. https://www.gesetze-iminternet.de/bbg_2009/BJNR016010009.html.

¹³ Leheza, Yevhen. Yurovska, Viktoriia. Zamryha, Artur. Ulozhenko, Vadym, Bohdan. Bohdana 2024. Administrative and legal regulation of the status of internally displaced persons in ukraine during the war. *University of western Australia law review*. 51 (2). 297-313. <https://www.uwa.edu.au/schools/-/media/documents/uwa-law-review/volume-51-issue-2/leheza-et-al-formatted.pdf>

¹⁴ Anordnung über Organisation und Dienstbetrieb der Staatsanwaltschaft (OrgStA): vom 04.07.1995, letzte Änderungen vom 01.04.2014. *Niedersächsisches Vorschrifteninformationssystem (NI-VORIS)*. <https://voris.wolterskluweronline.de/browse/document/6edf9705-df13-3d63-abba-0e51afbe0c52>

¹⁵ Constitution du 04.10.1958. *La Constitution le bloc de constitutionnalité*. <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-de-la-constitution-du-4-octobre-1958-en-vigueur>

¹⁶ Code de procédure pénale au 31.12.1957. *République Française Légifrance*. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154/.

¹⁷ Code de procédure civile au 30.12.1976. *République Française Légifrance*. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070716/.

head of the prosecution service, the Prosecutor General, carries out their duties at the Court of Cassation. Assisting the Prosecutor General are the First Advocate General and 19 advocates general.

General Prosecutors and their assistants are also present at the appellate courts. These courts have jurisdiction over the prosecutors of the Republic (*les procureurs de la République*), the district prosecutors at the tribunals, who primarily deal with civil matters. Every prosecutor is appointed by the President of France, following a recommendation from the Minister of Justice, who directly oversees their work. Prosecutors hold a position similar to judges in many respects, albeit with some distinctions, and the same foundational principles govern them.

Key principles underpinning the organisation of the prosecutor's office include impartiality, autonomy, hierarchical structure, and accountability. In effect, the judiciary and the prosecution form a unified body, permitting career transitions between the roles of prosecutor and judge.¹⁸

Should a prosecutor err legally during a criminal case, they bear no personal accountability; they are absolved from covering court expenses and are not obligated to provide financial redress to the convicted. This arrangement safeguards their independence, freeing them from the potential of facing legal challenges that citizens initiate. Therefore, considering these factors, the French prosecution system functions autonomously, independent of the judiciary and any parties involved in criminal proceedings.

As the French Code of Criminal Procedure outlines, the Prosecutor General exerts supervisory authority over judicial police officers and agents, granting them the power to direct the collection of crucial information supporting justice administration. Consequently, the Republic's Prosecutor directs the judicial police, receives reports on criminal activity, issues directives for investigations, and monitors adherence to legal standards by the police. Moreover, a prosecutor possesses the authority to attend crime scenes, bypassing police presence personally, and may undertake all the investigative tasks typically assigned to the judicial police. The Republic's Prosecutor, directly or through their deputies, also handles the prosecution in both jury and lower courts, like police or correctional tribunals, and has the authority to issue search warrants. Therefore, unlike Ukraine, the French prosecution

¹⁸ Leheza, Yevhen. Pisotska, Karina. Dubenko, Oleksandr. Dakhno, Oleksandr. Sotskyi, Artur. 2022. the essence of the principles of ukrainian law in modern jurisprudence. *Revista jurídica portugalense*, december, 342-363. doi: [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)

system functions independently and can effectively substitute the investigative body, conducting the necessary inquiries. The lack of clear delineation of prosecutorial roles within civil procedures within the French legal framework positions it similarly to the German system, where this specific aspect also lacks precise regulation.¹⁹

The prosecutor's office also has peculiar features in the countries of the former Soviet socialist camp. Thus, according to the Constitution of Estonia, in Article 151, the procedure for maintaining the prosecution and representation in court is established by law.²⁰ According to the Statute on the Prosecutor's Office, the Estonian Prosecutor's Office is a state institution subordinate to the Minister of Justice. The Ministry of Justice is defined as the highest state body of the prosecutor's office. Thus, prosecutors are accountable to the Minister of Justice, who oversees the prosecutor's office's activities in criminal proceedings.

The prosecutor's office system is directly managed by the Prosecutor General, who is appointed to the position by the government on the proposal of the Minister of Justice for a term of five years. The prosecutor's office manages the pre-trial criminal investigation, supports the state prosecution, and may participate in investigative activities. Two general bodies are included in the prosecutor's office system: the State Prosecutor's Office and four district prosecutor's offices.²¹

As mandated by legislation, the core responsibilities of the prosecutor's office encompass several key areas. These include upholding the legality and efficiency of criminal proceedings before trial; overseeing the legality of investigative activities conducted by investigation bodies, which function as pre-trial investigation entities, during crime detection or the pre-trial stages of criminal cases. Furthermore, it involves representing the state's interests in court through prosecution. Finally, the office undertakes tasks arising from international collaborations, including active involvement in Eurojust and any other duties specifically assigned to it by law.

¹⁹ Leheza, Yevhen, Yankovyi, Mykola. Medvedenko, Nadiia. Vaida, Taras. Koval, Marat. (2024). Application of Artificial Intelligence in Motivating Court Decisions: Legal Basis and Foreign Experience. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(1), 58–69. <https://doi.org/10.30631/alrisalah.v24i1.1531>

²⁰ Eesti Vabariigi põhiseadus. Vastu võetud 28.06.1992. RT 1992, 26, 349. Jõustumine 03.07.1992. *Riigi Teataja*. <https://www.riigiteataja.ee/akt/115052015002>

²¹ Dymko, Igor, Arsen Muradian, Yevgeny Leheza, Andrii Marzhula, and Oleksandr Rudkovskiy. 'Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products'. *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90) (2017): 26–34. <https://doi.org/10.15587/1729-4061.2017.119500>.

Like its French counterpart, the Estonian prosecutor's office plays a managerial role in the pre-trial investigation process but does not supplant it. The prosecutor's office primarily supports prosecuting criminal cases in the court system. This support includes planning investigative procedures and conducting proceedings in collaboration with law enforcement agencies like the police, border guard, fiscal, and other pertinent services.²²

In practically the same way, the prosecutor's office activities are regulated in the Republic of Latvia. At the same time, it is interesting that the prosecutor's office here is wholly excluded from the Constitution of the Republic of Latvia, because we do not find any regulation regarding the prosecutor's office. The main principles of activities performed by the prosecutor's office are enshrined in the Law "On Prosecutorial Supervision in the Republic of Latvia", namely: the prosecutor's office is a single centralized system of three-level structural units headed by the Prosecutor General; prosecutors of the same position are interchangeable.²³

Unlike previously considered European countries, the prosecutor's office in Latvia is defined as a body of judicial power independently overseeing legality. The prosecutor's office responds to violations of the law and ensures the resolution of related cases under the procedure established by law.²⁴

In Latvia, the entire structure of the prosecution service falls under the authority of the Prosecutor General. This individual holds the power to hire and remove prosecutors and other personnel for whom the power to form employment contracts resides with the Prosecutor General. The creation of regional prosecutor's offices is also the responsibility of the Prosecutor General, based on the delineation of judicial activity districts. According to the stipulations of the "On the Judiciary" law, these regional prosecutors' offices are tasked with carrying out the duties of prosecutors within the respective judicial

²² Leheza, Yevhen. Dubenko, Oleksandr. Pavlyk, Liudmyla. Prasov, Oleksandr. Pavlov, Volodymyr. (2024). Foreign Experience of Responsibility for Driving Vehicles in Condition of Alcohol Intoxication: International Standards, Administrative and Criminal Aspects. *Revista Juridica Portucalense*, 161–174. [https://doi.org/10.34625/issn.2183-2705\(35\)2024.ic-08](https://doi.org/10.34625/issn.2183-2705(35)2024.ic-08)

²³ Prokuratūraslikums. Tas stājas spēkā 01.07.1994. Izdevumā no 06.10.2021. *Likumi*. <https://likumi.lv/ta/id/57276-prokuraturas-likums>.

²⁴ Komienko, Maksym, Anatolii Desyatnik, Galina Didkivska, Yevhen Leheza, and Oleksii Titarenko. 'Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors: Criminal Law Aspect'. *Khazarah Hukum* 5, no. 3 (2023): 205–15. <https://doi.org/10.15575/kh.v5i3.31742>.

districts.²⁵

The Latvian law outlines the core responsibilities of the prosecutor's office, which are as follows: oversight of both pre-trial investigations and operational investigative actions, along with intelligence and counter-intelligence endeavors conducted by national security entities, including ensuring adherence to the laws governing state secret protection; conducting pre-trial investigations; initiating and executing criminal prosecutions; representing the state's position in court; monitoring the enforcement of sentences; safeguarding individual rights and legitimate state interests as legally prescribed; submitting legal claims or filing court applications in line with established legal processes; and participating in legal proceedings in the cases explicitly defined by law.²⁶

Article 6 of the Law on the Prosecutor's Office clearly defines that the prosecutor in his/her activities is independent from the influence of other institutions or officials who exercise state power and management, and he/she obeys only the law. Neither the Saeima, nor the Cabinet of Ministers, nor other state and local government institutions, state and local government officials, nor any types of companies and organisations, nor individuals have the right to interfere with the work of the prosecutor's office during investigation of cases or during performance of other functions inherent to the prosecutor's office. At the same time, the prosecutor's actions can be appealed exclusively under the procedure established by law.²⁷

Furthermore, prosecutors benefit from immunity, safeguarding them from legal proceedings. Any case initiation, detention, arrest, extradition, or search targeting a prosecutor must comply with legal protocols, including prompt notification to the Prosecutor General. Financial accountability for harm caused by illegal or unfounded actions or judgments by a prosecutor is absent, unless extraordinary circumstances arise. In such cases, the State alone bears the liability. Therefore, Latvia's prosecutor's office functions as a unified,

²⁵ Par tiesu varu datēts ar 15.12.1992. Stājies spēkā: 01.01.1993. *Likumi*. <https://likumi.lv/ta/id/62847-par-tiesu-varu>

²⁶ Leheza, Yevhen. Shcherbyna, Bogdan. Leheza, Yulia. Pushkina, Olena. Marchenko, Olesia. (2024). Características de la suspensión o denegación total/parcial del cumplimiento de una obligación en caso de incumplimiento de la contraparte según la legislación civil de Ucrania. *Novum Jus*, 18(2), 131–150. <https://doi.org/10.14718/NovumJus.2024.18.2.5>

²⁷ Volobuieva, Olena, Yevhen Leheza, Vita Pervii, Yevhenii Plokhuta, and Roman Pichko. 'Criminal and Administrative Legal Characteristics of Offenses in the Field of Countering Drug Trafficking: Insights from Ukraine'. *Yustisia Jurnal Hukum* 12, no. 3 (2023): 262–77. <https://doi.org/10.20961/yustisia.v12i3.79443>

centralised structure under the direction of the Prosecutor General. Individual prosecutors operate independently, governed solely by the law. This mirrors practices common within the European Community, where prosecutors hold substantial authority. Their liability is carefully constrained by statute, empowering them to execute their responsibilities strictly according to current legislation. This independence, untethered from hierarchical control, gives Latvian prosecutors considerable autonomy.

D. CONCLUSION

The advanced development and adherence of European nations to democratic ideals, as expressed in the workings of all state institutions – the legislature, executive, and judiciary – coupled with a precise definition of the prosecutor's office's role, place, and duties within this structure, either removes or diminishes the necessity for the prosecutor's office to have oversight authority. When reforming and streamlining the operations of the Prosecutor's Office of Ukraine, it's crucial to acknowledge that establishing a model for such a system is difficult, even under conditions of political and economic stability within the state, supported by a functioning civil society. At the global level, there is no universally agreed-upon standard for the organisation and operation of this system. Consequently, any innovations aimed at modernizing the prosecutor's office must be rooted in the nation's specific historical, cultural, and legal evolution, and, crucially, be acceptable to its citizenry.

Based on the points mentioned earlier, it is clear that there is no singular or uniform standard for the prosecutorial model across Europe. Each country adopts its approach, shaped by historical, political, and legal traditions, resulting in diverse models that each have their strengths and weaknesses. While specific models may demonstrate greater efficiency or stronger guarantees of independence, none can be regarded as entirely flawless, nor can anyone system claim absolute superiority over the others. It is essential to recognize that the effectiveness of a prosecutorial system often depends on how well it aligns with a country's broader constitutional framework and democratic principles. Regardless of the structural differences, states must ensure, as emphasized in paragraph 17 of Recommendations (2000) 19, that the legal status, competence, and procedural role of prosecutors are established by law in a manner that leaves no legitimate doubts concerning the independence and impartiality of judges.

It is imperative to highlight that when adapting regulatory frameworks and administrative/legal structures related to the activities of the prosecutor's office and its officials from other countries, the current realities of the Prosecutor's Office in Ukraine must be considered, including heavy workloads, staff shortages, and insufficient funding. That being said, there's an immediate need to adopt European best practices regarding the independence of prosecutors, modelled after nations such as Germany, France, or Latvia.

REFERENCES:

- Anordnung über Organisation und Dienstbetrieb der Staatsanwaltschaft (OrgStA). (1995, July 4). Niedersächsisches Vorschrifteninformationssystem (NI-VORIS). <https://voris.wolterskluweronline.de/browse/document/6edf9705-df13-3d63-abba-0e51afbe0c52>
- Bundesgesetz über das Bundesbeamtengesetz (BBG). (2009, February 5; amended 2023, July 17). https://www.gesetze-im-internet.de/bbg_2009/BJNR016010009.html
- Code de procédure civile. (1976, December 30). République Française, Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070716/
- Code de procédure pénale. (1957, December 31). République Française, Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154/
- Constitution du 4 octobre 1958. (1958, October 4). Conseil Constitutionnel. <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-de-la-constitution-du-4-octobre-1958-en-vigueur>
- Constitution of the United States. (1787). United States Senate. <https://www.senate.gov/about/originsfoundations/senate-and-constitution/constitution.htm>
- Dymko, I., Muradian, A., Leheza, Y., Manzhula, A., & Rudkovskyi, O. (2017). Integrated approach to the development of the effectiveness function of quality control of metal products. *Eastern-European Journal of Enterprise Technologies*, 6(3), 26–34. <https://doi.org/10.15587/1729-4061.2017.119500>

- Eesti Vabariigi põhiseadus. (1992, June 28). Riigi Teataja. <https://www.riigiteataja.ee/akt/115052015002>
- Gerichtsverfassungsgesetz (GVG). (1975, May 9; amended 2023, October 8). Justiz-Online. https://www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi?xid=137459,1
- Judiciary Act of 1789. (1789). The Library of Congress. <https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=196>
- Khorsunenکو, O. V. (2019). *Prosecutor's office of Ukraine and the member countries of the European Union: A comparative study* (Dissertation, Odesa Juridical Academy). Repository of the National University of Odesa Law Academy. <https://dspace.onua.edu.ua/items/98b34aad-7a94-4cd4-9f92-c1ade3f875df>
- Korniienko, M., Desyatnik, A., Didkivska, G., Leheza, Y., & Titarenko, O. (2023). Peculiarities of investigating criminal offenses related to illegal turnover of narcotic drugs, psychotropic substances, their analogues or precursors: Criminal law aspect. *Khazanah Hukum*, 5(3), 205–215. <https://doi.org/10.15575/kh.v5i3.31742>
- Lapkin, A. V. (2020). *Prosecutor in criminal proceedings: Theoretical, legal and organizational and methodological problems* (Monograph). Pravo.
- Leheza, Y., Dubenko, O., Pavlyk, L., Prasov, O., & Pavlov, V. (2024). Foreign experience of responsibility for driving vehicles in condition of alcohol intoxication: International standards, administrative and criminal aspects. *Revista Jurídica Portucalense*, 161–174. [https://doi.org/10.34625/issn.2183-2705\(35\)2024.ic-08](https://doi.org/10.34625/issn.2183-2705(35)2024.ic-08)
- Leheza, Y., Pisotska, K., Dubenko, O., Dakhno, O., & Sotskyi, A. (2022). The essence of the principles of Ukrainian law in modern jurisprudence. *Revista Jurídica Portucalense*, December, 342–363. [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15)
- Leheza, Y., Shcherbyna, B., Leheza, Y., Pushkina, O., & Marchenko, O. (2024). Características de la suspensión o denegación total/parcial del cumplimiento de una obligación en caso de incumplimiento de la contraparte según la legislación civil de Ucrania. *Novum Jus*, 18(2), 131–150. <https://doi.org/10.14718/NovumJus.2024.18.2.5>

- Leheza, Y., Yankovyi, M., Medvedenko, N., Vaida, T., & Koval, M. (2024). Application of artificial intelligence in motivating court decisions: Legal basis and foreign experience. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(1), 58–69. <https://doi.org/10.30631/alrisalah.v24i1.1531>
- Leheza, Y., Yerofieienko, L., & Komashko, V. (2023). Peculiarities of legal regulation of intellectual property protection in Ukraine under martial law: Administrative and civil aspects. *Revista Justiça Do Direito*, 37(3), 157–172. <https://doi.org/10.5335/rjd.v37i3.15233>
- Leheza, Y., Yurovska, V., Zamryha, A., Ulozhenko, V., & Bohdana, B. (2024). Administrative and legal regulation of the status of internally displaced persons in Ukraine during the war. *University of Western Australia Law Review*, 51(2), 297–313. <https://www.uwa.edu.au/schools/-/media/documents/uwa-law-review/volume-51-issue-2/leheza-et-al-formatted.pdf>
- Nazaruk, S. L. (2021). *Administrative-legal support of the activities of the prosecutor's office of Ukraine and the leading countries of the European Union: A comparative study* (Doctoral dissertation, Central Ukrainian State V. Vinnichenko University). https://cusu.edu.ua/images/autoreferats/2021/Nazaruk/D_Nazaruk.pdf
- Offices of the United States Attorneys. (n.d.). General structure of EOUSA. <https://www.justice.gov/usao/eousa/organizational-chart>
- Par tiesu varu. (1992, December 15). Likumi. <https://likumi.lv/ta/id/62847-par-tiesu-varu>
- Prokuratūras likums. (1994, July 1; updated 2021, October 6). Likumi. <https://likumi.lv/ta/id/57276-prokuraturas-likums>
- US Department of Justice. (n.d.). Organizational structure of the US Department of Justice. <https://www.justice.gov/our-work>
- Volobuieva, O., Leheza, Y., Pervii, V., Plokhuta, Y., & Pichko, R. (2023). Criminal and administrative legal characteristics of offenses in countering drug trafficking: Insights from Ukraine. *Yustisia Jurnal Hukum*, 12(3), 262–277. <https://doi.org/10.20961/yustisia.v12i3.79443>
- Voloshanivska, T., Pozihun, I., Losych, S., Merdova, O., & Leheza, Y. (2023). Administrative and criminal law aspects of preventing offenses committed by minors in the sphere of illegal circulation of narcotic

drugs, psychotropic substances and precursors. *Journal of Drug and Alcohol Research*, 12(10). <https://doi.org/10.4303/JDAR/236269>

Voytovych, R. (2012). Globalization as a universal form of historical dynamics of transitional societies. *Bulletin of the National Academy of Public Administration under the President of Ukraine*, 1, 21–32.

Worrall, J. L., & Nugent-Borakove, M. E. (2008). *The changing role of the American prosecutor*. State University of New York Press. <https://www.researchgate.net/profile/Hung-En-Sung/publication/258839592>