SUMMARY

**Subject of the thesis:** «Prosecutor's supervision in the field of protection of constitutional rights and freedoms of man and citizen»

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**Relevance of the research issue.** The Constitution of the Russian Federation defines Russia as a state governed by the rule of law, in which the protection of the constitutional rights of citizens is one of the priority areas in the activities of the relevant state bodies and their officials.

The leading role in the constitutional and legal mechanism for ensuring the rights and freedoms of citizens belongs to the prosecutor's office, which performs the most important human rights function, ensuring the full realization of the right to a dignified life and free human development.

The severity of the current situation associated with the spread of coronavirus infection demanded the participation of prosecutors in ensuring the rule of law in the field of the rights to health and medical care, as well as labor relations.

According to statistics, in 2020, while exercising supervision over the observance of human and civil rights and freedoms, prosecutors suppressed 4 million violations and restored the rights of more than 1 million people. A significant part of them concerned the violation of the social rights of citizens, which required careful attention to the resolution of each appeal. So, half of the complaints about violations of labor rights were satisfied workers, a third - in defense of the interests of minors. A quarter of applications on pension issues, as well as on violations in housing and communal
services, in the course of enforcement proceedings and environmental protection were recognized as justified.

Practice shows that many socially unprotected citizens restore their rights precisely at the pre-trial stage, since court procedures today are very lengthy and involve significant material and time costs.

In this regard, the improvement of the human rights activities of the prosecution authorities in ensuring the implementation of constitutional rights and freedoms of citizens is being actualized, and the unique potential of the Russian prosecutor's office is in demand more than ever.

In addition, the new edition of Art. 129 of the Constitution of the Russian Federation, which changed the constitutional and legal status of the prosecutor's office and made supervision over the observance of the rights and freedoms of citizens one of the most important areas of its activity.

All of the above testifies to the relevance of the study of the problems of prosecutorial supervision in the field of ensuring constitutional rights and freedoms of man and citizen, which served as the choice of the topic of the final qualifying work.

*The object* of the research is social relations arising in the sphere of prosecutorial supervision to ensure constitutional human and civil rights and freedoms.

*The subject* of the research is a set of legal norms governing prosecutorial supervision in the field of protecting the constitutional rights of citizens.

*The purpose* of the final qualifying work is to determine the essence of prosecutorial supervision for the protection of constitutional human rights and freedoms in the Russian Federation, as well as to develop a system of theoretical provisions and practical recommendations aimed at increasing its effectiveness.

To achieve this goal, the following *tasks* were set:

- to reveal the concept and essence of prosecutorial supervision in the field of protection of constitutional rights and freedoms of man and citizen;
- to analyze the legal basis, principles and tasks of prosecutorial supervision in the field of protection of constitutional rights and freedoms of man and citizen;
- to consider the prosecutor's supervision over the observance of laws and constitutional rights and freedoms of man and citizen;
- to identify problems and ways to improve the implementation of prosecutorial supervision over the implementation of laws in the field of protection of constitutional rights and freedoms of man and citizen.

The theoretical and methodological foundations of the research are represented by a set of scientifically grounded general scientific and private scientific research methods, including dialectical, generalization, analysis, statistical, comparative legal and formal logical methods.

The reliability and validity of the research results are provided by the materials of the published prosecutorial practice. The author analyzed reports, indicators of prosecutorial statistics, materials of scientific and scientific-practical conferences.

The empirical foundations of the study were the data of official statistics of the General Prosecutor's Office of the Russian Federation on the state of protection of human and civil rights and freedoms, including constitutional rights, for the period 2019-2021, both in Russia as a whole and in a number of its regions.

The legal basis for the study was: the Constitution of the Russian Federation, which is the fundamental legislative act of Russia; international legal documents for the protection of human and civil rights and freedoms; federal legislation regulating the activities of the Russian prosecutor's office and, first of all, the Federal Law “On the Prosecutor's Office of the Russian Federation”; legislative and other normative legal acts regulating public relations in the field of recognition, observance and protection of constitutional human and civil rights and freedoms, decisions of the Constitutional Court of the Russian Federation, as well as orders and guidelines of the Prosecutor General of the Russian Federation.

The theoretical and practical significance of the study lies in the fact that the results and theoretical conclusions contained in the work on the legal and
practical aspects of protecting the constitutional rights of citizens by means of prosecutorial supervision will expand theoretical views on the nature and content of this phenomenon, as well as formulate directions for increasing its effectiveness.

The practical significance of the study lies in the possibility of using the formulated scientific provisions, conclusions and recommendations when improving the legislation on the activities of the Prosecutor's Office of the Russian Federation in the field of protecting constitutional human and civil rights and freedoms in the Russian Federation, as well as in teaching when studying the course "Prosecutor's supervision". In addition, the results of the study can be used in subsequent scientific research on the problems of prosecutorial supervision in the field of protecting the constitutional rights of citizens and in the practice of law enforcement agencies.

**Research results.** The constitutional system for the protection of human and civil rights and freedoms in the Russian Federation is an integral constitutionally conditioned, ordered set of interacting links of the legal mechanism, whose activities are aimed at protecting the violated rights and freedoms of persons under the jurisdiction of the Russian Federation, and achieving their real state in the country. security. As an integrative phenomenon, it gains qualitative definiteness through the functional unity of its elements. The main elements of this system include: human rights norms, principles of protection of fundamental human and civil rights and freedoms, subjects carrying out human rights activities, human rights activities.

The main elements of the constitutional system for the protection of human and civil rights and freedoms are distinguished by constitutional conditionality, legislative development in accordance with generally recognized principles and norms of international law (part 1 of article 17 of the Constitution of the Russian Federation). The subjects of the constitutional system for the protection of human and civil rights and freedoms include various state bodies, local self-government bodies, various associations of citizens, as well as citizens themselves. An analysis of the Constitution of the Russian Federation and federal legislation shows that
each body of state power (the President of the Russian Federation, parliament, the Government of the Russian Federation and federal executive bodies, judicial bodies), within the limits of their powers, protect the rights and freedoms of man and citizen and form a state system for the protection of constitutional rights and freedoms.

Speaking about the Prosecutor's Office of the Russian Federation, it should be noted that it is one of the institutional elements of the constitutional system for the protection of human and civil rights and freedoms, occupying a special place in it, predetermined by its place in the system of public authorities. The Prosecutor's Office of the Russian Federation is a specific subsystem of state bodies; it does not belong to any of the branches of government, but is part of a system of "checks and balances."

The Prosecutor's Office of the Russian Federation ensures the protection of constitutional rights and freedoms of a person and a citizen through a special type of activity - the implementation on behalf of the state of prosecutorial supervision over the observance of the Constitution of the Russian Federation and the implementation of laws in force on the territory of Russia.

This type of supervision is "external" in relation to the legislative, executive and judicial authorities, since the prosecutor's office is not part of any of the branches of government. This circumstance ensures the independence of the prosecutor's office in the implementation of its functions, including the protection of constitutional human and civil rights and freedoms, as well as the correlation of its actions and decisions exclusively with the Constitution of the Russian Federation and legislation.

The measures taken by the prosecutor's office to protect constitutional human and civil rights and freedoms contribute to the effective implementation of the provisions of the Constitution of the Russian Federation, the Universal Declaration of Human Rights, and the Convention for the Protection of Human Rights and Fundamental Freedoms. The importance of the role of the Prosecutor's Office of the Russian Federation in ensuring the rule of law, unity and
strengthening the rule of law, the realization of human and civil rights and freedoms, the interests of society and the state indicates the need for a broader definition of its constitutional and legal status.

The research conducted by us in the process of writing the final qualifying work showed that the experience that the Russian prosecutor's office has in protecting the constitutional rights of citizens (especially in the field of protecting social and electoral rights) testifies to the positive role of the prosecutor's office in observing the norms of the law, this fact is still confirmed by the active activities of the Prosecutor's Office of the Russian Federation to supervise the observance of constitutional human and civil rights and freedoms in the context of the spread of coronavirus infection.

However, in our opinion, some measures should be taken in order to improve the constitutional and legal status of the Prosecutor's Office of the Russian Federation, for example, the creation of a separate chapter of the Constitution of the Russian Federation, which would define the purpose and system of the Prosecutor's Office, its place in the mechanism of state power, functions and guarantees of their implementation. ...

In order to ensure the stability of the system of prosecutorial bodies, it is quite important to adopt a federal constitutional law that defines the basis for the activities of the prosecutor's office and the addition of Art. h. 1 tbsp. 104 of the Constitution of the Russian Federation, regarding giving the Prosecutor General of the Russian Federation the status of a subject of the right of legislative initiative, since, in our opinion, this would expand the powers of the Prosecutor's Office of the Russian Federation, which would lead it to perfection and effective activity.

As mentioned earlier, in part 2 of Art. 125 of the Constitution of the Russian Federation, among the listed subjects authorized to apply to the Constitutional Court of the Russian Federation with inquiries, the Prosecutor General of the Russian Federation is not indicated. In this regard, we propose to supplement this paragraph and include in it the Prosecutor General of the Russian Federation as a
subject entitled to apply to the Constitutional Court of the Russian Federation with inquiries.

It is also impossible to ignore the fact that in recent years the sphere of action of the prosecutor's office has been significantly narrowed, certain powers have been withdrawn from it, and the inadmissibility of state interference in private affairs has arisen. This also applies to the powers of the prosecutor when exercising supervision over the observance of constitutional human and civil rights and freedoms. If earlier the prosecutor could apply to the court with a statement of claim in the interests of any citizen, now the Civil Code of the Russian Federation significantly limits him in this. Therefore, it is necessary to increase the role of the prosecution authorities in constitutional, civil and arbitration proceedings in cases arising from public legal relations.

Also, taking into account the previously mentioned position of inequality between law enforcement agencies and citizens (the former are authorized to legally use force against citizens), in order to prevent violation of their constitutional rights, we propose to expand the scope of the prosecutor's powers to respond to identified violations in the field of constitutional rights and freedoms in criminal proceedings, allow the prosecutor to independently initiate a criminal case, give the investigator instructions that are binding on, cancel the illegal or unreasonable decisions of the investigator regarding the constitutional rights and freedoms of man and citizen, etc.

Eliminating the gaps identified in the course of the presented study will allow for a deeper and more detailed improvement of the human rights activities of the prosecutor's office in ensuring the implementation and protection of constitutional rights and freedoms of citizens.