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Понятие, содержание и виды процессуальных решений, принимаемых прокурором в досудебном производстве

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Аннотация: Статья посвящена реализации полномочий прокурора в уголовном судопроизводстве, которые непосредственно отражаются в процессуальных решениях. Основное содержание статьи составляет анализ понятия процессуальных решений прокурора, которые являются важной частью уголовно-процессуальной деятельности, призванной отвечать назначению уголовного судопроизводства в целом: защите прав и законных интересов лиц и организаций, потерпевших от преступлений; защите личности от незаконного и необоснованного обвинения, осуждения, ограничения ее прав и свобод. Постоянное изменение полномочий прокурора, в том числе и в сфере уголовного судопроизводства, становится предметом дискуссий о природе, как самих полномочий, так и внешнем их выражении в виде принимаемых решений, их месте в системе правовых средств прокурора, а также к каким видам актов реагирования прокурора их относить, что лишь подчеркивает актуальность рассматриваемого вопроса. Автор приходит к выводу о том, что решения прокурора в уголовном судопроизводстве относятся к категории уголовно-процессуальных решений, которые предопределены его функциями в уголовном процессе. В статье, с учетом юридического и лингвистического анализа, обосновывается мысль о том, что решение – акт реализации предоставленных прав и исполнения возложенных обязанностей должностного лица. Будучи принято одним лицом (например, прокурором), оно обязывает других лиц (например, дознавателя) к определенным действиям или предоставляет право обжаловать данное решение, приостанавливая тем самым его исполнение. К решениям, принимаемым прокурором в досудебном производстве, относятся не только акты прокурорского реагирования, указанные в ФЗ «О прокуратуре Российской Федерации», но и те, что вытекают непосредственно из норм УПК РФ.

Ключевые слова: классификация, акты, прокурор, реагирование, уголовный процесс, досудебное производство, решение, постановление, требование, представление

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THE CONCEPT, CONTENT, AND TYPES OF PROCEDURAL DECISIONS TAKEN BY THE PROSECUTOR IN PRE-TRIAL PROCEEDINGS

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Abstract: The article is devoted to the implementation of the powers of the prosecutor in criminal proceedings, which are directly reflected in procedural decisions. The main content of the article is an analysis of the concept of procedural decisions of the prosecutor, which are an important part of the criminal procedure activity, designed to respond to the appointment of criminal proceedings in general: the protection of the rights and legitimate interests of individuals and organizations that have suffered from crimes; protection of a person from an unlawful and unfounded charge, conviction, restriction of its rights and freedoms. The constant change in the powers of the prosecutor, including in the sphere of criminal proceedings, becomes the subject of discussions about the nature of both the powers themselves and their external expression in the form of decisions, their place in the system of legal means of the prosecutor, as well as to what types of response acts prosecutor attribute them, which only emphasizes the relevance of the issue under consideration. The decisions of the prosecutor in criminal proceedings fall into the category of criminal procedural decisions, which are predetermined by his functions in the criminal process. In attempting to determine the essence of the decisions of the prosecutor, in this article, taking into account the legal and linguistic analysis, the idea that the decision is an act of the realization of the granted rights and the performance of the assigned duties of an official is substantiated. Being accepted by one person (for example, by the prosecutor), it obliges other persons (for example, the inquirer) to take certain actions or grants the right to appeal this decision, thereby suspending its execution. The decisions taken by the prosecutor in pre-trial proceedings include not only the acts of the prosecutor's response indicated in the Federal Law "On the Prosecutor's Office of the Russian Federation", as well as those arising directly of the norms of the Code of Criminal Procedure.

Keywords: classification, acts, prosecutor, response, criminal process, pre-trial proceedings, decision, ruling, demand, representation

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Introduction

The question of the essence of procedural decisions is one of the most fundamental in the theory of criminal process. For a long time these problems were studied by Lupinskaya P. A., Baev O. Y., Bulanova N. V., and others.

As Baev O. Y. noted, "... all criminal proceedings, all the criminal procedures for investigation of crimes carried out within its framework can be presented in the form of a consistent or parallel acceptance by its subject of decisions regarding individual local tasks, the minimum necessary list of which is predetermined and outlined by the subject of proof in the criminal case, and their practical implementation." [Baev, 2009]. The main criminal procedural decisions, as correctly noted by Kucherkov I. A., "The beginning and completion of the proceedings in the criminal case, the motion of the case, the procedural status of participants in the criminal process, the activities of investigator, interrogator, prosecutor, the court on proving the circumstances of the case are determined." [Kucherkov, 2008].

According to dictionary definitions, the solution is "a deliberate intention to do something, a conclusion, a derivation from something." "To decide – after thinking about coming to some conclusion, the need for any action; as a result of discussion, make an opinion, adopt a resolution." [The Great Dictionary of Russian language, 1998]. In psychology, the solution is understood as a formation of mental operations that reduce the initial uncertainty of the problematic situation. In the decision process, the stages of search, adoption, and implementation of the solution are identified. [Brief psychological dictionary, 1985].

Decisions in criminal proceedings

In the special literature on such scientific areas as the study of control systems and the theory of decision-making, a decision is generally understood as the result of choosing from possible alternatives of behavior, from the set of possible options for achieving the goal.

According to Baev O. Y., in criminal proceedings, decision-makers are not only their professional participants (judge, prosecutor, investigator, interrogator, and lawyer), mostly in relation to activities of which criminal procedure and forensic literature are studying these problems. "And all other persons involved in this or that way are also in an almost constant state of necessity to make certain decisions related to their participation in criminal proceedings (which, apparently, does not seem to receive enough attention in the literature). It is like a suspect, accused, injured, civil plaintiff and civil defendant who are unprofessional representatives of the parties contesting in criminal proceedings, as well as persons attributed by the law to other participants (witness, judge, expert, etc.)". [Baev, 2009].

The mechanism for adoption of all their decisions is one; only the degree and significance for each of them to the problematic situation that arises before them, and therefore requires a solution to their own problems, are different.

As a result, Baev O. Y. comes to conclusion that the decision in criminal proceedings is the choice of its participant in the line of conduct and actions in the problem situation of the criminal process for him from possible alternatives. [Baev, 2009].

According to Baev O. Y., "there are criminal procedural decisions, but there are decisions made in the criminal process." [Baev, 2009].

To the first of them Baev O. Y. includes those decisions that are taken by the court, the prosecutor, the investigator, the interrogator, that is, the persons (bodies) vested with power, ensuring both the possibility of their implementation, and their compulsion for the persons (bodies) whose decisions concern.

Decisions made in the criminal process include decisions of other participants in criminal proceedings, both professional and non-professional. Their range is limited only by the scope of proceedings – from the decision of arrestee to give or not to give evidence about the suspicion to the lawyer's decision on the necessity and expediency of the appeal, cassation or supervisory appeal against the verdict against his client.

One can agree with the opinion that the decisions of the above-mentioned persons, while not being legally authoritative, at the same time require their legal permission – the mandatory adoption of a criminal procedural decision on their merits that must be lawful and justified (motivated). [Baev, 2009].

So, the conclusion follows that the decisions of the prosecutor in criminal proceedings should certainly be classified as criminal procedural decisions. The criminal procedural decisions of the prosecutor are predetermined by his functions in criminal proceedings. In pre-trial proceedings, any procedural decisions of the subjects conducting criminal prosecution – the prosecutor, the investigator, the inquirer, are also mediated in the form of appropriate orders. However, as will be discussed later, the decision, in our opinion, is not the only type of procedural decisions of the prosecutor.

In the fundamental work "Decisions in Criminal Justice. Theory, Law, Practice" professor Lupinskaya drew attention to the fact that an important task of the theory of criminal justice is the study of law enforcement in decision-making in criminal proceedings; distribution of the right to make decisions between state bodies and officials; implementation of the principles of the criminal process in the rules of decision-making, the requirements for decisions, and guarantees of their legitimacy, validity and fairness. When considering these problems, special attention should be paid to the issue of guarantees of individual rights in the decision-making process, when appealing against the decision and when the decision is executed. [Lupinskaya, 2010].

Decisions made in criminal proceedings are a legal means of fulfilling its social purpose, expressed in Art. 6 of the Code of Criminal Procedure. Usually, when it comes to the importance of decisions to carry out the appointment of criminal proceedings, they refer to the sentence

as the most important act of justice. However, the legality and validity of the verdict largely depend on the legality and validity of those decisions that are taken on various issues in the proceedings both in pre-trial and in judicial proceedings. Therefore, not only the verdict but also other decisions contribute to the achievement of the tasks of criminal justice and thus have a certain social significance. Solving a specific legal issue, the investigator, the prosecutor, the court guard public order, security of the country, honor and dignity of the individuals, as well as rights and freedoms of individuals and citizens.

In this way, decisions made in criminal proceedings are an important factor in the activities of law enforcement agencies and courts in their participation in social management by each of them performing their tasks and powers, which ensures the achievement of the criminal proceedings point.

The social purpose of the decisions of the court, the prosecutor's office, the investigation, the inquiry are all expressed in the Constitution of the Russian Federation and the laws that determine the organization, tasks, and powers of these bodies. It is obvious that the decisions of the bodies conducting the investigation, the prosecutor's office, and the courts have an impact on public relations by preventing and solving crimes, fair trial, punishing the perpetrator and ensuring the rights of the victim.

Norms of law in criminal procedures

Law enforcement agencies and officials must implement the legal provisions aimed at: 1) protection of the rights and legitimate interests of individuals and organizations that have suffered from crimes; 2) protection of the individuals from unlawful and unfounded accusation, conviction, restriction of their rights and freedoms (Art. 6 of the Code of Criminal Procedure of the Russian Federation).

Of course, we can agree with opinion of Lupinskaya P. A. that "In the criminal process only state bodies and officials are authorized to apply the norms of the criminal procedure law, to conduct the prescriptions of the norms of law to life." [Lupinskaya, 2010]. Law imposes the obligation to ensure implementing the provisions of the law aimed at the fulfillment of the criminal proceedings appointment. So, in Art. 21 of the Code of Criminal Procedure of the Russian Federation there is a specification of officials who are in charge with the duty of criminal prosecution. Courts pass sentences on behalf of the state, through realizing the powers of the judiciary. In the Code of Criminal Procedure, the terms "competent" and "authorized" (for example, in Art. 29, 37) are used in accordance with how this term is applied in the general theory of law, namely: "Officials and state bodies are empowered (eligible), which they are obliged to use in the performance of their functions in order to achieve the goal set before them – the solution of the problem." [The general theory of state and law, 2001].

Decisions of the law enforcement agency are binding for individuals, state bodies, and public organizations within the limits established by law.

Regarding law enforcement as the main form of implementing the norms of procedural law, it should be noted that, as a special form of exercise of the right by the authorities, it includes the characteristics that describe other forms of law realization, namely the "use of law", the "execution", the "observance of law". By creating conditions to realize the right or ensure the fulfillment of their duties by the actors of the process, bringing to justice and ensuring their offense, the relevant law enforcement agency simultaneously performs its duties, uses its rights, observing the permissions and prohibitions established by the law.

Thus, the exercise of the powers of state bodies and officials, the rights and obligations of other participants, induces or obliges to resolve certain procedural, legal and substantive issues by making decisions.

The decision is an act of realizing the granted rights and fulfilling the duties of the official. At the same time, being taken by one person (for example, by the prosecutor), it obliges other persons (for example, the inquirer) to take certain actions or gives the right to appeal this decision, thereby suspending its execution (part 3 of Art. 38 of the Code of Criminal Procedure of the Russian Federation). The decision on the expert examination made by the investigator, being an act of execution by the investigators of the law, at the same time obliges the investigator to perform certain actions (Art. 196, part 3, Art. 115 of the Code of Criminal Procedure of the Russian Federation), to grant and secure the rights to the accused (Art. 198 of the Code of Criminal Procedure of the Russian Federation), obliges the head of an expert institution to comply with the decision on the appointment of an expert examination, with the exception of cases provided for in Part 3 of Art. 199 of the Code of Criminal Procedure of the Russian Federation.

The authoritative nature of the activity on the application of the norms of law is manifested in the content of decisions and in those means that the official who made the decision has the right to ensure its implementation.

Ways to ensure the implementation of procedural decisions in life include the measures of procedural coercion provided for in Chapter 12 - 14 of the Code of Criminal Procedure of the Russian Federation. Some of them are in the nature of criminal procedural sanctions (changing the measure of restraint to a stricter one in connection with the person's failure to fulfill his/her obligations, stipulated in Art. 110 of the Code of Criminal Procedure of the Russian Federation).

The procedural sanction for issuing an unlawful and unjustified decision is its cancellation (clause 6, part 2, Art. 37, part 5, Art. 125, Art. 369, clause 2, 3 part 1, Art. 378, and Art. 408 of the Code of Criminal Procedure of the Russian Federation). If an illegal and unjustified decision resulted in the infliction of property damage, the rehabilitated harm is compensated by the state (Art.135 of the Code of Criminal Procedure of the Russian Federation).

The law also provides for compensation for moral harm (Art. 136 of the Code of Criminal Procedure of the

Russian Federation). The damage caused to legal entities by illegal actions (inaction) and decisions of the court, the prosecutor, the investigator, the body of inquiry, is compensated by the state.

A complaint against a decision rendered by a court in the Russian Federation may be in accordance with Art. 35 of the European Convention for the Protection of Human Rights and Fundamental Freedoms sent to the European Court of Human Rights (ECHR). If it is determined that the decision rendered by the court of the respondent State violated the Convention rights of the party to the proceedings, the European Court issues a decision binding the respondent State to certain pecuniary compensation for the harm inflicted.

Classification of decisions in criminal proceedings

Decisions on procedural matters are legal facts that cause the appearance, change or termination of legal relations in which the subjects of procedural activity realize their rights and obligations.

When describing procedural decisions as acts of application of the law, it is important to note their importance in ensuring the implementation of the provisions of the criminal law.

As a result, Lupinskaya P. A. defines decisions in criminal proceedings as legal acts expressed in a procedural form established by law in which a state body or an official within the limits of its powers, in the manner prescribed by the law, answer the legal issues arising in the case based on the facts of the case, and containing an imperious will on actions aimed at achieving the appointment of criminal proceedings. [Lupinskaya, 2010]. In her opinion, the solutions are classified in the following way.

Depending on whether the decision on the main questions of the criminal case (whether there was a crime, whether the defendant committed the crime, whether the defendant is guilty) or on other issues aimed at securing the resolution of the case on the merits, the decisions can be divided into the main and an auxiliary.

The main decisions are those decisions in which authorized bodies or officials assess the set of collected evidence and, on the basis of established circumstances, answer the main questions in the criminal case, namely: whether the event occurred, whether the defendant is guilty of committing the crime and are there grounds for terminating the case. The answers to the main questions, which are the subject of the resolution of the criminal-legal dispute, constitute the content of the sentence (Art. 299, 302, 304, 308 of the Code of Criminal Procedure of the Russian Federation), decisions on termination of the criminal case and criminal prosecution (Art. 213 of the Code of Criminal Procedure of the Russian Federation). In these acts, issues arising from the main decisions are also resolved, but they are additional, often protective, in relation to the main decisions (see, for example, Art. 309 of the Code of Criminal Procedure of the Russian Federation).

Decisions that contribute to a legitimate and justified solution of the main issues of the case are of an intermediate or auxiliary character. These may include, for example, decisions on the conduct of investigative actions, on the application of measures of procedural coercion (Chapters 12-14 of the Code of Criminal Procedure of the Russian Federation). [Muratova, Podolsky, 2007].

Solutions can be classified by their functional value. Decisions can determine the occurrence of proceedings in a case (institution of criminal proceedings); establish the procedural status of the participants in proceedings (resolution (determination) on the recognition of the person as a victim, suspect, civil plaintiff, decision to bring a person as an accused); give the right to conduct investigative actions (resolution on the conduct of a search, an investigative experiment, on the appointment of an expert examination, etc.); to authorize the use of procedural coercion measures. Decisions can be aimed at ensuring the rights of persons involved in the process. Decisions can be aimed at eliminating the circumstances that contributed to the commission of crimes (presentation of the investigator, private decision (ruling) of the court).

In our opinion, of great importance is the conclusion of Lupinskaya P. A. that says: "Control aspect of decisions has the functional purpose. In each of the stages, the legality and validity of decisions made in previous stages are monitored." [Lupinskaya, 2010]. This control aspect is an integral characteristic of the entire criminal justice process (Kutsova E. F., Morshchakova T. G., Petrukhin I. L.). Control over the legality of decisions both within the stage and during the transfer of the case to the next stage is determined by the public beginning of criminal proceedings. This public start, in accordance with the powers granted, obliges the head of the inquiry body, the head of the investigative body, the prosecutor, the judge, and the court to respond to the violations committed and to take measures to cancel or change the illegal or unjustified decision. It should be noted that a significant part of the prosecutor's procedural decisions taken in the course of supervising the procedural activity of the inquiry body and the preliminary investigation body reflects exactly this, the control aspect of decision-making. This, as will be indicated below, is related to the implementation of the primary function of prosecutor in pre-trial proceedings.

As for the classification of decisions as initial, intermediate and final (ultimate) [Lupinskaya, 2010], then, in our view, this to a lesser degree refers to procedural decisions of the prosecutor. Even the prosecutor's confirmation of the indictment cannot be considered a final decision in the criminal case since the case will still be considered by the court. We agree that the final decision is recognized by the court, which entered into force and became binding[1].

1 The term "the final decision of the court" is given in Art. 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms, paragraph 1 of which states: "The High Contracting Parties undertake to implement the final judgments of the court in cases in which they are parties."

In this sense, final decisions are also interim decisions that come into force and are subject to execution from the moment of issuance.

Decisions, of course, can be classified by the subjects enjoying the right to make decisions in criminal proceedings: the court, the judge, the prosecutor, the head of the investigative body, the investigator, the body of inquiry, the interrogator. Each of these entities can make a decision only within the limits of the powers granted to it. The Constitution of the Russian Federation and the criminal procedural legislation adopted on its basis gave the right to take decisions in pre-trial proceedings, if they affect the rights and fundamental freedoms of citizens, only to the court (paragraph 1, 3, part 7, Art. 108, part 2, Art. 114, Part 4, Art. 118 of the Code of Criminal Procedure of the Russian Federation). It is important to pay attention to the fact that other decisions taken in pre-trial proceedings may be appealed to the court, which is one of the forms of exercising the right to judicial protection. [Kutsova, 2004; Guskova, Muratova, 2005]. The principle of the legality of criminal procedural activity presupposes a clear definition of the competence of officials, in particular, who and which decisions are authorized to take, who is responsible for the wrong decision or inactivity when the necessary grounds for it existed. At the same time, one should proceed from the fact that the adoption of a decision is not only the right granted to an official but also his official and procedural duty, determined by the law in connection with his/her functional appointment (Art. 37, 38 of the Code of Criminal Procedure of the Russian Federation).

Decisions in criminal proceedings can be taken collectively and individually. It should be noted that procedural decisions of the prosecutor in pre-trial proceedings are taken only individually. This is the implementation of such a principle of organization and activities of the Prosecutor's Office, as centralization, which provides for the unanimity and subordination of lower-level prosecutors to higher-ups and all prosecutors – the General Prosecutor of the Russian Federation.

Of course, decisions differ in the procedural order of their resolution and the requirements for their content and form. [Lupinskaya, 2010].

A significant contribution to the development of theoretical ideas about the essence and types of procedural decisions of the prosecutor in pre-trial proceedings was made by Bulanova N. V. She rightly notes that "The norms of the Code of Criminal Procedure clearly provide for the possibility of applying in the pre-trial proceedings only the act of prosecutorial response in the form of a resolution (paragraph 25 of Art. 5 of the Code of Criminal Procedure of the Russian Federation). At the same time, the law, providing for the right of the prosecutor to demand that the bodies of inquiry and investigating authorities eliminate violations of federal legislation committed during inquiry or preliminary investigation (clause 3, part 2 of Art. 37 of the Code of Criminal Procedure of the Russian Federation), does not mention such an act of prosecutorial response, as a requirement, which is developed by law enforcement practice". [Bulanova, 2014].

As Prigorscha P. A. believed, "When exercising supervision over the procedural activity of the inquiry bodies and the preliminary investigation bodies, the prosecutor applies the decision in cases directly specified in the Code of Criminal Procedure of the Russian Federation, and the demand – on the residual principle: in all other cases of revealing violations of federal legislation in the course of preliminary investigation." [Prigorscha, 2011]. One can agree that the prosecutor applies the decision in cases directly specified in the Code of Criminal Procedure of the Russian Federation, but the fact that the claim is applied "on a residual principle", in our opinion, does not reflect faults in the substance of the response action.

Bulanova N. V. draws attention to the fact that "The Federal Law "On the Prosecutor's Office of the Russian Federation" contains a list of acts of the prosecutor's response, including a protest (Art. 23), a representation (Art. 24), a ruling (Art. 25), a warning against the inadmissibility of violations of law (item 25) and the requirement (item 9)". As a result, she comes to the conclusion that, in the part that does not contradict the federal law regulating criminal procedural relations that arise when checking a report on a crime, initiating a criminal case, investigating a crime (which is in the Code of Criminal Procedure of the Russian Federation), the prosecutor has the right to be guided by the provisions of the law on prosecutor's office, regulating legal relations arising in the course of supervisory activities of the prosecutor's office. In our opinion, the use of these powers is certainly legitimate, but they cannot always be attributed to criminal procedural decisions.

Bulanova N. V. and other authors divide acts of prosecutorial response into several groups [Bulanova, Ereisipaliev, Yalova, 2013]:

Depending on the procedural form:

- requirement to eliminate the violations of the law (hereinafter – the requirement);
- decree;
- representation;
- warning about the inadmissibility of violations of the law (hereinafter – a warning). The latter, in our opinion, does not apply to procedural decisions.

Depending on the mandatory performance for the supervised bodies:

- mandatory for execution by investigators, inquiry agencies, interrogators, heads of the investigative body (for example, the decision to cancel an unlawful and/or unjustified decision to refuse to open a criminal case, to suspend or terminate a criminal case (criminal prosecution) – are related to procedural decisions;
- mandatory for execution by bodies of inquiry, inquiry officers (the decision on cancellation of illegal or unreasonable decision of the inquirer) – are also procedural decisions;
- non-obligatory procedures for investigators, heads of

the investigative body (requirement) – are procedural decisions.

Depending on the possibility of appealing them to the supervised bodies:

- subject to appeal by investigators, interrogators (decision to revoke the investigator's decision to start a criminal case, to return the criminal case for the purpose of additional investigation) – are procedural decisions;
- not subject to appeal by the investigators, interrogators (the decision to revoke the decision to refuse to start a criminal case, to annul the decision to terminate the criminal case (criminal prosecution), to suspend the preliminary investigation) are also procedural decisions.

Depending on the legislative consolidation:

- stipulated by the Code of Criminal Procedure of the Russian Federation (requirement, resolution);
- stipulated by the Federal Law "On the Prosecutor's Office of the Russian Federation" (representation, caution) – are not procedural decisions.

Depending on the object of supervision:

- applied to the investigators, the heads of the investigative bodies (resolution, demand, procedural decisions, representation, caution – are not procedural decisions);
- applied to the bodies of inquiry, interrogators, heads of the divisions of inquiry (resolution, requirement, – procedural decisions, representation, caution – are not procedural decisions).

In the course of the pre-trial proceedings in the criminal case, the prosecutor also has the right to give a written instruction to the investigator about the direction of the investigation, about the procedural actions (clause 4, part 2, Art. 37 of the Code of Criminal Procedure of the Russian Federation), to give consent to the inquirer to initiate an application for election, measures of restraint or other procedural actions that are allowed on the basis of a court decision (clause 5, part 2 of Art. 37 of the Code of Criminal Procedure of the Russian Federation), to approve the decision of the investigator to terminate the proceedings in a criminal case (Clause 13, Part 2, Art.37 of the Code of Criminal Procedure of the Russian Federation). In addition, in our opinion, procedural decisions also include the prosecutor's approval of the indictment, the prosecution or the accusation.

N. V. Bulanova noted that these decisions cannot be considered as acts of prosecutorial response, which are taken to eliminate violations of the law, as well as reasons and conditions that encourage them. [Bulanova, 2014]. In the first case, one can agree with her opinion that it is correct to talk about legal measures (steps) of a preventive nature that provide procedural guidance to the inquiry. As for the second group of decisions taken at the final stage of pre-trial proceedings, one can agree with the opinion of A. G. Khaliulin that "the function of supervision over the execution of laws by the bodies of inquiry and preliminary investigation is transferred to the prosecutor's exercise of the function of criminal prosecution." [Khaliulin, 1997]. Nevertheless, this refers to the procedural decisions of the prosecutor.

Thus, the procedural decisions of the prosecutor in pre-trial proceedings serve as a means of realizing criminal procedural functions of the prosecutor defined by the Code of Criminal Procedure of the Russian Federation – criminal prosecution and supervision of the procedural activities of bodies of inquiry and preliminary investigation bodies.

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