

RULE OF LAW: IMPLEMENTATION IN THE ACTIVITY OF THE STATE BUREAU OF INVESTIGATION

Political, economic and social situations in Ukraine pointed to the need to reform the judicial system and law enforcement agencies in the state. Lot of steps have been taken in this direction: four-level court system was replaced by three-level, new higher specialized courts were created, lot of law enforcement agencies were reorganized and some of them were created for the first time.

Next stage in this process is connected with the creation of the State Bureau of Investigation. Its creation had long and complex character, was connected with a lot of difficulties, such as discussions about the process of competitive examination, about distribution of jurisdiction in the sphere of investigating and solving crimes. And, thus, creation of the State Bureau of Investigation took really long time.

It can be assumed, that all of these problems were associated with concern about the quality of the work of this body. Exploring quality of work of any state body or institute, we should pay attention to the set of principles on which this body relies its activities. The Law of Ukraine «On the State Bureau of Investigation» established set of such principles. The first place in the system of principles belongs to the rule of law, which is recognized in the world as one of the most important principles of activity.

The significance of this principle is confirmed by the fact that its consolidation has been reflected in such international acts as Preamble of the European Convention on Human Rights, the Preamble and Art. 3 of the Statute of the Council of Europe.

It is important, that European organizations also pay attention to the importance of this principle, for example, Venice Commission. The conclusions of this body are highly valued in Ukraine. In its report «Rule of Law» professionals of the Venice Commission proposed set of elements of the rule of law: legality, including a transparent, accountable and democratic; process for enacting law; legal certainty; prohibition of arbitrariness; access to justice before independent and impartial courts, including judicial review of administrative acts; respect for human rights; nondiscrimination and equality before the law.

Speaking about Ukrainian legislation, it is necessary to pay attention to the Art. 8 of the Constitution of Ukraine, which affirms the recognition and activity of this principle in the Ukrainian state. This article has a close connection with Art. 3 of the Constitution of Ukraine, according to which the

rights and freedoms of man and their guarantees are the content and direction of the state activity.

The decision of the Constitutional Court of Ukraine No. 15-rp/2004 stipulates that the rule of law is the dominance of law in a society that asks the state to implement it in law-making and law-enforcement activity, including laws which must correspond to ideas of social justice, freedom, equality, etc.

Coming back to the Law of Ukraine «On the State Bureau of Investigation» it must be noted that indirect requirements to comply with this principle can be found in other articles of this law:

1) Art. 14–1 due to which ranks and senior management in their oath agree to respect and protect the rights, freedoms and legitimate interests of a person and a citizen;

2) Art. 3 due to which the State Bureau of Investigation acts transparently to the extent that it does not violate the rights and freedoms of a person and a citizen;

3) Art. 12, 13 due to which Director of the State Investigation Bureau, Heads of the Central Offices of the State Bureau of Investigation are responsible for the legality of investigative measures, pre-trial investigation, observance of human and civil rights and freedoms;

4) Art. 21 due to which in case of a violation of a person or citizen's rights or freedoms by the employees of the State Bureau of Investigation during the performance of their official duties, the State Bureau of Investigation within the limits of its competence, takes measures to restore rights or freedoms.

As conclusion, it is necessary to mention that the rule of law is a general theoretical category, an integral basis of the activities of any state body enshrined at both the international and national levels. The analysis of international legal acts and national legislation confirms the significance of this principle and allows us to conclude that The State Bureau of Investigations should guide it during the exercising of all its powers, including performing the tasks to prevent, detect, terminate, disclose and investigate