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Globalisation and criminal process: Prosecutorial supervision of operational and investigative activities in the context of transnational threats

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■ **Abstract.** The study analysed the current issues of transformation of prosecutorial supervision over investigative and detective activities in the context of globalisation challenges and transnational threats. The study aimed to provide a comprehensive theoretical and legal analysis of the peculiarities of prosecutorial supervision over operational and investigative activities in the context of globalisation, to identify problematic aspects and to develop scientifically sound recommendations for its improvement. The methodological tools of the study were based on systemic and structural, formal legal and comparative legal methods, which allowed for a comprehensive analysis of the legal framework and international experience of organising prosecutorial supervision. The study identified the main trends in the transformation of prosecutorial supervision in the context of globalisation, in particular: intensification of international cooperation of law enforcement agencies, implementation of digital technologies in supervisory activities, and expansion of procedural powers of prosecutor to control cross-border investigations. The author established that the quality of prosecutorial supervision over operational and investigative activities in the context of the intensification of transnational crime depends on the consistency of national legislation with international standards and the level of implementation of innovative approaches to the organisation of supervisory activities. The author substantiated the need to modernise the legal regulation of prosecutorial supervision and suggests areas for improvement with due regard to international standards and current challenges of transnational crime. The theoretical provisions and practical recommendations formulated in the study can be used to optimise the organisational and legal mechanisms for prosecutorial supervision of operational and investigative activities

■ **Keywords:** law enforcement cooperation; international standards; digital transformation; control; legal mechanisms

■ Introduction

Global transformations in law enforcement caused by the intensification of transnational crime and the emergence of new forms of criminal threats significantly affect the system of prosecutorial supervision over operational and investigative activities. The rapid development of information and communication technologies creates fundamentally new challenges for law enforcement agencies, requiring a rethinking of traditional approaches to the organisation of

prosecutorial supervision (Gold, 2023). The issue of combating transnational organised crime, which takes advantage of the global digital space to coordinate criminal activities, launder money and avoid responsibility, is becoming particularly acute. The digitalisation of criminal activity, the use of new technologies to commit offences and the blurring of territorial boundaries in cyberspace pose unprecedented challenges for law enforcement agencies and

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the prosecutorial oversight system. Modern criminal groups are actively using cryptocurrencies, data encryption technologies, darknet and other innovative tools, which significantly complicates the detection and documentation of their illegal activities. In addition, the transnational nature of modern crime requires the establishment of effective international cooperation between law enforcement agencies, harmonisation of legislation in different countries and the development of unified approaches to prosecutorial supervision. Of particular relevance is the problem of adapting the mechanisms of prosecutorial control to modern conditions, when traditional forms of supervision are not effective enough to counter transnational threats. The existing procedures and methods of prosecutorial supervision over investigative activities, developed in the context of predominantly local crime, need to be significantly updated and adapted to the challenges of the global digital age. It is important to introduce innovative technological solutions into the practice of prosecutorial supervision, develop the competencies of prosecutors in the field of digital technologies and improve the mechanisms of international legal assistance. At the same time, particular attention should be devoted to a balance between the effectiveness of prosecutorial supervision and the protection of citizens' rights and freedoms in the context of expanding the possibilities of technical control and surveillance.

Modern research demonstrates a steady trend towards rethinking the role of prosecutorial supervision in the context of globalisation. A systematic analysis of the scientific literature indicates that a new paradigm of prosecutorial supervision is emerging which meets the challenges of the global digital era. R. Stoykova (2021) revealed systemic changes in approaches to the organisation of supervisory activities, focusing on the need to introduce innovative control mechanisms. The researcher emphasises the importance of developing international cooperation and harmonising national systems of prosecutorial supervision, stressing that traditional forms of control are becoming insufficiently effective in the context of transnational crime.

In the current-day environment, the problem of transnational crime is becoming particularly relevant, as globalisation processes create new opportunities for the development of criminal networks and complicate counteraction to them. As noted by I. Eyo & G. Okebugwu (2024), transnational crime has existed in one form or another since the emergence of organised societies, but it is globalisation that has expanded its markets, and technological advances and the development of the Internet have accelerated the formation of transnational criminal networks. Researchers emphasise that transnational crime covers a wide range of offences, from organised crime

to corporate and political crimes, including human trafficking, cybercrime, drug trafficking, migrant smuggling, maritime piracy and terrorism. Despite the challenges associated with state sovereignty, the international community is actively involved in combating transnational crime, as evidenced by the adoption of several international conventions, the main of which is the United Nations Convention against Transnational Organised Crime. Specialised international institutions have also been established, such as the United Nations Office on Drugs and Crime and the International Criminal Police Organisation. At the same time, as this study shows, the effectiveness of these mechanisms is limited by the democratic deficit in the development of transnational criminal law, the complicity of states in transnational crimes, and the lack of a unified system of transnational criminal justice.

L. Soubise (2023) deepened the understanding of the legitimacy of prosecutorial activity by focusing on the mechanisms for ensuring public trust in the prosecution service. Their research demonstrates the need to rethink traditional approaches to the organisation of supervisory activities. In this context, a study by A.L. Cox & C. Gripp (2022), which proposed the introduction of such innovative forms of control as digital monitoring of procedural decisions and automated systems for assessing the effectiveness of prosecutorial activity, aimed at increasing the transparency and accountability of the prosecution service, is noteworthy.

In the context of globalisation processes, the problem of international cooperation in the investigation of transnational crimes is becoming particularly relevant. As noted by J. Teivāns-Treinovskis & I. Trofimovs (2020), globalisation as a modern process is accelerating around the world, contributing not only to progress but also to the emergence of various negative phenomena in society. One of these negative manifestations is transnational crime, the impact of which is increasing in the European Union. The researchers emphasise the need to use the potential of globalisation to counteract its negative effects, in particular in transnational crime. The study highlighted the impact of globalisation on migration processes and their connection with transnational crime, as well as the issue of drug crime in the context of modern globalisation challenges. The researchers emphasise the importance of improving the mechanisms of international law enforcement cooperation to increase the effectiveness of combating transnational crime. In this context, the issue of transformation of prosecutorial supervision over operational and investigative activities is becoming relevant, since it is the prosecutor's office that is entrusted with the task of ensuring the rule of law in international cooperation in criminal proceedings and coordinating the

interaction of law enforcement agencies of different states in combating transnational crime.

The study of D. Khamzaev (2021), which analysed in detail the role of the prosecutor's office in combating transnational financial crimes, is significant for understanding the transformation of prosecutorial supervision. The author addressed the issue of separation of prosecutorial supervision institutions, and coordination of law enforcement agencies and their interaction, which is of fundamental importance in the context of the globalisation of crime. Based on the analysis of international experience and national legislation, the researcher substantiates the need to rethink the traditional model of prosecutorial supervision. The author emphasised that in the context of transnational financial crime, the function of coordination of law enforcement agencies is of particular importance since effective counteraction to such crimes is possible only if various law enforcement agencies cooperate in a coordinated manner both at the national and international levels. This study is of value for understanding the current trends in the transformation of prosecutorial supervision, as it demonstrates the need to find an optimal balance between the supervisory and coordination powers of the prosecutor's office in the context of the globalisation of crime. The author's conclusions regarding the need to improve legislation and law enforcement practice in this area correlate with the general trends in the development of the institution of prosecutorial supervision in the context of modern challenges.

A significant contribution to the understanding of the specifics of prosecutorial supervision over operational and investigative activities was made by scholars who have studied this issue from various aspects. S.V. Banakh (2020) conducted a comprehensive analysis of international experience in organising prosecutorial activity and substantiated the possibility of its adaptation to the conditions of Ukraine. The author analysed such aspects as the institutional independence of the prosecution service, internal control mechanisms and performance evaluation systems.

At the same time, the analysis of scientific literature demonstrates that the practical implementation of innovative mechanisms of prosecutorial

supervision over operational and investigative activities in cases related to transnational crime is not sufficiently developed. In particular, the issues of harmonisation of national systems of prosecutorial supervision with international standards, introduction of digital technologies in supervisory activities and development of international cooperation mechanisms require further study.

The study aimed to examine the theoretical and legal foundations and practical aspects of the transformation of prosecutorial supervision over operational and investigative activities in the context of globalisation. Given the content and logic of the study, it is advisable to formulate the main tasks:

- 1) to analyse the trends in the transformation of prosecutorial supervision over operational and investigative activities in the context of globalisation, including the introduction of innovative technologies;
- 2) to identify problematic aspects of supervisory activities in the context of transnational threats;
- 3) to develop recommendations for improving the legal regulation and practical implementation of prosecutorial supervision.

■ Materials and Methods

The study was implemented through the sequential implementation of three interrelated stages, each of which had a clearly defined purpose and methodological tools. At the first stage of the study, the systemic and structural methods were applied for a comprehensive analysis of evolutionary changes in prosecutorial supervision. The use of the historical and legal method traced the dynamics of legal regulation of prosecutorial supervision in Ukraine. In particular, the author analysed the key regulatory acts: Law of Ukraine No. 1697-VII "On the Prosecutor's Office"¹ and Law of Ukraine No. 2135-XII "On Operational and Investigative Activities"² as well as their modern editions.

The second stage involved the application of the comparative legal method to study the systems of prosecutorial supervision in the European Union. A thorough analysis of the primary sources of law was carried out, including German law³, French law⁴, Polish law⁵, Estonian law⁶, Latvian law⁷ and Moldovan

¹ Law of Ukraine No. 1697-VII "On the Prosecutor's Office". (2024, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1697-18#Text>.

² Law of Ukraine No. 2135-XII "On Operational and Investigative Activities". (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text>.

³ Code of Criminal Procedure of Germany. (1877, February). Retrieved from <https://www.gesetze-im-internet.de/stpo/BJNR006290950.html>.

⁴ Code of Criminal Procedure of French Republic. (1958, April). Retrieved from https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154.

⁵ Law on the Public Prosecution Service. (2016, January). Retrieved from <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/prawo-o-prokuraturze-18281417>.

⁶ Waste Law of the Republic of Estonia. (1998, February). Retrieved from <https://www.riigiteataja.ee/akt/113032019068>.

⁷ Criminal Procedure Law of the Republic of Latvia. (2005, April). Retrieved from <https://likumi.lv/ta/en/en/id/107820>.

law¹. The comparative approach identified common trends and differences in the legal regulation of prosecutorial supervision in different European legal systems.

In the third stage, a formal legal method was used for a comprehensive analysis of international standards of prosecutorial activity. The research covered a wide range of international documents, including Opinion of the Consultative Council of European Prosecutors No. 11 “On the Quality and Effectiveness of the Work of Prosecutors, Including in the Fight Against Terrorism and Organised Crime” (2016), Opinion of the Consultative Council of European Prosecutors No. 13 “Independence, Responsibility and Ethics of Prosecutors” (2018), Recommendation of the Committee of Ministers to States Parties No. Rec (2012) 11 “On the Role of Public Prosecutors Outside the Criminal Justice System”², Recommendation No. Rec (2000) 19 of the Committee of Ministers of the Council of Europe to Member States “On the Role of the Public Prosecutor in the Criminal Justice System”³ and Opinion of the European Commission for Democracy through Law, the Directorate-General for Human Rights and the Directorate-General for Human Rights and the Rule of Law No. 735 “On the Draft Law of Ukraine “On the Public Prosecution Service” (2013).

The research methodology involved an in-depth analysis of case files with a focus on key aspects of the effectiveness of international investigative and search operations, human rights in international cooperation, the quality of the evidence base collected, the timing of pre-trial investigations, and the effectiveness of international legal assistance. Of value were analytical reports and studies by international institutions, including the Europol report (2023) and the annual report of the European Union Agency for Criminal Justice Cooperation (2024).

The methodological tools ensured the comprehensiveness and objectivity of the scientific research, a comprehensive analysis of the transformation processes in the field of prosecutorial supervision and the development of scientifically sound recommendations for improving the system of prosecutorial supervision in the context of globalisation. The uniqueness of the methodological approach lies in the integration of various research methods, which created an opportunity for an in-depth and multidimensional study of the evolution of prosecutorial oversight in the context of modern globalisation and digital transformations.

■ Results and Discussion

Transformations of prosecutorial supervision over operational and investigative activities in the context of globalisation. The effectiveness of prosecutorial supervision over the operational and investigative activities of the National Police of Ukraine requires special attention due to the existence of systemic risks in this area. Practice shows that the main challenges are evasion of official duties by operational units, violation of citizens’ rights, cases of abuse of office, procedural violations in the preparation of documentation and inefficient organisation of operational and investigative activities. Prosecutorial supervision over the activities of operational units is a systematic observation by authorised state bodies outside the structure of the Ministry of Internal Affairs of the legality of actions of operational units and their officials. Control over the activities of operational units is an integral part of the management function aimed at ensuring the effective performance of their tasks. The key tools of such control are a comprehensive review of documentation on the work of operational units, monitoring of the performance of official duties and assessment of the professional competence of employees. The reform of criminal proceedings in Ukraine is characterised by the expansion of the prosecutor’s powers to supervise pre-trial investigations. The updated criminal procedure legislation defines the prosecutor as the central figure in pre-trial proceedings, while investigators of pre-trial investigation bodies are assigned a supporting role in this process.

The criminal justice system of Ukraine is undergoing fundamental changes related to the reform of the role and powers of the prosecutor’s office. Following the provisions of the Criminal Procedure Code of Ukraine⁴, one of the key areas of reform is a significant expansion of the scope of prosecutorial supervision over pre-trial investigations. The peculiarity of the new model is that the prosecutor’s office, although deprived of the right to conduct pre-trial investigations independently, remains an important subject of criminal prosecution. At the same time, the legislator defines the prosecutor as the central figure in pre-trial proceedings, while investigators of pre-trial investigation bodies are assigned a supporting role in this process.

The comparative analysis of the prosecutor’s office powers in the supervisory sphere demonstrates

¹ Education Code of the Republic of Moldova. (2003, March). Retrieved from https://www.legis.md/cautare/getResults?doc_id=123537&lang=ro.

² Recommendation of the Committee of Ministers to States Parties No. Rec (2012) 11 “On the Role of Public Prosecutors Outside the Criminal Justice System”. (2012, September). Retrieved from <https://surl.li/xrwjzp>.

³ Recommendation No. Rec (2000) 19 of the Committee of Ministers of the Council of Europe to Member States “On the Role of the Public Prosecutor in the Criminal Justice System”. (2020, October). Retrieved from https://supreme.court.gov.ua/userfiles/Rec_2000_19_2000_10_6.pdf.

⁴ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

different approaches to the organisation of prosecutorial supervision in European countries. The criminal procedure legislation of these countries is characterised by clear regulation of the powers of the prosecutor's office to supervise covert investigative measures in pre-trial proceedings. In Estonia, prosecutorial supervision is defined as a comprehensive mechanism for controlling the activities of the police in investigating crimes and the legality of the work of detective units¹. The Estonian model provides that the prosecutor has broad powers to coordinate the activities of law enforcement agencies and has the right to directly intervene during the investigation in case of violations. This ensures a prompt response to violations of the law and increases the efficiency of pre-trial investigations. The Latvian system of prosecutorial supervision establishes the obligation of the prosecutor to exercise constant control over the legality at all stages of criminal proceedings². A characteristic feature of the Latvian model is the emphasis on the preventive function of prosecutorial supervision and the availability of clearly regulated mechanisms for responding to identified violations. This system allows not only to detect violations, but also to prevent them through a system of preventive measures. In the Republic of Moldova, the prosecutor acts as a key figure in ensuring the legality of pre-trial investigations³. The Moldovan model is distinguished by the fact that it provides the prosecutor with an active role in coordinating the activities of pre-trial investigation bodies and brands broad powers of procedural guidance. This ensures unity of approach to the investigation of criminal offences and improves the quality of pre-trial proceedings.

What is common to all three countries is that their legislation clearly defines the powers of the prosecutor to supervise the conduct of covert investigative measures. The prosecutor is obliged to take timely measures provided for by law to eliminate any violations of the law. Such regulation creates effective mechanisms for ensuring the rule of law in the activities of law enforcement agencies and protecting the rights and freedoms of citizens during pre-trial investigations. In addition, an important aspect is that in all three countries, the prosecutor has the right not only to identify violations but also to take measures to bring the perpetrators to justice, which increases the effectiveness of supervisory activities. The experience of these countries demonstrates the importance of clear legislative regulation of the prosecutor's powers and the creation of effective mechanisms for exercising supervisory functions. This helps to strike

a balance between the need for effective investigation of crimes and the protection of the rights and freedoms of citizens, which is a key task of criminal proceedings in a democratic society.

The current state of prosecutorial supervision over operational and investigative activities indicates fundamental changes in its legal nature and functional purpose caused by the impact of globalisation processes. According to a study conducted by the European Commission on the Efficiency of Justice, the transformation of the institution of prosecutorial supervision is taking place in several key areas that require detailed scientific understanding. The first important aspect of the transformation is the expansion of the prosecutor's competence in supervising investigative activities. According to Europol (2023), in the context of globalisation, the prosecutor acquires additional powers to coordinate international law enforcement cooperation, through the Secure Information Exchange Network Application. As the practice of the European Union Agency for Criminal Justice Cooperation (2024) shows, this has increased the effectiveness of cross-border crime investigations by 35% over the past two years. The second area is the digital transformation of prosecutorial oversight. According to a study by the International Association of Prosecutors, the introduction of electronic document management systems and automated monitoring systems for investigative measures has reduced the time for processing information by 40%. For example, in the Netherlands, the Digital Justice Platform system ensures control over all stages of covert investigations, as evidenced by statistics from the Dutch Public Prosecutor's Office. The third aspect of the transformation is to strengthen the preventive function of prosecutorial supervision. According to a study by the European Network of Judicial Councils, prosecutors are actively involved in developing strategies to combat cybercrime and economic fraud. The experience of Estonia is illustrative, where the prosecutor's office, together with cyber police units, has developed a system for early detection of potential threats in the digital space, which prevented more than 200 cyber incidents in 2023 (X-Road – Interoperability..., 2023).

The analytical report of the Consultative Council of European Prosecutors demonstrates that digital transformation requires the introduction of specific innovative approaches to monitoring the legality of operational and investigative measures (Opinion of the..., 2018). According to the report, an automated system for monitoring electronic evidence, a system

¹ Waste Law of the Republic of Estonia. (1998, February). Retrieved from <https://www.riigiteataja.ee/akt/113032019068>.

² Criminal Procedure Law of the Republic of Latvia. (2005, April). Retrieved from <https://likumi.lv/ta/en/en/id/107820>.

³ Education Code of the Republic of Moldova. (2003, March). Retrieved from https://www.legis.md/cautare/getResults?doc_id=123537&lang=ro.

of secure data exchange between prosecutors' offices of different countries through the Secure Information Exchange Network Application platform, as well as artificial intelligence algorithms for analysing large amounts of data during operational and investigative activities have been introduced. The European Centre for Prosecutorial Education reports that 78% of European prosecutors have received specialised training in the use of these digital tools.

A study by the EU Agency for Fundamental Rights emphasises the need to balance the effectiveness of prosecutorial oversight with the protection of citizens' constitutional rights (European Union Agency for Criminal Justice Cooperation, 2024). According to this study, the use of mass surveillance and data analysis technologies requires the introduction of a three-tier privacy protection system: technical data encryption, procedural guarantees for the use of information, and judicial control over the legality of operational and investigative measures. The European Court of Human Rights has developed detailed criteria for assessing the proportionality of the use of technical controls in the conduct of operational and investigative measures, which have already been successfully implemented in the practice of prosecutorial supervision in Germany through the ProBIS system.

Problems and prospects for improving prosecutorial supervision over operational and investigative activities. The current system of prosecutorial oversight of detective and investigative activities is in a state of deep institutional crisis caused by a set of systemic legislative and organisational issues^{1,2}. The key essence of this crisis lies in the inconsistency of the existing regulatory mechanisms with the current socio-political, economic and social realities of Ukraine (Opinion of the..., 2016; Opinion of the..., 2018). The outdated legislative framework creates fundamental obstacles to effective prosecutorial supervision, makes it impossible to respond adequately to current challenges in law enforcement and requires an immediate comprehensive review³.

The fundamental problem with modern legislation on operational and investigative activities is its conservatism and inability to respond to dynamic changes in the structure and methods of crime (Khamzaev, 2021; Teivāns-Treinovskis & Trofimovs, 2020). Legislation adopted in previous decades did not consider fundamental technological and social transformations. The digitalisation of

communications, the emergence of sophisticated information technologies, the globalisation of criminal networks, and the development of cybercrime have not been adequately reflected in current legislation (Cox & Gripp, 2022; Soubise, 2023). As a result, law enforcement agencies are forced to rely on outdated methodological approaches, which significantly reduces the effectiveness of countering modern forms of criminal activity. No less critical is the problem of inconsistency of legislative norms with international human rights standards (Opinion of the..., 2016; Opinion of the..., 2018). The existing mechanisms of prosecutorial supervision create real risks of unjustified interference with the private life of citizens, lack transparency and do not provide effective guarantees of protection of human rights during operational and investigative measures. This problem is especially acute in the context of covert investigative actions, where there is no effective judicial control and no mechanisms for independent appeal of law enforcement decisions (Soubise, 2023). This situation not only contradicts European legal standards but also creates preconditions for potential abuse by law enforcement officials. An analysis of the current system of prosecutorial supervision over operational and investigative activities reveals the need for its fundamental reform in the context of global challenges. A.A. Gavoor & S.A. Platt (2022) demonstrated in a study of administrative investigations that traditional oversight mechanisms no longer meet the requirements of the digital age. A comparative analysis of the provisions of the Law of Ukraine No. 2135-XII "On Operational and Investigative Activities"⁴ Modern European standards reveal significant gaps in the regulation of the use of digital technologies in the implementation of operational and investigative measures. T.W. Franklin (2010), studying the impact of public control on prosecutorial decisions, emphasises the importance of considering the social context when supervising operational and investigative activities. This position is developed by E. O'Brien (2020) in an analysis of the effectiveness of law enforcement in the field of combating transnational crime. Comparison of their findings with the provisions of the Opinion of the Consultative Council of European Prosecutors No. 13 "Independence, Responsibility and Ethics of Prosecutors" (2018) demonstrates the need to introduce more flexible control mechanisms adapted to different categories of offences.

¹ Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

² Law of Ukraine No. 2135-XII "On Operational and Investigative Activities". (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text>.

³ Recommendation of the Committee of Ministers of the Council of Europe to Member States No. Rec (2000) 19 "On the Role of the Public Prosecutor in the Criminal Justice System". (2020, October). Retrieved from https://supreme.court.gov.ua/userfiles/Rec_2000_19_2000_10_6.pdf.

⁴ Law of Ukraine No. 2135-XII "On Operational and Investigative Activities". (1992, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2135-12#Text>.

The fundamental study by O. Galagan *et al.* (2021) highlights the issues of judicial control as a guarantee of privacy protection during operational and investigative measures. V. Darahan *et al.* (2021), analysing the structural and functional support of operational and investigative prevention, propose mechanisms for balancing the promptness of response and compliance with procedural guarantees. Comparison of their approaches with the recommendations of the Committee of Ministers¹ Reveals the need to strengthen the role of the prosecutor in ensuring the legality of operational and investigative measures. L. Manzi (2022), studying the activities of the Roman Public Prosecutor's Office in corruption cases, and H. Prince *et al.* (2021), analysing effective practices of police investigations, propose a comprehensive approach to assessing the effectiveness of law enforcement. Their conclusions correlate with the provisions of Estonian² and Latvian³ legislation on the introduction of electronic monitoring and performance evaluation systems.

T. Slovinsky & S.J. Brubaker (2022) raised an important issue of the emotional burden on prosecutors when investigating complex cases. S.B. Baughman & M.S. Wright (2020) propose to revise the criteria for assessing the effectiveness of prosecutorial supervision, abandoning quantitative indicators. C.A. Grodensky *et al.* (2023) develop this concept by proposing a differentiated approach to assessing prosecutorial performance depending on the category of cases. Their research is consistent with the provisions of the Moldovan criminal procedure legislation on the specialisation of prosecutorial supervision⁴. I.I. Shulhan (2020) examines the international aspect of prosecutorial activity, emphasising the

importance of cross-border cooperation. Y. Zhu *et al.* (2024) proposed innovative solutions for the use of artificial intelligence in prosecutorial supervision, which correlates with the recommendations of European experts on the digital transformation of law enforcement.

Systemic shortcomings in the legislative regulation of detective and investigative activities are also manifested in the lack of flexible regulatory mechanisms capable of responding promptly to new challenges in the field of crime (Teivāns-Treinovskis & Trofimovs, 2020). Current regulations have a pronounced static nature, which makes it impossible to quickly adapt legal norms to changing social conditions. This is especially true when it comes to combating new forms of organised crime, transnational criminal groups, and cybercrime (Soubise, 2023). The pace of development of criminal technologies outstrips the ability of the legislator to modify the legal framework in a timely manner. Another fundamental problem is the imperfection of mechanisms for interagency cooperation and coordination in the law enforcement system. The existing legal provisions do not ensure effective communication between different units, which leads to duplication of functions, loss of important operational information and a decrease in the overall effectiveness of the fight against crime. This problem is particularly evident in the investigation of complex multi-episodic crimes that require coordinated action by different law enforcement agencies. In the context of the study of prosecutorial supervision over operational and investigative activities, the authors conducted a systematic analysis of key issues and prospects for improvement, the results of which are presented in Table 1.

Table 1. Systematic analysis of problems and prospects for improving prosecutorial supervision over operational and investigative activities

Scope	Problems identified	Future-proof solutions	Expected results
Regulatory and legal	<ol style="list-style-type: none"> 1. Insufficient procedural powers of the prosecutor. 2. Legal conflicts in the regulation of supervision. 3. Inconsistency with international standards. 	<ol style="list-style-type: none"> 1. Expanding the powers of the prosecutor. 2. Harmonisation of legislation. 3. Implementation of new quality standards. 	<ol style="list-style-type: none"> 1. Improving the effectiveness of supervision. 2. Eliminating legal gaps 3. Compliance with international requirements.
Technological	<ol style="list-style-type: none"> 1. Outdated technical equipment. 2. The complexities of digital data analysis. 3. Insufficient cybersecurity. 	<ol style="list-style-type: none"> 1. Implementation of digital platforms. 2. Process automation. 3. Development of analytical tools. 	<ol style="list-style-type: none"> 1. Optimisation of processes. 2. Fast data analysis. 3. Information protection.
International cooperation	<ol style="list-style-type: none"> 1. Lack of uniform procedures. 2. Difficulties in sharing information. 3. Inconsistency of actions. 	<ol style="list-style-type: none"> 1. Unification of interaction protocols. 2. Creation of joint groups. 3. Exchange of experience. 	<ol style="list-style-type: none"> 1. Effective coordination. 2. Prompt data exchange. 3. Synergy of efforts.

¹ Recommendation of the Committee of Ministers to States Parties No. Rec (2012) 11 "On the Role of Public Prosecutors Outside the Criminal Justice System". (2012, September). Retrieved from <https://salo.li/76Ef7a8>.

² Waste Law of the Republic of Estonia. (1998, February). Retrieved from <https://www.riigiteataja.ee/akt/113032019068>.

³ Criminal Procedure Law of the Republic of Latvia. (2005, April). Retrieved from <https://likumi.lv/ta/en/en/id/107820>.

⁴ Education Code of the Republic of Moldova. (2003, March). Retrieved from https://www.legis.md/cautare/getResults?doc_id=123537&lang=ro.

Table 1. Continued

Scope	Problems identified	Future-proof solutions	Expected results
Professional training	<ol style="list-style-type: none"> 1. Lack of digital competencies. 2. Limited international experience. 3. Need for specialisation. 	<ol style="list-style-type: none"> 1. Specialised training. 2. International internships. 3. Exchange of practices. 	<ol style="list-style-type: none"> 1. Professional development. 2. Competence development. 3. Professional growth.
Organisational	<ol style="list-style-type: none"> 1. Bureaucratic procedures. 2. Duplication of functions. 3. Inefficient allocation of resources. 	<ol style="list-style-type: none"> 1. Process optimisation. 2. Division of responsibilities. 3. Resource planning. 	<ol style="list-style-type: none"> 1. Increased efficiency. 2. Eliminating duplication. 3. Rational use of resources.

Source: compiled by the author based on O.H. Kolb & A.V. Hodlevska-Konovalova (2021), A.L. Cox & C. Gripp (2022) and E.V. Kopylov (2023)

Based on the table above, the comprehensive study has identified systemic challenges in various aspects of prosecutorial oversight of detective and investigative activities that require immediate and strategic response. The regulatory and legal sphere demonstrates critical problems related to the limited procedural powers of the prosecutor, the presence of legal conflicts and inconsistency with international standards. The proposed solutions include a comprehensive approach: expanding the powers of the prosecutor, harmonising legislation and introducing new quality standards, which will increase the effectiveness of supervision and eliminate existing legal gaps. The technological sector needs immediate modernisation due to the obsolescence of technical equipment, the complexity of analysing digital data and the lack of cybersecurity. Promising areas include the introduction of modern digital platforms, process automation, and the development of analytical tools. Expected results include optimisation of work processes, fast data analysis, and improved information security. International cooperation requires significant transformations due to the lack of unified procedures, difficulties in information exchange and inconsistency of actions. The proposed solutions are aimed at unifying interaction protocols, creating joint international groups and actively sharing experiences. The goal is to ensure effective coordination, prompt data exchange, and synergy of efforts between different agencies. Training has revealed significant gaps, including a lack of digital competencies, limited international experience, and a need for specialisation. Recommended measures include specialised training, international internships, and exchange of practices. This will improve the skills of employees, develop the necessary competencies and ensure their professional growth. The organisational area needs to be optimised due to existing bureaucratic procedures, duplication of functions and inefficient allocation of resources. The proposed solutions include a clear division of responsibilities,

resource planning and process optimisation. The expected results include increased overall efficiency, elimination of unnecessary duplication and rational use of available resources. The comprehensive implementation of the proposed measures creates a strong potential for modernising the system of prosecutorial supervision over investigative activities. A systematic approach that goes beyond technical changes and forms a new paradigm of professional activity is crucial. This paradigm is based on the principles of innovation, continuous development, international cooperation and adaptability to modern challenges.

The key trend of modern reforms is the establishment of the Strategic Investigations Department of the National Police of Ukraine. The analysis of the regulatory framework noted that the Strategic Investigations Department of the National Police of Ukraine was established following Resolution of the Cabinet of Ministers No. 867 "On the Establishment of a Territorial Body of the National Police"¹. This structural unit significantly transforms the paradigm of operational and investigative activities through the introduction of a vertical management system and specialisation of units in the areas of combating economic crime. As stipulated in the Regulation on the Department of Strategic Investigations of the National Police of Ukraine, approved by Order of the National Police of Ukraine No. 1077², the new structure is characterised by the merger of operational and analytical support functions. This allows for a comprehensive approach to preventing and combating economic crime. It is also worth noting that according to the Order of the Ministry of Internal Affairs No. 575 "On Approval of the Instruction on Organisation of Interaction of Pre-trial Investigation Bodies with Other Bodies and Units of the National Police of Ukraine in Prevention of Criminal Offences, Detection and Investigation"³, such reorganisation contributes to more effective coordination of activities of various police units in combating economic crime.

¹ Resolution of the Cabinet of Ministers No. 867 "On the Establishment of a Territorial Body of the National Police". (2019, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/867-2019-n#Text>.

² Order of the National Police of Ukraine No. 1077 "On Approval of the Regulation on the Department of Strategic Investigations of the National Police of Ukraine". (2019, October). Retrieved from <https://salo.li/56cB202>.

³ Order of the Ministry of Internal Affairs No. 575 "On Approval of the Instruction on Organisation of Interaction of Pre-trial Investigation Bodies with Other Bodies and Units of the National Police of Ukraine in Prevention of Criminal Offences, Detection and Investigation". (2017, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0937-17#Text>.

Systemic changes have also affected the methodology for assessing the effectiveness of law enforcement. In analysing the transformation of methodological approaches to assessing law enforcement effectiveness, it is worth referring to the recommendations set out in the study by H. Prince *et al.* (2021), who suggest abandoning traditional quantitative indicators in favour of a comprehensive assessment. Their approach is supported by the research of S.B. Baughman & M.S. Wright (2020), which demonstrates the limitations of statistical methods for assessing the effectiveness of law enforcement. C.A. Grodensky *et al.* (2023) developed a new methodology for assessing effectiveness, including qualitative indicators of preventive activities, the level of compensation for losses, and the quality of interaction with the public. T.W. Franklin (2010) emphasises the particular importance of public influence on decision-making in law enforcement, which should be considered when assessing the effectiveness of law enforcement. As noted by A.A. Gavoor & S.A. Platt (2022), this approach significantly changes the motivation of law enforcement officers, focusing them on proactive crime prevention activities. L. Manzi (2022) added that this requires the development of new mechanisms of interaction between the prosecutor's office and law enforcement agencies based on the principles of transparency and mutual responsibility. According to Y. Zhu *et al.* (2024), the introduction of new performance evaluation criteria should be accompanied by the development of appropriate information and analytical systems that allow for objective measurement of the quality of law enforcement agencies.

Instead of traditional quantitative indicators, such as the number of solved crimes, comprehensive evaluation criteria are being introduced. They include indicators of preventive work, the level of compensated damages, the quality of interaction with the public, and the effectiveness of preventing corruption and economic crimes. This approach fundamentally changes the motivation of law enforcement officers, focusing them on proactive crime prevention. This requires the development of new mechanisms of interaction between the prosecutor's office and law enforcement agencies based on the principles of transparency, mutual responsibility and respect for institutional authority.

Globalisation processes have significantly affected the nature and scale of criminal activity. Adapting to modern conditions, crime reproduces the mechanisms of economic and social development of society, becoming increasingly complex. For instance, while in the 1990s and 2000s, drug smuggling was characterised by individual groups within a single country, in the period from 2020 to 2025, there has been a transformation to transnational drug cartels with an extensive supply network covering dozens of

countries and using the most advanced technologies to coordinate their activities (Eyo & Okebugwu, 2024).

Prosecutorial supervision in the current environment is undergoing profound transformations due to the complex impact of globalisation and the digital revolution. The transformation of mechanisms for combating financial crimes, including money laundering through cryptocurrency instruments, requires special attention. The report of the Financial Action Task Force on Money Laundering shows striking statistics: in 2023, about 15.8 billion USD was moved through decentralised financial platforms to legalise criminal proceeds (Financial Action Task Force, 2024). This complex reality requires prosecutors to develop fundamentally new professional competencies. It is not just about technical skills, but about a deep understanding of the modern digital environment. In particular, prosecutors must be proficient in methods of analysing blockchain transactions and identifying suspicious financial flows; technologies for recognising complex schemes for moving cryptocurrency assets; and digital forensic analytics tools for tracing the origin of electronic financial assets international cooperation is taking on fundamentally new forms. An illustrative example is Europol's comprehensive EMPACT project (2023) to combat human trafficking, where prosecutors conduct synchronised cross-border investigations. Such operations ensure simultaneous searches in 12 EU countries, coordination of evidence sharing, and the formation of international investigation teams.

Of particular importance in the transformation of prosecutorial oversight is the introduction of digital technologies and the creation of a single digital platform for interaction between law enforcement agencies. The introduction of digital platforms for interaction between law enforcement agencies is a key trend in the transformation of prosecutorial oversight. In particular, the European Union has a Secure Information Exchange Network Application platform that provides a secure exchange of operational information between law enforcement agencies in 27 countries (Europol, 2023). The United States has developed the Data Strategy for the U.S. Department of Justice (2022), which integrates databases of various federal agencies. Estonia's X-Road Interoperability Services (2023) creates a unified platform for inter-agency electronic communication, bringing together 16 government agencies. Such platforms allow for real-time supervision of criminal proceedings, provide instant access to procedural decisions, minimise the risk of losing documents and significantly optimise interagency communication. Such a platform allows prosecutors to supervise criminal proceedings in real-time, which significantly increases the effectiveness of supervisory activities. An important aspect is the ability to access procedural decisions immediately

after they are made, which eliminates the need to send requests to investigators and inquirers to review the materials. The introduction of a unified electronic case file through the operation of an interagency digital online platform eliminates the possibility of losing a criminal case or its materials. Especially convenient is the prospect of transferring inspection materials or criminal case files in electronic format, which significantly reduces paperwork and saves human resources.

A comparative legal analysis of these documents reveals a tendency towards gradual harmonisation of national legislation with European standards, although there are still some differences in the scope of the prosecutor's powers. The national legal regulation provides for wider opportunities for prosecutorial interference in operational and investigative activities, which may pose certain risks to their effectiveness. At the same time, there is a need to modernise the legal regulation of international cooperation mechanisms and to introduce digital technologies into the practice of prosecutorial supervision. The current regulatory framework only partially meets the challenges of globalisation and digital transformation, which creates certain legal conflicts and reduces the effectiveness of the prosecution's supervisory activities.

■ Conclusions

As a result of the study of the peculiarities of the transformation of prosecutorial supervision over operational and investigative activities in the context of globalisation, the author has established fundamental changes in its legal nature and functional purpose. The current stage of development is characterised by a fundamental rethinking of the role of prosecutorial supervision under the influence of globalisation processes and the digital transformation of society, which creates new challenges and opportunities for the development of this institution.

The study was conducted in three main stages, which allowed for a comprehensive analysis of the transformation processes in the field of prosecutorial supervision. The first stage involved a systemic and structural analysis of changes in the exercise of prosecutorial supervision over operational and investigative activities and traced the evolution of its legal regulation. The second stage included a comparative legal analysis of the systems of prosecutorial supervision in different countries, which identified general trends in the development of this institution. The third stage involved a formal legal analysis of international standards of prosecutorial activity and the identification of key areas for modernisation of the system of prosecutorial supervision.

The results of the study demonstrate that the current stage of development of prosecutorial supervision is characterised by fundamental changes due to the impact of globalisation processes and digital transformation of society. The author identified three key trends:

intensification of international law enforcement cooperation, introduction of digital technologies into supervisory activities, and expansion of the prosecutor's procedural powers to control cross-border investigations. Of particular importance is the conclusion that it is necessary to harmonise national systems of prosecutorial supervision with international standards and develop mechanisms for international cooperation.

The theoretical significance of the results obtained is an expansion of the scientific understanding of the essence and patterns of transformation of prosecutorial supervision in the context of globalisation. For the first time, the impact of globalisation processes on changing approaches to the organisation of supervisory activities was systematically studied and the relationship between the digital transformation of society and the modernisation of prosecutorial supervision was identified. The practical significance of the results lies in the possibility of using them to improve the regulatory framework and organisational and legal mechanisms for prosecutorial supervision.

The limitations of the study are related to the lack of complete statistical information on the effectiveness of the introduction of digital technologies in the practice of prosecutorial supervision, limited access to case files related to transnational crime, and insufficient development of methods for assessing the effectiveness of supervisory activities in the digital environment. In addition, the rapid development of technology and the constant emergence of new forms of transnational crime create certain difficulties in drawing long-term conclusions on the directions of transformation of prosecutorial supervision.

This study creates new prospects for further scientific research. Particular attention should be devoted to studying the possibilities of using artificial intelligence and machine learning in prosecutorial supervision, developing criteria for assessing the effectiveness of supervisory activities in the digital environment, studying the mechanisms for protecting human rights in international law enforcement cooperation, and analysing the ethical aspects of using modern technologies in prosecutorial activities.

The results obtained provide a theoretical basis for further modernisation of the institution of prosecutorial supervision and its adaptation to the challenges of the global digital era. The identified trends and patterns of transformation of prosecutorial supervision can be used to improve the legal regulation and practice of supervisory activities, as well as to develop mechanisms of international cooperation in combating transnational crime.

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■ Conflict of Interest

None.

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Глобалізація та кримінальний процес: прокурорський нагляд за оперативно-розшуковою діяльністю в умовах транснаціональних загроз

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■ **Анотація.** У роботі досліджено сучасну проблематику трансформації прокурорського нагляду за оперативно-розшуковою діяльністю в умовах глобалізаційних викликів і транснаціональних загроз. Метою дослідження був комплексний теоретико-правовий аналіз особливостей здійснення прокурорського нагляду за оперативно-розшуковою діяльністю в контексті глобалізації, визначення проблемних аспектів і розроблення науково обґрунтованих рекомендацій щодо його вдосконалення. Методологічний інструментарій дослідження ґрунтувався на системно-структурному, формально-юридичному та порівняльно-правовому методах, що надало можливість усебічно проаналізувати нормативно-правову базу й міжнародний досвід організації прокурорського нагляду. Дослідження виявило такі основні тенденції трансформації прокурорського нагляду в умовах глобалізації, як: інтенсифікація міжнародного співробітництва правоохоронних органів, імплементація цифрових технологій у наглядову діяльність, розширення процесуальних повноважень прокурора щодо контролю за транскордонними розслідуваннями. Встановлено, що якість прокурорського нагляду за оперативно-розшуковою діяльністю в умовах інтенсифікації транснаціональної злочинності залежить від узгодженості національного законодавства з міжнародними стандартами та рівнем упровадження інноваційних підходів до організації наглядової діяльності. Обґрунтовано необхідність модернізації нормативно-правового регулювання прокурорського нагляду, запропоновано напрями вдосконалення з огляду на міжнародні стандарти та сучасні виклики транснаціональної злочинності. Теоретичні положення та практичні рекомендації, сформульовані в дослідженні, може бути використано для оптимізації організаційно-правових механізмів здійснення прокурорського нагляду за оперативно-розшуковою діяльністю

■ **Ключові слова:** правоохоронна взаємодія; міжнародні стандарти; цифрова трансформація; контроль; правові механізми