

UDC 342.9

DOI <https://doi.org/10.32849/2663-5313/2023.7.15>**Viacheslav Chornei,***Postgraduate student at Scientific Institute of Public Law**2a Heorhii Kirpa Street, Kyiv, Ukraine, 03055**viacheslavchornei@ukr.net***ORCID ID:** 0000-0002-2124-1237

ESSENCE AND IMPORTANCE OF FORMING A PERSONNEL RESERVE OF THE PUBLIC PROSECUTION SERVICE

Abstract. Purpose. The purpose of the article is to clarify the essence and reveal the importance of forming the personnel reserve of the prosecution authorities relying on the analysis of scientific views of scholars and the provisions of current legislation. To achieve this, it is necessary to solve the following tasks: to reveal the general purpose of forming the personnel reserve of the prosecution authorities; to analyse the provisions of current Ukrainian legislation, and on this basis to reveal the list and content of the tasks of forming the personnel reserve of the prosecution authorities. **Results.** It is established that the purpose of forming the personnel reserve of the prosecution authorities is to ensure legal, organisational and economic conditions for the smooth functioning of this institution with a view to promptly and efficiently filling vacant positions in the institution under study. In accordance with the above goal, the tasks of the relevant activities are formulated. The key tasks of forming the staffing of the prosecution bodies are the following: to ensure stability and continuity of the work of the prosecution and its bodies; to quickly close gaps in the system of staffing of the prosecution; to increase the level of competitiveness of prosecutors; to create conditions under which employees will have the opportunity for career growth; to encourage prosecutors to perform their duties more efficiently and effectively; to ensure effective strategic planning in shaping and implementing the personnel policy of the prosecution authorities. **Conclusions.** To sum up, it is the tasks outlined in the article that most meaningfully characterise the practical aspects of the activities aimed at forming the personnel reserve of the prosecution authorities. However, a significant drawback at the theoretical and practical level is the fact that the relevant tasks and functions have not found their legislative consolidation. It is well-reasoned that the significance of forming a personnel reserve of the prosecution authorities is that it makes the following possible: first, to ensure the smooth operation of this institution; second, to create conditions under which the prosecution will not experience a shortage of personnel, which in turn will allow it to respond more quickly to difficult situations; third, to provide incentives for the continuous professional development of prosecutors.

Key words: personnel, personnel reserve, prosecutor's office, goal, tasks, essence.

1. Introduction

One of the most important tools for ensuring proper functioning of the prosecution authorities is the creation of a stable staff of this agency. This is because the effectiveness of the performance of tasks by each individual prosecutor directly affects the protection of human and civil rights and freedoms in our country. Moreover, it should be noted that the formation of the personnel reserve of the prosecution authorities is a complex activity, the essence of which is revealed in a clearly defined goal, the achievement of which should be preceded by the solution of specific tasks. In our opinion, these categories most meaningfully characterise the practical content of the activity under study.

Some problematic issues related to the formation of the personnel reserve of the prosecution authorities have been considered in the sci-

entific works by: I.L. Bulyk, O.O. Harmatiuk, V.V. Dzhyba, T.D. Dobrovolskyi, M.V. Kosiuta, A.F. Kryzhanovskyi, V.V. Shtuchnyi, M.K. Yaky-mchuk and many others. However, despite the significant theoretical contribution, the issue of clarifying the essence of forming the personnel reserve of the prosecution bodies remains insufficiently studied in the scientific literature.

The purpose of the article is to clarify the essence and reveal the importance of forming the personnel reserve of the prosecution authorities relying on the analysis of scientific views of scholars and the provisions of current legislation. To achieve this, it is necessary to solve the following tasks: to reveal the general purpose of forming the personnel reserve of the prosecution authorities; to analyse the provisions of current Ukrainian legislation,

and on this basis to reveal the list and content of the tasks of forming the personnel reserve of the prosecution authorities.

The scientific novelty of the article is that it further elaborates the theoretical approach to determining the essence of forming the personnel reserve of the prosecution bodies.

2. The goal of forming a personnel reserve for the prosecution bodies

To begin our research, we note that in the most general and simplified sense, a goal is the ultimate, desired result that subjects seek to achieve in the process of implementing an activity. From the perspective of philosophy, the category "goal" is also defined ambiguously. For example, a goal is defined as an ideal reflection of the desired future result of human actions (Borzenko, 1982, p. 8). O.M. Bandurka believes that "the goal, purpose is the desired state of the object of influence or the final desired result of the management process, and the desired result depends on the reality, legality and correctness of its definition" (Bandurka, 1998, p. 16). According to T.M. Kravtsova, the goal of management should be understood as the occurrence of such a desired state or level of development of the social system, which should be achieved as a result of implementation of management decisions. Consequently, the author continues that without a defined goal, the management process has no meaning and significance (Kravtsova, 2004, p. 327). Z.Ye. Shershniova argues that "a goal is one of the elements of human behaviour and conscious activity, characterised by foresight, imagination of the consequences of activity, ways to achieve the desired and necessary results with the help of a certain list of means. The category of "goal" has many interpretations, for example, as a motive, desire, direction, method. In management, a goal also has many definitions, most commonly understood as a forward-looking idea that is assessed as possible to be realised. The practical aspect of goal setting is to focus on the integration of efforts and, with its help, combine the diverse actions of both an individual and the organisation in general into a certain orderly system or process. The goal is the initial position determined by the system of relations between the subject and the object of management, since their interrelations are characterised by the dialectic of the goal, means and result" (Shershniova, 2004, p. 205).

Accordingly, the goal of forming the personnel reserve of the prosecution authorities should be understood as the final, desirable, and at the same time specific result sought to be achieved by the actors authorised to perform the relevant activities. Therefore, the goal of forming the personnel reserve of the prose-

cution authorities is to ensure legal, organisational and economic conditions for the smooth functioning of this institution with a view to promptly and efficiently filling vacant positions in the institution under study. The achievement of this goal should be preceded by the solution of specific tasks.

According to *New Explanatory Dictionary of the Ukrainian Language*, a "task" is: "1) a defined, planned scope of work; 2) a purpose, intention" (Iarenenko, Slipushko, 1986). From a philosophical perspective, a task is not just a task, but a "social task", which makes it closer to the area under consideration, and it is interpreted in this sense "as a need for a subject (society, social community, individual) to perform certain activities in the future", and a goal is "an ideal, primarily determined result of human activities aimed at transforming reality in accordance with a person's conscious need. The goal is a direct internal motive for human activities" (Philosophical dictionary, 1986, p. 756). V.O. Klymkov comes to the conclusion that "a task is a goal, the achievement of which is desirable by the appropriate time within the period for which the management decision is designed. The task indicates the immediate goal of the organisation, which can be quantified. Moreover, according to the scientist, tasks are a set of requirements for decision-making in a particular situation" (Klymkov, 2010, p. 99). According to V.V. Shylov, "tasks are also goals, but they are much smaller in scope and more clearly defined. For example, while the aim (goals) are strategic in nature, the tasks are tactical, since it is the tasks that influence the choice of forms, ways and methods of action (behaviour) of the actors performing them. Following this logic, it can be stated that each individual task can serve as an intermediate goal, for the achievement of which its own system of tasks is built. That is, tasks are always derived from the goal, and the goal is set subjectively, based on social needs. In other words, in order to achieve the goal, it is necessary to solve a number of tasks." (Shylov, 2014, p. 98).

Therefore, the tasks are specific micro-goals, the solution of which precedes the achievement of the overall ultimate goal. The literature review does not reveal a unified approach to the list of tasks for the formation of the personnel reserve in the prosecution service. However, there are quite different approaches to the general list of relevant tasks, regardless of the sector of public life in question. For example, V.A. Savchenko argues that the main tasks of forming a personnel reserve are: "identification of persons among the employees of the organisation who have the potential for appointment to a managerial or key position; training of persons

enrolled in the managerial reserve for managerial positions; ensuring timely filling of vacant managerial positions from competent and capable employees; attracting younger employees to key positions; creating appropriate conditions for the continuity and sustainability of management of the organisation and its units". (Savchenko, 2015). According to O.O. Harmatiuk and O.M. Chura, the main tasks of forming and managing the bank's personnel reserve are: timely replacement of vacant positions with new employees; ensuring the stability of the bank's management and all its divisions; appointment of competent employees (Chura, Harmatiuk, 2016).

3. Key tasks of forming the staff of the prosecutor's office

In accordance with the Regulations on the personnel reserve of Sumy State Pedagogical University named after A.S. Makarenko, the main tasks of forming the university's personnel reserve are as follows: to identify professionally trained and promising administrative, managerial, teaching, pedagogical, scientific and other employees who can perform professional activities in managerial positions in the future; to organise effective professional training of employees included in the personnel reserve; to create conditions for stimulating employees to move up the career ladder and develop; to ensure systematic filling of vacancies while maintaining the continuity of management (Regulations on the personnel reserve of Sumy State Pedagogical University named after A.S. Makarenko, adopted by the decision of the academic council of the university, 2020).

Therefore, relying on the analysis of scientific views of scientists and the provisions of the current legislation, we believe that the key tasks of forming the staffing of the prosecution bodies are the following:

- Ensure stability and continuity of the work of the prosecution and its bodies. The solution to this task is of great importance, especially given the important tasks performed by this institution in the course of its activities. In addition, it is the formation of a personnel reserve that allows for the rapid recruitment of the necessary specialists to ensure an effective response to crisis situations, such as serious offences, terrorist threats, military aggression, etc. Therefore, it is undeniable that having qualified prosecutors ready to act contributes to stability and control of the situation;

- Close gaps in the system of staffing of the prosecution quickly. The issue of staffing of the prosecutor's office is perhaps the main factor for the most effective implementation of its functions to guarantee all human and civil

rights, ensure strict observance of the fundamental principle of the rule of law and further participation in the development of a democratic state, and therefore it is necessary to optimise the process of selection of prosecutors, take measures to simplify and speed up the competition procedures, and to actualise the issue of returning the institution of training for the prosecutor's office (Adamiv, 2023).

- Increase the level of competitiveness of prosecutors. Competitiveness of an employee is a concept that reflects the degree of attractiveness, advantages, ability to meet the high requirements of a competitive market, ability to withstand comparison, opposition to competitors in a clearly defined field of activities by specific features and properties. And a competitive specialist is an employee who has certain advantages over other specialists performing similar work in identifying qualities, properties, results of personal productive activity to ensure maximum efficiency of the organisation, enterprise, firm (Dubko, 2004, p. 6);

- Create conditions under which employees will have the opportunity for career growth. In general, a career is understood as an employee's subjectively conscious judgements about his or her labour future, expected ways of self-expression and job satisfaction. In other words, according to V.Y. Malynovskyi, a career is a gradual advancement of an employee up the career ladder, a change in qualification opportunities, skills, abilities and the amount of remuneration associated with his or her activities. The concept of career does not imply a mandatory and constant progression up the organisational hierarchy. In other words, a career is an individually perceived position and behaviour related to work experience and activities during a person's working life (Malynovskyi, 2000, p. 258). The scientific perspective of O.S. Prodaievych is interesting, as he concludes: "an official career is a purposeful promotion of a person in the civil service regulated by law to realise public interests and meet personal interests by filling a higher position or assigning a higher rank (Prodaievych, 2008, p. 12). The importance of the career development of prosecutors is due to the following factors: firstly, it reflects the growth of the level of professional skills, knowledge and abilities, which makes them more effective in solving complex tasks; secondly, it implies an increase in the level of responsibility, as well as more thorough performance of their duties and greater attention to detail; Third, career promotion is not only a motivator for the quality performance of duties, but also ensures stability in the work of prosecutors; fourth, it allows retaining valuable staff and using their experience in the future.

– Encourage prosecutors to perform their duties more efficiently and effectively. L.V. Mohilevskyi argues that incentives are public recognition of merit, rewarding, and granting of public honour to persons holding the rank of private or commander of the internal affairs bodies of the prosecutor's office in connection with their success in performing work and official tasks in the form of incentives, benefits and advantages established by the current special legislation (Mohilevskyi, 2008). In the context of the study, incentives are also provided by the fact that being in the personnel reserve, prosecutors feel important and have prospects of receiving various kinds of rewards;

– Ensure effective strategic planning in shaping and implementing the personnel policy of the prosecution authorities. Strategic planning is an adaptive process that ensures regular development and adjustment of a system of rather formalised plans, revision of the content of measures for their implementation based on continuous monitoring and evaluation of changes occurring outside and inside the system. Strategic planning covers a system of long-term, medium-term and short-term plans, projects and programmes (Zbukar, 2010). Therefore, strategic planning in formulating and implementing personnel policy of the prosecution offices is an important stage in the management of human resources aimed at achieving the strategic goals and objectives of this institution. The initial stage of strategic planning is the analysis of the prosecution bodies' staffing needs. This is important to determine what kind of specialists are needed, their qualification level and number.

These goals may include staff development, leadership development, motivation and performance improvement for prosecutors. To achieve these goals, a strategy is developed that includes specific measures and methods.

Implementing the HR strategy involves a number of steps. For example, it may include the selection and recruitment of new staff in accordance with the needs of the prosecution service, the organisation of training programmes to improve skills, the improvement of the performance evaluation system, and the creation of a system of motivation and career development. Once the strategy is implemented, it is necessary to monitor and evaluate the implementation of the tasks and achievement of the goals.

One of the important aspects of strategic planning is adaptation to changes. HR policy should be flexible and adaptive to changes in legislation.

4. Conclusions

To sum up, it is the tasks outlined in the article that most meaningfully character-

ise the practical aspects of the activities aimed at forming the personnel reserve of the prosecution authorities. However, a significant drawback at the theoretical and practical level is the fact that the relevant tasks and functions have not found their legislative consolidation.

Therefore, the significance of forming a personnel reserve of the prosecution authorities is that it makes the following possible: first, to ensure the smooth operation of this institution; second, to create conditions under which the prosecution will not experience a shortage of personnel, which in turn will allow it to respond more quickly to difficult situations; third, to provide incentives for the continuous professional development of prosecutors.

References:

Adamiv, Yu. (2023). Aktualni pytannia kadrovoho potentsialu prokuratury Ukrainy [Current issues of personnel potential of the Prosecutor's Office of Ukraine]. *Ukrainskyi chasopys konstytutsiinoho prava*. Retrieved from <https://www.constjournal.com/wp-content/uploads/issues/2023-2/pdfs/5-yuliia-adamiv-aktualni-pytannia-kadrovoho-potentsialu-prokuratury-ukrainy.pdf> (in Ukrainian).

Bandurka, O.M. (1998). *Upravlinnia v orhanakh vnutrishnikh sprav Ukrainy* [Management in internal affairs bodies of Ukraine]. Kharkiv: Un-t vnutr. sprav (in Ukrainian).

Borzenko, A.V. (1982). *Problema tsely v obshchestvennom razvytyi* [The problem of goals in social development]. K.: Naukova dumka (in Ukrainian).

Chura, O.M. Harmatiuk, O.O. (2016). *Orhanizatsiia roboty z kadrovym rezervom u bankivskykh strukturakh* [Organization of work with personnel reserve in banking structures]. Ternopil: TNTU (in Ukrainian).

Dubko, L.A. (2004). *Konkurentospromozhnist sluzhbovtziv v umovakh rynkovoï ekonomiky* [Competitiveness of employees in the conditions of a market economy]. *Candidate's thesis*. K.: TNTU (in Ukrainian).

Filosofskyi slovnyk [Philosophical dictionary]. 1986. K.: Holovna redaktsiia URE

Iaremenko, V.V., Slipushko, O.S. (1986). *Novyi Tlumachnyi slovnyk ukrainskoi movy u chotyrokhtomakh 42 000 sliv* [The new explanatory dictionary of the Ukrainian language in four volumes, 42,000 words]. Kyiv: vyd-vo «Akonit» (in Ukrainian).

Klymkov, V.O. (2010). *Orhanizatsiino-pravovi zasady diialnosti spetsialnogo orhanu z pytan bankrutstva* [Organizational and legal principles of the activity of a special body on bankruptcy issues]. *Candidate's thesis*. K.: KNEU (in Ukrainian).

Kravtsova, T.M. (2004). *Administratyvno-pravovi zasady zdiisnennia derzhavnoi rehuliatornoï polityky v sferi hospodariuvannia* [Administrative and legal principles of the implementation of state regulatory policy in the field of economy]. *Doctor's thesis*. Kh.: Natsionalnyi un-t vnutrishnikh sprav. (in Ukrainian).

Malynovskiy, V.Ia. (2000). Derzhavne upravlinnia [State administration]. Lutsk: Vol. derzh. un-tu im. Lesi Ukrainky Candidate's thesis. Odesa (in Ukrainian).

Mohilevskiy, L.V. (2008). Yednist i dyferentsiatsiia pravovoho rehulivannia trudovykh vidnosyn pratsivnykiv orhaniv vnutrishnikh sprav Ukrainy [Unity and differentiation of the legal regulation of labor relations of employees of internal affairs bodies of Ukraine]. *Candidate's thesis*. Kharkiv (in Ukrainian).

Polozhennia pro kadrovyy rezerv sumskoho derzhavnogo pedahohichnogo universytetu imeni A.S. Makarenka, ukhvalene rishenniam vchenoi rady universytetu protokol № 7 vid 28 hrudnia 2020 roku [Regulations on the personnel reserve of Sumy State Pedagogical University named after A.S. Makarenko, adopted by the decision of the academic council of the university, protocol No. 7 of December 28, 2020].

(2020). Retrieved from [sspu.edu.ua](https://sspu.edu.ua/images/2020/doc/01/polozhennya_pro_kadrovyy_rezerv_8fad7.pdf). https://sspu.edu.ua/images/2020/doc/01/polozhennya_pro_kadrovyy_rezerv_8fad7.pdf (in Ukrainian).

Savchenko, V.A. (2015). Rozvytok personalu [Personnel development]. K.: KNEU (in Ukrainian).

Shershnova, Z.Ie. (2004). Stratehichne upravlinnia [Strategic management]. K.: KNEU (in Ukrainian).

Shylov, V.V. (2014). Tsili ta zavdannia profilaktychnoho napriamku diialnosti orhaniv prokuratury [Goals and objectives of the preventive direction of activities of the prosecutor's office]. *Nashe pravo*, no. 8. pp. 94–99 (in Ukrainian).

Zbukar, V.P. (2010). Vzaiemodiia orhaniv mistsevoho samovriaduvannia v stratehichnomu planuvanni rozvytku terytorii [Interaction of local self-government bodies in strategic planning of territorial development]. *dys. ... kand. yuryd. nauk*. Kharkiv (in Ukrainian).

Вячеслав Чорней,

здобувач Науково-дослідного інституту публічного права

Київ, 03035, вул. Г. Кірпи, 2А

viacheslavchornei@ukr.net

ORCID ID: 0000-0002-2124-1237

СУТНІСТЬ ТА ЗНАЧЕННЯ ФОРМУВАННЯ КАДРОВОГО РЕЗЕРВУ ОРГАНІВ ПРОКУРАТУРИ

Анотація. Мета. Мета статті полягає у тому, щоб спираючись на аналіз наукових поглядів вчених та норм чинного законодавства, з'ясувати сутність та розкрити значення формування кадрового резерву органів прокуратури. Для досягнення вказаної мети необхідно вирішити наступні завдання: розкрити загальну мету формування кадрового резерву органів прокуратури; здійснити аналіз норм чинного законодавства України, на основі чого розкрити перелік та зміст завдань формування кадрового резерву органів прокуратури. **Результати.** Встановлено, що метою формування кадрового резерву органів прокуратури є забезпечення правових, організаційних та економічних умов для безперебійного функціонування даної інституції задля шляхом оперативного та якісного заміщення вакантних посад у досліджуваній інституції. Відповідно до вказаної вище мети сформульовано завдання здійснення відповідної діяльності. Ключовими завдання формування кадрового складу органів прокуратури є наступні: забезпечити стабільність та безперервність роботи прокуратури та її органів; швидко перекривати прогалини у системі кадрового забезпечення прокуратури; збільшити рівень конкурентоспроможності працівників прокуратури; створити умови, за яких працівники матимуть можливість кар'єрного росту; заохоти працівників прокуратури до більш якісного та ефективного виконання своїх посадових обов'язків; забезпечити ефективне стратегічне планування у сфері формування та реалізації кадрової політики органів прокуратури. **Висновки.** Узагальнено, саме окреслені у статті завдання найбільш змістовно характеризують практичні бік діяльності спрямованої на формування кадрового резерву органів прокуратури. Втім, як суттєвий недолік на теоретичному та практичному рівні відзначено той факт, що відповідні завдання та функції не віднайшли свого законодавчого закріплення. Аргументовано, що значення формування кадрового резерву органів прокуратури полягає у тому, що за його допомогою вбачається можливим: по-перше, забезпечити безперебійну роботи цієї інституції; по-друге, створити умови, за яких прокуратура не буде відчувати кадрового дефіциту, що в свою чергу дасть можливість швидше реагувати на складні ситуації; по-третє, забезпечити стимулювання до постійного професійного зростання прокурорів.

Ключові слова: кадри, кадровий резерв, органи прокуратури, мета, завдання, сутність.