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# Вопросы конституционного, муниципального, административного и финансового права

Научная статья

Научная специальность

5.1.2 «Публично-правовые (государственно-правовые) науки»

УДК 343.163; 340.5

DOI <https://doi.org/10.26516/2071-8136.2023.2.23>

## TERRITORIAL AND SPECIALIZED PROSECUTOR'S OFFICES OF RUSSIA AND CHINA: SIMILARITIES AND DIFFERENCES

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The comparative analysis of the current state of the system of territorial and specialized prosecutor's offices in the Russian Federation and the People's Republic of China is carried out. It is noted that the model of the USSR Prosecutor's Office is the starting point for the prosecutor's offices of the Russian Federation and the People's Republic of China. In this regard, attention is drawn to the presence of both significant similarities and significant differences due to the development of territorial and specialized prosecutor's offices in the studied states, taking into account national characteristics. The comparative analysis of territorial and military, transport and other specialized prosecutor's offices is carried out. Trends in the development of specialized prosecutor's offices in the People's Republic of China are noted.

*Keywords:* prosecutor's office of the Russian Federation, people's prosecutor's office of the people's Republic of China, territorial prosecutor's offices, specialized prosecutor's offices, military prosecutor's offices, transport prosecutor's offices.

## ТЕРРИТОРИАЛЬНЫЕ И СПЕЦИАЛИЗИРОВАННЫЕ ПРОКУРАТУРЫ РОССИИ И КИТАЯ: СХОДСТВА И РАЗЛИЧИЯ

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Проведен сравнительный анализ современного состояния системы территориальных и специализированных прокуратур в Российской Федерации и Китайской Народной Республике. Отмечается, что для прокуратур Российской Федерации и Китайской Народной Республики исходной является модель прокуратуры СССР. В связи с чем обращается внимание на наличие как существенного сходства, так и значительных отличий, обусловленных развитием территориальных и специализированных прокуратур в исследуемых государствах с учетом национальных особенностей. Проведен сравнительный анализ территориальных и военных, транспортных и иных специализированных прокуратур. Отмечены тенденции развития специализированных прокуратур в Китайской Народной Республике.

*Ключевые слова:* прокуратура РФ, народная прокуратура КНР, территориальные прокуратуры, специализированные прокуратуры, военные прокуратуры, транспортные прокуратуры.

Anticipating the research, it should be noted that the current systems of building territorial and specialized prosecutor's offices in Russia and China have significant similarities as well as differences. The similarities are primarily due to the influence of representatives of the Soviet legal school on the construction of the PRC state apparatus system, as well as on the formation of the system of prosecutor's offices<sup>1</sup>. Nevertheless, the differences in the construction of the system of the prosecutor's office were due to the construction peculiarities of state apparatus, administrative-territorial division, and later the subsequent rupture of ties between the USSR and the PRC. Thus, we support the conclusion that regardless of the fact that the PRC system of prosecutor's offices initially followed the model of

the Soviet Union's prosecutor's office it had a certain specificity of organization and functions and with the collapse of the USSR these features began to show emerge more [3, p. 16-24].

The analysis of the current dynamics of the development of legislative regulation of the researched area, publications in the legal literature indicates the ongoing search in both countries for an optimal model for building a system of territorial and specialized prosecutor's offices. Considering the nature of the research, it can be said the key issue is the basics of building a system of prosecutor's offices in Russia and China.

In the case of Chinese legal sources, there are a significant number of sources that deal with the organization of the prosecutor's office, which shows that the legislator has devoted considerable attention to this area of social relations.

<sup>1</sup> Soviet lawyers in China (1949–1960) // Problems of the Far East. 2019. Iss. 6. P. 142–149. <https://doi.org/10.31857/S013128120008001-2> URL: <https://pdv.jes.su/S013128120008001-2-1> (date of access: 24.05.2021).

Given the nature of the research, the following sources are of most interest for analysis: the Constitution of the PRC of December 4, 1982<sup>1</sup>; the Law of the PRC on the Organization of the People's Prosecutor's Office<sup>2</sup>; the Law of the PRC on Prosecutors<sup>3</sup>.

First of all, a significant difference in comparison with domestic legislation is evident from the analysis of constitutional provisions on the organization of the prosecutor's office in the states under consideration.

In the Constitution of the PRC, as in the Constitution of the RF<sup>4</sup>, issues of the basics of the organization of the prosecutor's office are located in the section devoted to the court and the prosecutor's office<sup>5</sup>. At the same time, it should be noted that the direct constitutional regulation of the foundations of the People's Prosecutor's Office in the PRC is more detailed than in Russia.

Thus, in the Russian Federation, the constitutional regulation of the system of prosecutor's offices appears to be very concise and has a reference character, since in accordance with part 1 Article 129 of the Constitution of the Russian Federation, the Prosecutor's Office of the Russian Federation is a unified federal centralized system of bodies, the organization and procedure of which are determined by federal law. Given these constitutional provisions the issues of building a system of territorial and specialized prosecutor's offices are regulated mainly by the Federal Law of January 17, 1992. "On the Prosecutor's Office of the Russian Federation" (hereinafter – the Law on the Prosecutor's Office of the Russian Federation)<sup>6</sup>.

As in Russian law, part 3 of Article 135 of the Constitution of the PRC contains a reference norm whereby the issues of building people's prosecutor's

offices are regulated by the relevant law, which is the Law of the PRC on the Organization of the People's Prosecutor's Office.

Another peculiarity of the texts of the basic laws of the countries of interest is the different approach to consolidation of the status of the supreme body of the prosecutor's office. If the Constitution of the Russian Federation, as amended in 2020, gives priority attention to the appointment of the Prosecutor General and his deputies, other prosecutors (part "e1" of Article 83, article 129 of the Constitution of the RF), the distinctive feature of the text of the Constitution of the PRC is the consolidation of the status of the Supreme People's Prosecutor's Office as the highest body of prosecutor's supervision directs the work of local people's prosecutor's offices and special people's prosecutor's offices (Article 137 of the Constitution of the PRC).

At the same time, Article 138 of the Constitution of the PRC establishes an essential feature of the legal position of the prosecutor's office in the system of the state apparatus. This is the norm on the responsibility of the Supreme People's Prosecutor's Office to the National People's Congress and its permanent body – the Standing Committee of the National People's Congress. This, together with the provision contained in the above-mentioned norm of the Constitution of the People's Republic of China on the responsibility of local prosecutor's offices to the local public authorities that created them, as well as higher prosecutor's offices, indicates the subordination of the prosecutor's office as a system to the highest representative body of government of the country, and lower prosecutor's offices, at the same time, to higher prosecutor's offices and territorial governing bodies. This system demonstrates the principle of "double subordination", which in the Constitution of the PRC is called the principle of democratic centralism (article 3 of the Constitution of the PRC), which has a significant impact on the independence of the functioning of the Prosecutor's Office in the PRC. As a consequence of this basic rule, the prosecutor's offices are formed by the assemblies of people's representatives, responsible and controlled by them.

This principle is similarly implemented in other provisions of the Constitution of the PRC, for example, the norm on control over the activities of the Supreme People's Prosecutor's Office by the National People's Congress (paragraph 6 of Article 67). The latter also has the right to elect and dismiss the Supreme Prosecutor of the Supreme People's Prosecutor's Office (paragraph 9 of Article 62, paragraph 6 of Article 63)<sup>7</sup>.

<sup>1</sup> 中华人民共和国宪法 The Constitution of the People's Republic of China : adopted at the fifth session of the National People's Congress of the Fifth Convocation on Dec. 1982 (with ed. dated March 11, 2018). = Official website of the State Council of the People's Republic of China. URL: [http://www.gov.cn/guoqing/2018-03/22/content\\_5276318.htm](http://www.gov.cn/guoqing/2018-03/22/content_5276318.htm) (date of access: 10.10.2022).

<sup>2</sup> 中华人民共和国人民检察院组织法 The Law of the People's Republic of China on the Organization of the People's Prosecutor's Office: adopted on July 1, 1979 at the Second Plenum of the National People's Congress of the Fifth Convocation (with amendments from October 26, 2018). = Official website of the State Council of the People's Republic of China. URL: [http://www.gov.cn/xinwen/2018-10/27/content\\_5334899.htm](http://www.gov.cn/xinwen/2018-10/27/content_5334899.htm) (date of access: 10.10.2022).

<sup>3</sup> 中华人民共和国检察官法 The Law of the People's Republic of China on Prosecutors : adopted at the twelfth meeting of the Standing Committee of the NPC of the eighth convocation on February 28, 1995 (with amendments from April 23, 2019). = Official website of the State Council of the People's Republic of China. URL: [https://www.spp.gov.cn/zdgz/201904/t20190423\\_415970.shtml](https://www.spp.gov.cn/zdgz/201904/t20190423_415970.shtml) (date of access: 10.10.2022).

<sup>4</sup> The Constitution of the Russian Federation : adopted by popular vote on 12 Dec. 1993 (with amendments, approval. during the general discussion. voting on July 1, 2020) // Official Internet portal of legal information : [website]. URL: <http://www.pravo.gov.ru> (date of access: 10.10.2022).

<sup>5</sup> For more information about the constitutional regulation of the Prosecutor's office in Russia and China before the constitutional reforms, see [1].

<sup>6</sup> About the Prosecutor's Office of the Russian Federation : feder. Law N 2202-1 of January 17, 1992 (with amendments from June 11, 2022) // Official Internet portal of legal information : [website]. URL: <http://www.pravo.gov.ru> (date of access: 10.10.2022).

<sup>7</sup> 中华人民共和国宪法 Constitution of the People's Republic of China : adopted at the fifth session of the National People's Congress of the Fifth Convocation on Dec. 1982 (with ed. dated March 11, 2018). = Official website of the State Council of the People's Republic of China. URL: [http://www.gov.cn/guoqing/2018-03/22/content\\_5276318.htm](http://www.gov.cn/guoqing/2018-03/22/content_5276318.htm) (date of access: 10.10.2022).

Approaches to the constitutional regulation of the system of lower-level prosecutor's offices also differ in the Constitutions of the RF and the PRC. From the enumeration of the positions of prosecutors contained in paragraphs "z" of Articles 102 and 129 of the Constitution of the RF, it can be indirectly concluded about the presence in the system of the Prosecutor's Office of the RF of the Prosecutor General's Office, prosecutor's offices of subjects equated to them military and other specialized prosecutor's offices, as well as prosecutor's offices of cities and districts and prosecutor's offices equated to them. In contrast to the Constitution of the RF in article 135 the Constitution of the PRC directly establishes the system of people's prosecutor's offices, which includes the Supreme People's Prosecutor's Office, local people's Prosecutor's offices, military prosecutor's offices and other specialized prosecutor's offices.

In addition, the text of the Constitution of the PRC directly establishes the mandatory rule of subordination of lower-level prosecutor's offices to higher ones (Article 137 of the Constitution of the PRC).

Consequently, a common feature of the constitutional provisions of the PRC and Russia is the indication of the existence of a system of territorial prosecutor's offices, considering the administrative-territorial division of states. This conclusion follows from the systemically hierarchical consolidation of the posts of prosecutors in the text of the Constitution of the RF and the accumulating phrase "local prosecutor's offices" in the text of the Constitution of the PRC. The texts of both normative sources trace the legacy of the Soviet model of building prosecutor's offices in relation to specialized prosecutor's offices, as indicated by the presence of military and other specialized prosecutor's offices. Turning to the analysis of the special laws of the RF and the PRC on the organization of prosecutor's offices, it should be noted that, unlike Russia, the legal status of prosecutors in the PRC are regulated by the special Law of the PRC on Prosecutors, which discloses the rights and duties of prosecutors, a list of positions in the prosecutor's office, requirements for candidates for the positions of prosecutors and assistants, as well as the order of admission to the service and removal from office, certification, etc<sup>1</sup>.

Thus, in contrast to Russian legislation, the legislation of the PRC has legally differentiated of the organizational foundations for the construction of the prosecutor's office and the legal status of the prosecutor's office staff.

<sup>1</sup> 中華人民共和國檢察官法 The Law of the People's Republic of China on Prosecutors : adopted at the twelfth meeting of the Standing Committee of the NPC of the eighth convocation on February 28, 1995 (with amendments. from April 23, 2019). = Official website of the Supreme People's Prosecutor's Office of the People's Republic of China. URL: [https://www.spp.gov.cn/zd gz/201904/t20190423\\_415970.shtml](https://www.spp.gov.cn/zd gz/201904/t20190423_415970.shtml) (date of access: 10.10.2022).

As follows from the provisions of paragraph 1 of Article 11 of the Law on the Prosecutor's Office of the RF, subordinate to the Prosecutor General's Office of the Russian Federation is:

1. Subsystem of territorial prosecutor's offices, which may include:

- 1) prosecutor's offices of the subjects of the RF;
- 2) city and district prosecutors' offices, as well as other territorial prosecutor's offices.

2. Subsystem of specialized prosecutor's offices, which may consist of:

- 1) military and other specialized prosecutor's offices equated to the prosecutor's offices of the subjects of the RF;
- 2) other military and other specialized prosecutor's offices.

It should be noted that the word "may" was not chosen by chance, since the Law on the Prosecutor's Office of the RF refers the issues of directly determining the list of territorial and specialized prosecutor's offices to the exclusive competence of the Prosecutor General of the Russian Federation (paragraph 2 of Article 11 of the Law on the Prosecutor's Office of the RF).

The Law of the PRC on the Organization of the People's Prosecutor's Office in Articles 12 and 13 establishes the following system of local (territorial) and special (specialized) People's Prosecutor's offices of the Republic, subordinate simultaneously to the Supreme People's Prosecutor's Office and the governing bodies of the PRC:

1. Local Prosecutor's offices:

1) people's prosecutor's office at the provincial level, including people's prosecutor's office of provinces, autonomous regions and cities of central subordination;

2) people's prosecutor's office of cities with district divisions, including people's prosecutor's office of cities of provincial subordination and subordination to autonomous regions, as well as branches of people's prosecutor's office of provinces, autonomous regions and municipalities directly subordinate to the Central Government;

3) people's prosecutor's office of the initial level, including people's prosecutor's office of counties, cities not divided into districts, municipal districts.

2. Specialized prosecutor's offices, such as military ones.

As we can see, unlike Russian legislation, the links of the system of people's special prosecutor's offices are not disclosed in the Organizational law in any way. Article 15 of the Law of the PRC on the Organization of the People's Prosecutor's Office contains a reference norm the establishment and competence of specialized prosecutor's offices are regulated by the Standing Committee of the National

People's Congress. At the same time, the research found, the absence of this provision in relation to the railway prosecutor's offices.

In addition, unlike Russian legislation, by virtue of the above-mentioned principle of democratic centralism, the Law of the PRC on the Organization of the People's Prosecutor's Office reveals the procedure for coordination between the prosecutor's office and the administrative bodies of administrative-territorial units of the PRC at various levels of the establishment of local prosecutor's offices (Articles 16-18).

There are also special norms on the specifics of the establishment of prosecutor's offices in Xinjiang Production and Construction Corps (Article 14), as well as in prisons, detention centers, etc. (Article 17).

Thus, common for both prosecutor's office systems is the construction of subsystems of territorial prosecutor's offices, considering the administrative-territorial division of the state. Also, both organizational laws directly contain norms on the establishment of specialized military prosecutor's offices and do not mention specific types of other specialized prosecutor's offices.

The following points can be pointed out as peculiarities of the legislative regulation: issues of the establishment of the Prosecutor's office in Russia fall within the competence of the Prosecutor General of the RF, while in the PRC it is the competence of Supreme Prosecutor's Office and the governing bodies of the corresponding administrative-territorial unit. The system of specialized prosecutor's offices in Russia is also the sphere of competence of the Prosecutor General and in the PRC it is attributed to the competence of the representative government.

Considering the above, the analysis of subsystems of specialized prosecutor's offices existing in both states is of the greatest interest for the research.

The modern system of military prosecutor's offices of the PRC traditionally follows the system of the military administration of the state<sup>1</sup>. Military prosecutor's offices are subordinate to the Central Military Council of the PRC (Political and Legal Affairs Commission) and the Supreme People's Prosecutor's Office<sup>2</sup>. The main distinguishing feature, in comparison with Russia, is that in 2016 in the PRC, the reform of military administration bodies was carried out and instead of military districts, armies of 5 theaters

were established, built on the principle of uniting all branches of the armed forces in a particular region (Eastern, Southern and Northern – "land, air sea", 2 (Western, Central – "land air")<sup>3</sup>. As a result of these changes, the system of military courts and prosecutor's offices have also undergone reform<sup>4</sup>.

Currently, the system of military prosecutor's offices of the PRC consists of three links:

1) The Military Prosecutor's Office of the People's Liberation Army of China (hereinafter - the PLA of the PRC);

2) six military prosecutor's offices of the PLA of the PRC (the first and second military prosecutor's offices operate on the territory of the Western Theater);

3) 25 basic military prosecutor's offices of the PLA of the PRC.

The structure of the subsystem of military prosecutor's offices in Russia (Article 36 of the Law on the Prosecutor's Office of the RF) is also three-tier:

1) The Main Military Prosecutor's Office (on the rights of the Prosecutor General's Office of the Russian Federation);

2) military prosecutor's offices of military districts, fleets, Strategic Missile Forces, the Moscow City Military Prosecutor's Office, the military Prosecutor's office of the United group of Troops (forces) and other military prosecutor's offices equated to the prosecutor's offices of the subjects of the RF;

3) military prosecutor's offices of associations, formations, garrisons and other military prosecutor's offices equated to the prosecutor's offices of cities and districts.

Note that in accordance with the Decree of the President of the RF June 5, 2020 No. 374 "On the military-administrative division of the Russian Federation", five military districts (Western, Southern, Central, Eastern, Northern Fleet) have been formed in Russia, therefore, there is a lack of traditional synchronicity of the construction of military prosecutor's offices according to the system of military administration bodies, unlike the military prosecutor's offices in the PRC, where the reform took place in parallel<sup>5</sup>.

The specific feature of the construction of the military prosecutor's office in the RF is the establishment, on the rights of the prosecutor's offices of

<sup>3</sup> 军事法院、检察院已调整组建运行，打破行政隶属着眼惩腐肃贪 = Changing the organizational foundations and functioning of military courts and the military Prosecutor's Office, in order to eliminate administrative subordination, to eradicate corruption. URL: [https://www.thepaper.cn/newsDetail\\_forward\\_1499973](https://www.thepaper.cn/newsDetail_forward_1499973) (date of access: 10.10.2022).

<sup>4</sup> For example 石家庄军事检察院 正式调整组建运行 = The Military Prosecutor's Office of Shijiazhuang has officially completed the change of organization and authority. URL: [https://www.sohu.com/a/105829803\\_382256](https://www.sohu.com/a/105829803_382256) (date of access: 10.10.2022).

<sup>5</sup> On the military-administrative division of the Russian Federation : Decree of the President of the Russian Federation N 374 dated 05.06.2020 // Official Internet portal of legal information. URL: <http://www.pravo.gov.ru> (date of access: 10.10.2022).

<sup>1</sup> The modern structure of the PLA is taken according to information from the official website of the Ministry of National Defense of the People's Republic of China. URL: <http://www.mod.gov.cn/index.htm> (date of access: 10.10.2022).

<sup>2</sup> 军事法院、检察院已调整组建运行，打破行政隶属着眼惩腐肃贪 = Changing the organizational foundations and functioning of military courts and the military Prosecutor's Office, in order to eliminate administrative subordination, to eradicate corruption. URL: [https://www.thepaper.cn/newsDetail\\_forward\\_1499973](https://www.thepaper.cn/newsDetail_forward_1499973) (date of access: 10.10.2022).



the subjects of the RF, of the prosecutor's offices of the combined groups of troops (forces), as was done during the counter-terrorist operation in the North Caucasus<sup>1</sup>, as well as a special military operation<sup>2</sup>.

Regarding the differences in the parallel organization of the military-administrative division of the Russian Federation and the military prosecutor's office, it can be assumed with a certain degree of confidence that the most likely will be the reform of the subsystem of military prosecutor's offices in Russia will be carried out in order to eliminate this contradiction. It can be also be noted that one of the results of the reform of the military administration bodies in the PRC and, as a consequence, the reform of the subsystem of the military prosecutor's office was the consolidation of the basic unit of both inter-related subsystems of the state apparatus. Another distinctive feature of the organization of the military prosecutor's office in the PRC is their subordination simultaneously to the Supreme People's Prosecutor's Office and the supreme bodies of military administration. This approach is also the embodiment of the constitutional principle of democratic centralism mentioned earlier.

Traditionally, the system of specialized prosecutor's offices in the PRC consisted of military and railway prosecutor's offices, the other of the special prosecutor's offices did not form independent subsystems and were considered as an element of local prosecutor's offices. The experience of organizing transport prosecutor's offices in the USSR had a significant impact on the construction of the system of people's prosecutor's offices of the railways of the PRC.

Turning to the system of transport prosecutor's offices in Russia, then an significant feature of their current organization is the presence of two models. The first consists of two links: transport prosecutor's offices of the district level equated to the prosecutor's offices of the subjects of the RF and transport prosecutor's offices of the basic level equated to city and district prosecutor's offices<sup>3</sup>. The second model

<sup>1</sup> About the organization of the activities of the military prosecutor's offices of the United Group of Troops (forces) in the North Caucasus: Order of the Main Military Prosecutor's Office of the Prosecutor General's Office of the Russian Federation dated 09.09.2002 N 249 // Electronic fund of regulatory, technical and regulatory information of the Consortium "Codex" URL: <https://docs.cntd.ru/document/901970137> (date of access: 21.03.2023).

<sup>2</sup> Information about the Military Prosecutor's Office of the United Group of Troops (forces) // Electronic service "Transparent Business" of the Federal Tax Service of the Russian Federation URL: <https://pb.nalog.ru/search.html#quick-result?queryAll=1226100029275&mode=search-all&page=1&pageSize=10> (date of access: 21.03.2023).

<sup>3</sup> It should be noted that in the literature there is an opinion that the system of transport prosecutor's offices is three-tier, and as the third (highest) link is called the Department for Supervision of the Enforcement of Laws on Transport and in the customs sphere of the Prosecutor General's Office of the Russian Federation. We believe that this unit of the Prosecutor General's Office is not endowed with identical powers in status, as, for example, in the system of military Prosecutor's offices, the Main Military Prosecutor's Office. Therefore, it is difficult to agree with this position. See [2].

is the prosecutor's offices subordinate to the territorial prosecutor's offices of the level of the subject of the Russian Federation (currently the Prosecutor's office of the Moscow Metro and the Prosecutor's Office of the St. Petersburg Metro). While in Russia the spheres of competence of transport prosecutor's offices include railway, air, river transport, as well as the customs sphere, in the PRC the railway prosecutor's offices traditionally functioned only in relation to railway transport.

With the development of high-tech transport infrastructure necessary for the operation of high-speed rail transport and, as a result, with a significant increase in the requirements for ensuring the safety of its operation in the PRC, followed by a reduction in the load on the railway prosecutor's office, the question arose about the expediency of their further operation. As we shall see, the Russian experience has also been used in the search for the optimal sphere of activity of the reformed people's prosecutor's offices of railways.

The modern reform of the system of people's prosecutor's offices of railways was a consequence of the judicial reform (reform of the court and prosecutor's office) carried out in the PRC and began on December 8, 2010 with the adoption of the Central Organizational Department, the Supreme People's Court, the Supreme People's Prosecutor's Office, the Ministry of Finance, the Ministry of Labor and Social Security and the Ministry of Railways the Conclusion on several issues related to the reform management systems of people's prosecutor's offices of railways<sup>4</sup>. After the initial phase of the reform by June 30, 2012, 17 people's prosecutor's offices of mid-level railways and 59 main-level prosecutor's offices were transferred to 29 provincial people's prosecutor's offices for territorial administration. As a result, the two-level railway prosecutor's offices have now become directly subordinate to the people's prosecutor's offices of the provinces (autonomous regions and provinces). The people's prosecutor's offices of the provincial level of the local prosecutor's offices currently manage the railway prosecutor's offices through the railway prosecutor's offices of the second level, and where they do not operate, they directly the activities of the people's prosecutor's offices of railways of the main link. In addition, the previous system of linking the construction of the railway prosecutor's office, which corresponded to the construction of the railway management bodies of the PRC, was eliminated. The result of the judicial reform was also the elimi-

<sup>4</sup> 最高检：我国铁检管理体制取得重大进展 Supreme Prosecutor's Office: significant results have been achieved in the reform of the railway Prosecutor's Office in the country = Official website of the State Council of the People's Republic of China. URL: [http://www.gov.cn/jrzq/2012-07/02/content\\_2175242.htm](http://www.gov.cn/jrzq/2012-07/02/content_2175242.htm) (date of access: 10.10.2022).

nation of the interconnection of railway courts and people's prosecutor's offices of railways with railway transport management bodies, their administrative-territorial structure, which positively affected the independence and autonomy of the activities of people's prosecutor's offices of railways.

As a result of the ongoing reform, which also affected the structure of the Supreme People's Prosecutor's Office, the Main Railway Prosecutor's Office was abolished in 2018<sup>1</sup>.

The Fourth Plenum of the Eighteenth Central Committee of the Communist Party of China, the Resolution of the CPC Central Committee on the promotion of state governance based on laws was adopted, which served as the basis for determining the way of further reform, including specialized courts, as well as prosecutor's offices in transport<sup>2</sup>. Section 4 of this Resolution refers to the need to develop the existing experience of establishing courts and prosecutor's offices on the extraterritorial principle, which are responsible for major disputes in civil, administrative and commercial cases. It should be noted that this Resolution also formulates an instruction to consolidate in the procedural legislation the right of the prosecutor's office to appear in court in defense of public interests. In addition, the task of establishing a system of intellectual property rights protection was formulated.

Note that the development of specialized prosecutor's offices in transport in the PRC is taking place in parallel with the change in the organizational foundations and competence of the railway courts system<sup>3</sup>.

This experience, in view of the recognition of its results as positive, is planned to be improved, which will become a possible option for the development of the future of the people's prosecutor's offices of the railways of China<sup>4</sup>.

<sup>1</sup> Reform of the internal structure of the Supreme Prosecutor's Office: creation of the first- tenth Prosecutor's offices 最高检公布内设机构设置: 设第一至第十检察厅 实行捕诉一体 = The official website of the Supreme People's Prosecutor's Office of the People's Republic of China. URL: [https://www.spp.gov.cn/spp/zdgz/201901/t20190103\\_404250.shtml](https://www.spp.gov.cn/spp/zdgz/201901/t20190103_404250.shtml) (date of access: 10.10.2022).

<sup>2</sup> 中共中央关于全面推进依法治国若干重大问题的决定 = The decision of the Central Committee of the Communist Party of China on certain important issues of comprehensive rule of law: adopted at the fourth plenary session of the Central Committee of the Communist Party of China of the eighteenth convocation on October 23, 2014. URL: [http://www.gov.cn/xinwen/2014-10/28/content\\_2771714.htm](http://www.gov.cn/xinwen/2014-10/28/content_2771714.htm) (date of access: 10.10.2022).

<sup>3</sup> 北京上海将设跨行政区划人民法院和检察院 = Interdepartmental people's courts and prosecutor's offices will be established in Beijing and Shanghai // Portal of information on the activities of the Courts of the People's Republic of China (with the support of the Supreme People's Court of the People's Republic of China). URL: <https://www.chinacourt.org/article/detail/2014/12/id/1522956.shtml> (date of access: 10.10.2022).

<sup>4</sup> 张德利: 继续深入推进跨行政区划检察院改革 = Zhang D. Continue to deepen the reform of inter-administrative grassroots prosecutor's offices. URL: [http://www.spp.gov.cn/spp/zdgz/201712/t20171229\\_207829.shtml](http://www.spp.gov.cn/spp/zdgz/201712/t20171229_207829.shtml) (date of access: 10.10.2022).

Statistical data provided by the Third Department of the Shanghai People's Prosecutor's Office indicate the validity of consolidating the competence of railway prosecutor's offices on the extraterritorial and inter-administrative principle, transferring powers to them on a significant amount of issues related to the protection of public interests beyond the transport sector<sup>5</sup>.

Recently, the discussion on the need to reorganize the subsystem of the transport prosecutor's office of Russia has intensified again. It is thought that the experience of reforming the people's prosecutor's office of Railway transport of the PRC can be used in Russia in order to preserve the unique specialized experience of their activities, including by expanding the spheres of their supervisory activities (for example, by assigning off-street and pipeline transport to supervised ones), in order to equalize the load with similar territorial prosecutor's offices.

Turning to the analysis of the construction of subsystems of environmental prosecutor's offices of the studied countries. The subsystem of environmental prosecutor's offices is represented by two models of construction in Russia. The first model is two-link model, the first link, inter-district environmental prosecutor's offices on the rights of district, the second link is basin and interregional prosecutor's offices (Volga basin, Amur basin, Baikal interregional), on the rights of prosecutor's offices of the subjects of the RF. The second model is environmental prosecutor's offices on the rights of district, subordinate to the prosecutor's offices of the subjects of the RF. The prosecutor's offices of similar competence are called forest and land reclamation, consist of two links and are subordinate to the territorial prosecutor's offices at the provincial level in the PRC. At the same time, it should be noted that in the sphere of activity assigned to them, unlike Russian environmental prosecutor's offices, the people's forest and reclamation prosecutor's offices of the PRC exercise all the powers of the prosecutor's office.

If we look for an analogue of the Russian prosecutor's offices for supervision at high-security facilities and the prosecutor's offices of closed administrative-territorial entities with a certain degree of conditionality we can name the previously mentioned prosecutor's offices in the Xinjiang Production and Construction Corps (hereinafter – the XPCC) (Art. 14), since they were established under the paramilitary management bodies of the XPCC,

<sup>5</sup> 年, 全国首家跨行政区划检察院亮出成绩单! = The first Inter-administrative Prosecutor's Office submitted a five-year report! // Official website of the Third Branch of the Shanghai People's Prosecutor's Office. URL: <https://www.sh.jcy.gov.cn/sfjc/jcxw/jcdt/55888.jhtml> (date of access: 10.10.2022).


which allows them to be correlated with the previously existing former model of domestic paramilitary prosecutor's offices, which are currently referred to as prosecutor's offices for the supervision of the execution of laws at high-security facilities.

From the available sources of information, it can be concluded that another distinctive feature of the system of people's prosecutor's offices of the PRC is the absence of an analogue of prosecutor's offices for the supervision of law enforcement in correctional institutions. However, as previously mentioned, Article 17 of the PRC Law on the Organization of the Prosecutor's Office provides for the possibility of establishing people's prosecutor's offices in prisons, detention centers and other places. Consequently, the very possibility of creating people's prosecutor's offices at correctional institutions and detention centers is provided for by the legislation of the PRC.

In addition to these specialized prosecutor's offices, the Kemerovo inter-district prosecutor's office for supervision of the enforcement of laws in the coal mining industry, the Vorkuta inter-district prosecutor's office for supervision of the enforcement of laws in the coal mining industry, as well as the prosecutor's office for supervision of compliance with the laws in the coal mining industry, created with the aim of strengthening supervision of the enforcement of laws in certain industries, are included in the system of the prosecutor's office of Russia with subordination to the relevant prosecutor's offices of the subjects of the RF laws in the Aksaray gas condensate complex. There is also the people's prosecutor's office of the Liaohe oil field of Liaoning province, similar in scope of activity in China.

In conclusion, we note that during the research it was not possible to establish the existence of analogues of the prosecutor's office of the Baikonur complex subordinate to the Prosecutor General's Office of the Russian Federation, as well as the prosecutor's office of the Vostochny cosmodrome subordinate to the prosecutor's office of the Amur region.

Summing up the results of the research, it should be noted that in the context of the initial principles of building a system of territorial and specialized prosecutor's offices, Russia and PRC have more in common than different, which is due to a common initial model – the construction of the Prosecutor's Office of the USSR. Also, the search for an optimal model for building interaction between territorial and specialized prosecutor's offices continues in

both states. The experience of reforming the bodies of the people's prosecutor's office of the PRC, military, railway and other prosecutor's offices, can also be used in the analysis of the construction of promising models of similar subsystems of the Russian prosecutor's office. It should also be noted that the analysis of the reforms of the prosecutor's office carried out in the PRC indicates the implementation of serious, often lengthy preparatory work involving prosecutors, representatives of government and science in order to assess all subsequent advantages and risks, which has a positive effect on the results of the changes. Consequently, a systematic intersectoral approach prevails when reforming the people's prosecutor's office in the PRC. 

## REFERENCES

1. Liu S., Gavrilenko A. A. Comparative study of the organization of the prosecutor's office, the constitutional principles of their activities in China and Russia // Journal of Henan Administrative Institute of Politics and Law. 2010. N 3. PP. 53-56.
2. Prosecutor's supervision. General part : studies. for universities / O. S. Kapinus [and others] ; under the general editorship of O. S. Kapinus. 5th ed., reprint. and additional M. : Yurayt, 2021. p. 71. (Higher education) // EBS "Yurayt" : [website]. URL: <https://urait.ru/bcode/468089> (date of access: 10.10.2022).
3. Zhang Jue. The prosecutor in the modern criminal process. Comparative analysis of the legislation of the Russian Federation and the People's Republic of China : Ph. D. thesis : 12.00.09. M., 2007. 234 p.

## СПИСОК ЛИТЕРАТУРЫ

1. Лю С., Гавриленко А. А. Сравнительное исследование организации органов прокуратуры, конституционных принципов их деятельности в Китае и России // Journal of Henan Administrative Institute of Politics and Law. 2010. № 3. С. 53–56.
2. Прокурорский надзор. Общая часть : учебник для вузов / О. С. Капинус [и др.] ; под общ. ред. О. С. Капинус. 5-е изд., перераб. и доп. М. : Юрайт, 2021. 236 с.
3. Чжан Цзюэ. Прокурор в современном уголовном процессе. Сравнительный анализ законодательства Российской Федерации и Китайской Народной Республики : дис. ... канд. юрид. наук : 12.00.09. М., 2007. 234 с.

*Received on 12.12.2022; approved on 15.02.2023; accepted for publication on 17.05.2023*

*Статья поступила в редакцию 12.12.2022; одобрена после рецензирования 15.02.2023; принята к публикации 17.05.2023*

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