

**CRIMEAN LAW INSTITUTE (BRANCH)
OF THE UNIVERSITY OF THE PROSECUTOR'S OFFICE
OF THE RUSSIAN FEDERATION**



**THE COLLECTION OF MATERIALS
OF THE INTERDEPARTMENTAL ROUND TABLE DISCUSSION
FOR STUDENTS**

**‘PARTICIPATION OF THE PROSECUTOR
IN CIVIL AND ARBITRATION PROCEEDINGS’**

October 22, 2025

Simferopol, 2025

УДК 802.0 (англ)
ББК 81.21. (англ)
К 60

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К 60 Participation of the prosecutor in civil and arbitration proceedings: collection of materials of the interdepartmental roundtable discussion (Simferopol, October 22, 2025) / I. Yu. Khilko, E. S. Kolesnik. – Simferopol: Crimean Law Institute (branch) of the University of the Prosecutor's Office of the Russian Federation, 2025. – 37 p.

The collection of materials of the interdepartmental round table discussion «Participation of the prosecutor in civil and arbitration proceedings», held on October 22, 2025 in Simferopol, includes the abstracts of students of Crimean Law Institute (branch) of University of the Prosecutor's Office of the Russian Federation reflecting the norms of the Civil Procedure Code of the Russian Federation and the Arbitration Procedure Code of the Russian Federation in their comparative aspect through the prism of the activities of the prosecutor.

УДК 802.0 (англ)
ББК 81.21. (англ)

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Российской Федерации, 2025

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INTRODUCTION

Prosecutorial supervision and the multifaceted law enforcement activities of the Prosecutor's Office of the Russian Federation are among of the most important guarantees for the protection of the rights and freedoms of citizens, the lawful interests of legal entities and individual entrepreneurs, public formations, and the state as a whole. Therefore, the state and society are interested in ensuring that the supervisory and other activities of the prosecutor's office are as effective as possible, leading to a real strengthening of legality and law and order.

The participation of the prosecutor in court proceedings outside of criminal proceedings is one of the key areas of activity of the Prosecutor's Office of the Russian Federation. Federal legislation regulates the powers of the prosecutor in the consideration of civil, arbitration, and administrative cases by the courts and the procedure for their implementation.

The collection of materials of the round table discussion 'Participation of the prosecutor in civil and arbitration proceedings', held on October 22, 2025 in Simferopol includes the abstracts of students of Crimean Law Institute (branch) of University of the Prosecutor's Office of the Russian Federation reflecting the norms of the Civil Procedure Code of the Russian Federation and the Arbitration Procedure Code of the Russian Federation in their comparative aspect through the prism of the activities of the prosecutor.

The materials address such issues as the protection of public interests by the prosecutor, the prosecutor's participation in bankruptcy cases, housing disputes and eviction cases, the protection of the rights of minors and incapacitated citizens, and other topics dedicated to the exercise of the prosecutor's powers in the specified types of proceedings.

The purpose of the round table discussion was to implement an interdisciplinary educational approach through an in-depth study of the institution of prosecutorial participation in civil and arbitration proceedings.

A specialist who will constantly improve his knowledge will become competitive and provide himself with many career opportunities.

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ORGANIZATION OF THE WORK OF THE PROSECUTOR'S OFFICE ON PARTICIPATION IN CIVIL PROCEEDINGS

In the legal structure of the Russian Federation, the Prosecutor's Office occupies a central position, performing the crucial function of upholding the rule of law, ensuring the unity of the legal space, and protecting the rights and freedoms of citizens. In the context of the development of the rule of law and the strengthening of the judiciary, the involvement of the prosecutor's office in civil proceedings becomes particularly important. The work of the prosecutor's office not only ensures the observance of the law in the consideration of civil disputes, but also guarantees the implementation of the constitutional rights of citizens to judicial protection, especially for those people who, due to their circumstances, do not have the opportunity to defend their rights independently.

In order to successfully carry out the tasks facing the prosecutor's office in the civil procedure, an effective organization of work is necessary. It implies a precise definition of powers, the availability of a methodological framework, a high level of professionalism among prosecutors, and effective cooperation with other government agencies.

The regulatory framework for the prosecutor's activities in civil proceedings is based on the Constitution of the Russian Federation [1], The Federal Law of January 17, 1992 N 2202-1 'On the Prosecutor's Office of the Russian Federation' (hereinafter referred to as the Federal Law 'On the Prosecutor's Office of the Russian Federation') [2], and procedural legislation, including the Civil Procedure Code of the Russian Federation (CPC RF) [3].

Article 35 of the Federal Law 'On the Prosecutor's Office of the Russian Federation' states that the prosecutor, in accordance with the established procedural rules, participates in court proceedings in general jurisdiction courts, arbitration courts, and administrative proceedings [2].

The Civil Procedure Code of the Russian Federation provides for two main forms of the prosecutor's participation in civil cases.

One of the forms of the prosecutor's participation in civil proceedings is enshrined in Part 1 of Article 45 of the Civil Procedure Code of the Russian Federation and it is the filing a statement by the prosecutor in court to protect the rights, freedoms, and interests of other individuals. This form of participation gives the prosecutor the right to file a statement with the court if, due to health

conditions, incapacity, or other valid reasons, the list of which is uncertain, the citizen is unable to file a statement themselves.

Part 3 of Article 45 establishes another form of the prosecutor's participation in the civil proceedings. This form involves the prosecutor giving a conclusion on the case during the trial. It is important to note that the Civil Procedure Code specifies the cases such as reinstatement or compensation for health damages at work in which the prosecutor can provide a conclusion [4].

The participation of a prosecutor in civil proceedings is characterized by the need for a deep understanding of the procedural aspects, the legal framework, and extensive practical experience in court cases. The prosecutor must possess a wide range of knowledge that encompasses both the procedural intricacies and the requirements of legislation and departmental instructions.

The main reason for the prosecutor's involvement in civil proceedings is to ensure the protection of citizens' rights, as well as the legally protected interests of society and the state, during the civil litigation. This is regulated by the Order of the Prosecutor General of July 10, 2017 N 475 'On Ensuring the Participation of Prosecutors in Civil and Administrative Proceedings' [5].

An appeal to the court is the result of the prosecutor's activity in exercising supervision in various spheres of legal relations, which, in turn, should be regarded as the final stage of prosecutorial supervision activities aimed at protecting the rights of citizens, the interests of society and the state, as well as restoring legality.

The goals and objectives of the prosecutor in the civil procedure are formulated in Article 1 and Chapter 2 of the Federal Law 'On the Prosecutor's Office of the Russian Federation', as well as in Articles 2, 4, and 45 of the Civil Procedure Code of the Russian Federation. At the same time, as with the court, the ultimate goals of the prosecutor's participation in a case are fully aligned with the ultimate goals of legal proceedings, which are formulated in the norms of civil procedural law. However, the intermediate goals vary depending on the form of the prosecutor's participation in the process, the type of proceedings in which they are involved, and the specific characteristics of the case.

The general task of the prosecutor, prescribed by law, is ultimately to achieve the goal of judicial protection of the rights and legally protected interests of the subjects of the process, to protect state and public interests, to strengthen the rule of law and the rule of order, to prevent offenses, and to form a respectful attitude towards the law and the court.

At the same time, the prosecutor's interest in the proceedings is not of a substantive legal nature, but rather consists in ensuring compliance with the norms of the current legislation. As for the specific tasks of the prosecutor in the civil process, they serve as a means to achieve a more general goal, which is to assist the court in the correct and timely consideration of the case, which corresponds to the concept of legality in the administration of justice [6].

The Civil Code of the Russian Federation does not define the term

"prosecutor's opinion". In scientific literature, the prosecutor's opinion is considered to be the closing statement of a court proceeding. The significance of the prosecutor's opinion in the procedure lies in the fact that the prosecutor provides a legal assessment and indicates the law on which the case should be resolved. Based on the above, it can be said that the prosecutor's opinion plays an important role in civil proceedings. It is necessary to establish the concept of this term at the legislative level. At the same time, in addition to the forms of the prosecutor's participation in the civil procedure, the grounds for the prosecutor's removal are specified in Articles 16 and 18 of the Civil Procedure Code of the Russian Federation.

Most legal scholars note that the prosecutor has three forms of participation in the civil procedure. In addition to these forms, the prosecutor has the authority to bring a private or cassation protest to a higher court within their jurisdiction. This form of participation is outlined in the Federal Law 'On the Prosecutor's Office of the Russian Federation'.

Furthermore, the prosecutor has the right to exercise another function in the civil procedure, which is to file a supervisory protest against an unlawful or unjustified decision.

Article 45 of the Civil Procedure Code of the Russian Federation does not mention this form of participation, but it can be found in other articles of the Civil Procedure Code of the Russian Federation. For example, Article 320 of the Civil Procedure Code of the Russian Federation states that the prosecutor may file an appeal. However, many people disagree with this form of participation, as they believe that it would be more appropriate to distinguish two forms of participation by the prosecutor. In our opinion, it is more appropriate to distinguish three forms of participation by the prosecutor in civil proceedings, as it will allow for the clearest possible establishment of the prosecutor's rights in civil proceedings, as well as securing their procedural status [7].

The involvement of the prosecutor's office in civil proceedings is a key guarantee for ensuring the rule of law and protecting the rights and freedoms of citizens, as well as the interests of society and the state. The prosecutor's office acts as an independent participant with the right to initiate legal proceedings in order to protect public interests, provide qualified opinions on complex legal issues, and challenge unlawful court decisions. One of the key objectives of the prosecutor's office is to protect the rights and interests of citizens, society, and the state, which are guaranteed by the Constitution and other legal acts. This is achieved through filing lawsuits in court and the direct involvement of the prosecutor's office in civil proceedings.

In protecting the rights and lawful interests of citizens and the state, the prosecutor carries out their law enforcement function, including by filing lawsuits. Currently, the prosecutor's office remains an accessible tool for citizens who can seek assistance in case of violations of their rights.

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ON THE ISSUE OF PROSECUTOR'S PROTECTION OF PUBLIC INTERESTS IN CIVIL AND ARBITRATION PROCEEDINGS

According to the Federal Law of January 17, 1992 N 2202-1 'On the Prosecutor's Office of the Russian Federation', prosecutors are authorized under procedural law to file a claim or join proceedings at any stage if it is necessary to protect citizens' rights and legally protected interests of society or the state. This provision of the Federal Law on the Prosecutor's Office has a general nature

regarding participation in court cases. However, specific involvement in civil proceedings is regulated by procedural norms.

While the Federal Law refers to protecting citizens' rights and legally protected interests of society or the state, the Civil Procedure Code of the Russian Federation limits itself to listing categories of subjects whose interests may be defended by the prosecutor pursuant to Part 1 of Article 45 of the CPC RF. These include public-law entities (the Russian Federation, its constituent territories, municipal formations), an indefinite group of individuals, as well as individual citizens (including foreign nationals and stateless persons).

For both prosecutors and courts that must establish whether there exists a "public interest," which serves as the subject matter for judicial protection in a particular case, practical examples illustrate these principles. For instance, a district-level prosecutor filed a lawsuit against the Central District Hospital on behalf of the Territorial Fund for Compulsory Medical Insurance of Ivanovo Region seeking reimbursement from the territorial fund for compulsory medical insurance due to misuse of funds allocated for healthcare purposes. The first-instance court dismissed the action stating that the prosecutor did not have legal authority to bring such claims on behalf of the Territorial Fund for Compulsory Medical Insurance; therefore, his application could not be considered within the framework of civil procedure. However, the appellate court disagreed with this conclusion and referred to paragraph 1 of Article 13 of Federal Law N 326-FZ of November 22, 2010 "On Compulsory Medical Insurance in the Russian Federation." According to this article, territorial funds are non-profit organizations established by federal subjects to implement state policy in the field of medical insurance within their respective regions. By filing the lawsuit on behalf of the Territorial Fund for Compulsory Medical Insurance, the prosecutor acted based on objectives aimed at safeguarding state interests since resources from government extra-budgetary funds form part of Russia's budgetary system. Consequently, when submitting the complaint, the prosecutor exercised the right granted under Part 1 of Article 45 of the CPC RF to seek redress before the court on behalf of legitimate interests of the Russian Federation.

A protection of public interests by prosecutor extends beyond initial hearings into subsequent stages of reviewing judgments. A prosecutor retains the right to appeal court rulings provided they participated directly in the case according to provisions outlined in Articles 34, 35, and 45 of the CPC RF. Their ability to challenge decisions either via appeals or supervisory reviews remains unaffected regardless of actual attendance during sessions of corresponding instances. Similarly, their power to submit representations requesting revision of judgments due to newly discovered circumstances also stays independent of direct engagement in prior proceedings.

Furthermore, the importance of a unified approach to law enforcement practice should not be underestimated, as it contributes to the formation of a stable system, ultimately increasing the trust of citizens and legal entities in the justice

system. Finally, it bears repeating that prosecutors engaged in civil and arbitration proceedings have critical responsibilities – ensuring balance between private and public interests. This objective ensures effective implementation of rule-of-law principles and fairness throughout our society. Therefore, unified regulatory frameworks regulating prosecutors' authorities remain essential prerequisites for achieving stated goals while reinforcing confidence in judicial authority.

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PROCEDURAL RIGHTS AND OBLIGATIONS OF THE PROSECUTOR IN CIVIL PROCEEDINGS

The participation of the prosecutor in the consideration of cases by the courts today is an important part of the activities of the prosecutor's office.

According to the Article 34 of the Civil Procedure Code of the Russian Federation, the prosecutor is included in the number of persons participating in the case, along with the parties, third parties, applicants, interested parties and other persons specified in this legal provision [2]. Due to certain specifics of the prosecutor's office's activity as a separate state body that is not part of any of the branches of government, it is necessary to determine the position occupied by the prosecutor in civil proceedings.

It is established in Part 1 Article 129 of the Constitution of the Russian Federation, that the prosecutor's office, as a centralized system of bodies, exercises supervision over the implementation of laws, the observance of human rights and freedoms, and other functions [1]. But the participation of the prosecutor in the consideration of cases by the courts is a non-supervisory branch of the prosecutor's office and in this case, Article 35 of the Federal Law of January 17, 1992 N 2202-1 'On the Prosecutor's Office of the Russian Federation' establishes that the prosecutor may apply to the court or enter into a case at any stage of the proceedings, if the protection of the rights of citizens and the legally protected interests of society and the state requires it. [3].

The Order of the Prosecutor General of the Russian Federation of January 11, 2021 N 2 'On Ensuring the Participation of Prosecutors in Civil and Administrative Proceedings' establishes the main duties of prosecutors who ensure participation in civil proceedings:

- protection and restoration of violated rights and legitimate interests of citizens, an indefinite number of persons, the Russian Federation, constituent entities of the Russian Federation, and municipalities;
- ensuring the rule of law at all stages of civil and administrative proceedings [4];

In order to ensure the fulfillment of these tasks, prosecutors have the following rights:

- to participate in the consideration of cases initiated on the claims (applications) of prosecutors by the courts of the first, appeal, cassation and supervisory instances in defense of the rights, freedoms and legitimate interests of persons specified in Part 1 of Article 45 of the Civil Procedure Code of the Russian Federation, an indefinite number of persons, interests of the Russian Federation, constituent entities of the Russian Federation, municipalities, including applications and submissions on the review of court decisions based on newly discovered or new circumstances;
- to participate in the proceedings at any stage and provide conclusions on cases of eviction, reinstatement at work, compensation for damage caused to life or health, as well as in other cases provided for by the Civil Procedure Code of the Russian Federation and other federal laws;
- to appeal court decisions in civil cases listed in Article 45 of the Civil Procedure Code of the Russian Federation and other cases where the prosecutor participated or had the right to participate, in appellate, cassation, and supervisory

procedures;

- to consider applications regarding the legality and validity of judicial decisions in civil and administrative cases.

This Order also specifies that in each case prosecutors should consider the need to take measures to secure the claim (application of preliminary protection measures for an administrative claim). When choosing such measures, it is necessary to assess their proportionality to the stated requirements in order to effectively implement court decisions.

In exercising their powers, the prosecutor acts independently and autonomously from other parties involved in the case, as their interest stems from their jurisdiction, which is established by law. The literature presents several perspectives on the nature of legal interest and the procedural role of the prosecutor in civil proceedings. The most convincing view is that the prosecutor, as a representative of the state, holds a special procedural position in civil proceedings and therefore has a state-legal interest in the outcome of the case.

If, during the legal proceedings, it is found that the prosecutor has any other interest in the outcome of the case (for example, personal), then this circumstance may serve as a basis for challenging the prosecutor in accordance with Article 18 of the CPC RF.

The essence of the prosecutor's participation in civil proceedings is clearly expressed in the law: the prosecutor ensures the legality of the actions of all participants in the proceedings and the correctness of court decisions, eliminates any violations of the law, and assists the court in the administration of justice [5, p. 40].

Also, examining in more detail the rights and obligations of the prosecutor in the process, it is necessary to note his role in providing conclusions on civil cases. In accordance with part 3 of Article 45 of the Civil Procedure Code of the Russian Federation, they join the process and provide conclusions on cases:

- about eviction;
- about getting reinstated at work;
- on compensation for damage caused to life or health;
- on the return of the child or on the exercise of access rights (Article 244.15 of the Civil Procedure Code of the Russian Federation);
- on the adoption of a child (Article 273 of the Civil Procedure Code of the Russian Federation);
- on recognizing a citizen as missing or declaring a citizen dead (Article 278 of the Civil Procedure Code of the Russian Federation);
- on the restriction of a citizen's legal capacity, on the recognition of a citizen as legally incompetent, on the restriction or deprivation of a minor aged from fourteen to eighteen years of the right to independently dispose of their earnings, scholarships or other incomes (Article 284 of the Civil Procedure Code of the Russian Federation);
- on declaring a minor fully capable (Article 288 of the Civil Procedure

Code of the Russian Federation); on declaring a marriage invalid;

- on deprivation of parental rights (Article 70 of the Family Code of the Russian Federation (FC RF)), on restoration of parental rights (Article 72 of the FC RF), on restriction of parental rights (Article 73 of the FC RF);

- on adoption (Article 125 of the FC RF) and on abolition of adoption of a child (Article 140 of the FC RF).

In addition, the participation of the prosecutor is mandatory when considering labor disputes in accordance with Article 391 of the Labor Code of the Russian Federation [6 p. 21].

The prosecutor who has entered the process to give a conclusion on the case should not justify the claims, present evidence, or give explanations on it. He only brings to the court his opinion on how the dispute between the parties should be resolved. According to Article 189 of the Civil Procedure Code, the prosecutor gives a conclusion on the case after examining all the evidence before the start of the trial. Part 3 of Article 45 of the Civil Procedure Code provides that the failure of the prosecutor to appear, notified of the time and place of consideration of the case, is not an obstacle to its proceedings. Participation of the prosecutor in cases of Part 3 of Article 45 of the Civil Procedure Code is mandatory at any stage of the process, including a preliminary court session [5, p. 42].

Summarizing all the above provisions, it should be noted that the legislation provides the prosecutor's office with a fairly significant role in civil proceedings. When determining the degree of this significance, we recall that a fairly large category of persons, in whose defense the prosecutor comes, is a weaker party, respectively, in need of protection of their own rights and freedoms. Due to some circumstances, these individuals are unable to protect themselves, or the legislators considered these circumstances so significant, such as labor relations, that a prosecutor is simply necessary in these cases. Thus, the prosecutor plays a very significant role in civil proceedings, performing one of the main functions of the prosecutor's office that is protecting human and civil rights and freedoms.

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PROSECUTOR'S PARTICIPATION IN INSOLVENCY CASES (BANKRUPTCY)

Cases concerning insolvency (bankruptcy) of legal entities and individuals, including individual entrepreneurs, are subject to jurisdiction of arbitration courts in Russia. These cases are considered at the place of debtor's location according to rules established by the Arbitration Procedure Code of the Russian Federation (hereinafter referred to as APC RF).

The general requirements for a prosecutor's participation in arbitration cases are outlined in Article 35 of the Federal Law of January 17, 1992 N 2202-1 'On the Prosecutor's Office of the Russian Federation'. This law includes a reference to procedural legislation that specifies when a prosecutor is involved in such cases [1].

Thus, powers of the prosecutor in arbitration proceedings are regulated by Article 52 of the APC RF, under which the prosecutor has the right to join a case being considered by the arbitration court at any stage of the arbitration process with the procedural rights and obligations of a party involved in the case, in order to ensure legality in cases where the housing rights of citizens, including minors, are affected within the framework of insolvency (bankruptcy) proceedings [2].

Similar provisions are established in paragraph 34 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of December 23, 2021 N 46 'On the application of the Arbitration Procedure Code of the Russian Federation in the consideration of cases in the court of first instance' [3].

The specified powers of the prosecutor in bankruptcy cases were enacted by the Federal Law of the Russian Federation of October 7, 2022 N 387-FZ 'On Amendments to Article 52 of the Arbitration Procedure Code of the Russian Federation and Article 45 of the Civil Procedure Code of the Russian Federation' and are aimed at protecting the housing rights of citizens, for example, preventing the illegal inclusion of residential premises that are the debtor's only suitable living space in the bankruptcy estate.

Additionally, considering economic and social significance of bankruptcy cases, pursuant to clause 2.16 of the Directive of the Prosecutor General of the Russian Federation of March 11, 2022 N 140/20 'On Strengthening Prosecutorial Supervision over Enforcement of Laws, Protection of Citizens' Rights Due to Measures Adopted in the Russian Federation to Support Economy and Social Sphere, As Well as Introduction of Certain Restrictions on Financial and Economic Activity», prosecutors are instructed to intervene in accordance with Articles 51 and 52 of the APC RF in bankruptcy cases involving legal entities, including those with foreign involvement, having special economic or social importance, as well as in other judicial proceedings affecting state interests, small and medium-sized businesses, and labor collectives.

In carrying out this work, efforts of prosecutors are focused on ensuring preservation of housing and communal services infrastructure, as well as the assets of city-forming enterprises operating in single-industry towns.

For instance, in 2025, the Prosecutor General of the Russian Federation reported significant progress in addressing problems faced by defrauded apartment buyers during his annual address to the Federation Council. According to the Prosecutor General, taken measures have led to substantial improvement in restoring rights of apartment buyers.

Prosecutors have intervened in more than 100 cases of developer bankruptcies, which has helped prevent the unlawful seizure of already paid-for apartments and the withdrawal of nearly 2.5 billion rubles from the industry. In Chelyabinsk region, due to intervention of prosecutor in bankruptcy case against developer LLC 'MIK-Plus', the inclusion of a claim from the former director was blocked for 27 million rubles regarding 11 apartments. Shareholder agreements concluded by the former director with the legal entity he headed were declared invalid.

Also, with the participation of the prosecutor, separate disputes regarding the invalidation of transactions were considered within the bankruptcy cases of several other developers (LLC 'City Construction Technologies', LLC SZ 'Agropromstroy', LLC SZ '10th House', etc.).

In the bankruptcy case of JSC 'Yuzhnouralsky Radio Ceramics Plant', the

court rejected the application of LLC 'United Porcelain Company', where interim measures prohibiting sale contract signing for enterprise property complex had been imposed. With the active position of the regional prosecutor's office, the protective measures were lifted. Preconditions were created for the launch of production capacities based on the newly established enterprise, and an attempt to delay the bankruptcy procedure was stopped.

In certain bankruptcy cases involving legal entities owing wage arrears, deals such as bonuses awarded to executives, founders, and financial managers were deemed invalid if they were made to the detriment of other creditors during the period when the enterprise was already operating at a loss and showed signs of insolvency [4].

In the south of Russia, in the Astrakhan region, in 2024, after the intervention of the prosecutor's office, rights of 64 families participating in shared construction projects were protected. During first half of 2025, prosecutors identified more than 22 violations of participants' rights.

For example, in Astrakhan, in February 2008, the Limited Liability Company 'SMF 'Stroitel'" received permission to construct a multi-apartment building, with the commissioning planned for the end of 2009. In 2010, the developer was declared bankrupt. Since 2014, the completion of construction was to be carried out by the limited liability company "Volgo-Caspian Fishery Plant." However, the company did not proceed with the construction, and in March 2020 it was also declared bankrupt. Since 2018, the completion of construction has been carried out by the limited liability company "Regional Company." Throughout the entire construction period of the multi-apartment building, the prosecutor's office identified violations of the law during the erection of the facility.

As a result of prosecutor's involvement, residential building received final approval late in 2024 [5].

Therefore, it is important to emphasize that prosecutor's participation in insolvency (bankruptcy) cases stems from necessity to uphold legality, protect public interest, and safeguard citizen's housing rights in these types of cases.

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FEATURES OF THE PROSECUTOR'S PARTICIPATION IN SPECIAL PROCEEDINGS

Special proceedings are civil proceedings in which the court establishes the presence or absence of legal facts, of an uncontested subjective right that requires judicial confirmation [3, p. 139]. Its key features are the absence of disputing parties (the plaintiff and the defendant), the presence of the applicant and interested parties, and the purpose of special proceedings is to establish legal facts that lead to the emergence, modification or termination of legal relationships.

In addition, special proceedings are characterized by the specifics of the subject of protection (legally protected interests, not subjective rights), the subject of the trial (legal facts), the subject composition of the participants (the applicant and interested persons), the means of protection (application) and the procedure of legal proceedings [3, p. 139]. In this context, the participation of the prosecutor, as the bearer of the public law function of overseeing the rule of law, acquires special significance and specificity.

In accordance with the provisions of the Federal Law of January 17, 1992 N 2202-1 'On the Prosecutor's Office of the Russian Federation' [2], as well as the Article 45 of the Civil Procedure Code of the Russian Federation [1], the

general function of the prosecutor in civil proceedings is to protect the rights, freedoms and legitimate interests of a person and citizen and the interests of the Russian Federation, its constituent entities and municipalities.

One of the forms of the prosecutor's participation in special proceedings, through which they implement the aforementioned function, is the prosecutor's appeal to the court with a statement (claim) in defense of the rights and interests of other persons.

In addition, another form of participation of the prosecutor in special proceedings of the civil procedure may be giving an opinion on the case in accordance with part 3 of Article 45 of the Civil Procedure Code of the Russian Federation [1]. In his conclusion, the prosecutor justifies what decision should, in his opinion, be made in the case [4, p. 229].

Also, the prosecutor's participation in special proceedings may be expressed in the filing of appeals and cassation submissions on court decisions in cases considered with the participation of the prosecutor.

It should be noted that the prosecutor participates in civil proceedings in many categories of special cases. For example, in cases of restriction or deprivation of a minor between the ages of fourteen and eighteen of the right to independently manage his income. Thus, cases of special proceedings, based on the criterion of the prosecutor's participation in it, can be divided into two groups:

- cases with the mandatory participation of the prosecutor by giving an opinion. Such cases include: cases on the recognition of a citizen as legally incompetent or on the restriction of his legal capacity (in this case, the prosecutor has the right to file an application on an equal basis with members of the citizen's family, a medical organization and a guardianship authority, which is associated with the need to protect both the interests of the citizen himself and the interests of his family and society, the prosecutor's participation is mandatory), cases on declaring a minor fully capable, cases of forced hospitalization in a psychiatric hospital (this is the only category of cases of special proceedings, where the prosecutor is the only person authorized to appeal to the court) and others.

- cases where the prosecutor has the right to file an application. They include: cases on the adoption of a child (in this category of cases, the participation of the prosecutor is mandatory), cases on the recognition of movable property as ownerless and recognition of the right of municipal ownership of ownerless property.

Part 1 of Article 45 of the Civil Procedure Code of the Russian Federation gives the prosecutor the right to appeal to the court to protect the rights, freedoms and legitimate interests of citizens in cases where the latter are unable to do so independently due to age, health or disability [4, p. 228]. At the same time, when submitting an application for the protection of another person, the prosecutor is obliged to justify his actions using references to regulatory legal acts that confirm the legitimacy of the interests and the inability of the person to file an application on his own.

It should be emphasized that the prosecutor who filed the application in a special proceeding does not become a party to the case, that is, the plaintiff. Consequently, a counterclaim cannot be filed against him, he does not have the right to conclude an amicable agreement or admit a claim: the powers of the prosecutor in special proceedings are exclusively of a public law nature.

Considering the prosecutor's conclusion in a special proceeding, it should be noted that it is not accusatory in nature: the prosecutor's task is to comprehensively analyze the case (the evidence collected) and give an assessment of their sufficiency and reliability to establish the desired legal fact, the prosecutor gives a reasoned opinion on whether to satisfy the application.

Thus, the specifics of the procedural status of a prosecutor in a special proceeding are manifested in the following key aspects: forms of participation, which vary significantly and include the following elements: applying to the court to protect the rights and interests of others; giving an opinion on the case; filing appeals and cassation submissions; the nature of the prosecutor's participation in special proceedings may vary depending on the specific circumstances of the case and the category of interests being protected: in some cases, the prosecutor's participation is mandatory, due to the need to ensure public interests and protect citizens' rights, and the prosecutor's participation may be optional, but his presence contributes to a more objective and comprehensive consideration of the case; the legal nature of the prosecutor's powers is exclusively public law, which means that the prosecutor's actions are aimed at protecting public interests rather than satisfying private claims.

Thus, special proceedings, as a form of civil proceedings, are characterized by the absence of a dispute about law and are aimed at establishing legal facts. In this context, the prosecutor performs a special public legal function. The prosecutor's participation in special proceedings serves as an effective tool for exercising his supervisory powers in the field of civil proceedings, providing an additional level of protection of legitimate interests. This is especially important in the absence of adversarial nature and dispute between the parties, that is typical for this type of legal proceedings.

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PROSECUTOR IN CASES OF PROTECTION OF THE RIGHTS OF MINORS AND INCAPACITATED CITIZENS

The Constitution of the Russian Federation, acting as the basic law of the state, defines human rights and freedoms as the highest value in Article 2 and obliges the state, represented by its bodies and officials, to recognize, respect and protect these rights. Article 46 of the Constitution guarantees the right to judicial protection regardless of social and demographic factors. However, those individuals who are socially vulnerable are the most in need of state assistance in protecting their rights. These groups include people who, due to their age, health conditions, or difficult life circumstances, need social support and protection, in particular minors (due to their physical, psychological, and social immaturity) and incapacitated citizens. Due to their inability to participate independently in the judicial process, exercise procedural rights and perform duties, as a result of which their personal legal position and the inconsistency of the arguments of the opposite side of the process are substantiated, this category of citizens needs additional assistance. A special role in ensuring these rights lies with the Prosecutor's Office of the Russian Federation, as bodies overseeing compliance with legislation and citizens' rights.

Part 1 of Art. 45 of the Civil Procedure Code of the Russian Federation stipulates: "An application for the protection of the rights, freedoms and legitimate interests of a citizen may be filed by a prosecutor only if a citizen cannot go to court himself due to health, age, disability and other legitimate reasons" [2]. Despite the fact that the Civil Procedure Code of the Russian Federation defines

these actions as the "right" of the prosecutor, reinforcing this with the wording "an application ... may be filed", "has the right to apply to the court ...", the Federal Law of January 17, 1992 N 2202-1 'On the Prosecutor's Office of the Russian Federation' in Part 4 of Art. 27 defines them as duties, which is directly related to the tasks and activities of the Prosecutor's Office of the Russian Federation as a single centralized body. Thus, legal guarantees for the observance of the rights of these subjects are legally defined, that indicates the protection of the interests of the incapacitated citizens.

According to the judicial practice, the most common cases of implementation of this right by the prosecutor are cases about violation of rights of incapacitated persons by guardianship authorities, employees of social and medical institutions (where citizens included in the appropriate category are located), guardians (in terms of improper performance of their duties as legal representatives) [5, p.135]. Thus, when defending incapacitated citizens in these categories of civil cases, the prosecutor has the right to use all the powers granted to him, in particular, to access the evidence provided to the court for the purpose of examining them in the framework of the proceedings, to insist on the personal presence of the citizen in respect of whom the issue of declaring him incapacitated is being resolved, even in those cases when visit to another locality is required to ensure such participation, file appeals and cassation submissions against court rulings, etc.

There are legally established categories of civil cases where the presence of a prosecutor is mandatory, in particular, cases involving the recognition of a citizen as legally incompetent (Part 1 of Article 284 of the Civil Procedure Code of the Russian Federation). The case review procedure itself is carried out within the framework of special proceedings, and the prosecutor, being a qualified lawyer on the part of the state and acting in the interests of a person recognized as legally incompetent, creates additional guarantees for the observance of constitutional rights of citizens, including freedom and personal integrity. In particular, he examines the expert opinions, finds out the motives for submitting the conclusion; he is also obliged to make sure that recognizing a citizen as legally incompetent in each particular case meets the interests of a person suffering from mental disabilities, whether this is due to motives of self-interest, hostility, etc.

Another category that needs the protection of the prosecutor is minors. There are two main vectors of activity in this area: supervision of observance of the rights of minors (as a rule, by guardianship and guardianship authorities, state and local government authorities, and legal representatives) and direct participation in cases related to the protection of these rights (by filing a claim or entering into a process that has already begun to testify conclusions). According to the Order of the Prosecutor General of the Russian Federation of December 13, 2021 № 744 'On the organization of prosecutorial supervision of the implementation of legislation on minors, observance of their rights and legitimate interests', specific areas of activity are: suppression of the facts of child abuse;

supervision of the activities of guardianship and guardianship authorities, regulation of the activities of bodies and institutions in the field of education; timely responding to violations of housing and property rights of minors; participation in the consideration of cases, related to the protection of the rights of minors. At the same time, the prosecutor is obliged to promptly and fundamentally respond to cases of violations of children's rights, and take the necessary legal measures to restore them [5].

Based on this, the legislator identified categories of civil cases, in the consideration and resolution of which the participation of the prosecutor is mandatory. These include cases on the deprivation, restoration and restriction of parental rights (Articles 70, 72, 73 of the Family Code of the Russian Federation), on the adoption of a child (Articles 125 of the Family Code of the Russian Federation, Article 273 of the Civil Procedure Code of the RF) and on the cancellation of the child's adoption (Article 140 of the Family Code of the Russian Federation), on the restriction or deprivation of a minor aged 14 to 18 (Article 284 of the Civil Procedure Code of the Russian Federation), on declaring a minor fully capable (emancipation) (art. 288 of the Civil Procedure Code of the Russian Federation) and others.

In addition, the prosecutor participates in cases that are not explicitly prescribed in the law, but require his intervention due to the legal consequences. According to paragraph 2.1.8 of to the Order of the Prosecutor General of the Russian Federation of December 13, 2021 № 744 'On the organization of prosecutorial supervision of the implementation of legislation on minors, observance of their rights and legitimate interests', prosecutors "are obliged to ensure effective supervision of the observance of housing and other property rights of minors, paying attention to ensuring a special regime for transactions with property belonging to a minor, including housing" [5]. Based on this, the participation of such a representative of the authorities in housing disputes, for example, when a minor loses the right to disputed housing, cannot be minimized, since this category of cases is complex due to its evaluative nature, therefore, the prosecutor's assistance in protecting the rights of minors contributes to a fair decision in the case. For example, the practice on the territory of the Republic of Crimea, where the prosecutor's offices of various districts (Pervomaisky, Bakhchisarai, Alushta, etc.) have achieved the restoration of orphans' housing rights, in particular, providing them with required housing.

It is also not uncommon in the Republic for children to be injured as a result of stray dog bites. In this case, the prosecutor's office stands up for the protection of the rights of the child and, in the interests of the minor, applies to the court with a claim to the local administration for compensation for moral harm (since the child is experiencing moral and physical suffering). In particular, the court satisfied the demands of the prosecutors and collected sums in favor of the children in the amount of 20 thousand, 30 thousand, 45 thousand, 60 thousand rubles.

An equally important area is the protection of the rights of minors and the legally incompetent in the medical field. Thus, the rights to health protection are violated, including access to and quality of medical care, provision of medicines and medical products. For example, in 2023, the Prosecutor's Office conducted an inspection on the appeal of a citizen about the lack of provision of her minor son with a pharmaceutical product. It has been established that a child with a disability needs the pharmaceutical product "Vigabatrin" for vital reasons, but it is not provided. To protect the rights of the child, the regional Prosecutor's Office filed a lawsuit with the court on the obligation of the Kostroma Region Department of Health to provide the child with a pharmaceutical product. The prosecutor's claim has been satisfied in full. The child was provided with vital medicine [6].

It should be noted that the current Civil Procedure Code provides prosecutors with the opportunity to file an appeal, cassation or supervisory submission, which is stipulated in paragraph 2 of Art. 320, paragraph 2 of Art. 376, paragraph 3 of Art. 391.1 of the Code, respectively. In this way, illegal and unjustified court decisions that violate the rights and legitimate interests of minors are appealed.

Based on the above, the participation of the prosecutor in processes affecting the rights of children and incapacitated citizens acts as the most important factor ensuring the effectiveness of legal regulation and achieving social justice in making a court decision, since it is his intervention that helps to identify all significant circumstances of the case and form an exhaustive evidence base. By representing the interests of the most vulnerable group of citizens who are unable to defend themselves on their own, the complex implementation of the right to access justice is realized and fundamental constitutional guarantees of human rights are protected.

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PROSECUTOR'S PARTICIPATION IN EVICTION CASES: BALANCING PRIVATE AND PUBLIC INTERESTS

Current legislation provides for the mandatory participation of a prosecutor in civil cases where the subject matter of the dispute is of vital importance to citizens. In accordance with Part 3 of Article 45 of the Civil Procedure Code of the Russian Federation (hereinafter referred to as the CPC RF), the prosecutor enters the proceedings and gives an opinion on eviction cases. The participation of the prosecutor in the consideration of cases of this category presupposes compliance with the norms of civil and housing legislation. In giving an opinion, the prosecutor contributes to the establishment of legally significant circumstances by the court in order to render a lawful and justified decision.

According to the Instructions of the Prosecutor General of the Russian Federation of November 14, 2008, № 229/7r 'On the organization of prosecutorial supervision in connection with measures taken by the government of the Russian Federation to improve the situation in the financial and other sectors of the economy', lower-level prosecutors must take measures to ensure the participation of prosecutors in the consideration of cases by courts concerning the protection of citizens' labor and housing rights, including eviction from residential premises in connection with the termination of mortgage, loan agreements, and other civil law transactions.

The legislator defined the forms of the prosecutor's participation in civil proceedings, whereby, either filing a statement of claim as a procedural plaintiff or joining the process to provide an opinion, is considered a party involved in the case within the meaning of Article 34 of the Civil Procedure Code of the Russian Federation and has the right to file an appeal against a court ruling.

The prosecutor's opinion must contain an analysis of the evidence, a legal assessment of the circumstances of the case, reasoned references to the applicable law, and an assessment of the specific legal facts with which the law associates the need to forcibly vacate the occupied dwelling [3, p. 47].

In Order of the Prosecutor General of January 11, 2021 № 2 'On Ensuring the Participation of Prosecutors in Civil and Administrative Proceedings', the Prosecutor General identifies two tasks for prosecutors participating in civil and administrative proceedings:

- protection and effectively restoration of violated rights and legitimate interests of citizens, an indefinite group of persons, the Russian Federation, constituent entities of the Russian Federation, and municipal formations;
- ensuring legality at all stages of civil and administrative proceedings [5, p. 133].

The Housing Code of the Russian Federation (hereinafter referred to as the Housing Code) provides for the following types of eviction of citizens from residential premises provided under social tenancy agreements: with the provision of other comfortable residential premises under social tenancy agreements; with the provision of other residential premises under social tenancy agreements; without the provision of other residential premises.

The Housing Code provides for several grounds for evicting citizens from residential premises, including systematic violation of the rights of neighbors, use of residential premises for purposes other than those intended or mismanagement thereof, the recognition of a house as unsafe and subject to demolition or seizure of land for state or municipal needs, transfer of ownership of residential premises, termination of family relations with the owner of the residential premises, etc. Most often, disputes over eviction arise between the owner and other persons living in the residential premises belonging to him.

Article 31 of the Housing Code distinguishes two categories of citizens who may live with the owner. The first category consists of citizens who are members of the owner's family (spouse, children, parents). Spouses are defined as persons whose marriage is registered with the civil registry office. The second category includes other relatives regardless of the degree of kinship, such as grandparents, brothers, sisters, aunts, and others, as well as dependents who are unable to work, both of the owner and members of his family. In exceptional cases, other citizens may also be included in this category.

In accordance with Part 4 of Article 31 of the Housing Code, upon termination of family relations with the owner of the residential premises, the right to use the residential premises shall be terminated, unless otherwise established

by agreement between the owner and the former member of his family [4, p. 349].

Former members of the owner's family include persons with whom the owner has terminated family relations (for example, the marriage has been dissolved in accordance with the established procedure or declared invalid). Refusal to maintain a common household with the owner of the residential premises, lack of a common budget or household items, failure to provide mutual support to each other, as well as moving to another place of residence may indicate the termination of family relations with the owner of the residential premises. The question of recognizing a person as a former member of the owner's family in the event of a dispute is decided taking into account the specific circumstances of each case. It should be noted that the registration of a person at the place of residence in the disputed residential premises or the absence thereof is not a decisive factor in deciding whether to recognize him or her as a family member of the owner. This circumstance is subject to assessment along with other evidence.

An important provision is in Article 19 of Federal Law № 189-FZ of December 29, 2004, 'On the Enactment of the Housing Code of the Russian Federation', which states that Part 4 of Article 31 of the Housing Code does not apply to former members of the family of the owner of privatized residential premises, provided that at the time of privatization of these residential premises, these persons had equal rights to use these premises with the person who privatized them, unless otherwise provided by law or contract.

Another important circumstance is the existence of grounds for retaining the former family member's right to use the disputed residential premises for a certain period of time on the basis of a court decision in cases of his difficult financial situation, state of health, age, etc.

Speaking about judicial practice, we may consider the following example: upon the cassation appeal of the prosecutor of the Perm Territory, the decision of the Perm District Court of April 19, 2023 and the appeal ruling of the civil division of the Perm Regional Court of August 15, 2023, in the part concerning the satisfaction of the claim to recognize the defendant as having lost the right to use the residential premises and to evict her without providing other housing. The court of cassation agreed with the position of prosecutor's office that the woman should keep the right to use the disputed living space.

Also, the case brought by the Federal State Autonomous Educational Institution of Higher Education 'Perm State National Research University' to evict a family from their service housing should be noted. The court of cassation agreed with the position of prosecutor's office that the conclusions of the lower courts on the need to satisfy the claims were based on the incorrect application of housing legislation. The case was returned to the court of appeal for a new hearing, and the eviction of the family was denied.

The prosecutor exercises the powers granted to him by law in order to clarify these circumstances and to ensure the timely and unconditional protection

of the most important rights of citizens in difficult situations.

It should be noted that the prosecutor's conclusion does not predetermine the outcome of the case and is not binding on the court, but it is intended to guide the court in rendering a lawful and justified decision.

Based on the review of case materials or a citizen's complaint, the prosecutor may conclude that prosecutorial intervention is necessary. The prosecutor has the right to appeal the court ruling on the case by filing an appeal or cassation petition, even if he was not involved by the court of first instance in a case in which his participation is mandatory by law.

The balance between private and public interests lies in the fact that the prosecutor defends the interests of the law and is not dependent on the person in whose interests he or she files a claim. The prosecutor may file a claim in defense of a citizen's rights only if that citizen is unable to go to court himself or herself due to health, age, incapacity, or other valid reasons. Regardless of the form in which the prosecutor participates in the consideration of a civil case (by filing a lawsuit in court to defend citizens whose housing rights have been violated, or by joining the proceedings to give an opinion on the case), he always occupies an independent procedural position as a representative of the state, on behalf of which he supervises compliance with the law. Thus, the prosecutor's participation in eviction cases is aimed at ensuring legality and fairness in the consideration of civil disputes, while preventing the unjustified deprivation of citizens' rights to housing.

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PROSECUTOR IN HOUSING DISPUTES: PROTECTION OF THE RIGHTS OF SOCIALLY VULNERABLE SEGMENTS OF THE POPULATION

One of the constitutional rights is the citizen's right to housing, which is contained in Article 40 of the Constitution of the Russian Federation. This constitutional provision is also reflected in Article 3 of the Housing Code of the Russian Federation, according to which no one may be evicted from their home or restricted in their right to use it except on the grounds and in accordance with the procedure provided for by the Housing Code of the Russian Federation and other federal laws.

The Federal Law of April 5, 2009 N 43-FZ 'On Amendments to Articles 45 and 131 of the Civil Procedure Code of the Russian Federation' grants the prosecutor additional powers to file applications to courts of general jurisdiction to protect the social rights, freedoms and legitimate interests of citizens. The attention of prosecutors is focused on protecting the rights, freedoms and legitimate interests of socially vulnerable groups of the population (people with disabilities, pensioners, low-income families, large families, minors, etc.), bearing in mind that these individuals are unable to independently apply to the court for protection of violated rights due to objective reasons. Applying to the court is one of the most effective forms of prosecutorial response when violations are detected, but it is used along with other prosecutorial measures (protest, submission, warning). The basis for filing an application to the court is a citizen's appeal to the prosecutor for the protection of violated or disputed social rights, freedoms and legitimate interests. If it is impossible for a citizen to file an application, his will must be recorded by the prosecutor in writing. If, due to objective reasons, a citizen is unable to provide evidence confirming a violation of his rights and legitimate interests, the prosecutor takes exhaustive measures to collect the

necessary evidence.

According to Article 45 of the Civil Procedure Code of the Russian Federation, the prosecutor applies to the court with an application to protect the rights, freedoms and legitimate interests of citizens, an indefinite number of persons or interests of the Russian Federation, constituent entities of the Russian Federation, municipalities. The prosecutor also intervenes to provide an opinion on certain categories of cases, including eviction claims.

An application for the protection of the rights, freedoms and legitimate interests of a citizen may be filed by a prosecutor only if a citizen cannot apply to the court himself due to his state of health, age, disability and other valid reasons [1]. This restriction does not apply to a prosecutor's statement based on an appeal from citizens for the protection of violated or disputed social rights, freedoms and legitimate interests in the field of ensuring the right to housing in state and municipal housing funds.

The task of the prosecutor involved in civil proceedings is, first of all, to ensure that the court makes a lawful and reasonable decision [2]. The Housing Code of the Russian Federation provides for the possibility of evicting citizens from their rented living quarters and establishes two types of eviction: with the provision of alternative housing and without it. Any termination of a social lease agreement (with the exception of a voluntary one) must be carried through the judicial proceedings.

In accordance with Article 85 of the Housing Code of the Russian Federation, citizens are evicted from residential premises with the provision of other well-maintained residential premises under social lease agreements if: the house in which the residential premises are located is subject to demolition; The house containing the residential premises is subject to demolition; the residential premises are subject to seizure due to the seizure of the land plot on which they are located or the apartment building containing them for state or municipal needs; the dwelling is subject to conversion to non-residential premises; residential premises have been declared uninhabitable; as a result of major repairs or reconstruction of the house, the residential premises cannot be preserved or its total area will decrease, which may result in the tenant and their family members being recognized as in need of housing, or the total area of the occupied residential premises per family member will significantly exceed the standard; the residential premises are subject to transfer to a religious organization [3].

Other well-equipped residential premises provided to citizens in connection with eviction must meet established sanitary and technical requirements, be located within the boundaries of the given locality and be equivalent in total area to the previously occupied one.

If the tenant and his family members living with him occupied an apartment or at least two rooms in a communal apartment before the eviction, the tenant has the right to receive an apartment or to receive a dwelling consisting of the same number of rooms in a communal apartment.

When citizens are evicted from their living quarters on the above grounds, another well-equipped residential premises is provided to citizens under a social lease agreement not in connection with improved housing conditions, therefore, other circumstances (for example, the impossibility of persons of different sexes to occupy one room, with the exception of spouses) are considered when providing residential premises to citizens who are registered as those in need of residential premises are not taken into account. At the same time, citizens who have been provided with another equivalent housing in connection with the eviction, they retain the right to be registered as those in need of housing, if they still have a reason to be in it.

In accordance with Article 91 of the Housing Code of the Russian Federation, citizens are evicted without being provided with alternative housing if they use residential premises for purposes other than intended, systematically violate the rights and lawful interests of neighbors, or handle the residential premises negligently, allowing its destruction [3].

Eviction in this case is an extreme measure of responsibility and is possible only if the fact of systematic unlawful culpable actions on the part of the tenant and (or) his family members is established, who, despite the warning of the landlord in any form (oral or written) about the need to eliminate the violations committed, have not eliminated them [1].

Citizens deprived of parental rights may also be evicted from their houses without being provided alternative housing if the court has recognized that joint residence of these citizens with the children in respect of whom they have been deprived of parental rights is impossible.

In a civil case initiated by the court based on a claim (application) filed by the prosecutor to protect the housing rights of a citizen, the parties involved are the citizen himself in whose favor the claims are made and the prosecutor endowed with the rights of the plaintiff (applicant). Both the citizen and the prosecutor (taking into account the opinion of this citizen) have the right to appeal judicial decisions in such a case.

In order to promptly and unconditionally protect the most important rights of citizens in difficult situations, the prosecutor uses the powers granted to him by law.

It should be noted that the prosecutor's opinion does not determine the outcome of the case and is not binding on the court, but it is intended to guide the court to make a lawful and reasonable decision.

In whatever form the prosecutor participates in the consideration of a civil case (either by filing a lawsuit to protect citizens whose housing rights have been violated, or entering into the process to provide an opinion on the case), the prosecutor always occupies an independent procedural position as a representative of the state, on whose behalf he oversees the compliance with the law [2]. The distinctive feature of prosecutorial supervision in protecting the rights of socially vulnerable categories of citizens is initiative and focus on preventing violations. The prosecutor, as a rule,

does not wait for an appeal from such citizens, but takes independent measures to identify violations of their rights.

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PROSECUTOR IN CASES INVOLVING THE PROTECTION OF ECOLOGICAL RIGHTS AND THE ENVIRONMENT

The scientific and technological revolution plays a significant role in the development of society, but it also has a negative impact on the environment. To ensure environmental safety in Russia, specialized environmental prosecutor's offices were established in 1985-1986 to coordinate and oversee the activities of agencies and organizations responsible for environmental protection.

Supervision of environmental protection is one of the priorities of the prosecutor's office, as a favorable environment is one of the most important conditions for human life. Article 42 of the Constitution of the Russian Federation states that "Everyone has the right to a favorable environment, reliable

information about its condition, and compensation for damage caused to their health or property by an environmental offense" [1].

Consequently, environmental protection as one of the state's policy areas is enshrined at the legislative level. The main legal act governing the actions of the prosecutor's office of the Russian Federation is the Federal Law of January 17, 1992 N 2202-1 'On the Prosecutor's Office of the Russian Federation'. According to the mentioned law, the prosecutor cannot independently eliminate an offense; he must follow the established acts of prosecutor's intervention, which include the prosecutor's submission and protest, the prosecutor's decision to initiate an administrative offense, and the prosecutor's warning against violating the law.

The Order of the Prosecutor General of May 7, 2008 N 84 'On the Delineation of the Competence of Territorial, Military, and Other Specialized Prosecutor's Offices' [4] contains a list of specialized prosecutor's offices, including environmental and defines their powers. Environmental prosecutor's offices are established as interdistrict prosecutor's offices, headed by an interdistrict prosecutor and according to the Order, the main powers of environmental prosecutor's offices include:

- 1) monitoring compliance with environmental legislation;
- 2) supervision of the implementation of laws in the process of "registration and resolution of reports on environmental and other crimes that have led to violations of laws on the protection of the environment and the environmental rights of citizens", supervision of crimes committed by officials of relevant institutions, supervision of compliance with laws during inquiries, operational and investigative activities of the police and the Investigative Committee under the Prosecutor's Office.

In addition, environmental prosecutors are required to inform citizens and government bodies about the level of ecology and the state of the environment as a whole.

The effectiveness of the environmental prosecutors' activities is evidenced by the statistics provided by the General Prosecutor's Office of the Russian Federation. In the first half of 2023, the prosecutor's offices identified "more than 190,000 violations of environmental legislation." To address these violations, they issued 52,000 representations, 9,400 protests, and filed 16,000 lawsuits in courts, totaling over 18 billion rubles. As a result, over 40,000 individuals were held accountable for administrative and disciplinary violations, and 964 criminal cases were initiated [8].

According to the Resolution of the Plenum of the Supreme Court of the Russian Federation of October 18, 2012 N 21 'On the Application of Legislation on Liability for Violations in the Field of Environmental Protection and Natural Resource Management by Courts' [6], the prosecutor's role is to intervene in cases involving compensation for harm caused to citizens' health as a result of violations of environmental protection and natural resource management legislation.

This right is enshrined, in particular, in the Code of Civil Procedure of the

Russian Federation (CPC RF), taking into account the powers granted to the prosecutor by Part 1 of Article 45 of the CPC RF [3]. In the work of the prosecutor's office, one of the priority areas is to oversee compliance with environmental legislation, the constitutional right of citizens to a favorable environment and environmental safety, as well as to oversee the production activities of enterprises and commercial organizations to ensure compliance with the requirements of legislation in the field of water, land, and air protection [7].

Taking into account the powers granted by the current legislation, if a citizen makes a written request, the prosecutor has the right to file a lawsuit in court on behalf of citizens to protect their rights to a favorable environment. The restrictions set by Part 1 of Article 45 of the Civil Procedure Code of the Russian Federation [3] regarding the inability of citizens to independently file lawsuits in court to protect their rights and legitimate interests do not apply to the filing of such lawsuits on behalf of citizens.

The activities of prosecutors in this area are also regulated by the Order of the Prosecutor General of April 15, 2021 N 198 'On the Organization of Prosecutorial Supervision over the Implementation of Legislation in the Environmental Sphere' [4]. According to the Order, the primary objective of prosecutors' supervisory activities is to ensure the implementation of the right to a favorable environment, accurate information about its condition, and compensation for damage caused to one's health or property by environmental offenses, as established by Article 42 of the Constitution of the Russian Federation [1].

A prosecutor's application to the court is one of the most effective forms of prosecutorial response. Prosecutors' intervention helps to eliminate systemic violations of environmental protection laws and to change approaches to addressing environmental issues, including those aimed at improving the effectiveness of protecting citizens' rights to a favorable environment [7].

In 2023, the Prosecutor's Office of the Republic of Crimea identified more than 5,000 violations of environmental and natural resource management legislation, and 24 materials were submitted to law enforcement agencies for criminal prosecution, with a total damage amount exceeding 120 million rubles [8].

If we refer to judicial practice, according to the decision of the Novouryengoy City Court of the Yamalo-Nenets Autonomous District in civil case No. 2-996/2025, published on February 26, 2025, the prosecutor of the city of Novouryegoy, acting on behalf of the Russian Federation and an indefinite number of individuals, filed a lawsuit against 'Kolkheti' Limited Liability Company to eliminate violations of environmental, sanitary-epidemiological, and industrial safety legislation. The identified violations include the operation of a source of emissions of pollutants into the atmospheric air without conducting an inventory, developing and approving a sanitary protection zone project, and obtaining a sanitary and epidemiological conclusion on it. The court decided to satisfy the prosecutor's claims and impose on 'Kolkheti' the obligation to develop and approve a sanitary protection zone project for the boiler house within one year

from the date of the court's decision, as well as to contact the The Federal Service for the Oversight of Consumer Protection and Welfare (Rospotrebnadzor) Department for the Yamal-Nenets Autonomous Area to obtain a sanitary and epidemiological conclusion on the compliance of the sanitary protection zone with the requirements and regulations.

Thus, the environmental prosecutor's office is one of the most important bodies responsible for overseeing compliance with environmental legislation, and despite the numerous barriers that impede the effective implementation of its activities, prosecutorial bodies are taking various measures to address and combat these barriers, including interagency cooperation, practical activities based on scientific research, and training for prosecutors.

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PARTICIPATION OF THE PROSECUTOR IN CIVIL AND ARBITRATION PROCEEDINGS

**The collection of materials
of the interdepartmental round table discussion
for students**

October 22, 2025

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