

*ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНОЮ ПОЛІЦІЄЮ УКРАЇНИ ПУБЛІЧНОЇ  
БЕЗПЕКИ І ПОРЯДКУ В УМОВАХ ВОЄННОГО СТАНУ*

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**ADMINISTRATIVE AND LEGAL MAINTENANCE OF PUBLIC  
ORDER BY LAW ENFORCEMENT BODIES OF UKRAINE**

In recent times, social transformations of Ukrainian society have had a significant impact on the development of law that consecutively required to update fundamental basis of social relations administrative and legal regulation.

Therefore, the rights and freedoms of citizens as one of important elements of public order maintenance methodology is defined in accordance with the Law of Ukraine «On National Police», as well as the notion of public order and its relationship with the definition of «public order» are disclosed.

Developing in accordance with the Constitution – principles of a sovereign and independent, democratic, social and legal state – Ukraine provides citizens with a wide range of rights and freedoms that are exercised in various spheres of social, political and economic life.

Obviously, one of the most important indicators of civilized society is the veracity of the rights and freedoms insurance, and therefore the state should always take appropriate and effective measures for their protection and security. That is why most countries of the world pay considerable attention to improving the organization and activities of law enforcement bodies.

As practice demonstrates, a large part of the rights and freedoms of citizens are implemented in the rule of law, which stipulates a special responsibility of the state to create a stable civil society in general. Considering the current political situation in the country, the reform of the Ukrainian law enforcement system convincingly demonstrates that without strengthening the rule of law, it is impossible to overcome the negative trends of social and economic development as well as effectively solve topical issues of economy, interethnic relations, corruption and crime.

Therefore, maintenance of law and order is one of the state priorities, which determines not only implementation of actual guarantees of the rights and freedoms of citizens, but also development of democratic foundations of society's functioning and establishment of the principle of social justice.

Aimed at European integration and therefore compliance of law enforcement bodies with European standards of law enforcement, Ukraine encounters profound changes in social, economic, political and legal conditions of law enforcement system functioning that have led to creation of such unit as the National Police of Ukraine regulated by the Law of Ukraine from July 2, 2015 «On the National Police». Notably, this law defines bases of law and order as part

of not the civic but public order of the country. De facto, the definition of «public order», which has not previously been used in legal acts of the state, prevents the existence of the term «hromadskyi» [community, civic] order, which is still used in other regulations.

According to the Ukrainian terminological dictionary, public order is a system of social relations regulated by moral and legal norms aimed at guaranteeing public safety and peace, protecting honor and dignity of citizens, and normal conditions for the activities of state and non-governmental organizations [1].

The absence of a single legal definition of this concept in law enforcement and particularly in maintenance of public order causes differences in legal approach to delimitation of competences and powers of law enforcement, duplication and conflict between different subjects of public order enforcement. The legislator's unclear and controversial use of the term «public order» complicates solution of theoretical and practical problems.

Public order enforcement is one of state functions, which is carried out through an extensive system of law enforcement bodies. Performing the function of public order enforcement, the state should consider that maintenance of public order as necessary condition for human life, existence of society and the state itself, therefore, it is necessary to carry out a complex of legal, organizational, personnel, economic, ideological, informational and other measures to protect and defend people, society and the state from unlawful encroachments [2].

Legal regulation of public order comprises specific activity of state bodies, such as the National Police, local self-government bodies, public organizations and individual citizens, related to the development of legal guidelines, establishment of certain rules of conduct and definition of legal means to enforce public order. Nowadays, the legislative basis for enforcing public order by the National Police is the Law of Ukraine «On National Police», which establishes the role and place of police units in the mechanism of a modern state, creates a legal framework for reforming other executive bodies, defines new tasks for the implementation of state policy in protecting the rights and freedoms of citizens, interests of society and the state from criminal and other illegal acts, and partially establishes the category of «public order».

However, the activities of the National Police in public order enforcement should be regulated by other legal acts, first of all by the Constitution of Ukraine, which should oblige the state to maintain public order as a priority

Moreover, it is necessary to use a wide range of legal rules from different branches of law, and above all administrative and criminal law that currently regulate only the public order category. The author of the article argues that despite constant improving of current legislation and an array of Ukrainian legal acts, some acts still require substantial redrafting. In this case, there is no proper balance between normative acts that ensure public and «hromadskyi» [community, civic] order. Contrary to expectations, the number of other subordinate acts does not decrease, but increases. They are accepted by many

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departments without sufficient legal elaboration. The clear regulation of necessary measures aimed at organization and maintenance of public order is absent. Together with the specialization of legislation, which tends to grow, a significant disadvantage of the existing system of law, in our opinion, is the lack of its adequate unification.

Modern practice of governing the bodies of the National Police, which operate under conditions of maintaining public order, poses challenges to science. For effective management of public authorities that carry out tasks for the prevention of violations of public order, the totality of administrative actions developed is obviously not sufficient.

To conclude, system analysis and formal-logical method demonstrates that the whole state as a form of organization of social life is inextricably linked with enforcing the safety of citizens, establishing the rule of law, and protecting human rights and freedoms.

Ideally, as one of the main functions of the state maintenance of public order should be implemented through protection of public rights of a citizen, including protection of his administrative rights to dignity, honor, freedom, personal safety and integrity, family life, permitted conduct and other rights stipulated by the Constitution of Ukraine [4].

Therefore, in the context of enforcing public order, the existing system of law-enforcement bodies in Ukraine is capable of responding to current challenges but needs to be improved first of all legally.

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