

*ДО 100-РІЧЧЯ НАВС: ПРАДИЦІЇ ПІА СУЧАСНІ НАПРЯМИ РОЗВИТКУ
НАУКОВИХ ШКІЛ НАВС У РЕАЛІЗАЦІЇ ПРІНЦИПІВ ПУБЛІЧНОЇ БЕЗПЕКИ
ПІА ПОРЯДКУ*

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***SOME PROBLEMS WITH THE USE OF THE TERM "PUBLIC SECURITY
AND ORDER"***

The general definition of the term "public security" was introduced by the Law of Ukraine "About National Security of Ukraine" dated 21.06.2018 № 2469-VIII. Thus, Article 1 establishes that public security and order are the protection of the vital interests of society and the individual of the interests, rights and freedoms of the individual and citizen, the provision of which is a priority of the security forces, other state bodies, local self-government bodies, their officials and the public, who take concerted action to realize and protect national interests from the effects of threats [1, с. 1].

In the conditions of instability of modern social life, characterized by weakening of the rule of law, the emergence of other negative social processes, issues of ensuring public order and public safety are put among the priority objects of attention of public authorities, scientists, as well as practitioners who carry out law enforcement activities.

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According to the Constitution of Ukraine (Article 1), Ukraine is a sovereign and independent, democratic, social, rule of law [2, c. 5]. Therefore, the protection of state security, human and citizen rights and freedoms, and the fight against crime are vested in the appropriate military formations and law enforcement agencies of the state, the organization and order of activity of which are determined by law.

An important role in the resolution of these issues belongs to the police, called, in accordance with the Law of Ukraine "About National Police" of 02.07.2015 № 580-VII, to ensure public safety and order; to protect human rights and freedoms, as well as the interests of society and the state; counteract crime; to provide, within the limits prescribed by law, assistance to persons who, for personal, economic, social or emergency reasons, require such assistance [3, c. 4].

With the adoption of this law, it was hoped that the term "public security and order" would be legally defined in current law. Because before the adoption of the mentioned normative act, this concept was not legally enshrined, although it used the term as one of the main tasks of the national police.

So far, this term has been used only once, in the order of the Ministry of Internal Affairs of Ukraine "About approval of norms of belonging to the unity of police officers (in peacetime)" of June 22, 2016 № 530. The term was used in the context of belonging to one police force involved in the implementation of national security and defense measures, repelling and deterring armed aggression of the Russian Federation in Donetsk and Luhansk regions, conducting an anti-terrorist operation, or directly performing public security and order tasks, crime, ensuring road safety in the area where it is conducted [4, c. 1].

Analysis of the content of the applicable normative legal acts (Constitution of Ukraine - Articles 34-36, 39, 92, 116, 138, Code of Ukraine about Administrative Offenses - Chapter 14 "Administrative Offenses Affecting Public Order and Public Safety", Criminal Code of Ukraine - section 9 "Crimes against public safety" and section 12 "Crimes against public order and morality", the Law of Ukraine "About the legal regime of a state of emergency" etc.) certify that the terms "public security", "public order", were previously used in a similar sense. At the same time, these categories, as well as the concept of "ensuring public order", are not included in the new Law.

Replacing terminology in regulatory acts is not, in fact, a problem; the problem is new concepts that do not have normative definitions. This situation gives rise to a legal conflict in the regulation of certain social relations and has a negative impact on enforcement, since the police, for example, must be clear about what actions should be considered a violation of public security and order.

Therefore, in connection with the change of terminology and the adoption of new regulatory acts with them, it would be appropriate to define this terminology legally in order to protect the law enforcement agencies and other persons charged with the duty of public security and order against legal conflict.

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***USING SUBSTANTIAL PROGRESS OF FOREIGN COUNTRIES IN
FIGHTING CORRUPTION IN UKRAINE***

Today total corruption has penetrated all spheres of life in Ukraine. The corruption scope even became a threat to the national security. The Ukrainian society is not only fully aware of the complexity of the current situation, but also claims the government to take strong anti-corruption measures. Recent dramatic events of Euromaidan in Kyiv shows that the Ukrainian people do not want to live as before, tolerate the arbitrariness of officials, corruption and social injustice.

Here are a few examples of countries, which had made substantial progress in fighting corruption. Most of these countries recently had an extremely high level of corruption.

Israel

The basis of all anti-corruption measures in Israel - is ramous monitoring of possible corruption actions. The monitoring is carried out by government agencies, special units of the police, the Office of the State Controller, which is independent from the ministries and various NGOs. If the corruption facts appear the investigating bodies are being informed immediately.

The legislation of Israel provides significant social benefits for the state employers. At the same time the penalties for the officials, involved in corruption actions are very heavy, thus local corruption in the country is almost absent. The number of cases brought to court is less than 5%.

Likewise the register of the corrupted firms has been also created in Israel.