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THE ROLE OF PUBLIC SAFETY OF INDIVIDUALS: HARMONISATION OF UKRAINIAN LEGISLATION TO INTERNATIONAL STANDARDS

Yuliya MEKH,

PhD in law, associate professor of the department
of administrative law and administrative activities,
Yaroslav Mudryi National Law University

Summary

Security issues are topical for Ukraine now. Based on international experience, the genesis and formation of the security offered as a positive borrowing proven experience to solve problems in this sphere, including – structures of private sector security. The article discusses the basic positions of the definition of „security”, presented its security mechanisms. Grounded position, based on the history of this definition, according to which the creation and existence of civil society is directly related to the security of the citizen of the state, points to the role and functions of the public in the development of civil society in ensuring the safety of each person.

Key words: security, rule of law, legal state, human rights, harmonization of legislation.

Аннотация

Вопросы обеспечения безопасности в настоящее время являются очень актуальными для Украины. На основании зарубежного опыта, генезиса и становления безопасности как явления предлагается заимствование позитивного апробированного опыта для решения проблем в данной сфере, в том числе – структурами негосударственного сектора безопасности. В статье рассмотрены основные позиции дефиниции «безопасность», представлены механизмы её обеспечения. Обосновано положение, опираясь на историю данной дефиниции, согласно которому создание и существование гражданского общества напрямую связано с безопасностью гражданина государства, указывается на роль и функции обществности в формировании гражданского общества, в вопросах обеспечения безопасности каждого человека.

Ключевые слова: безопасность, правопорядок, правовое государство, права человека, гармонизация законодательства.

Formulation of the problem.

The Constitution of Ukraine declared that person, his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the content and direction of the state. The state is responsible to the people for their activities. To affirm and ensure human rights and freedoms is the main duty of the state [1]. However, as a basic right of the whole system of individual rights, legal regulation of the right to security today is much less regulated than other rights.

Actuality of theme is due permanent character of reforms in the public administration sphere, including the security as a set of measures to protect the rights and freedoms of the individual, because the rule of law can speak not only as it applies to those responsible means of educational and coercive, but when

the state provides adequate protection of citizens.

Status of the study. Recently there has been increased attention among scholars of various branches of science to study the problems of security. This is due to the diversity of views on this issue from the points of view of different sciences, law, economics, political science and more. Among the scientists who deal with this problem in the legal field, it is worth noting the work I.F. Korzh [2], V.A. Lipkan [3], V.J. Nastyuk [4], V.P. Pyetkov [5], V.G. Pylypchuk [6], H.P. Yarmaki [7] and others.

The purpose and task of the article.

Analysis of the current situation in Ukraine shows that the lack of appropriately spent cooperation of public administration with civil society a negative impact on performance in matters of national security. The need for thorough scientific analysis of this problem is caused by issues



and explore optimal ways of harmonizing the existing legislation to international standards in these areas. The priority should be the harmonization of legislation taking into account the specific position of foreign and have proven experience of other countries. In particular, this problem should be solved at the level of legal science, and in the rule-making process, which will enhance the performance of business security person.

Statement of the basic material. Creating a civil society is the one segment which involves the proper observance of individual security in the country as a whole. The mechanism of the state security put the major responsibilities and public authority in the security of other bodies of public administration.

If we consider the genesis of the right to security, it is worth mentioning that fundamental principles still known from the works of John Locke, Montesquieu, and later – in the natural law concept of human rights (Constitution of the United States, France, Italy), but the main stage associated with the creation of the United Nations and the Universal Declaration of Human Rights [8].

Article 2 of the Treaty on European Union (the Maastricht Treaty) of 7 February 1992 [9] identifies the main common to Member States' social values, characterized pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. In turn, ensure optimum legal protection of these values can be achieved by ensuring public safety and public order.

The "Safety" means the absence of unacceptable risk associated with the possibility of causing any harm to life, health and property and to the environment; a set of measures and human and material resources that are designed to prevent such harm; state of protection of the population against the risk of environmental objects for emergencies [10, p. 39]. At the same time, the interpretation of the definition of "security" at the legislative level in Ukraine is not provided, although by the terms "safety of persons involved in criminal proceedings" [11] "aviation security" [12] and others.

The Ukrainian politics, theory of security, administrative law consensus to determine the definition of "security person" is absent. This can explain the process of formation of the concept and its

even in the West. The main interpretations of "human security" use the following:

1. The concept is considers security of the person, as the theory that derives from the need to implement basic human needs. The concept arose from the appearance of documents "of the UN". The main provisions of the approach disclosed in these statements:

- A person is subject to security people, not for the state or community groups;

- Safety components are interrelated persons;

- Safety of persons related to the quality of life of people, society and the political process, and anything that reduces this quality threatens security.

2. „Interventional treatment" security person draws the focus on the interaction of individual and state security. Its representatives emphasize the assertion that the security of the state does not necessarily guarantee the security of its citizens.

3. Model of the concept of security people interprets development as the foundation, the basis for human existence, its fulfillment. A major reason for development must ensure security of the person. Theorists supporting this approach emphasize coordination, establishment of interaction between all actors implementing security entity (person, society, state, international organizations, etc.) and consider the importance of redistribution of wealth in the world of "rich" countries and societies to "poor" minimize the negative effects of globalization, strengthening of institutional regulation of the world economy and globalization for effective development of mankind and person.

4. The approach considers the emergence of the concept of security of the person as a result of shift of emphasis in ensuring national security from traditional to non-traditional threats. This interpretation of the security entity acting as subordinate elements on national security and the need for its implementation is justified by the state through the strengthening of man and society in the context of globalization and "dilution" of sovereignty.

So, "human security" includes not only the physical protection of each person ("human security") or job survival and security of mankind ("human / global

security"), as more implementation ability of each person to normal life and ensuring appropriate conditions for this from the man himself, NGOs, society, and – the state, the international community, international organizations, etc. [13, p. 70].

Understanding of national security, in the broadest sense, is a state of the state, which enables it to maintain its integrity and act as an independent subject of international relations. Particularly national security means protection of vital interests of the individual, the state and society, state borders, territorial integrity, socio-political system, economy and culture of the country from internal and external threats.

Law of Ukraine "On National Security of Ukraine" [14] states that national security – is the protection of vital interests of man and citizen, society and state in which ensuring sustainable development, early detection, prevention and neutralization of real and potential threats to national interests". Analysis of existing legislation shows that the concept of "security" and "national security" are closely related.

In article 17 of Constitution of Ukraine stated: "Protection of sovereignty and territorial integrity of Ukraine, to ensure its economic and informational security are the most important functions of the state, a matter of Ukrainian people". The above constitutional provision has been developed first in the Concept of National Security of Ukraine, and then in the Law "On National Security of Ukraine".

National security is manifested at three levels: individual, society and state. In turn, the safety of people is the formation of complex legal and moral norms and social institutions that would provide her the opportunity to develop and implement socially significant abilities and needs without experiencing opposition from the society and state. Safety brilliant person appears in ensuring their rights and freedoms.

In a democracies, security is a priority person. Security state and society is not an end in itself, and the condition of security person. Thus, in most foreign countries much emphasis on the formation of voluntary groups in enterprises with number of employees 30 or more people. In peacetime – a service: medical, alert, emergency, fire and others. For example, in the United



States except the Federal Department action in emergency conditions, there are also local organizations such as the "American Association of Civil Defence", "Physicians for emergency preparedness" and so on. In of Denmark, in 1906 to create a special rescue service – a private life building "Falk".

Today it is the world's largest private multi Rescue Service, which is based on the principles of the company and acts not only of Denmark as well as Sweden and Germany, and not only has a large fleet of various special vehicles, but rescue vehicles, helicopters and aircraft, and extensive experience in this area, including in other countries (Sweden, Poland, Slovakia, Belgium, Finland, Germany, France).

The term "international human rights standards" is used more often. This definition can be expressed as: international standards of human rights – enshrined in international instruments and certain other international figures of these rights, which are encouraged to achieve or commit state. It is, therefore, the original models ("standards"), which are designed to orient its activities different states and other participants of social life. It is significant that in the preamble to the Universal Declaration of Human Rights, which is generally recognized as the most important source of such standards, it is stated that the declaration adopted as a "model, which should aim to answer all peoples and nations" [8].

National implementation including "right-to- people" international standards, is the following stages:

1. State recognition of human rights.
2. Steps enjoyment of human rights .
3. Institutionalization enjoyment of human rights .
4. Interpretation and concretization of legal acts on human rights.
5. Procedure for the implementation of human rights .
6. Establishment and implementation of legal measures of protection and human rights [15].

In legal literature, issues of legal regulation and compliance with European standards is not new. But it should be noted that this regulation of society by using certain mechanisms. So, O. Skakun believes that under the regulation mechanisms should understand the various elements of the legal system of

carrying out regulatory impact on society. It is certain, taken in unity, totality legal means, ways and forms by which the law provides normative regulation of social relations in the interests of legal subjects, resolves conflicts, promoting the social compromise in the legal field. The approach to the mechanism of regulation expressed S.Bobrovnik and N. Onishchenko, offering to give up understanding this mechanism only as of the legislator, which forms the rule of law, gives it empowering, obligatory or prohibitive nature, but only as the fulfillment of legal requirements, submission Prohibition of entities which this requirement applies. When unilateral approach to legal regulation mechanism is reduced to zero goals and objectives of regulation are not taken into account various factors that affect the process of the said regulation [16]. The consideration of several definitions of this category allows to conclude that the whole mechanism under the regulation can set of legal means by which the impact on social relations. The category of "security" is understood as a set of methods and tools aimed at achieving this goal. So, on this basis, we can talk about security as a system of legal and institutional measures taken by competent actors to achieve goals – security and protection of man and citizen. It should also be noted that international law Worth the position that in any case, regardless of the type of security is the same facility security – population.

The conventional definition of "security" in the common problems of legal science "law and order". In this case, the category of "law and order" provided by the government itself, that determines the power system security, legal means such security shall continuous safety and protection of the rights and freedoms of man and citizen. In the administrative-legal literature "rule of law" often is used as a synonym for "public order". The most "security" is "red stripe" across all warranties: social, economic, political, spiritual, cultural, administrative and procedural and others.

Cooperation between public authorities, local government and voluntary community organizations expedient in the performance of the main task – to achieve security and peaceful living conditions.

To increase public confidence in the police and active public involvement in their activities Ukrainian parliament, President of Ukraine, the Cabinet of Ministers of Ukraine, Ministry of Interior adopted a number of regulations, including the Law of Ukraine "On citizens' participation in public order and state border", the President of Ukraine Decree "on measures to ensure personal security and combating crime", the Cabinet of Ministers of Ukraine "Issues of community groups to protect public order and state border", "On approval of the action plan on enhancing the participation of community groups to protect public order and state border, public assistant district officers Police in rural areas to ensure law and order" orders the Ministry of Interior of Ukraine "On Approval of the district police inspector in the Ministry of Internal Affairs of Ukraine", "On Approval of Instruction on organization "On Approval of the Regulations on the organization of enforcement bodies of Ukraine to ensure interaction with the population and public forces of public order in the area of crime prevention".

Law enforcement community groups is known at all stages of the existence and development of any society. As history shows, the law enforcement community formation significantly influenced ensure adequate protection of public order and combating offenses through prevention.

The process of revival of former voluntary people's squads since independence Ukraine only begins in 2000, when the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On citizens' participation in public order and state border" [17] (hereinafter – the Law). The law defined the basic tasks social groups, their functions, order of formation, structure and forms of activity and forms of interaction with local state administrations, local authorities, law-enforcement bodies and so on. In Ukraine, public mechanisms of systemic social institutions are self-governing, self-organization, autoregulation population and others. The law provides for the possibility of using these mechanisms for mass creation of community groups at the place of residence, work, study and associations at regional and national levels.

According to the Law and the Cabinet of Ministers of Ukraine N 1872 from



20 December 2000 "On approval of the charter community formation for the protection of public order and state border, descriptions and sample blank certificate armbands member such formation" [18] representatives of community groups the protection of public order and state border provide assistance to law enforcement, public authorities, Local Government in implementation of measures aimed at protecting the life, health, honor and dignity of the person and his property from criminal offenses, public order during cultural events, crime prevention, prevention of administrative and criminal offense, public bodies and internal departments cases of committed or are preparing, crimes.

Therefore coordination of community groups to protect public order and the state border at the state level in the form of the creation of a Ministry of Internal Affairs Ukraine coordinating body of the central headquarters of these units is relevant today as ever.

In 2008 in Ukraine was established "Association civic organizations Ukraine on protection of public order and state border", which brought together a public building in Kiev, Dnipropetrovsk, Kherson, Poltava, Kharkiv, Cherkasy, Rivne, Chernihiv and Luhansk regions. However, this association authorities began work on the organization of protection of citizens by law enforcement and crime prevention units and integration into a single civil security service of Ukraine.

High levels of criminal and administrative offenses leads to a real threat to life, health, property and other rights and freedoms of citizens, because the involvement and active participation of citizens in favor priority tasks in the field of public order and state border Ukrainian State. In conditions of peaceful development of society shaping public security covers preventive position in the development of civil security. However, today an urgent task to bring this security model to a single format, using foreign experience.

Conclusions. Harmonization of legislation in the field of security involves individual process of coordination and the adoption of joint efforts by all parties to common principles and norms spivdiyalnosti. It should be remembered that the success of Ukraine's democratic

transformation and reform in all spheres of public life, creating a full-fledged democratic society and the rule of law is largely dependent on the active participation of citizens in the process.

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