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ЗАПЕВНЕННЯ ПОРЯДКУ І БЕЗПЕЧЕНСТВА ПУБЛИЧНОГО ПЕРЕЗ НАРОДОВУ ПОЛІЦІЮ УКРАЇНИ

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W artykule określono, że Konstytucja Ukrainy, jako główny gwarant, zapewnia obywatelom państwa prawo do wolności myśli i słowa, do swobodnego wyrażania swoich poglądów i przekonań (art. 34), do zgromadzeń pokojowych – bez broni oraz do zebrań, mitingów pochodów oraz demonstracji (art. 39) zgodnie z procedurą ustanowioną przez prawo. Dlatego też niezwykle ważne miejsce zajmują kwestie zapewnienia bezpieczeństwa i porządku publicznego przez organy władzy publicznej. Określono, że jednostkom Narodowej Policji powierzono zadanie zapewnienia właściwych warunków ochrony porządku publicznego i bezpieczeństwa publicznego poprzez stosowanie w swoich działaniach różnych form i metod administracyjnych. Tak więc, zapewnienie bezpieczeństwa i porządku publicznego w Ukrainie przez Narodową Policję jest pewnym kompleksem stosunków administracyjnoprawnych mających na celu ochronę praw i wolności człowieka i osób, zapewnienie ochrony praw i wolności obywateli, ich życia i zdrowia, poszanowania honoru i godności ludzkiej, przestrzegania moralności publicznej, normalnych warunków życia, a także przestrzegania interesów społeczeństwa i państwa.

Słowa kluczowe: zapewnienie bezpieczeństwa publicznego, ochrona porządku publicznego, Narodowa Policja, imprezy masowe, organy ścigania.

ENSURING PUBLIC ORDER AND PUBLIC SAFETY BY THE NATIONAL POLICE OF UKRAINE

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The article examines that the Constitution of Ukraine, as the main guarantor, enshrines the right of citizens of the state to freedom of thought and speech, to the free expression of their views and beliefs (Article 34), to the right to assemble peacefully, without weapons, and hold meetings, rallies, marches and demonstrations (Article 39) in accordance with the law. That is why the issues of ensuring public security and public order are given an extremely important place by state authorities. It was determined that the division of the National Police is tasked with ensuring proper conditions for the protection of public order and public safety through the use of various administrative forms and methods. Thus, ensuring public safety and in the order of the National Police of Ukraine is a certain complex of administrative and legal relations aimed at protecting the rights and freedoms of people and individuals, ensuring the protection of the rights and freedoms of citizens, their lives and health, respect for honor and the person dignity compliance with norms of social morality, normal conditions of human life, as well as compliance with the interests of society and the state.

Key words: ensuring public safety, public order protection, national police, mass events, law enforcement agencies.

ЗАБЕЗПЕЧЕННЯ ГРОМАДСЬКОГО ПОРЯДКУ ТА ГРОМАДСЬКОЇ БЕЗПЕКИ НАЦІОНАЛЬНОЮ ПОЛІЦІЄЮ УКРАЇНИ

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У статті визначено, що Конституція України, як основний гарант закріплює право громадян держави на свободу думки і слова, на вільне вираження своїх поглядів і переконань (ст. 34), на право збиратися мирно, без зброї і проводити збори, мітинги, походи і демонстрації (ст. 39) у визначеному законом порядку. Саме тому питанням забезпечення публічної безпеки та публічного порядку органами державної влади приділяється вкрай важливе місце. Визначено, що на підрозділі органів Національної поліції покладаються завдання саме у забезпеченні належних умов щодо охорони громадського порядку та публічної безпеки шляхом застосування у діяльності різ-

них адміністративних форм та методів. Таким чином, забезпечення публічної безпеки і порядку в Україні органами Національної поліції це певний комплекс адміністративно-правових відносин, направлених на захисту прав і свобод людини та осіб, забезпечення захисту прав і свобод громадян, їх життя і здоров'я, повагу до честі та людської гідності, дотримання норм суспільної моралі, нормальні умови життєдіяльності людини, а також дотримання інтересів суспільства і держави.

Ключові слова: забезпечення громадської безпеки, охорона громадського порядку, національна поліція, масові заходи, правоохоронні органи.

The Constitution of Ukraine, as the main guarantor, enshrines the right of citizens of the state to freedom of thought and speech, to the free expression of their views and beliefs (Article 34), to the right to assemble peacefully, without weapons, and hold meetings, rallies, marches and demonstrations (Article 39) in accordance with the law. Only a court in the interests of the national security of the state in order to protect the rights and freedoms of a person and a citizen can limit the exercise of the above-mentioned rights. That is why the issues of ensuring public security and public order are given an extremely important place by state authorities. Despite the fact that administrative scientists are constantly paying attention to this issue, the issue of a single legislative act on public order and public safety remains unresolved to this day.

Analysis of scientific publications. The issue of protection of public order and public safety was addressed by scientists: M. Anufriev, O. Bandurka, V. Berezan, M. Burbyka, A. Vasylyshyn, Yu. Garust, I. Golosnichenko, S. Husareva, E. Demsky, A. However, they considered more general or related problems of this direction. Among scientists, there are different approaches and visions regarding the definition of the concepts of public order, public safety and its provision etc.

The purpose of the work is to investigate the role of the National Police in ensuring public order and public safety in Ukraine based on the analysis of the works of administrative scientists and current legislation.

Review and discussion. Ensuring public order and public safety is a classic expression of law enforcement activity, which is the activity of the National Police in maintaining the safe condition of people in public places, ensuring order, as a favorable condition for the observance and realization of the rights and freedoms of individuals. When it comes to defining the concept of provision, there are different approaches and opinions among scientists. So, for example, we are impressed by the opinion of scientist O. Drucek, who believes that different definitions of legal protection are used in legal literature, in particular in an attempt to outline its mechanism: in the context of administrative law and activity, we are talking about mechanisms for ensuring “protection”, “implementation”, “implementation of canting”, etc. Obviously, these concepts are not identical, they require the development of 26 clear criteria for differentiation, clarification of definitions, demarcation of content (Drucek, 2013: 127).

Researcher V. Halunko noted that the support of investigators is a legal system built on the basis of the norms of administrative law, the elements of which are administrative-legal relations and forms and methods of administrative activity and administrative procedures that form a complex institution of administrative of law, which is filled with vertical and horizontal connections, combines homogeneous social relations with the aim of creating an administrative toolkit of practical independence of investigators and creating decent conditions for them to conduct a high-quality pre-trial investigation. (Halunko, 2017: 397). According to the academic explanatory dictionary of the Ukrainian language the term “provision” means: supplying something in sufficient quantity, satisfying someone, something in some needs; to provide someone with sufficient material means of subsistence; create reliable conditions for doing something; to guarantee something, protect, protect someone, something from danger (Academic Ukrainian dictionary: 17).

In our opinion based on these positions the division of the National Police is entrusted with the task of ensuring proper conditions for the protection of public order and public safety through the use of various administrative forms and methods. Today the legislator is moving away from the concept of public order, increasingly replacing it with public safety and order. Thus, according to Article 2 of the Law of Ukraine “On the National Police” one of the tasks in the provision of police services in the field is: 1) ensuring public safety and order; 2) protection of human rights and freedoms, as well as the interests of society and the state (About the National Police: 2015). However, this law does not define what constitutes public safety and order. These concepts are defined by the Law of Ukraine “On National Security”, where public safety and order is the protection of interests, rights and freedoms of a person and a citizen vital to society and the individual, the provision of which is a priority task of the security forces, other state bodies, and local self-government bodies, their officials and the public, who carry out coordinated measures to implement and protect national interests from the influence of threats (On the national security: 2018). The Law of Ukraine On the Peculiarities of Ensuring Public Order and Public Security in Connection with the Preparation and Holding of Football Matches defines public security as the state of protection of the vital interests of society, concentrated in its material and spiritual values, from sources of danger of a natural or artificial nature during preparation and holding of football matches, which ensures the prevention of threats of harm from such sources of danger; and public order – a set of social relations that ensure normal conditions for human life, activities of enterprises, institutions and organizations during the preparation and holding of football matches by establishing, observing and implementation of legal and ethical norms (On the peculiarities of ensuring public order and public safety: 2012).

In our opinion, this concept is covered in the most extensive way in the draft Law of Ukraine dated 19.11.2018 No. 9300 which was accepted for consideration by the Verkhovna Rada of Ukraine. It is about public order, as a system of social relations regulated by legal and other social norms, which ensures the protection of rights and citizens’

freedoms, their lives and health, respect for honor and human dignity, compliance with norms of social morality. Also a list of public places is provided, which includes: the territory of cities, towns, settlements, objects for common use: state institutions, commercial establishments, offices, as well as roadsides, underpasses, bus stops, etc.; sports facilities (sports stadiums, athletic arenas, training grounds, etc.); cultural objects (theaters, recreation palaces, cinemas, houses of children's and youth creativity, etc.); places of rest (parks, squares, national reserves, botanical gardens, alleys, playgrounds, etc.); part (parts) of any building, structure accessible or open to the public freely, whether by invitation or for a fee, permanently, periodically or from time to time, including entrances, balconies of residential buildings, unfenced outbuildings, etc. (Draft Law of Ukraine: 2018). Unfortunately, this draft law has not been approved by the Verkhovna Rada. During the period of martial law, students of higher education institutions with specific learning conditions belonging to the sphere of administration of the Ministry of Internal Affairs, who have a special rank of police, may be involved in measures to ensure public safety and order (Draft Law of Ukraine: 2022).

Determining the main goal of ensuring public safety and order police officers take measures in their majority that are of a warning nature in case of a negative reaction from offenders, the possibility of using physical coercion is provided. Police measures of coercion include physical influence (force); use of special means; use of firearms.

It should be noted that the use of physical coercion is not absolute, but the authority of the police officer will end where the right of the individual begins, defined but not limited by the Constitution and laws.

To ensure public safety and order the police officer uses special means clearly provided for by the current legislation. First of all, these are preventive measures, which include: stopping the vehicle; verification of a person's documents; surface inspection and inspection; the requirement to leave a place and restriction of access to the specified territory; interviewing a person; restriction of movement of a person, vehicle or actual possession of a thing; breaking into a person's home or other property; verification of compliance with the requirements of the permit system; use of technical devices and technical means that have the functions of photo and film shooting, video recording, means of photo and film shooting, video recording; verification of compliance with the restrictions established by law regarding persons under administrative supervision and other categories of persons; police custody etc.

A high level of professionalism is expected from police officers when applying prophylactic and other means of influence on them. It is strictly forbidden to: inflict blows with rubber (plastic) brushes on the head, neck, collarbone area, genitals, lower back (coccyx) and stomach; shoot cartridges equipped with non-lethal rubber or metal projectiles similar in their properties, in violation of the requirements defined by the technical characteristics regarding the ratio of the person and shooting in separate parts of the head and body of a person; placement of a water cannon at an air temperature below +10°C; reserve handcuffs for more than 2 years of continuous use or without weakening their pressure; replace the firearm beyond causing sufficient harm to the person to immediately deter or stop the armed attack. In the event of a violation of the rights and freedoms of individuals by the police officer, measures of legal responsibility will be brought against him.

Conclusions. Thus, ensuring public safety and in the order of the National Police of Ukraine is a certain complex of administrative and legal relations aimed at protecting the rights and freedoms of people and individuals, ensuring the protection of the rights and freedoms of citizens, their lives and health, respect for honor and the person dignity compliance with norms of social morality, normal conditions of human life, as well as compliance with the interests of society and the state.

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