

MEANS OF IMPLEMENTATION OF THE PRINCIPLE PUBLICITY AND TRANSPARENCY IN THE PROVISION OF ADMINISTRATIVE SERVICES UNITS OF THE NATIONAL POLICE OF UKRAINE

ЗАСОБИ РЕАЛІЗАЦІЇ ПРИНЦИПУ ВІДКРИТОСТІ
ТА ПРОЗОРОСТІ ПРИ НАДАННІ АДМІНІСТРАТИВНИХ ПОСЛУГ
ПІДРОЗДІЛАМИ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ

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У статті проаналізовано норми, що встановлюють визначення сутності та ознак адміністративних послуг, розглянути такі наукові підходи й нормативно-правові акти, які розкривають категорію «адміністративні послуги», засоби реалізації принципу відкритості та прозорості при наданні адміністративних послуг підрозділами Національної поліції України. Акцентовано увагу на тому, що в науці адміністративного права питання щодо дослідження категорії «адміністративні послуги, які надаються органами поліції», не вивчалось, немає також і єдиного підходу щодо визначення безпосередньо поняття «адміністративні послуги, які надаються органами поліції».

Ключові слова: Національна поліція України, адміністративні послуги, принцип відкритості та прозорості.

Articolul analizează regulile care stabilesc definirea naturii serviciilor administrative, astfel se cercetează și actele normative care dezvăluie categoria «servicii administrative», totodată, se cercetează și mijloacele de punere în aplicare a principiilor de transparență în oferirea serviciilor administrative de către departamentele Poliției Naționale a Ucrainei.

Astfel se atrage atenției asupra faptului că în știința dreptului administrativ nu s-a studiat pedepplin și domeniul «servicii administrative oferite de poliție».

Cuvinte cheie: Poliția Națională a Ucrainei, servicii administrative, principiul de publicitate și transparență.

The article analyzes the rules that establish characteristics of administrative services, to consider the following scientific approaches and regulations that reveal the category of "administrative services", means of implementing the principle of openness and transparency in the provision of administrative services units of the National Police of Ukraine.

Keywords: National Police of Ukraine, administrative services, the principle publicity and transparency in the provision.

Today, in full reboot of authorities and European integration, the issue of public trust in law enforcement, not only has not lost relevance, but also acquired special significance. As a result of reforms that are implemented in our country, fundamentally changing priorities, exposing the first place is not a state, but a man.

These provisions are set out in the Constitution of Ukraine: "To affirm and ensure human rights

and freedoms is the main duty of the state" [1]. It should be noted that the administrative services - is one of the important functions of regulating relations between the state and citizens, the rights, freedoms and responsibilities of citizens. So now, considerable attention is paid to the improvement of public services.

Leading scientists such as I.B. Koliushko , V.B. Averyanov, I.P. Holosnichenko, O.M. Bandur-

ka, V.P. Tymoshchuk A . Selivanov, I.V. Boyko, S. O.Shatrava, L.M. Chernenko, emphasize on the importance of the implementation study on the state of administrative services . Problems of assessment of law enforcement in our country were studied in works of O.M. Bandurka , O.B. Andreeva, O.M. Borisovskaya, M. Y.Frolov, V.V. Kowalska. However, it is necessary to emphasize that the science of administrative law issues concerning research category of “administrative services provided by the police,” has not been studied, there is also no common approach to direct determination the notion of “administrative services provided by the police.”

The purpose of the article is to determine the nature and characteristics of administrative services, to consider the following scientific approaches and regulations that reveal the category of “administrative services”, means of implementing the principle of openness and transparency in the provision of administrative services units of the National Police of Ukraine.

It is known that the idea of administrative services came to Ukraine from the experience of Western countries, where since the eighties doctrine has become a “new public management” and focus on the state of the citizen as a customer. For the first time the concept of administrative services in our legislation recall the Concept of administrative reform 1998 [2], where one of the problems concerns the introduction of a new ideology of state executive bodies and local authorities for ensuring the rights and freedoms of citizens, providing quality management services . Undoubtedly, the emphasis on “service”, “service delivery” is certainly beneficial for our country. The government should remember that it exists to service the society in general and each citizen individually.

Statement of the material. In European countries, the main task of this idea was to redesign the outdated bureaucratic machine to a more flexible organization that uses the best methods and approaches to private sector services for citizens. The main areas of activity of the issues “public service” in developed countries were and are:

- Creating the most accessible and most convenient conditions for consumer services (for example :ideas for implementation of integrated offices - Eng. One-stop-shop, Ger. - Burgerburo; Burgeramt);

- Search for the best providers of services (creating “executive agencies”, “privatization” of services / implementation of privatization on the use of private sector methods in public institutions, etc.);

- The introduction of information technology to deliver services, web portals for public services (for example, www.servicecanada.gc.ca (Canada) www.service-public.fr (France), as well as some services of computers.

New step of legislators in this direction were the activities related to the main areas of competition policy in 2002-2004, which were approved by the Decree of the President of Ukraine from 19.11.2001 p. Number 1097, which determined the optimization of economic activities of executive bodies and local authorities [3].

At the same time, according to V. Averyanov such terms as “public service” is sufficiently wider than management services, in fact, except the last, he adds the following services provided by government agencies, such as public education, health care etc. On this basis, it would be correct to distinguish between the concepts of state and municipal services regardless of their funding source [4]. This was reflected in the actual development of the Concept of administrative services executive agencies [5].

Some legal scholars have tried to reveal the concept of “administrative services” because of the origin of the term “service”. The service is a special use value of the labor process that is expressed in the beneficial effects and satisfying human needs, staff and society [6].

In recent years, the theory of administrative services in our country has undergone significant development [7; 8]. Since 2006, when the Cabinet of Ministers of Ukraine approved the Concept of development of the system of administrative services by executive authorities, the issue has become a priority in public policy.

In general, having even a terminological evolution (from construction management services to the category of “administrative services”, which in both cases are based on the characteristics of an entity that provides these services - in administration), be stated that Ukraine is sufficiently developed theory administrative services. This includes broad categorical apparatus (“administrative ser-

vices", "public services", "public services", "municipal services", etc.), and quite distinct classifications own administrative services.

Given the above, we can confidently say that the doctrine of Ukrainian administrative services is essentially national treasure. After all, such a "strict" legal form problems of administrative services in European countries not considered.

It should be noted that the term "administrative service" is used primarily in the Nordic countries (Finland, Sweden) and countries in the Anglo-American family law (UK, Canada, USA). Conversely, in countries of Romano-Germanic family of law remains the dominant approach traditional legal definition of relations between the authorities and individuals through application categories such as "authority", "function" and "task" administrative authorities [9]. In addition, the domestic literature often used the term "administrative services", which, in the opinion of I. Koliushko are less successful [10].

According to the German professor O. Lyuhterhandt under management (administrative) should be understood as "positive" individual acts taken to meet the specific interests of individuals or entities [11].

Given the fact that, according to p. II, p. 1 Law of Ukraine "On the internal affairs", which came into force on 06.01.2015 g. The system of the Interior includes:

1. The Ministry of Internal Affairs of Ukraine;
2. Central authorities;
3. The National Guard of Ukraine;
4. The main center providing services [11], we turn to the theoretical approach of some lawyers in the part concerning the characteristics of the issue of administrative services by the Interior as National Police of Ukraine belongs to the police.

However, it should be emphasized that the legal basis for an administrative authority, under its authority, any service, is the only law and acts equal to it in the hierarchy. According to Articles 6, 92 and 120 of the Constitution of Ukraine organization, powers and procedures of the executive power, are determined only by the Constitution of Ukraine and its laws. Thus, given some of the provisions of the Constitution of Ukraine, the legal regulation of the right to obtain a specific individ-

ual administrative services, and the order of providing the appropriate powers and administrative authority must be directly required by law.

In order to settle the issue of administrative services, 06.09.2012 g. Was approved by the Law of Ukraine "On Administrative Services" [12]. This law defines legal bases of the rights, freedoms and lawful interests of individuals and legal entities in the provision of administrative services.

Thus, according to this Law:

- Administrative services, is the result of the exercise of authority the subject of administrative services at the request of a person or legal entity, aimed at the acquisition, modification or termination of rights and / or obligations of that person in accordance with the law;

- The subject of administrative services, is the executive body, other state bodies, bodies of the Autonomous Republic of Crimea, local governments and their officials, authorized by law, to provide administrative services;

- Subject of address, is a natural or legal person who applies for the receipt of administrative services [13].

- The said Law applies to public relations related to the provision of administrative services.

We turn to the characteristics of direct administrative services provided by the National Police. By the laws of Ukraine officially designated administrative services in the internal affairs within the meaning of administrative activities for their provision are the following types: 1) issuance of special permits (approvals, opinions) for certain actions; 2) product certification; 3) licensing certain types of activities; 4) state registration of keeping registers; 5) confirmation (identity) of a certain legal status and / or fact.

It should be noted, on 11.09.2015. Cabinet of Ministers of Ukraine № 908 (On Amendments to the Cabinet of Ministers of Ukraine on June 4, 2007 p. 795 number) added to the list that the National Police units are performing registration and issuance of permits for the transportation of super size , heavy cargo and documents on approval route road transport of dangerous goods.

Conclusion. Several classifications of administrative services should be selected, in terms of establishing authority to provide administrative services and regulation procedures for their pro-

vision; the level of services; the type of services; the level of the governing body; in substance administrative activities for providing administrative services; the subject matters for which the solution treated person; by type of service; criteria for payment; financing sources to provide services; categories of recipients.

To improve the regulatory framework of the procedure of administrative services departments of preventive NEA consider it appropriate:

- Extend the scope of the Law of Ukraine "On Administrative Services" on public relations on the acquisition of the ownership and use of firearms, air and knives, devices for shooting cartridges, filled projectiles and ammunition for weapons and explosive materials through changes and additions Art. 2;

- Prepare and approve, subject to reforms in the police, administrative standards of services provided by the Department of Preventive units of NEA;

- Review the feasibility of experimental gas weapons and weapons of "non-lethal" (with authorization for registration and re-registration of weapons);

- Streamline state with payment for administrative services (problematic issues customers of administrative services in terms of their pay often is unfounded the fees, primarily due to "crushing" one service into several "paid services" and the opacity of the procedure for payment of services).

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