



## **THE PRINCIPLES OF THE NATIONAL POLICE OF UKRAINE**

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*Reorganization of the internal Affairs bodies implies a profound transformation concerning the essence and activities of the police, the updating of the content of her work. The cornerstone erected by the rights and freedoms of citizens. Their protection and respect should be the main goal of the police is the population to assess the reliability and efficiency of its activities on the essence and principles of the National police of Ukraine.*

*Key words: internal Affairs bodies, the media, publicity, police, transparency, principles, essence of the principles, the national police, administrative law, legislation.*

*Reorganizarea Poliției naționale implică schimbări profunde în ceea ce privește natura și activitatea poliției, actualizarea conținutului activității sale, dreptului administrativ, legislației. O atenție sporită se acordă drepturilor și libertăților cetățenilor. Protecția și respectarea acestora ar trebui să fie scopul principal al poliției, și anume populația va evalua fiabilitatea și eficacitatea activităților sale în conformitate cu conținutul și principiile tipurilor de activități ale Poliției Naționale a Ucrainei.*

*Cuvinte-cheie: organele afacerilor interne, mass-media, publicitatea, poliție, transparența informațională, principiile, esența principiilor, Poliția Națională, drept administrativ, legislație.*

*Реорганізація Національної поліції передбачає глибокі перетворення, що стосуються сутності та діяльності поліції, оновлення змісту її роботи. У главу кута зведені права і свободи громадян. Їх захист та дотримання повинні бути основною метою поліції, саме населення буде оцінювати надійність та ефективність її діяльності щодо сутності та видів засад діяльності Національної поліції України.*

*Ключові слова: органи внутрішніх справ, засоби масової інформації, публічність, поліція, інформаційна відкритість, принципи, сутність принципів, Національна поліція, адміністративне право, законодавство.*

**Statement of the problem.** In Ukraine, far-reaching reforms in various spheres of society and state, including law enforcement. Created and formulated legislative base of reforms, has consistently strengthened and improved the legal bases of public-political life. Implemented currently, the reform of the interior Ministry of Ukraine is another critical step to the modernization of the country and its public administration, its main goal is the creation

of a modern and efficient law enforcement system in Ukraine.

In the law of Ukraine dated 2 November 2015 Ukraine “On the National police” [1, p. 12]. the basic principles of policing. The police can create their own databases required to ensure the daily activities of the bodies (institutions, agencies) police in the field of labor, financial, administrative relations, relations, document management, and interagen-

cy information and analytical systems necessary to perform the mandates assigned to it. However, there are no principles that define the framework for implementation of information-analytical activities of the police: the formation of databases within the unified information system of the Ministry of internal Affairs of Ukraine; the use of databases (banks) data of the Ministry of internal Affairs of Ukraine and other public authorities; information retrieval and information-analytical work, information interaction with other state authorities of Ukraine, law enforcement agencies of foreign States and international organizations. We believe that this problem requires further research and more comprehensive principles of the National police of Ukraine.

**The purpose of this paper** is the development of the law of Ukraine on principles governing the activities of the National police of Ukraine.

**Presentation of the basic material.** The essence of organizational-legal principles of activities of the National police of Ukraine is divided into the basic principles and the principles of formation and functioning of the respective parts (institutions) [6, p. 67]. To include basic principles of regulation of relations between the society and the Executive authorities, which reveal the nature of the formation and functioning of administrative law, emphasizing its place and role in the legal system. The regulatory principles of relations between society and Executive authorities include: Ministry of state administration of society and the individual; the limited interference of Executive bodies in civil and personal life of a person; the fullness of the rights and freedoms of citizens in the legal and administrative area; mutual responsibility; the minimum required powers of bodies of state Executive power; the optimal addition and balancing of state powers of Executive authorities with powers of self-government.

The principle of service to society and the individual. It defines the basic social importance of administrative law, defining the system goals. If the interests of individual citizens do not fully coincide with the development of society, the activities of the National police administrative law is designed to ensure the priority of national interests, however, so that personal needs do not get ignored, and the maximum were taken into account. Fair administrative law is not compatible with any deviation from the law, principles of humanism

and democracy. Summarized, the principle is expressed in the number of laws of Ukraine, where the Executive power is directly assigned respective responsibilities. Thus, according to article 5 of the Law of Ukraine "On freedom of conscience and religious organizations" [7, p. 181], the state protects the rights and lawful interests of religious organizations; promotes establishment of relations of mutual ideological tolerance and respect between citizens of a particular faith.

The limitations of intervention in civil and personal life of a person. The essence of this principle lies in the natural setting of the limits to the intervention of public authorities in relevant activities, is dictated by the existing historical conditions, by the interests of the Ukrainian people and then it is intervention is not needed because no serious needs, it binds to the mechanisms of social regulation, disrupts the normal processes in society, and reduces the effectiveness of the Executive. This principle of organization and activities of the National police administrative law finds the corresponding reflection of that intervention in economic and other activities of the company from the state bodies is not allowed except the cases stipulated by the legislation. The fullness of the rights and freedoms of citizens. This principle means giving citizens the greatest possible wide range of relevant rights and freedoms is really a new level and protection of their interests. Legislative administrative legal practice will have to go through further detail the constitutional rights and freedoms of citizens, creation of special laws regulating the relations of citizens and relevant government agencies.

The rights and freedoms of citizens – is the sphere of regulation of social relations, where the limit of validity of the provisions of the law should be clearly *obmezhenoyu*. The second aspect of this principle is that a citizen has at its discretion the right to contact any Executive authority, and the latter is obliged to give him a comprehensive answer. Therefore, the rules of administrative law should consolidate the respective responsibilities of state Executive bodies. The principle of mutual responsible. This principle reveals the particular complex relationship between the apparatus of the government, its civil servants and personality. Today the value of discipline and personal responsibility of the employees increases significantly.

Non-compliance with the established requirements and rules turns society and humans are not only material damage but also serious social and moral losses. As for citizens, they also need to be responsible to society and the state. The minimum required powers of bodies of state Executive power. The implementation of this principle is ensured by the fact that the administrative law is intended to establish the minimum required powers of bodies of state Executive power. The Executive has, firstly, limited to total control, and secondly, the one-sided power of decision in all possible cases should be changed or be combined with the contractual form of relationship between state Executive bodies and members of society. The optimal addition and balancing of state powers of Executive authorities the powers of local authorities. The essence of this principle is to provide local authorities the maximum possible freedom in fixing, for example the right to challenge decisions taken by public authorities in subordination order or in court, to participate directly in public policy (initiative in law-making, proposal, submission and the like).

In the aspect of formation and functioning of administrative laws procedural content must be based on such principles like: protection of rights and interests of the individual and the state; publicity (official) production; transparency in the proceedings on administrative violations; equality before the law; the implementation of the national language; responsibility of officers for improper conduct of the proceedings in those cases. Each of these procedural principles is specified in the corresponding administrative and procedural activities.

The law "On police" among the fundamental principles of police work include openness and publicity of its activities. Article 8 of the Law "On police" defines the activity open to the whole society. Despite the special significance and highlighting the principle of openness and publicity in a separate article of the Law "On police", it is not the definition of "openness" and "publicity", which may lead to misunderstanding and difficulties in the development of measures for the realization of the principle activities of the police. The very appearance of this principle in the legislation is an innovation.

In the explanatory dictionary Ephraim T. F. "openness" is defined as honesty, truthfulness, trustfulness, and "publicity" is revealed through the con-

cept of "public" used in two meanings: 1) done, occurring in the presence of the public, people; open; 2) designed for public companies, in their possession; public [4]. 2) designed for public companies, in their possession;

In the dictionary S. I. Ozhegov, the word "open" means sincere, Frank, expressing honesty, the "public" is carried out in the presence of the public, outdoor [5].

In the dictionary of modern concepts and terms under openness refers to the awareness of key decision-making, freedom of belief, choice of country and place of residence, lack of censorship, etc. [6].

Part 1 article 9 of the Law On police defines the police as open to the public, but not infinite, and only to the extent not inconsistent with the requirements of the legislation of Ukraine on criminal proceedings, proceedings on administrative offences, on operative-investigative activities, on the protection of state and other secrets protected by law, and does not violate the rights of citizens, public associations and organizations.

Based on the foregoing, the legal guarantee of information transparency can be defined as follows, is providing in accordance with Federal law opportunities for citizens and organizations timely and unimpeded access to socially significant information regardless of its storage, without special training or experience. The entity providing the information must maintain the confidentiality of persons who use or request information. Not allowed any censorship or control over the publication of information. To ensure equality of all participants of process of information interaction. Is the inalienable right of citizens and organizations to review the validity and legality of the refusal to receive information.

Official production on Affairs about administrative violations is that the proceedings of a particular case, collect the necessary materials and documents is the responsibility of specific government bodies (officials) and carried out at public expense. The payment for the participation in the production and design of materials and decision-making rests on the public authority. Organs of state are obliged to consider complaints from individuals taken at a specific case of administrative offences. Objective (material) truth requires that a case of administrative offences were considered comprehensively. It

checks all of the circumstances are collected and recorded the necessary materials and evidence. All this contributes to the elimination of subjectivity, provides the truth, the adoption of a fair decision, which objectively reflects the events and thus ensures effective control.

Openness and transparency in proceedings on administrative offences indicates that the case is open, and participants without obstacles acquainted with all case materials. With the content of decisions (rulings) are introduced labor collectives, the population at the place of residence. Equality before the law participants of manufacture on Affairs about administrative offences provided by legislative consolidation of their Charter. Each of the parties has the right to participate at all stages of production, to introduce evidence, to require their consideration, if necessary, and participants to the proceedings shall be explained their rights and responsibilities. The body considering case about an administrative offence, designed to ensure that parties properly use their powers.

The speed and economy of production is determined by the efficiency of Executive and administrative activities and provides, in particular, the fixing of the legislation on administrative violations of the deadlines within which production takes place, are the relevant regulations. Litigation in many cases require relatively small funds and organizational costs. Competent authorities are designated to production without delay or hesitation, with minimal material costs and organisational efforts. The production in the national language determined by the establishment at the constitutional level the principle of equality of citizens. Participants who do not speak the Ukrainian language in which the proceedings are conducted, shall be afforded the right of full acquaintance with the relevant materials, the opportunity to give explanations in their native language and to use the services of interpreters.

**Conclusions.** Therefore, in the process of reforming administrative law necessary to consider the presence of both internal and external principles of formation and activities of the National police of Ukraine. This implies the feasibility of introducing additions to the legislation of Ukraine on information and legal principles which would ensure the increase of efficiency of activity of police. The above

applies the following principles: legitimacy; openness; transparency; information security; equality of citizens before the law; the inviolability of private ownership of information resources in compliance with the rules of international law; the availability of information that establishes the right of every person to have access to information technology and any necessary information permitted by law to access any time and any place, avoid censorship.

#### **References**

Effective engagement and partnerships of the internal Affairs bodies with the media and other civil society institutions, creation of atmosphere of trust towards the police from the population, formation of positive public opinion about the openness and publicity of its activities, in order to timely and adequately respond to changes in the operational situation, will be a significant reserve for increasing the level of operational-official activity of internal Affairs bodies and the prestige of the police service.

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