

Ministry of Internal Affairs of Ukraine
DNIPROPETROVSK STATE UNIVERSITY
OF INTERNAL AFFAIRS

**INTERNATIONAL AND NATIONAL
SECURITY: THEORETICAL
AND APPLIED ASPECTS**

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The collection contains theses of the eponymous fourth international scientific-practical conference. The event was attended by scholars, lecturers and post-graduates of higher schools and scientific institutions of Ukraine and abroad, and also enforcement agencies practitioners. The topics of publications cover urgent problems of international and national security.

The conference theses can be used in research work and educational process of specialized universities, as well as in law-making and law-enforcement activities.

Збірник містить матеріали однойменної четвертої міжнародної науково-практичної конференції. У заході взяли участь науковці, викладачі та здобувачі закладів вищої освіти та наукових установ України і зарубіжжя, а також фахівці-практики правоохоронних органів. Тематика публікацій охоплює актуальні проблеми міжнародної та національної безпеки.

Матеріали конференції можуть бути використані в науково-дослідній роботі та навчальному процесі спеціалізованих ЗВО, а також у законотворчості та правоохоронній діяльності.

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CRIMINOLOGICAL ACTIVITY OF THE NATIONAL POLICE IN THE NATIONAL SECURITY PROVISION SYSTEM

The Law of Ukraine “On the National Police” [1] in part 1 of Art. 1 defines that the National Police of Ukraine (police) is the central executive power body, which serves the society through providing protection of human rights and freedoms, combating crime, maintaining public security and order. Art. 2 states that police tasks include providing police services in the following spheres: 1) maintaining public security and order; 2) protection of human rights and freedoms as well as the interests of society and state; 3) combating crime; 4) provision assistance to the individuals, who need help due to personal, economic, social reasons or in the result of emergency situations at the extant stipulated by law.

The Law of Ukraine “On the National Security of Ukraine” [2] determines national security of Ukraine as safety of the state authority, territorial integrity, democratic constitution respect and other national interests of Ukraine against real and potential threats; public security and order as safety of vital interests of society and a person, human and citizen rights and freedoms, which provision is the priority in terms of the activity of law enforcement units, other state bodies, local self-government authorities, their officers and the public, who perform agreed means for the implementation and protection of national interests from threats impact.

Whether to consider civil security and order to be equal to public security and order, it becomes clear that the police serves the society through providing police services in the sphere of national security of Ukraine. This can be explained in the way that the very national interests of Ukraine should be understood as vital interests of an individual, society and state, which implementation provides the state authority of Ukraine, its progressive democratic development as well as safe standards of living and welfare of its citizens [2].

Again, the fact that the police are the principle subject of law enforcement in the state, which quality advancing is of constant social request, is becoming an axiom. It mainly refers to serving society through providing police services in the sphere of combating crime, which develops along with the progressive humanity achievements. It certainly requires from the police activity in combating crime to use either available scientific achievements, or constantly encourage new researches. Criminological science does not stand aside from these processes. One of the key tasks of this science is scientific accompaniment of combating crime.

Thus, O.S. Ishchyk back in 2018, defended his doctoral thesis, where among other aspects he formulated the concept of criminological activity of prosecutor bodies as integrated combination of functional elements (means, forms and types of activity) into the unified system of combating crime. By means of these elements a subject can provide impact on crime factors achieving efficient execution of tasks and functions assigned to prosecutor bodies. It includes legal, jurisdiction, legal-establishing, justifiable, empowering and control activities, where an integrated factor is the targeted direction to complex safety maintenance in society [3, p. 4].

Apparently, criminological activity of prosecutor bodies significantly differs from criminological activity of the police. Thus, a complex research of the criminological activity of the National Police either in theoretical, or in practical plane, will definitely contribute to its enforcement activity in general and, in the result, more qualitative servicing the society.

Whether law enforcement activity is the performance of certain operations in prevention, elimination, termination, crime solution and application of means stipulated by law and corresponding normative acts as well as reparation from crime, renewal of violated rights and legal interests of natural and legal persons [4, p. 89], criminological activity of the National Police will be further characterized from the position of an integrated system of all means for combating crime, in the first turn, through neutralization or minimization of reasons and conditions that encourage committing certain crimes.

Thus, criminological activity of the National Police of Ukraine plays the key role in maintaining national security in terms of neutralization of internal threats to vital interests of a human, society and the state. It is obvious that such activity requires scientifically grounded recommenda-

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tions, which implementation will make it possible to provide constant high dynamics of people's faith to the police as the principle index of its performance efficiency.

In this respect we can support those scientists, who consider that only in the condition of formation and introduction of new approaches to the performance of law enforcement and judicial bodies as well as new approaches to the evaluation of their operation into the enforcement activity, it will be possible to confirm with confidence the achievement of a particular level of safety for each of us. Prevention of crime shall become the same substantial index of corresponding subjects' activity as the number of identified violations and perpetrators and the number of prosecuted persons in the frames of different legal responsibility, etc.

Surely, the formula of activity efficiency of law enforcement agencies shall be created, first of all, not by means of statistics and quantitative indices, but qualitative ones, which grounded analysis will result in realizing the content of problems of achieving a certain level of this efficiency. The quality of preventive activity is provided by the efficiency, impartiality and professionalism of the authorized state bodies and their officials, whose work impacts the level of citizens' trust to power institutions.

The stated tasks can be implemented in combination with approving the laws of Ukraine "On the Prevention of Violations" and "On Violations Statistical Records" by the Verkhovna Rada of Ukraine, which meaningful content fully relies on the representatives of criminological science. Taking into account the above stated it can be concluded that the principle task of criminology at the contemporary statehood development stage is introduction of the general line of understanding the fact that the level of violations can be decreased by means of the following ways into the activity of the authorized state bodies and social organizations: through minimizing reasons of unlawful behavior and through escalation of measures, including criminal repression. It is much easier to eliminate the reason, than combat its consequences. Crime cannot be overcome or eradicated. It is possible just to dip it by several indices to a socially tolerant or socially acceptable level. Thus, the main attention shall be paid to criminological forecasting and individual crime prevention with the persons, who are prone to committing crime. Finally, it is vital to learn how to be proactive. Criminological activity of the National Police of Ukraine as the principle subject of enforcement must play the key role here.

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**THEORETICAL-PHILOSOPHICAL, GENERAL-LEGAL,
CONSTITUTIONAL-LEGAL, INTERNATIONAL-LEGAL AND POLITICAL
ASPECTS OF INTERNATIONAL AND NATIONAL SECURITY**

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**THE LIBERAL STATE IN THE POLITICAL SYSTEM OF THE SOCIETY
AND THE PROBLEM OF GLOBAL CHALLENGES**

The axiom of the theory of state and law is the consideration of the state as the main institution of the political system of society. Two important conclusions emerge from this axiom: 1) the state does not encompass, absorb or embody the entire political system; 2) in addition to the state, there are other institutions of the political system with which the state is naturally and objectively compelled to enter into certain relations. Of course, in this case, the liberal state is also compelled to communicate in some way with other institutions of the political system of society. It is the manner of such communication that determines the peculiar influence of the liberal state on other institutions of the political system of society.

The influence of the liberal state on other institutions of the political system of society is determined by the available balance of liberal and social in the activity of this state, depends on the limits of the interference of this state in political processes, and is also determined by the degree of maturity, formation and adaptive capacity of other institutions of the political system and this system as a whole.

As you know, the structure of the political system of society consists of interconnected elements (subsystems) and, in addition to the state and its bodies, it includes political parties, public organizations and movements, other associations of citizens. Interacting with them, the liberal state relies on the following principles: priority and unimpeded exercise of political rights; ensuring political pluralism and real competitiveness of different political forces and movements in the struggle for power; the presence of a political opposition which is not suppressed by the state and functions freely; replacement of electoral positions as a result of free, periodic and competitive democratic elections with unpredictable results. By implementing such principles, not only does the state influence other actors in the political system, but it is also exposed to them. This influence is particularly noticeable in the periodic recurrent democratic elections. It is the institution of democratic and periodic elections that enables to renew political class in power, without violating other principles of the liberal state. In a liberal state, the political system manifests its adaptive capacity through periodic renewal of the political elite. However, "for a free election to become truly free there must be a liberal state" [1, p. 177].

It is in the liberal state that the most important institute of the liberal political system emerges and develops – the institution of political opposition, which is a complementary channel for the recruitment and circulation of political elites in the struggle for state power. Such a state does not simply allow the existence of the opposition, but makes it a functional invariant of the political power bearer, a kind of "reserve player" who, by election results, can change the ruling party or bloc in power, forming a parliamentary majority (coalition). In fact, political opposition in the liberal state also plays the role of institutionalizing political pluralism.

Along with this, in the liberal state, apart from parties, there are other subjects of the political system – public organizations, movements, etc., which allow for a broader self-realization of the individual and do not leave them alone with the state power, which usually manifests a tendency to making decisions and misusing their capabilities.

By actively influencing the political system, the liberal state achieves the effect of liber-

alization and the political system as a whole. The degree of liberalization of the political system, as noted by R. Dahl, is determined by the degree of public competition, which includes the following determinants: the degree of admissibility of the opposition; fairness of political competition; openness of political institutions; guarantees that allow members of the political system to claim governance [2, p. 9]. Sometimes these criteria are accompanied with the following [3, p. 113]: 1) the degree of public rivalry, which includes the degree of admissibility of the opposition, the fairness of political competition, the openness of political institutions, and the guarantees that allow members of the political system to claim public administration. Democracy is designed to create conditions for the smooth competition of different socio-political forces for their fate of power. It exists only where the leaders of the political system are selected in a process of open and fair competition in which the main categories of the adult population can participate as active or passive actors; 2) the level of political participation, i.e. engagement. It is determined based on the proportion of the population entitled to participate in a system of public rivalry for power. In other words, the second criterion demonstrates the potential of political participation and activity of the opposition, and the first criterion demonstrates how and to what extent these opportunities are realized [4, p. 10].

In the liberal political system, all its institutions are generally aimed at the same goals that are crucial for the liberal state – the protection of the rights of individuals, although they use the methods, techniques and mechanisms inherent in them that are different from purely state-owned ones. However, through other institutions of the political system, the protection and enjoyment of such rights is more extensive as parties and social movements not only provide additional opportunities for active involvement of citizens in the management of public affairs, but also serve as organizational schools for the preparation of future statesmen, officials, etc.

Working closely with the liberal state, the liberal political system jointly upholds the values of individualism against the collectivist principles of organizing political life. They are based on the market organization of economic life, which is an indispensable foundation of the liberal state and political system. The dominant role in it is played by the institute of private ownership of the means of production, and the state exempts producers from their care and does not interfere with economic life, but only establishes a framework of free competition between producers, conditions of economic development, and also, an arbitrator in resolving disputes between them. However, in the later stages of the development of the liberal state and the political system, there is a gradual departure from the “minimal” state participation in the economy, which is no longer in line with realities, in particular the need to distribute exhausted economic and natural resources, to solve complex environmental and migration problems, to participate in peace division of labor, prejudice and resolution of international conflicts, etc. [5, p. 160].

The present-day liberal state, including the Ukrainian state, has faced challenges that are almost unrealistic to implement in the traditional framework of the rule of law. Therefore, the question arises as to what model of the state should replace the current state without losing its valuable assets, such as the rule of law, the distribution of power, the guarantee of human and citizen's rights and freedoms. The answer to this question implies a theoretical and methodological justification for certain changes in the Constitution of Ukraine, as well as the very understanding of the essence and tasks and functions of the state, which should combine liberal values with the strengthening of state interference in the sphere of public life related to the security of society and man. The issue should be resolved on the basis of public-state partnership.

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NATIONAL SECURITY POLICY: THE EXPERIENCE OF UKRAINE AND FOREIGN COUNTRIES

The tragic Ukrainian events of 2014 and the continuation of the military conflict in the east of the country were preceded by a number of reasons, the neglect of which led to large-scale negative consequences. Among these reasons is the imperfection of the national security system, which until a certain period continued to develop on the basis of an outdated system and did not take into account current realities. It is also worth mentioning the development of the system of national security of Ukraine under the influence of individual world actors who, for obvious reasons, have pursued their national interests first and foremost. The absence of a clear, systematic and coherent foreign policy throughout Ukraine's independence period and the lack of its status as a fully-fledged international entity made it impossible to properly counteract external aggression. These and other aspects still need to be addressed and system upgraded.

In the context of the aforementioned and given the European integration choice of Ukraine and the dynamic contradictory nature of its internal political life, it is advisable to study foreign experience of state policy in the field of national security, in particular, European countries and Member States of the European Union.

Studies in the field of national security in general and state policy on this issue in particular were carried out by such scientists as: E. Baltser, O. Bielov, O. Bodruk, P. Buras, A. Vanaverbek, M. Grembovets, K. Gryshchenko, E. Gromatski, S. Kozhei, K. Longerst, J. Madzhak, H. Nolte, B. Parahonskyi, G. Perepelytsia, I. Serkevych, E. Smolar, L. Shapel, G. Yavorska, R. Yakubezak and others. However, the formation of world security and at the local level requires a constant study of these issues, especially in the current geopolitical and economic situation of Ukraine.

In the West, the security sector governance and security policymaking model can be divided into two types – Anglo-Saxon and Continental (German-French) – with a certain degree of convention. The fundamental difference between them is the degree of (de)centralization [1]. In today's Ukrainian context, it is inappropriate to speak of such a model – decentralization of the security sector –

and the formation of a security policy for obvious reasons, but the most effective direction is still a centralized model of managing these policy areas.

The vast majority of EU member states (except Sweden, Austria, Finland and Ireland) are NATO members. The fundamental principle of the national security system and the key task of national governments is to maintain existing high standards of living, democratic rights and freedoms [2, p. 37-38]. For a long time, Ukraine has been under the influence of totalitarian and authoritarian regimes, which not only affected the development of state institutions, but also distorted the outlook of society. Uncertainty of the population regarding their identity, permanent political crisis, unprecedented corruption, information insecurity, outflow of intelligence, etc. – all these leads to weakening of the state and its security [3, p. 144-145]. Gaps in one area are already a weakening factor in the national security system, and even more so when these gaps exist in the vast majority of areas, there is no need to speak about the integrity and effectiveness of this system. Therefore, in this aspect it is important to develop effective directions for the development of state policy in the field of national security.

Particular attention is paid to the democratic dimension of the UK's national security system which is concerned with securing the necessary level of secrecy, on the one hand, and freedom of expression and the right to information, on the other. This experience is embodied in the DA Notices system. These messages (which until 1993 had been called "D Notices") are official requests to media editors not to publish or to report certain information for national security reasons. DA Notices are advisory, so media editors (theoretically) can ignore them without consequences for themselves, but in practice they usually listen to the wishes of the government. In some cases, the relevant ministry or department may require police and / or judicial investigations into the case, including attempting to ban the publication of certain materials through the court. The DA

notices system is now under the care of the Defense, Press & Broadcasting Advisory Committee, and the ongoing work is being done by the Permanent Secretary of this committee [1]. This approach is a testament to the effective interaction between the state and civil society institutions, and is important for implementation in Ukraine, as systemic information warfare, both internally and externally, is most widespread today not only in domestic territories but in most countries of the world. . However, first, we should always keep in mind the limits of these restrictions and take into account the interests of the entire state, rather than one person or group of persons under the guise of state interests, as it happens from time to time, and secondly, we consider it important to introduce restrictions (in very exceptional cases) in the form of recommendations for the media, since this is the only way the state will be able to cooperate effectively with civil society – “without forcing, but explaining and justifying the importance of one or another restriction”.

Poland has always tried to maintain the image of a reliable partner, so it was ready to send troops of its Armed Forces to any part of the world when needed, even if it did not meet its primary defence interests. These steps contributed to the transition of the country from the position of “consumer” security to the position of its “creator”. This was a prerequisite for the Allies to be fully accountable to its position [4, p. 61]. This approach is equally important for implementation in Ukraine, but it is possible only in the future, since now our country needs support no less, but it is valuable that in parallel with the military events in the east, attempts are being made to develop the army in accordance with best practices in the world.

In the 21st century Poland’s security policy was shaped by the need to confront new security threats, to pursue its own defence interests and to fulfill its obligations to the Allies. Poland had to seek forms of cooperation with the EU, with limited military forces. Poland’s security strategy has gradually taken on a global focus, building on the potential of both NATO and the EU to benefit from it at the same time. In order to ensure internal security, emphasis is placed on ensuring citizens’ constitutional freedoms, creating conditions for the dynamic development of civil society and the country’s economy. Poland is pursuing an active national security policy, the main objectives of which are to increase national combat capability and to achieve NATO’s military and foreign policy goals, and to work more closely and fruitfully with partners from Eastern Europe within the Alliance and the EU [5, p. 166]. Thus, it can be stated that not only the presence of a defensive army is a guarantee of national security, although it is a priority component, but also the observance of human rights and freedoms, the availability of economic and social guarantees will ensure influx and stop the outflow of the best specialists in various spheres to foreign states.

The experience of the Federal Republic of Germany is interesting, first of all, because this country, despite its extremely problematic political and historical heritage, has long ago established itself as a full member of the “European democratic club”. In the focus of such political and historical transformations, the German experience of becoming and developing the security sector of the modern model should be analyzed through the lens of a holistic phenomenon having internal (cultural-political) and external (educational-political) components. Both are related to the concept of “Innere Führung” (“leadership and civic education” or “internal control”). Such a concept is a peculiar feature of the Bundeswehr, but it not only shapes German post-war practice, but also derives it. Innere Führung can in this sense be understood as “military leadership and behaviour in a society where civilian-controlled armed forces are democratically accountable to society as a whole” [1]. Today, the Innere Führung system is considered unique. The founder of this concept was Wolf Graf von Baudissin, and his ideas were shaped by the “rejection of the Nazi regime”.

The concept of von Baudissin, which is the basis of Innere Führung, is based on three prerequisites: 1) military personnel, military policy and strategy must be considered in a modern, far-sighted understanding of what wars the state may face in the future. According to his views, the military is not considered an instrument of war, but mainly an instrument of peacekeeping; 2) he came up with the idea that, because of the nuclear threat, the military should act on the battlefield very independently, and therefore should be motivated internally. As a result, the traditional relationship between the soldier and his commander, which is subordinate to orders, has lost its relevance and should be replaced by management on the basis of cooperation; 3) the third prerequisite of the concept is the assumption that a democratic society is something larger than the union of citizens with a democratic government. Innere Führung promoted a democratic, easily applicable practice line, and he sought the military’s acceptance of it. Baudissin defended this approach at a time when German society still had a fairly restrained stance on democracy as such [6, p. 32; 7, p. 131]. Today, it is important to take these principles into account in the development of one’s own public policy, however, it is clear that with certain modifications of certain provisions democratic

foundations for co-operation seem to underpin this concept.

Thus, in Ukraine today the state-making and law-making processes, the primary component of which is national security, are actively continuing. At the same time, the rather lasting military conflict in the east of Ukraine, annexation of the Crimean peninsula in 2014, testified to the lack of a systematically functioning mechanism for ensuring national security, modelling and forecasting, promptness as a basis for decision-making, which did not allow effective action. State policy in the field of national security of absolutely any state develops under the influence of both external and internal factors. And if it is difficult to influence external factors, the development of internal factors should become a priority for the state, not only at the level of certain laws, programmes, strategies, i.e. declaratively, but also in real life: this can include protection of human and citizen's rights and freedoms, fair justice, economic and social guarantees for the population, development of the political system of society, etc. Ukraine's European integration choice still requires a systematic study of foreign experience of state policy in the field of national security, in particular, in the defence sphere. The primary task for Ukraine, even in today's challenging conditions, in the light of the experience of the United Kingdom, Germany, Poland, etc., is to move away from traditional and already ineffective perceptions of defense, and to keep a focus on meeting the potential challenges and threats to national security in the future, in particular, to emphasize systematic attention to the information component of any conflict. This can and must be achieved through constructive cooperation between national security entities, both inside and outside the country, in particular the Euro-Atlantic area.

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**THE NATIONAL SECURITY OF KAZAKHSTAN
AT THE PRESENT STAGE: THE TEST WITH TIME**

Ensuring national security is an urgent task of any state. As world practice shows, the more successfully a country develops, the more protected its citizens feel.

An analysis of modern geopolitical processes in the world indicates a dangerous accumulation of conflict potential and the emergence of new hotbeds of tension in various regions of the planet, including those directly bordering Central Asia. The past geopolitical rivalry between the leading states of the world against the background of ideological intolerance was transformed into a constantly escalating confrontation in the political, economic, military, information and other

fields. Under these conditions, state policy in the field of national security is of great importance for the present and future of Kazakhstan.

In Kazakhstan, national security has been declared priority No. 1. The realities of our time are such that the problems of ensuring national security become relevant for all states of the world without exception. Only a reliable, effective system of ensuring national security can serve as a guarantee of the sovereignty and independence of the country, its stable and sustainable socio-economic development.

The Law of the Republic of Kazakhstan dated January 6, 2012 No. 527-IV "On the National Security of the Republic of Kazakhstan" contains definitions of the concept of national security as a concept and national security as a category: the concept of national security is an officially adopted system of views and measures to ensure the protection of constitutional rights personality and citizens, values of Kazakhstani society, fundamental state institutions.

National security of the Republic of Kazakhstan is understood as the state of protection of the national interests of the country from real and potential threats, ensuring the dynamic development of man and citizen, society and the state [1].

I would like to note, first of all, that the Republic of Kazakhstan declares a peace-loving orientation of its policy and declares that it has no territorial claims to any state of the world. Aware of their responsibility and understanding that any military conflict can lead to disastrous consequences:

- Recognizes the preservation of peace as a priority objective of the state policy of Kazakhstan;
- rejects war or the threat of military force as a means of achieving political, economic and other goals;
- adheres to the principles of inviolability of the existing borders, non-interference in the internal affairs of other states.

In accordance with Kazakhstani legislation, national security is ensured by a consistently implemented state policy with a clear delineation of competence and the coordinated functioning of all bodies and officials, as well as citizens and organizations legally participating in the implementation of measures to ensure national security.

This system is a combination of legal, organizational, economic, technical and other measures implemented by subjects of national security, in the framework of state policy in this area. That is, it is ensured by all means and methods at the disposal of the state, including economic, political, military, legal, and special (intelligence, counterintelligence) applied unilaterally or in accordance with international treaties.

Requirements for ensuring national security are necessarily taken into account in the strategic planning of the main directions and stages of the country's socio-economic development, as well as in the development, adoption and enforcement of legislative and other regulatory legal acts in this area. At the same time, the strategic goals of ensuring national security are to ensure the basic national interests of the Republic of Kazakhstan - the totality of legislatively recognized political, economic, social and other needs, the implementation of which determines the ability of the state to protect human and civil rights, the values of Kazakhstani society and the foundations of the constitutional order.

Thus, the state's policy in the field of national security is aimed at protecting the basic national interests of Kazakhstan in the international and defense spheres, in the economy, in the domestic political, social and information spheres, in spiritual life and culture.

Thus, the national interests of Kazakhstan in the international sphere are primarily associated with the consolidation of its position as one of the most influential states in the region and the CIS, with an increase in its role in the UN, OSCE, OIC, SCO and other international organizations.

Among the regulatory documents ensuring the national security of the Republic of Kazakhstan, it should be noted that in the "Agreement on the Establishment of the CIS" in articles 5 and 6 there are indications that the parties:

- recognize and respect the territorial integrity of each other and the inviolability of existing borders within the framework of the community;
- undertake to cooperate in ensuring international peace and security;
- CIS member states will maintain and support under a joint command a common military strategic space, including unified control over nuclear weapons;
- they also jointly guarantee the necessary conditions for the deployment, functioning, material and social security of strategic armed forces, etc. [2]

In the interests of ensuring the stability of the military-political situation in the world and the region, Kazakhstan carries out cooperation with other states at various levels. This is the formation of the external component of the national security of the republic. One of the key factors in ensuring it is the implementation of multilevel diplomacy. The national interests of Kazakhstan are responsible for the development of dialogue and comprehensive cooperation with all countries of the near and far abroad.

Our country is actively and purposefully working to implement initiatives aimed at increasing the efficiency and improving the activities of the UN, OSCE and other regional organizations, developing and introducing various security regimes into international practice, and overcoming accumulated problems in international relations.

National interests in the defense are security from military threats. Kazakhstan needs such a military organization that is able to counter the most probable threats to military security, as well as protect its sovereignty and territorial integrity, fulfill its international obligations, guarantee internal political stability and constitutional order within the state. According to many experts, both Kazakhstan and foreign, measures taken in recent years to improve the military organization will ensure that in the near future all its components, especially the Armed Forces of the Republic of Kazakhstan, achieve such quantitative and qualitative characteristics that are adequate to their tasks in national security.

In the field of economics, the national interests of Kazakhstan consist in joining our country to the number of successful, successful and dynamically developing states, achieving a level comparable to the level of 30 developed countries of the world, and on this basis ensuring decent living conditions and quality of life for all citizens. At the same time, it is important for our country to develop a socially oriented, market economy using the necessary elements of state regulation, protect the interests of domestic producers, overcome the raw material orientation and ensure the creation of high-tech and competitive industries in various industries.

In the domestic political and social spheres, national interests consist, first of all, in strengthening and progressive progress of our state, in ensuring stability in society on the basis of the rule of law, in increasing the authority and effectiveness of power. Only on this basis are civil peace, interethnic and interfaith harmony possible, and the neutralization of the causes and conditions conducive to the emergence of social and interethnic conflicts. On this basis, it is possible to ensure effective protection of our citizens, as well as society and the state from criminal attacks, to wage an effective fight against crime and corruption, against extremism and terrorism.

In the field of spiritual life and culture, national interests consist in the preservation and development of spiritual traditions and culture of all nationalities living in Kazakhstan. It is extremely important to establish in society the ideals of high morality and humanism. At the same time, the importance of Kazakhstani patriotism, the formation of qualities such as hard work, honesty and responsibility in the fulfillment of our civic duty among our citizens, especially among young people, should be emphasized today.

The listed national interests provide opportunities for the effective functioning and continuous development of Kazakhstani society and the country as a whole. This is precisely the main goal of state policy in the field of national security.

In modern conditions, it is practically impossible to confront new challenges and threats to national security, guided by traditional approaches and principles of the use of state power bodies. As these challenges and threats are increasingly becoming complex. In order to effectively counter them, they need close interaction of all national security forces and a comprehensive combination of the means they use. This was taken into account in 2018 when changing the status of the Security Council of the Republic of Kazakhstan from advisory to constitutional. Thanks to this, the effectiveness of the entire system of ensuring the national security of the state was significantly increased.

Under the chairmanship of the First President, Elbasy Nursultan Nazarbayev, the Security Council performs the tasks of planning, reviewing and evaluating the implementation of the main directions of state policy in the field of ensuring national security, strengthening the country's defense, ensuring law and order. Under the Security Council, an expert council has been created, which includes qualified specialists and scientists who carry out the examination of draft normative acts and other documents in the field of national security.

The proposals and recommendations prepared by the Security Council of the Republic of Kazakhstan will greatly facilitate the decision of the head of state Kassym-Zhomart Tokaev in the field of ensuring national security, including improving the efficiency of government agencies that

ensure the safety of individuals, society and the state. Thanks to this algorithm for the development and implementation of national security policies, an effective mechanism has been created to ensure the stability and progressive development of our country.

Thus, in recent years, Kazakhstan has developed certain ideas about its own security, closely related to the problem of maintaining state sovereignty. These representations are based on the principles that have been developed in the implementation of foreign and domestic policies. These principles are as follows: in domestic politics - maintaining ethnic and social stability, conducting economic reforms, strengthening state power and the presidency; in the outside, balancing between global powers, collective defense within the Commonwealth, strengthening Asian security, Central Asian integration, and the Eurasian idea.

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2. Internet-resurs <http://cis.minsk.by/page/176>

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**THE ROLE OF WOMEN IN THE ACTIVITIES
OF TERRORIST ORGANIZATIONS**

Throughout human history, women have repeatedly participated in radical, extremist, or terrorist movements or organizations, but their role has not been given due attention to the fact that it was men who carried out the most violent protests, resorted to the use of unlawful force against their opponents, cruel and audacious actions, which in some cases dramatically changed the course of human history.

There is a persistent stereotype in the world that women are more compassionate, peaceful, humble, compassionate, weaker, and more inclined to dialogue than men. Because of the sacred image of the mother and the caretaker of the family, women have long not been considered as capable of causing serious harm to the lives and health of others on the grounds of ideological hatred, and even more so as to significantly threaten the interests of society or the state as a whole. The involvement of women in terrorist activities was not taken seriously. Single incidents of "female terrorism" in the form of suicide bombers were a glaring exception to the rule, caused by the tragic coincidence of many adverse life circumstances.

However, the realities of today are the opposite. According to European experts, women in terrorist organizations can be mediators, instigators or accomplices in the commission of various crimes, including acts of terrorism; to engage in smuggling of money, weapons, explosives; sending messages; to provide medical assistance to wounded militants. Women have "made significant strides" in recruiting individuals, promoting extremist and terrorist ideologies, especially through the Internet. Through marriage, women are able to bring together different social groups and to raise children in the spirit of certain terrorist ideologies. In some cases, women undertake fundraising efforts for terrorist purposes, hiding behind charity. In addition, more and more women are involved in operational activities - planning, preparation and implementation of combat operations, including on their own as suicide bombers [1, p. 9, 11, 15, 16].

The participation of women in various operational activities in terrorist organizations is highlighted by Europol experts, who also draw attention to the involvement of minors and young people in such activities.

In particular, in 2017 in Paris, France, a terrorist cell was identified by three women who equipped a car with five gas cylinders and planned to place it near the Cathedral of Our Lady of Paris. They also developed other terrorist attacks. One of the women maintained contact with a French terrorist who was in the territory controlled by the Islamic State terrorist organization. In Kenya, three women attacked a police station in Mombasa, and in Morocco, ten women were arrested, who were reasonably suspected of having contact with terrorist organizations. It was established that these women were also supported by well-known terrorist organizations, and their

activities were covered in the media controlled by them [2, p. 22, 26].

The participation of a small number of women in terrorist organizations is mistakenly considered by many to be a sign of their inferiority in these groups. The involvement of women is based on "strategic logic" because it brings terrorists closer to realizing their intentions in more than one way. There are differences between what motivates women to join a terrorist organization and what drives terrorists to recruit women. The latter is driven by tactical and strategic benefits.

Women used as active members (fighters) allow terrorist groups and organizations to gain publicity or "glory." Suicide bombers generate "value shock" and draw significant media attention to the activities of terrorists and their persons. In Indonesia and Pakistan, women dressed in burqa are able to carry weapons and explosives under them easily, as they are not subject to physical security checks. Terrorist organizations use women's involvement as a way to shame men and encourage them to take part in violent jihad, especially if they are trained in combat and enlisted in mortal ranks.

Particular attention should be paid to the participation of women in the activities of "state-created jihadist organizations" who seek to build their own "state" in a violent way. Such organizations need women to maintain their long-term and sustainable functioning. Women not only give birth to children who become "citizens of the new state" but also work in social services, hospitals, educational institutions, law enforcement agencies, etc. [3, p. 15].

According to O. Tkachova, the decisive role in the fact that women agree to take part in terrorist activities is played, in particular, by the culture of the region, national peculiarities of the treatment of a woman, her place in the social hierarchy of the state, nation, nationality, clan.

Women of the West, who in the era of emancipation and equality have become feminists, consider themselves no worse or sometimes better than men; In addition, the reasons why Western women go on the act of terrorism are: the desire to support dear or respected people (father, husband, lover, girlfriend, idealized leader); dissatisfaction with one's sex life; a state of depression, into which she ceases to value both her life and the lives of her loved ones, those around her (which is to say about the people she condemns and hates); maximalist perception of events: the desire or desire to make happy not someone in particular, but the whole world; the presence of a "victim" complex, a lifeguard, that is, seeking to rescue those who, in her belief, are treated unfairly, or thus rebel against the power that caused workers, children, and the like; the desire to get rich; support for the feminist movement; the desire to reclaim lost positions in social life; because of the oppression of everyday life, the lack of weight they deserve in their view; due to unattractive appearance or natural disabilities, there is a desire to be famous or to express oneself; mental disorders and the like.

At the same time, deprived women of the East, who do not value their lives, voluntarily become a murder weapon in the hands of male terrorists. An analysis of the main reasons for the entry of women from the East into the so-called "men's world" makes it possible to distinguish the following basic motives for committing a terrorist act: the desire to take revenge for the death of loved ones (it should be noted that in such circumstances it is very easy for them to fool their heads with bloody revenge, jihad, holy war); the desire to get rich ("homo economicus"); the desire to have equal rights with men (of course, the world community understands that, because of this, certain changes have taken place, Muslim women have been granted some rights, they can even fight for power and gain it) [4, p. 7–8].

Scientists have formed two models of women's involvement in terrorist activity: socio-political and socio-religious. The first is that women become terrorists of their own free will in order to express political protest and achieve social equality with men. The specificity of the second model is that, in most cases, women are forced into terrorist attacks by representatives of extremist or terrorist organizations through religious leaders and psychotropic treatment.

There are three types of motives for terrorist behavior in women: instrumental aggression, hostile aggression, defensive aggression.

Instrumental aggression is manifested in the fact that among women there are persons with narcissistic and borderline mental states, who suffer from arrogance, idealize their hypertrophied "I" and see others as their weaknesses. Unable to cope with their shortcomings, such people need an object for hatred and blame for their weaknesses, which results in them finding a group of like-minded people. By joining a terrorist organization, women receive much more respect from their male counterparts than in any other social group.

Hostile aggression is violence for the sake of violence, which is usually accompanied by manifestations of extreme cruelty, sadism, abuse of the victim, humiliation of human dignity,

which satisfies the process of violence and its results.

Defensive aggression is a reaction of the type "violence - a consequence of violence", dominated by anger, insult, revenge. Under the influence of these emotional reactions, the person hypertrophically perceives the hostility of others, which gives rise to spontaneous and violent aggressive behavior, aimed at protection by all means and means. In order for a woman to become violent in her mind, certain radical shifts must occur, and if this happens, she will become a cold-blooded and ruthless killer [5, p. 14, 15].

A major concern in Europe is the growing number of women citizens of the European Union who are joining the ranks of international Islamic terrorist organizations. Such persons carry out terrorist activities on the territory of the countries of Africa, the Middle and Middle East both independently and in cooperation with other terrorists, in some cases they act directly on the territory of European countries.

In 2016, the Committee of Experts of the Council of Europe (CODEXTER) highlighted a number of push and pull factors that predispose women to participating in terrorist activities under the auspices of the Islamic State. Thus, the factors of "ejection" are: feelings of loneliness and isolation, including confusion about one's own identity and uncertainty in belonging to Western culture; the belief that Muslims as a whole are being persecuted around the world; anger at the inability to address the image and persecution of Muslims, as well as frustration at the lack of international response to these persecutions.

The main factors of "attraction" are: Utopian ideals of building a state of caliphate and performing a religious duty; the opportunity to be part of a relevant community and sisterhood; romanticizing the experience of traveling to Syria, as well as forming an alliance with a member of the terrorist organization Islamic State; consideration of participation in the activities of the Islamic State as a way of solving the problems suffered by women in Western countries [6, p. 4–5]. Western researchers found that in the period 2012–2017 alone, more than 1000 people left from the Balkan countries to Syria and Iraq, of whom 155 were women and 197 were children (see table 1)

Western Balkans	Men in Syria and Iraq	Women in Syria and Iraq	Children in Syria and Iraq	Total
Albania	96	13	31	140
Bosnia and Herzegovina	177	63	57	297
Kosovo	255	48	95	398
Macedonia	140	14	No data	154
Montenegro	18	5	4	27
Serbia	37	12	10	59

Since 2018, there has been a significant reduction in such departures in view of the decline of the Islamic State; intensifying regional and international efforts to prosecute foreign terrorist fighters; escalation of hostilities in conflict zones, complicating border crossings on both sides; the gradual depletion of human resources wishing to fight in Syria and Iraq. In this regard, the forces of the security sector are reoriented to counteract groups and organizations that fuel ethnic and national enmity in the Balkans [7, p. 5].

Due to the fact that for a long time women have not been regarded as important participants in terrorist organizations, in many countries, including Ukraine, there are no measures to prevent women being involved in terrorist activities and work on the de-radicalization of women. This has made it more difficult to combat extremism and terrorism, both nationally and internationally. We believe that in order to improve existing approaches to combating terrorism, it is worth reviewing existing counter-terrorism strategies in view of the contemporary role of women in terrorist activity. In addition, we propose to involve women (law enforcement, special services, experts) in the management decision-making process for detecting, preventing and counteracting terrorist activity, because they better understand the female audience and are able to communicate effectively with women terrorists.

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**POLITICAL AND LEGAL ASPECTS OF SELF-DETERMINATION
IN MODERN INTERNATIONAL RELATIONS**

The importance of theoretical analysis and streamlining of the political practice of exercising the right of peoples to self-determination is substantiated by the possibility of significant influence on all spheres of activity of states covered by the process of globalization. Today, representatives of different peoples, regardless of their size, often perceive the political institutions of the state as discriminating against them on ethnic grounds, especially in the global situation of economic crisis, social and political insecurity, spiritual and cultural vacuum.

Globalization, by making state borders more conditional, helps to raise national consciousness in all corners of the globe, thereby supporting the tendency to increase the number of independent states.

In political-right science, the study of this issue has received sufficient attention from domestic and foreign researchers: B. Babin, O. Kuts, V. Sevryukov, A. Buchanan, D. Crawford, T. Masgrave, M. Pomerance, K. Hannum, and others. The theoretical and methodological basis of this study is the conventional approach to the sovereignty of the state, the separatist theory of sovereignty, as well as classical and modern political, ethno-political, sociological, conflicting, cultural, historical, legal theories, concepts of succession, the rights of nations to self-determination, which are reflected in the writings of such researchers as Acton L., Barsegov Y., Bromley L., Zdravomyslov V., Kotanjian G., Orlov A., Osborne R., Rybakov V., Khotinets S., Cheshko S., et al.

In the science of international law, the principle of self-determination of nations (peoples) is defined as the will of most people's living in the territory, to freely determine their political status and to carry out economic, social and cultural development.

International law today recognizes the three main forms of exercise of the right of peoples to political self-determination, first set out in UN General Assembly resolution 1541 (XV) 1960, and then enshrined in the Declaration of Principles of International Law (1970):

transformation of "non-governmental territory" into a sovereign, independent state;
free association with an independent state;
the establishment of any other political status freely chosen (without outside interference)
by the people concerned [6, p.72].

International legal acts and later have repeatedly affirmed that all peoples have the undeniable and inalienable right to self-determination and determination of their political status "by any means recognized by the international community" (African Charter on Human Rights 1986) [1, c. 127].

In particular, the universality and universality of the right of the people to self-determination was confirmed by the World Conference on Human Rights (Vienna, June 1993): "... The World Conference on Human Rights recognizes the right of peoples to take any legitimate action under the Charter of the United Nations. to exercise its inalienable right to self-determination. The World Conference on Human Rights views the denial of the right to self-determination as a violation of human rights" [2, p.16]. Therefore, undoubtedly, I. Wallerstein was right in stating that "the principle of self-determination ... was no more than the principle of individual freedom transferred to the level of the interstate system" [3, p.152].

However, conflicts between peoples' rights and individual rights have repeatedly occurred in practice, and discussions on the content and scope of self-determination have not, in fact, led to full agreement on these issues. Yes, the right to self-determination is one with the equality of all peoples, which means that self-determination of one people cannot and should not harm the same right of another people. In modern international law, all peoples are recognized as entities, regardless of whether they have their own statehood or not, whereas the report of the OSCE Expert Group on National Minorities (Geneva, 19 July 1991) specifically states: "No all ethnic, cultural, linguistic or religious differences necessarily lead to the emergence of national minorities" [8, p.88]. There are a number of problems in this regard: first, there is the need for an unambiguous, generally accepted definition of what constitutes a "national minority"; second, finding a way to identify the "will of the people" to self-determination and its realization. It is believed that such is a nationwide referendum (vote), but it is enough to mention the referendum of the peoples of the USSR on March 27, 1991, which resulted in the preservation of the Union as a multinational unified state by 73% of those who participated in it, which was known. completely ignored by the political elites of the republics seeking independence.

It should also be noted that the right to self-determination does not necessarily imply bringing it to political self-determination, that is, secession and the creation of a new sovereign state.

The 1970 UN Declaration of Principles on International Law emphasizes that the right of peoples to self-determination should not be construed as sanctioning or encouraging any action that would lead to a partial or total violation of territorial integrity or to the loss of political independence of sovereign states. having governments representing all the people belonging to a given territory, without regard to racial and religious differences, etc. [4, p.72]

Thus, the principle of self-determination, following A. Yongman, can be regarded as "the right of the people to choose political loyalty in order to influence the political system within which they live and maintain their cultural, ethnic, historical or territorial identity" [10, p. 18]. And it must be about the forms and limits of the exercise of this right.

First, it is possible for national minorities to have so-called corporate autonomy, which implies full recognition of ethnic and national minorities by the state, with the legislative consolidation of their rights to local self-government and representation at the state level. Examples are the Swedish People's Assembly in Finland, the Councils of National Minorities in Austria, the national politics of post-socialist Hungary.

Secondly, to exercise the right to preserve and develop the cultural and linguistic identity of minorities, to grant the right of national and cultural autonomy, sometimes called federalism on the basis of a personal principle. According to it, every citizen of a multinational country is given the right to declare to which nationality he or she wants to belong, and the nationalities themselves become autonomous (cultural) communities, which have the right to form associations, to maintain contacts with representatives of the same communities abroad, to create cultural and educational institutions and Native-language media, etc. National-cultural autonomy has several advantages over territorial autonomy: "... it is not related to the nature of displacement and, moreover, does not create new minorities. Belonging to a personal union depends on the will of the individual - the only way that is consistent with the principle of individual self-determination and expression of national identity "[9, p.88]. In a number of European democratic states, where ethnic or linguistic

segments were not territorially divided, their autonomy was established on the basis of a very personal principle. This was the case in the Netherlands, Austria, Belgium.

Thirdly, with compact residence of national minorities, it is possible to create national-territorial (political) autonomy. In this case, by the decision of the highest state authorities in a certain territory, bodies of government and management are formed, which within their competence are empowered to adopt legal acts, determine the economic and social development of autonomy, etc. This kind of autonomy is exercised by the Aland Islands in Finland, Greenland and the Faroe Islands in Denmark, Corsica in France and others.

Fourth, it is possible to use some form of federalism to achieve the integration of many nations or ethnic groups into larger political communities, while retaining the right to preserve their specific identity. The members of such groups are full members of the great community, and at the same time they can remain true to their ethnic group and their cultural heritage.

Thus, the right to self-government enables them to preserve and develop their own culture and political traditions. In order to create and preserve unity in the community, federal states are focused not on the destruction of ethnic, cultural and linguistic differences (assimilation), but on their preservation in the community.

In this case, the self-identification of a large community is based on close relationships and mutual interest that unites constituent groups. Federalism not only allows ethnic groups and minorities to manage their cultural lives, but also provides legal protection, financial support and certain rights to self-government. This policy enables the integration of minorities into large communities, addressing economic and political needs and meeting them through political representation and economic assistance [11, p.176].

Therefore, the fact that by political, socio-economic and cultural means the state can not only solve national problems, but also construct new minorities, enhance, on the one hand, their discrimination and, on the other, their desire for self-isolation or way out of this political community. "National freedom is precious, attempts to counter democracy to the self-determination of peoples are just a political game against freedom under the decent pretext of fighting for democracy. When there is national freedom, the polity can be democratic or authoritarian, but when there is no freedom, then democracy cannot be in principle" [7, p.37].

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THE ROLE OF THE NATIONAL POLICE OF UKRAINE IN ENSURING THE CONSTITUTIONAL ORDER DURING THE ELECTIONS

In preparing the abstract of this report, the author is determined to highlight the role of the National Police of Ukraine in ensuring the constitutional order during the elections. This issue is of particular relevance in connection with the adoption by the Parliament on December 19, 2019 of the Election Code of Ukraine (hereinafter - the Code), which came into force on January 1, 2020 and which, in accordance with the Constitution of Ukraine, defines the guarantees of citizens' right to participate in elections. , regulates preparation and holding of elections of the President of Ukraine, People's Deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, rayon, rural, settlement, city, rayon in city councils, village, settlement, city mayors, village heads, settlements [1].

The electoral process, as a kind of legal process, is the period of time during which the procedures related to the preparation and holding of the relevant elections, the establishment and publication of their results take place. In order to ensure the proper course of this process and the constitutional order in the specified period, the legislator entrusts the law enforcement agencies of the state, among which the National Police of Ukraine is most tasked.

The leading role of the bodies of the National Police of Ukraine in ensuring the constitutional order during the elections is evidenced by the fact that, among other law enforcement agencies of the state, the legislator in the Code is the first to mention the bodies of the National Police of Ukraine, to which the subject of lawmaking assigns tasks for the day publish, on the official websites, prior information on the number of registered violations of electoral law during the relevant election process, and you clarify responsibility for violations of election law (paragraph 7 of Article 23) [1].

In addition, the legislator in the same paragraph 7 of Art. 23 emphasizes that even after the elections, in order to ensure a public and open election process, within ten days after the election day, it is for the National Police of Ukraine to publish on the official website summarized information on the number of criminal proceedings initiated and the number of reported cases. violations of election law during the relevant electoral process [1].

And only in the next article, article 24, did the lawmaker first formulate provisions on the organization of work of public authorities during the electoral process and give the first indication in general to law enforcement agencies of the state, among which he singled out the prosecutor's office and the National Police of Ukraine, which together with other government agencies should organize their work during the electoral process, including weekends and polls, so as to ensure that the premises of election commissions are safeguarded and that election b Eten and other election documents, receipt and review of documents related to the preparation and conduct of elections, claims, complaints and appeals of election commissions within the period and manner established by the Electoral Code of Ukraine [1].

The bodies investigated by us during the campaigning also play a significant role in ensuring the constitutional rule of law. According to p. 18 Art. 57 of the Election Code of Ukraine, it is to the relevant law enforcement agencies that the election commission immediately sends reports of administrative or criminal offenses.

According to the provisions of the Election Code of Ukraine, the bodies of the National Police of Ukraine must ensure the constitutional order during the period of preparation for voting: eight days before the elections, they should provide round-the-clock protection of the premises of election commissions and, if necessary, the bodies of the State Voter Register (h .3 paragraph 1 of Article 61; paragraph 1 of Article 211 of the Code).

In section XI of the Code of Appeal against decisions, actions or omissions relating to the election process, the legislator, along with the courts, election commissions, bodies of the State Register of Voters, also obliges law enforcement bodies to organize their work during the election

process, including on weekends and on the day of voting in such a way as to ensure the receipt and consideration of complaints (claims) and appeals of election commissions within the time limits and in the manner specified by this legal act [1].

During the election process, the bodies of the National Police of Ukraine also assist in the resolution of conflict situations (when considering complaints by an election commission, written explanations of law enforcement officers are taken into account; the latter are also involved in the verification of the circumstances specified in the complaint) (paragraphs 1 and 12 of Article 72 of the Code).

The codified act analyzed by us states that at the election of the President of Ukraine, law enforcement agencies check the reports from the respective election commission and react to them in case of receipt of information about the commission by an election commission or its individual member of a criminal or administrative offense (item 9 of Article 89 of the Code) .

At the election of the Head of State and the elections to the Parliament of Ukraine, when checked by the Central Election Commission and the National Agency for the Prevention of Corruption of Election Funds (financial reports), the inspection bodies inform the relevant law enforcement agencies for review and response in accordance with the law (Article 97, paragraph 6; cf. Article 153 of the Code).

The largest amount of authority related to the provision of constitutional order is given to the bodies of the National Police of Ukraine during voting and determining the election results. Thus, in sections XXI “Carrying out voting, determining the results of elections of the President of Ukraine”, XXXI “Carrying out voting, determining the results of elections of the People's Deputies of Ukraine” and XXXI “Carrying out voting, determining the results of local elections” of the Code requires the lawmaker to enforce ballot paper protection tasks received from the Central Election Commission; accompaniment of their transportation by the precinct election commission to the premises of the precinct election commission and their subsequent storage until the day of voting, as well as escorting the transportation and transmission of documents to the district election commission after the vote count.

Thus, the conducted analysis of the norms of the Electoral Code of Ukraine strongly demonstrates the benefit that the bodies investigated by us play a leading role in ensuring the constitutional order during all kinds of elections in the country. This is evidenced by the familiarity with the content of the codified act, which is mentioned more than 50 times in connection with ensuring the legal course of the electoral process, police, law enforcement agencies (law enforcement agencies). The tasks of the investigated state bodies can be reduced to the following groups:

- Responding to administrative or criminal violations of legislation during election campaigning;
- supporting the transportation of ballot papers and round-the-clock protection of the election commissions premises;
- on the day of voting, protection of the constitutional order outside the premises for voting and staying in such premises only upon invitation of the chairman or the deputy of the election commission in case of committing offenses;
- preservation and protection of sealed ballots, including during transportation;
- Responding to the notification of the precinct election commission for damage to the ribbon or seal, signatures on protected ballots;
- escorting the police (guarding them) to the transportation of documents by the respective heads (district, district commission) or their deputies, or other two members of these commissions.

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EDUCATIONAL IDEAL AS A MEANING-FORMING BASIS FOR NATIONAL SECURITY

Current national security research is limited mainly to military, strategic, legal or economic aspects. At the same time, deep, sociocultural principles of national security remain in the frame of consciousness, which are in the plane of consciousness formation, ideological orientations, personal life settings in the educational space. It is education, its content and ideological context that is the “ground” on which both the civic responsibility and patriotism of the defender of the fatherland, as well as the inaction and indifference to the fate of a nation of a person who is only aware of the inhabitants of a certain territory, can be formed.

In the context of poly-paradigm, which is a qualitative feature of the modern global socio-cultural space, the importance of education, which can act as a socio-cultural catalyst for change and either accelerate them, while providing the necessary unity of society and integrating its transformational processes, or intensify social tension and intensify social tension, is actualized. mobilization systems to self-organization and transformation. Paradoxically, at first glance, the combination of these trends became the defining feature of the educational space in the period from the second half of the nineteenth century to the 30-ies of the twentieth century, which was called the late Modern. What role does the educational ideal play in ensuring national security in the Ukrainian realities of the defined period? The analysis of two polar vectors in their content content in the formation of the educational ideal at the turn of the nineteenth and twentieth centuries will allow to answer this question.

One of these vectors is connected with the formation in the educational space, first of all, of the personality, with the “fostering” of the soul, with the appeal to that which is deeply individual in the pupil: consciousness, feelings, will, which were considered as the basis of character, and as the basis of a person's attitude to the world with his moral and legal norms. Education from these positions is conceived as an activity aimed at discovering and improving the child's internal natural forces. This approach has its roots in Western European existential-anthropological and existential-hermeneutic traditions, which were formed on the basis of predominantly German philosophical anthropology (A. Gehlen, G. Plessner, E. Rothaker, M. Scheler, etc.).

The second vector of the formation of the educational ideal during this period was concentrated in the “fairway” of pragmatism. This philosophical trend originated within the positivist direction, which differed from the traditional metaphysical problems, posing as the main task of science the search for the answer not to the question “Why?” But to the question “How?”. In essence, pragmatism offered its own way of addressing the basic question of philosophy concerning the primacy of spirit or matter. In his conception of truth, he seeks to combine materialism and idealism. Utility is the main criterion for truth, and it can have both perfect and material embodiment. They considered metaphysics their main philosophical “opponent” of pragmatics, calling it no one in need of abstraction. One of the apologists of pragmatism, W. James, called the immutable metaphysical categories “Good,” “Mind,” “Absolute,” and others. no more than magic words that carry the sweet soothing of idleness. Proponents of pragmatism have assumed that truth should be understood not as a superhuman or universal ideal, but as a product of human needs. Hence the conclusion is that what is true is not what reflects or reproduces reality, but what “helps” a person, “works” for him/her.

Significantly, with the coming to power of the Bolsheviks, interest in the philosophy of pragmatism flared up with renewed vigor. They were convinced that the future of Soviet power depends on how the country's education system will be organized. Therefore, it was not for nothing that education was conceived by the ideologues of the new government as the “third front” of the struggle for socialism. The reason for this attitude lies in the functions of an institute of education that ensures sustainability, social order and security in society, as it is closely linked to other social institutions (production, culture, science, family) and has a significant impact on them. In the formation of a new educational ideal, the view of the relationship between the individual and

the social in the upbringing of the Soviet people is radically changing - priority is given to the education of collectivism. The desire for the development of one's individuality is interpreted as individualism, which is a testimony to the separation of personality from society and leads to impoverishment of thoughts and feelings, the insignificance of experiences.

By analogy to rapid socio-economic and technical transformations, opinions were expressed about the possibility of such rapid changes in a person's personality. In the publications of these years, concerning the problems of education, there are always characteristics: "fit", "adapted", "necessary", which express the deterministic character of personal development by pressing and pressing political, economic, social needs of society, their priority. Understanding the individual and his or her individual characteristics acquires a pronounced class-political color and, most of all, a social focus of study and evaluation. As a result, the principles of nature and culture correspondence go into oblivion - the principle of social correspondence takes their place. Education is considered only in the social context, which also affected the definition of educational ideals and goals.

Personal initiative and activity were proclaimed valuable only in the case of their focus on socially useful matters; work gained importance only in the collective and for the benefit of the collective; the ability to be creative made sense when it came to a joyful, intelligent life based on brotherhood and teamwork; awareness of oneself as the master of life was possible, subject to the established internal discipline, awareness of the connection of the well-being of the individual with the well-being of the whole, the rejection of the so-called proprietary instincts.

Thus, in the consciousness of "building a bright future," the understanding of the individual as the carrier of industrial relations, determined as the most important factor in her life and development, is finally fixed. Attitude to the person through the prism of its values for society, class, industry demonstrates disregard for its natural, individual strengths, interests and needs. Moreover, the attitude of man to himself as a value was justified provided that he/she was aware of his/her value to society.

In the formulations of educational goals and ideas about the pedagogical ideal, which became widespread in the late 20's and early 30's in various normative documents, the authorities clearly try to create a new type of culture, a new socialist space of education, a driving factor for the formation of civilization with industry. the new role of the industrial city in the whole socio-cultural space. Extremely simplifying the spiritual, humanitarian values produced by previous social formations, the growing culture of communist totalitarianism increasingly focused on the spread of scientific and technical knowledge and scientist values within the limits defined by the doctrine of the supremacy of Marxism-Leninism over all consciousness and socialism. the most rational. At the same time, children, like adults, found themselves in a situation of dethronement of ideals when political repression began, and the ideal was "reimagined" in the image of the enemy.

Analysis of domestic educational practices from 1918 to the mid-30s of the twentieth century allows us to make the following generalizations about the specific features of the constitution of the educational space during this period, in particular such as:

- Sociocentrism of public consciousness, which asserted the priority of the interests of the state, the collective and social transformations, in comparison with the interests of the individual;
- rational structuring of the education space, rigid centralized hierarchical correlation of its components and dimensions, which eliminates the active role of feedbacks;
- the monistic principle of constructing integrity, which defined the role of each part as an emanation of the whole and assumed only the institutional autonomy of the individual elements;
- artificially "updating" the consciousness and feelings of the subjects of education by abandoning the historical experience or selectively treating it with an emphasis on those moments from the past that reinforce class hatred and the need to fight;
- strengthening of socio-political and ideological unity at the expense of imposing the goals and norms of behavior of the people declared and sanctioned by the state. Thus, the life and activities of the child in the educational space were subordinated to the functional imperatives of impersonal structures, institutions and rigid paradigmatic settings;
- collectivist type of consciousness embedded in social existence; reproduction of collectivism in the classroom system, which allowed to unify and regulate the educational process, to completely control its course.

Due to the proliferation of such priorities in the educational space and their long-lasting "rooting" in the public consciousness, in the 1990s, when the Ukrainian statehood was emerging, the reformation of the educational ideal occurred with considerable difficulty. In recent decades,

the awareness of Ukrainian citizens of national identity has been accompanied by protest movements against the injustice of the actions of the authorities, the bloody struggle for their own territory, and the unrestrained social contradictions. In these circumstances, it is education that must become the center of the revival of the ideal of a man of intelligent and at the same time spiritual, able to harmoniously combine the experience of the past with the achievements of modern life, to be a patriot and defender of his land, an active creator of his own destiny.

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PROFESSIONAL DEONTOLOGY: ITS TYPES AND ADMINISTRATIVE-LEGAL SUPPORT

The current state of reformation of education, science, medicine, and law enforcement agencies brings to the agenda the issue of deontological training of teachers, doctors, and lawyers. A number of laws of Ukraine stipulates the appointment to a professional position involving a professional oath taking, understanding the meaning of "professional duty" term by professionals. Its misinterpretation, professional oath breaking erode credibility in teachers, doctors, judges, prosecutors, lawyers.

Analysis and systematization of statistical open data obtained from the Unified State Database on Education, monitoring of official websites of higher education institutions (183), State Employment Service, State Statistics Service, interviewing directors of legal, medical and educational institutions (107 persons) regarding the level of training of young specialists, employed for the last five years, questionnaire surveys of visitors to courts, prosecutors, medical and educational institutions (312 persons) on the quality of services provided, allow determining the contradiction between:

- 1) observance of the rules of professional ethics and statutes of law by the staff members;
- 2) massification of professional oath taking and numerous violations of professional ethics by lawyers and doctors;
- 3) public demand for deontologically trained specialists and the shortage of such specialists in the labour market;
- 4) content of educational programs, curricula, educational and methodological support and the absence of pedagogically reasoned technology for the formation of a deontologically oriented personality;
- 5) availability of public interest of the civil society and the state in enhancing the culture of law enforcement officials, teachers, doctors, and the lack of effective administrative and legal support for ethical standards in professional activity.

The broadest range of issues concerning pedagogical deontology is reviewed in the monograph of M. Vasylieva. The problems of pedagogical ethics are studied in the articles of V. Sukhomlynskyi, H. Vasianovych, M. Yevtukh, I. Ziaziun and others. In our opinion, the research in the field of legal deontology carried out by the scientists M. Aisenberg, S. Alekseiev, V. Horsheniiov, S. Gusariev, M. Koval, O. Petryshyn, P. Rabinovych, O. Skakun, S. Slyvka, V. Sokurenko, O. Tykhomyrov and others is of particular importance. The issues of medical deontology were described in the works of famous scientists - doctors O. Mikhailenko, P. Pavlov, M. Pyrogov, N. Sokolskyi, H. Stepanovska and others.

The issues mentioned above determine the need to study the problems of professional deontological training, theoretical and legal analysis of the deontological bases of professional activity in the face of modern challenges and administrative and legal support of the professional ethics of teachers, doctors and lawyers.

The development of deontology (Greek δέον (δέοντος) - necessary, needed, λόγος - science) as a science has been going on for centuries. Its origin are philosophy and ethics. In 1834, Jeremiah Bentham in his paper "Deontology, or The Science of Morality" first introduced the term "deontology" into scientific circulation, meaning the doctrine of professional responsibility.

According to J. Bentham, every professional action should be beneficial. Thus, the analysis of the primary sources shows that the socially significant value of a profession determines the subject of deontology - a professional moral and ethical duty. Based on this understanding of the subject of deontology. Consequently, deontology is a science about the professional duty, essence and social purpose of the profession, its ethical standards. Studying moral and ethical relations in professional activity, deontology is characterized by a multifaceted nature, which is caused by a variety of professions of the "person - person" type, with a high degree of responsibility. Such professions have their own peculiarities and moral and ethical issues. In medicine, it is the relationship between a doctor, a patient, and his or her relatives; ethical (proper) models of doctor's behaviour when performing professional functions: transplantation, use of stem cells, artificial insemination, abortion, euthanasia; features of practice in oncology, psychiatry, gerontology, paediatrics and more. In jurisprudence, it is the relationship between a legal professional, his or her colleagues, clients, their relatives, litigants, witnesses, defendants, victims; ethical (proper) models of the legal professional's behaviour when performing the professional functions of a judge, lawyer, prosecutor, notary, investigator. In pedagogy it is the relationship between the teacher (nursery teacher) and nurslings, pupils, students, their parents, other participants in the educational process; ethical (proper) models of teacher's behaviour in non-standard, conflict situations, a number of ethical rules regarding the influence on personality formation, interference with the child's inner spiritual world; observance of the principles of humanity, fairness, dispositivity, confidentiality, etc. in the educational process. Thus, professional deontology has developed over the centuries, and its branches have become an independent component of the legal, pedagogical and medical sciences.

The first branch of deontological knowledge was developed in the professional environment of doctors. Recognizing that the performance of professional duties requires not only medical knowledge, but also the fulfilment of a professional and moral obligation, Hippocrates formulated the text of the first professional oath. In 1964, Luis Lasagna, the academic dean of the Tufts University School of Medicine, wrote a professional oath text for physicians, which is also used in training doctors. In the XX century, medical deontology became one of the independent branches of medical science. In Ukraine, the Presidential Decree No. 349 of 15.06.1992 approved the Oath of the Doctor of Ukraine. The oath is taken by all graduates of higher educational medical establishments of Ukraine, followed by signing the text, which is attached to the personal file, and a corresponding note is made in the certificate of graduation. Such administrative and legal principles of medical deontology are focused on a deep awareness of the moral and ethical basis of the profession, strengthening the moral responsibility of the graduate for the non-compliance with the ethical requirements in professional activity, as well as the application of sanctions for the non-compliance, formation of moral and ethical environment in the professional community. However, practice shows that it is very difficult to hold a doctor accountable for the violation of deontological standards, which represents the relevance of improving their administrative and legal support.

Pedagogical deontology is the least developed field of professional deontology. In corporate communities, most often teachers take the Oath of Socrates. Although the Pedagogical Constitution of Europe has already been adopted at the international level, one of the developers of which is the Ukrainian scientist V. Andrushchenko, in the national legislation the "integrity" term is only used in the Laws of Ukraine "On Education" and "On Higher Education", which can be considered a small achievement in the pedagogical deontology development.

Another area of deontological knowledge is legal deontology. Its development is certainly connected with the names of the classic authors in jurisprudence of Ancient Rome, with the history of state and law, the emergence and development of legal culture. A course in Professional Ethics published in the nineteenth century by George Sharswood became the basis for the development in XX century of the first ethical standards of the legal profession and the final separation of legal deontology in the field of legal science. Compared to the medical deontology, the legal deontology has branched out as the professions of a judge, notary, prosecutor, lawyer, investigator have been formed in jurisprudence. Each of these legal professions has its own peculiarities, which are represented in the functions, tasks, subject of work, which in turn is reflected in the professionograms and determines the deontological peculiarities of judicial, lawyer, investigative, notarial ethics. All the legal professions have the same purpose - enforcement of law and the ensuring a proper functioning of the legal system. Special attention is paid by the legislator to the three legal professions (judge, prosecutor, lawyer), since the content of the Section VIII of the Constitution of Ukraine "Justice" represents and emphasizes the high level of responsibility of these professions. The texts of the professional oath of lawyers are enshrined in the Laws of Ukraine "On the

Notaries", "On the Bar and the Advocates' Activity", "On the Public Prosecutor's Office", "On the National Police", "On the Judiciary and Status of Judges". The analysis of the texts of the professional oath allows identification of the professionally important qualities of the lawyer's personality, which should be developed during the period of studies in a higher educational institution, which are as follows: fairness, self-determination, impartiality, independence, justice, honesty, integrity, responsibility, confidentiality, adherence to principles, dignity, respectfulness. In addition to the laws, ethical standards are enshrined in a number of professional codes and rules: Rules of Professional Ethics of Notaries of Ukraine, Police Officers Code of Ethics, Code of Professional Ethics and Conduct of Public Prosecutors, Attorney's Code of Ethics, Court Employee Code of Ethics.

Therefore, while studying the history of the development of deontology as a science, it can be noted that, due to the laws, the categories of professional ethics have gradually become the subject of legal support within administrative law. However, addressing the issues of ethical conduct of teachers, lawyers, and doctors requires an integrated approach in terms of professional deontology, administrative law, labour psychology and professional pedagogy.

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**SECURITY FORMATS OF NATIONAL POLICY
OF TOTALITARIAN STATE**

The Assyrian national minority found itself in the territory of the Russian Empire as a result of an active state policy in Front Asia. Speaking as an ally of Orthodox Russia, the Assyrians suffered acts of open genocide on the part of Turkish-Persian state administrations. These circumstances led to the fact that part of the population was forced to move to the territory of Tsarist Russia as refugees. The pattern of displacement was unmanageable, leading to the overpopulation of refugee masses in border administrative units. Regions that were present in present-day Armenia and Georgia were traditional settlements. Thanks to the Assyrian communities already in existence, there was a concentration of refugees here as a result of hostilities during 1914-1918.

From these territories began their settlement throughout the empire.

Having inherited the existing ethnic composition of the country, the Soviet authorities tried to find ways to govern national minorities. Like all Bolshevik policies, it consisted of attempts at loyal support to attempts to subjugate ethnic space to one's own needs. The backdrop of loyal policy towards national minorities in the early 1920s was to support their cultural needs. In Tiflis, at this time, schools, cultural centers were opened, literature in the national language was printed. But attempts to break into the ethnic milieu and gain loyalty to the existing political format have

failed. With the evolution of state policy, the methods of this policy have changed to total control over the public environment. The Assyrian minority has been persecuted.

The lack of historical forms of government led to a format for the existence of socio-political leaders in the ethnic environment. There were few such leaders, they were geographically located in the Assyrians' compact habitats in the Soviet Union, Persia, and Turkey. Such geographical feature created additional obstacles for their communication. The lack of centralized management of the specific socio-political conditions in their countries of residence has led to the absence of common concepts on the strategic issue of the future national minority. These processes were negatively affected by the international geopolitical situation.

The Soviet government in Georgia has selected representatives of the Assyrian political-public asset as a threat to control national minorities. To eliminate them from the information and socio-political space, a wide range of tools was used. The first steps in this campaign were methods of discrimination against the socio-political elite. The methods of dividing them into "theirs" and "strangers" were also used, where they opposed the Assyrians who had Russified origin with the Assyrians who became refugees as a result of the military campaigns of 1914-1918. The final stage of this plan was the individual repression.

Already in the 1920s, we observed repressive measures against representatives of the political elite of the Assyrians who were on the territory of Soviet Georgia. In December 1921, the former chairman of the Transcaucasian Assyrian National Council, Alexander Badalov, was detained. As a result of the investigation, he received three years in prison. [1] The next victim of persecution was Beat Abram Freudun Yakovlevich (Aturai), a recognized socio-political figure in the Soviet Union and in the Assyrian national movement worldwide. The leadership of the Assyrian National Council of the Caucasus, membership of the socialist party and active civic activity, led to a higher sentence of imprisonment (1926). [2] In the mid-1920s, not only the leaders of the national movement but also the Assyrians with active public standing were repressed. [3]

Thus, analyzing the formats of state national policy, it can be stated that the format of repression was used from the first years of the Soviet Union. With the aim of reorganizing the country, the Bolsheviks used the argument of repression as forms and methods of government. The Assyrian community, undergoing several "waves" of conscious repressive policies, was doomed to gradual assimilation and reorientation to nation-wide formats. This is how the ethnically consolidated minority deformed into the Soviet Union project.

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**EUROPEAN TERRITORIAL COOPERATION
WITHIN THE REGIONAL POLICY OF THE EUROPEAN UNION**

The process of evolving European Union regional policy shows how flexible and organic it is, how fast it is modified, changed and improved under the influence of internal and external risks, new geopolitical conditions and the challenges of globalization. Despite Brexit, the achievement of economic, social and territorial cohesion remains the key objective of the European Union. The achievement of territorial unity is ensured through European Territorial Cooperation, better known as INTERREG.

European Territorial Cooperation provides the basis for joint action and political exchanges between national, regional and local actors from different EU Member states. The main objective of European Territorial Cooperation is to promote the harmonious economic, social and territorial development of the EU in general.

It is known that European Territorial Cooperation (INTERREG) is implemented in three directions. **Cross-border cooperation** – any joint action aimed at strengthening and deepening

good-neighborly relations between two or more neighboring local and regional structures located in different but neighboring countries and at concluding any necessary for this purpose contracts or reaching agreements. **Transnational co-operation** – a multilateral cooperation between national, regional and local authorities related to a specific geographical area, aimed at integrated and joint spatial development planning. **Inter-territorial co-operation** – means two-, three- or multilateral cooperation between local and regional authorities (semi-public and private entities may also be included in this context) between non-adjacent territories.

Since its inception, there have been five programming periods for European territorial cooperation that have changed each other: INTERREG I (1990-1993) – INTERREG II (1994-1999) – INTERREG III (2000-2006) – INTERREG IV (2007-2013) – INTERREG V (2014-2020) [1].

In 1990 INTERREG was developed as a European initiative, with a budget of only 1 billion euro, covering only cross-border cooperation. Later, INTERREG was expanded to transnational and interregional cooperation. For the 2014-2020 programming period, European territorial cooperation is one of the objectives of the cohesion policy, and the INTERREG budget is 10.1 billion euro, it finances more than 100 cooperation programs between regions and territorial, social and economic partners.

European cross-border cooperation, known as **INTERREG A**, supports cooperation between the NUTS III regions from at least two different member states located directly or adjacent to the borders. It seeks to address common problems identified jointly in the border regions and to harness their potential for growth in the border regions while enhancing the process of cooperation for the overall harmonious development of the EU.

Transnational cooperation, known as **INTERREG B**, involves regions from several EU countries that form large territories. It aims at improving EU cooperation and regional development through a common approach to addressing common problems. INTERREG B supports a wide range of investment projects related to innovation (especially in the network of universities, research institutes), environment, accessibility, telecommunications, urban development and more. Transnational programs add the so-called «European dimension» to regional development, which leads to the alignment of priorities and coordinated strategic actions. This allows us to work constructively between the regions of several EU member states on communications, flood control, international business and research, and to develop more viable and sustainable markets.

Interregional cooperation, known as **INTERREG C**, operates at a pan-European level, covering not only all EU member states but also many other countries. It creates networks for developing best practices, facilitating the exchange and transfer of experience to successful regions.

In the fifth programming period, INTERREG C covers four interregional cooperation programs: EUROPE, INTERACT, URBACT and ESPON.

The INTERREG EUROPE Cooperation Program – a policy studying program for European public authorities, facilitating the exchange of information and the transfer of the best practice in Europe between actors at all levels. By promoting knowledge sharing, cohesion policy is enhanced. The program involves EU member states, Norway and Switzerland. And its budget is 359 million euro.

INTERACT – a European program created specifically to promote European Territorial Cooperation programs. It helps program management bodies, audit bodies and administrators of collaboration programs, as well as first-level controllers, to understand EU rules in order to improve the management of these programs. The INTERACT team offers training, relevant tools and encourages networking within and outside the Territorial Cooperation Community. The main purpose of this program is to strengthen the institutional capacity of public authorities and stakeholders in effective public administration. The program involves EU member states, Norway and Switzerland. And its budget is 39 million euro.

The ESPON 2020 Collaboration Program – arranges pan-European researches, providing scientific information to public authorities and entities at all levels through territorial research and analysis. ESPON's main objective for 2020 is to support regional development in line with EU cohesion policy, as well as national development policies to ensure that cities and regions of Europe are aware of the information. The program covers EU member states, Iceland, Liechtenstein, Norway, Switzerland. And its budget is 41 million euro.

URBACT III 2014-2020-provides a framework for communication between local and regional authorities that face similar urban challenges. To find common solutions for sustainable and integrated urban development in Europe, URBACT III supports cities by sharing information and identifying best practices. EU member states, Norway and Switzerland are involved in the pro-

gram. And its budget is 96.3 million euro.

There are also a number of fairly new tools to support regional development along the EU's external borders with countries that are candidates for EU membership or potential candidates, as well as with so-called third countries (i.e. countries that are not part of the EU).

The European Neighborhood and Partnership Instrument (ENPI) promotes cooperation and economic integration between the EU and partner countries (Algeria, Armenia, Azerbaijan, Belarus, Georgia, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, the Russian Federation, Syria, Tunisia, and Ukraine). ENPI supports partnerships that promote effective governance and socio-economic development. In the 2007-2013 programming period 1.18 billion euro were allocated from the EU budget for the implementation of 14 cross-border cooperation programs.

In the 2014-2020 programming period, a new European neighborhood instrument was established, which is guided by the EU Regulation № 232/2014 of the European Parliament and the Commission from 11.03.2014 [3]. It is the main financial instrument for implementing the European neighborhood policy, it provides the bulk of EU funding for 16 partner countries, and is based on the achievements of the previous European neighborhood and partnership instrument. The EU partner countries in the European neighborhood instrument are: in the South: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia; and in the East: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

It is worth noting here that the European neighborhood policy was revised in November 2015. The EU is working with its southern and eastern neighbors to promote stability, security and prosperity in line with the European Union's Global foreign and security strategy. Therefore, Russia does not participate in cross-border cooperation activities within the framework of the European neighborhood policy and is not a part of it.

The vast majority of the European neighborhood instrument funds are used for bilateral cooperation, specifically designed for each partner country. A key element in this context is the bilateral action Plans of the European neighborhood policy, which are mutually agreed between the EU and each partner country. These action Plans set an agenda for political and economic reforms with short- and medium-term priorities, and serve as a political framework that sets priorities for cooperation. In the 2014-2020 programming period 15.4 billion euro have been allocated from the EU budget for the implementation of cross-border cooperation programs.

When considering European territorial cooperation, it is necessary to mention the EU's strategic steps in this direction. Thus, on October 6, 2008, the European Commission concluded the so-called «Green book». The full title of this document is «Green book on territorial unity. Transforming territorial diversity into strength» [2]. The green book was the impetus for a debate between EU institutions and other stakeholders on further development of a territorial cohesion policy in order to improve competitiveness and sustainable development throughout the European Union.

The expanded strategy, which is being implemented at the EU, national, regional and local levels, should ensure: increasing revenues from agglomeration and reducing adverse conditions for all types of territories in order to support their harmonious development; improving links between territories to ensure access to services of common economic interest, mainly in the sectors of health, education, transport, energy, information and communication technologies; promote cooperation between territories in order to solve environmental and structural problems on the most optimal territorial scale, as well as to ensure synergy of growth and innovation.

In addition, cohesion policies should ensure that their potential is maximized, particularly in mountainous or island areas or sparsely populated regions.

The next step in this direction was the adoption of the Territorial program of the European Union 2020 – the path to an inclusive, reasonable and stable Europe of different regions. The goal of this program is to provide strategic guidelines for territorial development, promote integration processes of the territorial dimension at all levels of government, and ensure the implementation of the «Europe-2020» Strategy in accordance with the principles of territorial unity [4].

In order to ensure international cooperation between European regions, a solid legal framework has been developed, which consists of European legislation that deals directly with cross-border cooperation (the «European framework Convention on cross-border cooperation between territorial communities or authorities» from 21.05.1980, the international Convention on the simplification and harmonization of customs procedures (the Kyoto Convention) from 18.05.1973, and other conventions that mention cross-border cooperation), and General European legislation concerning regions («European Charter of local self-government» from 15.10.1985, «Charter of

the Congress of local and regional authorities of Europe» from 14.01.1994, European Charter of cities from 18.03.1992 and European Charter of cities II-Manifesto of new urbanism from 2008).

Thus, European Territorial Cooperation plays a key role in creating a common European space and it is the cornerstone of European integration. It has a clear European value: it helps to ensure that borders are not barriers, brings Europeans closer together, provides solutions to common problems, promotes the exchange of ideas and best practices, and encourages strategic work to achieve common goals. The study of the experience of European regional policy makes it possible to effectively form national regional policy and form effective mechanisms for economic, political and territorial cooperation between Ukraine and the EU.

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**FORMATION OF THE COLLECTIVE HISTORICAL MEMORY
AS A FACTOR OF NATIONAL SECURITY**

The issue of self-preservation of the nation as a political (not ethnic) phenomenon, being characteristic for XX–XXI centuries, directly and inextricably linked to spiritual and cultural factors, such as the collective historical memory, tradition, or faith. Understanding and awareness of the historical past, and its heroic pages, as well as accepting the tragic pages give the opportunity to see oneself as part of the unity that claims the territory and statehood, as well as forms a sense of patriotism. Therefore, the issue of formation of the historical memory, which makes it impossible to blur the national identity in the collective consciousness, is directly related to national security, combating for and defending independence.

At present, there are certain problems in the Ukrainian society in the field of the national memory: there is a lack of systems for evaluating events and figures; there have not been determined principles for creating the national pantheon, and a unified concept of the national memory. The numerous attempts that have been observed lead to separation and schism in society, instead of consolidation and unification. What are the current ways of forming foundations of the national historical memory that can be used in the socio-political conditions of today? First of all, it is necessary to understand the need for dissemination and popularization of knowledge about the historical past, public discussions on key historical events, and the State's supporting historical events.

The Ukrainian National Memory Institute existing at present time, which is the central executive body for implementation of state policies in the field of restoration and preservation of the national memory, whose activities are directed and coordinated by the Cabinet of the Ministers of Ukraine through the Minister of Culture, defines the following tasks as the main ones:

1) implementation of state policies in the field of restoration and preservation of the national memory of the Ukrainian people, namely:

– Organization of comprehensive studies in the Ukrainian state-making history, stages of the struggle for restoration of the statehood and dissemination of the relevant information in Ukraine and the world;

– Implementation of a set of measures to commemorate the participants in the Ukrainian liberation movement, the Ukrainian Revolution of 1917–1921, wars, victims of the Holodomor of 1932–1933, famines of 1921–1923 and 1946–1947, political repressions, and persons who partici-

pated in the protection of independence, sovereignty and the territorial integrity of Ukraine, as well as in antiterrorist operations;

- Organization of studies in the historical heritage and promotion of the integration of national minorities and indigenous peoples into the Ukrainian society;

- Popularization of the history of Ukraine and its prominent personalities;

- Overcoming historical myths;

2) submission of proposals to the Minister of Culture on the formulation of state policies in the field of restoration and preservation of the historical memory of the Ukrainian people and national consciousness of citizens, taking into account the multinational population and regional differences of Ukraine, in particular with regard to:

- Popularization in the world of the role of the Ukrainian people in fighting against totalitarianism, and upholding human rights and freedoms;

- Restoration of the national memory of the Ukrainian people, and prevention of using the symbols of totalitarian regimes;

- Assessment of totalitarian regimes of the XX-th century in Ukraine, the Holodomor of 1932-1933, famines of 1921-1923 and 1946-1947, forced deportations, political repressions, actions of masterminds and perpetrators of such crimes, as well as consequences of their actions for Ukraine and the world;

- Formation of patriotism, the national consciousness and active position among the Ukrainian citizens.

The main tasks of the Institute have been declared to be the following ones: increasing the public's attention to the history of Ukraine, ensuring the comprehensive study in the stages of the struggle for restoring the Ukrainian statehood in the XX-th century, and implementing measures to commemorate the participants in the national liberation struggle, victims of famines and political repressions [2].

Each national variation of the myth underlying the respective national idea has its own distinct differences and particularities. For realization of the main goal of the socio-political life of the XIX-th century – building a national state, the leaders of the nation elaborated the national myths, emphasizing the uniqueness and separateness of culture, language and history of the people.

In the XX-th century, the historical consciousness of the Ukrainians splintered off, being influenced by the Russian historical myths, which led to distortions, misrepresentations and mental phantoms: 1) the rejection of themselves as part of the European community (result of the predominance of the Eurasian interpretations of historical events); 2) loss of the individualistic management skills (syndrome of the collectivism propagation); 3) lack of initiative and the active life position; 4) treating themselves as an inferiority, a minor nation, etc. [1, p. 50].

Gaining independence by Ukraine has not eliminated the main problem: – unifying the nation, accepting its own history and building the national pantheon. Historians – researchers on issues of the national historical memory emphasize the need to enrich the Ukrainian pantheon. “The affirmation of the Ukrainian national idea of the Ukrainian political nation will be based on the historical memory, purified from remnants of the totalitarian and imperial way of thinking, and on honoring the Ukrainian national heroes who will promote the consolidation of the Ukrainian society” [3, p. 287].

The State expresses the attitude of society towards past events through educational and scientific institutions, and thus, projects its future. Therefore, the creation of the national idea, construction of the national pantheon and development of a single canon of the national memory in the contemporary socio-political conditions are the matter of national security.

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STRUCTURAL TRANSFORMATIONS OF TODAY INTERNATIONAL CONFLICTS

The objective causes of international conflict are determined by systemic changes in world politics, characterized primarily by instability. Tensions are compounded by the fact that macro-states are demonstrating their superiority by using a conflict management strategy that only supports conflict engagement. The collapse of the bipolar system of international relations had the effect of disrupting the balance of power. The destruction of the system of stable relations between key international actors is one of the key causes of political conflicts, both domestic and international.

Describing the conflicting potential of the current system of international relations, English researcher Michael Hanlon calls classic interstate wars "outdated" [1, pp. 42-46]. Among the reasons for the loss of the value of classical wars in the second half of the XX - beginning of the XXI century, it is expedient to point out changes in the field of nuclear weapons, overcoming the anarchy of the alliance of Western countries, increasing the number of democratic countries, losing the importance of the factor of seizing new territories for the economic growth of the country.

If in the twentieth century, the causes of clashes between the states were ideological differences, colonization and decolonization processes, the realization of geostrategic and hegemonic interests, in the modern system of international relations dominated by long-term conflicts between regional states, politicized minority conflicts in the atomizalist societies of Middle East, Central Asia, Africa. It is noteworthy in this respect for some scholars to believe that the basis of contemporary international conflicts is political ideological differences, which are exacerbated by religious or ethnic factors, which cast doubt on the theories of modernization and secularization that prevailed in political science during the second half of the twentieth century.

New tendencies in international political conflicts are caused by globalization processes of the modern world, because despite certain tendencies of regionalization, globalization determines the character of modern international relations and has its consequences - on the one hand - increasing interdependence of the countries of the world, and on the other - increasing crisis phenomena in the world economy as a result, exacerbation of the political situation and level of conflict.

Globalization is linked to the problem of potential international political instability through the interdependence of national economies at the global level. Local economic fluctuations or crises in one country tend to have regional or global implications. This problem is not only theoretical but also real, which is confirmed by the economic crises of the late twentieth - early twentieth centuries. (including the current global recession) has resulted in a worsening political relationship between nations.

The next set of problems resulting from globalization is the threat of the loss of control of the economy by sovereign governments and its transition to other entities, including stronger states, multinationals, or global corporations, and international organizations. That is, globalization is regarded as an attempt to undermine the principle of national sovereignty, which can cause both national leaders and the electorate a sense of helplessness and rejection of international processes. Such sentiments are easily transformed into extreme nationalism and xenophobia. Against the backdrop of protectionist policies, this is exacerbated by extremist political movements, which has the potential to exacerbate political conflicts in the international arena.

Since the early 1990s, there has been a steady tendency to reduce the total number of conflicts involving the state, especially this statement applies to conflicts that were exclusively interstate. The complete absence of new interstate conflicts cannot be ascertained, and in some cases the war between the states can be indirectly interpreted as an international armed conflict. In particular, the events in the Donbass, the annexation of the Crimea is a component of deep geopolitical contradictions between Ukraine and the Russian Federation, but this conflict has not received legal support, its institutionalization has a political character.

The deetatization of international conflicts is conditioned by changes in functions and the inability of the modern state to guarantee the security of the individual. The current international system is characterized by two trends: increasing interdependence of all elements of the system

and maintaining a monopoly on decision-making by national governments, while their real impact on the production and distribution of resources diminishes.

Domination and superiority in military power, other components of power do not provide security and protection for megacities. This is confirmed by the increasing asymmetric threats and increased instability in the Middle East and North Africa, accompanied by military and political conflicts with the involvement of the international community in Iraq, Syria, and Afghanistan. The power struggle of state actors against international terrorism is often counterproductive and, on the contrary, stimulates the growth of radical, militarized Islamic movements that are actively manifesting themselves in the political struggle for power.

From the above, the problem of conformity of national power systems with the peculiarities and challenges of modern international relations is affected. In particular, one can note the reduction of the functions of the administrative structures of individual states and intergovernmental organizations in the management of information flows, the fight against transnational crime, the control of migration flows. The weakening of the state is due to the decrease in the amount of resources available to governments, which are necessary for the exercise of power. Complicating the situation is facilitated by international financial actors with their focus on poor, and hence, yielding governments (especially with regard to elite corruption) [6, p. 378]. Thus, the state is not the main source of threat to the stability of the international system and loses its monopoly on the use of force by "sharing" it with sub-state actors.

The processes analyzed above complicate the phenomenon of international political conflict. It is difficult for the parties to the conflict to reach a compromise because of their large number and diversity. Insurgent groups, criminal organizations, ethnic parties, international non-governmental organizations, mercenaries and even regular armies are involved in international political processes as international actors. Non-state actors can both confront the state or other non-state groups, and participate in a conflict on the state's side, which complicates the identification of sources of conflict and the organization of effective counteraction to threats [3, p.60].

Non-state actors are highlighted by criminal cross-border groups, religious and quasi-religious movements, transnational networks. One of the tendencies of contemporary international conflicts, which take the form of armed confrontation by non-state actors, is the rise of terrorist activity, which acts as a tactic of asymmetric confrontation at the regional and global levels.

The degradation of the situation is due to the change of functions of the state, the diminishing of its capabilities and resources for ensuring the safety of its citizens. In such circumstances, political uncertainty increases and conflicts become more prolonged. Social transformation caused by globalization leads to the emergence of irregular paramilitary formations of political, economic, legal capacity to influence international and domestic processes.

The reaction to these processes is the emergence of a new term in political and legal studies - armed non-state actors (LDAs), which refers to any armed groups that are separate from the state and not controlled by state bodies, carry out hostilities, and have political, religious or military objectives [2, p.185]. As an example of the activities of the ZNDA, it is advisable to mention the current conflict in Afghanistan, one of the longest-running conflicts in which the international coalition of the armed forces, in which the United States plays a leading role, is involved. The conflict is in the process of consolidation and is tending to escalate as the Taliban and several other non-governmental armed groups in Afghanistan are in constant battle against the Afghan official government and the international coalition. This is compounded by the fact that, to date, there is no common view on the size and structure of the ZNDA in Afghanistan, and the nature of the relationship between the various armed groups in neighboring Pakistan is unknown.

Thus, in the bipolar system of international relations, there is a steady tendency to limit the habitual dominance of state actors in world politics, which is reflected in the erosion of the ability of states to exercise power. Strengthening the role and diversity of non-state international actors complicates the process of conflict resolution and prevention and increases the number of participants.

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RUSSIA'S POLICY TOWARDS KAZAKHSTAN AND THREATS TO INTERNATIONAL SECURITY: HISTORY OF THE MATTER

The expansionist nature of Russia's foreign policy as a trait characteristic of all periods of existence of this state, determines its main focus on satisfying strategic interests in certain regions of the world. One such region has always been rich in natural resources and located at the crossroads of Central Asia's trade routes. Khivin, Bukhara and Kazakh Khanates were the states whose conquest of the above-mentioned considerations was directed first by the Moscow kingdom and then by the Russian Empire. Particularly important among these countries, the Russian rulers gave the Kazakh Khanate as a border area, convenient for entry into Asian markets and further expansion in the region. These and other factors led to the choice of the specific methods and means that ultimately led to the inclusion of the Kazakh territories in the Russian Empire during the XVIII-XIX centuries.

In general, historiography (pre-revolutionary and modern Russian, Soviet and modern Kazakh) they considered that the accession of Zhuz - constituent parts of the administrative system of the Kazakh Khanate - to the Russian Empire during the above period was entirely voluntary and was due solely to the need to seek a strong union, confrontation with external enemies (China, Dzungar Khanate, and others). Combining these factors with the "natural attraction" of the Kazakhs to Russia, historians claim that the decisions of the Khans of the Junior, Middle, and Senior Zhuzs concerning the request of the Russian emperor to accept them under his protectorate were allegedly inevitable. Under these conditions, in the writings of these researchers, the Russian Empire emerges as a savior who has averted the inevitable destruction of the Kazakh people and their ethnic identity. However, any pragmatic considerations of the Russian autocracy aimed at satisfying the expansionist intentions are largely ignored by these scholars. Instead, they resort to a vivid depiction of the "threatening" and "backward" position of the Kazakh state ahead of its incorporation into Russia.

A review of the history of Russian-Kazakh relations in the period 1465–1731 - from the time of the foundation of the Kazakh Khanate to the incorporation of the Younger Zhuz into the Russian Empire - suggests periodic radical changes in their nature. In our opinion, the following periodization of Russian-Kazakh relations during this period may be proposed in accordance with the strategic considerations of the Russian authorities:

1. 1465-1547 - exclusively trade relations;
2. 1547-1598 - military-allied relations;
3. 1598–1714 - permanent support for certain families;
4. 1714–1731 - Negotiations with the Khan's authorities on the voluntary acceptance of the

Russian nationality, development of plans for seizure of Kazakh raw materials bases.

Based on the outlined periodization, it is obvious that from the end of the XV century. The Moscow kingdom, and then the Russian Empire, set out to destabilize the political situation in the Kazakh Khanate, since the existence of a strong centralized Kazakh state was no longer in line with Russia's strategic goals. It is quite significant that historiography uses the terms "Russian-Kazakh" and "Kazakh-Russian" relations to characterize the period under study. Review of relevant works suggests that the first term, despite its etymology, is used by historians to characterize the invasive policy of the Russian autocracy towards the Kazakhs. In turn, the second term refers to the "natural attraction" of the Kazakh state to Russia. It should be borne in mind that in both cases, the Kazakh Khanate is regarded not as a full-fledged subject of international relations, but solely as a target of Russian expansionist aspirations.

It should be noted that the revitalization of the policy of the Moscow kingdom towards the countries of Central Asia is associated with the weakening and gradual disintegration of certain khanates of the Golden Horde in the second half of XV - early XVI century. The first came under Russian control of the Kazan and Astrakhan khanates in 1502, and the Siberian khanate, which in comparison with them was much more important in strategic terms for Moscow, continued to exert

armed resistance to the tsarist army. The need to conquer such valuable, resource-rich territory made it necessary to find a worthy ally. The main contender for this role was the Tatum Khan (1534–1538), whose military ambassador, Moscow's ambassador Danilo Gubin, described: "And the Kazakhs... well strong... Tashkent conquered, and the Tashkent queens, they say, fought twice with them, but the Kazakhs defeated them... the Kazakhs are strong and the Kalmyks succumb to them." Also in one of his reports to Tsar Ivan IV, he noted that the Kazakhs, having such a strong army, constantly repel the attacks of the Siberian Khan Kuchum. From 1572, according to Moscow chroniclers, his attacks on the Permian border region became more active and threatening, prompting the Kazakh Khan to seek help. The newly arrived Khan Tawakkul (in separate sources - Tevekkel) led a long and fierce struggle with Kuchum, gradually weakening the military potential of the Siberian army, which led to the occupation of the Siberian Khanate by Moscow kingdom in 1598.

In such circumstances, the Moscow kingdom was forced, at least, to appear to regard the Kazakh Khanate as its equal partner, offering him the corresponding benefits. For example, there was an intensification of trade between these states, the king provided military assistance to the Khan to suppress local uprisings, and there were periodic exchanges of embassies. At the same time, a number of such actions were aimed at the hidden preparation of the ground for further expansion in the Kazakh territories. Thus, in 1594, Ivan IV, aware of the nearness of the seizure of the Siberian Khanate, sent an embassy to the Kazakh Khanate, authorizing him to negotiate with Khan Tawakkul in order to persuade him to accept the Moscow citizenship with his people. However, the ambassadors were decisively rejected by the Kazakhs.

The attitude to the Kazakh Khanate as a potential colony on the part of Muscovy was also manifested in the nature of trade relations between these states. On the one hand, its volumes were considerable and increased every year by about 10-15%. On the other hand, trade was predominantly exchange-traded, and not always the equivalent of exchange reflected the real value of goods produced by Kazakhs. For example, the Russians paid for the foxes for iron products, which historians estimate was about four times lower than their market prices. At the same time, Russian products were sold in Kazakh markets at high enough prices without paying any taxes. Historians also note that these products were of the lowest quality of all those produced in various branches of Russian industry. Russian middle and lower level manufacturers also resorted to buying low quality raw materials in the Kazakh markets, and then sold their products there. At the same time, Russian merchants were distributing Russian-language literature on Kazakh markets, which became a major subject for reading by the local intelligentsia, since there were no books of their own. In this way, the cultural expansion of Russia in Kazakhstan also took place. It is obvious that the intensification of Russian-Kazakh trade was aimed at the gradual colonization of Kazakh lands.

Having conquered the Kazan Khanate in 1598, the Moscow kingdom no longer required equal allied relations with the Kazakh state. The latter experienced times of fragmentation, when Khan's authority was unable to stop the confrontation between the local families. Insurgent movements against the Khan's power began to increase in various places, and the centralization of the Kazan Khanate became more and more nominal. Under such conditions, the Moscow authorities maintained diplomatic relations with the most powerful of the local rulers, not with Khan, but with him. Financial and military assistance was also provided to individual insurgent movements aimed at eliminating Khan's power.

The quintessence of the expansionist aspirations of autocracy in Kazakhstan was the period of the first quarter of the eighteenth century, when during the reign of Peter I, the foundations of the foreign policy course of the Russian Empire took place. During this time, numerous expeditions (both private and by royal decree) were sent to Central Asia, with the aim of making a detailed geographical description of these territories. The materials of the expeditions that were operating on the territory of the Kazakh Khanate noted the alleged backwardness of this country. In particular, it was said that Kazakh society is dominated by the vestiges of the patriarchal system, the situation of women is still depressed compared to that of men, land relations have not reached even the feudal stage of development, and the constant strife of local families hinders the development of the state and impedes its centralization. These "shortcomings" of the Kazakh system were characterized by tsarist documents and letters using a large number of epithets to depict the "backwardness" of the Kazakhs, which allegedly caused their state to be the target of constant attacks by the Chinese Empire, the Dzungar Khanate and other related states. The need to "rescue" the "neglected" Kazakh Khanate from military threats, coupled with the tsarist government's strategic interest in its natural resources and advantageous geographical location, determined the further orientation of Russian policy toward the country. The implementation of the latter resulted in

the inclusion in the Russian Empire of the Junior, Middle and Senior Zhuz as part of the Kazakh Khanate in 1731, 1740 and 1818 respectively.

Thus, Russia's policy towards the Kazakh Khanate during the XV – XVIII centuries underwent qualitative changes related to the transformation of the strategic goals of autocracy in the Central Asian region. After the need for a strong ally disappeared, the tsar resorted to the gradual colonization of economically and politically advantageous Kazakh territories by discrediting their power, interfering in internal political processes, and urging the Khan's power to accept Russian nationality. The study of this experience is of utmost importance for all states against which the Russian Federation has now launched a hybrid war (including for Ukraine), as it will enable the aggressor state to predict its behavior and organize effective counteraction to its expansionist manifestations.

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**LEGAL MECHANISMS OF INVOLVING THE BRITISH PRIVATES
TO THE MARITIME AGGRESSION AGAINST CHINA (XVII–XIX centuries)**

The modern transition of our country to the republican form of government of the bourgeois type is accompanied by an active concentration of capital in the private sector of the economy. So, there is a question of working out of legal means of involvement of the latter in maintenance of defense security of Ukraine. One of the mechanisms for achieving this goal is the widespread involvement of the private force and the development of its relations with professional naval forces.

The United States and the successful countries of Europe have made significant strides along the way, relying on a thorough study of their legal traditions. Having the status of a maritime power, British colonial times have widely used privatization, namely the attraction of private ships to combat offshore as a means of licensing. The study of the means of regulatory regulation of this activity became relevant after the inheritance of our state sufficiently worn out ships and ports, which led to its defenseless state in political and military conflicts with Russia in the Azov-Black Sea region.

Albion's militant traditions initiated the forcible penetration of colonizers of "all kinds" into China [1, pp. 16-22]. A significant role in this process was played by the naval forces, along which the seamen of the private fleet of privateers, or, according to British tradition, the fleet of privateers, extended. Such a fleet was possessed by all the great maritime powers, but it achieved the greatest power while serving with the British entrepreneurs who formed the British East India Company (hereinafter referred to as the Company) in 1600.

After the loss of thirteen North American colonies that became independent in the United States, the shareholders of this first ever multinational corporation have hit the ground in the East, most notably India, and later China. Thus was formed the second British Empire with a nucleus in South Asia. From there began the enslavement of China, which, thanks to the provocation of the British invaders of the two opium wars, turned into a semi-colony of eight great powers, led by Albion, and in this the decisive role was played by sailors and privates.

The first attempts to disclose the participation of the private fleet of the British East India Company in the violent "discovery" of China for the British colonialists were made by the British S. Beresford, VD Bernard and J. Yucherlon, as well as Russian authors OM Butakov and OE Teeshausen. However, their writings were reviews of the major events of the opium wars carried out by naval personnel, which they revealed in a hurry. Contemporary authors such as the Englishmen C. Jarvis, F. Oswald and A. Policant, the Americans S. Vallar and P. W. Fey, the Singaporean E. J. Marshall, the Canadians S. R. Prange and B. P. Sani, and Indian Shantaram, continued the tradition laid down by the first chroniclers of the opium wars.

The emergence of the Company's private Navy was authorized by the Crown of Brinania, in accordance with the dogma that "a monarch, and only a monarch, has the right to form a

corporation or to grant it the right to create one." The legal form of activity of monarchs in this case was the charters, the provision of which to the wealthy equated to the establishment of enterprises that were supposed to engage in world trade. The charters can be regarded as royal privileges granted to certain persons or corporations of owners who possessed all the rights and freedoms defined by the imperial constitution, and as peculiar agreements of the monarch with his subjects concerning the assimilation of the ocean space and adjacent territories. Each charter had certain requisites inherent in civil agreements. The monarch, as the main party to the agreement, at the request of the participants of the colonial expansion determined the boundaries of the territories to be occupied by them, and guaranteed them the protection of their commercial interests. However, the Crown of England did not undertake any civil obligations under the Charter.

The monarchy counted on the so-called royal fifth, and therefore granted the subjects of colonial expansion the right to govern their own rules and regulations within the limits set by the British state. This was enshrined in the charter of Queen Elizabeth I Tudor on December 30, 1600, which reads as follows: "Elizabeth, Grace of God, Queen of England, France and Ireland, Protector of the Faith, etc. To all our officers, ministers and sovereigns and to all other people within this kingdom of England and elsewhere under our obedience and jurisdiction, and to all others to whom this patent will be shown or read, congratulations.

Because our dearest and loving cousin George, Earl of Cumberland, and our esteemed subjects ... petitioned us so that we could grant them royal consent and license to act on their own volition, expense and discussion of this Kingdom of England to increase our navigation and to facilitate the trading of goods not only within the regions and possessions mentioned by them, but may lead to one or more voyages with a convenient number of armed sou en for setting up Trade with eastern India and certain countries and parts of Asia and Africa ... and so we honor for our nation and the wealth of our people allow it to them "[2].

The company involved in the fight for world colonial domination of Albion has made the navy of naval warships and auxiliary vessels privately owned as the main instrument of combat against opponents in the oceans. The main naval unit - the frigate - they called "a man of war". This term was enshrined in the name of the Company's private vessels, namely, "East Indiamen", or simply "Indiamen", that is, "Indian warship". The set of these guns, called the Bombay Fleet, was called "Bombay Fleet" because it was based in the Bombay Harbor (now the city of Mumbai). This fleet during the XVII century. dominated the Indian Ocean, but the next century in England began an industrial revolution, which required the expansion of the base to continue the initial accumulation of capital. Traditionally, such sources were slave trade, smuggling, and robbery in the oceans, which was accompanied by the expansion of the commodity exchange zone of the metropolitan manufactories, from the Antilles in the Atlantic to the Far East. Therefore, in order to protect their own interests, all British businessmen supported the imperial idea, which was "carried on their sails" by thousands of privateers. It was these half-criminals that the Company encouraged to participate in the ocean robbery by enlisting them as part of its private Bombay fleet. The ultimate point of operation for this fleet was to become China.

The Company's invasion of China was a lengthy process, for the Qing Empire, though confronted with a permanent crisis of feudal society that began in the mid-eighteenth century, was quite capable of repelling foreign aggression. That is why, in the midst of the Seven Years' War (1756–1763), which became world-class, the British elite advanced the concept of "the existence of pirate states" in Asia, which needed to be eliminated. This concept was necessary for the "legal" justification of the robbery of privateers in the Indus and Pacific [3, R. 206]. Hiding behind her, the Company's private fleet launched an offensive against China, during which the undivided unity of interests of the British monarchy, the owners of manufactories, traders and pirates, in particular commercial robbers, was demonstrated. However, the implementation of this concept by the end of the XVIII century. became a dream come true for British expansionists, as Albion, who fought for dominance in the oceans against the French and Spanish rivals, did not yet have the strength to fight naval warfare in all directions [4]. So Britain initially had to use diplomatic methods of invading China.

The implementation of China's foreign policy direction by the Albion government has spanned seventy years. The fact is that the armed forces of the British Empire were busy suppressing the uprising of the American colonists, the war against the empire of Napoleon I Bonaparte and other equally important matters. In addition, Chinese naval robbers embarked on the path of British expansionists in addition to the weak Navy fleet. Piracy was an important and

ongoing component of Asia's maritime history, characterized by a link between politics and maritime robbery. Asian rulers used pirates as part of their foreign policy arsenal to win the fight for domination in the vast expanse of the Indian and Pacific Oceans. However, the Chinese pirates had rivals of the British semi-merchant-robbers, who were the Company's privatizers. Therefore, the gradual spread of maritime robbery of the private corporations of this British corporation led to the fact that the Chinese pirates retreated from the ocean and ventured only to the robbery in coastal areas of China and the rivers that flowed into the South China Sea [5, P. 206].

The Nanjing treaty of China with America in 1844 met the most important requirements of Britain, but did not exhaust all its claims. He opened the invaders only ports of southern China, and the northern and northeastern Chinese coastal cities remained outside the sphere of influence of the British. Therefore, the UK needed direct access to the vast market of China's deep provinces. In the end, the British expansionists provoked a second "opium" war (1859-1860), in which the warships of Great Britain and the United States took part. However, this time, the privatizers of these states did not participate in the new naval war, because the international community in 1856 proclaimed commercial piracy an international crime during the Paris Peace Conference.

Thus, historical and legal reconnaissance in times of widespread involvement of private craft in the conduct of naval wars can become a signpost on the way to strengthen the national security of Ukraine in modern conditions.

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**PEDAGOGICAL SUPPORT FOR THE PREVENTION FROM CHILDREN'S
AND ADOLESCENTS' ANTI-SOCIAL BEHAVIOR**

Purposeful and effective provision of national security in society requires the creation of the comprehensive system of preventive education. Law enforcement agencies, educational institutions, the wide range of state and public organizations, and the family are responsible for preventing anti-social behavior among children and adolescents.

It is necessary that law enforcement agencies and educational institutions solve these problems together by providing pedagogical support for preventive activities directly in educational institutions and in the extracurricular youth environment.

The modern model of preventive education has the multi-level character. Separate levels of this model are located in vertically-horizontally arranged links.

Special attention is required for early prevention of negative manifestations in the preschool children's behavior. It is pre-school education that should ensure the integrity of the child's development, physical, intellectual and creative abilities through education, training, socialization and the formation of necessary life skills [1].

At the same time, it is necessary to optimize the system of correctional work at the levels of primary and basic secondary education with students whose behavior has significant deviations from the norms of morality.

Pedagogues, psychologists, and law enforcement officers are quite attentive to the preven-

tion of anti-social behavior of adolescents. It should be noted that the complexity of the problem of preventing anti-social, hooligan manifestations of adolescents is caused by the peculiarities of their age-related mental and physical development, incompleteness of their moral formation, social and legal immaturity, and the presence of stereotypes of low culture of relationships.

The important place in the structure of preventive education is the search for new approaches to solving the problem of crime prevention among schoolchildren and students during the formation of professional qualities in vocational and higher education institutions. According to O. P. Luchaninova, the student's preparation as the specialist takes place in the particular educational space. This space has all grounds for a person's free choice of ways of self-realization and spiritual development [2, p.118,119].

Therefore, it is necessary to achieve interaction and consistency of organizational and pedagogical measures at various levels of preventive education based on systemic and structural approaches in the process of preventing anti-social children's and adolescents' behavior.

Considering preventive education as a single whole, in our opinion, it is worth paying attention to the comprehensive development of the system "law enforcement officers-parents-teachers". Not only law enforcement officers, but also teachers and parents need to have the deep knowledge of the external environment in which the educational institution operates, where the place of residence is located from the point of view of danger. Significant attention should be paid to the organization of meaningful leisure activities, expansion of clubs and creative associations of interests.

It should be noted that solving the problems of preventive education requires the integration of educational activities in the context of Patriotic, moral, civil, and legal education.

Patriotic education is the starting point, the main source of the sense of patriotism development. It expresses the love and devotion of citizens to their homeland, as well as spiritual and moral values and social schoolchildren's and students orientations.

Moral education is aimed at the development of moral consciousness, individual moral qualities and social maturity, prevention of accidental and conscious immoral acts.

Civic education is designed to remove the negativity of adolescents to public life, to introduce children and young people to socially useful activities.

Legal education is aimed at overcoming legal illiteracy, improving legal culture, and developing legal feelings that regulate students' behavior. It is important to overcome false ideas, negative skills and behavioral habits in the legal consciousness. It must be noted that legal awareness serves as the regulator of behavior when objective circumstances have legal significance, when it is necessary to make the choice between the legal and illegal act, to use your rights or, conversely, to refrain from their implementation. Without any doubt it may be said that knowledge and ideas about possible consequences as the result of violation of legal norms can distract anti-social acts and offenses.

Paying tribute to what has been done we should emphasize the need to strengthen integrative trends regarding pedagogical support for the preventive activities of law enforcement agencies, public organizations, and educational institutions. Systematic pedagogical assistance and support can effectively solve the problems of preventing anti-social behavior of children and adolescents.

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**SERVICE IN THE PATROL POLICE LIKE AS ONE OF THE STRATEGIES
OF COMBATANTS' SOCIAL READAPTATION**

In recent years, Ukrainian society has undergone significant changes. This is largely due to the fighting in the east. Most soldiers, when returning from the front, have to re-adjust to the conditions of peaceful life. Unfortunately, not all of them successfully undergo adaptation, as evidenced, in particular, by criminal cases involving persons who have the status of a combatant. According to the Ministry of Veterans Affairs, as of July 2019, about 370,000 people were recognized as combatants [3]. Thus, the problem of re-adaptation of war veterans is extremely acute, including from the point of view of national security of the country.

It should be noted that today it is difficult to fully assess the degree of psychological traumatization of the Ukrainian military. In particular, because some of them have acquired so-called post-traumatic stress disorder (PTSD), the symptoms of which can manifest themselves even a few years after direct involvement in hostilities. Among its symptoms are: excessive aggressiveness, conflict in the family and at work, sleep disorders, depression, tendency to use alcohol and drugs, risk of suicide, etc. [4; 7].

Undoubtedly, the aforementioned manifestations of PTSD can lead to and increase the manifestations of unlawful, marginal and asocial behavior, which in the future creates the risk of its development into quite real offenses, statistics, which, unfortunately, also does not have. Here you can find some interesting data from the US about Vietnam War veterans. Thus, according to a study conducted in 1988, in 15.2% of persons belonging to this category, there were marked symptoms of PTSD, and in 11.1% there were some manifestations of such disorders. Among these persons, the risk of being unemployed increased by 5 times, about 70% of them divorced at least once with their spouses, 35% reported parental problems, 47.3% - extreme forms of isolation from people, 40% - expressed hostility to others. 36.8% of representatives of this social group commit more than 6 acts of violence a year, 50% have been arrested and imprisoned (including 34.2% - more than once) [2, p. 681]. According to other data, approximately 25% of US veterans of Vietnam experience the development of adverse personal changes after receiving 4 psychotrauma. By the early 1990s, about 100,000 veterans of this war had committed suicide. 40,000 are a closed, almost autistic lifestyle. Among the war wounded and disabled, the percentage of people with PTSD exceeds 42%, while among the physically healthy war veterans, 10-20%. 56% of people who experienced severe combat events died and were ill before the age of 65 [3, p. 267-269].

According to R. Popelyushko [8], the symptoms of PTSD have already been diagnosed in 35% of the Ukrainian military, and acute stress disorder - in 25%. The main problems faced by combatants in Ukraine are: excessive aggression (58.8%), suspicion (75.5%), fear (57%), demonstrative behavior (50%). Researchers at the Science Center for the Humanities [6] suggest that about 80% of combatants in eastern Ukraine could have suffered psychogenic trauma, with about 30-40% at risk of further transformation of psychotrauma into psychiatric illness. Domestic researchers agree that about 60% of Ukrainian soldiers need help in adjusting to a peaceful life.

One of the possible ways of re-adaptation and re-socialization of combatants is the employment programs of the former military in law enforcement agencies, among which special units and patrol police are distinguished by their specificity. Yes, patrolling can be seen as a kind of "transition", a buffer that allows combatants to become accustomed to civilian life, without leaving the boundaries of service and service that have much in common with the military (in particular, hierarchical structure, high dependence on command, work with a bias in the physical force, etc. [1]).

Foreign Researchers [1; 4] emphasize that in the XXI century. law enforcement is increasingly militarized. Last but not least, thanks to the involvement of their former military. This is reflected, in particular, in the planning of police search and detention operations, which are a feature of military anti-terrorist operations. Another feature that testifies to increased police militarization, according to foreign researchers, is the use of police military equipment and means of defense. In developing this statement, P. Kraska [4] notes that if in the twentieth century. increased police militarization was a sign of repressive undemocratic power in the country, now this position is being eroded by a change in the overall security model. In addition, the level of contemporary threats and challenges facing the state (terrorism, hybrid threats, organized crime, transnational crime, etc.) are also encouraged.

Analyst from the United States D. Campbell [1] notes that when joining the police, soldiers experience difficulties in increasing their cognitive demands when completing work tasks; decrease in social status; the need for rigid self-control of aggressive manifestations that were acceptable in the war zone and ensured the survival of the combatant. Domestic researchers Litvinova and AO Linnik [7] emphasize that according to the results of their survey, 39% of combatants who joined the police have an increased level of physical aggression. The authors conclude that approximately one-third of law enforcement personnel require additional psychological support.

Studies by patrol officers conducted by one of the co-authors of this publication partially confirm this data. In particular, the study of active patrol officers by measuring the level of Bass-Darka's aggression (number of study participants: n = 23, aged 26 to 38 years, average age - 29.6 years) found that 60% of patrol police have an increased level of physical aggression, 53% - indirect, 46,6% - verbal (while other indicators according to this method, given the overall integral index of aggression, are within the normal range). The study also found that more than half of patrol officers show bias in recognizing lies in a foreign language they understand (that is, they are inclined to distrust the communicator), while there is no phenomenon of bias in recognizing them in the language.

According to the Patrol Police Department, as of now, more than 1000 combatants are employed in the patrol police, who are not only at the lower levels of the service hierarchy, but also directly among the leadership. Yes, even the head of the Department is Eugene Zhukov, who prior to the creation of the patrol police served in the 79 separate airmobile brigade (Mykolaiv) and is a defender of the Donetsk airport, as well as one of the authors of this report.

It should be noted that the national literature has already outlined certain ways of psychological support for police officers - former combatants. In particular, G.O. Litvinova and A. O. Linnik [7, p. 66] propose the following measures: 1) social and psychological patronage of combatants and their families; 2) designation of a veteran patrol officer in the patrol police to act as a mediator between the military and support structures; 3) creation of a database of doctors, psychologists and social workers working with combatants; 4) informing the former military about the symptoms of PTSD, ways to overcome it and providing them with telephone numbers of psychological support services; 5) conducting stress training; 6) conducting psychotherapy for combatants and their families.

Undoubtedly, one of the key tasks for the society as a whole, the state government and the state system of social guarantees in particular, is to ensure proper re-adaptation and re-socialization of participants of hostilities in order not only to maximize their mental, physiological and mental health, but also to further successful self-realization of their skills and abilities. To this end, continuation of law enforcement service with appropriate psychosocial support and support is considered as a viable option.

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**INTERPOL AND EUROPOL: CORRELATION BETWEEN ORGANIZATIONS'
ACTIVITIES AND COOPERATION WITH UKRAINE**

Currently, to ensure economic development, equality between peoples and a tolerant attitude, the sovereignty of states, borders between countries, especially in Europe, are becoming increasingly blurred. Although visa-free regime and other agreements between countries, simplifying border crossings, have a lot of benefits, there are also negative consequences, such as taking crime to a new level – the international level. The international community has to create competent bodies for combating organized crime at the international level as a consequence. Interpol and Europol are such institutions.

The International Criminal Police Organization (Interpol) is an international organization that deals with the search of a specific person and provides exchange of information between police agencies of different states in order to combat crimes that transcend one country. Interpol has a long history, since the organization was founded in September 1923, but while the World War II, under the control of Nazi Germany, Interpol virtually ceased to exist and resumed its activities only in 1946, having moved its headquarters to Paris, and later to Lyon, where it is still functioning. At present, Interpol unites 194 countries, including Ukraine.

Concerning Europol (European Police Office), this is a European Union Agency on cooperation in the field of law enforcement activities collecting information regarding criminal offenses under the jurisdiction of the European Union. Europol started its work much later, only in 1999, but the birth of the institution began in 1992, when the Maastricht Treaty on the European Union envisaged the creation of Europol within the European Union framework.

The European Police Office (Europol) is a law enforcement agency designed to provide practical assistance and information support to various states police actions at the European level in the field of combating: 1) transnational organized crime; 2) international terrorism; 3) as well as other serious crimes of an international nature such as drug trafficking, money laundering, etc. (only 24 categories of criminal acts) [1, p.17]. The headquarters, located in the Hague, Netherlands. Since Ukraine is not a member of the EU, Ukraine's representatives do not hold any posts in the European Police Office. However, Ukraine has been cooperating with this institution since 2009, and negotiations on operational cooperation are ongoing. For example, in July 2019, the European Police Office, with the participation of the Ukrainian law enforcement officers, in particular, conducted a large-scale operation against the illegal sports doping market. The Viribus operation, led by the Italian carabinieri together with the financial unit of Greek police has become the greatest event of such kind: law enforcement officers have eliminated 17 organized criminal groups for the illicit sale of counterfeit drugs and doping stuff.

The strategic objectives of Ukraine's interaction with Europol are: to ensure the transfer of a single set of services for the operational support of law enforcement agencies activities; to improve the coordination of operational actions of national law enforcement agencies within the European Union [3, p. 357].

So, we see that Interpol and Europol are two rather similar institutions. But what is the dif-

ference? Why was Europol created when Interpol had already existed?

First of all, it should be noted that the cooperation of the participating countries, both at Europol and Interpol, is based on a number of principles. Respect for national sovereignty and non-interference in matters of political, military, racial or religious nature, not restricting of cooperation because of language or geographical barriers are the key principles of the activities of these two organizations.

If we dive into Interpol activities, we can see that the organization is actively working to reduce crime level and develop international police cooperation, and its activities are aimed at protecting and respecting human rights, creating services contributing to prevention and cessation of crimes. However, Interpol is a worldwide organization that fights crime around the world, and Europe, with its open borders, stands in need for special attention. That is why, rapid development of crime in Europe and strive for its combating became the key factors for the European Union to create Europol, similar to the Interpol institution but with one crucial difference – Europol operates only in Europe and under the EU jurisdiction. To fulfill its tasks Europol cooperates with other countries and organizations, including Interpol. The purpose of Europol is to support and enhance the activities of the competent institutions of the Member States and their mutual cooperation in preventing and combating organized crime, terrorism and other serious crimes affecting two or more Member States.

V.V. Nevolia argues that Interpol and Europol are different international organizations. And if Interpol is composed of a number of states, the European Police Organization (Europol) is a law enforcement agency of the European Union, the purpose of which is to assist in improving the effectiveness of cooperation between the competent agencies of the EU Member States in combating international organized crime [1, p. 20].

The work of international organizations is currently of great importance. Our state is no exception. To ensure international and national security, Ukraine is a member of Interpol and actively cooperates with Europol, as police cooperation is of particular importance in Ukraine and the EU in the context of integration processes.

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ASPECTS OF IMPROVEMENT OF PUBLIC ADMINISTRATION ORGANIZATION IN ORGANIZATION OF ENSURING OF UKRAINE'S NATIONAL SECURITY

The systemic crisis that the country has been experiencing since the beginning of 2014 has affected many political, economic, social and other aspects of the state's life, jeopardizing its national security. Russian occupation, weakening of the defense sector, decline in production, high inflation, crisis in the social sphere, declining living standards, the destruction of the foundations of spiritual life, the rise of crime and other negative phenomena in various spheres of life of the state and society, in connection with which conditions arise, in which the state is not able to ensure the level of sustainable development of the country, which creates a situation of occurrence of socially dangerous consequences of realization of potential challenges and threats. Taken together, these create obstacles to addressing the security of society, the state, and the individual. Such circumstances lead to the urgent need to identify ways and directions of improving the organization of public administration in the field of national security of Ukraine, which we believe to be an effective factor in the sustainable development of the state.

The main component of the country's security system, in our view, is the creation of an effective legal mechanism for ensuring national security of the state, including international actors,

state as well as non-governmental bodies (organizations) and citizens endowed with appropriate legal personality to ensure the security of society, states and individuals. However, the effectiveness of its activities depends largely on the organization of the activities of public entities that are part of the national security system and the level of interaction between them. In this case, it should be noted the relationship of dependence of individuals on public authorities, and when both parties must be governed by law, accordingly, there is a need to determine the legal status of all participants in the relationship. In particular, it is necessary to define normatively the feedbacks covered by the rights and obligations of the legal entities, and to create a consistent procedure for this interaction in the form of a legal act. Unfortunately, during the years of Ukraine's independence, it was not possible to create an appropriate mechanism of legal regulation, despite the attempts to create an Administrative Procedure Code of Ukraine, which in our opinion can regulate these legal relationships.

Despite the fact that several drafts of the Administrative Procedure Code of Ukraine have been developed to date [1]; [2], their content, in our opinion, does not fully cover the relationship of public administration. Yes, in particular in our projects we do not define the very concept of public administration, the concept of its subjects, the system of principles, supervision and control, etc. Unlike our country, you can refer to the experience of other post-Soviet countries, where long ago there are regulatory legal mechanisms for public administration. For example, the Law of the Republic of Lithuania "On Public Administration" 1999, which in particular defines public administration, - public administration - regulated by laws and other legal acts, the activity of public administration entities, aimed at implementing laws and other legal acts : making administrative decisions, exercising control over the implementation of laws and administrative decisions, providing statutory administrative services, administering data public services and internal administration of the subject of public administration [3].

An analysis of the current organizational and legal mechanism for ensuring national security of Ukraine in various spheres of public relations as an object of public administration, shows that its characteristic feature is the loss of integrity of clearly defined spheres of public relations, since the interests of the individual and the form of public administration do not always coincide. , and the organizational mechanism for national security is in a state of constant transformation, reflecting in most cases the negative consequences of systematic approach to creating an effective model for countering contemporary challenges and threats.

The analysis of the provisions of the Constitution of Ukraine, adopted on June 21, 2018, the new Law of Ukraine "On National Security of Ukraine" and other normative acts, as well as theoretical developments in the field of national security, made it possible to summarize and systematize the main directions for its provision. In particular, the following are offered - political security, military security, economic security, information security, public security, socio-cultural security, environmental security. Therefore, individual areas of national security should become one of the conceptual ways of ensuring national security, followed by the development of an appropriate systematic methodology for the organization of national security of Ukraine.

In accordance with the Law of Ukraine "On Fundamentals of National Security of Ukraine", national interests are important interests, and the organizational and legal guarantees for ensuring the protection of vital interests of the individual are the activities of subjects of national security of Ukraine, which according to the current law were called - security forces.

At present, due to integration with the European Union, there is an urgent need to reform the national security institute, and above all, to align the powers of its authorities in the field of public relations through the interaction of both state and non-state actors. subjects to achieve the effective functioning of this legal institute.

Therefore, for the full implementation of such an organizational and legal mechanism, it is necessary to eliminate these conflicts and contradictions of legal norms on the basis of a clear delegation of powers of public authorities. Thus, the subjective system in the specified field of activity will be formed on the basis of the principle of checks and balances, which will ensure the creation and functioning of a single integrated concept of national security. The activities in the process of realization of the national security of the state will be carried out by the bodies of the existing branches of government on the basis of close interaction with a wide involvement of non-state actors. The presence of public participation is vital for the successful interaction in the issues of functioning of a single organizational and legal mechanism of public administration in the field of national security of Ukraine.

The analysis of current Concepts in the field of national security of Ukraine and the

coverage of various scientific conceptual approaches, allows to confirm that there is no unified model of such Concept. On the one hand, this is due to the fact that national security as a multi-vector functional phenomenon, which is regulated by numerous conceptual legal acts in various spheres of public activity, and from scientific positions, is considered not only in the field of legal research, but also in the fields of other scientific knowledge. - political, sociological, economic, military. On the other hand, it is obvious that even with a single cross-sectoral approach, it is quite difficult to develop a coherent model of the National Security Concept of Ukraine.

Such an integrated approach to the formation of the National Security Concept model is an attempt to unite in one comprehensive legal act national security concepts in different spheres, diverse national interests, an organizational mechanism for ensuring national security, which cannot be recognized as successful. The concept as an objective form of expression of public policy, in our opinion, should consist in the elaborated interactions between the subjects (security forces) of ensuring the national security of the state in different spheres of activity, taking into account the dynamics of changes in public relations, in relation to past experience, and current and perspective development of the organizational and legal mechanism for ensuring national security of Ukraine.

It is found that it is more acceptable to understand the public policy of national security as an institution, characterizing the system of relations, concept, legal forms, organizational mechanisms used by society, public authorities, the public to protect the integrity, identity and sovereignty of the state, geopolitical system, rights and the freedoms of man and citizen, by steadily ensuring the conditions of their proper existence, the development of appropriate relationships that are in accordance with national interests as in the middle of the state, and even in the system of international relations. Because it is on the basis of conceptual provisions of ensuring national security of Ukraine, they can actually be implemented through public policy, which should determine the strategic ideological approach in the field of internal and external relations, in the military-political spheres, the policy of public administration, information, socio-cultural policy, etc.

According to the results of the analysis of the principles and scientific views on their system laid down in the normative legal acts in various fields of public relations, which determine the peculiarities of public administration in the field of national security of Ukraine, which in turn, lead to the creation of a clearly defined system of principles with the disclosure of the essence of each from defined, both in theoretical terms and defined regulatory mechanism, on the pre-formed conceptual basis.

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TYPES OF ARMED CONFLICTS UNDER INTERNATIONAL LAW

One of the manifestations of the new world order of the beginning of the 21st century was the transformation of such a socio-political phenomenon as war and international legal regulation of armed conflicts concerning the issues of the beginning of war, its conduct, methods and means, the situation of the belligerent and peaceful population and the end of the war.

The main features of the war were: the expanded arsenal of means of ensuring the political goals of the war (means of armed struggle, as well as non-military means - political, economic, information and others); going beyond the timeframe of conducting a purely armed struggle; an expanded list of actors in the fight (paramilitary formations and terrorist organizations are playing an increasing role alongside the state); lack of a clear boundary between latent and open periods.

A brief examination of the aims of war allows us to determine the specific characteristics of armed conflict. The purpose of war is to suppress the enemy's armed resistance. This formula is very important because it allows you to classify military actions by subject-object composition and by the territory in which they take place. Establishing such a purpose means that the war is not aimed at destroying the enemy and does not aim at physically destroying its armed forces.

This means, first, that there is no war against peaceful populations, especially since the rules of war require the civilian population to be "under the care of the belligerents." Secondly, hostilities conducted by the armed forces in the territory of their country against their own population are, for the most part, not a war in the international sense of the term.

This distinguishes between international armed conflicts and non-international armed conflicts [1, p. 578].

Thus, international armed conflicts, in accordance with the provisions of the Geneva Conventions of 1949, recognize such conflicts when one subject of international law uses armed force against another subject. Thus, parties to an international armed conflict may be: a) States; b) nations and nationalities fighting for their independence; c) international organizations carrying out collective armed measures to maintain peace and international order.

Pursuant to Article 1 of Additional Protocol I, international conflicts also include armed conflicts in which peoples struggle against colonial domination and foreign occupation and against racist regimes to exercise their right to self-determination.

Concerning armed conflicts of a non-international nature, they include all armed conflicts not subject to Article 1 of Additional Protocol I [2] occurring in the territory of any State "between its armed forces or other organized armed groups which, exercising such control over part of its territory, under the command of command, enabling them to carry out continuous and concerted hostilities and to apply the provisions of Protocol II "[3].

Non-international armed conflicts have the following characteristics: a) use of weapons and involvement in armed forces conflict, including police units; b) the collective nature of the performances. Actions that predetermine the internal tension, internal unrest cannot be considered conflicts; c) the degree of organization of the rebels and the existence of bodies responsible for their actions; d) the duration and continuity of the conflict. Certain sporadic performances by poorly organized groups cannot be regarded as armed conflicts of a non-international nature; (e) the insurgents have control over part of the territory of the state.

Consequently, armed conflict between insurgents and the central government is usually an internal conflict. However, insurgents can be recognized as a "belligerent" when they: a) have their own organization; b) the authorities responsible for their behavior are in charge; c) established their power over a part of the territory of the state; d) obey in their actions "laws and customs of war".

The recognition of insurgents as a "belligerent" precludes the application of national criminal law to them for liability for mass unrest and others. The prisoners of war are covered by the status of prisoners of war. Rebels may enter into legal relations with third countries and international organizations, and may receive the assistance permitted by international law. Insurgent authorities in the territory they control can be created by governing bodies and issue regulatory acts. Consequently, recognizing rebels as a "belligerent" usually indicates an international conflict and is a first step towards recognizing a new state.

Non-international armed conflicts should also include all civil wars and internal conflicts arising from the coup attempt, etc. These conflicts differ from international armed conflicts, first of all in that in the latter both warring parties are subjects of international law, while in civil war only the central government recognizes warring parties. States should not interfere in internal conflicts in the territory of another state.

However, in the practice of the international community, some UN-sponsored armed activities are called, which call "humanitarian intervention" their purpose is military intervention in events in a particular country that are "torn apart" by armed conflicts of ethnic or religious concern, of a religious or religious nature. especially those suffering from such actions (stopping the bloodshed, dealing with refugees, combating hunger, helping to improve daily life and living conditions, etc.), as well as to stop The military confrontation between the warring parties. Due to special circumstances, such an intervention is carried out without the consent of the government of the state in which the military invasion takes place, and is therefore referred to as "intervention". The term "humanitarian" is intended to illustrate the main purpose of such intervention. This is the case, for example, with the characterization of armed actions in Somalia and Rwanda, initiated to suspend internal conflicts that have taken place there and have been accompanied by mass casualties.

However, it should be noted that the Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation between States, in accordance with the Charter of the United Nations of 1970, states in particular: "No State or group of States shall have the right to intervene directly or indirectly for whatever reason in the internal and external affairs of another state".

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LAWFARE AS ABUSE IN INTERNATIONAL LAW

Concerning the term "lawfare", we have stated in previous publications that it is an innovation in interstate conflicts and is characterized by increasing accessibility through the use and sometimes abuse in international law to supplement or replace military operations to weaken the enemy's position in international organizations, and sometimes to cause devastating effects on its legal system [1, p. 150] and later on the political and institutional components. From this subject matter, it is important to understand the phenomenon of abuse in international law.

The genesis of this concept dates back to theoretical and legal studies. According to scholars, one of the hallmarks of subjective right is its boundaries, being a measure of conduct, the violation of which is considered to be an abuse of right. Some researchers attribute the abuse of the right to a type of legal conduct that is socially harmful within the scope of legal requirements. Abuse of right is one of the concrete expressions of wrongfulness of the offense [2, p. 238, 317].

The fundamental domestic work, which reveals the essence and content of the analyzed category, is a monograph by T. T. Polyansky "The Phenomenon of Abuse of Right (General Theoretical Research)". In it the author, noting that abuse of right is characteristic of all branches of modern law, without exception, states that one of the most dangerous is the abuse of right committed in the field of politics. These abuses are committed by persons whose official powers, being decisive for a particular state, grow into political power. There is a particular danger of political abuse in at least two aspects: first, these abuses can be directed not only within the state in which these abusive employees are employed, but also outside (in particular, the abuse in international law), and secondly, one of the manifestations of abuse in the political area is the so-called formal and legitimate usurpation of state power, which leads to violations of fundamental people's rights and freedoms. Such abuses include genocides, ethnocide, discrimination against other people on a variety of grounds, other justified by national law or law enforcement agencies, human rights abuses, contrary to generally accepted international principles and regulations.

International law experts include to abuse of international law, for example, international terrorism, genocide, ecocide, biocide, war crimes, crimes against humanity, which are characterized as "the most serious violations of international law that threaten the peace and mankind's security." The most recent examples of abuses are abuses in which the form and content of positive right is respected, but natural one is violated [3, p. 199].

Among the most "blatant" abuses are: the genocides of the Armenian, Jewish and Ukrainian peoples by the nazi, communist and other state regimes; apartheid in South Africa, US segregation, etc; violation of the rules (the abuse of right) to wage war, which was accompanied by the mass extermination of the civilian population (this mainly refers to such abuse of right when national law was respected and international issues had not yet been settled). And after World War II, international legal acts were adopted in order to prevent the future practice of abuse of individ-

ual political rights, which stipulates a minimum list of inalienable fundamental human rights.

That is why, as T.T. Polansky notes, impunity of international crimes in modern conditions in most countries of the world is almost impossible, since after the adoption of basic international human rights instruments to which it was joined and the values recognized by the absolute majority of nations, world practice protection of human rights (in particular in the European region) did not stop and go through the establishment of international tribunals for the conviction of political criminals, regardless of whether they were allowed by the national laws of the country to commit such crimes [3, p. 116].

We will not deny that the author's conclusion was too optimistic at that time, since his work was published in 2012, and for less than two years the reliability of the international security system, in particular on the European continent, has been called into question by the use of the hybrid war method in interstate conflicts.

Foreign authors [4] also speak about the indisputable intentional nature of abuse in international law, which is preceded, in particular, by the initiatives of the heads of state on relevant constitutional and legislative amendments, first of all, within the country - the actor of abuse. As early as 2009, Associate Professor of the leading law higher education institution of Ukraine, and now - the representative of the President of Ukraine in the Verkhovna Rada of Ukraine F.V. Venislavsky subjects who even publicly chuckle at such decisions or actions [5]. One of the protectors of human rights abuses is the State is obligation to comply with the rules and principles of international law. That is why the introduction of a state constitution into the provision that it prevails over international agreements will affect not only the internal situation in the country but also how it will behave at the international level (more importantly).

Foreign authors [4] also speak about the indisputable intentional nature of abuse in international law, which is preceded, in particular, by the initiatives of the heads of state on relevant constitutional and legislative changes, first of all, within the country - the subject of abuse. As early as 2009, Associate Professor of the leading law higher education institution of Ukraine, and now - the representative of the President of Ukraine in the Verkhovna Rada of Ukraine F.V. Venislavsky subjects who even publicly chuckle at such decisions or actions [5]. One of the protectors of human rights abuses is the State's obligation to comply with the rules and principles of international law. That is why the introduction of a state constitution into the provision that it prevails over international agreements will affect not only the internal situation in the country but also how it will behave at the international level (more importantly).

The leaders of the aggressor countries have always skillfully mastered the right to promote their interests at the international level and to suppress internal dissent. However, rulers have rarely come across history, who would treat the letter of the law as seriously, but completely disregarded its spirit. Thus, the right does not become a tool for the protection of the victims or the prevention of crime, but becomes one of the central manifestations of the hybrid war. For example, justification for armed aggression under the pretext of protecting alleged violations of the rights of compatriots or representatives of ethnic groups abroad, the "inability" of the state – an object of aggression to protect its own critical infrastructure, posing environmental hazards to the aggressor-state and other states, and subsequently also manipulation of the use of internationally recognized instruments of popular will [6], such as organizing to confirm the legitimacy of the occupation of pseudo-referendums and pseudo-elections, will be determined in advance result, etc. That is to say, it is already a practical component in the various actions of the aggressor state when it was opposed to international law for the sake of its own expansionist interests or domestic authoritarian measures. For example, it allowed the state to disregard the numerous rulings passed against it in international courts and the cases won by its citizens in the European Court of Human Rights.

There is no limit to these efforts to downplay the role of international law. What is needed is an attempt to get out of a series of conventions that guarantee, in particular, the protection of victims of the international armed conflict, which will open the way to abuse of civilians. In doing so, any attempt at an international investigation will be dismissed as a misuse of the powers of the commission for political purposes by dishonest states.

The next, most egregious manifestation of international legal manipulation is the abuse of the veto in the UN Security Council, when the general flexibility of the international legal system allows powerful authoritarian regimes to pervert certain rules and regulations.

During the founding of the UN in 1945, in the destructive power of the veto power, decision-making could already be learned from the experience of its predecessor, the League of Nations. But then it vetoed all members - permanent and non-permanent - of the League Council, the

prototype of the current UN Security Council. The number of such states increased from 4 in 1920 to 15 in 1936, and each of them could block any decision. The inability to regulate relations between the states then led to the most horrific war in human history. With regard to the veto rights of the current 5 permanent members of the Security Council (all possessing nuclear weapons), the UN has vetoed 80 times in just 73 years of existence, the United Kingdom - 32, France - 18, China - 13 (almost all of them - over the last three decades). As for Russia (including the USSR), it has blocked almost half of all resolutions [7].

According to 2017, the then representative of Ukraine at the UN, and now - the ambassador of Ukraine to the United States V.Yu. Yelchenko, our state has consistently advocated the phasing out of the veto. We are convinced that a permanent member of the Security Council, when he is a party to a conflict under consideration by the Council, should be limited in his ability to veto the issue in which he is an interested party [8]. Moreover, Article 27 of the UN Charter provided that, in decisions a party to a dispute shall abstain from voting [9].

It follows from the foregoing that international law, and even more so the national law of individual states, was not prepared to counteract such a phenomenon as abuse of right. And it is the West that needs to make greater efforts to ensure that the offending states do not lose their vulnerability to the rules of international law, otherwise other states will follow and violate those rules in their respective fields of influence. This will have tragic consequences for the rule of law and for the protection of human rights worldwide. It should not be allowed that the next war (it may prove to be the last in the history of civilization) was the sole driver of the reform of international legal institutions.

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CRISIS OF STATES: TYPOLOGY OF CONNECTION WITH THE SOCIOECONOMIC FORMATION AND THE FORM OF STATES

The state, as a political and territorial organization of society, is a complex system of various elements that function in interrelationship and interdependence and must serve the interests of civil society. Undoubtedly, such a state is ideally related to it, to society, and functions to meet its

needs. The failure of one part of a complex multilevel State mechanism will inevitably have negative and sometimes irreversible consequences for other elements, which in itself will already be an indicator of certain crisis phenomena. What is a crisis of the State and what is its typology, in our view, these very issues are extremely relevant to the theory of the State and are the subject of our consideration.

It should be noted that the very term "crisis" comes from Greek. κρίσις - solution, turning point and is understood as - disorder, decline, aggravation of (political, economic, social) contradictions. Proceeding from the above mentioned crisis of the state is a destructive state of the state mechanism, as a result of which antagonistic contradictions in the society aggravate, conflicts are formed, which the state is unable to overcome or solve without positive transformation, which in its turn threatens the state sovereignty and territorial integrity, and eventually leads to its destruction.

The main signs of the state crisis are:

- destructive consequences for the state itself and society as a whole;
- the aggravation of numerous conflict situations in various spheres of society;
- the inability of quality public administration;
- contradiction between the state and society, between the ruling elite and the people, between different segments of the population;
- a real threat to State sovereignty and territorial integrity.
- The rebirth, transformation or destruction of statehood.

Special attention should be paid to the study of the typology of state crisis according to the socio-economic formation and form of the state.

Thus, it is possible to define the crisis of the state in accordance with the social and economic formation connected with the mismatch between the state mechanism development and more progressive production methods in the society, and also conditioned by the necessity of normative fixation of principally new forms of exploitation of the subdued population by the ruling classes. The following criteria can be distinguished:

The crisis of the slave-holding state: it was connected with the end of the conquest wars, inability of slave-holding empires to manage the occupied territories effectively, stagnation of the economy based on the classic slavery, ineffectiveness of the forced methods to increase the productivity of slaves and their gradual transfer to semi-independent categories with the application of the methods of material interest (columns, pekulias).

The crisis of the feudal state was based on the ever-growing ineffectiveness of forms of feudal exploitation based on subsistence economy, as a result of urban development, trade and monetary relations, and consisted in the elimination of senoral relations, strengthening of state power of the monarch, uniting the state of feudal fragmentation into a centralized monarchy, separation of sovereignty from the right to land ownership and the transition from vassalism to the institution of citizenship.

The crisis of the capitalist state is related to the fact that the modern state with market economy exists to ensure the domination of one class over another. It has never been able to resolve the antagonistic contradictions of property and hierarchical stratification of society. With the development of transnational capital, in the context of globalization, the capitalist state becomes a police-fiscal appendage of transnational corporations with simulations of justice and power of the people (supranational and state power): "... The capitalist system emerges as an international system, destroying borders between tribes and peoples and eradicating all traditions ... » [1; c.160].

The crisis of the socialist state is traditionally considered in the plane of ineffective economic competition between planned economy and market economy and in the presence of contradictions between the liberal rights of the individual and the principles of the rule of law in all kinds of socialism and collectivism [2].

Conflicts in society and the formation of conflicts in the state may be connected with the urgent need to change the form of state government - the crisis of monarchies, and the crisis of the republics.

The crisis of monarchic states is traditionally associated with the change of old monarchic forms to new ones, in the process of transformation of their state apparatus in accordance with the dynamics of social relations, as well as with bourgeois revolutions - the crisis of absolute monarchies in Europe. At the same time, it should be taken into account that the dominant variant of legitimization of the supreme power of the monarchy, based on the concept of "power from God", in modern conditions, looks, to put it mildly, archaic, as evidenced by the trend towards the reduction of monarchic states in favor of the republics in recent times [3; c.3].

The crisis of the republics can be considered, firstly, as a crisis of the ancient slave-holding republican forms, which was connected with the crisis of the polis system (see further) and imperfection of the organs of the republican system, as well as with insufficient development of this form of government during the Middle Ages.

Second, as a crisis of states with republican forms of government in those countries where monarchical traditions have not lost their dominant influence, for example: the restoration of the Stuart monarchy in England in 1660.

Third, as a crisis associated with the change of modern republican forms in accordance with specific political conditions (for example, the crisis of the Fourth Republic in France in 1958).

In accordance with the form of the state (territorial) system, we can distinguish the crisis of simple (unitary) states, and the crisis of complex, primarily empires.

The crisis of simple (unitary) states took place practically in all concrete historical periods. Thus, the crisis of the Eastern Rome State and the Ancient Polis was connected with the consequences of the processes of secondary urbanization and polis colonization, as well as the expansion of territories as a result of violent expansion and conquest.

In the Middle Ages, feudalism, as a way of organizing power relations in general, provided for decentralization - a necessary condition for the relationship between the monarch and the suzerain.

In modern conditions, a democratic unitary State can also have destructive manifestations when its structure and character do not provide adequate conditions for the development of a polyethnic, multireligious and multilingual civil society. It is believed that in the post-modern era, unitary states are generally eroded and transitional forms between unitarism and federalism are emerging [4; c. 99].

In revealing the crisis of complex territorial organization of states, first of all, it is necessary to stop at the crisis of empires. Ancient empires emerged in the course of territorial conquests, experienced crisis phenomena after the termination of their territorial expansion with the activation of centrifugal forces in the conquered regions, as well as during aggression from outside.

The collapse of colonial empires in the twentieth century (decolonization) was due to the processes of humanization and democratization of society, as a result of the national liberation struggles of colonized peoples peacefully or in a revolutionary manner.

The crisis of federative states, when one of the dominant reasons for the formation of destructive social and political phenomena in a state was the mismatch of the form of territorial structure - a rare phenomenon in history, but, as a rule, it is also connected with the subsequent decentralization of the federative subjects (centrifugal factor). I remember first of all Pakistan, which during the division of India in 1947 received the eastern part of Bengal as a province of East Bengal (East Pakistan), which in turn led to the Bengali war for independence and the formation of a unitary sovereign state of Bangladesh in 1971 [5]. In Eastern Europe, where, thanks to the fierce inter-ethnic conflicts, the policy of nationalism pursued by the local elites of the republics, as well as the interference of external forces, there was an acute political crisis, a series of armed conflicts during 1991-2001, which led to the collapse of the federal state in Yugoslavia.

The application of certain methods, techniques and methods of realization of state power may also cause the emergence of crisis processes. The typology of state crises, where this or that form of state political regime is a criterion, seems quite justified. Moreover, the crisis of anti-democratic states is likely to be a vivid example for a state crisis in general, since nothing worries society as much as an attack on rights and freedoms, nothing but economic ruin, not as a catalyst for radical and revolutionary transformations. At the same time, the generally accepted division of the undemocratic regime into only authoritarian and totalitarian varieties seems not to be a complete, if not to say primitive approach to understanding the totality of methods and techniques, the exercise of state power. Today, the latent nature of undemocratic power, the presence of formal democratic features is an integral characteristic of modern neototalitarian forms of the state (political) regime, and given that the elitist nature of the state no longer provides for the real true power of the people, it is only because of their formal features that we can talk about the crisis of democratic states [6; p.49].

The typology presented by the author below does not claim to be universal, but makes it possible to consider the crisis of the state from different angles, based on the above criteria.

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**ISSUE OF PRINCIPLES OF ACTIVITY WITH POLICE PERSONNEL
ON THE UKRAINIAN LANDS WITHIN THE RUSSIAN EMPIRE**

So historically, for a long time, most of the Ukrainian lands were part of the Russian Empire, and, accordingly, all national institutions were introduced in the Ukrainian provinces. Already in the nineteenth century. All-Ukrainian land was subject to Russian legislation, common-law courts, administrative-territorial institutions, police structures. The traditions and principles of police organization in the Russian Empire were thus automatically disseminated and influenced Dnieper Ukraine. Therefore, the relevant issues deserve to be covered.

The emergence on a permanent basis of specialized bodies specializing in law enforcement and combating crime, in fact, as well as the use of the term "police", occurred during the reign of Peter I (when the Ukrainian state still had autonomy). Researchers note the paramilitary nature of the imperial police. Personnel were recruited here mostly from Army officers. Lower ranks staffed with non-commissioned officers (NCOs modern language) and soldiers elderly (who have performed recruiting duty that the empire was almost half of life - 25 years, but the state of health 'I imperial army is not needed) . Due to a lack of personnel, local community representatives were involved in the public order maintenance service (one person from ten yards, they were also called "desyatniks" or in the original language "desyatskie", headed by "sotsky") [4, p . 300] .

This situation of shortage of personnel, which resulted in the involvement of ordinary residents, was due to the general low qualification, the police service was not popular or prestigious. Therefore, according to some scholars, in the eighteenth century, police personnel were mostly staffed. In addition to the officers, noncommissioned officers and soldiers, and clerks (minor officials), there were cases when the police were released from prison face . By the way, involved in providing the service on a public, that is, free of charge basis, ordinary residents also went without much desire to go on patrol. Police were generally reported at the military level (ie not significant) [1, p. 7] .

In the middle of the XVIII century there are significant changes. The pay increased substantially. It was stated in some normative acts ("Order of the Chief Police") that the assistants and the chief of police "should be relieved of all kinds of shortages" (in terms of financial security). This was done to reduce corruption risks against police officers. In Catherine's day, in 1775, a village or county police force was first established, represented by the Lower Zemsky Court. He was a county police department with basic administrative police and judicial powers (by the way, for a long time the court and the police were not separated in the Russian Empire). The shots here

were completed as follows - the local nobles offered at their own meetings several nominations for the election of captain- assignee, as well as three or four judges. From the 30s of the 19th to the Lower Zemsky Court two judges from the state in the form of civil servants and also from peasants were elected. They were greatly assisted by the Corporals and Soths. They monitored settlements, thefts, etc. [1, p. 7–8] .

However, during the eighteenth century a system of professional training of police personnel had not yet been built. The overall level of education of police officers and other officials was equal to the average level of education and competence of the ordinary public servant. That is, the police were illiterate and not very educated. Subsequently, the general level of knowledge of officials (and police) tried to raise orders to read at least an hour a day the laws and other acts of the imperial authorities [1, p. 8] .

Following the adoption of the Statute of Charity or the Police in 1782, although there were still no norms for the attestation of personnel in the police, the achievement was considered to be the establishment of certain requirements for persons who wished to serve in the police. Researcher Yu. Sklyarov cites examples of the following requirements: "... impeccable behavior, common sense in the case, good will to serve, accuracy in the execution of tasks, selflessness during punishment, kind attitude to people, dedication to the position. For senior executives, charity was considered a necessary feature, which especially influenced decision-making" [2, p. 190] .

So were the virtues, for example, of a private bailiff. The lower-ranking quarterly caretakers, who, due to the specific nature of the service, were in constant contact with the public, were required in addition to impeccable behavior and selflessness to be friendly to people. In addition, leadership was considered a priority in the following sequence of virtue: common sense, goodwill about the wards, humanism, loyalty to the service of the emperor, zeal for the common good, "rejoicing in office", as well as honesty and uselessness [1, p. 8] .

In the nineteenth century, the police system in the Russian Empire developed through the introduction of new instances of the gendarmerie, the introduction of the Ministry of Internal Affairs in 1802, the Ministry of Police 1810-1811 (existed until 1819) [4, p. 135] . At the same time, fundamental changes in the requirements of the police personnel requirements were already in the era of the Great Reforms, that is, during the 1860-1870s.

Thus, it should be noted that in the eighteenth century and during the first half of the nineteenth century, the issue of selection, certification of police officers was not clearly settled in the Russian Empire. There was also no regulatory- regulated system of police training. The legislation only set out the general requirements for future police officers for their moral virtues, general erudition and intelligence, as well as for other public officials and officials. This could not but affect the quality of personnel. Due to lack of personnel, the ordinary population was actively involved on a community basis for patrolling settlements and the like. The police service was militaristic rather than civilian in nature and was staffed, especially in the eighteenth century, mainly from military officers, sergeants or rank and file.

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MENTAL HEALTH OF THE PERSON AS A COMPONENT OF NATIONAL SECURITY OF UKRAINE

Most often, the concept of "national security" is associated with the work of special services, security agencies, defense of the state. In recent years, the concept of "national security" has become widely used in Ukraine. Increasing attention is being paid to political, socio-economic and psychological aspects of national security [1, p.185].

In particular, the problem of ensuring the mental health of the individual is one of the key at the present stage of development not only of psychological science, but of the state as a whole. This is especially true for today, which is marked by an increase in the pace of life, the amount of information, competitiveness, stress and depressive states, the extremality of many professions, the deterioration of the environmental situation and public health, the instability of life.

Among the various socio-hygienic factors that determine the development of psychosocial stress, intensive urbanization is dominant, which places certain demands on the mental and mental health of people [2, p. 115].

Urbanization is a global process inherent in the current stage of social development, and as a historical pattern is characterized by several interrelated phenomena: the rapid increase in urban population; the growing number of cities and their concentration of centers of industry, science and culture; increasing the number of metropolitan areas; formation of specific conditions of urban lifestyle.

Together with the positive aspects of urbanization (centralized form of service, high level of comfort, etc.), it has a number of adverse effects that affect the health of the urban population:

- pollution of the environment;
- accelerated pace of life;
- nervous and mental stress;
- excessive number of sources of information and related information overload;
- remoteness of the dwelling from the place of work, congestion of urban transport and "transport fatigue" - as a consequence;
- increasing epidemic contacts.

The emergence of new technologies, their concentration in large metropolitan areas, the development of transport and communication are causing numerous problems affecting the urban population.

Under the influence of urbanization there are new occupational hazards, the risk of environmental pollution, increased migration and transport mobility, increased information and acoustic loads, acceleration of the rhythm of life, which leads to the emergence of permanent neuro-psychic [6]. In addition, under the influence of urbanization significantly change family-marriage and family-household relations, in the process of which there are numerous situations of interpersonal character, which are of great stressogenic importance.

The status of the modern city is characterized by the fact that the most characteristic phenomena of urbanization go far beyond cities, characterizing a large-scale process that is no longer limited to the city itself, but extends to society as a whole.

Much of the urban factors (life tensions, environmental situation, increasing noise levels, increasing information loads) have a pronounced psycho-traumatic effect and contribute to the development of long-term emotional and stress states.

According to sociological surveys, with the increasing number of residents, people have more contacts, spend more time on the road during the day, more intensively perform various duties, and receive more information per unit of time. The development of emotional and stressful loads in the locals are often conditioned by the influence on the central nervous system of transport factors. Travel on transport (trams, trolleybuses, buses, subways) is accompanied by a number of mechanical, acoustic, physical and other factors that have a neurotic effect, the degree of which increases with the length of time a person is inside the vehicle. Residents in remote areas spend up to 20% of their time traveling, experiencing significant inconvenience, physical and neuro-psychological overloads, from which they come to work or

study tired and irritated. As a result of the influence of all the factors of the trip there is a syndrome of the so-called "transport fatigue". It usually occurs when a farmer travels considerable distances in transport. If the trip lasts more than 45 minutes, there is fatigue and nervous tension [4, p.102].

Among the factors of urbanization that has a stressful impact, the multiplicity of interpersonal contacts plays an important role. Significant crowding of people in large cities leads to the need for continuous communication of each citizen with a large number of people, which causes an increased state of nervous and emotional stress. According to the research, a rural resident meets on average forty people during the day, while up to 10,000 similar meetings take place during a day. Given that human memory retains images of 100-150 acquaintances for a long time, the central nervous system performs considerable analytical work, which requires a great deal of nervous and psychic energy and causes great emotional tension.

Numerous medical and psychological observations emphasize the increasingly stressful importance of urbanization of the information factor. In the face of surplus information, maintaining a mental equilibrium in a fleeting information-congested world requires high mental adaptation, the absence of which makes a person vulnerable and creates a threat of mental stress.

Among the urban factors, noise influence, which has a strong psycho-traumatic effect, plays an important role. Acoustic discomfort, which is constantly affected by residents of large cities, has a high degree of stress, increasing the occurrence of disorders of the nervous system. Increased noise level, even if it is normal and is not perceived as a source of discomfort, with prolonged exposure reduces the efficiency of activity and causes an unreasonably high degree of activity in the work of physiological systems of the body. In large cities, the psycho-traumatic effect of the acoustic factor is noted as the earliest manifestation of the organism's appropriate response to the stressful impact of the environment. Under the influence of noise, the ability of visual and acoustic orientation of a person in the environment is limited [5, p.177].

According to the surveys, the residents of the city who live in conditions of constant acoustic discomfort (highways, airports) become nervous, irritated. The unexpected noise of planes disturbs sleep, causing many people to fall asleep or wake up often. The rest of the population is constantly experiencing fear and anxiety. The first and earliest clinical sign of a pathogenic impact on the psyche of factors characteristic of urbanization (noise, information overload, high life rates, etc.) are various sleep disorders, which are one of the important factors leading to disorders in the state of mental and mental health. and the performance of the locals subject to chronic stress. Noise reduces the duration and depth of sleep. According to the observations, noise affects various stages of sleep, reducing its restorative function. The stage of paradoxical sleep, characterized by rapid eye movements, should be at least 20.0% of the total duration of sleep; reducing this stage leads to serious disorders of the nervous system and mental activity of the city's residents. Reducing the stages of deep sleep leads to hormonal disorders, depression and other mental disorders. Noise stress is one of the most widespread adverse conditions, a characteristic feature of which is neuro-emotional tension.

Thus, characterizing the role of urban factors in the epidemiology of emotional distress, it should be noted that a modern healthy city must first of all create the optimal, supportive human environment necessary for a healthy lifestyle. It is an integral part of preventing emotional and stressful states, as healthy people need healthy people. This is one of the national security strategies of the state.

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GENDER EQUALITY: UKRAINIAN EXPERIENCE

In constitutional law, the principle of equality is one of the fundamental issues in the protection of human rights and freedoms. Almost every democratic country seeks to establish it at the constitutional level, guaranteeing equal fundamental rights for all citizens, regardless of gender. Ukraine is no exception, since the Constitution of Ukraine explicitly states that men and women are equal.

One of the manifestations of the principle of such equality is the equality of men and women, which means an equal approach to everything regardless of gender, which has been called the principle of gender equality, which is a relatively new manifestation, which is gaining more and more recognition every year.

We will pay attention to this topic.

Recently, special attention has been paid to this issue. Thus, gender equality is considered by legal scholars such as O. Lvov, N. Bolotin, O. Lukashov, O. Melnikov, O. Matvienko, T. Melnik, S. Polenina, N. Onishchenko, P. Rabinovich, V. Tymoshenko and others.

As US State Department ambassador for global women's issues Melan Vervier noted in 2012: "Gender equality is an extremely important area. It is not about women being better than men, but about recognizing the need for equal participation of men and women in all public affairs. Men and women must fulfill their potential together, building on their experience, laying the foundations for the future. Marriage of such equilibrium, of such joint participation, has never been given due importance. It was the same in our country. In the United States, women were gradually entering political, legislative life. Only today have we come close to fulfilling our hopes. The role of women in governance is becoming more important, they need to be involved in solving problems at any level: national, state, local. They should be involved in solving problems that bother everyone. According to World Bank research, the greater the participation of women in socio-political life, the less corruption there is. Women should be promoted to senior positions. It cannot be said that there is a direct influence that women cannot be corrupt. But this is a fact: the more women in higher levels of government, the less corruption in society. There is some dependence».

However, long before Ms. Vervier's conclusions, Ukrainian society has embarked on a path to consolidating gender equality at the legislative level. Thus, in the far 2005 the Verkhovna Rada of Ukraine adopted the relevant Law "On Equal Rights and Opportunities for Women and Men" (hereinafter - the Law). It is for the first time in this Law that the term gender equality and gender discrimination have been defined. According to the Law, Gender Equality is an equal legal status for women and men and an equal opportunity for its implementation, which allows individuals of both sexes to participate equally in all spheres of life of society. "Gender equality is an extremely important area. It is not about women being better than men, but about recognizing the need for equal participation of men and women in all public affairs. Men and women must fulfill their potential together, building on their experience, laying the foundations for the future. Marriage of such equilibrium, of such joint participation, has never been given due importance. It was the same in our country. In the United States, women were gradually entering political, legislative life. Only today have we come close to fulfilling our hopes. The role of women in governance is becoming more important, they need to be involved in solving problems at any level: national, state, local. They should be involved in solving problems that bother everyone. According to World Bank research, the greater the participation of women in socio-political life, the less corruption there is. Women should be promoted to senior positions. It cannot be said that there is a direct influence that women cannot be corrupt. But this is a fact: the more women in higher levels of government,

the less corruption in society. There is some dependence».

Subsequently, with the development of statehood and political organization of society, the said Law was revised in view of the fact that the current legislation of Ukraine contains some inconsistencies, in particular, it does not define gender-based violence, which has many manifestations (domestic violence, rape, physical assaults, harassment, sexual harassment, etc.) does not provide for effective civil legal protection for victims, a gender component in preventive measures.

In view of this, at the end of 2017, the Verkhovna Rada of Ukraine adopted the Law on Prevention and Combating Domestic Violence, which, in turn, amended the Law in terms of specifying the cause and effect connection of domestic violence precisely on the grounds of sexual belonging.

Therefore, the Law of Ukraine "On Equal Rights and Opportunities for Women and Men", as amended in accordance with the Law of Ukraine "On Prevention and Combating Domestic Violence", makes it clear that gender discrimination is not possible only through artificial creation of conditions, which make it impossible for men and women to have access to socially important issues, but also to domestic violence caused by gender. And, as a consequence, the Law allows for the development of a set of actions aimed at detecting, combating and preventing discrimination on the basis of sex, which originate from both employment and family relations.

All the above factors indicate that today Ukraine has adopted a vector to implement the provisions of the Council of Europe Convention on the Prevention and Combat of Violence against Women and Domestic Violence of 11.05.2011, (Istanbul Convention), which will allow our country to move closer to standards for preventing and counteracting both gender inequalities and domestic violence on this basis. This is reflected in the normative legal acts adopted on the basis of the above mentioned Laws (amendments to the Labor Code of Ukraine, the Civil Procedure Code, etc.), as well as the state policy on gender in educational institutions.

So, in our opinion, a document that can have positive consequences is approved by the relevant decree of the Cabinet of Ministers of Ukraine on the Strategy for the implementation of gender equality and non-discrimination in education "Education: gender dimension - 2020". It reflects a new understanding of gender; gender requirement of all educational and methodological literature is established; introduction of principles of gender-sensitive speech / language through the introduction of strategies of feminization, neutralization, avoidance of androcentrism and sexism in preschool education establishments; it is determined that the object-development environment, the selection of toys, the arrangement of activity centers (play zones), the access of children to supplies must take into account the interests of all children, not fix them by gender and provide equal opportunities in access to the use of different toys, sports equipment, etc.; it is envisaged to provide the subjects of the educational process with the appropriate age information on the possibility of professional self-determination without limiting their consciousness beyond the "female" / "male" professions; obligatory passing of pedagogical staff of preschool institutions, teachers of general educational institutions, staff of institutions of vocational education, teaching staff of institutions of higher and postgraduate education of advanced training in gender subjects on the basis of institutes of postgraduate education pedagogical education other educational institutions or units of gender education (centers, departments, studios, etc.) in higher education institutions, compulsory education origin leadership of educational institutions (structural units) training (training) on gender issues at the Institute of Postgraduate Education and / or higher education institutions with the relevant (gender) department or center; mandatory recruitment of gender equality and non-discrimination internships is introduced when hiring educators (especially when hiring them for leadership positions); an increase in the number of research topics on gender issues implemented at the expense of the State Budget of Ukraine is established.

To sum up, we can say that the absolute equality of men and women in a democratic society is to provide equal opportunities for them to exercise their rights and fulfill their responsibilities, and to protect their interests for equal coexistence in all spheres of life.

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MECHANISM OF HUMAN RIGHTS PROTECTION AND MECHANISM OF UKRAINIAN STATE: CORRELATION OF CONCEPTS

At preparation of theses of this lecture by us certainly for an aim to find out correlation of concepts "mechanism of guard of human rights" and "mechanism of the state".

Before a scientific search will attract the definition of concept "mechanism of guard of human rights" and substantial signs distinguished on the basis of her analysis set forth by us.

Mechanism of guard of human rights, to our opinion, it is the system of public and state institutes, and also legal facilities, that provide their (institutes) organization and activity, sent to prevention of violation of rights and freedoms of man, stopping of протиправної behavior, proceeding in the broken right, compensation of the inflicted harm and bringing in of guilty to legal responsibility [1, C. 29].

This mechanism is characterized such lines:

1) is the sociallegal phenomenon; social because him institutional constituent not limited to the public organs, them by official and post persons, but legal - because the indicated institutes are organized and function by means of right and other legal facilities;

2) this system formation, in fact shows a soba the great number of the different elements connected by inter se copulas and relations;

3) is the dynamic phenomenon of legal reality, that: а) develops constantly, improves; б) in a structural relation includes for itself elements that represent motion of legal matter, as then legal relationships, legal behavior, law-enforcement activity and other;

4) is characterized purposefulness. Real functioning of it the mechanism it is directed to on the achievement of strategic aim - claim of law and order, that опосередковується such intermediate aims, as prevention of facts by violation of rights and freedoms of man, stopping of протиправної behavior, proceeding in the broken right, compensation of the inflicted harm and bringing in of guilty to legal responsibility [1, C. 29].

A substantial value for gaining end of our research has determination of structure of mechanism of guard of human rights. In this connection position of В. Боняк deserves attention, what обґрунтовуючи theoretical positions, the stated in a robot Y. Vedernikov and A. Kuchuk "Law-enforcement activity in Ukraine: теретико-правовий аспект", marks justly, that the structure of mechanism of law-enforcement activity that includes for itself institutional, normative and functional components distinguished by researchers is incomplete, as does not give an idea about the subjective elements of the legal adjusting of behavior of subjects of law-enforcement activity, and also abandons those copula that be necessary constituent mechanism law-enforcement activity out of eyeshot, as a system. From here drawn conclusion a researcher about the necessity of addition of internal structure of the investigated legal phenomenon by ideological and communicative components [2, p. 135].

To our opinion, having regard to that a concept "mechanism of guard of human rights" is the ideal reflection of the phenomenon of sociallegal reality that exists within the limits of the state, next category that must be attracted for a comparative analysis there will be a термінопоняття "mechanism of the Ukrainian state".

Among home legislators absent unity is in interpretation of this concept. Yes, L. Nalivayko in the monograph the "Political system of Ukraine : а теоретико-правова model" gives such definition: a "mechanism of the Ukrainian state is the normatively-certain hierarchical system of state institutes - organs, enterprises, establishments and other structures provided with necessary organizational, material and technical and financial facilities with the aim of practical realization of functions of the state" [3, p. 435].

A scientist distinguishes four elements in maintenance of the investigated concept : 1) legal is a body corporate and politic of laws, that determine the system of state institutes, their plenary powers, forms and methods of activity, methods of realization of tasks and functions of the state; 2) structural is totality of state organizations : organs of the state, state enterprises, public institutions; 3) functional is the system of certain functions for realization of that corresponding state

organizations are created; 4) instrumental is the system of the plenary powers, methods, methods, receptions and facilities of realization of state functions, envisaged by a legislation. They are in intercommunication and interdependence [3, p. 531-532].

V. Bonyak in the scientific work "Constitutionally-legal principles of organization and functioning of organs of guard of law and order of Ukraine : problems of theory and practice" a category the mechanism of the Ukrainian state determines as form on the basis of constitutionally-legal principles, structurally organized integral system of the really working state organizations (enterprises, establishments, organs), provided with necessary material and technical and financial resources at mediation of that tasks decide and the functions of the state come true [4, p. 129.]

Researcher to the substantial signs of category the "mechanism of the Ukrainian state" takes such:

1) system character of this formation, that after the functional setting consists of different types of state organizations (public organs, state enterprises, public institutions);

2) activities of such organizations are sent to the decision of tasks and realization of functions of the state;

3) organizations and functioning of institutional constituent of the legal state must come true exceptionally on legal principles;

4) his effectiveness, that is predetermined by purposefulness and effectiveness of activity of state organizations that form this mechanism [2, c.94-95].

It is justly marked in scientific and educational literature, that category the "mechanism of the state" represents her (states) institutional constituent. That the volume of this concept with a necessity includes for itself totality of state organizations swims out from here, namely: public organs, state enterprises, public institutions and other institutes (for example, Armed Forces).

Thus, carried out by us the analysis of the above-mentioned judgements of home scientists about the mechanism of guard of human rights and mechanism of the Ukrainian state grounds for the selection of them both general and excellent lines:

1. The mechanisms investigated by us show a soba the difficult, system and dynamic phenomena that are characterized purposefulness.

2. institutional constituent of mechanism of guard of human rights is considerably wider, than analogical constituent of the state, so as the last includes state organizations only.

3. The marked mechanisms differ after the functional orientation: the name of mechanism of guard of human rights testifies to his guard orientation, and the name "mechanism of the state" means that after his help all spectrum of functions necessary for the normal functioning of the state organized society comes true, inclusive with law enforcement.

4. The term-concept that fold the article of our comparative analysis differ on the volume: the mechanism of the state includes for itself public organs, state enterprises, public institutions and other state institutes, and the mechanism of guard of human rights embraces by a soba not only the institutional constituent, presented by the judicial and law-enforcement bodies of the state and institutes of civil society, that carry out правозахисні functions, but also legal facility, by means of that removed possible obstacle, that appear on way satisfaction interest legal subject.

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HEALTH PROTECTION: QUESTION OF TERMINOLOGICAL DEFINITENESS

At preparation of theses of this lecture certainly for an aim to find out a linguistic and legal value used in ч.1 century of a 49 Constitution of Ukraine of term "health protection".

For the achievement of the put aim cognitive possibilities of terminological and hermeneutics methods of cognition are used.

Consider that finding out of linguistic and legal value of терміно-поняття "health protection" is impossible term "health protection".

In relation to a term "life", then irrespective of a man the Large explanatory dictionary of modern Ukrainian interprets him so: "1. Existence all living. 2. The state of living organism is in the stage of development, will grow. 3. Period of existence of anybody; age. 4. Method of existence of anybody. 5. Living creature. .7. Display of physical and spiritual forces of living creatures. 8. Revival, motion, strengthening of activity of living creatures. 9. Totality of the phenomena, that characterize existence, determine development for some reason.".[1. C.276]

Binding foregoing values to the man, come to such conclusion about the semantic loading of word-combination of "life of man" : it is the multidimensional social phenomenon the elements of that are : physical existence; психо-фізіологічний state of living organism of man (id est, functioning in set time); physiology age; method of existence (intercommunications are in society); display of physical and spiritual forces of man, as means of achievement of certain goals and displays of activity of man.

Consider that in the context of the question examined by us, among all above-mentioned aspects of such difficult phenomenon of social reality as "life of man", it follows to accent attention first of all on those that is directly related to the health of man, namely on: a) physical existence of man (her existence); б) the психо-фізіологічному state of living organism of man (id est, his functioning in set time).

A word "health" in the same Large explanatory dictionary of modern Ukrainian is determined as the state of organism, at that normally all his organs // function the That or other state of feel of man [1. C. 362]

The further algorithm of our research requires finding out of essence of терміно-поняття "health of man". In Bases of legislation of Ukraine about a health protection such legal definition over of this special medical term is brought: "it is the state of complete physical, psychical and social prosperity, but not only absence of illnesses and physical defects".[2].

Literally such going of legislator near the indicated judgement testifies that a man is healthy not only on condition of absence of illnesses and physical defects but also at presence of the state of complete physical, psychical and social prosperity. Consider this position of subject of законо-творчості largely idealistic, because in modern terms with the far of ecological and social problems it is extraordinarily difficult to find a physical person, the state of that was characterized complete physical, psychical and, that especially, by social prosperity.

Id est, analysis a word "health" in his intercommunication with interpretation of word-combination of "life of man" grounds for a conclusion about that, health of man it is first of all related to the психо-фізіологічним state of human organism, id est, by life of man, thus normal functioning of such organism without illnesses, physical defects, other negative rejections.

In relation to the special term "health protection", then the linguistic value of this word-combination requires finding out of the semantic loading and concept "guard". This word has a few values, id est, is characterized a polysemy: "1. Action, by value to guard. 2. Detachment, organized group that guards коро-, anything. // збірн. The special service that guards guards anything".[1. C.692].

In the context of the question investigated by us consider two senses of this word most corresponding: 1) actions, by value to guard a health; 2) the special service that guards a health (for

example, Ministry of health, establishment of health protection and other).

Taking into account the semantic loading of word-combination health "protection" consider that such guard is taken to the active actions of subjects, foremost medical staff from maintenance of the state of complete physical, psychical and social prosperity of man and his renewal in case of disease, and also other subjects - participants of public life, whose professional activity is straight related to this sphere (speech йдеться about the system of organs, establishments and establishments of health protection).

It follows to mark that the linguistic filling of this term only partly comports with his legal value, confirmation why legal definition of терміно-поняття "health protection", that found the reflection in an of the same name legislation, serves. Yes, in the century of 3 Bases of legislation of Ukraine about a health protection this term the subject of законотворчості determines as a system of events that come true by public authorities and organs of local self-government, them by public servants, establishments of health protection, physical persons - businessmen that is registered in the order set by a law and got a license to a right for realization of economic activity from medical practice, by medical and pharmaceutical workers, public associations and citizen with aim maintenance and proceeding in a physiology and psychological function, optimal capacity and social activity man at maximal biologically possible individual duration her life. [2].

Thus, analysing maintenance of the above-mentioned judgement come to the conclusion that a legislator extends the circle of subjects considerably, whose professional or public activity is related to this sphere, and also sufficiently clearly determines the having a special purpose aspect of health protection, binding the normal психо-фізіологічний state of man to maximally biologically possible individual duration of her life, and also optimal capacity and social activity of man.

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INTERNATIONAL MECHANISM OF ENSURING THE CHILD RIGHT TO PROTECTION AGAINST ALL FORMS OF VIOLENCE

The International mechanism for the ensuring of Human Rights is mainly regarded as the international community control of the state fulfilment of obligation in this field. According to I. Lishchyna, it is "a system of international (interstate) bodies and organizations which acts for the international human rights implementation of standards and freedoms or their restoration in case of encroachment" [1]. A more dynamic definition of international legal mechanisms for the protection of Human Rights is formulated by I. Lytvynenko: "the system of international bodies and organizations, as well as the forms and methods they use to develop and implement international standards of human rights and freedoms and their restoration in the case of a breach by a state " [2, p. 278]. It should be noted that the special international bodies which act by the rules of international law, are empowered to accept, review and evaluate the submission of individuals following the established procedures, so when defining the concept of "international human rights mechanism", in particular, ensuring the child right to defence against all forms of violence, we should necessarily include in this theoretical construction the rules of international agreement governing such issues.

Since the founding of UN in the field of the protection of the rights of the child, six declarations and eight conventions have been adopted [3], including those that were directly aimed at ensuring the child right to defence against all forms of violence. These agreements include the UN Minimum Standard Rules for the Administration of Juvenile Justice (Beijing Rules) 1985; The 1989 Convention on the Rights of the Child, supplemented in 2000 by the Optional Protocol on the Participation of Children in Armed Conflict and the Optional Protocol on Trafficking in Children, Child Prostitution and Child Pornography, and in 2011 the Optional Protocol on the

Communication Procedure; UN rules on the protection of juveniles imprisoned in 1990; UN Juvenile Crime Prevention Guidelines (Riyadh Guidelines) 1990; The 1999 Convention on the Prohibition and Immediate Measures to Eliminate the Worst Forms of Child Labor; Guidelines on Justice in matters involving the involvement of child victims and witnesses to crimes of 2005 and others. The crucial document which contains the universal regulations regarding the protection of the right of the child to protect against all forms of violence is the 1989 UN Convention on the Rights of the Child. In particular, under Article 19 of the Convention, "States Parties take all necessary legislative, administrative, social and educational measures for the child defence against all forms of physical or psychological abuse, lack of care or negligent and cruel treatment and exploitation, including sexual abuse, from its parents, legal guardians or any person who cares about the child" [4].

The International Human Rights control mechanism is one of the means of ensuring international legal norms that are implemented in actions of subjects of international law to prevent breaches of obligations and to check their observance for the purpose of fair, proper and timely implementation. I. Lukashuk considers the international control to be "the process of working out the information, created to determine the compliance of subjects with international law" [6, p. 217]. In our opinion, the international control mechanism of ensuring the right of the child to protection against all forms of violence in Ukraine can be considered as the activity of international bodies carried out based on international treaties and means checking the compliance of our country's actions with the undertaken obligations with a view to full and steady ensuring the right of the child to be protected from all forms of violence. According to current international practice, the most common procedures used by international control mechanisms are consideration of periodic reports by States; Consideration of communications by individuals and groups of persons on the violation by the State party of the rights set out in the treaty; to investigate, on its initiative, cases of systematic violation by States parties to convention rights; involvement of specialized agencies and competent UN bodies in the submission of expert opinions and reports on the implementation of conventions; request from Member States for additional relevant information, etc. The activities of international bodies to control Ukraine's right to the protection of the child against all forms of violence, given its optional nature, remain largely abstract for public authorities. Meanwhile, the results of such activities in the form of recommendations, conclusions, proposals, decisions, etc., fall into the category of "soft law", which, in the opinion of many researchers, is a binding nature conditioned by Ukraine's participation in universal international agreements, beginning with UN and CoE statutes.

It is believed that international treaties that regulate human rights and freedoms establish not only the duty of states to implement and further implement them, but also directly confer on them the relevant rights, freedoms and obligations of individuals [6, p. 123]. Thus, the Optional Protocol to the Convention on the Rights of the Child on the notification procedure provides for strengthening and complement to the national and regional mechanism, enabling children to complain about violations of their rights. Besides, the document states that "priority must be given to the best interests of the child when using remedies for the violation of the rights of the child, and that such remedies should take into account the need to use procedures that meet the needs of the child at all levels" [7].

Given this, one of the legal means of implementing the results of the international control mechanism to ensure the right of the child to protection against all forms of violence in Ukraine is to create the appropriate conditions to participate in these processes. First of all, we suppose that the solution of this issue is possible through the introduction of special training programs in educational establishments to inform about the operation of the international control mechanism for ensuring the rights of the child, in particular, the right to defence against all forms of violence.

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CHARACTERISTICS OF SPECIAL (LEGAL) GUARANTEES OF INTERNALLY DISPLACED PERSONS' RIGHTS AND FREEDOMS

Our state supports the rights and freedoms realization of internally displaced persons' rights and freedoms by enshrining their guarantees in regulations. The protection of fundamental rights and freedoms of internally displaced persons is one of the foundations of Ukraine's national security formation. Thus, under the current conditions the issue regarding the research of effective system of guarantees of rights and freedoms of internally displaced persons has become urgent. This is due to the fact that fundamental principles of a democratic rule-of-law state are not only the rights and freedoms of internally displaced persons enshrined in regulations but also provided effective system of guarantees for their protection. Considering that there are many theories, doctrines and ideas as to guarantees for rights and freedoms classification, their systematization is carried out differently. In the context of our research it is necessary to distinguish, in particular, special (legal) guarantees of internally displaced persons in the system of guarantees of rights and freedoms.

Various aspects of classification and types of guarantees of human rights and freedoms were researched by the following scholars: M. Antonovych, Y. Barabash, M. Baimuratov, M. Hurenko, O. Honcharenko, A. Kolodii, I. Kozynets, V. Kravchenko, O. Kushnirenko, S. Moros, E. Mykytenko, A. Kolodii, O. Petryshin, V. Pohorilko, P. Rabinovich, V. Rechytskyi, T. Slinko, V. Tatsii, Y. Todyka, V. Fedorenko, O. Fritsky, V. Shapoval, L. Shestak, Y. Shemshuchenko and others. However, there is not separate comprehensive research regarding the meaning of special (legal) guarantees of internally displaced persons' rights and freedoms.

The opinion of E. Bolosero is worth considering as he divides human rights and freedoms guarantees in content and types into general and special [1, p. 27].

It should be noted that both public (general) and special (legal) guarantees are interrelated and complex. General (social) guarantees are the basis for the rights and freedoms of internally displaced persons. However, even if there is a perfect system of such guarantees, their implementation is first and foremost ensured by effective organizational activity. Thus, the role of special (legal) guarantees for rights and freedoms of internally displaced persons is increasing. In particular, the practical implementation, protection and security of public (general) guarantees is ensured by means of special (legal) guarantees which consist of legal norms and institutions.

A specific feature of special (legal) guarantees is that they ensure the legitimacy of public relations subjects conduct as an interconnected system of conditions and means. The procedure for internally displaced persons' rights and freedoms exercising and protecting and restoration in case of their violation is determined by special (legal) guarantees.

In the scientific literature special (legal) guarantees of human rights and freedoms are divided into regulatory and institutional (organizational-legal) [2, p. 8-9; 3, p. 199-204; 4, p. 261]. Regulatory and institutional (organizational-legal) guarantees in turn can be classified as certain types of guarantees for additional subgroups.

Depending on the form of objectification legal guarantees of internally displaced persons' rights and freedoms are divided into constitutional and sectoral.

V. Pogorelko defined constitutional guarantees as a type of legal guarantees, a mechanism for securing, observing, enforcing and applying the constitutional and other regulations by state authorities, local authorities, their public servants, other individuals and legal entities [5, p. 554-

555]. Having the highest legal force, constitutional guarantees are the basis for legal guarantees. In a narrow sense, constitutional guarantees are the guarantees of the Constitution of Ukraine as a regulatory act, in a broad sense they are aimed at rights and freedoms protection as well as internally displaced persons' rights and freedoms. Y. Todyka and V. Zhuravskii note that constitutional guarantees are the means, methods and mechanisms provided by the Basic Law which ensure a particular institute realization [6, p. 167].

Based on the above, the Constitution of Ukraine is the most important among regulatory guarantees of internally displaced persons' rights and freedoms. Thus, the Basic Law is called not only as a guarantee for stability of internally displaced persons' rights and freedoms but also a condition for their existence. Regulatory guarantees of internally displaced persons' rights and freedoms are provided by: firstly, the Constitution of Ukraine; secondly, by the general legislation system.

Depending on the content of regulatory influence regulatory guarantees of internally displaced persons' rights and freedoms are divided into substantive and procedural ones. Substantive and procedural guarantees, as a complete construction, are represented by the system of interrelated norms that are objectively reflected in national and international regulations and treaties. Internally displaced persons' rights and freedoms are related to the substantive component, and forms and means aimed at realization and protection of internally displaced persons' rights and freedoms are related to the procedural component. However, substantive and procedural guarantees of internally displaced persons' rights and freedoms can be recognized as an effective component of guarantees system only if they are logically constructed, purposeful and are real set of regulations.

As to the next group of special (legal) guarantees of internally displaced persons' rights and freedoms, namely, organizational and legal ones, they are considered to be social and political institutions the activity of which is aimed at realization and protection of internally displaced persons' rights and freedoms. According to V. Fritskii the main subjects aimed at provision of organizational and legal guarantees are: people of Ukraine; territorial communities; public and local authorities and their officials; political parties, civil society and its institutions; citizens of Ukraine [4, c. 262]. Examining the system of guarantees of internally displaced persons' rights and freedoms the concept "institutional mechanism" is used in scientific literature, which is incorrect. In order to define entities acting jointly in the context of guarantees of internally displaced persons' rights and freedoms, it is appropriate to use such identical concepts as "organizational and legal", "institutional and legal" system. Researching classification criteria and types of guarantees of internally displaced persons' rights and freedoms it is appropriate to use "organizational and legal (institutional) guarantees" notion.

The relatively complete system of organizational and legal guarantees of internally displaced persons' rights and freedoms is enshrined in the Constitution of Ukraine. Based on the above provisions regarding organizational and legal (institutional) guarantees authorized to enforce, protect and restore violated rights and freedoms of internally displaced persons, it is the state as a whole which is represented by the following entities: legislative, executive and judicial bodies; President of Ukraine and presidential institutions; the authorities of the Autonomous Republic of Crimea; Ombudsman and their representatives; prosecutor's office and other supervisory bodies; advocacy; civil society institutions and others. But the urgent task of our state should be to ensure the coordination in activity of the given organizational and legal (institutional) guarantees of internally displaced persons' rights and freedoms, which will ensure their effectiveness in the context of achieving shared objectives.

Organizational and legal (institutional) guarantees of internally displaced persons' rights and freedoms can be classified according to the following criteria: *depending on the extent of extension*: national or domestic and international or cross-national; *depending on the method of formation*: state and non-state; *depending on the nature of activity*: of general competence and special competence; *depending on the territory to what the competence of bodies is extended*: central and local; *depending on the content of their activity*: control, procedural and organizational-technical; *depending on the functions*: political, social and economic, cultural (nonmaterial), ideological; *depending on the form of governance*: parliamentary, presidential, judicial, administrative, controlling, procuratorial and local.

The scientific literature focuses on the regulatory and legal component of special (legal) guarantees and states that effective implementation of legal rules in which internally displaced persons' rights and freedoms are enshrined is the urgent need.

However, without organizational and legal (institutional) guarantees it is impossible to im-

plement regulatory legal guarantees. Organizational and legal (institutional) guarantees hold “intermediate” place between actual and legal guarantees. Relating the normative and organizational (institutional) guarantees the following issues are topical: firstly, regarding their transformation from static to dynamic state; secondly, regarding consideration of organizational (institutional) guarantees as a kind of special ones.

The given classification criteria and types of guarantees of rights and freedoms can be added, which will allow to deepen basic knowledge about the diversity of the legal nature of internally displaced persons’ rights and freedoms.

Thus, the legislation on guarantees of internally displaced persons’ rights and freedoms now needs to be improved due to inadequate protection of rights and freedoms of the category of people researched here. Fundamental principles of national security are not only enshrining rights and freedoms in legislation, in particular, such category of people as internally displaced persons, but also provided effective system of guarantees of their protection, which is an indicator of civilization level achieved by society and the state. Given that there are a large number of theories, doctrines and ideas regarding classification of rights and freedoms guarantees, the system of guarantees is formed by the set of conditions and means which are inseparably interconnected and interact with each other. One of the primary responsibilities of the state is to combine conditions and means in such a way that they effectively exercise and protect internally displaced persons’ rights and freedoms as internally displaced persons cannot fully exercise their rights and freedoms only under actual conditions. Legal efforts are needed to meet today’s requirements.

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MECHANISM OF LEGAL PROTECTION OF FOREIGNERS IN UKRAINE WITHIN LEGISLATIVE ACTS

To date, the issue of legal protection of the rights and freedoms of foreigners in Ukraine is a very pressing issue. According to the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" of February 4, 1994, foreigners are recognized as citizens of foreign states and are not citizens of Ukraine, and stateless persons are persons who are not citizenship of any States (Article 1) [1].

The exercise by foreigners of their rights and freedoms shall not prejudice the national interests of Ukraine, the rights, freedoms and legal interests of its citizens and other persons residing in Ukraine. Foreigners are obliged to respect the traditions and customs of the Ukrainian people, to obey the Constitution and laws of Ukraine. Foreigners may immigrate to Ukraine permanently or permanently for a fixed term, as well as temporarily stay in its territory. [2]

The fundamental rights, freedoms and obligations of foreigners include the right to engage in investment, as well as foreign economic and other types of business activities, provided for by the legislation of Ukraine. At the same time, they have the same rights and obligations as the citizens of Ukraine, unless otherwise stipulated in the Constitution and laws of Ukraine. [3] Foreigners have equal rights and obligations in relation to citizens of Ukraine in employment relations,

unless otherwise provided by the legislation of Ukraine and international treaties of Ukraine. Foreigners residing in Ukraine, have the right to work at enterprises, institutions and organizations, or engage in other employment on the grounds and in the manner established for the citizens of Ukraine. Foreigners may not be assigned to individual positions or engage in certain employment activities, if, in accordance with the legislation of Ukraine, the appointment or occupation of such positions is connected with the citizenship of Ukraine. Foreigners have the right to rest on an equal basis with the citizens of Ukraine. Foreigners permanently residing in Ukraine receive medical care on an equal basis with their citizens [5, p. 377]

The legislation of Ukraine guarantees to foreigners the inviolability of a person, housing, non-interference with privacy and family life, secrecy of correspondence, telephone conversations and telegraph messages, respect of their dignity on an equal basis with the citizens of Ukraine [3]

In addition to the rights granted to and guaranteed to foreigners in accordance with the Constitution of Ukraine and other legal acts, there are certain restrictions on their legal boundaries. In particular, such restrictions are the right to vote and to be elected to public authorities and self-government, as well as to participate in the referendum. They are not subject to general military service, they do not undergo military service in the Armed Forces of Ukraine and other military formations established in accordance with the legislation of Ukraine. Foreigners cannot be members of political parties of Ukraine, they are guaranteed the right to freedom of conscience on an equal basis with the citizens of Ukraine. It is forbidden to incite religious hatred and hatred, as well as to insult the feelings of Ukrainian citizens and foreigners through their religious beliefs. [4]

A foreigner may obtain an immigration permit and immigrate for permanent residence to Ukraine if he:

- has a legitimate source of existence in Ukraine;
- has close family relations (father, mother, children, brother, sister, etc.) with Ukrainian citizens;
- is a citizen of Ukraine;
- has a citizen of Ukraine on his or her maintenance;
- in other cases provided by the laws of Ukraine [2, p. 145]

By the rule of Art. 275 IC of Ukraine, foreigners in Ukraine have the same rights and obligations in family relations as citizens of Ukraine, unless otherwise provided by law. Marriage between a citizen of Ukraine and a foreigner, as well as marriage between foreigners in Ukraine is registered in accordance with the requirements of the legislation of Ukraine. This means that the procedure and conditions of marriage regulated by the Ukrainian Insurance Code are binding on foreign nationals who register their marriage in Ukraine. [3]

Thus, it can be concluded that assistance in the integration of foreigners who have taken refuge in Ukraine is not only in their interests but also in the national interests of our country.

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PROTECTION OF RIGHTS AND FREEDOMS OF CHILDREN OF INTERNALLY DISPLACED PERSONS: THE CURRENT STATE AND THE AREAS OF IMPROVEMENT

The holistic development of the child's personality, his or her well-being, creation of necessary conditions for the enforcement and protection of his or her rights and freedoms are currently recognized as the national strategic priorities of any democratic and rule of law state. Therefore, in the conditions of international military and political and national challenges, the creation of a legal basis for the successful adaptation of internally displaced children to the social environment, and identification of their adaptation factors require a doctrinal expression.

Scientific research in determining the legal status of a person, a child, as well as the protection of their rights, including the children of internally displaced persons, is the focus of such scientists as S.S. Alekseyev, O.A. Bida, A.B. Blaha, M.V. Vitruk, A.M. Kolodii, V.M. Korelsky, K.O. Krakhmaliova B.M. Lazarev, O.V. Malko, O.A. Martynenko, N.I. Matuzov, O.O. Mordan, L.R. Nalyvaiko, A.Y. Oliinyk, N.M. Onishchenko, A.V. Panchyshyn, P.I. Parkhomenko, O.V. Petryshyn, O.V. Ponomarenko, N.M. Savelieva, V.M. Selivanov, M.H. Statkevych, M.S. Strohovych, O.V. Surilov, S.V. Tarabanova, R.V. Chubuk, S.Y. Cherneta, Y.S. Shemshuchenko and others.

At the same time, the issues of identifying the ways of adapting children of internally displaced persons and of understanding the status of performing the functions by the state to protect their rights and freedoms have not been reflected at the level of integrated scientific researches and remain the most argumentative.

The authors of the research report titled "Children Affected by the Armed Conflict in Ukraine", which was drawn up in 2019 as part of the "Development of social cohesion in Ukraine by enhancing regional and local social protection of internally displaced persons, veterans and other victims of the conflict" project [1], initiated by the Stabilization Support Services non-governmental organization with the support of the British Embassy in Ukraine, have established that as of January 1, 2017, the total number of internally displaced children in Ukraine was 192,917, but as of January 01, 2018, this number decreased, amounting to 186,501 children. However, the quantitative component of this category of persons, as of January 1, 2019, has increased significantly and amounted to 204,687 children. Therefore, we can observe the growing dynamics of the number of children of internally displaced persons. At the same time, according to the data by the regions of Ukraine, the largest number of internally displaced children as of early 2019 is located in the territory of Donetsk region - 74,012 children, Kyiv region - 36,812 children, Luhansk region - 21,384 children, Kharkiv region - 19,693 children, as well as Dnipropetrovsk region - 14,799 children and Zaporizhzhia region - 11,447 children.

To illustrate the quantitative composition of internally displaced persons' children and to understand the scale of the phenomenon under study, we have compared the total number of children in Ukraine and identified the number of internally displaced children among them from 2017 to 2019. Thus, based on the data of the State Statistics Service of Ukraine and the "Children affected by the armed conflict in Ukraine" research report, we have found that the child of internally displaced persons is:

- every 39th of 7,615,606 children in 2017 [2];
- every 40th of 7,609,297 children in 2018 [3];

- every 37th of 7,579,703 children in 2019 [2].

Therefore, in accordance with the provisions of Article 12 of the draft Law of Ukraine "On Complete General Secondary Education" No. 0901, adopted as a whole on 15.01.2020, a threshold quantity of pupils in the classes (groups) of general secondary education institutions is established, amounting to 30 students [4], the average indicator of the presence of children of internally displaced persons will be one child per 2 classes. However, given the non-uniform territorial distribution of children of internally displaced persons across the administrative territories of Ukraine, in Donetsk, Kyiv, Luhansk, Kharkiv, Dnipropetrovsk and Zaporizhzhia regions this number will be much higher.

According to the psychological and pedagogical doctrine, the indicators of adaptation of internally displaced persons' children are as follows: degree of self satisfaction, satisfaction with a group, as well as with different aspects of life; active involvement in the activities of the host community; activity in achieving the tasks; social comfort; understanding of the possibility of own goals achievement in the future; social and pedagogical support of the host community [5]. As these indicators are related to the direct implementation of the provisions of Article 11 of the Law of Ukraine "On the Enforcement of Rights and Freedoms of Internally Displaced Persons" No. 1706-VII of 20.10.2014, the degree of adaptability is subject to improvement. In particular, regarding the children of internally displaced persons, the following is provided:

- 1) registration in preschool and general educational institutions;
- 2) social protection of internally displaced persons' children, orphans and children deprived of parental care and persons from among them, the families in which such children are brought up, social support for such families and children;
- 3) registration of internally displaced orphans, children deprived of parental care, and persons among them as the citizens requiring better living conditions, and social housing registration at the place of their registration as internally displaced persons;
- 4) ensuring the activity of internally displaced foster families, family-type children's homes, families with children under guardianship or care, where the children are placed;
- 5) carrying out the work of identifying displaced children without parental support, other legal representatives, verification of the child's identity, searching for his or her parents, placement of such children in the family of relatives, patronage caregivers, in child welfare institutions, taking into account the needs of the child, etc. [6].

However, despite the level of attention given to the issue of enforcement of rights and freedoms of internally displaced persons' children at the legal level, the national legislation needs to be improved in this area. Thus, the high-level Israeli practice of enforcement of rights and freedoms of a person and a citizen deserves attention, in particular, granting to war repatriates the right to medical care (lifetime free systematic medical examination, all kinds of health care services, etc.), the title to ownership, use of housing provided by the state in accordance with high social standards [7]. The only limitation to the latter is the inability to transfer the housing by succession or to manage it in any other way.

Thus, the enforcement of rights and freedoms of children of internally displaced persons, in particular social, cultural, and economic ones, requires improvement in the following areas: 1) exercise of the right to housing: creation of a program of accessibility of housing with the right of life interest; 2) exercise of the right to health care and medical care: creation of a program of medical support and free medical services throughout their life; 3) exercise of the right to education: possibility of children enrolment at preschool educational establishments, creation of additional places in general educational establishments, implementation of the program of state financing of education of children of internally displaced persons in higher educational establishments of the country, as well as the programs of financing of out-of-school education. Therefore, the development of specific legal measures for the enforcement of the rights and freedoms of internally displaced persons' children, the application and implementation of positive international practices will make it possible to create a safe social environment for the life and existence of citizens, and will also serve as a basis for the progressive development of the country, including at the regional level.

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USE OF THE CONCEPT “SPECIAL SERVICE” IN THE UKRAINIAN LEGISLATION

The term "special services" is often found in the scientific and non-fiction literature, regulations, and media. This term is mostly used to refer to various law enforcement, intelligence and counterintelligence agencies. However, you can also find the term in the names of transport services, ambulance, fire protection, private security companies and many others.

For example, in our country within the Ministry of Defense of Ukraine there is a State Special Transport Service [1], in the Zaporozhye Oblast there is a Communal Specialized Military Emergency Rescue Service [2], calling itself a special service the State Employment Service [3] and others.

The analysis of the current legislation of Ukraine in the field of state security gives grounds to state that the term "special service" can be found in the laws of Ukraine "On the Security Service of Ukraine", "On Counterintelligence", in the Military Doctrine of Ukraine, approved by Presidential Decree of 24.09.2015 555/2015 (hereinafter referred to as the Military Doctrine), in the Concept of Development of the Security and Defense Sector of Ukraine, approved by the Presidential Decree of March 14, 2016 No. 92/2016 (hereinafter - the Concept), of the National Security Strategy of Ukraine (hereinafter - the Strategy), approved by the Decree of the President of Ukraine of 06.05.2015 № 287/2015 and others.

Thus, in Article 2 of the Law of Ukraine “On the Security Service of Ukraine”, the tasks of the Security Service of Ukraine include, among other things, “the protection of state sovereignty, constitutional order, territorial integrity, economic, scientific and technical and defense potential of Ukraine, the legitimate interests of the state and the rights of citizens against intelligence, subversive activity of foreign special services” [4]. In the Law of Ukraine "On Counterintelligence" the term "special services of foreign states" is used in the disclosure of the concept of "counterintelligence", the definition of its objectives, goals, grounds for conducting [5].

In the Military Doctrine, "special services of foreign states" are mentioned in the context of their technical intelligence, intelligence and subversive activities, as well as in the formulation of the main tasks of the Security Service of Ukraine [6].

The concept in defining the main tasks of the security and defense sector of Ukraine and the Security Service of Ukraine indicates the intelligence and subversive activities and special information operations and impacts of "foreign special services". However, it also refers to the transformation of the Security Service of Ukraine into a "special service" during its reform [7].

Unlike the Concept, the Strategy details the aim of the Security Service reform of Ukraine, which is to create a "dynamic, highly professional staff, equipped with modern material and technical means of the special service", etc. [8]

The analysis of the current legislation gives grounds for claiming that there are no interpretations of the notion of "special service" in the existing legal acts and criteria for the classification of state bodies of Ukraine in this category. Most often, the applicable regulatory acts use the term "special service of a foreign country" or a foreign special service, which is also not disclosed.

Lack of interpretation of the term “special service” introduces a misunderstanding in the substantiation of the competence of the state bodies of Ukraine conducting intelligence and coun-

terintelligence activities, imbalances in the separation of their spheres of activity and interaction with the law enforcement agencies of Ukraine, foreign institutions, produces norms and functions. powers, defining the main tasks and directions of their activity.

From the point of view of practice, the definition of the definition of "special service" at the legislative level should create a methodological basis in the separation of the relevant state bodies of Ukraine with the indicated status from the law enforcement agencies, the differentiation of their competence, the determination of compliance or non-compliance with their criteria, which are specific to the special service. relevant regulatory acts.

In addition, the definition of the term "special service" will also make a positive impact on the reform process of the Security Service of Ukraine, which is urged by partner countries. In particular, it will provide an opportunity to answer questions about the expediency of depriving the Security Service of Ukraine of certain functions in the sphere of protection of the economic interests of the state, the fight against organized crime, corruption, strengthening of work in all areas of counterintelligence, counteracting destructive information and psychological influences, intensification of protection of cybernetic.

This, in turn, will allow us to come to a conclusion on how best to carry out the reform of the national security service: by improving the existing post-Soviet model or by creating a modern European-style state security body based on the Security Service of Ukraine. It is expedient to analyze the ways of reform taking into account the international experience, the existing socio-economic and military-political situation in our country, the degree of development of the Ukrainian society, the main directions of the strategy of the development of the security and defense sector of Ukraine.

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THE IDEA OF A WORLD REVOLUTION IN THE JUCHE CONCEPT: CHALLENGES TO THE INTERNATIONAL SECURITY SYSTEM

After the Second World War and the defeat of the Japanese Empire, the status of Korea was decided on the international arena. As a result of negotiations between the Soviet Union and the bloc of Western powers, Korea was divided into 38 parallels. On August 15, 1948, the Republic of Korea was proclaimed in the southern part of the peninsula, under the guidance of the United States. In turn, on September 9, 1948, in the northern part, the Democratic People's Republic of Korea was proclaimed, with the communist regime and Kim Il Sung as the head of state.

The Korean War began in 1950 to unify the peninsula. It lasted until 1953, a truce between the Korean states, which continues to this day and affects international security in the region.

While the South Korean leaders, including Park Jong-hee, built capitalist relations, the concept of Chuche and the Labor Party of the North prevailed.

The purpose is to study the ideas of the Uncle, including the idea of a world revolution, identify the threats that make up those ideas and the regime for the security of the region and international relations in the world.

The ideas of the Juche formed in 1955 by Kim Il Sung. Article 3 of the DPRK Constitution states that the DPRK is guided in its activity by the Juche idea, a people-centered, revolutionary ideology of the independence of the masses. This determines that these ideas are dominant in the culture, politics and ideology of North Korea. Studying the basic ideas of Juche we can distinguish the following basic provisions:

- Authoritarianism
- Collectivism
- Anti-imperialism
- The revolution is a struggle for the realization by the masses of their needs for independence. " In fact, the revolution is understood here very broadly and includes even labor.
- führerprinzip.

It is also possible to distinguish the Songong concept from Chuche's ideas. Songhong politics was first mentioned on April 7, 1997 in a newspaper article entitled "The Victory of Socialism Will Bring Our Bombs and Weapons". The idea was that first of all, resources should be channeled to military needs, because "revolutionary philosophy must protect our type of socialism in all circumstances." The author of the Songong concept is Kim Jong Il.

Therefore, analyzing the above, the idea of revolution is that revolution takes place in all spheres of human life. In fact, her whole life is a revolution. Separately, Chuche ideologists have singled out independence in the revolution. This is due to the efforts of DPRK leaders to defend their independence in the international arena, in particular from the Soviet Union and the PRC. Regarding the Chuchin (socialist) revolution in other countries, they reinforce support for international and socialist movements around the world. Considering the Songhong concept, it can be argued that the DPRK does not reject the armed struggle for Kim Il-sung's ideals. But due to technological backwardness, the DPRK relies on exploration and disruption in other countries. Such centers of influence for the DPRK through the ideas of Chuche may be the Chuche Ideas Committees operating in 26 countries, such as the Chuche Circles operating in 67 countries. The Chuchhei Party of France also operates in France, and the International Chuche Institute for the Study of Ideas operates in Japan.

The "bombs and weapons that will win the victory of socialism" have now become nuclear weapons and periodically destabilize the situation in the region. Thus, the DPRK ensures the preservation of the communist regime in the country, the spread of the idea of a world revolution, the demonstration of the "Power and Arms of Socialism" and the destabilization of the region.

The DPRK also uses cyberattacks to fund its nuclear program, to disseminate its ideas, and to destabilize its international security system. According to the UN, DPRK stands for cyberattacks in 17 countries.

Therefore, the Democratic People's Republic of Korea is a state with a communist totalitarian regime. It seeks to safeguard its security and to defend its ideology through a "world revolution" consisting of labor, military, cultural and socio-political activities. Although the DPRK states that they refuse to "export revolutions", but the "cells" of the uncle can serve not only for exploration and subversion, influence on the policy of the state, but also for the propagation of ideas of the uncle. regime, chieftaincy, ideas of collectivism and communism.

But the DPRK-inflicted regime poses such security threats in East Asia as:

- The spread of totalitarian ideology
- Cyberattacks
- Destabilization of the region through periodic "nuclear intimidation"
- The possibility of an escalation of the conflict with the Republic of Korea

An analysis of Chuche's ideas makes it possible to properly evaluate the actions of the North Korean government and to implement proper policies for it.

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2. Kim Chen. IR. Pro ideyi chuchkhe - 1955. Roku
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ONTOLOGY OF THE CONTENT OF THE "LAW"

Let us define the meaningful load of the concept expressed by the term "right". This will allow us to consciously analyze the ontology of the content of the concept expressed by the term "positive law".

The emphasis on disclosing the very content of law is driven by the belief that philosophy must consider law in terms of its content. We believe that the issue of research into the concept of the term "law" does not lose its relevance today, since this issue requires more detailed consideration, in particular, from the point of view of the philosophy of law, in order to demonstrate the importance, value of law as a universal social -cultural phenomenon.

Law is a dynamic phenomenon that is constantly changing due to the development of those socio-cultural conditions under which the law is formed. In view of the above, we can say that the law, in its content, in each state is different, which is caused by the different cultural and historical conditions in which it was formed.

Any rule of law is an attempt to stabilize social relations that are in perpetuity, and any legal order is a challenge of time, an effort to preserve the social order, which confirms and consolidates the right. Therefore, the meaning of law cannot be "fully" set out in a single, permanent definition, since law is a dynamic phenomenon in its essence.

In philosophical and legal thought questions related to the nature, essence, value of law have been thought of since ancient times. In particular, from medieval scholars, analysis and attempts to explain the phenomenon of law have been inherent in every legal system.

There is no clear definition of the right to date. We state this on the basis that the scientific literature on this issue is saturated with pluralism of thoughts on the definition of the concept of "right", which is due to different approaches to the study of the content of this concept. This situation is caused by a sense of incompleteness of the achieved level of legal knowledge, desire to improve it, as well as growing, together with the latest scientific researches in the field of jurisprudence and philosophy of law, understanding of the relativity of previously obtained scientific results.

Scientists spend enormous intellectual efforts to understand the essence, the nature of law is confronted with the need to find a definition of the concept of "right" in order for the process of knowledge of law to get its logical result. Even I. Kant in his work "Critique of Pure Reason" paid attention to proving the difficulty of finding definitions of the concept of "right" in the philosophical sciences. Thinker noted that if mathematical definitions create the very concept, then philosophical - only explain it. In philosophy, according to I. Kant, a definition with all its definiteness and clarity should sooner complete the work than begin it. An illustration of this opinion is the problematic search for the definition of the concept of "right".

An important thought in the work of I. Kant "Critique of Pure Reason", which significantly influenced the understanding of the correct vector of problem solving, is the following: to give a definition means to actually give an initial and complete account of the concept of things within its limits. According to these requirements, a concept that is empirical in nature is beyond definition - it can only be explained. Because in the empirical concept we have only some signs of one or another type of objects - we are never sure whether one is referring to the word denoting the same object, in one case more, and in the other less than its features. We use some signs only until we find that they are sufficient to distinguish them; the new observations force one to eliminate and add to the other. Therefore, the concept never remains within certain limits.

Given that law is an empirical concept by its nature, since it is learned through sensory experience, it is not surprising that the doctrine to this day lacks a single definition of the concept of "law."

In their studies, scholars have proposed to each their vision the concept of "law", which in their view is inclusive, most successful, and which reflects the essential features and indicates the external form of law.

For example, consider how different supporters of the concept of law understand and understand the interpretation of the concept of law. These approaches, of course, are not uniform in contemporary legal and philosophical thought, but are such as are able to most clearly demonstrate the pluralism of views in the interpretation of the essence of the concept of law.

The right is reduced to the compulsory-power establishment, to the formal sources of the so-called positive law: laws, decrees, decrees, judicial precedent, etc. Law according to the logistical approach does not have its own objective nature, essence and specificity. From the point of view of this approach, there is an equation of law with law (with positive law). This is true of all areas and variants of so-called legal positivism (and neo-positivism), which is essentially not legal but legalistic positivism. Legist legal understanding (in all its variants), identifying law and law (positive law), detaches the law as a legal phenomenon from its legal essence, denies the objective legal properties, characteristics of the law, treats it as a product of the will (and arbitrariness) of the legislature. And compulsion as a distinctive feature of law is interpreted not as a consequence of any objective properties and requirements of law, but as a source of law-making and law-setting factor, as the primary source of law. The truth about law, according to the legalism given in the law, expresses the will, the point of view of the legislator (sovereign, state). The theoretical and cognitive interest of legalism is entirely focused on current (positive) law. Everything that goes beyond empirically positive law, reasoning about the essence, ideas, values of law is rejected as something scholastic and illusory, that is, that has no legal meaning and meaning.

Within the legal approach, there are two different approaches.

First, a natural-law approach based on the recognition of natural law, which is opposed to positive law (supporters: F. Aquinas, G. Grotius, J. Locke, S. Montesquieu, B. Chicherin, P. Novgorodtsev and others). Proponents of the naturalistic approach in their views rely on the existence of two systems of law - natural and positive law. Positive law is an officially recognized law that operates within the borders of a state and is reflected in laws and other legal acts of state power.

It can be noted that the common among the adherents of the natural-law approach is the idea that natural law is the only, originally true law that has its origin in an objective nature: in the nature of God or man, in physical, social or spiritual nature, etc. From the point of view of the natural-law approach, positive law is regarded as a deviation (and often as a denial) from natural law, as an artificial, erroneous or arbitrary instruction of the people (official authorities). According to this approach, natural law (in its essence and concept) is only natural law.

Natural law is eternal and unchanging, as is the eternal and immutable nature and mind of man. Positive law that contradicts the requirements of natural law should be replaced by a positive law which, based on natural laws, would contribute to the practical implementation of the ideas and principles of natural law. Only in this case can a positive right be regarded as reasonable and just. The concept of natural law has long had a twofold composition: it relied on the practical requirement of more advanced law and on the theoretical observation of the natural necessity of known legal provisions. These two elements could not be reduced to each other: in the first case, natural law is above positive, in the second case it is only a known part of positive law; in one case it is regarded as an ideal norm, which has not yet been realized in this law and perhaps even in none of the existing ones, in the other - as a common fact inherent in every right.

Positive law should not be opposed to natural law, as if they exclude each other, because the positive law may contain morally correct rules, and the more optimal and correct their inclusion in this composition, the more perfect the content of the positive law.

Positive and natural law have significant differences from each other. We believe that natural law is a kind of ideal for positive law. Natural law is primary in relation to the positive. Therefore, natural law gives rise to the content of the right of the positive.

Secondly, within the legal approach, one can distinguish a libertarian-legal approach that proceeds from the distinction between law and law (positive law) and under law (in its distinction and correlation with law), which means not being a natural right, but being and normative expression. the principle of formal equality (both of substance and of the principle of law).

According to this approach, law is a form of relations of equality, freedom and justice. Wherever there is a (valid) principle of formal equality (and its specifying norms), there is a (valid) law, a legal form of relations. Formal equality as a principle of law is a legal principle that distinguishes law. There is nothing in law except the formal principle. Anything that goes beyond the stated principle and contradicts it is not legal (anti-legal).

Law is at the same time the product of events of social order and manifestations of human will, the phenomenon of material and totality of moral and social values, the ideal and reality, the phenomenon of historical plan and normative order, a complex of internal wills and acts of subordination to the outside, acts of freedom and acts of coercion. Law is at the same time the foundation of what a person living in society must do and the set of rules governing human relations.

What is not definable can only be explained. In view of the above, the term "definition" is not entirely correct for us. Again, let us turn to the work of "Critique of Pure Reason", in which I. Kant stated that instead of the term "definition" it is better to use the more cautious term "exposition". The exposition can, to a certain extent, be tolerated, while at the same time maintaining doubts as to its completeness.

We consider it appropriate to provide the author's exposition, explaining the concept of "right", which, given its content, was made on the basis of analysis and synthesis of different approaches to interpreting the essence of this phenomenon. Thus, law is a dynamic phenomenon of being, which reflects the socio-cultural conditions of a particular state, which take place as the realities of being in a given state over a certain period of time, and also aims at regulating social relations in the state by means of legal norms established by the authorized bodies. power.

The following factors are one of the factors of objective reality that affect the development of law.

First, the spatial (geographical) factor, which is manifested in the fact that law develops in space, that is, in a certain territory. Therefore, states that are, accordingly, located in different territorial boundaries will differ in the law that applies in their territories. The question is: why? Not just across a conditional border line? Ofcourse not. The decisive role is played by socio-cultural conditions existing in the respective territory.

On the basis of the above, secondly, we can distinguish a socio-cultural factor. This factor comes into force only if and under the condition that socio-cultural conditions change in the state and such conditions require new legal regulation. That is, those legal norms that have been in force in a certain territory for quite a while - become outdated, obsolete. Legislation that has lost its relevance is not able to regulate the new social relations that have arisen in the state because they are not designed for them. Therefore, there is a natural need to improve the legal regulation of social relations and to create new legal provisions that will fit the situation, those realities of being in the state.

If the legislator does not adequately respond to the socio-cultural changes occurring in the state, then in such a state it will be impossible to regulate public relations between their subjects. And in such a situation, will it be possible to call an entity without clear legal regulation a state? Probably not.

Law changes under the influence of changes in the nature of issues that are subject to regulation, as well as under the influence of requirements arising from the realities of life. Therefore, the application of the rules of pre-existing law to new socio-cultural realities is therefore not possible and appropriate.

PREVENTION AND NEUTRALIZATION OF THREATS TO NATIONAL INTERESTS IN LAW ENFORCEMENT, BORDER ACTIVITIES AND DEFENSE

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NATIONAL MODEL OF THE CRIMINAL INTELLIGENCE IN THE SLOVAK REPUBLIC

Abstract

The paper presents the results of the first stage of the scientific research task VYSK. no. 231 “National Criminal Intelligence Model in the Slovak Republic”. In the paper, the authors analyse the theoretical, content, legal and practice bases of building a new model of criminal intelligence in the Slovak Republic. The paper contains “preliminary” conclusions and suggestions of a possible legal solution in the implementation of the new concept of criminal intelligence in the Slovak Republic.

Keywords: *operative-investigative activity, means of operative-investigative activity, criminal intelligence, crime detection*

In accordance with The Hague Program, in its Resolution No. 163 of 12 March 2008, the Government of the Slovak Republic accepted the task of introducing a European Criminal Intelligence Model (ECIM) into police practice with a view to launch it in 2008. It is this commitment that became a very important and perhaps a very decisive initiative, which has influenced not only the opinion of the professional public on the theoretical definition of the European Criminal Intelligence Model, but also on the need for further changes in law in redefining operative search activity and criminal intelligence in the Slovak Republic. In an assessment of the Government Resolution of February 2010, the Ministry of Interior Affairs states, among other things, that the full implementation of the ECIM into police practice consists of several activities, namely information flow, analytical activity, processing of analytical reports and own strategic analysis for management and their application to the direct performance of police services. At the same time, it was stated that the ECIM was introduced at the level of information flow into police practice by building the Acheron information system intended to store and process all information of participating police departments obtained and processed during the performance of the operational-investigative activity.

However, the basic attribute necessary for the introduction of the European Criminal Intelligence Model into police practice, i.e. primary and secondary legislation in the field of operational search and criminal intelligence, has so far been addressed only marginally. For successful introduction of the European Criminal Intelligence Model into police practice and creating its own national criminal intelligence model, some changes in the field of operational intelligence and criminal intelligence are necessary to harmonize the concept of criminal intelligence in the Slovak Republic so it is understood the same way as it is by Europol officials and police specialists, so-called 'old countries' of the European Union. When defining, it is necessary to take into account basic theoretical starting points, namely that the concept of intelligence is a 'universal' way of working with information. Intelligence can be focused on getting to know different objects, e.g. activities

endangering the constitutional establishment, territorial integrity and sovereignty of the state, activities directed against the security of the state, activities of foreign intelligence services, activities endangering the state's defence, etc. Then we can talk about internal intelligence, external intelligence, military intelligence, etc. If crime is the object that is recognized by the intelligence, we can talk about criminal intelligence.

The management of the Police Force Presidium is also aware of the need to assess the possibility of introducing the National Criminal Intelligence Model in the Slovak Republic based on the European Criminal Intelligence Model. In his letter to the Rector of the Police Academy in Bratislava of 21/11/2016, the 1st Vice-President of the Police Corps initiated the creation of a joint solution team composed of representatives of the police and representatives of the academic community which would elaborate a summary of legislative, methodological and tactical proposals and recommendations necessary to create the National Criminal Intelligence Model in the Slovak Republic. On the basis of this initiative, the "National Criminal Intelligence Model in the Slovak Republic" VYSK scientific and research task no. 231 is implemented at the Police Academy in Bratislava.

The primary objective of the scientific-research task is to create a methodological basis for the elaboration of legislative, methodological and tactical proposals and recommendations necessary to create the National Criminal Intelligence Model in the Slovak Republic, based on the European Criminal Intelligence Model and Europol.

Police practice in the Slovak Republic narrowed the understanding and implementation of the European Model into police practice only in the area of information flow and coordination of analytical activities, which was ensured by the creation of the ACHERON information system. Although the problems following the implementation of the ACHERON IS in practice in 2010 have been partially eliminated in the area of analytical activities and information flows, the situation in this area has been unsatisfactory and unsustainable in the long term. Currently, the Police Force of the Slovak Republic has an information flow and analytical activity organized autonomously, often times within individual services and departments, or authorities.

The autonomous management and organization of the analytical activities resulted in the Police Corps creating their own information systems and separate databases in which they gather the information obtained through their activities, including operational and intelligence activities. It is the services of the Police Force, the main task of which is to detect and clarify crime, such as the National Criminal Agency and the Criminal Police Office Presidiums of the Police Force, including regional and district criminal police departments, and which have been directed towards creating autonomous information systems.

This approach has the consequence that the information systems created are closely focused on the needs of the service, which developed them for an individual way of collecting, sorting and distributing the data needed for its specific activity. Such information systems are not compatible with each other, they are subject to individual administration and as a result it is difficult to obtain information for another Police Corps service and even in some cases almost impossible. This often causes duplication of activities and does not allow coordination of operational and intelligence activities, including analytical activities of the Police Force. Existing autonomous analytical workplaces in individual departments and offices often use different software tools, the incompatibility of which does not allow automatic processing of the full width of available data, resulting in a lot of manual work and lengthy and uncomplicated outputs.

Operated single and non-cooperating information systems do not provide the required efficiency and comfort of work, what is today common and expected standard from information systems. It can be stated that such coexistence of different data systems is inefficient. The problems identified in the area of coordination of operational activities carried out by the Police Force, including the organization and management of analytical activities, have been largely eliminated by the establishment of a central analytical unit - Criminal Analysis Management Department, which is only competent for those departments under the management of the 1st Vice-President of the Police Forces. So far, it has not been possible to build a central office for the entire Police Force, including the National Criminal Agency, which would ultimately make the operation of the Police Force as a whole more effective.

So far, particular interests have prevailed and are still prevalent and there is little willingness of individual departments to enter relevant operational, criminal and other information into the central information system. This is often justified by security risks, the possibility of leaking sensitive information into the criminal environment. There is still some distrust of individual services and, on the other hand, the 'rivalry' of these services in terms of performance.

Police practice, as well as the current legislation in the Slovak Republic, understands and defines criminal intelligence as a mean of operative search activity used in connection with the use of an agent, while in this field the police officers perform their tasks under permanent, temporary or no legend. Criminal intelligence is carried out only by a narrow group of police officers who are assigned to a specialized workplace - the Criminal Intelligence Department of the Special Services and Operations Office of the Police Force Presidium. Therefore, in the Slovak Republic, criminal intelligence in police practice is used only by a limited number of police officers and its application is minimal. On the contrary, in the old countries of the European Union, criminal intelligence is not only understood as a mean of bringing an agent into the criminal environment, but as a set of activities aimed at detecting crime. The understanding of criminal intelligence is much wider in these countries and therefore its use in police practice is much more important. For example, criminal intelligence in the United Kingdom is understood by the National Centre for the Development of Police Activities (NCPE) as a system of police service activities ranging from the lowest ranks to the highest levels of police control, including minimum system requirements and defining basic information sources. The National Centre for the Development of Police Activities has developed a methodology for the 'National Criminal Intelligence Model' describing this model as an operationally oriented approach to police practice and as an information-based practical system that underpins the management of police and security services. This definition clearly stipulates that the use of criminal intelligence in the UK is not limited to a small circle of police specialists but to a wide range of police and security services and is understood as a system of work and management. The representatives of the European Union and Europol have similar understanding of criminal intelligence, who have developed the ECIM, which they intend to implement in police practice across all European Union countries. The ECIM is understood as a standardized system of work with information, its collection, processing, analysis and its use in the fight against crime. The ECIM is a de facto set of activities aimed at detecting crimes and their perpetrators, as well as 'information support' in criminal investigation and crime control.

Conclusion

Responsible investigators within the Stage 1 of the implementation of the “National Criminal Intelligence” - VYSK no. 231 scientific-research task conducted at the Police Academy in Bratislava carried out theoretical research in relation to the object of research, when they analysed the basic foundations of current knowledge in the theoretical field of crime-security activities, legislative bases in the field of operative and search activities and criminal intelligence and practical baselines and they analysed the approaches of police practice to the new concept of criminal intelligence. Based on the results of Stage 1 of theoretical research, the following conclusions can be drawn:

➤ Criminal intelligence is a systematic cognitive activity used to come to conclusions based on the information obtained, collected, evaluated and analysed relating to criminal activities and their perpetrators and which are provided to law enforcement authorities for further procedural proceedings.

➤ Criminal intelligence is a procedural and cyclical activity, which is based on the theory of reflection and information cycle, which includes obtaining indicators of crime, collecting and gathering additional information, evaluating information and adopting logical conclusions. However, criminal intelligence is not an ideal cycle of information, as at a given moment several activities can be carried out at different stages of the process at the same time, and the process can also return to the previous stage.

➤ When conducting criminal intelligence, it is necessary to observe a number of principles, in particular: the principle of constitutionality, the principle of legality or the principle of pacta sunt servanda, the principle of effectiveness, reasonability and appropriateness of using methods, forms and means, the principle of mutual cooperation, the principle of planning, the principle of objectivity and timeliness, the principle of intelligence and operational intuition and erudition, confidentiality or conspiracy principle, the need to know principle.

➤ The applicable legal definition of criminal intelligence in the Slovak Republic as a mean of operational search activity does not meet the requirements of police practice and is incompatible with Europol's recommendations on the implementation of the European Criminal Intelligence Model.

➤ The police practice in the Slovak Republic narrowed the understanding and implementation of the European Criminal Intelligence Model into practice only in the area of information flow and coordination of analytical activities.

➤ In the police practice in the Slovak Republic, there are still particular interests in the processing and keeping criminal information and there is little willingness of individual units of the Police Forces to enter relevant criminal information and other information into the central information system, which is a basic prerequisite for successful fight against crime.

➤ In the future, it is probably necessary that criminal intelligence to define the content on a formal and legal base in a generally binding legal regulation - the law. Specifically, how and in which act will be recommended by the researchers after the empirical part of the research.

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CURRENT STATE OF ANTI-MINE LEGISLATION OF UKRAINE

Ukraine is one of the most polluted objects in the world. Mine war is a consequence of prolonged armed aggression. Taking into account the terrain on both sides of the demarcation line, there are at least 16,000 square kilometers of Luhansk region and Donetsk region (which is almost 30% of their total area) there are real mine danger areas. These lands are literally crammed with shells, rockets, grenades, "hellish" homemade crafts, unexploded mines, or are in an active, explosive state [1]. As a result, Ukraine ranks in 5 countries in terms of civilian casualties from landmines. During the period of armed conflict, mines and explosive remnants of war (ERW) killed almost 1 thousand civilians and more than 1.5 thousand - were injured.

In order to solve this problem, a so-called humanitarian demining was required. From the usual mine work, which is engaged in subterranean subdivisions at specific objects, such a mine differs in its complexity, it is aimed at reducing the harmful factor of explosives on human life, reducing mine danger to the level at which: a) people can live safely; b) economic, social and physiological development can be carried out without hindrance, without being affected by the restrictions caused by landmines.

According to preliminary estimates, the total contaminated area in Ukraine reaches 700,000 hectares. All data on the results of the work of non-governmental organizations are systematized, analyzed and summarized by the Office of Environmental Security and Mine Action of the Ministry of Defense of Ukraine (hereinafter – MDU), for which, with the assistance of the OSCE Project Coordinator in Ukraine and the Geneva International Center for Humanitarian Demining, an information management system was implemented in the MDU antimine action (hereinafter referred to as AMA) IMSMA. In addition, today, with the OSCE Project Coordinator in Ukraine, there is a joint project with the MDU “Building a Mine Action Sector in Ukraine” [2].

Previously, Ukraine did not have such a problem and did not need regulatory regulation of the AMA, then now all the AMA measures require this, because due to the unsettled issues of the AMA at the legislative level, Ukraine has carried out non-systematic land changes, mainly along the demarcation line and in the surrounding areas.

According to the Law of Ukraine "On Adoption of the Protocol on the Prohibition or Restriction of the Use of Mines, Mines-Traps and Other Devices, as amended on 3 May 1996 (Protocol II, as amended on 3 May 1996) annexed to the Convention on the Prohibition or Restriction of Use specific types of conventional weapons that may be considered to be undue damage or indiscriminate effect” [3] and the Protocol on Explosive Items - Consequences of the War adopted by Law No. 2281-IV of December 22, 2004 [4] should o be carried out in accordance with the International AMA Standards.

The latter are encouraged to adopt national legislation that is the result of a broad process of joint action by the government, its ministries and, in some cases, international institutions. Instead, Ukraine remained one of the few countries in the world that, at the end of 2018, has not regulated

the issue of implementing measures in the field of AMA.

Such gaps were considered inadmissible because they did not comply with a number of international agreements ratified by Ukraine, in particular in accordance with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, ratified in Ukraine by Law No. 2566-IV of 18.05.2005. . [5] and the Convention on the Prohibition or Restriction of the Use of Specific Conventional Weapons, which may Be Considered to Excessive Damage or Indiscriminate Action Ratified by the Decree of the Presidium of the Verkhovna Rada of Ukraine and dated 04.06.1982 No. 3613-X (Effective Date for Ukraine - 02.12.1983; Date of Accession to the Convention - 06.10.1994) as amended by Law No. 1775-IV of June 15, 2004 [6], each State Party undertakes, in particular, to promote: 1) the exchange and implementation of related measures; 2) efforts for the care and rehabilitation, social and economic reintegration of mine victims and the implementation of mine risk awareness programs; 3) destruction of landmines; the widest possible exchange of equipment, materials and scientific and technical information relevant to the implementation of this Convention.

Therefore, it adversely affected the image of the state as a whole and could in the future lead to the payment of penalties by Ukraine for failure to fulfill its obligations under these international agreements. It is not surprising, therefore, that in the first month of the first session of the Verkhovna Rada of the IXth convocation, two bills on the AMA were submitted to Parliament: 1) the main one - No. 9080 dated 13.09.2018; 2) alternative - No. 9080-1 dated 19.09.2018. As a result of the consideration, the first one was rejected on 06.11.2018, and the second one was adopted on 06.12.2018 and entered into force on 25.01.2019.

Therefore, the Law of Ukraine "On Mine Action in Ukraine" [7] defined the legal and organizational principles of the implementation of the MLA in Ukraine and the peculiarities of state regulation in the relevant field. In particular, the AMA law states that "mine action is a set of measures aimed at protecting the national interests of Ukraine, as well as reducing and eliminating the effects of explosive items on the socio-economic conditions of life of the population and the environment."

The law also defines the legal basis, goals and principles, national interests of Ukraine in the field of AMA, its main components, the list of objects and subjects of AMA, the procedure for their creation, organizational and procedural principles of activity; requirements for AMA specialists and mine clearance and their responsibilities; sources of AMA funding; the procedure of accounting for AMA operators, assistance to victims (victims) from explosive objects, determining the status of territories for AMA needs; the authority of the AMA quality control inspection and the secretariat of the mine action center and the like.

The AMA Law provides rules governing democratic civil control in the field of AMA of Ukraine's national interests in the field of AMA, the principles of international cooperation and economic activity in the field of AMA, including liability insurance during mine clearance and public procurement work AMA.

In addition, the law also defines the essential terms of the contract for the procurement of works and (or) services in the field of AMA and establishes responsibility for violation of the legislation in the field of AMA by both AMA subjects and specialists in AMA and mine clearance.

According to the legal classification proposed by the information-retrieval system "Legislation of Ukraine", which is informative, it is not an official print edition and is used in accordance with the Verkhovna Rada Regulations on Web Resources, the AMA law is referred to the section of the defense legislation (code - 120), and at once to two of its units - "Armed Forces. Navy »(code - 120 30) and« Military property »(code - 120160). In the latter, this law is included in the structural group "Weapons. Ammunition »(code - 120160 10).

That is, it is obvious that mine action acts are a novelty for a system of national law, in which it is currently classified fairly indirectly.

According to the Classifier of Legislation [8], this law also applies to defense legislation - 300.000.000 "Defense", which includes, among other things, legislation on arms and military equipment (code - 300.080.000), which, in turn, is divided into the following components: 1) General provisions; 2) Storage and maintenance; 3) Ammunition; 4) Small arms; 5) Manufacture and supply of weapons and military equipment; 6) Adoption (withdrawal) into service; 7) Weapons of mass destruction; 8) Disposal of weapons and military equipment; 9) Military acceptance of products; 10) Research and development work.

The analysis of the cited content of the law on AMA shows, first, that by its value in the mechanism of legal regulation, the law is basic because it carries out the primary legal regulation

of mine relations, and the basic one - defines the bases of regulation of mine relations (legal and organizational principles of implementation of the MLA in Ukraine and peculiarities of state regulation in the relevant field) and is designed for their specification in by-laws.

Secondly, this law is a law of special action, since it is addressed to a clearly defined circle of subjects who have a special status. Subjects of the AMA, in accordance with Art. 6 of the MRP Act, is: 1) a national MRF body; 2) authorized operational body of mine operations (mine action center); 3) other executive bodies within the limits defined by the legislation of Ukraine; 4) AMA operators involved in the implementation of AMA activities. This circle should include specialists in the field of AMA, who are involved by AMA operators in the implementation of measures in the field of AMA [7, Article 7].

Thirdly, in the form of systematization, this law is ordinary (not codified, current, ordinary), functional - special, content - thematic.

Fourth, the content of the AMA law is complex (cross-sectoral), since its normative prescriptions express a system of norms of several branches of law that regulate various types of relations (administrative, financial, budgetary, civil, economic, economic, labor, social, insurance, scientific, information, international, etc.). Moreover, the content of the law can be found in the provisions inherent in the statute law.

According to Article 2 of the AMA Law, the legal basis of the AMA in Ukraine is: 1) the Constitution of Ukraine; 2) the AMA law; 3) other laws of Ukraine; 4) the Convention [5, 6]; 5) other international treaties of Ukraine, the consent of which of which was provided by the Verkhovna Rada of Ukraine; 6) decrees and orders of the President of Ukraine; 7) resolutions and orders of the Cabinet of Ministers of Ukraine; 8) other normative-legal acts adopted for the implementation of the laws of Ukraine.

In addition, Ukraine has national AMA standards, which are developed in accordance with the provisions of the IMD International Standards for Adoption, approved by the United Nations Office for the Implementation of Diagnostics (UNMAS). National AMA standards are developed by the Mine Action Center, agreed by the national AMA authority and approved by the Cabinet of Ministers of Ukraine.

In this aspect, it is necessary to pay attention to the national standard DSTU P 8820-1: 2018 "Mine action. Management processes. Basic Provisions" [9], which has a pilot (pilot) status and was developed to implement the international standards of the MFP in Ukraine by the Environmental Security and MoD MoD within the framework of a joint project and the OSCE Project Coordinator in Ukraine "Improving Ukraine's Mine Action Potential" with involvement of leading experts in the field of PHC of international organizations of the OSCE, UNDP, Geneva Humanitarian Mine Action Center, the non-governmental organization "The HALO Trust" and members of TC-176 "Standardization of Defense Products". This standard was adopted in accordance with the order of the National Standardization Body of the State Enterprise "Ukrainian Research and Training Center for Problems of Standardization, Certification and Quality" of December 19, 2018 No. 511 "On the adoption of national standards" with effect from April 1, 2019.

The standard is designed primarily to ensure that all AMA entities use the same terminology in this field; ensuring the observance of security measures during non-technical, technical inspection and clearance / clearance operations, the protection of the rights and interests of citizens related to mines and explosive remnants of war, the preservation of the environment and the fulfillment of international obligations undertaken by the State. The standard will promote the use of AMA entities by the same rules for planning, organizing and executing AMA activities by its major components.

During 2019, the by-law block of anti-mining legislation (Government Resolutions No. 186 and No. 372 of March 6, 2019) began to actively develop.

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3. «Pro pryynyattya Protokolu pro zaboronu abo obmezhenya zastosuvannya min, min-pastok ta inshykh prystroyiv z popravkamy, vnesenymy 3 travnya 1996 roku (Protokol II z popravkamy, vnesenymy 3 travnya 1996 roku), shcho dodayet'sya do Konventsii pro zaboronu abo obmezhenya zastosuvannya konkretnykh vydiv zvychaynoyi zbroyi, yaki mozhut' vvzhatysya takymy, shcho zavdayut' nadmirnykh ushkodzen' abo mayut' nevybirkovu diyu» : Zakon Ukrayiny vid 21 veresnya 1999 r. № 1084-XIV // Vido-

mosti Verkhovnoyi Rady Ukra-yiny vid 03.12.1999 — 1999 r., № 48, st. 412.

4. «Pro pryynyattya Protokolu pro vybukhonebezpechni predmety - naslidky viyny» : Zakon Ukrayiny vid 22 hrudnya 2004 r. № 2281-IV // Vidomosti Verkhovnoyi Rady Ukrayiny vid 11.02.2005 — 2005 r., № 6, stor. 244, st. 135.

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6. «Pro pryynyattya popravky do statti 1 Konventsiiyi pro zaboronu abo obmezheniya zastosuvannya konkretnykh vydiv zvychnoyi zbroyi, yaki mozhut' vvezhatysya takymy, shcho zavdayut' nadmirnykh ushkodzen' abo mayut' nevybirkovu diyu» : Zakon Ukrayiny vid 15 chervnya 2004 r. № 1775-IV // Vidomosti Verkhovnoyi Rady Ukrayiny vid 10.09.2004 — 2004 r., № 37, stor. 1456, st. 455.

7. «Pro protyminnu diyal'nist' v Ukrayini» : Zakon Ukrayiny vid 6 hrudnya 2018 r. № 2642-VIII. URL : <https://zakon.rada.gov.ua/laws/show/2642-19>

8. «Pro zatverdzhennya Klasyfikatora haluzey zakonodavstva Ukrayiny» : nakaz Ministerstva yustitsii Ukrayiny vid 02.06.2004 r. № 43/5. URL : https://zakon.rada.gov.ua/laws/show/v43_5323-04

9. DSTU-P 8820:2018 Protyminna diyal'nist'. Protsesy upravlinnya. Osnovni polozhennya [Tekst]. - Chynnyy vid 2019-04-01 po 2022-04-01. - Kyiv : UkrNDNTS, 2019. - III, 84 s.

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PROBLEMS OF LEGAL SUPPORT OF THE NATIONAL GUARD OF UKRAINE UNITS

The process of development of the state led to the separation of the police aspect of its activities, which prompted the desire to regulate public relations, the main purpose was to ensure law and order of citizens, to create the proper conditions for the exercise of each of them subjective rights and freedoms. To date, one of the most important tasks of the state remains the process of building an effective law enforcement system, the subjects of which are empowered to use legitimate coercion to protect the public good and counteract dangers.

Formation of the modern legal system of Ukraine in accordance with international, in particular, European legal standards, is a complex and multifunctional process, and therefore requires both a thorough scientific analysis of the legal reality and the identification of the main tendencies of its development.

In accordance with the Law of Ukraine "On the National Guard of Ukraine" of March 13, 2013 the National Guard of Ukraine is a military unit with law enforcement functions of constant readiness, provides protection and protection of health, rights and freedoms of citizens, supports the Armed Forces in defense of Ukraine, and protects the European choice of our people. The National Guard of Ukraine is assigned five military functions, five security functions and twelve law enforcement functions. In peacetime and in times of emergency, the National Guard of Ukraine is involved mainly in law enforcement activities within the state.

The National Guard of Ukraine is part of the security and defense sector of Ukraine and does not duplicate the functions of the Armed Forces of Ukraine. It has clear tasks during the war and accomplishes them in order to achieve a common goal.

The National Guard of Ukraine performs its functions by engaging in law enforcement activities arising in the sphere of protection and protection of life, rights, freedoms and legitimate interests of citizens, society and the state from criminal and other unlawful encroachments, protection of public order and ensuring public safety, and also in cooperation with law enforcement agencies - in the field of state security and protection of the state border, termination of terrorist activity, activities of illegal paramilitaries or armed forces ny, terrorist organizations. In order to effectively solve the tasks and functions assigned to the National Guard of Ukraine, in accordance with the law, the need to create appropriate conditions for the legal and organizational support of its activities becomes essential.

Law enforcement activities of the National Guard of Ukraine include measures aimed at preventing any violations of the rights and freedoms of citizens and the state, measures to directly

end violations of the rights and freedoms of citizens and creating conditions for their further restoration. Its main functions, within the implementation of the law enforcement function of the state can be defined: crime counteraction, administrative, security, anti-terrorist, civil defense, border control, defense.

The activities of the National Guard of Ukraine, as well as the military personnel of the said military formation in the performance of assigned military tasks, should be clearly regulated by the relevant legal acts, which are established by the state and provided with its coercive force.

The legal basis for the activity of the National Guard of Ukraine is the set of legal norms that regulate the social relations that arise in the process of organizing the activity, functioning of the National Guard of Ukraine, as well as defining its tasks, functions, powers, as well as the order of performance of tasks and functions defined by law.

Today, the laws of Ukraine regulate public relations, many of which have some influence on certain aspects of the activity of units of the National Guard of Ukraine, in particular, concerning the prevention of corruption, social and legal protection of servicemen and their families, the provision of pensions for persons dismissed from military service. and state guarantees for the social protection of military personnel, certain areas of activity of the NGU, military units and units.

Some aspects of the NSU's activity are defined in more detail in the by-laws. A wide range of issues concerning the activities of the National Guard of Ukraine are settled by orders of the Ministry of Internal Affairs of Ukraine. The orders of the Ministry of Internal Affairs of Ukraine specify the activity of the National Guard of Ukraine, the order of performance of tasks and functions defined by the law, as well as organizational issues that cover almost all spheres of management of this military formation and play a leading role in the legal regulation among numerous, different in legal force, regulatory acts.

It should be borne in mind that the National Guard of Ukraine is a relatively young but quite effective and capable military unit with law enforcement functions. However, the regulatory support for the formation and operation of National Guard units requires deep analysis and modernization. Ukraine's path to European integration and, accordingly, integration into the NATO community, requires a careful review of a number of regulations governing the day-to-day activities of NGU units and units. It is clear that bringing the regulatory framework in line with world standards will not solve the situation radically. In this case, it is necessary and strict observance and fulfillment of the requirements specified in the normative documents.

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**PUBLIC ADMINISTRATION OF OF PREVENTION
AND RESPONSE TO EMERGENCY SITUATIONS:
MAIN OBJECTIVES AND PRINCIPLES**

Public administration is the purposeful, organizing, regulating influence of the state, through the mediation of the relevant bodies and officials, on social processes, activities, consciousness and behavior of citizens; has clearly defined goals and objectives.

Public administration is carried out within the subjective factor (society) as the managerial influence of the actions of some people, organized in the power structure, on others, mainly engaged in the sphere of reproduction of material, social and spiritual values and products [2].

To ensure constitutional guarantees and human rights to protect their lives and health from the consequences of accidents, catastrophes, fires, natural disasters, public authorities carry out a set of social, economic, legislative, educational, anti-epidemic, sanitary and other preventive measures in and defines "civil protection" as a whole.

The purpose of civil protection, as a system of measures aimed at protecting the population from emergencies, is defined in the Law of Ukraine "On Legal Principles of Civil Protection":

- implementation of state policy aimed at ensuring the safety and protection of the population and territories, material and cultural values and the environment from the negative consequences of the emergencies during peacetime and in a special period;
- overcoming the consequences of the emergencies, including the consequences of the NA in the territories of foreign states in accordance with the international treaties of Ukraine, the consent of which has been provided by the Verkhovna Rada of Ukraine, defines the main goals of state management of the processes of prevention and response to the emergencies [5].

The goals of public administration of the processes of prevention and response to emergencies with minimal costs and maximum results can be achieved when the potential of the state is included in their realization, when people know the goals of public administration and share them, participate in their implementation, feel the correlation of goal-setting with their needs and interests.

A rational and effective public administration requires a combination of goals, means and methods of their realization, since it alone creates a cycle in the public administration system, generates the trust of the society, people and stimulates the administrative processes [3].

The main tasks of public administration in the field of protection of the population against emergencies, determine the process of its functioning as a whole, require some significant specification, which will allow to define the tasks of individual sub-institutes (subsystems) and establish criteria for diagnostics of their achievement (Fig. 1).

The principles of public administration are the laws, relationships, relationships, guiding principles on which its organization and implementation are based and which can be formulated into certain rules [3].

A considerable number of principles of public administration require outlining approaches to their systematization. Thus, H.V. Atamanchuk identified a number of bases for the systematization of the principles of public administration: general laws, relationships and processes inherent in the whole system of public administration and which ensure the strength of dependencies of the state and society; analysis and scientific characterization of regularities of such groups of elements of public administration as goals, functions, structure, process; analysis of patterns of implementation of administrative elements that take place in different subsystems (territorial, sectoral, functional, etc.) of public administration and, in particular, in various aspects of specialization of public-administrative activity [2].

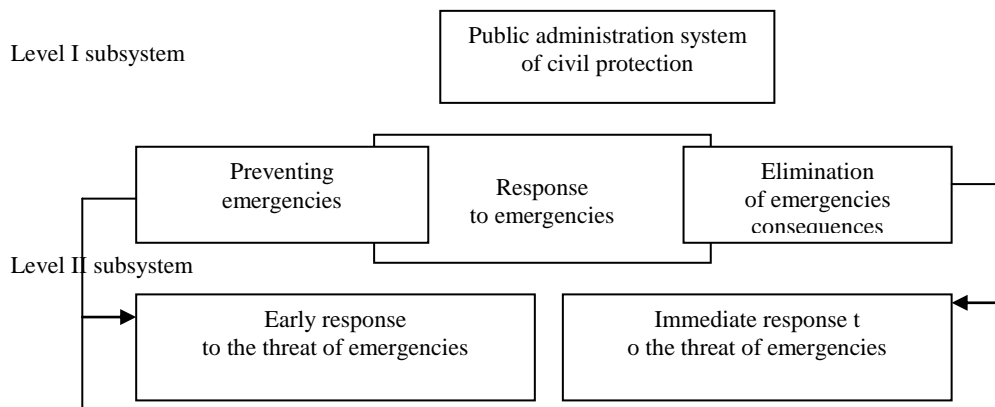


Fig. 1. Levels of subsystems of the unified system of state administration of civil protection

According to the stated grounds of systematization, there are three groups of principles of public administration: system-wide, structural and specialized.

System-wide principles include: the principle of objectivity of management; democracy; legal ordering; legality; the distribution of power; publicity; a combination of centralization and decentralization.

The principle of objectivity of public administration is the starting point and necessitates consideration in all administrative processes of the requirements of objective laws and real capabilities of social forces [1].

Accordingly, the state management of the processes of prevention and response to emergencies is carried out on the basis of systemic principles, namely: priorities of tasks aimed at saving lives and preserving the health of people and the environment; unconditional preference for rational and preventive security; free access of the population to information on the protection of the population and territories from the emergencies of anthropogenic and natural character; personal responsibility and concern of the citizens for their own safety, strict adherence to them rules of behavior and actions in the National Assembly of anthropogenic and natural character; responsibility within the limits of their authority of officials for compliance with the requirements of this Law; the obligation of early implementation of measures aimed at preventing emergencies of anthropogenic and natural character and minimizing their negative psychosocial consequences; taking into account economic, natural and other peculiarities of the territories and the degree of real danger of emergencies of anthropogenic and natural character; the maximum possible, effective and complex use of available forces and means, which are intended to prevent and respond to the emergencies of anthropogenic and natural character [4].

The prevention of the NA, as a system of measures, is carried out on the structural principles: guaranteeing the state the citizens of the constitutional right to protection of life, health and their property, and legal entities - the right to safe functioning; voluntary involvement in involving people in civil protection activities related to the risk to life and health; a comprehensive approach to solving civil protection problems; creation of a system of rational preventive safety in order to minimize the likelihood of emergencies and minimize their consequences, economically justified; the territoriality and functionality of a unified CU system; minimizing environmental damage; publicity, free access of the population to information in the field of civil protection in accordance with the law [5].

The third group consists of specialized principles of public administration: principles of public service; principles of work with management personnel; principles of information support of public administration; principles of activity of the executive power body; principles of managerial decision-making.

The criterion for the effective use of the principles of public administration is, first of all, the achievement of the systematic nature of public administration, and with its help - the harmony and complexity of public life in general and its individual spheres.

Thus, analyzing the main goals, objectives and principles of public administration of the processes of preventing and responding to the emergencies, showed that the main for society is to create, maintain and improve the conditions for a free, quiet, safe life of people, to establish rational relationships between the individual, society and the state.

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**TASKS AND POWERS OF THE NATIONAL GUARD OF UKRAINE
IN THE UNIFIED STATE SYSTEM OF PREVENTION, RESPONSE
AND SUPPRESSION OF TERRORIST ATTACKS AND MINIMIZING
THEIR CONSEQUENCES**

An integrated approach to the security of systems, facilities and resources that are critical to the vitality of a country or the unification of states (such as the European Union) from criminal attacks and terrorist threats and threats from another nature - natural, man-made, social, military.

This trend has not been avoided by Ukraine. Although the term "critical infrastructure" has not yet received its legislative definition, it is, in fact, already used in such fundamental documents as the Law of Ukraine "On National Security of Ukraine".

According to the Procedure of forming a list of information and telecommunication systems of critical infrastructure of the state [1], critical infrastructure is a set of infrastructure of the state, which are the most important for the economy and industry, functioning of society and population safety and disabling or destroying can have an impact on national security and defense, the environment, lead to significant financial loss and casualties;

Council Directive 2008/114 / EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection and protection No 2008/114 / EC [2] defines critical infrastructure as an object, system or part thereof, located in the Member States, which is essential for the maintenance of vital public functions, health, safety, security, economic or social well-being of the population, the damage or destruction of which will have a significant impact in a Member State due to the inability of such infrastructure to support these functions.

Critical infrastructure in the United States means "systems and resources, physical or virtual, so vital to the United States that the inability or destruction of such systems or resources undermines national security, the national economy, health or safety of the population, or results in which combination of the following. "

As of February 2020, only the legislative base for the protection of critical infrastructure facilities is being formed and the body that will formulate the state policy for the protection of critical infrastructure objects, as well as the body (military formation), which will be assigned the tasks, remains undefined at the national level. protection of critical infrastructure against all kinds of threats. Thus, the basic bill No. 10328 "On critical infrastructure and its protection" was withdrawn on 29.08.2019. According to the latter, the critical infrastructure object was to be determined in accordance with the procedure established by law as an integral part of the critical infrastructure whose functionality, continuity, integrity and sustainability ensure the realization of vital national interests. The security of the facility should be entrusted to the "facility operator" and the Authorized Body for Critical Infrastructure Protection of Ukraine.

In accordance with the current legislation (the Procedure of forming a list of information

and telecommunication systems of critical infrastructure of the state [1]) critical infrastructure facilities - enterprises and institutions (regardless of ownership) of such sectors as energy, chemical industry, transport, banks and finance, information technology and telecommunications (electronic communications), food, health, public utilities, which are strategically important for the functioning of the economy and security of the state, the public stva and population.

According to the current version of the Laws of Ukraine "On National Security of Ukraine" [3], "On Combating Terrorism" [4], "On the National Guard of Ukraine" [5], as well as the Criminal Code of Ukraine [6] units of the National Guard of Ukraine (NSU) must protect critical infrastructure against such acts of terrorist attack as: acts of terrorism; sabotage; other crimes of a general criminal nature, which are committed on the grounds of manifest disrespect for the state, society and are accompanied by particular arrogance or exceptional cynicism.

Any actions of terrorist nature are covered by the "terrorist activity" category.

According to the Law of Ukraine "On Combating Terrorism" [7] terrorist activities cover the planning, organization, preparation and implementation of terrorist acts; incitement to commit acts of terrorism, violence against individuals or organizations, destruction of material objects for terrorist purposes; the organization of illegal armed groups, criminal groups (criminal organizations), organized criminal groups for committing terrorist acts, as well as participation in such acts; recruitment, arming, training and use of terrorists; propaganda and dissemination of the ideology of terrorism; financing and other facilitation of terrorism.

According to the Law of Ukraine "On National Security of Ukraine" [3], the NSU is a military unit with law enforcement functions which, in cooperation with other bodies, carries out the cessation of terrorist activity, activities of illegal paramilitary or armed groups, organized criminal groups and organizations. Implementation of the NSU tasks on the termination of terrorist activities takes place at two levels: the Interagency Coordination Commission of the Anti-Terrorist Center at the Security Service of Ukraine; providing the Ministry of Internal Affairs of Ukraine with the Anti-Terrorist Center at the Security Service of Ukraine with the necessary forces and means.

The Interagency Coordination Commission of the Anti-Terror Center at the SBU is formed from the head of the Anti-Terror Center and his deputies; deputies of the Minister of Internal Affairs of Ukraine, deputies of the head of the National Police (NPU), heads of the central executive authorities, who ensure the formation and implementation of state policy in the field of civil protection; Deputy Chief of the General Staff of the Armed Forces of Ukraine; deputies of the heads of the central executive body implementing the state policy in the field of state border protection, the State Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Service for Special Communication and Information Protection of Ukraine, the central executive body implementing the state policy in the field of enforcement criminal penalties; NSU commander; Head of the SBU Office in Kyiv, Deputy Head of the Kyiv City State Administration, Deputy Heads of Other Central Executive Bodies, as well as other officials designated by the President of Ukraine [4].

The Ministry of Internal Affairs of Ukraine, together with the NPS, organizes the fight against terrorism by preventing, detecting and ending crimes committed for terrorist purposes, the investigation of which is covered by the legislation of Ukraine by the NPS; provides the SBU Anti-Terrorism Center with the necessary resources and resources; ensures their effective use in anti-terrorist operations [4].

At the same time, starting from 2016, Ukraine has a single state system for prevention, response and termination of terrorist acts and minimization of their consequences, which consists of permanent territorial and functional subsystems [8].

The first level of realization of the tasks of the NSU on termination of terrorist activity corresponds to the tasks of the functional subsystem, which includes the structural units of the subjects of counter-terrorism and the Interagency Coordination Commission of the Anti-Terrorist Center at the Security Service of Ukraine.

NGU, in accordance with the Law of Ukraine "On Combating Terrorism", is not a subject of the fight against terrorism and cannot act independently within territorial subsystems, and is not involved in the implementation of measures related to prevention, detection and termination. terrorist activity where necessary. The only form of involvement in the implementation of activities related to the prevention, detection and cessation of terrorist activity is the participation of individual officials or units in coordination with individual anti-terrorist activities.

The actors directly engaged in the fight against terrorism within their competence are: the SBU, which is the main body in the nationwide system for combating terrorist activity; Ministry of

Internal Affairs of Ukraine; NPS; Ministry of Defense of Ukraine; central executive bodies that provide for the formation and implementation of state policy in the field of civil protection; the central body of the executive power implementing the state policy in the field of state border protection; the central body of executive power, which implements the state policy in the sphere of execution of criminal penalties; Department of State Protection of Ukraine; central executive body implementing state tax policy, state policy in the field of state customs [4].

The following are also involved in the implementation of measures related to the prevention, detection and cessation of terrorist activities: central executive body implementing state policy in the field of preventing and combating the legalization (laundering) of proceeds of crime or financing terrorism; The Foreign Intelligence Service of Ukraine; Ministry of Foreign Affairs of Ukraine; State Service for Special Communications and Information Protection of Ukraine; central executive bodies that provide for the formation and implementation of public health policy; central executive bodies providing the formation and implementation of the state policy in the power, coal, industrial and oil and gas complexes; the central body of executive power, which implements the state policy in the sphere of management of state property objects; central executive bodies that provide for the formation and implementation of state transport policy; central executive bodies that ensure the formation and implementation of public financial policy; central executive bodies that ensure the formation and implementation of state policy in the field of environmental protection; central executive bodies that ensure the formation and implementation of state agrarian policy [4].

The implementation of the NGU tasks on the termination of terrorist activity at the second level takes place without the NGU being included in the coordination groups at the regional bodies of the Security Service of Ukraine (a prerequisite for the territorial subsystem).

The only form of involvement in the coordination group meetings is the personal participation of individual officials with prior agreement in certain regions of the country.

Coordination groups within the SBU regional bodies include heads of SBU regional bodies, territorial bodies of the NBU, regional bodies and territorial subdivisions of the State Service for Special Communication and Information Protection of Ukraine, relevant bodies for emergency situations and civil protection of the population of the Autonomous Republic of Crimea, oblast Of the Kyiv, Sevastopol city state administrations, in the regions where the state border guard bodies are stationed, the units of the State Security Department Ukraine - their leaders and representatives of other local authorities, enterprises, institutions and organizations [4].

In this case, by the decision of the management of the anti-terrorist operation, the forces and means of the NSU may be involved in compliance with the requirements of the Law of Ukraine "On Combating Terrorism" in participation in anti-terrorist operations. Also in accordance with the requirements of Art. 9 of the Law of Ukraine "On Combating Terrorism" [4] all state bodies are obliged to assist the bodies that carry out the fight against terrorism, to report the information that has become known about terrorist activity or any other circumstances, information on which may contribute to the prevention, identifying and ending terrorist activity, and minimizing its effects.

Pursuant to Section 6, Section VI, Final and Transitional Provisions of the Law of Ukraine "On National Security of Ukraine" [3], the SBU shall, within six months, from the day this Law enters into force, amend the Law on Amendments to the Law of Ukraine "On the Security Service of Ukraine" [9] and submit it to the President of Ukraine for submission to the Verkhovna Rada of Ukraine in due course. The requirements of Art. 19 of the Law on the appointment and main tasks of the SSU.

The Security Service of Ukraine is a state special-purpose body with law enforcement functions that ensures state security, exercising with steadfast respect for human and citizen's rights and freedoms: counteracting intelligence and subversive activity against Ukraine; the fight against terrorism; counterintelligence protection of state sovereignty, constitutional order and territorial integrity, defense and scientific and technical potential, cybersecurity, economic and information security of the state, objects of critical infrastructure; protection of state secrets [3].

Since the entry into force of the relevant law, the Security Service of Ukraine must carry out exclusively counter-intelligence protection of critical infrastructure facilities, while the Security Service of the Security Service of Ukraine must continue to fulfill its obligations, including on "involvement" of the NSU in counter-terrorism operations, to the extent defined earlier. However, the SBU does not have the authority to organize and conduct counter-sabotage measures at the facilities of the ATC critical infrastructure.

The Anti-Terrorism Center at the Security Service of Ukraine is a permanent body under the Security Service of Ukraine, which coordinates the activities of the subjects of combating ter-

rorism in preventing terrorist acts against statesmen, critical objects of life support of the population, objects of high risk, acts that threaten life and health. a large number of people and their termination [10].

Thus, not part of the system of subjects of combating terrorism, the NSU engages in anti-terrorism activities and takes part in the activities of the Unified State System for Prevention, Response and Termination of Terrorist Acts and minimizing their consequences.

A direct form of NSU accomplishment of tasks to end terrorist activity is counter-sabotage.

Diversion as an object of opposition by NSU divisions is defined in the law illegal actions aimed exclusively at weakening the state, mass destruction of people, causing bodily harm, destruction or damage of objects, radioactive contamination, mass poisoning, epidemics, spread of epidemics, epiphytomy, not done publicly.

1. Pro zatverdzhennya Poryadku formuvannya pereliku informatsiyno-telekomunikatsiynykh system ob'yektiv krytychnoyi infrastruktury derzhavy [Elektronnyy resurs] : Postanova Kabinetu Ministriv Ukrainy vid 23.08.2016 r. № 563. URL: <http://zakon.rada.gov.ua/laws/show/563-2016-%D0%BF>.

2. Pro identyfikatsiyu i vyznachennya yevropeys'kykh krytychnykh infrastruktur ta otsynuyvannya neobkhidnosti pokrashchennya yikh okhorony ta zakhystu № 2008/114/YES [Elektronnyy resurs] : Dyrektyva Rady 2008/114/YES vid 08.12.2008 r. URL: http://zakon.rada.gov.ua/laws/show/984_002-08

3. Pro natsional'nu bezpeku Ukrainy [Elektronnyy resurs] : Zakon Ukrainy vid 21.06.2018 r. № 2469-VIII : za stanom na 10.11.2018 r. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63531.

4. Pro borot'bu z teroryzmom [Elektronnyy resurs] : Zakon Ukrainy vid 20.03.2003 r. № 638-IV : za stanom na 10.11.2018 r. URL: <http://zakon4.rada.gov.ua/laws/show/638-15>.

5. Pro Natsional'nu hvardiyu Ukrainy [Elektronnyy resurs] : Zakon Ukrainy vid 13.03.2014 r. № 876-VII : za stanom na 10.11.2018 r. URL: <http://zakon4.rada.gov.ua/laws/show/876-18>.

6. Kryminal'nyy kodeks Ukrainy [Elektronnyy resurs] : Zakon Ukrainy vid 05.04.2001 r. № 2341-III : za stanom na 10.11.2018 r. URL: <http://zakon.rada.gov.ua/laws/show/2341-14>.

7. Pro borot'bu z teroryzmom [Elektronnyy resurs] : Zakon Ukrainy vid 20.03.2003 r. № 638-IV : za stanom na 10.11.2018 r. URL: <http://zakon4.rada.gov.ua/laws/show/638-15>.

8. Polozhennya pro yedynu derzhavnu systemu zapobihannya, reahuvannya i prypynennya terorystychnykh aktiv ta minimizatsiyi yikh naslidkiv [Elektronnyy resurs] : Postanova Kabinetu Ministriv Ukrainy vid 18 lyutoho 2016 r. № 92. URL: <http://zakon3.rada.gov.ua/laws/show/92-2016-p>.

9. Pro Sluzhbu bezpeky Ukrainy [Elektronnyy resurs] : Zakon Ukrainy vid 25.03.1992 r. № 2229-XII : za stanom na 10.11.2018 r. URL: <http://zakon4.rada.gov.ua/laws/show/2229-12/page>.

10. Pro Polozhennya pro Antyterorystychnyy tsentr ta yoho koordynatsiyni hrupy pry rehional'nykh orhanakh Sluzhby bezpeky Ukrainy [Elektronnyy resurs] : Ukaz Prezydenta Ukrainy vid 14.04.1999 r. № 379/99. URL: <http://zakon4.rada.gov.ua/laws/show/379/99>.

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LIVING SAFETY AND CIVIL PROTECTION IN MODERN CONDITIONS

The process of species and social human evolution has always been accompanied by the action of all kinds of dangerous factors, acting in the place of its existence or penetrating different sources outside it. To protect them, people developed different methods and used different means, gradually improving them, which eventually led to the emergence of modern social functions that are implemented in any state - ensuring the safety of life and its civil protection. From these functions the basic sciences, which stand on the guard of life and human health, were formed.

Life safety is a complex scientific discipline that seeks out the possibility of ensuring the safety of human life in an organized social system.

Civil protection is a function of the state aimed at protecting the population, territories, the environment and property from emergencies by preventing such situations, eliminating their con-

sequences and providing assistance to victims in peacetime and during a special period.

If the security of life carries out the identification of hazards, that is, the recognition of the type of danger, indicating its quantitative characteristics and coordinates of the danger, protection against hazards on the basis of cost-benefit comparisons, prevention and elimination of possible hazards and their consequences, then the main purpose of civil protection is to create protection population and territories, material and cultural values and the environment from the negative effects of emergencies in peacetime and in special times, and overcoming the effects of the extraordinary their situations, including the consequences of emergencies in the territories of foreign states in accordance with international treaties of Ukraine, the consent of which was provided by the Verkhovna Rada of Ukraine.

Based on the above, it can be stated that life safety and civil protection are the social sciences and their main task is to preserve the life and health of the person, his material and spiritual values and the environment in which he lives and provides for his/her needs.

In order to effectively implement the tasks of life safety and civil protection in the event of dangerous or harmful factors in accidents and emergencies, protection of life and health of citizens and reduction of material losses and prevention of damage to objects and environment, material and cultural should be carried out first. values. The dangers of neglecting them often escalate into emergencies with negative consequences Especially important is the timely education and acquisition of the necessary skills of the population to act in danger and in emergency situations. An example is the analysis of the actions of individual states in the current context of the coronavirus epidemic that has swept China and spread to some other countries.

Coronavirus disease is an acute viral disease characterized by overwhelming damage to the respiratory system and gastrointestinal tract. Its causative agent is coronavirus, a genus of viruses that integrates RNA-containing pleomorphic viruses of medium size. The diameter of the various viruses is approximately 80-220 nm. They multiply in the cytoplasm of infected cells. Basically, virus infectious bronchitis of birds is considered to be coronaviruses, although this family also includes human coronaviruses. Some coronaviruses, including one that is currently manifesting its pathogenic capacity to cause a life-threatening disease, are now undergoing a serious outbreak of international concern. The virus is sensitive to ether and detergents, unstable to acidic environment, warming at 56 ° C, the action of ultraviolet rays.

Coronaviruses cause colds in humans, the most common manifestation is the cold, usually without fever, except for TGRS and BCRS, which causes endemic severe acute respiratory infection and has created an emergency in the health care system of several Arabian Peninsula countries and surrounding regions in 2015.

In January 2020, a new 2019-nCoV / SARS-CoV-2 coronavirus was discovered in China, causing an acute respiratory illness that is now spreading out of China with outbreaks. A pandemic has been declared by the decision of the WHO.

The number of confirmed cases of coronavirus worldwide on 2/20/20 is 75 117 patients. In mainland China, the mortality from this pathogen has exceeded 2,100 human lives.

The rapid spread and high levels of coronavirus infection have caused panic in some countries, and some have even managed to speculate on this misfortune for the sake of money and cheap credibility. This is especially true in countries where medicine is at a low level, as is the case in our country. It should be remembered that in nature, due to the influence of various factors, failure to comply with sanitary and hygiene requirements and epidemics, cyclical epidemics for influenza and other diseases occur. The state and the population must be prepared for such situations. More attention should be paid to educating the public on life safety and civil protection, and then there will be no panic, unjustified protests, no illnesses to frighten, but to explain their essence and measures and preventive measures in a clear and meaningful way.

Not only the state, but every citizen of the state must take care of their health.

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**AREAS OF FORMATION OF THE SCIENTIFIC UNDERGROUND
OF AIRCRAFT INFRASTRUCTURE OBJECTS**

Today, Ukraine is considered by the world community as a subject of security in the Eurasian space. The general interest in the issues of security in general, national in particular, contributed to the scientific activity on the problems of national security and its provision, but the development of problems of security of objects of critical infrastructure including objects of aviation transport infrastructure.

During the years of independence in Ukraine there was a formation of a national school in the field of security theory based on the fundamental works of philosophers (Thomas Hobbs, Immanuel Kant and Georg Hegel, etc.), sociologists, historians, political scientists, who at different stages of social development approached you from different directions. as a social phenomenon and socio-humanitarian knowledge the category of "national security" in modern conditions (V. Horbulin, E. Marchuk, V. Palamarchuk, etc.).

Security research can be divided into the following areas:

Designed to define the concept of security, its types, levels, essence of the feature:

- disclosing the content of the categories "international - national - other types of security" [1, p. 76-88; 2];

- development of fundamental problems of national security and its conceptual models of providing in modern conditions of modernization of Ukraine (V. Batyuk, O. Bodruk, G. Volynka, O. Dergachov, V. Horbulin, O. Goncharenko, O. Danilyan, V. Doroshkevych, V. Kartavtsev, E. Kravts, E. Lysytsyn, E. Marchuk, M. Melnik, G. Murashin, V. Moroz, V. Palamarchuk, B. Parakhonsky, S. Pyrozhkov, O. Spirin, M. Hilka, A. Shchurovsky, V. Shevchenko, S. Sherigin, V. Yashchenko [3, pp. 106-113; 4, pp. 11-12].

Aimed at identifying safety subsystems in the field of transport:

- development of the category of transport safety [5, p. 2-5.] And its subsystems (railway safety, aviation security, etc.);

- development of problems of the essence and content of aviation security.

The latter area can be divided into the following groups of studies:

- study of the essence of aviation safety category and its relation with aviation flight safety as a component of aviation safety: V.P. Babak, A.S. Bichkov, I.V. Vaysberg, S.T. Goncharuk, N.V. Daraganova, V.V. Zakharenkov, M.V. Karmizov, M.V. Karpenko, G.Y. Kasperovich, E.A. Kuklev, M.S. Kulik, A.V. Linkov, V.O. Maksimov, V.M. Rukhlinsky, V.I. Tokarev, S.V. Trofimov, A.V. Filipov [6, p. 554; 7; 8].

- theoretical and legal problems of formation of the State policy in the field of aviation transport safety and determination of the content of its components: T.E. Vysotskaya, O. Dubinsky, R.A. Kalyuzhnyi, D.P. Lotyuk, S.I. Moskalenko, A.O. Sobakar, I.M. Sopilko, V.V. Ustimenko, [9, p. 131-135; 10, p. 249-251; 11; 12, p.10; 13, pp.935-936; 14, P.149; 15, p. 596-600.].

World experience shows that the basis of effective activity for the protection of critical infrastructure is the creation of a system of legislative support for the definition of criteria for attribution to the critical infrastructure of the state, transport facilities in general and aviation transport infrastructure in particular. Today, more than 20 categories belong to aviation infrastructure objects with varying degrees of criticality [16]. Thus there are a number of challenges to the scientific and organizational support of activities for the security of objects of aviation transport infrastructure.

From the above it is possible to conclude that, as a rule, scientists paid attention to the analysis of general organizational and legal issues of the functioning of aviation transport, problems of

organization of control and supervision of compliance with the law, application of administrative coercion to the participants of aviation flights for violation of established rules, ensuring the safety of flights in aviation transport respectively to the established rules. At the same time, beyond the scope of the above studies, there are:

- theoretical explanations and correlations of such theoretical and applied categories "security" - "national security" - "environmental safety" - "public safety" - "aviation security" - "flight safety" - "safety of aviation objects" - "safety of objects" critical infrastructure of aviation transport "- "passenger safety" is what;
- problems with innovative forms and methods of organizational and legal support of the safety of objects I-IV type of critical aviation transport infrastructure;
- methodology of organizational and legal security of objects I - IV type of critical infrastructure of aviation transport aviation transport;
- tactics of implementation of organizational, general and special-preventive, operational-search measures to secure aviation transport on the basis of coordination of efforts of law enforcement agencies, structures of the security sector of Ukraine and aviation security service;
- systematic comprehensive investigation of the causes and conditions of criminal and other offenses which are the basis for the formation of threats to the security of all aviation transport infrastructure of Ukraine, etc.

To determine the directions of formation of the scientific basis for the safety of objects of aviation transport infrastructure it is necessary to isolate the theoretical and applied problems in this sphere.

From the above and analogy with the national security system proposed by OP Dzoban [17, p.170], according to the current legislation governing the field of civil aviation, we can determine the content of the basic structural elements of ensuring the safety of aviation objects: principles of understanding , the construction and operation of the aviation security system; objects, subjects, elements (components) of the aviation security system; functions, tasks, methods, tools, measures of aviation security.

The study of analytical materials of the practice of activity of aviation security entities allows to distinguish the main shortcomings regarding the safety of objects of aviation transport infrastructure, namely:

- insufficient development of the legal bases and the existence of gaps in the current legislation regulating the functioning of an effective system of safety of objects of aviation transport infrastructure in general and counteraction to crimes, in particular;
- lack of a comprehensive approach to ensure the life of components of the security system in the field of aviation transport (personnel, financial, material, technical, information support; training of the forces and means of the system for their use according to purpose);
- shortcomings in the management of the security structures of aviation transport infrastructure facilities and coordination of their activities with other state and non-governmental institutions and organizations;
- diminishing the role of the warning and prognostic function of the security system of aviation transport infrastructure objects.

Thus, the directions of research should be to determine the theoretical and legal foundations of the security of critical infrastructure objects type I-IV type of aviation transport and to form an organizational and tactical model of its provision.

Based on the stated task of research should be:

1. Clarification of theoretical content and correlation of categories "safety" - "national security" - "environmental safety" - "public safety" - "aviation security" - "flight safety" - "safety of aviation objects" - "safety of critical objects aviation transport infrastructure type I-IV "- "passenger safety".
2. Improvement of tactics and methods of securing objects I-IV type of critical aviation transport infrastructure and neutralization of external and internal threats.
3. Clarification of the content of the causes and conditions of criminal and other offenses that are the basis for the formation of threats to the security of all aviation transport infrastructure of Ukraine ..
4. Providing proposals for the introduction of innovative forms, methods and activities based on the achievements of science and technology of recent years.
5. Development of methods and tactics of counteraction to crimes of several objects and objects of aviation transport infrastructure, including operative-search measures.

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**MONITORING THREATS OF NATIONAL SECURITY
OF THE STATE AS A MEANS OF SECURITY**

The destructive processes that still take place in Ukrainian society are one of the main factors in the emergence and development of a number of threats in various segments of national security. We are talking about destabilization of social and political processes, aggravation of conflicts on national and religious grounds, formation of separatist sentiments in certain regions and groups of the population, disregard for the capacity of the authorities, leaching from the country of skilled labor and so on. At the same time, these problems have reached such a scale that today poses a real threat to the national security of the state.

It is advisable for the state to identify the possible danger in a timely manner, in which case only a complex of preventive actions against immediate threats to the national security of the country may be required. In order not to exacerbate the effects of external and internal threats, it is necessary to respond as quickly and early as possible to eliminate the threat, until it has led to sig-

nificant socio-economic upheavals in society. Threats to the national security of the state are the possibility of damaging the territorial integrity and sovereignty of the country, its external and internal security, constitutional rights and freedoms of citizens. The state of national security and defense capability of the country is directly related to ensuring the protection of vital interests of the state, society and citizens, ensuring the stable development of the country, increasing the productivity of functioning of all sectors of the economy, as well as transport infrastructures, ensuring economic liberalism of social justice, improving the standard of living of the population. Prevention of disasters of various levels: environmental, man-made and industrial.

The key and general concept of destabilizing actions and phenomena, which are interpreted as "threats to national security", is the danger of realization of national interests in a certain sphere of public administration, in particular today we are talking about aggressive actions of Russia, which are carried out to deplete the Ukrainian economy and politically weaken the Ukrainian society. stability in order to destroy the state of Ukraine and seize its territory; inefficiency of the national security and defense system of Ukraine; corruption and inefficient public administration; economic crisis, depletion of financial resources of the state, reduction of living standards of the population; threats to energy, environmental and information security, cybersecurity and security of information resources, as well as security of critical infrastructure, etc. [1].

The main causes that cause these threats are the instability of the financial position of enterprises, unfavorable investment climate, preservation of inflationary processes and other problems related to financial destabilization in the economy.

Preventing or mitigating the effects of Ukraine's national security threats requires identifying and monitoring factors that undermine the stability of the country's socio-economic system.

These negative impact factors not only create an additional burden on the country's economy, but also worsen the business climate, reduce the investment attractiveness of Ukraine for foreign partners, which greatly contributes to the approximation of national security indicators to critical levels.

Despite the legislative consolidation of the major threats to the national security of Ukraine, the latter is constantly influenced by many internal and external factors that can destructively affect the socio-economic development of society. Moreover, the arsenal of administrative remedies available to state institutions does not facilitate the system's adequate response to potential challenges and threats to national interests. A fundamentally new system of information and analytical character is needed, capable of predicting and preventing negative consequences and possible losses to society and the state in the early stages.

It is about the feasibility of creating a qualitatively new system of monitoring of threats to national security, which will include a complex organizational structure with relevant objects and entities. At the same time, the object of monitoring is to understand the dangers of realization of national interests, and the subjects of monitoring are state authorities, local self-government bodies, which are endowed with state-power powers in matters of national security.

Such monitoring should be based on a system of national security indicators that will allow identifying and assessing future threats, as well as implementing the necessary set of program-targeted measures to reduce their level.

Organizational system for monitoring threats to national security should have a multilevel structure, as in the state (provides continuous observation and analysis of the state of development of a single socio-economic complex and analysis of the state of socio-economic sphere of regions as economic entities of the state, as well as long-term forecasting of the dynamics of development phenomena occurring in the national dimension) and local (provides regular monitoring of the socio-economic sphere of the region and briefly timely forecasting of the dynamics of development of processes and phenomena occurring in the society at the regional level).

The main tasks of monitoring the threats to national security are: comprehensive analysis of the processes of realization of national interests in a particular area and identifying on this basis the dangers of their implementation, quantitative and qualitative assessment of threats to national security, forecasting their development and specifying and hierarchy.

Monitoring is necessary for prompt decision-making to respond to changes in the external and internal situation in the country, which can be implemented through timely prevention of emerging threats to national security by creating a unified digital information and analytical platform that will support strategic planning access to the aforementioned statistics. and other data, aggregation based on situational centers of information resources of executive authorities, etc. Important in this area is maintaining the link between national security monitoring and monitoring of the country's socio-economic development, which will accordingly improve the methods of as-

sessing national security, monitoring at different levels of public administration, and the use of artificial intelligence in crisis modeling.

Monitoring the socio-economic status is one of the new functions of statistical systems in different countries. Previously, the main tasks of the statistical services have been the monitoring of processes and some data analysis, in recent years in many European countries, statistical organizations have been monitoring it in a broad sense: the tasks of observation and analysis have been added to the tasks of short-term forecasting and visualization of their results and monitoring [2].

Therefore, the need to improve the current system of national security of Ukraine is beyond doubt. The arsenal of administrative remedies available at the disposal of state institutions does not contribute to the adequate response of the system to potential challenges and threats to national interests, and thus convinces the need to improve the tools of information and analytical nature, first of all by:

– creation of legal bases for the functioning of the national security monitoring system in Ukraine by supplementing Section 3 "National Security Principles of Ukraine" of the Law of Ukraine "On National Security of Ukraine" by Article 3-1 "Monitoring of threats to the national security of Ukraine", which covers the conceptual bases of the national security monitoring system, its purpose, tasks, principles and subjects, peculiarities of functioning, etc.;

– development and implementation of indicative planning tools that will allow assessing the degree of achievement of strategic goals at all stages and levels of strategic planning by ensuring national security of the country;

– implementation of national security threats certification, which is a key prerequisite for formalizing the process of identifying (identifying) threats, implementing a comprehensive monitoring system, and developing and refining plans for practical measures to anticipate, identify, locate, neutralize threats to national interests.

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**PROTECTION OF THE STATE SECRETS AS A COMPONENT
OF THE NATIONAL SECURITY OF UKRAINE**

The definition of the term "state secret" in the legislative acts of several states is very different. According to the Law of Ukraine "On State Secrets" (Article 1), state secrets are a kind of classified information that covers information in the sphere of defense, economy, science and technology, foreign relations, state security, law enforcement, disclosure of which may harm the national security of Ukraine and which are recognized in the procedure established by this Law, state secret and subject to state protection [1, p. 22].

The following public threats pose a great public danger in the sphere of state secrets, namely: loss of classified information and its distortion; unauthorized use of classified information; the use of secret information resources for criminal purposes. They have serious implications that require evaluation from the point of view of safeguarding national interests. There is always a threat that the system of protection of classified information will not produce the desired results, it will be used for criminal purposes. Giving public relations in the sphere of protection of state secrecy a

procedural character allows to some extent to overcome the mentioned threat, to create an organizational and legal mechanism of influence on social processes [4, p. 33].

Achieving maximum security for yourself and your loved ones from the threat of attack by a subject of violent action, the prerogative of pursuing security interests against other interest groups is determined by the conditions of objective and subjective origin. The breadth of variations in security interests determines the complexity of the processes of modeling the systems of their implementation by the spheres of social activity, its organizational forms: defense; economy; science; machinery; international relations; state security; protection of public order. This confirms the provisions of Art. 8 "Information that may be classified as State Secrets" of the Law of Ukraine "On State Secrets" [3].

The conditions of securing state secrets include material (human, financial, energy, information) resources and means, spiritual and moral support, ideological justification. The mechanism of neutralization of security threats includes the definition of conditions and means, ways and methods, consolidation of forces and resources for appropriate actions, organization and provision of their means of management, the result of which should be neutralization of the threat or elimination of negative consequences that led to violation of national security of state secrets. The threat of state secrecy is the set of destabilizing factors, the nature of which determines the danger of damaging security interests. Components of information resources are subject to the influence of an action or event that may lead to the destruction, damage to communications in the field of specialized security activities of the state, the direction of which is to ensure the security of society, individual aspects of its life [4, p.150].

State secrecy in the aspect of national security is a system of coercive measures of state regulation, which take forms that conform to the laws of public life, conditions and tasks of the subject of government. This makes it possible to consider state secrets as a model of governance mechanism, the object of which is the social processes taking place in the field of national security. The system of state secrecy must be represented by organizational and functional entities competent to act in the relevant sphere, using measures specific to law enforcement agencies, the direction of which is: protection of state sovereignty, constitutional order, territorial integrity, economic, scientific and technical and the defense potential of Ukraine, the legitimate interests of the state and the rights of citizens from the intelligence and subversive activity of foreign special services, attacks by individual organizations, groups and individuals; prevention, detection, cessation and disclosure of crimes against peace and security of mankind, terrorism, corruption and organized criminal activity in the sphere of governance and economy, other illegal actions that directly threaten the national security of Ukraine [5, p. 96].

State secrecy is an integral part of the security system, the primary means of defending the society against unlawful encroachment on vital interests. Therefore, it must always be supported by a system of force measures. State secrecy is one of the components of a subject's reaction to the threat of harm to him. In the unlawful interference and counteraction to the latter, there are four stages, namely: pre-intervention; intervention; overcoming the intervention; after overcoming the intervention. Responding promptly to the emergence of threats and their overcoming are the main tasks of law enforcement agents in the field of state secrets.

Violations of security interests, public relations in the sphere of state secrets are processes of solving social problems, contradictions by illegal ways and methods. The main feature of these methods is the threat, that is, the use by some entity of means of struggle against others in order to maintain or gain political and economic domination, certain rights or privileges.

The concept of state secrets today, unlike in previous times, is specifically enshrined in the relevant legislation. The legal base of the activity of the special service in solving these problems is also defined.

Changes in society also raise new standards for protecting information of national importance. The very concept of the object of such protection has changed significantly, the circle of information which is forbidden for disclosure has changed.

In developing the regulatory framework governing the information sphere, Ukraine has taken into account the experience of developed countries, declaring that the national interests of the state also envisage full protection of citizens' constitutional rights to freedom of receiving, preserving and disseminating information.

Disclosure of a state secret is the act (act or omission) of a person, as a result of which secret, wholly secret or of particular importance is the information which constitutes a state secret and which is entrusted to him or has become known in connection with the performance of official

duties, perceived by third parties (that is, those who are not allowed to disclose information).

Disclosure involves both deliberate and careless guilt and can be committed through action and inaction.

In recent years, disclosure of state secrets has become more dangerous due to the use of radio, television, print media and the Internet. However, there are cases of loss (theft) of magnetic media, which are subsequently used as a source for disclosure of state secrets on the Internet or in the media.

In addition, a special subject of crime is envisaged to commit these crimes by servicemen or conscripts during their training (or probationary) or special training if they became aware of them during their military service or the aforementioned assembly [2].

Public law enforcement agencies in different countries around the world are forming specialized units, which are growing in number, to collect and analyze so-called "electronic" or "computer" evidence. This function is also performed by many specialist forensic laboratories. Many countries' experience has shown that computer crimes should only be investigated by law enforcement units or officers with the specific skills to handle such cases and have received appropriate training.

Thus, the protection of state secrets in Ukraine has its own peculiarities. Based on the analysis of statistical data and materials of investigative and judicial practice, it can be concluded that the magnitude of the losses of individual crimes for the national and state interests of Ukraine can be catastrophic.

Therefore, on the basis of these essential features, state secrets are classified to it in the order established by law in vital areas of the state, which are subject to the protection of the state, the disclosure of which may harm its national security.

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**HUMAN SECURITY CONCEPT IN INTERNATIONAL RELATIONS
AND NATIONAL SECURITY STUDIES**

The human security approach is widely discussed and debated nowadays in academic circles and international organizations. Moreover, this concept is meant to be the guiding idea of the new National security strategy of Ukraine 2020.

To begin with, there is no single definition of human security. In the literature devoted to international relations and to development issues it has been referred to in various terms: as a new theory or concept, as a starting point for analysis, a world view, a political agenda, or as a policy framework. Although the definition of human security remains an open question, there is consensus among its advocates that there should be a shift of attention from a state-centered to a people-centered approach to security, that concern with the security of state borders should give way to concern with the security of the people who live within those borders.

According to the Britannica encyclopedia, human security is an approach to national and international security that gives primacy to human beings and their complex social and economic interactions. The concept of human security represents a departure from orthodox security studies, which focus on the security of the state. The subjects of the human security approach are individuals, and its end goal is the protection of people from traditional (i.e., military) and nontraditional threats such as poverty and disease. Moving the security agenda beyond state security does not mean replacing it but rather involves complementing and building on it. Central to this approach is the understanding that human security deprivations can undermine peace and stability within and between states, whereas an overemphasis on state security can be detrimental to human welfare. The state remains a central provider of security, but state security is not a sufficient condition for human welfare [1].

Theoretically, the conceptual history of human security has its roots in the liberal school of thought in international relations and security studies focusing on individuals as key subjects of security. This emphasis on the individual was already part of John Burton's view on international security since the 1970s and has been qualified as the "conflict research" school by contrast with the realist "strategic studies" and the structuralist "peace research." It has been strongly revived after the end of the Cold war like other liberal and neo-Kantian concepts and approaches and got significant support within the research community. As controversial as any of the concepts discussed in international relations theory, it has been criticized for underestimating the importance of states in security and for contributing to post-Cold war views of the world based on inequality and hierarchy among states justifying Western interventionism. Despite those critics it got support from important sectors of policymaking, think tanks, academia, and NGOs and has been promoted as a key component of a normative neo-Kantian approach to security challenging previous "state-centric" visions. The concept mainly surfaced in the world of policymaking in the early 1990s when two international organizations, the Organization for Economic Cooperation and Development (OECD) and the United Nations Development Programme (UNDP), started to quote the concept in their 1994 annual reports. It became really popular at the end of the 1990s when Canada and Japan adopted it as an official policy. The concept got growing popularity and intellectual support from universities, research centres, and advocacy groups within this context but these non-state actors played much less role than governments during the emerging phase of the concept. And also very interestingly, it was born in circles discussing development rather than security, but was considered later on as one of the challenges to the "traditional" state-centric definition of security [2].

Human security brings together the "human elements" of security, rights and development. As such, it is an inter-disciplinary concept that displays the following characteristics: people-centered, multi-sectoral, comprehensive, context-specific, prevention-oriented

As a people-centered concept, human security places the individual at the 'centre of analysis.' Consequently, it considers a broad range of conditions which threaten survival, livelihood and dignity, and identifies the threshold below which human life is intolerably threatened.

Human security is also based on a multi-sectoral understanding of insecurities. Therefore, human security entails a broadened understanding of threats and includes causes of insecurity relating for instance to economic, food, health, environmental, personal, community and political security.

Moreover, human security emphasizes the interconnectedness of both threats and responses when addressing these insecurities. That is, threats to human security are mutually reinforcing and interconnected in two ways. First, they are interlinked in a domino effect in the sense that each threat feeds on the other. For example, violent conflicts can lead to deprivation and poverty which in turn could lead to resource depletion, infectious diseases, education deficits, etc. Second, threats within a given country or area can spread into a wider region and have negative externalities for regional and international security.

This interdependence has important implications for policy-making as it implies that human insecurities cannot be tackled in isolation through fragmented stand-alone responses. Instead, human security involves comprehensive approaches that stress the need for cooperative and multisectoral responses that bring together the agendas of those dealing with security, development and human rights.

In addition, as a context-specific concept, human security acknowledges that insecurities vary considerably across different settings and as such advances contextualized solutions that are responsive to the particular situations they seek to address. Finally, in addressing risks and root causes of insecurities, human security is prevention-oriented and introduces a dual focus on protection and empowerment [3].

One of the most important issues is the relationship between human security and national security. The concept of national security reflects the need for territorial protection and political

regimes against major external and mainly military threats. Meanwhile, the concept of human security reflects the need to protect specific individuals and communities against threats that primarily stem from the habitat around them and are primarily non-military threats. The concept of national security also implies that the state is the main protector, whereas in the concept of human security all stakeholders namely the state, society, community and individual need and actively participate in the security. Although the people-centered approach of human security differs from the state-centered approach of national security, the concept of human security does not contradict the notion of national security, but rather complements the notion of national security that prides itself on territorial and political protection [4].

The human security concept is widely implemented in policy formulation of some leading countries, like Canada, Japan, Austria, Poland etc. The success of the concept is mainly based on the need for some international actors (both in states and in the United Nations apparatus) to build a new legitimacy on global norm entrepreneurship in a time of change. Furthermore, the lack of common normative discourse has not prevented Canada, Europe, and Japan to shape together with other industrialized states – including the USA – a “liberal peace” agenda summarized by the keywords “peace-building” and “security-development nexus” by rather intrusive policies of political, economic, judicial and security control of post-conflict areas by Western donors and international agencies. Human security concept has also proven to be very flexible and almost fully compatible with both neo-liberal economic agendas and “hard security” policies. On the other hand, the new European discourse using environment, climate change and energy challenges as a component of the European international identity might be rather divergent from the Canadian and Japanese concepts of human security.

The above debate on theoretical as well as applied dimensions of human security makes it clear that the concept is still evolving and yet to develop as a full-fledged policy option for most of the countries, including Ukraine. The crucial question here is how to frame human security to suit the interest of state, non-state actors, civil society and individual.

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CHILDREN'S SAFETY AS ESSENTIAL OF HOMELAND SECURITY

Safety of Ukraine is first of all the safety of its children right from birth to adulthood. In the near future, we will entrust them the further development and extension of our country.

For integrated and effective child`s safety and security, first of all it is necessary to be aware of the depth and complexity of this issue, as child`s protection is not only limited physically (as we used to imagine), but also consists of cyber and legal security. And each of these components needs constant attention and development in our dynamic informational world. Conservative methods of children`s physical protection have undergone significant changes lately - school police officer and juvenile educators came to the aid of school guards, as well as modern computerized registration-analytical systems, systems for automatic detection of strangers, as well as instant SMS informing of the parents of the child, who has just crossed the threshold of the educational institution.

It is needless to talk about the information security of our moppets, which, by the way, is no less important than physical, and perhaps even more important, because psychological trauma

damaged by harmful or untrue information can lead to tragic consequences of not certain child but also of our society and the state on the whole. Understanding of this problem and the tools to solve it should not be in arrears of the rapid development of modern communications - computer networks, cellular communications, terrestrial, satellite and cable television and radio and content - films, advertising, anonymous SMS messages, anonymous dating and social media messages, etc. that may be reaching the child through these communications.

As for the legal security of the young generation, it also needs protection. The smallest of our citizens have the rights which the state has undertaken to fulfill in its Constitution. Today, in Ukraine, the main problems requiring special attention of the society are such disturbances as neglect and criminal acts against juveniles. In addition, having alive parents, thousands of boys and girls are left without guardianship. In addition, not all Ukrainian citizens can adopt or endorse those who have found themselves in a boarding school because of the low level of financial support. The assessment of the situation in the sphere of protection of the rights of the child in our country is constantly carried out by state bodies, in particular, by the Institute of the Presidential Ombudsman of Ukraine and the relevant state institutions [1].

In our work we will try to consider the problematic of the syndrome of rude and neglectful treatment of the child; special attention will be paid to the features of anamnesis and objective examination (inspection), which will help the doctor in the diagnostics; in addition, the statutory duties of a doctor will be analyzed to inform the relevant authorities of suspected cases.

The issue of maltreatment of a child, which is defined as damage caused to her in the process of improper upbringing, goes beyond discussing the syndrome, originally referred to as the "battered child" syndrome. Child maltreatment is a wide-ranging concept that includes gross punishment, physical abuse, sexual abuse, emotional abuse, malnutrition, neglect of one's physical and emotional state, and neglect of parental childcare responsibilities

Especially noteworthy is the problem of neglect of the child as a being who cannot determine for himself the right priorities and ways to achieve them.

Neglect to the interests and needs of the child - the lack of adequate provision for the basic needs of the child in the food, clothing, housing, upbringing, education, health care from parents, guardians, part or others for objective or subjective reasons. A common example of neglect of children is leaving them unattended, which can sometimes lead to various accidents, poisonings and other life-threatening consequences [2].

Regardless of the form of violence, its manifestations become more severe over the time. Most common in family relationships is psychological abuse: rudeness (48% of families), humiliation of each other (14% of families), and physical abuse, including beating (6%) [3].

According to the Ministry of Internal Affairs of Ukraine, more than 80 thousand families are in the register of internal affairs for abuse of children. More than 8,000 parents have been raised this year for failing to fulfill their parental responsibilities. However, the increase in the number of people placed on preventive records indicates an increase in the awareness of the population about the possibilities of solving the problem, as well as the increasing attention to this phenomenon by law enforcement agencies. The problem of child abuse has been taken from the category of private family problem to the state level. In Ukrainian legislation, the problem of child abuse is reflected in section 2 of the Constitution of Ukraine "Rights and Freedoms and Responsibilities of the Person and Citizen in Ukraine", in the Code on Marriage and Family, in particular in the article "Rights and Duties of Parents by upbringing of children. »

Despite some positive developments in the problem of child abuse, the mechanism of legal and social protection of victims of abuse remains imperfect: there are insufficient facilities to assist children and specially trained professionals in the field of preventing the abuse; the system for early detection of child's abuse in families is ineffective. A review of current legislation to combat domestic violence proves that it regulates these legal relationships in many ways. The problem lies in the shortcomings of the practice of applying the current legislation, in the gaps related to the activities of law enforcement agencies, in the lack of awareness of citizens of their rights and inability to defend them in the judiciary [4].

The great importance in the fight against violence is the preventative and prophylactic activity of social welfare bodies. Prevention of child abuse in the family can be implemented by society on the whole and by the educational system and education in particular.

International experts identify the following forms of preventative measures against child abuse: primary, secondary and tertiary.

Primary actions of preventing of violence against children are actions aimed at informing

the public about the consequences of child abuse and behavior change in the upbringing of children. In order to prevent the abuse of the children in the family and protect them, at the local levels are created and spreaded information materials containing a list of institutions and organizations intended to assist the children, a list of law enforcement agencies where they can be contacted about the violence committed.

Secondary actions of preventing child abuse in the family are specialized services for families in need of additional help, by identifying "risk factors" for the child.

Tertiary actions of preventing child abuse are to provide services to children and families who have been abused or have been neglected [5].

Having analyzed the data on this issue, we have come to the conclusion that child abuse is a major problem and requires further study and development of preventive measures to prevent it. Right now, the problem of child abuse in the family has been taken from the category of private family problem to the state level.

Recently, with the development of information technologies and the Internet have arisen the conditions for children, when they can communicate with almost unlimited number of persons who do not always have good intentions. Unfortunately, at present there are no statistics in the country that would reveal the state of pedophilia in Ukraine. Moreover, in our country there is no regulatory and legal support for the protection of children from virtual sexual (and as a consequence - and actual) abuse. As an example to follow, it would be appropriate to use foreign experience in dealing with this negative phenomenon. In particular, in the fight against pedophiles, Americans have succeeded in uniting the efforts of law enforcement, the public and business entities. The US Department of Justice is working closely with the National Center on Missing and Abused Children. At this center a free hotline user can report someone suspicious activity in the online space.

It was namely the US that initiated international cooperation (US, Australia, UK and Canada) in combating pedophiles. Since November 2006 has been organized a 24-hour network monitoring: each member of the working group alternately becomes "the next on the Internet", communicating with colleagues in real time [6].

The progress and effectiveness of the work of the above-mentioned group let allege that this experience should be implemented in our country as soon as possible.

Summarizing the analysis of the state and dynamics of offenses against children's rights, we should take note a rather bleak picture. For decades, most torts (both absolute and relative) have been at a very high level. Episodic recessions of tort are mostly shallow and unstable: they typically last no longer than 1-2 years, and then begins the reverse process. Especially concern causes the growing number of abuses against sexual freedom and the normal sexual development of children, in particular repeated, related to tendency of children (juveniles and under- 16s) to sexual abuse and alcohol consumption.

The presence of these trends indicates serious problems in the organization and implementation of prevention of torts against children's rights. Preventive measures are developed in an unplanned manner without a clear idea of their effectiveness, economic feasibility or possible cumulative effect. Few international experience is taken into account. In the case of counteraction to child rights, the main role is played by enforcement, which has almost exhausted its preventive potential. At the same time, the most progressive forms of preventive activity are often left unclaimed.

Undoubtedly, the deficiencies and distortions can be eliminated only in the framework of a deliberate policy, which would be based on the principles of planned character, complexity, consistency, socio-economic validity.

For that purpose, the prevention of administrative offenses and crimes against the rights of the children should be declared as strategic priority for ensuring the rights of the children, and the relevant area of activity should be reflected in juvenile legislation, sectoral planning acts, as well as in political decisions of the leadership of the state.

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ILLEGAL MIGRATION AS A THREAT TO NATIONAL SECURITY

Population migration as a whole has a positive social character, as rational, organized moving of citizens contributes to the development of the local economic, the appearance of new workplaces, a positive impact on the infrastructure of cities, helps in direction of implementation people's creative plans.

Migration is the process of moving out from one or another territory with a changing of permanent residence permanently or for an exact time, or with a regular return to their place of residence.

The main types of migration are internal, related with moving within country and external, related with moving from country.

The issue of the masses moving for various reasons arises in any country, affecting both demographic and economic situations. People move from one place to another in search of decent wages, in search of shelter from various persecution for reasons of their religious beliefs, or return on their historical homeland.

Overcoming migration problems requires improvement and development of national migration legislation and intensification of international cooperation in this direction.

According to the Article №33 of the Constitution of Ukraine, freedom of moving and right of free choice of residence belong to every person who is legally located on the territory of Ukraine and include freedom of moving throughout Ukraine, the right of free choosing of permanent or temporary residence on the territory of Ukraine, the right to leave freely the territory of Ukraine, the right of a citizen of Ukraine at any time to return to Ukraine.

The current migration of the Ukrainian population is first and foremost related to the tragic situation in the East of the country and the problems of material nature associated with low living standards and too low wages. Almost 3.8 million people have left Ukraine in the last ten years and have not returned [1].

The state's migration policy is part of the country's national security. This is confirmed by the Concept of Development of the Security and Defense Sector of Ukraine, approved by Presidential Decree of March 14, 2016 № 92/2016, where the State Migration Service of Ukraine is classified as a component of the security and defense sector, which undoubtedly forms basis of the national security system of Ukraine [2].

The state migration policy of Ukraine is formed as a complex of legislative, institutional and organizational measures of ensuring effective state management of migration processes, ensuring national security, integration into the pan-European migration policy, which requires creating conditions for the exercise of migrants' rights, freedoms, and interests, aimed on preventing and overcoming the migratory negative effects .

The basis of combating illegal migration in the national security system is the joint action of the executive power in these areas: accelerating the process of creating an effective unified immigration control system; improvement of migration legislation, specifically, on the one hand, the protection of migrants' legal rights, and, on the other hand, the application of appropriate measures against foreigners and individuals without citizenship who violated the current legislation of Ukraine [3, p. 16].

The problem of illegal migration remains urgent because it affects the security of the country, its international relations and may become aggravated in the context of the operation of the joint forces, and the absence of control over a large section of the eastern border. The increase in the volume of illegal migration and its consequences discredit the possible benefits of movement of migration flows. In recent years, the problem of illegal migration has gone beyond the borders of individual states and turned into a world one. It is a real threat to public safety and contributes to crime. Thus, to ensure the national security of Ukraine, it is necessary to apply more effective measures to counteract illegal migration and to create a balanced state mechanism

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**ISSUES OF ANTITERRORIST PROTECTION
OF SOCIAL INFRASTRUCTURE AND PUBLIC PLACES**

The experience of foreign countries demonstrates the impossibility of providing effective counter-terrorism protection for a large number of such objects, since it requires considerable financial resources, the use of regime and other measures in their doubtful effectiveness.

The issue of anti-terrorist protection of social infrastructure and places of mass stay of people is of particular relevance due to the large number of them in every region of Ukraine. These include shopping and entertainment centers, tourist venues, catering establishments, stadiums, theaters, sports centers and more. At the same time, we cannot attribute them to critical infrastructure, since there is no legal act that would allow it to be attributed to a wide range of enterprises, government buildings, educational institutions, trade, etc. At the same time, according to paragraph 3 of the Cabinet of Ministers of Ukraine Resolution No. 92 of February 18, 2016 “On the Regulations on a Unified State System for Prevention, Response and Termination of Terrorist Acts and Minimizing their Consequences” places of mass detention of people are classified as objects of possible terrorist attacks [1].

The analysis of the events of 2014 in the East of Ukraine allow to state that first of all they were attacked and captured: • Administration buildings (with the aim of losing control throughout the region); buildings of law enforcement agencies (MIA, SBU), military units (for access to weapons and ammunition); • building of broadcasting companies (for the purpose of broadcasting operatively profitable information, conducting information war).

Evidence of terrorist activity in the world indicates that attacks can be carried out on places of mass detention of people, cultural and educational institutions, churches and mosques, but there is no blocking of the activities of bodies that carry out the operation of the state system for responding to terrorist acts, accordingly, there is no need assign them to the category of critical infrastructure [2]. The following events can serve as an example:

• On November 13, 2015, in Paris, three terrorists entered the Bataclan Theater, where they organized a mass shooting, 89 people were killed and 200 were injured. On the same day, terrorists detonated themselves in the stadium of the Stade de France in Paris at the stadium, the bodies of 3 suicide bombers were found by the police;

• On July 14, 2016 at the English Quay in Nice, a terrorist in a truck kills people watching a salute on the occasion of Bastille Day, 86 people were killed, 308 were injured;

• On August 17, 2017, in the center of Barcelona on one of the most popular tourist streets, La Rambla Boulevard, a white minivan drove into a crowd of at least 13 people, more than 100 were injured;

• On October 17, 2018, a mass shooting at the Kerch Polytechnic College resulted in the blast and shelling of 21 people and 67 people were killed, suspect Vladislav Roslyakov, born 2000;

• On March 15, 2019, in Christchurch, New Zealand, a group of unidentified gunmen fired at two mosques, killing 49 people.

Terrorism has become one of the most dangerous phenomena in the life of the community. Recent history testifies to its activation, which generates mass casualties, hatred and outright

hostility between social groups.

Modern terrorism requires the development of new conceptual approaches, since the existing counter-terrorism algorithm has shown its inability to provide peace in society [3, p. 10].

It is worth noting that no relevant legal act has been adopted to allow a substantive and competent approach to assessing the protection of such infrastructure. There is no clear structure of requirements for their physical protection, regime measures, technical equipment. The lack of a regulatory framework does not allow a proper level of organization of work to check the anti-terrorist protection of such sites and eliminate the identified shortcomings.

Development of methodological recommendations on ensuring the safety of life of the population in the event of a terrorist act and other related crisis situations, the detection of explosive and suspicious objects, as well as their spread among economic entities, education system, transport sphere, state bodies will promote anti-terrorist awareness society.

Thus, there is an objective need to adopt a legal act that regulates the requirements of ensuring anti-terrorist protection of social infrastructure and places of mass stay of people.

At the same time, in order to effectively solve the tasks assigned to the Anti-Terrorist Center at the Security Council of Ukraine, including the coordination of activities of all entities in the field of counter-terrorism, it is necessary to expand the powers of this body, which will allow to optimize the system of management of counter-terrorism by assigning it tasks. on the development of proposals to improve the system of counter-terrorism measures in the format of targeted programs implementation [4, p. 147].

Combating-terrorism requires the coordination of efforts of all state bodies and the implementation of effective actions to combat terrorism and its manifestations.

An important area of activity in this area is to improve the legal framework, to strengthen interaction not only between the actors of the fight against terrorism, but also with other stakeholders, to improve the quality of training of security staff, technical equipment, which affects the security situation.

Consideration should be given to the state of security of social infrastructure and places of mass stay. In this regard, measures should be taken to provide for:

- planning aimed at preventing a terrorist attack and minimizing the consequences of their occurrence;
- permanent monitoring of the situation;
- measures of a technical nature;
- interaction with law enforcement agencies [5, p. 172].

The development and adoption of regulatory documents in the field of protection of visitors and employees of the site in the face of terrorist threat, are the basis of legal measures and should include:

1. Instructions on the procedure of actions of object workers in the event of a terrorist threat (actions of personnel in the event of threat; working out coherence of actions, including with the subjects of combating terrorism; the procedure of notification and information; material assets in the period of threat; calculation of forces and means);
2. Stakeholder Engagement Plan;
3. Information support for the visitors of the object (rules of conduct in case of terrorist threat, methods of evacuation);
4. Training of workers in the period of terrorist threat. At the same time, there is a need to consider the issue of organizing training of security and security specialists in the sphere of counter-terrorism on the basis of the Security Service of Ukraine;
5. Conducting practical trainings (working out the mechanism when receiving information about a terrorist threat).

The anti-terrorism system needs to be adapted to both auspicious opportunities (understanding of the social danger of terrorism and assistance in preventing and ending acts of terrorism, positioning counter-terrorism strategies), as well as dangers (for example, the victimization of social institutions or public policy, ie the actions of the latter, favorable actions of the latter). or provoking the activation of terrorist activity) to identify appropriate options and to ensure effective adaptation of the strategy to the environment [3, p. 191].

At present, for Ukraine, this problem is urgent. The above examples of terrorist attacks have achieved their goal: they are talked about and feared, the large number of victims and victims, the demonstration of the inability of the authorities to ensure the safety of their citizens. Therefore, Ukraine should learn from this lesson and build a robust system of protecting society from the dangers of terrorism.

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LEGAL GUARANTEES OF ACTIVITY OF THE ARMED FORCES OF UKRAINE IN COMBATING CRIME

The effectiveness of the activity of any public authority always depends not only on a well-defined scope of powers of its officials and officials, measures of state legal influence, but also on a reliable and effective system of legal guarantees, that is, state support. In the current context of reforming the Armed Forces of Ukraine, conducting the United States Operation, the issue of social, legal and other forms of protection by the state occupies the main place. At present, there is a situation where military servicemen are unprotected by the state and the legal guarantees system established at the legal level is outdated, which leads to problems in the mechanism of their implementation. This causes ineffective activity of military personnel, risks of corruption and misconduct arise. And since legal guarantees are a kind of incentive for servicemen to provide them with an impetus for effective work, there is now an urgent need to review and improve the mechanism of implementation of legal guarantees of both the Armed Forces of Ukraine as a whole and of individual servicemen, which will allow the recruitment of high-level military personnel risks of corruption and will greatly increase the productivity of the latter.

Emphasizing the importance of defining precisely the system of effective legal guarantees for the activity of officials and officials of the state body, VV Chumak notes that when reforming the law enforcement system in Georgia, the state completely updated the system of legal guarantees for police officers in order to stimulate effective work, ensure their social and legal needs [1, p. 541]. The opinion of V. Hrushevsky, which emphasizes that legal guarantees should ensure the transition to the actual realization of the possibilities by an authorized person, enshrined in the general and special normative legal acts [2, p. 132-133].

Therefore, legal guarantees are an integral part of the administrative and legal status of the Armed Forces of Ukraine, as they are a means of effectively exercising military authority, enabling full implementation of state policy in the field of defense, territorial integrity and inviolability.

The legal guarantees of the Armed Forces of Ukraine as a whole, servicemen and their families are defined at the level of various legal acts. In particular, the Constitution of Ukraine en-

shrined that the state provides social protection for citizens of Ukraine who are serving in the Armed Forces of Ukraine and other military formations, as well as their families [3].

According to the Law of Ukraine "On the Armed Forces of Ukraine", the state provides social and legal protection for servicemen, reservists who perform military service duties, and military conscripts, called for training (or checking) and special meetings, of their members, families, employees of the Armed Forces of Ukraine, as well as members of the families of servicemen, reservists and servicemen who have died (died), lost their lives, become disabled persons in the course of their duties or injured in captivity during hostilities (war), in a state of emergency or in the course of military duties outside Ukraine in the context of military cooperation or as part of a national contingent or national staff in international peace and security operations [4].

The legal and social guarantees for the activities of military personnel are detailed at the level of the Law of Ukraine "On social and legal protection of servicemen and their families" [5]. Pursuant to the said law, the social guarantees of servicemen include: 1) food, material and other material support according to the established norms (Article 9); 2) free of charge qualified medical care in military-medical establishments of health care, and in their absence or in urgent cases - medical care is provided by state or communal health-care establishments at the expense of the Ministry of Defense of Ukraine, other military units formed in accordance with the laws of Ukraine and law enforcement agencies (Article 11); 3) free psychological, medical and psychological rehabilitation in the respective centers with reimbursement of the cost of travel to these centers and back (Art. 11); 4) health resort treatment and rest of servicemen and their families (Article 11); 5) pension insurance; 6) ensuring the right to education; 7) housing and some others.

Alongside this important component of legal safeguards in the area of crime counteraction are legal guarantees of military service. Legal guarantees include: the right of military personnel to challenge illegal actions (inaction) and decisions of military management bodies and commanders (commanders); 2) the right to legal aid; 3) the right to be elected and to be elected to the relevant local councils and other elected state bodies; 4) the right to create their public associations in accordance with the legislation of Ukraine; 5) the right to freedom of thought and religion; 6) the right of inviolability of a serviceman; 7) the right to freedom of scientific, technical and artistic creativity; 8) the right to professional adaptation and other rights defined by the Constitution of Ukraine [5].

Thus, the legal guarantees of the activity of the servicemen of the Armed Forces of Ukraine are an important tool on the part of the state for ensuring the realization of the constitutional rights of servicemen, legal powers during their official activity.

The analysis of the above-mentioned legislative provisions made it possible to determine the following features of the legal guarantees of the Armed Forces of Ukraine: - Compliance with international law and NATO standards; - are indefinite, ie are fixed from the moment of entry into service and are granted after retirement; - may act as an opportunity and as a prohibition; - comply with the norms of the Constitution of Ukraine and are detailed; - are provided with measures of state influence; - is the basis for ensuring the fulfillment of their powers by military personnel; - are called upon to serve the rule of law in the course of professional service.

Thus, the legal guarantees of military personnel in connection with the current state of reform of the Armed Forces of Ukraine need their detail, which will significantly increase the prestige of military service, especially in the light of NATO standards, which will allow to attract high-skilled workers to professional activity and ensure the implementation of state policy in the sphere of defense, territorial integrity and inviolability.

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LEARN FROM EXPERIENCE OF REFORMING THE DEFENSE AND SECURITY SECTOR OF UKRAINE ON THE EXAMPLE OF ISRAEL

The current stage of development of our society dictates its conditions and determines the priority in changing and improving defense and security for the country as a whole. But apart from legislative changes, an important aspect is the patriotic upliftment of the people. It is this kind of experience that supports public servicemen that is an important milestone in the security and defense sector. We are saying that the state should directly set itself the task of paying attention to every serviceman the proper financial, medical and other types of assistance.

Therefore, exploring these topics it would be appropriate to define the concept of "security and defense" as such. The very definition implies a certain set of public authorities that are responsible for protecting the interests of the country from both internal and external threats. Accordingly, their activity is regulated by the Constitution of Ukraine and the laws of Ukraine, in particular, "On National Security of Ukraine", "On Central Executive Bodies", "On the National Security and Defense Council of Ukraine", "On State Secrets", "On Law and Order Military Service in Armed Forces of Ukraine", "On Disciplinary Statute of Armed Forces of Ukraine", "On Combating Terrorism", "On Defense of Ukraine", etc.

The defense and security sectors include the central executive authorities, which are under the control of military formations, law enforcement and special bodies and services and their management bodies, the Armed Forces of Ukraine, the National Guard of Ukraine, the Security Service of Ukraine, the Main Intelligence Directorate of the Ministry of Defense of Ukraine, the Ministry of Foreign Affairs of Ukraine, Ministry of Internal Affairs of Ukraine, State Border Service of Ukraine, State Service for Special Communication and Information Protection of Ukraine, State Customs Service Special Transport Service, State Emergency Service of Ukraine and other bodies and organizations defined by the laws of Ukraine.

As we know, the primary purpose of the security and defense sector is to jointly ensure national security and defense of Ukraine, protect its sovereignty, territorial integrity and inviolability, as well as readiness to repel armed aggression against the state. But again, effective action is to enhance command, material, arms, armaments, military medicine, and a number of other factors.

As we understand it, the reform of the security and defense sector of Ukraine must meet European standards, in particular in terms of ensuring a new quality of economic, social and humanitarian development, reducing threats to state sovereignty and creating the conditions for restoring territorial integrity, guaranteeing Ukraine's peaceful future. Although in recent years there has been a number of significant changes in the above sector, there is still a list of unresolved factors, the lack of methodological bases for the state's military security; imperfection of the regulatory framework in the field of national security; ineffectiveness of strategic defense planning, limited resources and inefficient use of available capabilities [1, p. 116].

The following statistics of the Prosecutor General's Office of Ukraine testify to the presence of the above issues. In a state of military conflict, crimes affecting the territorial integrity of the state are increasingly being committed in the country. And the increase in the number of registered crimes according to the main indicators of the sections "Crimes against the basics of national security", "Crimes against public security", "Crimes against public order and morality" most thoroughly prove the likelihood of threats arising from crisis situations. Such an indicator most thoroughly characterizes the existence of crisis situations in our society. Thus, existing governance mechanisms are not able to effectively address the threats that arise in the middle of the state, to resist internal and external destructive forces and factors.

But even such complex issues can be addressed by paying attention to the international experience of dealing with similar problems. In general, the main purpose of the world community is to create conditions that exclude the breach of the universal peace or the threat to the security of

peoples. But in today's realities, it can be reasonably argued that the state is able to defend its national interests and ensure its national security only by having an efficient and competitive economy and the development of high technologies. They play a role in the creation and implementation of advanced precision weapons systems, computer simulation of nuclear processes. There is a growing need to create special-purpose forces or units that are recognized to perform certain limited tasks of protecting national interests through unconventional methods and means.

The question arises in the experience of those states that have successfully passed the stage of improving the defense and security system. Israel is the one country that needs to be taken into account. Historical examples show that Israel is one of the most developed nations in the world today, but has had similar problems in the past. For example, in the 1970s and 1980s, war and inflation, the threat of default and high-level corruption, as well as international debt created by the Middle East conflict, such as hostilities in eastern Ukraine, prevailed in Israel.

As history shows, Israel was a hopeless "bankrupt", brought to this state by socialist-populist politicians and military action. The country was rescued by inclusive liberalization (reduction of public spending, tax reform, reform of the social protection system, deregulation, ie reduction of state regulation in a certain area of public relations), as well as peaceful negotiations. An issue that is extremely important is, of course, the defense budget planning. Israel's defense spending first increased from 9% of GDP in 1950, to 30.3% of GDP in 1975 in response to active military action, and then decreased to 6.2% of GDP in 2011. Thus, Israel has recognized the reduction of defense spending as its strategic objective after a huge defense budget became one of the causes of the country's economic crisis in the mid-1970s. Based on the experience of Israel, defense budget planning should be very careful [2, p. 406].

Based on the above, it is quite appropriate to study the contribution of funds to those areas that will really benefit, because over time it can be observed that the effectiveness of warfare depends on the contribution to human resources, intelligence and information technology than armored vehicles, as it is. was popular several decades ago. The Israeli Ministry of Defense is almost outside the control of other authorities and civil society in matters relating to the development of security policy, the procurement of goods, works and services and so on. According to Transparency International (Israel's Corruption Perceptions Index), Israel and Ukraine are about the same in this regard. But military enterprises in Israel are much more transparent than in Ukraine [3, p.177].

Thus, it can be concluded that Israel has shown an example of raising the country to a high level of development despite the difficulties arising from the effects of external and internal negative factors. Israel demonstrates successful and confident protection of its territory and population daily. Israel, like no other, can understand Ukraine, which has to live in a state of constant tension and military threat from a hostile neighbor. There are many areas in Ukraine where the experience of Israel can be useful. In particular, it is about being able to invest in innovations, create technical solutions, and enter the leaders in information technology, with high security and defense performance, in times of adverse and difficult security situations.

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ANTI-THREATS TO THE NATIONAL SECURITY OF UKRAINE

Today, in the whole world, one can see a sharp deterioration in the socio-political situation, economic crises, instability, conflict potential and military danger. That is why it is necessary to counter the threats of the hybrid type, as well as the rapid and sudden changes in the security environment. This situation in the world and in our country in particular obliges us to adopt new regulations, develop modern mechanisms that will help to develop and improve the national security system of Ukraine, as well as to confront the modern challenges and threats, which in turn are in-

creasingly difficult to be identified in connection with the rapid development of modern technologies [1].

Security is one of the most urgent aspirations of Ukrainians today. Supporting the state's ability to withstand various types of threats and dangers should be a priority for the Government.

The Law of Ukraine "On National Security" of June 21, 2018 defines the concept of "national security of Ukraine" as "the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine against real and potential threats".

"Threats to the national security of Ukraine are phenomena, tendencies and factors that make it impossible or complicate or may impede the realization of national interests and the preservation of Ukraine's national values" [2].

However, it should be noted that the new Law on Ukraine on National Security of June 21, 2018 does not separately highlight threats to national interests and national security of Ukraine, as disclosed in the Law of Ukraine "On Fundamentals of National Security" of June 19, 2003 with a clear division into fields of activity.

In general, national security threats are divided into internal and external. As of today, the following topical threats to the national security of our country can be distinguished in the foreign policy and national security sphere:

- encroachment on the state sovereignty of Ukraine, territorial integrity and independence;
- military-political instability, regional and local wars (conflicts), especially near the borders of Ukraine;
- attempts to intervene in the internal affairs of Ukraine by other states;
- intelligence and subversive activity of special services of foreign states;
- the spread of corruption in all spheres of life;
- the rapid spread of terrorism;
- unlawful importation and uncontrolled trafficking of weapons, ammunition, explosives and mass media, as well as radioactive and narcotic substances;
- creation and operation of illegal militarized armed groups;
- manifestations of separatism, efforts to autonomize certain regions of Ukraine;
- the formation of groups of troops (forces) and armaments by other states near the borders of Ukraine;
- disclosure of information which is a state secret or other restricted information;
- Computer crime and cyber terrorism [3].

The aforementioned threats destabilize the state of protection of vital interests of the individual, society and the state as a whole. As practice shows, it is difficult for Ukraine to confront the external and internal threats that are emerging today. The reasons for this phenomenon are the inappropriateness and adoption of irrational managerial decisions, the problem of corruption in many spheres of life, the lack of proper financing of the army, gaps in the Ukrainian legislation, the absence of development of new methods and plans.

That is why there is an urgent need to develop new tools, especially analytical and evaluation directions, in order to identify and predict the occurrence of possible negative events and phenomena that could damage the national interests of Ukraine in a timely manner.

Some researchers believe that systematic monitoring of national security threats is the most effective way. The definition of E.M. Korotkova, who interprets the concept of "monitoring" as "systematic tracking of processes or trends, constant observation to evaluate situations in a timely manner" [4]. The main task of the monitoring is to obtain the necessary information, check it through appropriate sources, analysis and further consideration in the planning and implementation of the relevant activities.

Thus, in order to counter national security threats, it is first necessary to:

1. To conduct continuous monitoring of threats to national security, socio-political situation both in Ukraine and in the whole world, to monitor the mood of the people.
2. To receive, analyze and subsequently use the information that will be received and stored in the monitoring system for management decision-making in a timely manner.
3. Implement a unified approach and create a system for identifying potential threats to national security.
4. Develop, classify and approve an appropriate National Security Threat List and, on a continuous basis, regularly update the situation.
5. Develop and approve a Plan of Action and Use of Forces (Forces) to counter national threats and threats.

6. Establish separate powerful analytical and evaluation centers in law enforcement, military administration and the NSDC, which would monitor the situation and the operational situation in a particular region of Ukraine and predict the possible occurrence of certain threats in the country as a whole.

7. Regularly update and improve the National Security Strategy of Ukraine, Concept of development of the security and defense sector of Ukraine, Defense Review in Ukraine, Strategic Defense Bulletin of Ukraine.

8. Develop a number of legal acts, instructions, regulations that will contribute to a more effective fight against threats (for example, in the field of counterintelligence activities "On counterintelligence regime", "On counterintelligence provision", etc.).

9. Modernize and increase funding for the security and defense sector.

10. Establish effective interaction between national security actors at various stages of counteracting threats and threats.

11. Establish cooperation with organizations of international importance in countering national threats.

12. Coordinate joint actions of public authorities with the local population.

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CURRENT ISSUE OF CONTROL OVER COUNTERINTELLIGENCE

Counterintelligence is an activity carried out by special bodies of the state to combat the intelligence of another state [1]. Counterintelligence includes authorized state bodies (units of special services) that carry out agent-operative, search, regime, operational-technical and other work on the prevention, detection and prevention of external and internal threats to the security of the state, intelligence, terrorist and other attacks on others. states, as well as organizations, individual groups and individuals [2]. According to Art. 1 of the Law of Ukraine "On Counterintelligence" Counterintelligence is a special type of activity in the field of state security, which is carried out using a system of counterintelligence, search, regime, administrative and legal measures aimed at preventing, timely detection and prevention of external and internal security threats Ukraine, intelligence, terrorist and other unlawful encroachment on special services of foreign states, as well as organizations, individual groups and persons in interest from Ukraine [3].

Therefore, the essence of counterintelligence is to prevent, detect and prevent all threats that threaten national security. Such activities must be carried out in compliance with a number of principles, including the rule of law, respect and respect for the rights and freedoms of the individual and citizen, conspiracy, control and accountability to the relevant public authorities within the limits provided for by law.

Decree of the President of Ukraine "On the powers and guarantees of permanent control over the activity of the Security Service of Ukraine" [4], adopted in accordance with Part 2 of Art. 102, §§ 1 and 17 h. 1 Art. 106 of the Constitution of Ukraine [5], as well as Art. 32 of the Law of Ukraine "On the Security Service of Ukraine" [6] establishes constant control over observance of

the constitutional rights of citizens and legislation in the operative-search activity and activities in the field of protection of state secrets of bodies and units of the Security Service of Ukraine, as well as control over the compliance of the issued by the Security Service of Ukraine provisions, orders, orders, instructions and instructions of the Constitution and laws of Ukraine, which is implemented by the Presidential Plenipotentiary of Ukraine for control over the activity of the Security Service of Ukraine. However, control over the counterintelligence activities of the Security Council of Ukraine has not been established by this legal act. This is in some way not correlated with Art. 12 of the Law of Ukraine "On Counterintelligence" [3].

In 2018, the Law of Ukraine "On National Security of Ukraine" was adopted [7], which provided for democratic civilian control over the bodies and formations of the security and defense sector. For example, the security and defense sector includes, among other things, bodies of other military formations, law enforcement and intelligence agencies, state bodies of special purpose with law enforcement functions, civil defense forces, defense and industrial complex of Ukraine, whose activity is under democratic law. by civil control and in accordance with the Constitution and laws of Ukraine by functional purpose is aimed at protecting the national interests of Ukraine against threats, as well as citizens and public associations that voluntarily participate in the national security of Ukraine, which also includes the Ukrainian Security Service.

In his article "Foreign Experience in the Organization and Exercise of Civilian Control of the Special Services", MV Sitsinska lists five reasons why democratic civilian control over the activities of the special services is required:

1) Contrary to the principle of openness and transparency underpinning democratic control, special services and security agencies are constantly operating in a "secret" and "completely secret" mode, as these regimes protect the intelligence services themselves from disclosing their methods and means, so it is important that Parliament or special committees closely monitored their operations;

2) special services and security bodies have special powers, such as interference with privacy and violation of the right to confidentiality, which can usually limit human rights and freedoms and require surveillance by specially created control institutions;

3) special services and security agencies are adapted to the activity in the conditions of emergence of new internal and external threats, which include: organized crime, terrorism, influence of regional conflicts, illegal circulation of goods, incompleteness of contractual legal registration of the state border, etc. At the same time, adapting to new threats must be under constant and careful scrutiny by public authorities, who must make sure that the reform of these security and defense structures meets the needs of the public;

4) the main task of the special services and security agencies is to collect and analyze information on potential risks and threats to national security, as well as their assessment, which is the starting point for the actions of other law enforcement agencies (armed forces, police (police), border service), must be provided under democratic scrutiny;

5) special services and security organs that were in the conditions of authoritarian regimes, which carried out repressive functions to protect authoritarian leaders from their people, require their transformation from tools of repression into a modern mechanism of conducting state security policy in terms of observing their activities by parliament and bodies executive power [8].

Thus, the establishment and functioning of a system of democratic civilian control over the activities of the intelligence services is one of the problems that Ukraine faces in the process of reforming the security and defense sector.

According to Art. 4 of the Law of Ukraine "On National Security of Ukraine" [7], civil control consists of controls carried out by the President of Ukraine, the Verkhovna Rada of Ukraine, the National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine, executive authorities and local self-government bodies, as well as public control.

In the current context of the Security Service of Ukraine, as it goes through the path of reform, it must adopt the best world practices of exercising control and supervision over the activity of special services, in particular counterintelligence. NATO countries have considerable experience creating and deploying universal instruments of democratic civilian oversight of special services. For example, democratic civilian control is one of the areas of cooperation within NATO's Partnership for Peace program.

According to Anne-Christine Bieergene, in the current geopolitical situation, the Ukrainian and Western intelligence agencies need each other to fight for peace and democracy together. Security and intelligence reform measures implemented in line with EU and NATO best practices

can help deepen cooperation and the possible future integration of Ukraine with NATO and the EU. Building effective parliamentary control and public oversight is a way to build confidence. And this is the only way Ukrainian intelligence agencies will enter the Euro-Atlantic intelligence community. Partnership with NATO and the EU must be based on shared values - such as democratic control, legality, accountability and a full commitment to protecting Ukrainian citizens and their constitutional rights [9].

Thus, the reform of the Security Council of Ukraine should be deprived of its functions that are not inherent to it, but this should not lead to the inaction of the security and defense sector. Certain law enforcement functions that are duplicated in other law enforcement agencies should be reformatted to reflect best international practices.

At the same time, the leading role of control over the activity of special services in Ukraine belongs to the President of Ukraine. However, such powers of the legislative and executive branches of power are limited. There are also no parliamentary scrutiny mechanisms to assess the intelligence provided to the President for timely response. This, in turn, requires review and revision by the legislator.

The European experience of parliamentary scrutiny on the protection of human rights and freedoms in the activities of special services shows that the specificity is latency, secrecy of information to the public about their activities. This is due to the existence of special forces and means. Special services cannot disclose their plans because they will be made known to the general public and therefore to those persons or groups of persons who commit unlawful acts. Although this is contrary to the democratic principles of the state and society, it is quite logical.

It should be noted that parliamentary control should be considered as a component of national and public control. It is necessary that this type of control over the activity of the Security Service of Ukraine, especially counterintelligence, balances the interests of both a person, a citizen, and a state, which guarantees the rights and freedoms of these persons, as well as to give special services legal opportunities

the exercise of their powers. At the same time, comparing the coverage of the activities of special services on the Internet, we conclude that the organization and implementation of control over the activity of the Security Service of Ukraine needs improvement. We share the view of most scholars that a democratic civil control system of any country cannot be fully borrowed, it should be the result of its own state and political system, history and cultural heritage, taking into account the best practices and experiences of other countries.

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UNITS OF THE NATIONAL GUARD OF UKRAINE RESOINSIBLE FOR THE PROTECTION OF DIPLOMATIC MISSIONS, CONSULAR INSTITUTIONS, INTERNATIONAL ORGANIZATIONS IN UKRAINE AS IMPORTANT AND INTEGRAL ELEMENTS OF THE NATIONAL SECURITY

Considering the basic provisions enshrined in the Constitution of Ukraine, we can state that our country's foreign policy is aimed at ensuring its national interests and national security by protecting peaceful and mutually beneficial cooperation with members of the international community in accordance with generally recognized principles and rules of international law.

External aggression on the part of the Russian Federation, occupation policy on the territory of the Autonomous Republic of Crimea and in certain areas of Donetsk and Lugansk regions, it gives no doubt to recover any opportunity of the lost comprehensive influence on the socio-economic processes in our country, constant efforts to cover the international arena, conflict in the territory of Ukraine,.

One of the forms of implementation of state policy in the field of national security aimed at protecting the national interests of Ukraine is international cooperation on national security. International support and solidarity for our country is urgently needed, and the task of ensuring the integrity of diplomatic missions, consular institutions, representations of foreign organizations on the territory of Ukraine is an important and responsible task assigned to the National Guard units of the diplomatic missions and consular institutions of Ukraine and undoubtedly an additional preventive factor in maintaining national security [2]. The aforementioned units are structurally part of the military units of the National Guard of Ukraine and are created within the size of the National Guard of Ukraine and are intended to perform tasks for the protection of diplomatic missions, consular institutions of foreign states, representations of international organizations in Ukraine [3].

Analyzing the legal acts that are the basis for the activities of the units and are determined by the Constitution of Ukraine, the Law of Ukraine "the National Guard of Ukraine", other laws of Ukraine, international treaties of Ukraine, the consent of which is provided by the Verkhovna Rada of Ukraine, acts of the President of Ukraine, the Cabinet Ministers of Ukraine, Ministry of Internal Affairs of Ukraine, by orders and directives of the commander of the National Guard of Ukraine [3] we can determine the priority areas of military activity of units and divisions of the National Guard of Ukraine for the protection of diplomatic missions and consular institutions of foreign states in Ukraine, which consist in the protection of such missions, taking unquestionable measures to protect their buildings from possible invasion or harm and to prevent any disturbance or disturbance of the representative office, insult of its dignity and providing access to them [3].

The functions of these units are determined by the internal orders of the Ministry of Internal Affairs of Ukraine and they are:

- fulfillment of tasks for termination of terrorist acts concerning diplomatic missions;
- implementation of measures of the legal regime of martial law;
- elimination of the consequences of emergencies or crises on the objects protected by them;
- fulfillment of territorial defense tasks.

Military units, according to the decision of the Commander of the National Guard of Ukraine, may also be involved in the performance of other tasks provided for by the current legis-

lation of Ukraine [3].

In case of implementation of measures related to the protection of public order and public safety, servicemen of the National Guard of Ukraine in their activities may apply both preventive police measures and police coercive measures in the manner and on the grounds specified by the Law of Ukraine "On the National Police" [4].

Therefore, the tasks assigned to the military units and units of the National Guard of Ukraine for the security of diplomatic missions in the territory of Ukraine are aimed at protecting the vital interests of the individual and the citizen, society and the state as a whole, the need for quality implementation of foreign policy, prevention and neutralization of real threats against national security from the Russian Federation, which does not abandon attempts to shake up the situation in our country not only internally but also internationally. Therefore, it should be noted that the flawless and qualitative fulfillment of the tasks assigned to the units and units of the National Guard of Ukraine for the protection of diplomatic and consular institutions of foreign states and foreign organizations in Ukraine, ensuring the integrity of diplomatic missions - is undoubtedly an important element of ensuring the national security of our country.

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3. Regulations of military units and units for the protection of diplomatic missions, consular institutions of foreign states, representations of international organizations in Ukraine of the National Guard of Ukraine, approved by the Order of the Ministry of Internal Affairs of Ukraine dated July 22, 2014 No. 713 - Mode of access to the resource: <https://zakon.rada.gov.ua/laws/show/z0934-14>.

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REGULATION OF THE ACTIVITIES OF THE NATIONAL GUARD OF UKRAINE IN PUBLIC SAFETY MAINTENANCE

Effective use of public safety units and legal tools will contribute to systematic crime prevention and is one of the key conditions for public safety. The role of the National Guard of Ukraine, in doing so, is to create the conditions for the formation of a safe environment of life as a basis for security in the territory of Ukraine, as well as a modern system of internal security as a deterrent to the armed aggression of the Russian Federation. Therefore, the normative regulation and provision of public safety by the National Guard of Ukraine is relevant.

In order to ensure public order and public safety, units of the National Guard of Ukraine, together with bodies of the National Police of Ukraine, are involved in preventive and search activities in most territories and settlements of Ukraine, performing military-combat tasks during the complication of operational situation in border settlements, providing assistance The State Border Service of Ukraine.

The procedure of legislative security of public safety is defined in a number of Laws, Resolutions, normative legal acts, departmental orders. What are appropriate to divide into blocks:

Block I - the Constitution of Ukraine and the Laws of Ukraine governing the activities of the National Guard units of Ukraine in the field of public security;

Block II - Resolutions of the Cabinet of Ministers of Ukraine and Decrees of the President of Ukraine on public security and the procedure for its provision;

Block III - Sectoral Regulations (Orders of the Minister of Internal Affairs, Orders of the Commander of the National Guard of Ukraine).

Changes in the order of military service of the National Guard of Ukraine regarding the

protection of public order require amendments to the legislation, although in the Law of Ukraine "On the National Guard of Ukraine" in paragraph 1 of Part 1 of Art. 13 that they enjoy the authority to apply preventive police measures (document verification, surface inspection, etc.) and coercive measures (use of physical force, special equipment and firearms) in the manner prescribed by the Law of Ukraine "On the National Police of Ukraine".

The analysis of the legal regulation of the activities of the National Guard units of Ukraine in the field of public security provides an opportunity to determine a number of main directions of its improvement. For example, the provisions of the governing documents consider the activity of the National Guard of Ukraine as a subject of public security and public order, but do not recognize it as the sole representative of this sphere. The study of the requirements of the legislation does not allow to distinguish the National Guard of Ukraine as an independent subject of ensuring public security, while at the same time the diversity of functions and tasks creates contradictions in the application of units of public order.

It also raises the question as to which divisions of the National Guard of Ukraine (or the National Guard itself as a whole) are subjects of public safety and public order. Currently, multitasking and multifunctionality create a prerequisite for confrontation over how units are used.

At the same time, there is no clear idea of what exactly the actions of the National Guard of Ukraine are aimed at ensuring public safety and ensuring public order - obviously it is not only the protection of public order and maintenance of order at mass events and places of mass gathering of people. Therefore, there is a need to separate tasks and functions between the units of the National Guard of Ukraine.

Thus, the current geopolitical situation on the territory of our country necessitates the systematization of the activity of the National Guard of Ukraine and also requires its transformation in order to respond to the challenges and threats, especially hybrid ones, which are manifested under the influence of political, economic, legal, psychological, technological, socio-demographic factors.

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PSYCHOLOGICAL AND INFORMATIONAL COUNTER-SECURITY IN THE CONTEXT OF MIND MANIPULATION

The current dynamics of socio-political, geopolitical and security processes in Ukraine and the world causes the emergence of persistent interest on the part of state institutions, such as law enforcement agencies, state security agencies, and the public to the problem of mind manipulation. Modern wars have long been waged not only and not so much by satellites, unmanned aircraft or high-precision missiles, but by "quiet" manipulation of the consciousness of a multi-million audience of Internet users, fans of social networks, the audience of popular TV channels, and so on. And the consequences of such a war are much more terrible in terms of the scale of coverage and the destructive impact caused by interference in the mind.

The basic feature of manipulation should include the specifics of its definition. Manipulation is a type of psychological impact, not physical violence or the threat of violence. Under the gun of manipulation agents is always the structure of the personality. Manipulation is primarily a hidden intervention, the fact of which should not become visible to the object of manipulation. That is why hiding or deliberately misrepresenting information is a mandatory sign of manipulation [2].

Today, it is no secret that the process of forming public consciousness has transformed from individual to mass. The main role in this process is assigned to the media. It is they who deal with socially important information, and it is the control of such information that provides opportunities for manipulating the mass consciousness, creating a model of the reality in it that is beneficial for the subject of influence, deciding at their own discretion which problems are the most urgent and acute today, and forming the agenda. Also, in this case, artificially produced such a phenomenon as distorted media consciousness (that is, the consciousness that is based on false values, manipulative interpretations, double morals, etc.), when the reality that the proposed media differs from the existing one. The formation of public opinion through the media consciousness is significantly distorted. With the help of "controlled" media, information can be distorted by incomplete, one-sided submission. There is a fragmentary way of spreading information, when the whole information is artificially divided into separate elements or when the information is fed in a single "raw" stream, which does not allow the ordinary citizen to form a complete picture of reality. Sometimes the information in a way to have the ability to add your own thoughts and comments, then a significant part of the distortion in coverage is due to individual psychological characteristics themselves disseminators of information, for example their personal political sympathies. Sometimes it is sufficient to interpret the information in a favorable light for the interested party. In some cases, the information is simply hidden, but despite this, the audience's attention is focused on certain aspects of the event, and other aspects of this event are suppressed - this also creates an additional opportunity to manipulate the target audience [1]. Manipulators often create "information noise" (reducing the perception of facts by feeding so much news that it becomes impossible to sort them and make critical sense of them). Manipulators deliberately resort to pseudo-operative submission of unverified information, which is also a common manipulative technique and according to the "law of anticipation" by M. Lundt, means that any first message about an event has a much stronger impact on the audience than all subsequent messages. In order to manipulate consciousness, they also use the dissemination of a certain fixed view of information as its only true version. This creates an illusory effect of the majority of the audience supporting the idea broadcast by the media, which ultimately leads to the individual's unwillingness to speak out openly under fear of public sanctions, if his point of view does not agree with the views of the majority. There is a pattern: the more often this message is repeated in the media, the more the person's reluctance to speak publicly and

insist on their own point of view on events will grow.

Manipulative, and in many cases, openly anti-human nature, as well as a huge scale of influence on the psyche of people, caused the need for a detailed study of such phenomena as manipulation of public consciousness and "black" PR technologies and, most importantly, the search for strategies to counter-security from such interventions on both individual and mass levels. It is not surprising that the most popular and favourite place for the use of so-called "dirty technologies" of manipulative influence is the sphere of politics. In the ordinary, everyday sense, PR is an integral part of the specialized activities of the relevant departments of state, political and other structures, aimed at establishing mutual understanding and friendly relations between the structures that carry out PR, and the society, population, and people who are targeted by this activity [2]. Because PR is becoming a tool for managing public opinion and consciousness, it is natural that politicians, individual groups of influence, and agents of external interference are interested in using it. The main problem is that in addition to perfectly acceptable correct public functions, PR is closely "woven" into the structure of the media, social networks, ideological platforms of political structures, and so on. And few ordinary citizens understand that PR also carries overtly rigid functional goals, which in particular are often reduced to manipulating the opinions of other groups, institutions, or the masses. Over the past decades, there has been an evolution and improvement of technologies of influence, power, ideological and military management in society. Modern means of communication have created fundamentally new opportunities for this, repeatedly increasing the use of information for military and political purposes. Manipulation of the individual, the use of various means and technologies of information and psychological impact have become quite commonplace in the daily life of every Ukrainian, in the military and political struggle. This stimulated the widespread and intensive use of manipulative tools and technologies to influence people. The current stage of development has not only not reduced, but on the contrary has strengthened the trend to use the latest technologies of information technologies of manipulative content on the psyche of people in hybrid and information wars around the world. The use of manipulative influence on various segments of the population in information and communication processes has long reached such a scale that it poses a real threat to the information and psychological security of the individual and society as a whole [1]. Large-scale use of manipulative influence in communication processes disorients the socially active part of the population, causes psycho-emotional and social tension, which does not allow citizens to adequately perceive the socio-political situation and the activities of state bodies. This, in turn, increases the destabilization of the domestic political situation and makes it difficult for any development and reform of society.

As a conclusion, it should be noted that the problem of manipulating consciousness has been and remains one of the pressing issues of social and political psychology. The formation of a new European consciousness, a developed personality of a citizen of the Ukrainian state of a new type and compliance with the challenges of reality, which appears before each of us, requires mastering the basic knowledge of psychological protection from manipulation, as well as the skills of information and psychological counter-library.

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**HUMAN TRAFFICKING AS A THREAT
TO UKRAINE'S NATIONAL SECURITY**

Trafficking in human beings as a form of transnational crime is a reality of our time, which has acquired new features in the 21st century. Experts estimate that trafficking in human beings is considered the third most profitable area of organized crime, along with arms and drug trafficking.

Ukraine is increasingly becoming a destination for human trafficking for the purpose of labor exploitation in agriculture, construction. However, it should be noted that the majority of Ukrainian migrants do not have official residence or employment permits, which poses a risk of traffickers and labor slavery risks.

In the arena of human trafficking, Ukraine acts as the destination country (in most CIS and Asian countries) and the country of origin of the "goods", as well as the country of transit to Western Europe, USA, Japan, Australia, Israel [1, p. 373-374].

According to the Prosecutor General's Office of Ukraine, in November 2017, the bodies of pre-trial investigation published 129 criminal offenses under Art. 149 of the Criminal Code of Ukraine - trafficking in human beings or other illegal agreement on the transfer of a person; in December 2017 - 116, and in January 2018 - 25 such offenses. The statistics do not fully reflect the level of crime in the field of trafficking in human beings, since such crime has a high level of latency [2].

According to the International Organization for Migration of Ukraine, in 2018, 491 persons were identified as victims of trafficking for labor and sexual exploitation. This is 60% more than in 2016-2017.

The Russian Federation remains the main destination for trafficking in human beings from Ukraine. 70% of victims who applied to the International Organization for Migration of Ukraine in 2018 returned from this country.

In second place are the countries of the European Union, from which 17% of the victims returned, of which more than 80% suffered in Poland. Most of the victims who applied to IOM in 2018 were in labor exploitation (93% compared to 89% in 2016/2017) [3, p.188-191].

One of the most common reasons for trafficking in human beings is ignorance of their rights, inability to protect them, distrust of law enforcement agencies. Ukrainian citizens are confident about their employment abroad, trying to avoid formal employment in order to save money.

Poverty and gender inequality are a major contributing factor to human trafficking. The problem is complex relationships in families that fall victim to women and children. According to research, women who find themselves in a difficult financial situation often agree to work that does not correspond to their level of education, skills and qualifications.

Victims of trafficking in human beings are often homeless among children because there is no responsibility for the fate of such a child. Almost all children victims of foreign trade were victims of domestic trade. In Ukraine, children are most often victims of domestic trade. Children are informed that they will be able to work out the cost of travel, food, clothing and housing by drawing children into debt bondage [4, p.84-86].

Consolidation and coordination of international efforts are required to prevent and combat trafficking in human beings. The current mechanism for preventing trafficking in human beings has significant drawbacks. The multifaceted nature of such crime has prompted legislators to interpret human trafficking in various ways.

EU law (except Belgium) only recognizes trafficking in human beings as a "living commodity" for the purpose of prostitution or sexual exploitation, although the forms of trafficking are far greater. As a result, traffickers receive little punishment despite the seriousness and cruelty of such a crime.

According to the Criminal Code of Ukraine (Article 149 § 1), trafficking in human beings is the recruitment, transfer, hiding, transfer or receipt of a person committed for the purpose of exploitation, using deception, blackmail or vulnerable persons. This article of the Criminal Code of Ukraine needs improvement because the use of "forceful" methods of coercion, as well as fraud, blackmail, etc. cannot be considered as the main feature of human trafficking as a person can participate in such crimes voluntarily [5, p.187-190].

The effectiveness of the National Police in exposing and investigating trafficking in human beings in Ukraine is unsatisfactory. According to Prosecutor General of Ukraine Ruslan Ryaboshapka, a Department for Trafficking in Human Beings was created in the Ministry of Internal Affairs in 2015. At the time, there were thousands of proceedings, and only ten were threatened, of which only a few were brought to court. The Attorney General also noted that the biggest problem for law enforcement officers in the case of human trafficking is retraining.

Deputy Minister of Social Policy Yulia Sokolovskaya argues that the transnational nature of human trafficking is one of the reasons for the complexity of the detection and investigation of such crimes. The main priority for the Ministry of Social Policy on combating trafficking in human beings is to prevent situations where Ukrainian citizens are using or accused of unlawful acts, in particular trafficking in human beings [6].

Therefore, the legal framework of Ukraine on combating trafficking in human beings needs improvement in accordance with the requirements of international standards. The mechanism for combating trafficking in human beings should include the following measures: coordinate the efforts of all actors in combating trafficking in human beings, both locally and globally; introducing amendments to the legislation of all countries regarding the separation of trafficking in human beings in the special composition of the crime; creation of a network of anti-crisis centers providing protection and social and psychological rehabilitation of victims of trafficking in human beings; implementation of special education programs for law enforcement officers on the problem of trafficking in human beings.

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FINANCIAL AND ECONOMIC SECURITY IN TERMS OF DIGITALIZATION. PUBLIC ADMINISTRATION IN NATIONAL SECURITY

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APPROACHES AND METHODS FOR EVALUATION OF THE SHADOW ECONOMY

Assessing the real scale of the shadow economy is an important component of state regulation and the formation of effective economic policies.

According to the results of studies [1, 2, 3 and others], scientists say that the nature of the shadow economy is complex, while the interpretation of the term "shadow economy" remains ambiguous at this time. Considering the number of factors, including the inaccessibility and incompleteness of empirical data, the reluctance of economic operators to disclose information about this aspect of their activities, it should be noted that assessing the size of the shadow economy in the country is a very difficult and important task. Moreover, some types of shadow activity should be recognized as posing a threat to national security and therefore should be included in the list of the global problems of our time.

According to studies by Leandro Medina and Friedrich Schneider [1], who have compiled statistics from 158 countries from 1991 to 2018 and have averaged the level of the shadow economy, Ukraine is in the second hundred, behind only countries such as Azerbaijan, Benin, Cambodia, Congo, El Salvador, Gabon, Guatemala and some others.

According to the research of the Kiev International Institute of Sociology (KIIS), the level of the shadow economy in Ukraine in 2018 amounted to 47.2% of the total GDP and slightly increased compared to 2017 (46.8%), and thus this situation in the economic system gives the reason for the study of this phenomenon.

It should be noted that the main incentives for the economic activity of business entities, including those operating in the shadow segment, is to maximize income. Given the mentality that is inherent in society, people tend to work harder for higher wages and higher incomes. At the same time, if the standard of living of the population decreases, income decreases, and needs are met, then this situation forces people to seek additional earnings, including informal ones, and to participate in shadow economic activities. This situation contributes to the expansion and deepening of the shadow sector of the economy, which certainly has an impact on the economy of the country as a whole.

Modern scientists and leading research institutes testify that the shadow economy exists in economic systems of different types, and therefore is the subject of considerable research. The lack of a clear universal concept of this phenomenon gives rise to the existence of different methods of classification and assessment. In particular, the author of [2] proposes to classify the methods of measuring the shadow economy on the basis of the most significant criteria that determine the content of a particular method of assessing the shadow economic activity. These criteria are suggested to be two of the most important: the degree of coverage of the shadow economic activity and the type of indicator that allows to quantify the shadow economy.

The extent of the coverage of shadow economic activity, in turn, is divided into two directions: narrow and broad. In the narrow approach, only the volumes of shadow production are taken

into account, and economic activity at the stages of distribution, redistribution and consumption is not taken into account. In this case, shadow economic activity and value added are directly related, and the elements of cost sharing are ignored. This is the opinion of many scientists, among which should be noted V. Tanzi [3], F. Schneider and D. Ensti [4], and others, which are limited only to the production stage, because at other stages there are difficulties in their evaluation. At the same time, some economic activities also affect the extent of such offenses, including tax evasion and so on.

Considering the broad scope of shadow economic activity, it covers all stages of social reproduction, namely: the stage of production, at which factors of production are combined and a continuous process of creation of goods takes place; the stage of distribution at which the manufactured product is distributed in the relevant branches of the economy in the form of means of production; the stage of exchange at which the exchange of manufactured goods and products takes place, and the stage of consumption at which the means of production and consumer goods are consumed, that is, personal and industrial consumption is made.

At the same time, each approach has its disadvantages and advantages. In the narrow approach, there is a likelihood of incomplete coverage of the studied phenomenon, but eliminates the double count, that is, in fact, only the newly created value is taken into account.

The broad approach has difficulties in terms of quantitative measurement, but it is more correct in terms of calculations that more accurately reflect the real economic situation. Note that the total size of the shadow economy may exceed the country's official GDP for the corresponding period of time.

We distinguish the most common methods of estimating the volume of shadow production, taking as a basis a narrow approach, that is, in which only the volume of shadow production is evaluated, and such methods include the following:

- method that takes into account the differences between the two levels of employment - official and real. This method assumes that at a constant level of real employment, production in the shadow economy is inversely proportional to the fall in official employment;

- methods of electricity consumption. If such methods are used, the assumption is made that the dynamics of energy consumption in the economy is a reliable indicator of changes in the aggregate GDP of the country, that is, the aggregate volumes of production of goods and services in the official and shadow economies of the country are taken into account;

- the money demand method, which is one of the first among the methods of measuring the shadow economy. The basis of this method is based on the idea that all economic activity, including shadow activity, is served by monetary relations, while barter operations can be neglected. The following calculations concern the determination of the relationship between the tax burden (as a cause for the growth of the shadow economy) and the demand for cash, and this allows us to determine the size of the shadow economy;

- transaction method. The essence of this method is that the level of dependence between the number of transactions and the aggregate shadow turnover in the base period and future periods is compared. That is, trend models make it possible to extrapolate a trend and calculate the size of aggregate shadow turnover of goods.

There are also other methods, the so-called direct and indirect methods of measuring the shadow economy. Direct methods allow you to directly measure and measure the magnitude of the shadow economy, such as the production and consumption of alcohol, tobacco, and the like. Indirect methods make it possible to indirectly evaluate this phenomenon, for example, sales of ethyl alcohol or sugar may be indirect indicators of shady economic activity.

It should also be noted that the important effects of the shadow economy include the reduction of budget revenues and corruption, which inevitably accompanies shadow economic activity. Corruption is a powerful factor restraining economic growth and generating inefficient use of resources.

Shadow economic activity needs to be analyzed in many forms and transformed into cost indicators. That is, it concerns hidden wages, the underweight of packaged goods, the volume of hidden taxes, the level of corruption and the size of bribes at the stage of redistribution, and so on. Known methods have their advantages and disadvantages, and it is therefore appropriate to use them jointly in synergy and to constantly monitor the level of shadowing of the economy.

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**THE DEMOGRAPHIC "PIT" AND LABOR MIGRATION AS A THREAT
TO THE NATIONAL ECONOMY OF UKRAINE**

Economic security is one of the most important types of national security. Despite the importance of the economic security of the state, there remain many unresolved issues, the source of which is the lack of research methodology (primarily evaluation) and the economic security of the state.

The lack of a methodology for researching and ensuring the economic security of the state is a direct and direct consequence of the incompleteness of the theoretical basis of economic security at the macro level (in contrast to the theoretical basis of economic security of the micro level and partly the level). So far, the content of the concept of "economic security of the state" has not been definitively formed in the economic security of the macro level. An attempt to define it in almost the only official document of the Methodological Recommendations for the Calculation of the Economic Security Level of Ukraine (2013) [1] - as "the state of the national economy, which allows to maintain resilience to internal and external threats... and characterize the ability of the national economy to sustainable and balanced growth" can hardly be considered complete.

The essence of the concept of "economic security of the state" should be considered on the basis of recognition of its condition for the effective socio-economic development of the state: the socio-economic security of the state is the presence of economic and social conditions, which together ensure the fulfillment of social guarantees and obligations of the state and comfort living in the country thanks to the various support of the authorities in various forms of active business activity of economic entities, large-scale commercialization of innovations and competition the profitability of the domestic economy.

Consideration of the concept of "economic security of the state" in the given interpretation creates grounds for application in its research and providing a defensive approach, the imperative concepts of which are "threat", "protection" and "security".

The use of a protective approach in ensuring the economic security of the state involves paying considerable attention to threats to the national economy, which means:

the existence of a clear definition of the concept of "threat to the national economy" (yes, the threat to the national economy is proposed to be processes and phenomena occurring in its external and internal environment, which, in the presence of a certain combination of conditions and circumstances of different nature and origin, can cause in the national economy nature, variety of localization and scale, the consequences of which are mostly negative);

defining the spectrum of threats to the national economy, revealing their nature (potential, real, already realized) and the scale of the impact. The realization of the threat is manifested in the appearance of changes of a negative nature not only in the national economy but also in other spheres of society (social, defense and even political);

classification of threats on various grounds: the easiest is to divide the threats of the national economy into direct ones (such threats create changes in the behavior of internal subjects and subjects of the world economy) and indirect ones (such threats create at first sight processes, phenomena, events and situations within the country and in the world, which, under certain

conditions, can cause negative changes in the national economy);

forecasting the consequences of the implementation of threats and resources needed to overcome them;

observation of the process of development of individual threats and their totality. Any threat to the national economy does not arise suddenly, suddenly, unexpectedly: it emerges (develops) and develops, that is, is a process. Therefore, this is not a one-off event, but rather a change in the state of the processes and phenomena within the country and in the world on the national economy, the transformation of these processes and phenomena for certain reasons from indifferent to threatening. Threat development as a process consists of several stages: actualization, activation and implementation. Therefore, for his study, it is appropriate to use the S-shaped curve (its use in the analysis of threats to the enterprise is shown in detail in [2, pp. 75-84]).

Unfortunately, the systematization, analysis and counteraction of the development of threats to the national economy in our country is hardly paid attention. In the meantime, some threats are not only actively implemented, but their implementation has already had serious consequences, which will make itself known for a very long time, and combating them requires time and considerable resources. One such threat is the human resources situation in Ukraine and structural disturbances in them.

The population in Ukraine is rapidly aging: three workers today have two pensioners [3]. The number of pensioners will increase every year and the shortage of labor will increase. The largest generation of Ukrainians is retiring. It is gradually being replaced by young people born in the 1990s and early 2000s, whose numbers are one and a half times smaller than those of the older generation [4]. The labor market has long felt the effects of a threat called the demographic pit. According to the State Statistics Committee, the share of employees aged 40 and over is 50.3% [5]. The consequences of the realization of this threat are already affecting the pension system and medicine. But apart from raising the retirement age, Ukraine still has nothing to counter the realization of the threat of a demographic pit that is underway. Moreover, there are as yet no systematic means of combating the consequences of the realization of this threat.

The continuing aging of the population in Ukraine is accompanied by a fall in fertility. The value of the fertility rate (the ratio of births per year per 1,000 inhabitants) decreased from 11.1 to 8.7 in 2013-2018, ie by 22% over five years [5]. However, for the sake of justice, it should be noted that birth rates and population aging are common in all developed countries (at least European countries). But these processes intensified in these countries when the level of well-being was high enough. Moreover, the situation in these countries is to some extent saved by migrant workers.

The process of development of the threat "demographic pit" in Ukraine was overtaken by the threat of "active labor migration", which decisively intensified the proclamation in July 2017 of visa-free entry to the European Union. In the consensus forecast of the Ministry of Economic Development for 2019-2022, the risk of labor migration was put on one list with the consequences of the breakdown of cooperation with the IMF [6]. In Poland alone, according to official figures, the number of migrant workers from Ukraine has increased fivefold since 2014: from over 300,000 to about one and a half million [7].

The intensification of the "active labor migration" threat was also facilitated by low wages and social tensions in Ukraine, its geographical location, destructive phenomena in the labor market, where supply by individual specialties exceeded the demand for labor, its uneven distribution in the regions of the country, which caused internal migration.

The threat of "active labor migration" is clearly underestimated by both public authorities and local authorities. Moreover, it is not uncommon for publications with vigorous estimates of labor migration (it has obvious advantages for Ukraine, gives people, firms and the state great chances, people gain experience to change their country, etc.), as well as links to the inevitability of the phenomenon of labor migration. in the XXI century. For Ukraine, active labor migration is a serious threat, given the circumstances of the country, its economy, national security and its political objectivity.

The threat of "active labor migration" in our time is not just actively implemented, there are already very negative consequences of this implementation. According to statistics, the vast majority of migrant workers are men (91%), young people (over 70% over the age of 30). Ukraine is among the top 10 migrant donor countries in the world. Half of migrant workers have a university degree, a third are vocational [8]. Further labor migration from Ukraine is pushed not so

much by the higher level of remuneration (today in Ukraine there is an opportunity to earn about the same amount) as by the overall situation, the state of socio-economic security in the country, the political crisis in society, the uncertainty of the future, the attitude of employers, inability to protect their interests legally, failure to provide the country with the conditions to realize the opportunities of its economically active citizens, depression from unfulfilled expectations, distorted attitudes to human labor in Ukraine, lack of real systemic reforms in the country.

The consequences of the implementation of these threats to the economy of Ukraine are more than serious: labor resources in 2019 decreased to 15 million people (against 18 million people in 2012-2013) [5]. The NBU inflation report [9] in the summer of 2019 noted a sharp shortage of labor in Ukraine in all spheres, with the worst situation being labor supply in the construction sector and industry.

5-7% of GDP growth in the Ukrainian economy requires an additional 5 million employees and about 2-3 million small business entrepreneurs. Experts estimate that taking into account the current trends of outflow of Ukrainians abroad, it is not possible to keep the positive dynamics of economic growth, but to reach the indicators of 7% of GDP annually - even more so [10]. Labor migration from Ukraine not only threatens the deterioration of the state of labor resources, its impact is more extensive and indirect - it slows down economic growth, depreciates the domestic currency, increases technological backwardness of the country, reduces the intellectual potential of many of its regions, which causes a decrease in the state's competitiveness in the world market.

In the 1990s, as soon as the trend of external migration began to emerge (mainly in western Ukraine) E.M. Libanova noted the impact of external migration on a number of negative changes - quantitative and qualitative labor supply in the labor markets, the size and structure of the population, including its disabled, and the changes in the level of demoeconomic load and the demand of the population for certain goods and services related to these changes [11]. Her words turned out to be prophetic, and all of these changes took place in Ukraine. The situation in Ukraine is exacerbated by the lack of the necessary conditions in Ukraine for the reproduction of labor force (insufficient wage, which makes inaccessible quality health care for the majority of the population, difficult working conditions, etc.) and, consequently, the low life expectancy of Ukrainians.

Thus, the absence of serious studies of threats to the national economy, even those already underway are being realized and have negative consequences, does not contribute to strengthening the economic security of the state, and on the contrary leads to a number of negative phenomena and processes that, overlapping each other, are very harmful influencing the society, forcing the most active people to make efforts to develop the economy of other countries.

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PUBLIC PARTICIPATION IN PUBLIC ADMINISTRATION IN THE USE OF NATURAL RESOURCES

The main tasks of public control in the field of environmental management are the formulation and promotion of environmental programs and strategies; informing the public about the state of the environment; the formation of public environmental awareness and culture; organize environmental education; to participate in the implementation of environmental protection measures by state authorities on the rational use of natural objects and environmental safety; initiate or conduct public environmental review and public hearings or open meetings to assess the environmental safety of the objects of expertise; take other measures to protect and restore natural resources, improve the state of the environment; carry out public control and verification of compliance by enterprises, institutions, organizations and citizens of environmental legislation and recording and preventing relevant offenses. Public environmental control is carried out by public environmental inspectors.

The purpose of public control is its purpose is to control compliance with environmental legislation, compliance with environmental safety requirements, implementation of quality and comprehensive measures for environmental protection, rational use of natural resources, coordination between the activities of public authorities and non-governmental institutions. The position of V.A. Zueva, who emphasizes that the maximum effective participation of the public in solving environmental problems is achieved in the conditions of "harmonious progress of the society while preserving the environment for the present and future generations and can occur only when taking into account social factors" [1, p. 55].

In accordance with the assigned tasks, the following powers have been granted: development and promotion of programs for the rational use and protection of the environment; to accumulate funds and finance environmental measures; carry out activities for the protection and restoration of natural resources, conservation and improvement of the environment; carry out audits or assist with audits of business entities; to carry out public ecological expertise, to publish its results and to submit them to the bodies authorized to make decisions; make initiative decisions on holding referendums to address environmental issues; to propose a mechanism for the organization of territories and objects of the nature reserve fund; to provide legal protection for damages for violation of environmental legislation; to carry out international cooperation on the issues of the use of natural resources and ecological security (Article 21 of the Law of Ukraine "On Environmental Protection").

Submitting information requests to public associations or individuals is seen as a form of participation in the public administration process in the field of natural resource use. The functions of public administration in promoting access to environmental information, granting the right to environmental education are entrusted to the Aarhus Information and Training Center established under the Ministry of Nature of Ukraine, which was established within the framework of the Ukrainian-Danish project "Assistance to Ukraine in implementing the Aarhus Convention" and with the assistance of the European Project. "Environmental Education, Public Awareness, New Independent States" to fulfill Ukraine's commitments to the requirements of the Aarhus Convention [2].

However, despite its assigned performance reporting authority, its effectiveness is poor. The latest and only report as of June 1, 2017 is the Aarhus Center Performance Report in 2013 [3], which indicates the low level of legal activity of the population, its lack of interest in solving public administration problems in the use of natural resources.

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COMBATING ECONOMIC CRIME IN THE SECURITY SYSTEM OF SOCIETY

Economic crime as a whole is one of the most threatening phenomena for national security today. White-collar crime in our country flourished in the conditions of a kind of reverse movement of society towards decommunization, which was accompanied by large-scale appropriation of state property. But Oriental wisdom says "When the caravan turns back, a lame camel may be ahead."

In addition to the negative factor of exploitation of land and other natural resources, the disadvantage of the Ukrainian economy is the low level of investment itself and off-shoring of the profits obtained. According to Global Financial Integrity, the Ukrainian elite holds \$ 117 billion to \$ 167 billion in offshore. Up to \$ 8-10 billion disappear from the Ukrainian economy annually "in the black holes" of the offshore. The main means of enrichment of the new "criminal elite" is manipulation of state property, "budget derby" using the technology of so-called "kickbacks".

Problems of combating economic crime, which are increasingly attracting the attention of scientists [1-9], should be addressed systematically in the complex of integrative measures of criminological, legal and economic nature.

The CPC of Ukraine requires the establishment of legally determined procedural mechanisms for the detection of latent crimes, the improvement of the institution of direct detection of crimes, and therefore the reform of legislation on operational-search activities and the development and consolidation of the procedure of investigative proceedings, prevention of crime, detention and detention.

The current CPC of Ukraine did not provide for effective mechanisms of direct, active initiative activity of investigators and detectives aimed at detecting and preventing crimes.

Direct detection of a crime can be carried out in the course of operational and search activities of operational units of police, security, law enforcement agencies, etc., as well as in the process of customs inspection, during departmental audits and tax audits, application of antitrust or anti-corruption legislation. and other actions provided for by law. But the evidence obtained in the activities outside the criminal process in today's realities of the CCP's novelties may become legally inapplicable in judicial evidence. After all, according to Art. 84 of the CPC of Ukraine "the evidence in criminal proceedings is the factual data obtained in the manner provided by this Code", and Art. 96 of the CPC of Ukraine determines that "evidence is admissible if it is received in accordance with the procedure established by this Code". That is, the law recognizes by evidence only what was obtained in the manner prescribed by the norms of the CPC of Ukraine, effectively leaving out beyond the limits the measures provided by other laws.

The means identified in the CCP for detecting, disclosing the crime and gathering evidence at the trial stage are clearly insufficient to tackle crime.

Here are examples of modern case law - consideration of the case of theft in Ternopil, Case No. 607/14707/17, proceedings No. 51-2604 km 19, decision of August 7, 2019, the panel of judges of the Third Judicial Chamber of the Supreme Court of Cassation, where the court he not only justified the theft by using the conflicts of law in force, but actually introduced his false doctrine into judicial precedent. The Court of Appeal attributed the lack of guilt to the inadmissibility of using a video record with video surveillance cameras (where the fact of the theft was recorded), issued to the injured law enforcement officers, as such video was obtained directly when inspecting the place ERDF. Not to mention the winged expressions of G. Khazanov's comics - "we know

who, we know how”,... “there is nothing to catch on” (“The Red Riding Hood”).

By the way, regarding the investigation of criminal offenses, the legislator already prescribes another system of gathering evidence before the opening of criminal proceedings, including the possibility of acquaintance with the technical media.

To ensure the effectiveness of the criminal procedural law, it is necessary to develop and consolidate the CPC of Ukraine a separate chapter - "Direct detection of latent crimes by investigators, detective units and other law enforcement agencies and their officials, their means of documentation and prevention".

According to Art. 208 of the CPC of Ukraine has the right, without the order of the investigating judge, the court, to detain a person suspected of committing a crime for which imprisonment is punished, in the case of “1) if that person was caught during the commission of the crime or attempted his committing...”. Meanwhile, all investigative and procedural actions, with the exception of the inspection of the scene, are allowed by law to be carried out after the submission of statements and reports of a crime to the ERDF. Thus, after catching the perpetrator at the scene, investigators and detectives find themselves, in fact, "caught beyond the reach" of legally determined actions, because they have not yet opened criminal proceedings, and the law not only allows but requires such a person to be detained. The institute of detention of a crime scene requires a new clear legal definition, separate regulation, taking into account the need to solve crime prevention problems.

The current CPC of Ukraine, overflowing with legal conflicts, contradictory prescriptions and bureaucratic requirements, does not generally provide adequate opportunity for active counteraction to crime. There is now a need to develop and adopt a new, more effective CPC of Ukraine.

In addition, in order to eliminate the criminal factors of economic crime and to ensure the security of the state, the following should be done: the sale of state-owned agricultural land should be prohibited; development of subsoil should be exclusively in the jurisdiction of state-owned enterprises; taking into account the antitrust legislation and its violations during privatization, all state-owned power companies and other strategic enterprises providing energy independence of the state are subject to return to state ownership; criminal liability for monopoly abuse must be restored and strengthened; on the basis of the tax police and the "reformed until abolition" units of the fight against economic crime of the former Ministry of Internal Affairs of Ukraine, to immediately establish a Financial Investigation Service with expanded powers to counter financial and other economic crimes and crimes against property and to ensure its effective professional; to ensure independence from the executive branch and to intensify the work of such controlling bodies as the Accounting Chamber of Ukraine, various asset search agencies and audit and financial monitoring bodies.

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ADMINISTRATIVELY-LEGAL PROVISION OF OPTIMIZATION OF THE SYSTEM OF THE PROSECUTOR'S OFFICE OF UKRAINE

The optimum organization of the system of prosecuting authorities is the most important condition for its effective functioning. Like any other government body, the prosecutor's office is a certain organization, that is, a stable system of cooperating individuals based on a hierarchy of ranks and positions. Prosecutor's Offices today are represented by an extensive network of not only the prosecutor's offices of different levels and subject competence, but also scientific and educational institutions, other organizations that are legal entities, organizationally interconnected and interdependent unity of solved tasks in order to ensure the regime of law and order. the state. The organizational system of the prosecuting authorities and its unity has repeatedly become a "cornerstone" of the process of carrying out a number of reorganization actions within its boundaries. The experience of development of this state institution shows that this process is not losing its momentum today. Today, a scientifically sound organizational system-functional approach to the process of transformation processes in the prosecutor's office is needed, which will allow to improve the activity of its structural units by optimizing their tasks and functions, structure and size, financial, material, organizational and legal support.

Today, taking into account all transformation processes, the system of the Prosecutor's Office of Ukraine is: 1) the Prosecutor General's Office of Ukraine - organizes and coordinates the activities of all prosecutor's offices to ensure the effective performance of the functions of the prosecutor's office; 2) regional prosecutor's offices, which include the prosecutor's offices of oblasts, Crimea, cities of Kyiv and Sevastopol. In particular, the structure of the regional prosecutor's office is formed units - departments and departments; 3) local prosecutor's offices, the list and territorial jurisdiction of which is defined in the Annex to the Law of Ukraine "On the Prosecutor's Office". In the structure of the local prosecutor's office, such units as departments are formed; 4) Specialized Anti-Corruption Prosecutor's Office, which is an independent structural unit of the OGPU, entrusted with: supervising the observance of laws during the operational and investigative activity of pre-trial investigation by the National Anti-Corruption Bureau of Ukraine; support of the state prosecution in appropriate proceedings; representing the interests of a citizen or a state in court in cases provided for by law and related to corruption or corruption-related offenses.

From the above we can talk about hierarchy and specialization in the system of prosecutors. In the hierarchy, we can see a clear subordination and subordination in the activity, and specialized prosecutors - operate on a subject-branch principle and in certain areas of life. The use of vertical and horizontal links of the structural elements of the prosecutor's office determine the linear-functional type of construction of its organizational structure. The centrality and autonomy of the prosecutorial system provided for by law, and its unity and legality throughout the country, objectively dictate the special nature of the organization and structure of the prosecutor's office. The basis of the system of prosecutorial bodies is based on a rigid hierarchy and certainty of the scope of prosecutorial powers, the imperative order of relations between all branches of the prosecutor's office, procedural and official discipline, guaranteed by the Prosecutor General of Ukraine, a combination of unity with the collegiality.

The nature of the interconnections of the prosecution bodies between themselves, vertically and horizontally within their own structure, give grounds for the classification of the prosecutorial system by its structural structure to a linear functional type. This means that in structures of this type, the lower level links are directly (linear) subordinated to the higher level manager. At the same time, each employee of the prosecutor's office is subordinate and accountable to only one supervisor and, accordingly, is associated with the higher-level bodies of the prosecutor's office only through him. The line manager, according to the principle of unity, is responsible for the entire scope of activities entrusted to him by bodies, units and employees [1, p. 6–8]. The linear structure is quite effective because it is based on clear and simple subordinate relationships. According to this principle, the prosecutor's office builds relationships, allocates powers, competenc-

es and functions.

An important organizational and structural decision was the establishment of specialized prosecutors' offices to ensure legality in specific areas of legal relations, which are of particular importance for the functioning of society and the state, and also require non-standard measures of organizational and structural character (SAP).

The Law of Ukraine "On the Prosecutor's Office" states in the list of principles of the prosecutor's office that the activity of the prosecutor's office is based on the principle of territoriality. The content of this provision means that the construction of a system of prosecuting authorities reflects the administrative and territorial structure of Ukraine. Such construction is conditioned by the accomplishment of the tasks and functions assigned to the prosecutor's office throughout Ukraine and its accessibility for the whole population. At the same time, the GPU extends its activity to the whole territory of Ukraine, so its functioning is excluded from the territorial principle. The territoriality principle does not apply to the SAP. But at the same time, they cooperate within the limits of their powers with the territorial prosecutor's offices.

It should be noted that despite the principle of territoriality, aimed at optimizing the system of prosecuting authorities, the merging of several prosecutor's offices of a city district into one local prosecutor's office, which extends jurisdiction to an average of 5-7 administrative-territorial units of city and / or district level, negatively affects their accessibility to citizens. As a result, given the problems of transport infrastructure, the territorial remoteness of the local prosecutor's office for residents of the settlements it covers sometimes amounts to 70-100 km. In addition, it jeopardizes the proper performance of the functions assigned to the prosecutor's office, especially in the field of criminal proceedings, which involves close and day-to-day interaction of prosecutors with investigative and investigative judges, coordination activities, etc. Under such conditions, it will be practically impossible to ensure prompt review and approval by prosecutors of procedural motions of investigators, participation of prosecutors in procedural actions and court hearings, provision of instructions and instructions to bodies of pre-trial investigation and control over their execution. There is a certain threat of violation of the principle of territoriality of the activity of the prosecutor's office [2, p. 26]. Therefore, it is advisable to review the territorial jurisdiction of individual local prosecutors.

All transformation processes cannot be implemented without a clear purpose and understanding of the legal status of prosecuting authorities. The legal regulation of both the structural design and the functioning of these bodies requires considerable changes and improvements, bringing them to the standards and requirements of the European community. The President, the Government, the Parliament, the representatives of the prosecution bodies who are active participants, to one extent or another, of the reorganization and reform processes, should develop such a concept of institutional, functional and administrative reform, which will significantly optimize the work and structure of the prosecution bodies, as well as increase the level qualification of prosecutors and a uniform burden on each individual prosecutor, and will create favorable conditions for interaction of the population with the prosecuting authorities.

Therefore, the optimization of the prosecutorial system should be done through: a critical review of the structure and staff of the prosecuting authorities; adherence to the position that the reform process should reflect the requirements of the principles of the functioning of the prosecution and justice bodies established by the world practice; a clear definition of the functional responsibilities and powers of all structural divisions of the prosecutor's office; elimination of duplication and parallelism in the work of separate structural divisions of the prosecution bodies; scientific support for the activities of the prosecution bodies; determination of the optimal and reasonable staffing level of the prosecutor's office staff and the level of their financial support; gradual introduction of differentiated staffing standards and workload depending on the nature of tasks assigned to prosecutors; introduction of a mechanism for ensuring the implementation of social protection norms for prosecutors; drafting and securing guarantees for the professional activity of the prosecution bodies; increasing the level of trust in the prosecuting authorities, reducing the level of corruption in its structural units.

At the same time, the unity of the system of the prosecutor's office of Ukraine, which is ensured by: the sole principles of organization and activity of the prosecutor's office, should not be broken; sole status of prosecutors; the sole procedure for organizational support of prosecutors; financing the prosecutor's office exclusively from the State Budget of Ukraine; the decision of questions of internal activity of prosecutor's office by bodies of prosecutor's self-government [3].

Optimization of the system of prosecuting authorities and clearer regulation of their activity

will further develop justice in the country. Improving the organizational structure is to review staffing and consolidation of individual prosecutors, which, in our opinion, will help improve the activities of the investigated. However, optimization is not just a mindless and mechanical reduction of personnel and structural elements of the system. It is, first of all, a redistribution of powers between specific, well-defined structural elements, as well as between the different levels of such structures. In addition, it is obvious that in the era of electronic technology, some of the functions that are currently performed by the staff of prosecutors' offices should be transferred to the sphere of electronic powers. The optimization of the prosecution authorities should, in particular, be expressed through the elimination of terminological inaccuracies, conflicts, gaps and uncertainties. And the prosecutor's office's properties should not duplicate those of other law enforcement agencies.

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PREVENTION OF CORRUPTION DURING SERVICE IN NATIONAL POLICE

In the conditions of democratization of Ukrainian society and orientation of Ukraine to the European vector of social improvement of professionalism of civil servants becomes of utmost importance and actualizes the question of incompleteness of Ukrainian reforms. Thus, the state of human resources clearly demonstrates the problems of public administration in modern Ukraine. It should be noted that in the current context, staff rotation not only serves as a training and training tool, but is also a preventive tool and a means of preventing corruption, an adjunct to standards of ethical conduct, and an additional tool to strengthen the institution of responsibility, as well as the basis of rational use. human resources in public administration [1, p. 354].

At the same time, corruption can be combated through a variety of measures: purely repressive, which include the detection, investigation and disclosure of corruption offenses and the prosecution of perpetrators, or preventive ones, such as improving the transparency, accountability and integrity of public authorities, legal protection of public authorities and raising legal awareness, raising ethical standards in the activities of public administration entities, educating the population and specific target groups, educating young people and in the spirit of rejection of corruption [2, p. 59-60].

Regarding the above, the main purpose of the personnel policy of the bodies of the National Police is: full-scale recertification of employees, the purpose of which is the qualitative updating of the personnel, the purification of the police from random people who, according to their professional, psychological, physical and moral qualities, should not work in the police; a new ideology of relations with the population based on the principles of the rule of law and priority of human interests, as well as a departure from the old law enforcement model, which was based on the formation of high statistical indicators of activity; introduction of the new concept of activity of the units of internal security, according to which the main tasks of this unit are defined: monitoring of risks and threats in police activity, control over the observance of legality by police officers, ensuring communication of the National Police apparatus with the public [3, p. 252].

The key role in the implementation of personnel policy in the bodies of the National Police is the adoption of appropriate personnel decisions related to personnel issues: recruitment (selection and selection of personnel), transfer of service, assignment of special ranks, application of disciplinary penalties and promotions, etc. It is appropriate to refer the personnel rotation of the

bodies of the National Police to preventive measures to prevent corruption in the activities of the latter.

The main measures aimed at improving the staffing of the bodies of the National Police of Ukraine are: development of departmental education and training system that meets the professional needs and generates common values for the personnel of the bodies of the National Police; developing mechanisms to ensure the transparency of the selection and career development of police officers; development and implementation of programs of continuous professional development of personnel; encouraging executives of all levels to use new management practices; introduction of modern methods of motivation and balanced system of social protection of personnel of the National Police bodies; developing effective approaches to evaluating staff performance and promoting quality improvement; creation of a well-established internal communication system; introduction of an interagency internship mechanism for employees in the MIA system.

When making personnel decisions in the activities of the National Police bodies, corruption risks can be identified and appropriately classified into the following groups: risks associated with recruitment; risks that arise in the course of police service; risks associated with the dismissal of police officers.

In this regard, psychophysiological research using a polygraph may be one of the mechanisms for preventing corruption in the National Police. The main directions of the survey using the polygraph conducted in the bodies of the National Police should be: when applying for candidates for police service; when conducting police appraisal; ensuring transparency and objectivity in making personnel decisions in the activities of National Police bodies; to improve the efficiency of national police investigations; to conduct, on its own initiative, a person who has expressed a desire to be interviewed using a polygraph.

The corruption risks that may be encountered during the competitive procedure for the post of police officer and which may contribute to the public's distrust, unfairness, bias, integrity and non-transparency of the competitive procedure should be pointed out: 1) the non-transparent system of formation of the competition commissions themselves; 2) imperfection of the candidate evaluation system; 3) obstacles to the candidates' free access to all stages; 4) manipulateness and bias in evaluation; 5) uncertainty of competitive procedures.

The main corruption risks during the service in the bodies of the National Police are: 1) privileged or knowingly biased attitude towards individual police officers; 2) application of repressive measures of influence (translation, attestation, change of working conditions, etc.) to the perpetrators of corruption; 3) concealment of subordinates' corrupt behavior; 4) provoking subordinates from the head to corruption; 5) employee conspiracy to commit corruption; 6) acceptance by the manager or offering of gifts or services to the subordinates; 7) lobbying and promotion of individual officers.

The priority measures that must be taken to minimize corruption risks during the service in the National Police bodies are: 1) who defame them, or facts of biography, which show that they have moral defects; 2) ensuring proper documentation of the competition procedure, fixing the stages and results of the competition on special forms or in protocols immediately signed by the members of the commission; 3) establishing a procedure for disclosure of information regarding a conflict of interest by the members of the selection committee and refusing to include the members of this commission; 4) to warn applicants for the position of responsibility for submitting false information about themselves; 5) ensuring the verification of the authenticity of the information submitted by the applicant for himself / herself with the originals or certified copies of the relevant documents, as well as his / her compliance with the qualification requirements (in case no special check is carried out); 6) dissemination of information on vacancies and announced competitions in order to ensure that the candidates meet the established criteria and attract more people to the competition, which will facilitate the competitiveness of this procedure; 7) preventing the involvement of internal applicants for the position (persons already working in the body), to any measures for the organization of recruitment, competition; 8) displaying in the documentation on the results of the competition the motives of the decision; 9) introduction of a progressive system of material and other types of incentives; 10) providing a mixed leadership style; 11) carrying out organizational measures that help to maintain professional secrecy.

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**CONSEQUENCES OF INFORMATION INFLUENCE
OF THE RUSSIAN FEDERATION**

The realities of today demonstrate that in the event of inter-state conflicts, opposing parties increasingly use the information component to achieve their goals. A striking example is the actions of the Russian Federation in particular regarding our country. In order to disseminate information, the Russian Federation uses a considerable number of methods of manipulating human consciousness, the main of which are [1]:

- the use of diplomatic institutions as repeaters of propaganda;
- financing the dissemination of propaganda material in foreign media (mass media);
- involving controlled media in the campaigns of discrediting certain figures, politicians, or entire public groups;
- the use in the war zone of specially trained members of the "undercover" special services such as OSCE inspectors, journalists, employees of international organizations, etc. ;
- the creation and support of a number of foreign "historical", "cultural" organizations that continue pro-Russian propaganda rhetoric in other countries;
- filling the information space with outright false information (fakes) with the help of specially created system of Internet bots;
- conducting misinformation campaigns and information and psychological operations.

The thoughtful policy of the ruling top of the Russian Federation is not only to spread false information to other countries, but also to find among our Western partners individual organizations, parties or figures who will agree to lobby for Russian interests.

Particular attention should be paid to the quasi-republics "DPR" and "LPR", which with the help of Russia were able to open their offices in a number of countries of the European Union [2]. For example, with the support of local pro-Russian politicians, the offices of the so-called "Donetsk People's Republic" were opened in the Czech city of Ostrava, Italian Turin and Verona, Greek Athens, French Marseille, Finnish Helsinki. In Austrian Vienna, with the help of local uncle Alfred Almeder, an attempt was made to open a representative office of the so-called LNR. Although at the official level, EU leadership maintains Ukraine's sovereignty and territorial integrity, the soft position of some European officials and considerable financial resources from Russia make it possible to lobby for the interests of our northern neighbor.

The aggravation of relations between the PRC and the US, the own economic interests of individual European countries, certain contradictions between the US and the European Union - all of which make Ukraine cease to be a top priority for the West [3]. A recent Munich Security Conference has demonstrated that the Donbas war has sidelined the world leaders. The emergence of the so-called new international initiative to resolve the conflict in the Donbass, though not given the green light, however, indicated the interest of individual members of the European Union in a rather pragmatic relationship with the Russian Federation. Against the background of increasing "fatigue" of Europe from the Ukrainian issue, Russia is actively promoting non-party to the con-

flict and stresses the need to establish a direct dialogue between the Ukrainian authorities and ORDLO representatives.

Thus, the information influence and propaganda of the Russian Federation is aimed at undermining the unity of Western partners, creating unfavorable conditions for resolving the conflict in the East of Ukraine, and requiring immediate reaction in the information space on the part of our state.

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SOME ASPECTS OF ARMED CONFLICT IN UKRAINE AND ITS IMPACT ON THE ECONOMIC SECURITY OF THE STATE

The presence of armed conflict on the territory of Ukraine significantly affects the overall situation in Ukraine, in particular, its economic security. In the occupied territories of Donetsk and Lugansk regions, as of today, a joint force operation (hereinafter referred to as OOS) is being conducted, to which an anti-terrorist operation (hereinafter ATO) has taken place in these territories.

Thus, on April 30, 2018, President of Ukraine P. Poroshenko announced the official end of the ATO and the beginning of the OOS, the main difference between which is to change the leadership of the SBU operation on the Armed Forces, thus significantly expanding the powers of the President, acting Supreme Commander-in-Chief of the Armed Forces [1, p. 258].

It is worth noting that 2014-2015 has dramatically changed the economic situation in the country. In particular, the unleashing of hostilities in the east of Ukraine caused the process of destroying part of the industrial relations and the distribution of income. This situation led to the immediate destruction of production facilities and transport infrastructure in the conflict area in Donetsk and Luhansk regions. In addition, cross-sectoral and logistical links in the regional and foreign economic space were lost; restricted access to raw materials (coal); investment risks increased significantly.

Since 2014, due to the military conflict with the Russian Federation, the financial situation in the country has deteriorated sharply, which negatively affects budgetary indicators, increasing the country's financial dependence on foreign and domestic borrowing [2, p. 280].

The financial situation is also affected by the need to move people due to their inability to live in the occupied territories. Thus, about 1.8 million people of Donbas have acquired the status of internally displaced persons, and more than 3.8 million people need humanitarian assistance as a result of the Russian armed aggression and occupation of the Donbas.

As a result of the situation in the occupied territories, Ukraine has suffered huge financial and economic losses. In particular, 27% of the Donbas industrial potential was illegally transferred to Russia, including equipment from 33 local industrial giants [3, p. 171-172].

The presence of armed conflict and the east of the territory of Ukraine undoubtedly complicates the state regulation of social orientation of Ukraine's activities, which is guaranteed by the Constitution of the state. Social programs to support internally displaced persons or others in need of assistance in dealing with armed aggression of the Russian Federation are channeled with funds that could be involved in the economic development of Ukraine. Also, there are no revenues to the budget of Ukraine, which until 2014 were received by the state from a significant part of enterprises and organizations of Donetsk and Luhansk regions.

Given the above, we believe that the presence of armed conflict in eastern Ukraine has a

negative impact not only on the state of national security but also on its economic component. Circumstances that objectively worsen Ukraine's economy, including its economic security include: the need to allocate additional funds to the social component; increasing the financing of the military sector of the state; budget revenue shortfalls previously received from the currently occupied territories.

Undoubtedly, solving the issues related to the occupation of the territories of Ukraine depends on many factors, is complex and requires an integrated approach, and activities aimed at it should cover several areas (social, economic, political, economic, military, international, etc.) and be governed by a nationwide strategy.

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PLACE OF FINANCIAL RISK IN ENTERPRISE FINANCIAL SECURITY

Financial risk is an integral part of an entity's activity in any industry. However, at the same time, financial risk is also a driver for entrepreneurship, a driver for the emergence of new technologies, products, quality improvement and consumer satisfaction. Therefore, the activity of any entity is not possible without financial risk, but at the same time financial risk affects the financial security of the entity.

In our view, the performance of an enterprise is a constant balance between financial risk and financial security. It is the maintenance of the competitiveness of the enterprise that requires constant monitoring of financial risk and financial security and maintaining a balance between them.

It is worth while mentioning that it is the process of management that creates financial risks on the way of its implementation. Traditionally, systematic and non-systematic financial risks influence the activity of an enterprise. Thus, if non-systematic risks are those that an entity can influence and seek to minimize, then systematic risks are those that the enterprise can only adapt to

on the way of its activities.

It should be noted that non-systematic risks are the risks that are individual for each enterprise and depend on the type of activity of the enterprise and its specific management decisions. Systematic risks are the risks inherent in all enterprises, but it should be noted that although systematic, that is external, risks can be observed in all enterprises, the industry and decisions of a particular enterprise can enhance their effect or vice versa.

What is the balance between risk and financial security that ensures successful, competitive activity for the enterprise?

T. B. Kuzenko, V. V. Prokhorov and N. V. Sablina point out that financial security is a certain protection of the financial interests of an enterprise with such major functional goals as to financial security as:

- ensuring financial efficiency;
- support of financial stability and independence of the enterprise;
- achievement of competitiveness;
- ensuring liquidity of assets;
- maintaining the level of business activity;
- ensuring the protection of the information field and trade secrets;
- organization of capital and property of the enterprise security, as well as its commercial interests [4].

Therefore, we believe that a sound financial balance between financial risk and financial security is achieved in the case of compliance with the standards for the main financial indicators and ensuring the competitiveness of our products by constant close cooperation with the consumer of products and monitoring the market in which the business is carried out.

What are the main financial indicators that are the indicators that allow you to control the constant balance between financial risk and financial security? In our view, these indicators include:

- indicators of financial stability;
- indicators of capital efficiency;
- the effect of financial leverage and determining the optimal capital structure in terms of the balance between risk and return;
- indicators of liquidity and solvency;
- indicators of business activity;
- indicators of profitability and cost advantages;
- indicators of cash flow;
- financial risk assessment indicators.

The monitoring of such a wide range of indicators on the way of sticking to the balance between financial risk and financial security is explained by the fact that financial risk begins at the stage of birth of an enterprise and is associated with the choice of activity and efficiency of capital investment, maintaining an effective balance between equity and debt, the capital invested in fixed and current assets causes risks associated with the formation of fixed and current assets, in particular for fixed assets, the risks are first and foremost the choice of own or borrowed funds to finance fixed assets and the proper expediency of selecting specific fixed assets; for current assets, the risks are related to the choice of own or borrowed funds to finance them, and the risks associated with the formation of an optimal structure of current assets, which must balance between the risk of imbalanced liquidity and the risk of shortages of inventories for the production process, of shortages of finished goods to provide final customers.

We consider it advisable to focus our attention in more detail on financial risk assessment indicators. In our view, they should first be divided into quantitative and qualitative ones. For example, qualitative analysis of possible types of risk, which should be carried out during the decision-making process in favor of one or another activity, assessment of the overall degree of danger of these types of risk and identification of factors affecting the level of risk [2].

Quantitative methods for assessing financial risk include [2]:

- statistical methods, including the probability of losses, the amount of possible losses, the level of financial risk, the standard deviation, the coefficient of variation, the risk factor, the risk factor of the planned indicators, β -factor;
- methods of cost expediency analysis;
- methods based on the intuition of experts;
- methods based on the study of the financial state of the enterprise;

- research on the effectiveness of innovations;
- break-even point study;
- research based on the decision tree method and the «fish bone method»;
- study of financial risk on the basis of comparison with the basic financial standards;
- use of the method of making analogies.

So, financial security and financial risk are in constant balance, and the pursuit of profit and competitiveness of the entity is constantly financially risky, but it is worth handing on so that the financial risk does not affect the financial security of the enterprise.

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**PECULIARITIES OF THE USE OF VISUAL MEANS OF TIME ANALYSIS
AS A TOOL OF INVESTIGATION IN LAW ENFORCEMENT**

The amount of data that an analyst has to deal with in his work is constantly increasing. According to a study by International Data Corporation, the amount of information in the world doubles every two years [1]. A large number of facts and a variety of information are also handled by experts involved in the investigation of various incidents and crimes. That is why analytical visualization in recent years has become an important tool that allows to present information and its flows in such a way that the analyst can identify hidden and non-obvious connections between objects, facts and processes of investigation, understand their essence and role, make the right conclusions [2, 3]. This makes it possible to create a visual information model of the crime, which significantly improves the efficiency and depth of the investigation as a whole, especially in difficult cases.

One of the classes of analytical visualization tools is represented by means of temporal analysis based on the relations of objects in time. Unlike sufficiently versatile associative analysis tools, such as Mind Maps [3, 4], which allow the creation of relationships between people, organizations or groups, time analysis brings a temporal characteristic to this model. For example, the simplest timeline makes it possible to consistently place events associated with an event, thereby clearly displaying their entire chain and helping to understand what happened.

Time analysis tools include a wide variety of tools, including the time-event chart, the process flow diagram, and some other methods that allow analytics to sort objects into some frame of reference that usually takes time. Let's look at some of the promising visualization tools based on the time factor.

Event-time schedules. The time scale is a traditional tool for organizing events, and it is used both to systematize actions related to the incident and to capture the stages of the investigation. The left boundary of the scheme is some set time corresponding to the moment of the event being investigated. Each successive event is marked on the scale to the right of the previous point. If facts and events related to a crime emerge in the course of the investigation, they are noted on the left-hand side of the event's time axis. This simple technique is almost universal, but the schemes created with the help of it can be quite cumbersome, in addition, such schemes are often inconvenient to make text comments.

Event-time schedules avoid the disadvantages of using a regular timeline. In particular, you can be sure that a scheme built using this method will not take up more than one page. The event-

time graphing system is based on the same basis as associative analysis tools - the benefits of visual cues and graphical information. Like the diagrams of the links, symbols and visual tags are used to simplify and increase the clarity of the scheme in event-time graphs. And if the symbolism for the event-time schedule is well chosen, then it is intuitively easy to read, as well-chosen symbols will be much more informative.

Flowcharts of processes. Closely related to event-time schedules are process flowcharts that also graphically represent events and time intervals. The only difference is that flowcharts are typically used to describe a single case that may or may not be a typical example of other events. For example, in the course of an investigation, it is revealed that a suspected entity has committed theft by a series of different account manipulations. In this case, the timeline or "event-time" chart shows a complete picture of the fraud, and the flowchart illustrates a separate operation for any account. Flowcharts are extremely useful in exploring complex unfamiliar processes. They are actively and productively used in the analysis of financial and computer operations, because they allow to decompose the subject of study into more accessible components for understanding. Usually applications such as Microsoft Visio, Google Docs, Smart draw and others are used to create flowcharts.

As in the case of event-time graphs, in order to successfully build the flowchart of the process, it is necessary to correctly select the graphic symbols that act as carriers of a substantial part of the information. For example, money laundering is traditionally used in the money-laundering block diagram of a stack of notes or coins. A careful and thoughtful selection of characters can significantly improve the readability of the flowchart. This feature is important for all rendering methods.

PERT charts and visual investigative analysis. The PERT (Program Evaluation and Review Technique) technique was developed in 1958 by the American consulting company Booz Allen Hamilton. This tool is traditional and used for business planning and is a way of analyzing the tasks required to complete a particular project. It is especially useful for analyzing the time it takes to complete each task and, as a result, minimizes time spent on the project as a whole. The PERT system is especially useful when planning complex large-scale tasks. Among the software tools that implement PERT technology are Microsoft Project Manager, Smartdraw, PERT Chart Expert and others. The specificity of the PERT technique is that it operates more with the future than with the past. This tool lets you fine-tune complex tasks by breaking them down into easy-to-handle parts, thereby making it easier for analysts to handle the flow of documents, such as when investigating financial crimes.

Visual investigative analysis is an adaptation of the PERT technique for investigative purposes. The main difference between the methods is that PERT is commonly used to plan the course of an investigation and visual investigative analysis is used to reconstruct events. One of the leading providers of visual investigation software is the British company i2 (its IBM i2 Analyst's Notebook software is used by police and intelligence agencies around the world).

The main advantage of PERT and visual investigative analysis is the flexibility of these approaches, they can be adapted to different cases and circumstances. When building diagrams using these techniques, four main categories of symbols are used: actions, events, branching, and merging.

Temporal analysis tools considered can be a great help in investigating crimes and conflicts of varying severity. Whether it is necessary to show the structure of the conspiracy in the analysis of cases of unfair competition or to understand ways to steal funds from the company account, these tools will be extremely useful. And, despite some differences, all of these methods are combined with a visual approach to display information. And visualizing complex concepts and processes is a guarantee of understanding and increasing the likelihood of a successful investigation result. It should also be noted that imaging investigations are underway in the world, such as Bitfury Group in 2018 launching the Crystal Law Enforcement and Financial Services Complex to assist in the investigation of frauds using bitcoin and other cryptocurrencies. Crystal provides full access to bitcoin-blockchain and uses advanced analytics to locate and display suspicious transactions and related objects. The innovative tool also offers a patented risk assessment system that helps identify and track suspicious activity [5].

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DEVELOPMENT PROSPECTS OF PUBLIC FINANCIAL CONTROL IN UKRAINE: INTERNATIONAL EXPERIENCE

It is important for Ukraine today to properly solve the problem of organizing an effective system of government, primarily state financial resources, and controlling their formation, distribution and use, ensuring the material well-being of the people, as well as the constant promotion of science, culture and education, nation's health, social protection citizens. The prospect of survival and prosperity in a globalized world will depend on these challenges.

The study of foreign experience in the organization of state financial control was carried out by such scientists as: L. Dikan, G. Dorosh, I. Drozd, A. Zagorodnya, A. Kozirin, O. Kovaluk, Y. Mazur, V. Melnychuk, A. Mamyshev, L. Razumovich, A. Somenkov, I. Stefanyuk, D. Shpileva, S. Yurzelevich and many others.

Studying the world experience, all researchers objectively point to the presence of diversification of their types in terms of authority, status and functional independence. The legal basis for the organization of accounting agencies and their functioning in the vast majority of countries is the constitution and the laws adopted on its basis that determine the place, functions and rights of control institutions. For example, N. Dorosh draws attention to the following organizational scheme of control in foreign countries: the first category - the supreme body of state financial control is subordinate to parliament or the president and is entrusted with the control over the spending of the state budget; the second category is the state control and audit units of ministries and agencies, which are subordinated to both the supreme state financial control body and the relevant ministry or department. They exercise complete control over the correctness of spending public funds [1, p. 48].

Somenkov A. groups the name control bodies, recalling that in some countries the highest control bodies belong to the bodies of parliament; in others - endowed with the status of state control service; the author names another type - the courts of account and the tribunals; further, it identifies auditor-led general audit offices; separately indicates the existence of state inspectorates-general, and in the latter group names the counting, control and audit chambers [2, p. 38].

According to Y. Mazur, the higher control bodies are divided into two groups: accounting tribunals and control agencies. The Court of Auditors refers to collegial, independent government-controlled bodies, called courts (or courts), which control settlements and decide on the prosecution of perpetrators (the Italian Accounting Chamber; the French and Belgian and Spanish accounting tribunals), and other collegial, non-governmental bodies not vested with similar judicial powers (Federal Audit Office of Germany). Authorities refer to other agencies where the audit and results are decided either directly by the head (monocratic - National Audit Office of the United Kingdom) or by a board headed by the head of the supervisory body (Supreme Audit Office of the Czech Republic) [3, p. 110].

According to experts, bringing the national system of state financial control into compliance with key parameters of EU legislation will entail significant changes in the approaches, procedures and mechanisms of the whole system [4, 35]. Changes that will be implemented in the system of public financial control should be coordinated and harmonized with other areas of public

policy (in the field of public finance, as well as law enforcement). In EU countries, modern public financial control systems have emerged under the influence of economic reforms aimed at improving the efficiency of state regulation of economic development and the productivity of the public sector. The application of uniform methodological approaches, based on the requirements of the Lima Declaration, enabled the EU countries to build in general similar systems of state financial control.

Therefore, in drawing conclusions budgetary legislation is one of the most important for the functioning of the state. This area of law regulates the relations of mobilization, distribution and use of budgetary resources. The violation of the budgetary legislation is widespread today because the budgetary process in Ukraine is quite lengthy and complicated, so there are many opportunities for officials to abuse their powers. Such irregularities can occur at both the budget planning and execution and budget execution stages. The most negative consequences of non-compliance with budgetary standards are under-financing of specific programs (health care, education), unjust enrichment of officials and others. Therefore, it is very difficult to overestimate the role of rules that provide for accountability for breach of budget legislation.

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CERTAIN ISSUES OF ENTERPRISE CRIMINAL LEGAL PROTECTION AS A PREREQUISITE FOR PROVIDING ECONOMIC SECURITY OF THE COUNTRY

Entrepreneurship as a type of economic activity aims not only to generate profit, but also to achieve economic and social results, which are reflected in ensuring economic security as a component of Ukraine's national security. According to item 2 of part 3 of article 3 of the Law of Ukraine "On National Security of Ukraine" one of the fundamental national interests of Ukraine is "sustainable development of the national economy, civil society and the state for ensuring the growth of the level and quality of life of the population" [1]. In accordance with Section 4.9 of the National Security Strategy, one of the conditions for ensuring economic security is to protect economic competition and create a favorable business climate [2].

Regarding the importance of business processes for society and the state, one of the key elements of the legal system that ensures the sustainable development of such public relations is the existence of effective criminal law protection of entrepreneurship. Issues of criminal law protection of social relations in the field of business have been repeatedly discussed both among lawyers and experts in other specialties. One of such topical topics is the problem of counteraction to legitimate economic activity and unlawful seizure of property of the enterprise, institution, organization, which has received the name "raiding". Among the recent works on this topic are the works of N.M. Hryshchenko, A.M. Orlean, T.I. Sabetska, L.M. Skora, S.S. Tytarenko. These problems in recent years have repeatedly been the subject of lawmaking, which in media received the name "Mask- show stop" [3].

In order to give an approximate idea of the state of business security in the context of criminal protection against illegal counteraction to business and the seizure of property of business entities, it is necessary to refer to separate data reflecting key indicators on the selected issues. These include separate statistics on crime and prosecutorial activity, notices from government officials, evaluations of international organizations, and other informational resources that may contain more or less objective information about this.

Some of the indicators of crime and investigative prosecutorial practice for 2015-2019 [4],

which are listed in the table, indicate that among the total number of criminal proceedings for combating legal economic activity (Article 206 of the Criminal Code of Ukraine) and illegal seizure of property enterprises, institutions, organizations (art. 206-2 of the Criminal Code of Ukraine) the number of indictments is at the highest rate less than 8%, and the total indicator varies from 3 to 5 percent for art. 206-2 and from 0 to 8 percent for art. 206 of the Criminal Code of Ukraine. At the same time, the aggregate share of these crimes among criminal offenses in the sphere of economic activity during the specified period does not exceed 4.8 percent. There is also a significant difference between the number of proceedings where suspicion reports have been served and those sent to the court with the indictment.

It should be noted that in the information space of Ukraine there are indications of somewhat different indicators in this regard. Thus, according to the Ministry of Justice of Ukraine at the beginning of 2017, more than 150 complaints about illegal re-registration of land were submitted to the Commission for consideration of complaints in the field of state registration [5]. In 2019, Opendabot's public data monitoring service referred to more than 20 fraudulent court decisions [6] that allegedly took possession of mostly commercial property, and at the beginning of 2020 there were an estimated 400 "raider seizures" in Ukraine annually [7].

**Performance indicators of law enforcement agencies for 2015-2019
on specific criminal offenses in the field of economic activity**

		Total accounted for criminal offenses (hereinafter referred to as CO) in the field of economic activity	Opposition to legitimate economic activity, Article 206	Unlawful seizure of property of an enterprise, institution, organization, Article 206-2
2015	Total recorded for COs	7631	120	30
	COs in which persons were notified of suspicion	2380	11	1
	COs, under which the proceedings are sent to court with an indictment	1958	9	1
2016	Total recorded for COs	6940	127	78
	COs in which persons were notified of suspicion	1837	0	4
	COs, under which the proceedings are sent to court with an indictment	1361	0	2
2017	Total recorded for COs	6297	189	82
	COs in which persons were notified of suspicion	2304	7	8
	COs, under which the proceedings are sent to court with an indictment	1833	2	4
2018	Total recorded for COs	6334	161	70
	COs in which persons were notified of suspicion	2593	4	11
	COs, under which the proceedings are sent to court with an indictment	2021	0	3
2019	Total recorded for COs	5947	158	130
	COs in which persons were notified of suspicion	2094	3	16
	COs, under which the proceedings are sent to court with an indictment	1686	3	5

Another indicator of the state of socio-economic relations in the country is the annual study of the World Economic Forum on the Global Competitiveness Index, which reflects the situation in various areas of governance. Analyzing the main indicators used to determine the global competitiveness index of countries in the world, where in recent years Ukraine has deteriorated, mov-

ing from 81 [8] to 85 steps in 2019 [9, P.570], it is possible to conclude on the unfavorable situation in the field of protection of domestic entrepreneurship and ensuring a favorable business environment.

Thus, it can be stated that the problem of criminal-law protection of entrepreneurship in Ukraine requires the formation and implementation of qualitative mechanisms for monitoring, evaluation and adequate influence on the part of state authorities on illegal actions that pose a threat to business activity. Considering the social sensitivity, importance and scope of the mentioned sphere of public relations, we believe that the development of such measures requires the cooperation not only of the authorities and experts in the sphere of economy, administration and various branches of law, but also representatives of different spheres and types of business. This approach will allow to objectively collect and evaluate information on these issues, as well as to formulate goals, objectives and planned impact with more or less predictable consequences.

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DESTABILIZING FACTORS OF THE ECONOMIC SECURITY VIOLATION OF THE STATE

Economic security of the country is a complex multifactorial category that characterizes the ability of the national economy to expand itself, with a view to meeting the needs of its own population at a certain level, to counteract the destabilizing effects of various internal and external factors, as well as to ensure the national competitiveness of the world economic system [1].

In Ukraine, such a subject area of research as the establishment of factors affecting the country's economic security has not been sufficiently studied. In particular, this issue was studied by such scientists as: Chubukova A.Y., Voronkova T.E. (Economic security system (ecosystem): nature, structure); Shevchenko L.S., Gritsenko O.A., Makukha S.M. etc. (Modeling economic security: state, region, enterprise); Predborsky V.A. (Economic security of the state); Pasternak-Taranushenko G.A. (Economic security of the state); Nikitin Yu.V. (National Security of Ukraine in Modern Conditions: Risks and Impact Factor) and others.

Everyone is aware of the fact that the formation of the country's economy is influenced by internal and external factors, and, in addition, it is under constant changes.

All the factors of destabilizing order that influence the violation of economic security of the state can be divided into the following groups:

- 1 - individual factors;
- 2 - micro level factors (local security);
- 3 - factors of the meso level (regional security);
- 4 - macro level factors (national security);
- 5 - factors of international orientation;
- 6 - factors of the mega-layer (global security) (Fig. 1).

The destabilizing factors that are formed at the mega-scale are those that lead to a disruption of global economic development as a whole.

Individual factors of violation of economic security of the state include those related to the relations of economic, social, demographic, technological, environmental, organizational, scientific, information and other order, and are to preserve the requirements and interests of the individual as the main object and the subject of the country's economic security system.

Strengthening the property stratification of the population; weakness of government institutions; lack of encouragement, etc.	Lack of security strategy for enterprises, institutions, organizations (security policy); there is no mechanism for ensuring the security of enterprises, institutions, organizations; privacy violation; low skills of staff and others	Asymmetry in the levels of competitiveness of regions; insufficient investment in fixed capital and foreign investment; low level of demographic and reproductive processes in the region and others.
Insufficiently effective work to protect against unfair competition from importers and smuggling; inefficient use of State and local budget funds and others.	High resource dependence of the state on partner countries, in particular energy dependence; lack of strategic reserves in the country; lack of diversification of raw materials sources, etc.	The spread of ethnic conflicts; humanitarian disasters; international terrorism; ecological crashes, etc.

Fig. 1. Schematic representation of groups of destructive factors of economic security violation of the state

Economic security of enterprises, institutions and organizations is a state of balance, resilience to negative factors and influences, ability to provide financial resources to the processes of meeting the needs of the enterprise and all related entities and to ensure the effective functioning of the national economic system and economic growth [1].

The destructive factors that are formed at the micro level are those that can be managed and that are formed at the level of enterprises, institutions and organizations.

Considering the destabilizing factors of regional character, it can be noted that their simultaneous action leads to distortions of economies of regional order, that is, problems of interaction between them may arise.

The Law of Ukraine “On the Fundamentals of National Security of Ukraine” states that: “National Security of Ukraine is the protection of vital interests of a person, citizen, society and state, which ensures sustainable development of society, modern detection, prevention and neutralization of real and potential threats in favour of national interests”[1].

The destabilizing factors of a national security breach are those that do not allow the country to adapt to the requirements of global change and contribute to its isolation from other states; uncertainty in the geopolitical strategy of Ukrainian regions; unregulated migration processes and other potential threats.

International economic security - is a complex of international conditions of coexistence, agreements and institutional structures, under which each member state of the world community is given the opportunity to freely choose and implement its own social strategy not subject to external pressure and counting on non-interference, understanding, mutually acceptable and mutually beneficial cooperation from other countries [2].

The destabilizing factors of international orientation are those which arise for the formation of economic security of any country through unfair cooperation, that is, do not envisage ensuring the internal economic stability and achieving sustainable economic prosperity of any state.

Due to the fact that all the mentioned groups of factors affecting the economic security of the state affect each other, determine the appearance and form the force of influence of each group on economic security, they must be considered at the same time and not give preference to a particular group, in particular.

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**STATE ECONOMIC SECURITY WITH REGARD
TO THE DIGITALIZATION PROCESS**

At the present stage of development, the fundamental transformation processes related to digital sphere take place in the world. The rapid development of information technologies above all has created an information services market that takes in economy as a whole. The entities that are the members of the market seek to optimize all business processes and, as a result, increase the economic productivity of their efforts. Businesses seek to enhance their experience of market collaboration through relevant information

It should be noted that the best part of the world corporations (60%) develop their own digitalization strategies, which are primarily aimed at technological changes, taking into account the demands of the market consumer. Therefore, it can be stated that it is the digitalization that creates the best conditions for business and consumer interaction.

Considering the process of digitalization, in the context of national economy and security of the country, there emerges a need for the management system in the informational space.

Generally speaking, digitalization is the process of transforming any information into a digital format, that is, to an electronic form. Most scientists insist that digitalization is a digital technology process for improving customer care.

The creation of websites by business entities, as well as the creation of channels for communication with clients, and consequently the widening of social networks, significantly influence the spread of business digitalization. It is the digital technologies that provide information about enterprises activities. All the above mentioned changes require modifications in government policy and governance, and also there emerges a need to revise business models.

One of the main documents regulating digitalization in Ukraine is the Ordinance of the Cabinet of Ministers of Ukraine «On the Concept of Development of the Digital Economy and Society of Ukraine for 2018-2020», the Law of Ukraine «On the Concept of the National Informatization Program», the Law of Ukraine «On the National Informatization Program» and so on. Thus, in our country, first of all, at the state level there are conditions for the development of digitalization. That type of state policy promotes business innovations with the use of the latest technologies, which in its turn increases interaction in the market environment. Thanks to the development of digitalization, changes are being made in forecasting, planning and servicing the needs of business entities.

Robotics technology is one of the types of production digitalization. First of all, robotics is created to automate the technological processes that help in designing, constructing, controlling computer systems and as a result processing automated machinery.

Digitalization is most commonly used in service companies, as well as in chemical, food, automotive and shipbuilding industries. Currently, most corporations are focused on introducing cyber-individuals, which are sure to let them get, process and transmit information almost instantaneously, and create a single informational space within the same organization.

Ukrainian economist R. Sidenko explores digitalization as a fundamental mechanism for implementing global changes. The scientist thinks that digitalization is usually aimed at developing the country in the long run, but in the short term it can lead to an increase in government spending and contradictions in the society.

It should be noted that the peculiarity of digital economy in our country is the dynamism that causes researches related to this issue, which should meet the needs of the society. The basis of the digital economy depends on the factors of production transformation. At the global level, society has already undergone several stages of development, and at each stage there is a change in the factors of production, that is supply and demand, and it was this that created the basis for the development of economic digitalization. At the national level, the achievement of the competitiveness of the national economy on the background of other countries is due to the scientific and technological progress and as a consequence through the development of digitalization of the economy and the population on the whole. At the level of business entities, digitalization is implemented through the development of websites, channels for communication with customers and, accordingly, widening of social networks.

The economy of our country is at the stage of digital progress of the socio-economic development of the country, which in its turn determines the development of the digital economy (scientific direction, which studies the introduction of digital technologies to the management of economic systems).

Economic security of the country combines – security of regions, enterprises, organizations and the population of the state, which means the state of the economy that has to be preserved and developed on a progressive scale on the part of the society.

The subject of economic security is, first and foremost, the activity of the individual, society and the state, to protect their interests against internal and external threats in the spheres related to economic activity, principles and methods of ensuring economic security.

Economic security has the following characteristics: the process of meeting needs; protection of national interests, economic entities and the population; one of the conditions for sustainable development; as a harm prevention system; set of conditions and factors of independence of the country.

The main object of economic security is the economic security of the population and it means the state of protection of citizens vital interests in the economic sphere. It should be noted that the economic security of the population is the foundation of the economic security of the country, and means a set of economic, social, demographic, environmental, technological and scientific-informational (and this means digitalization) relations.

Economic security of the state is a state of the economy and structural divisions of the government, in which the guaranteed protection of national interests, socially oriented development of the state, developed economic and defense potential are fulfilled, even on condition of the best development of internal and external processes.

National economic security for Ukraine in a market economy is:

- a macroeconomic indicator of the socio-economic development of the country;
- the basis for public policy and the impetus for developing measures to implement it;
- a decisive condition for the development and implementation of the entire system of economic interests of the country.

Economic security includes the following security components: raw materials, energy, social, environmental, informational, innovational, technological, investment, foreign economic. It is the stability and sustainable development in the above areas that ensure socio-economic development for the entire country.

So, it should be noted that digitalization is an integral part of the country's economic security. Therefore, the development of digitalization in the management decision-making process in business should take place under the following conditions:

- assessing the feasibility of implementing practical digital initiatives, determining the likelihood of new risks or opportunities from implementing digitalization;
- defining the conditions for the adaptation of our country companies to change, taking into account the rapid changes in the market environment;
- tracking new technologies in innovative industries (robotics, new types of energy and Internet technologies);
- identifying and evaluating restrictions, finding possible ways to make progress, taking

into consideration existing complications and contradictions;

- forecasting and diagnosing the development of one's own, related and other industries becomes the basis of effective management decisions;
- maintaining a balance between innovation and pragmatic development.

According to the above mentioned, the development of digitalization, as one of the components of the economic security of the state, should occur under the conditions of development of a management system in this direction of innovation, should be monitored with the following forecasting of the market environment, and the factors influencing the competitiveness of economic entities should be evaluated. Training should also be provided for the development of the culture and competences of information exchange, for the modernization of IT systems and for the application of analytics. These areas will be a prerequisite for digital infrastructure and innovation in the country. At the same time, it is necessary to take into account the experience of foreign countries, which have directed their efforts to optimize business and develop effective IT-solutions. Innovative state programs should be aimed at integrating strategies into the activities of business entities and increasing innovation in business.

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MUNICIPAL BONDS AS FUSE LOCAL GOVERNMENTS DEFAULT (FOREIGN EXPERIENCE)

Local governments default or municipal bankruptcy [4], which is a more common concept in international financial and economic security practice at the local level, is interpreted as the failure of the local governments to pay its debt under the terms of the respective agreements or “the issuer’s failure to pay bonds within the term set by the terms of the placement, interest income on the bonds and / or repay part or full nominal value of the bond” [2, p. 331]. Such a situation can occur due to limited resources of the territory (budgetary and extra-budgetary), failure targets the planned revenue indicators of the local budget as a result of an emergency, or even due to changes in regulations.

Debt financing alternatives cover a wide range of options. There are from borrowing from state-owned banks to issuing debt in international capital markets, depending on the circumstances of a specific local government.

Local governments are constantly trying to expand and diversify the sources of financing for territorial development projects by mobilizing market-based instruments and enhancing their financial self-sufficiency taking advantage of decentralization.

The issue of municipal bonds is becoming increasingly popular. They are widely used in North America as a tool for local government investment. But such an instrument is less popular in

Europe, especially in France and Germany where local governments are able to borrow from specialized banks such as Dexia. Given the lack of such financial institutions in Ukraine the issue of bonds can be an effective way of ensuring the implementation of the state regional development policy, which will be significantly influenced by local governments. Mexico's local governments did not have direct access to the capital markets. Most of their funding was received from Banobras specialized bank in the form of short- and medium-term loans. The first issue of first-time commitments for banks has had strong implications for the development of local credit markets. Local Mexican authorities have access to funds from insurance companies and investment banks.

A municipal bond is defined as a debt issued by a local governments and confirms the obligation to reimburse the par value of the paper with payment of a certain income in accordance with the payment schedule and the principal at the end of the term.

Thus, the bond works as a loan: issuer borrower - holder lender - coupon interest. The purpose is similar to a bank loan. The issuer (local government) sells the bonds to the general public (often to an investment bank) and uses the proceeds from the sale of financing for investment projects.

A municipal bond can be printed and issued as a banknote. Often bonds are issued only electronically creating significant savings for issuers. The bond rate can be fixed or variable.

The most common way to issue bonds is through underwriting. The bottom line is that one or more banks buy the entire bond issue from the issuer and resell it to investors. Central and local governments tend to issue bonds at auctions where the public and banks can bid on them.

The study of foreign experience has allowed to distinguish several main types of municipal bonds including general, yield (special) and structured bonds.

General commitments are served by all local government revenue. A full range of sources of income is used, including taxes and fees, intergovernmental transfers, unconditional grants to cover arrears and interest.

Earnings or special bonds are secured by the expected proceeds of the funded project.

Structured bonds are provided with sources of income that are differentiated from self-financing income. For example, a local governments issued bonds to restructure its domestic debt, and at the end of the term used the expected royalties to service the bonds and repurchase them.

In Ukraine, the practice of issuing bonds of domestic local loans [1] is used. But the mechanisms defined by the current legislation are significantly limited compared to foreign counterparts.

Credit ratings for assessing the ability of local governments to issue bonds are issued by recognized rating agencies. Rating agencies have a key role in providing the market with information about the ability of the authorities to issue debt and to pay on time.

Accordingly, local governments should systematically take steps to improve their credit rating.

The success of municipal bond markets depends on the size of the domestic debt, the financial mechanisms of the market, and the legislation governing local government borrowing. World Bank experts have formulated the basic conditions for local governments to obtain and use external funds efficiently. There are:

- a clear investment program with identified and evaluated development projects is an important tool for attracting funding in line with the region's development goals;
- it is important to demonstrate that external funds are used to finance targeted projects that are sustainable over a long term and have sufficient budget for operation and maintenance;
- high-quality development and timely submission of financial statements;
- transparent and balanced budget;
- the presence of a local budget operating surplus is extremely important for successful cooperation with a potential investor or donor [3, p. 247].

Preparation of a local capital raising plan typically involves three stages of local government work. There are:

- identification and prioritization of infrastructure needs and required capital expenditures;
- assessment of external resources necessary for the implementation of local priorities, which can be attracted within the current legislation\$
- determining the best combination of resources and funding.

As a result, a document can be approved and published that informs stakeholders (citizens, businesses, potential investors) about the needs of local governments in the investment capital, potential investment objects and conditions for raising funds.

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THE CONCEPTUAL BASIS OF STATE REGULATION OF NATIONAL SECURITY OF UKRAINE

The key mechanisms of formation and ensuring of national security by different states can vary considerably and form different contours of the respective national models of social-economic development.

National security due of its complexity requires special system of provision, consisting of relevant subjects – government bodies and officials that have a clear status and perform organizational and administrative functions for national security and private subjects with delegated powers [1].

Subjects of national security are: the government bodies, civil society institutions, citizens; covered by the unified leadership of the totality of public authorities constituted in accordance with the laws of Ukraine, military units, law enforcement and special bodies and services, whose activities are in accordance with the Constitution and laws of Ukraine aimed at protecting national values and interests from external and internal threats through special events, legal coercion or the use of weapons within the powers conferred by [2, p. 37].

Taking into account the provisions of the law of Ukraine "On national security", a specialized public authority in the sphere of ensuring national security are the public authorities, which are part of the security forces and defence, namely: the Ministry of Defence of Ukraine, the Armed Forces of Ukraine, State special service of transport, the Ministry of internal Affairs of Ukraine, the National Guard of Ukraine, the National Police of Ukraine, the State Border Service of Ukraine, State Migration Service of Ukraine, State Service of Ukraine for Emergency Situations, Security Service of Ukraine, the State Security Department of Ukraine, State Service of Special Communication and Information Protection of Ukraine, the apparatus of the National Security Council and Defence of Ukraine, intelligence agencies of Ukraine, Central Executive authorities that ensure formation and implementation of the state military-industrial policy [3].

The provision of national security by public administration entities is the main function of the state. The system of constituent entities of the public administration in the sphere of ensuring national security of Ukraine consists of the state authorities and local self-government, law enforcement, and citizens and public associations participating in the national security of Ukraine. In the event of a crisis in one or another sphere of activity of the Ukrainian society, the threats to its existence, any subject of public law activities can be part of a mechanism of ensuring national security. In this case, the main features of constituent entities of the public administration in the mechanism of realization of the state policy of national security is the presence of a public-law status, as well as organizational and structural nature of their activities [1].

The formation of the system of national security has become extremely important in today's geopolitical environment, which is characterized by high level of dynamism, turbulence, uncertainty. This requires national governments, the introduction of measures aimed at improving the reliability, adaptability, the willingness of the main political institutions and national socio-economic system to action, the effectiveness of their response to emergency events, crises, threats of various origins [4].

Currently, the key sources of threats to state and public security are the following:

- the activities of the intelligence and other measures of special services and organizations under the authority of foreign States, as well as individuals focused on the initiation of harm to the national security of Ukraine;
- negative activities of terrorist organizations, groups and individuals aimed at changing the constitutional order of Ukraine in a violent mode, as well as violations of stable functioning of state authorities and local self-government (in particular, the implementation of the action of a violent nature against public figures and representatives of political and public spheres), the destruction of military facilities and industrial equipment; enterprises and institutions, providing the support of society, deterrence of the public, in particular through the use of different types of weapons or hazardous substances, radioactive, chemical and biological origin;
- extremist activities by organizations and structures of the nationalist, religious, ethnic, and other profile focused on the violation of the unity and territorial integrity of Ukraine, and the elimination of political and social stability of the current state;
- the activities of criminal organizations and groups of transnational scale that is related to trafficking of narcotic drugs and psychotropic substances nature and purpose, as well as ammunition, weapons, explosives;
- criminal acts against personal, public and state ownership, state power, socio-economic security and corruption [5; 6].

So, the main directions of state policy of our country to ensure state and public security in the long term should be the following:

- strengthening the role of the state as a guarantor of the maintenance of personal security of citizens;
- improvement of normative-legal bases of state regulation in the context of prevention of manifestations of corruption, crime, extremism and terrorism as well as struggle with these negative phenomena;
- increase of efficiency of protection of rights and legitimate public interests of Ukraine beyond the state border;
- expansion of the boundaries of international cooperation [5].

The formed model of national security of Ukraine, as well as any other state in modern conditions can not be static. Despite the fact that threats to national security in modern geopolitics are complex dynamic nature, the process of ensuring national security also should be periodically updated and the model is continually supplemented by new mechanisms. The development of corresponding sphere of knowledge and the formation of evidence-based recommendations to guide countries on the development of the national security system is extremely important for Ukraine. This is primarily due to the nature of the threats to the national security of our country, which have a long, complex and devastating to many aspects, nature [6].

Conclusions. Modern state policy of Ukraine in the sphere of national security and defense in the long term should be focused on the improvement of the institutions at all internal and external conditions to ensure safety, sovereignty and territorial integrity of Ukraine. To do this, the following activities should be implemented:

- to improve the structure of state bodies of Executive power;
- to develop a system to identify external and internal threats;
- to exclude cases of separatism;
- to develop and implement mechanisms to prevent and resolve conflict of social, economic, political and inter-ethnic nature;
- to develop strategies for sustainable development of territorial communities [7];
- to develop a system of vocational training in the sphere of ensuring state and public security;
- to raise the level of responsibility of public authorities.

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INFORMATION SECURITY: PSYCHOLOGICAL FEATURES

Information security plays a key role in securing the important interests of citizens, legal entities and the state. This is primarily due to the need to create a developed and protected information environment of the society. Informatization leads to the outside creation of a unified information space, within which accumulation, process, storage and exchange of information between the subjects of this space – people, organizations, states – are carried out. A single information and telecommunications system is being formed, which now includes all the most developed countries of the world. Sources of information security threats can be both external and internal.

External threats to information security include:

- preparation and implementation by a number of organizations of the policy related to the creation of means of influence on information infrastructure and information resources;
- activities of political, religious, economic and military structures;
- activities of terrorist and criminal organizations and groups;
- intensification of spiritual, cultural and ideological expansion and increasing dependence of the young generation on external information actions.

Internal threats to information security may include:

- increase in crime, criminalization of the society;
- decrease in the level of education, increase of social ignorance;
- insufficient information in the field of public administration;
- computer crimes.

New factors have emerged that need to be taken into account when assessing the real state of information security and identifying key issues in this area. The causes of internal threats are due to a lot of elements within the system: substructures for which the usual mode of operation has become unacceptable due to a number of circumstances. Let's carry out a conditional classification of threats. The whole set of threats will be divided into two classes – external and internal. Then – to threats that are perceived and not perceived by the system. In turn, perceived threats can be real and unreal (impossible). One can also give even more meaningful classifications, such as relating to species and hierarchy. In general, information security threats can be divided into political, economic and organizational-technical ones.

In the literature, the “security” concept is interpreted as the absence of a threat to anybody, anything. In the most general form, information security can be defined as impossibility of damaging the security object's properties caused by information and information infrastructure.

In the “security” concept structure, the security object, threats to this object and ensuring its security against the manifestation of threats are distinguished.

A security object is something that is protected against threats. The object of security may be a thing, a biological organism, a person, a society. The object security is characterized by the

security of its properties. Such properties of society include the presence of different spheres of social life. Accordingly, national, economic, public, defence, information, environmental and any other securities are distinguished in the national security content.

Information from a resource with the development of communication and information technologies is turning into a national world resource.

The TV or computer screen has become the main medium of information for a modern average person. Thus, the speed of creation of pictures, concepts of images is so high that there is no longer time for reflection of the received information. As a result, the dialogue disappeared, only reading and consumption remained. The consequence of this is a change in psychological potential – the basic orientation of the individual, the character traits and intelligence of the person, its psychophysiological state. In practice, there are manifestations of “Virtualism”, i.e. the individual’s orientation to move away from real life experiences and problems in the virtual world created by information means, and “Avitalism”, i.e. loss of the deep life-saving installations of the individual, that is, breaking the psychological barriers of the individual that prevent unintentional harm to other living creatures or to oneself (the latter can be manifested, for example, under the influence of perception and assimilation at the subconscious level of “entertaining” murders, various kinds of cruelties, which thoroughly fill the television screen and taken as a basis in a lot of computer games).

According to psychologists, only 15 – 25% of the population are able to assimilate information critically, and up to 75% of people have a high inclination. As a result, the use of modern media and means of mass information ensures social control. Physical and economic violence have been replaced by information violence: manipulation of people’s consciousness, invasion of their psyche and inner world. Psychological and information wars have become one of the side effects of informatization. They pose a serious threat to the information security of a country. Psychological and information wars are related and have enough in common. However, the psychological war appeared earlier than the information war. Psychological war in the broadest sense is a struggle in the spiritual realm as a whole, a universal way of acting on all the elements of social consciousness.

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**CONCEPTUAL FRAMEWORK OPSONIZES FINANCIAL SECTOR
OF ECONOMY OF UKRAINE**

The modern global economy it is hard to imagine without a functioning offshore business. Entrepreneurs and most countries have used offshore centers in order to maximize profits, reduce taxes and protect their capital, turning to the informal sector, slowing economic development of the country, creating obstacles for transformation processes, which are aimed at improving the welfare of the state.

It is worth noting that today's problems of activities of offshore companies and complex problems related to the emergence and functioning of offshore zones is the subject of study of many researchers. The question of the impact of offshore zones on the economy of Ukraine devote their works by scholars such as Nosulenko A. K., Volkova, Y. A., Dolotenko D. V., Sheremetevsky A. V., Rajuk Is.In.

Domestic business is no exception and is among the leaders in number of new offshore companies whose activities have a negative impact on the state budget and economic growth.

Among the main reasons for such a situation it is possible to allocate factors to regulatory policy in the context of taxation of activities that are also supported by research by PWC [1], according to which Ukraine holds the first position in the ranking of taxes according to the Tax code, is charged with 7 national and 4 local (excluding military duty) taxes.

Also, it is possible to agree with Professor F. Schneider, key factor in the transition of enterprises to the shadowing of the received income is coercive measures of the authorities to meet regulatory norms, and not their number, which is still largely not implemented. In his works he indicates that the increase of one point in the index of regulatory policy (he has five points, where the highest is the highest level of regulation) leads to the growth of the shadow economy by 8.1% in the measurement of GDP per capita [2].

The reaction of business to high tax pressure and the exposure of interest characterized by progressive offshoring of business (re-registration of ownership to an offshore company). For the period 2007-2018 years the share of enterprises, which are controlled and guided by the offshore companies rose from 26 to 36% (almost a third of the business in Ukraine is controlled through offshore companies).

Enterprise, ultimate beneficiary which offshore jurisdiction, cause and cause instability in the financial sector of Ukraine. During periods of financial and economic instability of this segment of the business generates distinct debt overhang and, as a consequence, the withdrawal of capital from the country and the revaluation of foreign currency debt.

Businesses that provide their activities with offshore use the used instruments the transfer of financial flows outside the country, as evidenced by the increasing number of offshore company of enterprises with negative equity (25-30%) during periods of financial and economic crises.

These preconditions weaken the country's financial system – both through the reduction in the supply of capital, and by slowing down the speed of his treatment. So the offshoring of the financial sector poses additional risks to financial stability in a country that becomes dependent on the decisions of those who control the financial flows of offshore company groups.

The General concept opsonizes the financial sector of Ukraine may be represented by the paradigm of tax asymmetry by conducting a factor analysis on a specific list of classification of indicators, taxation, the cost of services that allows you to group the main stages of legalization of income, received through the structuring algorithm: the initial direction (placement) → moving and changing shape (bundle) → legalization (integration), the use of which enables the erosion of the tax base and the movement of their income in low-tax jurisdictions.

Investigated opsonizes segment of the financial sector (almost 80% of investments in Ukraine is carried out through offshore companies), according to which investing in Ukraine from Cyprus is the leading financial and as a percentage of total investments (as on 31.12.2018 g. - \$ 8.6 bln. USA or 66,1%). There is a gradual increase in the share of alternative offshore, which is primarily for Belize, the British virgin Islands. Given to experts [3,4], over the past 15 years from Ukraine derived approximately 170 billion. USA.

Based on these dynamics, it can be argued that the size of investment in the economy of our country depends on offshore areas, as on their basis the activity takes place almost 95% of investment flows. Given these facts, the question arises civilized activities of offshore zones and offshore business, and there is a need to improve mechanisms of cooperation with offshore jurisdictions for Ukraine. In our opinion, for the further harmonious development of the economy of the country need to learn from the experience of developed countries on the legalization of offshore activities.

Exploring the level opsonizes in a global context and using "mirror statistics" method in the analysis of inbound FDI and outbound investment flows, the fact of the distortion of the domestic statistical reporting. Because summary data concerning direct foreign investments in Ukraine, provided by Ukraine and from the country of the investor, evidence of disregard of the future outflow of capital in the form of income on invested funds, which in the case of exceeding the volume of investments reflected the country of origin of the capital, over the amount of foreign direct investment, referred to as received from Ukraine, which were not reflected in the statistics. At the same time, understating the volume of outbound foreign direct investment from investor country compared with foreign direct investment, shown as income from this country to Ukraine, can be an indication of the fact that the ultimate controlling owners of the enterprise-investor, are not residents of the country specified as an investor, that is, the distorted the statistics on the structure of investment, which can be caused by various reasons.

For proof of concept, we use a methodology proposed by Global Financial Integrity [5], it

allows you to bring the averages of the total annual volume of illicit financial flows in the context of the five-, eight- and ten-year periods of research that became the basis for the ranking of countries. The results of the study, Ukraine was characterized by a fairly significant average volumes of illicit financial flows, compared with other countries of the world, as evidenced by her tenure on the 77th position in the ranking of 143 countries. At the same time, illegal incoming cash flow can be generated in two ways – a reassessment of export bills or underestimation of imports.

Analyzing the calculations, it is possible to form the mechanism of carrying out offshore operations, in the first case often is the procedure of return of illegally derived previously capital, while in the other – possible shadow settlements for imported goods, works, services. You should pay special attention to the fact that, for Ukraine's incoming financial flow is formed mainly due to the underestimation of imported accounts. Next to this, the output of the financial flow arises due to the opposing operations of the underestimation of export invoices and the revaluation of imports.

Confirmation of growth levels opsonizes there is a significant relationship (inverse correlation) between the level of economic security and shadow economy predetermines necessity of search of new mechanisms of combating corruption schemes of withdrawal.

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**PRINCIPLES OF FORMATION OF ENTERPRISE
ECONOMIC SECURITY SYSTEM**

One of the main issues of rapid development of enterprises in a market economy is a reliable economic security system for economic entities. The structure and operation of an entity's economic security system must base on a number of principles that characterize the main directions for responding appropriately to establish an appropriate security system.

This raises the question of generalizing and systematizing existing approaches to defining the principles of enterprise economic security. Scientific researches of the essence and principles of economic security of the enterprise are covered in the works: L. Gnylytska, NV Beloshkurskaya, IV Boltonenko, L.O. Korchevska.

In the great explanatory dictionary of modern Ukrainian it is stated that "principle is the basic starting position of any scientific system, theory, ideological direction; a feature that underlies the creation or implementation of something, the way of creating or implementing something [7, p. 1125]. That is, the system must built on certain principles and the economic security system

of the enterprise as well. Because the very principles are the methodological basis in the development of measures to organize the economic security of the enterprise. Today there are several approaches to defining the principles of economic security of the enterprise.

The scientists AL Bespalko, A.S. Vlaskov defined the following principles of economic security of the enterprise: systematicity, legality and complexity; completeness of coverage by levels and time of financial and economic activity; economic feasibility [5, p. 145–147].

In turn, scientists G.F. Azarenkova and Ya.M. Belokomir, «the principles of economic security of the enterprise include the principles: coordination, legality, complexity, economy, confidentiality, competence, planning, and continuity» [1, p. 4–5].

Particularly noteworthy are the research and the position of I.V. Bolbotenko, which, based on the opinion of L.O. Korchevskaya and consists in the following: «principles of organization of the system of economic security, systematizes into six blocks - target, structural, functional, process, operational and system principles» [3, p. 38].

«Functional principles - autonomy, concentration, actualization, neutralization, multifunctionality» [3, p. 39].

«Target Principles - Specificity, Reachability, Compatibility, Measurability Flexibility» [3, p. 38].

«Process principles - combination of publicity and confidentiality, lawfulness, combination of preventive and response measures, economic feasibility» [9, p. 46].

«Structural principles - the priority of the object over the subject, the principle of simultaneity, the combination of centralization and decentralization, minimal complexity of the structure, hierarchy, coordination, uniqueness, personal responsibility» [9, p. 46].

«Operating principles - specialization and proportionality, uniformity, continuity» [9, p.47].

«System Principles - Adaptability, Purposefulness, Openness, Integrity, Connectivity» [3, p. 38].

According to N.M. Ibrahim's researches of scientists, allow to form the following group of principles of economic security of the enterprise:

«*The principle of legality* - all decisions on the development of the economic security system should not contradict current legislation»;

«*The principle of systematic construction* - the elements of the enterprise's economic security management system must be interrelated and consistent»;

«*The principle of economic feasibility* - the effectiveness of the security system must be above its value»;

«*The principle of the effectiveness of management decisions* - the cost of measures to eliminate, neutralize or minimize threats to the economic interests of the enterprise should be less than the possible losses from their implementation»;

«*The principle of efficiency* is the timely prevention and / or effective overcoming of the negative impact of threats, while ensuring the development of the enterprise»;

«*Cost optimization principle* - the costs of preventing and / or overcoming threats should be adequate in their level and scope»;

«*The principle of comprehensiveness* - solving economic security issues with involvement of all subjects and assets of the enterprise»;

«*Principle of balance* - ensuring balance of economic interests of the enterprise, its separate divisions, personnel»;

«*The principle of timeliness* - the timeliness of the development and adoption of measures to neutralize the threats to economic security and economic interests of the enterprise»;

«*The principle of continuity* - the process of managing the economic security of the enterprise must be continuous»;

«*Principle of activity* - realization of active actions and measures of protection of economic interests of the enterprise with use of non-standard forms and methods of protection»;

«*The principle of centralization and decentralization* - the only approach to the performance of their functions by the participants of the process of ensuring security in a coordinating role and methodological guidance by the department of economic security of the enterprise»;

«*Principle of integration* - the system of management of economic security of the enterprise should be organically integrated into the general system of management of the enterprise»;

«*The principle of efficiency and dynamism* - the system of management of economic security should provide fast reaction of the enterprise on occurrence of real and potential threats and timely adoption of appropriate management decisions»;

«The principle of development and improvement - the ability of the economic security system of the enterprise to development and improvement»;

«The principle of adaptability - the system of management of economic security of the enterprise, its elements must adapt to changing factors of the external and internal environments of the enterprise» [8, p. 332].

Considering the research of scientists, and especially the research of M. M. Ibrahimov, we can draw the following conclusions: first, the problem of formulating the content and essence of the principles of economic security of the enterprise remain debatable; secondly, the interests of national economic and information security must taken into account when formulating the principles of economic security.

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**THE ROLE OF THE ECONOMIC SYSTEM IN PROVIDING
FOR NATIONAL SECURITY OF UKRAINE**

Today, Ukrainian society requires the creation of a system of public relations in every field that would ensure the stability and effectiveness of public interaction within the existing social order. Democratic modification of social order and further formation of civil society in Ukraine are leading elements of ensuring national security of Ukraine and, accordingly, occupy a single vector direction.

In proclaiming the democratic direction of development and seeking to become an equal partner in the world community, Ukraine must meet the high demands of modernity, both politically and economically. Despite the powerful domestic human, economic, humanitarian and cultural potential, the Ukrainian state has not yet been able to realize its obvious advantages, to create a social and economic theory of development that would be correlated with modern reality.

Becoming an open society in our country requires intensive development of the economic system of society, which is a fundamental basis for ensuring national security of Ukraine. Despite the complexities and contradictions of the transition period, Ukraine is slowly strengthening as a rule of law, accelerating its integration into the world economic space. However, globalization-related processes complicate the task from the previous stage and affect the national security system. The problem of development of the economic system of society is one of the key and most

theoretically significant problems for the modern legal science, development of civil society and formation of a legal, social state. The stable development of Ukraine and the guarantees of its independence and sovereignty imply ensuring the growth of the economic status of citizens, creating an appropriate environment where they will be able to effectively exercise their capabilities, which will eventually suspend the outflow of citizens to more economically developed countries and strengthen national security positions. It should be noted that this is only one component of improving the national security system through the economic component.

Issues concerning the formation of the economic system, including as an element of national security, were explored in the works of such scientists as O. Borysov, O. Beliaiev, I. Grabynskiy, Z. Zaloga, V. Iokhin, M. Krupky, B. Kulchytskyi, R. Kuchukov, S. Liubymtseva, O. Mamontov, I. Mykhasiuk, S. Mochernyi, L. Nalyvaiko, P. Ostroverkh, S. Panchyshyn, S. Pogorielov, V. Popov, D. Potieiev, S. Reverchuk, D. Stechenko, O. Tyshchenko, V. Fomischena, T. Shkliar and other scientists.

In order to achieve the goals it is important to form a model of development of society, economy in general and its industries, regions, and enterprises, as a basis for the formation of a system for managing the development of socio-economic systems. In modern science, there are several basic models of economic development associated with economic growth: 1) a model of linear stages of development (growth); 2) theory of structural transformations; 3) theory of external dependence; 4) model of innovative development; 5) neoclassical free market model; 6) theory of endogenous growth; 7) sustainable development model [1]. In modern conditions of development of national and world economy the whole system of relations of organizational, economic, communication, social and other direction is complicated. There are problems of organizational interaction of all components of market competitive environment in the conditions of rapidly changing parameters of achievement of goals. In the process of achieving the goals there is an imbalance in the system of organizational interaction of management and self-organizational processes. This is manifested at different levels of government. The violation of the relation between the state and private property contributed to the imbalance by weakening the mechanisms of ensuring the unity of interests and the unwillingness of most of the society to work in the new non-civilized capitalist economic conditions [2, p. 26].

At the present stage, it is important to actively involve civil society institutions in improving the functioning of the social and political systems of society.

However, the positive developments in the creation of legal conditions for the development of civil society in the studied context are accompanied by significant shortcomings, including insufficient participation of public associations in the formation, adoption and control of the implementation of public policy, adoption of strategic and current management decisions; underdeveloped and inactive forms of cooperation between public authorities and public associations; imperfect form of reporting to public authorities, due to which there is no information on taking into account and rejecting public proposals on the effectiveness of public expertise, monitoring public opinion; lack of integrity of the subject matter of public consultations on issues of exceptional importance to society and the state; extremely low activity and initiative of civil society institutions in organizing and holding consultations with public authorities; lack of skills and knowledge of conducting civil expertise in civil society; the unreasonableness and poor quality of the proposals of civil society institutions regarding the determination of positions, needs, interests in most management decisions; the use of civil society institutions by public authorities for formal representation only during the consultation phase; upholding within the civil society institutions a narrow range of issues that are limited to group interests rather than socially significant problems, etc. [3]. Unfortunately, these problems can be expanded, which indicates the need for more active cooperation on the basis of mutual understanding in order to achieve positive results in the development of the national security system.

With the development of the information society, the question of the emergence of the e-economy and e-business as its component becomes more and more relevant. E-business is aimed primarily at objectively meeting the interests and needs of the public.

E-economy is an information technology-based economic activity, one of the aspects of which is conducting e-business (online business), e-money, e-commerce, e-bank, etc. [4, p. 50]. At the present stage, e-business models are penetrating all spheres of human life, thus changing the conditions of development of citizens, societies, and interstate associations in general. E-business is a theoretical, methodological and practically applied form of adequate response of the modern world to the relevant post-industrial challenges [5, p. 2]. However, issues of legal regulation of e-

business in Ukraine are rather superficially discussed in Ukrainian legal science today. As a rule, conceptual developments in e-business are presented in economic science, public administration science, etc.

With the use of the Internet it is possible to quickly and with little cost to launch and promote products to the national and international markets. Online stores in Ukraine are in a stage of rapid development, since trading via the Internet can significantly reduce the cost of products, as there is no need to maintain retail space, there is no need to retain sales staff [6, p. 79]. The expansion of electronic forms of doing business is the result of socio-economic transformation of the conditions of development and functioning of modern post-industrial society, resulting in a radical shift of the market towards the management of intangible assets (information, knowledge, intellectual property, rights and obligations, electronic services, electronic services) [5, p. 9]. Further development of the information society in the country, the introduction and development of modern information and communication technologies will allow the effective formation of the national model of e-business, taking into account the already existing positive experience of other countries in this field.

In this context, it is important to emphasize that since the issue of economic development, the granting of relevant permits, etc. is at the disposal of public authorities, integration and systematic updating of information and communication technologies in the work of public authorities and local self-government bodies is a top priority.

Considering the qualitatively new role of the economic system of society as an important element for ensuring national security, it is necessary to realize that we are approaching fundamentally new forms of relationships in which the approach to the further use of property (the basis of the modern economic system) will be determined not by the wealth of individuals, but by the purpose for public needs satisfaction.

Thus, the topic of scientific knowledge of the economic system as an important element of ensuring the national security of Ukraine has a prominent theoretical and applied role and focuses on the political and legal aspects of the science of the theory of state and law and branch legal sciences. Today, both the international community and Ukrainian society are actively seeking and modernizing a more effective model of the economic system in order to create an economic balance of social development. The existence of different forms of ownership, security, protection, respect for society and power for private property, democratic market relations are the conditions for effective national security. Information and communication technologies have become the basis for the formation of a new type of economy – cybereconomics, in connection with the provision of unique opportunities in the movement of capital, goods and services. The modern economic system of Ukrainian society is forced to adapt to information and computer reality. Global trends lead to an innovative and structural restructuring of the domestic economic system of society, as today the absence of the above significantly weakens the position of the national security system of Ukraine.

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WAYS TO PROTECT PERSONAL DATA IN SOCIAL NETWORKS

In recent decades, social networks have been the main source of communication through a variety of technical capabilities through the Internet. Such progress has actually led to the information revolution and brought users closer to one another, as well as the transferring of information in content, volume, quality has become extremely mobile and speedy, which facilitates the development of business relations, tracking information, authentication. At the same time, there has been urgent need to protect personal data both in the context of usage of personal information and the data of a certain enterprise. There is a constant need to protect data on social networks that transmit personal data, company data to which the user belongs, content of activities and leisure, field of friends (contacts) and, most importantly, personal information that can be used by an outside organization. Overall, there are a number of legislative initiatives to protect personal data. However, technically this question is dealt with those persons (enterprises) who own accounts, sites, profiles.

The purpose of the article is to outline the main ways to protect personal data on social networks and to promote the mandatory implementation of security systems and safeguards.

The development of information technology and globalization, the activation and growth of the value of social networks have significantly changed the process and methods of collecting, processing, accessing and using personal data.

The presence of threats to the information security of the person on social networks does not mean that it is necessary to restrict their use or to remove them immediately. For safe use, firstly, do not enter in any way your personal data, information regarding dose people, relatives, secondly, use antivirus software on your PC, and thirdly, do not fill in all the fields it offers in the social network (addresses of study, work, residence, etc.). Try not to provide additional information about yourself on the Internet, because usually the weakest link in the network is the person, not the program code [3, p. 144]. Therefore, having more information about a person expands the range of information about him or her and "friends".

The right of control includes the right of users to decide which of their "friends" may allow the service to disclose their personal information to third-party websites and applications. Social networks should ask for permission to change any capacity to use personal data [5, p. 826]. You must use the appropriate social networking features to restrict data distribution to only a specified number of contacts.

It is advisable to conduct a separate study on the use of data against legal entities. Because social networks track down the activity of users of their sites and the sites of their marketing partners and are able to collect an unprecedented amount of secondary information on their users, sometimes even without their consent. If this information is collected by public authorities and used for the control of citizens, then the called "Vulnerability architecture" appears. Among the many risks to social networking, at least three are worth noting: 1) full awareness of the individual; 2) communication of information to criminals; 3) lack of real control over the validity of information about oneself [5, p. 824].

Of course, there are also certain restrictions, for example, the case the data is used for the purpose of freedom of expression, in the media, and, of course, there is some legal inconsistency in this case, and the state or a private company has the right to process the data in accordance with certain legitimate purpose of their processing. Therefore, restrictions exist, although in general the rights of an individual should be guaranteed, unless there are grounds for such restrictions [2, p. 67].

The problem with many social networking sites is that their default settings make users vulnerable. Some users do not suspect that they need to change their settings for their own protection. For example, by default, social networking sites can allow the use of HTML in comments, allowing their users to share hyperlinks, insert pictures, etc. It simplifies the hacker with the task of introducing malware, as it enables the insertion of a link outside the site of malicious code, which, for example, can allow attackers to access the internal network of the company [1, p. 2].

Another problematic aspect of privacy in social networks – the inability to completely and permanently remove your details from the social network that violates the so-called fundamental right of individuals to protection of personal data – "right to be forgotten" (right to be forgotten). This right existed in Europe since 1995 in all member countries of the EU (with the basic Directive 95/46/EU). Each person can ask to delete his data at any time.

It should also be noted that there is an ethical problem with the existence of accounts of deceased people. Today, social networks (such as Facebook) have introduced new features for managing "memorial" accounts and algorithms that will control the appearance of the deceased's profile in the user's feed. This will allow the deceased's relatives to limit the circle of those who can post or view posts on this page. Also, parents who have lost minor children have access to their account and can continue to keep a tape, account [4]. Introduce additional controls for people who manage memorial accounts, introduce improved artificial intelligence so that the deceased person's profile does not appear in painful ways, that is, as a living person (birthday greetings, event reminders several years ago) [4]. It should be noted that for people known to the general public, there is already a ribbon-inscription in the account that this person has died, accordingly, the actions with this account are terminated on the issues of peculiar "reminders" from the social network. In non-public cases, this feature does not always work.

Modern information technologies offer the following ways of data protection. Set passwords on all the devices you use (PIN on your phone, password to sign in to your Windows account, etc.). Periodically back up important files through cloud services or to external portable devices. Lock your device every time you log on to it (for example, Windows - using the Win + L keyboard shortcut). Install full encryption on all drives of your computer. For Windows, you can use BitLocker encryption (free, runs on Windows 8 and higher except for the Home series), which fully encrypts your drive or USB storage. For Mac OS X, there is an analog FileVault [6, p. 10].

It is also necessary to analyze the inbound and outbound traffic, selective control of social networks, the latter will help to observe the ethics of the company, constantly make use of cache memory. When using personal accounts, you need to create a strong password (with combinations of numbers, letters, uppercase letters), and hide birthday information. To protect your privacy, disable public search (in the Search for Facebook Privacy Management section, select "Facebook Search Results" is only available to friends).

Phishing messages should also be monitored, ie emails, social networking accounts, and online as advertisements and offering certain information (promotions, offers, bonuses) for which you need to enter your personal data: login, password, and personal data. Experts insist on careful use of such ads.

In general, responsibility for the personal data of individuals and legal entities rests with the owners of the carriers of such data. First of all, they need to carry out authentication (possibly two-factor authentication) as to where the data is additionally enshrined in the agreement for the dissemination of information. Technically, this personal data should be stored on local media, on the own servers of the company (owner) or on an individual, protected by modern information technologies.

It should be emphasized that the introduction of the above methods of data storage makes it technically easy to trace the source of the leakage and the dissemination of information. You need to keep your software up to date and keep your products fresh. However, at the present stage, these norms and principles are insufficient to regulate information processes in social networks, the global nature of which necessitates the creation of unified information rules to regulate legal relations in social networks and relevant technical norms.

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**COMBATING CORRUPTION THROUGH INTERNAL CONTROL
IN THE FIELD OF PUBLIC PROCUREMENT
TO ENSURE NATIONAL SECURITY**

According to the national security Strategy of Ukraine, approved by presidential decree No. 287/2015 of May 26, 2015, one of the most urgent threats to the national security of Ukraine is the spread of corruption, its root in all spheres of public administration, and the implementation of activities by state bodies in corporate and personal interests, which leads to violations of the rights, freedoms and legitimate interests of citizens and business entities [1].

Corruption is a broad concept that covers almost all areas of public administration and financial management in the public sector of the economy, and therefore it does not circumvent the segment of public procurement financed from budget funds (state or local budgets). Entities engaged in public procurement are at risk of misuse and inefficient spending of budget funds, and the sphere of public procurement of goods, works and services is one of the most corrupt.

To confirm this thesis, let's give an example of the case in 2019, when the Specialized anti-corruption Prosecutor's office sent an indictment in criminal proceedings on the fact of embezzlement of state budget funds in especially large amounts to the Supreme anti-corruption court. This case concerned the purchase of fuel for the needs of the Ministry of defense of Ukraine for a total amount of more than 58 million UAH. The accused in this case are a former Deputy Minister of defense, Director and employee of the Department of public procurement and supply of material resources of the Ministry of defense of Ukraine, an employee of the Department of internal audit of the Ministry of defense, a representative and final beneficiary of the company-the winner of the purchase [2].

This case is not an isolated one, and this category of cases contains many variations, despite the wide range of subjects of public procurement, which are: customers, procurement participants, controlling state bodies, subjects of public control, and others.

However, in our opinion, one of the key reasons for corruption in the public procurement sphere is the absence or improper organization of internal audit by state bodies of their enterprises that are customers in purchases for budget funds (state or local budgets).

According to article 346 and part 3 of article 347 of the Association Agreement of Ukraine with the European Union, cooperation in the field of public Finance management is aimed at ensuring the development of budget policy and reliable internal control and external audit systems based on international standards, and also comply with the fundamental principles of accountability, transparency, economy, efficiency and effectiveness. In accordance with part 3 of article 347 of this Agreement, the parties shall exchange information, experience, best practices and implement other measures, including in the field of state internal financial control [3].

Section 4 of the order of the Cabinet of Ministers of Ukraine "On approval of The strategy for reforming the public Finance management system for 2017-2020" dated February 8, 2017, No. 142-p States that according to this Strategy, the development of such components of the public Finance management system will be ensured: in the direction of ensuring effective budget execution, including state internal financial control; to ensure effective implementation of this Strategy, special attention will be paid to the constant development of human resources and the wide use of information technologies [4].

For an example of effective internal audit, the authors agree with the opinion of O. M. Starenkaya, who cites the example of the United States, where according to the Sarbanes-Oxley Act, an audit Committee, whose members are independent and are part of the Board of Directors, should be created in each public company. In order to ensure independence, members of the audit

Committee should not accept remuneration from the company for consultations, and should not be associated with the issuing company or its subsidiaries, except for performing the functions of members of the Board of Directors. In cases where an audit Committee is not created, these functions are assigned to the full Board of Directors, and in this case, each of its members is also obliged to observe the principle of independence. The audit Committee must include at least one financial expert with knowledge of generally accepted accounting and financial reporting standards, as well as experience in auditing financial statements [5, p.132].

Currently, the issues of organization and implementation of internal control by budget managers in their institutions and enterprises, institutions and organizations are regulated by the Basic principles of internal control by budget managers, approved by the resolution of the Cabinet of Ministers of Ukraine dated December 12, 2018 No. 1062, according to which the internal control system-implemented by the head of the institution policies, rules and measures that ensure the functioning, relationship and support of all elements of internal control and aimed at achieving certain goals (mission), strategic and other goals, tasks, plans and requirements for the activities of the institution [6].

Thus, the Law of Ukraine "On audit of financial statements and audit activities" brought into line with the legislation of the European Union (Directive 2006/43/EC and EU Regulation 537/2014) the norms of the national legislation of Ukraine in the field of audit activities, new functions were added to the powers of Supervisory boards. In addition, there is a requirement to create Supervisory bodies for enterprises of public interest. Thus, according to article 34 of the Law of Ukraine "On audit of financial statements and audit activities", large enterprises are required to create an audit Committee or assign the appropriate functions to the audit Commission or Supervisory Board, in accordance with the legislation [7].

An appropriate system of internal financial control reduces the interference of regulatory authorities in the procurement system and improves the efficiency of self-organization of enterprises that implement public procurement. Given the development and strengthening of the influence of control mechanisms in rational interaction with departmental financial control, internal control should play the role of the main tool for effective procurement organization.

The main purpose of internal control is full, high-quality and legitimate satisfaction of the needs arising in the implementation of enterprises, institutions, organizations of their activities, as well as the ability to warn the customer and officials directly involved in procurement from violations of the law and the onset of sanctions.

Thus, one of the main causes of corruption in the public procurement sphere is the lack or improper organization of internal control, which can ultimately pose a real threat to the national security of the state. Proper organization of internal control in enterprises, institutions, and organizations in the field of public procurement will help prevent, as well as promptly identify and stop violations of the law at all stages of the procurement process. Internal control will minimize the risks of bringing public procurement entities to legal responsibility, as well as improve the efficiency and effectiveness of procurement activities in general.

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INFORMATION DISCREDITATION BY RUSSIA OF RIGHTS OF CRIMEAN TATARS IN SAFETY DIMENSION

Following the annexation of the Ukrainian Crimea, the Russian Federation has launched a political pursuit of the Crimean Tatars, pursues a targeted information aggressive policy toward the national self-government bodies and their achievements in the field of state-building. The atmosphere of informational animosity thus created helps to accelerate the process of leveling the political rights and freedoms of the Crimean Tatars and is the basis for the Crimean population's rejection of the policy of Ukraine regarding its occupation.

Therefore, the Crimean Tatar issue is of particular importance in the context of ensuring national security of Ukraine. As the situation in Crimea has been repeated in one way or another over the last 100 years, the allocation of information influences applied by Russia during the period 1917 - 2014 in confrontation with the Crimean Tatar people will accelerate the restoration of Ukrainian power in the Autonomous Republic of Crimea.

In 1917, after the collapse of the Russian Empire in Crimea, with the support of the Ukrainian Central Council, the Crimean People's Republic was proclaimed during the First Kurultay of the Crimean Tatar People (hereinafter referred to as Kurultay). Based on the adopted constitution, as well as the program of the Crimean Tatars political party, Milli Firka, the government guaranteed to the Crimeans freedom of conscience, speech, religion, assembly, freedom of choice of residence, recognized the right to self-determination and protection against unlawful arrests, represented equal rights for women and men [3; 16].

The desire of the Crimean Tatars for national-state self-determination did not suit the Bolsheviks, since Crimea was considered an integral part of the political system of the future of Russia. To achieve this goal, the Bolshevik government has begun a deliberate effort to level or even openly falsify the achievements of Kurultay and Milli-Firk.

Typical techniques of information influence were: the distortion of historical facts, the selection of minor factors with a further sharpening of attention to them, exaggeration of the importance of unimportant events, the combination of fragmentary events into one.

Thus, the political slogan adopted by Kurultay: "Crimea for Crimeans" (that is, for the whole population of the peninsula, which in the broader context implied the prevention of the superhumanity of any one people) was presented as a desire to evict Russians and Ukrainians from the Crimea and create a Tatar peninsula on the peninsula. the bourgeois state. The form of power adopted by the Crimean People's Republic in the form of a parliamentary republic was interpreted as dictatorship of the Tatar bourgeoisie while maintaining its leverage and creating only the appearance of rights and freedoms for the common people. Kurultay's position on defining the mechanism of land distribution only during the Crimean constituent assembly was used by the Bolsheviks to accuse the Tatar government of protecting the interests of the landowners, and to convince the peasants of its counter-revolutionary nature [2; 3].

For information discrediting a sufficiently high level of authority, the Milli Firka political party used its initiative to alienate clergy land. Such a position of the party was explained to the people as the intention of clearing the way for the bourgeoisie to be ruled and the peasants' disregard for the needs of the peasants [3].

The above information methods of combating the rights of the Crimean Tatars were used by the Soviet Union and beyond. The deportation of about two hundred thousand Crimean Tatars from the peninsula in May 1944, when the facts of the cooperation of some representatives of the Crimean Tatar people with the Nazi occupation regime were used to blame the whole people, is indicative [4].

After the destruction of the Soviet Union, a new round of information aggression of Russia against the Crimean Tatars began. Pro-Russian organizations and parties have repeatedly initiated the withdrawal of Crimea from Ukraine and its accession to the Russian Federation. Among such steps are: the declaration of independence of Crimea in 1992, when the Verkhovna Rada of

Crimea declared the creation of a sovereign state of the Republic of Crimea, defining its territory within the Crimean peninsula indivisible and inviolable [6]; the abolition of the Constitution of the Autonomous Republic of Crimea in 1998, which enshrined the presence of the peninsula within Ukraine [5]. Subsequently, Russian propaganda efforts aimed at forming a negative view of the Islamic threat in Crimea and presenting the Crimean Tatar community as a direct driver of Islamic separatism, which has become a real threat to Ukraine's territorial integrity and security. [15]

Before the beginning of the armed seizure of Crimea, the population of the peninsula was widely disseminated information on: "fascination" of Ukraine and the deadly danger for all non-Ukrainian-speaking Crimeans; Ukraine's unwillingness, unlike Russia, to solve the domestic and social problems of the Crimean Tatars; unofficial support for annexation by the international community; the absence of the Ukrainian government's desire to return it [8, 12].

The aggression of the Russian Federation has forced Ukraine to actively defend its national interests. With respect to Crimea, its return strategy includes two interconnected blocks: political-diplomatic and information. The first is to support the unity and solidarity with Ukraine of the civilized world, the policy of non-recognition of the occupation of Crimea and the continuation of sanctions against Russia. The second is in the information counteraction to Russian propaganda in Crimea [9].

In the context of the first block, the adoption of a number of legislative acts by Ukraine was an important step in securing the rights of the Crimean Tatars. Among them, the resolution of the Verkhovna Rada of Ukraine dated 20.03.2014 "On the Statement of the Verkhovna Rada of Ukraine on Guaranteeing the Rights of the Crimean Tatar People in the Ukrainian State", which guarantees the protection and realization of the inalienable right to self-determination of the Crimean Tatar people in the sovereign and independent Ukrainian state [13]; resolution of the Verkhovna Rada of Ukraine of 12.11.2015 "On recognizing the genocide of the Crimean Tatar people" which states that the Russian Federation in the temporarily occupied Crimea carries out a conscious ethnocide of the Crimean Tatar people by: exerting systemic pressure on the Crimean Tatar people, repressing citizens of Ukraine; organizations of ethnically and politically motivated persecution of the Crimean Tatars, and bodies of their self-government, such as the Majlis of the Crimean Tatar people and Kurultay of the Crimean Tatar people [10]; law of Ukraine of 17.04.2017 "On restoration of rights of persons deported on national grounds", which defines the status of persons deported on national grounds, establishes state guarantees for restoration of their rights, principles of state policy and powers of state authorities, local self-government bodies for restoration the rights of these persons [11]. Also, the Constitutional Commission of the Verkhovna Rada of Ukraine is working on amendments to Section X of the Constitution of Ukraine regarding the determination of the right of the Crimean Tatars to self-determination [7].

The implementation of the second block can be attributed to: the adoption of the Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Protection of the Information and Broadcasting Area of Ukraine" on February 5, 2015, according to which films and series promoted or promoted by the authorities of the aggressor state are banned from distribution and screening. or their individual actions, which create a positive image of workers of the aggressor state or workers of the Soviet state security bodies, justify or recognize the legitimate occupation of the territory of Ukraine [14]; the work of the Commission on Ensuring the Stable Functioning of the National Television and Radio Broadcasting System to restore Ukraine's ability to convey information to people living in the occupied territory; implementation by the Ministry of Education and Science of Ukraine together with the Ministry of Temporary Occupied Territories and Internally Displaced Persons of Ukraine a simplified procedure for entry into higher education in the territory of Ukraine for residents of the occupied territories [5].

Thus, the Crimean issue remains an important security challenge for Ukraine at this time. Russia is discrediting the rights of the Crimean Tatar people in the information plane over several stages. The first is that the real-life events are those minor, unimportant episodes that are in line with existing interests and can have a direct impact on the behavior and consciousness of certain groups of people. The second stage focuses specifically on their coverage while ignoring or concealing other facts or the overall picture as a whole; where necessary, several such secondary factors create the necessary holistic situation. In the third stage, there is an accusation of unwillingness to respond to these facts.

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INFORMATION FALSIFICATIONS AS AN ELEMENT OF THE HYBRID WAR OF THE RUSSIAN FEDERATION AGAINST UKRAINE

Five years ago, in February 2014, the open phase of the Russian-Ukrainian confrontation began. In addition to the manifestation of armed aggression, Russia has resorted to another means of aggressive policies known as the "hybrid war". The latter assumes that the main methods used by the aggressor are not other acts of war in the traditional sense, but other means of influencing the enemy. Among them, an important place is given to the methods of defeating the consciousness of the population of the state against which such actions are directed. Such methods are called special information operations (hereinafter referred to as CI). Today, with the help of the SIO, Russia is trying to control the course of political processes in Ukraine in order to ultimately conquer our country. Problems of information security of Ukraine in general, and conducting of SSI in particular, devoted their scientific works to such scientists as: Gubarev, Y.L.Kozyratsky, A.M.Kuzmenko, V.V. Ostroukhov and others. The purpose of our speech: to identify the main means that the Russian Federation (hereinafter - the Russian Federation) uses in conducting a hybrid war against Ukraine, and to offer possible ways of counteracting them.

For many years, Russia has been directly undermining information. To do this, the Kremlin takes actions such as the SIU. Experts define them as a set of vowel and unspoken activities aimed at the hidden management of information sphere processes. Unlike outreach activities, they are of limited duration, subordinate to a specific purpose and coordinated by a single center, special services [1]. Almost since the collapse of the Soviet Union, Russia has launched anti-Ukrainian propaganda. In the early 1990s the first place was occupied by the topic of development of Ukrainian-Russian relations in the sphere of economy, the second - the Black Sea Fleet. The above issues

have been used as a catalyst for anti-Ukrainian sentiment in Russia, Crimea and the Eastern regions of Ukraine. SIO cases against Ukraine can be seen as early as 2003, near the Kos Tuzla island in the Azov Sea. Later in 2005, Russia indicated to the West that Ukraine was a "failed state", that is, a state that could not sustain its existence as a viable political and economic unit [3]. Considering the history of relations between the two states, we can conclude that Russia has been using different SSAs against Ukraine for decades.

We have reason to believe that, in addition to conducting an SSO, Russia is resorting to other means of propaganda. Analyzing the scientific work of V. Tkach, they identified the means that are considered the most effective. In particular, "establishing a trusting relationship with the target audience (in the way of using common and established statements, references to authorities, quotes, etc.); the use of an encyclopedic image of the author, who operates a vast amount of material (using full-scale texts of archival materials, economic tables and summaries, and other very difficult to read things about the authenticity of which is almost impossible to determine); purposeful selection of only those sources that "fit in" to the design, falsification of documents, providing information of intense emotional color in order to suppress the processes of rational thinking of the audience being attacked by information attack; describing events in literature long before something like this happened in reality, interpreting and biased commenting instead of being informed in detail about the facts"[2, p. 104].

It should be noted that in May 2017, one of the leading Ukrainian companies in the media market Director of Media presented a report on the ability of the Government of the Russian Federation to influence processes in the information space of Ukraine. Television became the first in the list of means of propagating falsifications against Ukraine. In our view, by transmitting misinformation, the Russian government has a greater influence on the Ukrainian people due to the fact that the linguistic factor in Ukraine is combined with sociocultural: more than 90% of the Ukrainian population understand the Russian language (according to an all-Ukrainian 2019 poll). As a result of the purposeful work of the Russian side in the cable television networks of Ukraine, the First Channel, NTV-Mir, Russia 24, RTR-Planet, Zvezda and others relayed, gave false information about events in Ukraine, ignited inter-ethnic enmity, calling for territorial division of Ukraine. The second most important means of influence on Ukraine by the Russian Federation is the press, in particular newspapers. This method also plays a big role, because in the information war any material, whether analytical or entertaining, can influence the people no less than direct political advertising. National Ukrainian versions of Russian editions were published in Ukraine, materials propagating Russian doctrine aimed at the collapse of Ukraine were disseminated, called for the overthrow of the constitutional order, the continuation and deepening of aggression, kindling of war, etc. Some of them are closed today, such as "Izvestiya" and "Kommersant".

In addition, the White Paper on Special Information Operations Against Ukraine 2014–2018 was presented on February 12, 2019. It is a compilation of Russian propaganda fakes aimed at undermining Ukraine's territorial integrity and discrediting it on the international stage. This collection has been combined by "serials" with several "seasons" that show the consistent use of the same topics by Russian propagandists over the years. Such "serials" are described in the edition 10. For example, such as "Pocket IDIL", "Fighting for the EU", "Searching for Ukrainian weapons", "USSR. Empire on the contrary »and more.

It should be emphasized that immediately after the Revolution of Dignity, the Mohyla School of Journalist Education created the StopFake fact-checking project. Over 105 fakes were denied in the first month of work. Most of the information was about the situation in the Crimea, the "transition" of Ukrainian military units to Russia, and false reports about the inaction of the new Ukrainian authorities. Over five years, more than 300 media outlets have reported on StopFake, including the New York Times, CNN, and Politico. The project's founders set out to cover Kremlin propaganda as a systemic phenomenon.

We believe that the activities of such an organization may not completely overcome the problems of information attacks, so we have identified some tasks that should be performed in order to avoid the spread of fraud by the Russian Federation, in particular:

- to consider the work of the security system of European countries, such as the Federal Republic of Germany, France, the United States of America, since implementation at the national level of the European experience may prevent attacks by the Russian Federation. It is also necessary to review the basic principles of building a national security system for the purpose of Ukraine's accession to a collective security system that would guarantee the protection of the independence, sovereignty and territorial integrity of our state;

- reform the components of the security and defense sector of Ukraine in line with the needs of hostilities in the new conditions of modern counterfeiting, taking into account previous national experience and mistakes.

- Given that most countries, including Ukraine, are democratic, that is, power is based on recognizing the people as the sole source of power, and most cases of unrest are initiated by the people. Because of this, it is necessary to consider man as the main goal, the defeat of the enemy. Considering that the human psyche has been formed since childhood, we consider it necessary to introduce into the system of teaching textbooks that would cover the destructive impact of the "hybrid war" on the economy, political and social life of the population, as well as the need to combat this phenomenon. From adolescence, the child will grow up in a patriotic group and will also be able to filter out false information.

Based on the above, it is obvious that the misinformation of the population today is claimed to be the main method of Russia's hybrid war against Ukraine. It should be argued that the main means of applying fraud by the Russian Federation are television and the press. The dissemination of information resources, products and services affects not only the interests of Ukraine, but the entire international community. Only broad international cooperation can ensure their proper use in the interests of each state. Therefore, in order to effectively combat fraud, different methods of counteraction must be intensified and the fake dissemination in the initial stages should not be possible.

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SHARED INCREASE OF INFORMATION AND THE LATEST METHODS OF INFORMATION WAR AS SOCIO-CULTURAL COMPONENT OF INFORMATION SECURITY

Modern society is characterized by an unprecedented increase in the information component influence on social life. Information activity becomes one of the constitutive components of social reality. Knowledge and information are becoming values of the main and most important resource of the authorities, which allow to achieve the desired goals, subject to the minimum amount of resources mobilization.

Given the fact that at the present stage of human development, information gets the paramount importance as a resource, a means of production and a tool of production, the problem of information security, which has systemic nature and concerns the activity of the basic institutions and subsystems of modern society, becomes especially relevant.

Information about security can be seen in different aspects: as the factor of social and economic development, as the tracking and classification of computer and network threats, as the preservation and protection of technical and linguistic information, as a new type of weaponry, and as an information war prevention [3, p.675]. At the same time, information security is a strategic category that is part of broader, multi-component concepts such as "international security", "national security", "national strategy", etc. [3, p.171].

In today's global and regional confrontation, information has become a means of upholding various interests, which in some cases are realized through expansion, aggression and destructive influences. That is why the national information space protection and information security guarantee have become priorities of modern states [1, 2].

The problem of information security of the individual, society, and the state is also actualized by the latest information warfare technologies which are changing approaches to information security.

Information warfare is a broad concept that has many aspects. It includes the activities of

charitable international foundations, social groups, the use of neurolinguistic programming, etc. [4, p. 61-65]. Information attacks are characterized by a sharp imbalance of positive and negative messages, lack of correct discussion of different points of view, which contributes to the formation of myths in the mass consciousness. Myths, in turn, act as a means of social mobilization and manipulation of public consciousness and are derived from the interests of influential social groups. In such conditions, it is vital to maintain information sovereignty, to form an effective security system in the information sphere [4, p.82-83].

No less influential risk factor for the information subsystem of society is the gradual informatization of society, that is, an active and sharp increase in the amount of information, its penetration into all spheres of society.

The current stage of informatization of society can be characterized as: on the one hand, there is a rapid growth of information in quantitative and qualitative indicators, on the other, the subject of information relations is not able to process the entire amount of daily and scientific information that comes to it in a short time. As a result, there is a state of information overload, which leads to various problems related to information security [4, p.67-68].

The excess of low-quality information observed at this stage of the information society development leads to stressful situations when dealing with information and information technologies. Information stress is a state of information overload when the individual does not cope with the task, does not have time to make the right decisions at the required pace, being responsible for the consequences of the latter [4, p.68-69].

Information stress protection is one of the functions of the information culture, which contains generalizations concerning the information knowledge, skills, and abilities of a person, his or her ability to work with information, etc. The formation of an appropriate level of information culture in a person prevents her from stressful situations when working with information and information technologies, which reduces the number of problems related to information security.

Thus, information security is one of the acute socio-cultural problems of modern society, when key socio-cultural processes are affected. The problem of information security is compounded by the issue of excess quality information, and the need to create an appropriate level of information culture in a person, that would prevent stressful situations when working with information and information technologies. In addition, the state of information security is influenced by the latest methods of waging information wars, aimed at forming myths that act as a colossal source of mass-energy, capable of mobilizing entire groups of people for certain actions. Ensuring information security requires continuous work to protect information as well as to defend from information, which will be aimed at overcoming disorganization and disfunction trends.

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PROBLEMS AND CONTROVERSIAL ISSUES OF INFORMATION SECURITY OF UKRAINE

Realistically, we can't allow ourselves to be overwhelmed by the same kind of information as before. Whatever it is, the power of Ukraine itself will require the right to read the information given to it by its dominion. In addition to war, intellectual mobilization must go in front of action, since at the beginning of each process it is necessary to recognize the trajectory of movement in the right direction. It is no secret for anyone that Ukraine is responsible for the crisis in Ukraine and for stabilizing the economy of Ukraine. Strong state - the goal, because the weak always become the target of the aggressors. New strategic guidelines and general ideas about information security as an integral part of national security, alongside the unstable position of Ukraine in the international arena, pose many state problems, touching upon the main issue of Ukraine's independence, which is the relevance of the above.

National security issues were addressed by scholars such as: V. Bogusha, O. Barinov, S. Brown, V. Varyukhin, V. Gubaev, Yu Danik, S. Zhuka, B. Kormich, T. Clark, O. Sosnin, V. Fomina and Bagato in.

Nowadays, the Ukrainian community is studying on the way to encourage new civilization, which is based on new technologies, industry and information and services. This process is driven by the backdrop of increasingly complex global problems, migration challenges, geopolitical challenges, and violence. The practice of everyday social vidnosibirsk requires a distance from the previous day at a direct analogy of the problems of information-free baking of everyday Ukrainian jurisdiction. The practice of solving the most important social problems will require the most modern analysis of the information security problems of the Ukrainian people. According to many authors, the concept of information security allows you to see the difference in understanding this problem from a scientific and public point of view. [2, c.70]

In the second glaze of the 20th century, information security becomes an important element of the country's national security. Information technology is actively used to influence human consciousness. Volumes of the global state industry are growing. [3, c. 21]

Information is everywhere, it is hidden in public life, which allows us to assert its psychological influence on people, their social, economic, military, political relations, and as a result, the development of clear methods for regulating information relations will solve the problem.

According to R.R. Marutyan, the key danger to the national security of Ukraine in the information sphere is the information-psychological impact of foreign countries on the consciousness of citizens of Ukraine and the world society through information campaigns, campaigns and operations. The reason for all this is the spread of untruthful and incomplete information about Ukraine and its political processes. All this affects the domestic and foreign policy of the country, reducing its international image. The purpose of such information operations is to ensure their own national interests of interested countries. [4]

The consolidation of public and state forces in the form of creating their own information space, amending the procedure for regulating information security issues, integrating into the international information space will help to resist negative information influences, wars, and negative political events, making it possible to protect national sovereignty by creating an effective national security strategy for Ukraine. An indisputable auxiliary factor in resolving this issue will be not only the experience of foreign countries, but also the study of the technological component of wars and operations.

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REGULATORY PROVISION OF THE MECHANISM FOR THE FORMATION AND IMPLEMENTATION OF THE STATE ANTI-CORRUPTION POLICY

As is well known, corruption in many countries of the world has become one of the most pressing problems of our time in public authorities and economic activity. At the same time, the impact of corruption in these countries has increased so much and continues to increase that in some cases it reaches alarming proportions in comparison with a large part of the state budget.

According to international and domestic expert opinions, Ukraine is one of the countries with a high level of corruption in public administration and economic activity.

So, today, the problem of corruption in Ukraine is critical, according to the global organization against corruption Transparency International, our country ranks 130 out of 180 countries in the list of the most corrupt countries in the world, along with African countries such as Gambia, Iran, Sierra Leone.

Speaking about the dangers of corruption, VM Kirichko rightly points out that their quality is determined first of all by creating a dependence of a certain person's official activity on receiving undue benefits from other persons, which causes or may cause significant harm to an individual or a legal entity, society or the state [1, p. 20].

The fight against corruption in the modern world has become one of those activities in the implementation of which the interests of different countries with different political systems, different state and political ideology, which are at different stages of development are intertwined [2, p. 433-434].

There are always a number of reasons for corruption:

- 1) economic crisis and political instability;
- 2) the imperfection of the legislation, that is, the absence of a system of anti-corruption laws and by-laws.

We believe that the main conditions for successful counteraction to corruption are: anti-corruption legislation and its effective application by state bodies; political will of the government; support of anti-corruption measures of the state by civil society.

Thus, the Law of Ukraine "On Prevention of Corruption" defines a corruption offense, namely as a deliberate act containing signs of corruption, committed by a person referred to in the first paragraph of Article 4 of this Law, for which the law establishes criminal, administrative, civil and disciplinary responsibility [3].

This Law discloses signs of corruption: the use by a person referred to in paragraph 1 of Article 4 of this Law to give him / her official powers and related opportunities for the purpose of obtaining undue benefit or making a promise / offer of such benefit to himself or others or, accordingly, a promise / offering or giving 87 undue benefits to the person referred to in the first paragraph of Article 4 of this Law, or at his request to other natural or legal persons in order to persuade that person to unlawfully use the official services provided to him or her innovations and related opportunities [3].

According to Article 22 of the aforementioned Law, persons referred to in the first paragraph of Article 3 of the Law of Ukraine "On Prevention of Corruption" are prohibited from using their official powers or their position and related opportunities for the purpose of obtaining undue advantage for themselves or others. persons, including the use of any state or communal property or funds in the private interest.

In general, section IV of the Law of Ukraine "On Prevention of Corruption" establishes responsibility for the prevention of corruption and corruption-related offenses. Section XI of the Law of Ukraine "On Prevention of Corruption" establishes responsibility for corruption or corruption-related offenses and elimination of their consequences.

For committing corruption offenses, persons authorized to perform the functions of the state shall be prosecuted in accordance with the procedure established by law to:

- criminal;

- administrative;
- civil law;

or disciplinary liability (Article 18 of the Law).

The rules of the Code of Administrative Offenses establish administrative responsibility for the following offenses:

- violation of restrictions on the use of official position (Art. 172-2)
- offering or offering undue advantage (Art. 172-3)
- violation of restrictions on compatibility and reconciliation with other activities (Art. 172-4)
- violation of statutory restrictions on receiving a gift (donation) (Article .172-5)
- violation of the requirements of financial control (Article .172-6) and others [4].

According to the articles of the Criminal Code of Ukraine, officials can be prosecuted for:

- forgery of documents, seals, stamps and letterheads, sale or use of forged documents, seals, stamps (Article 358)
- abuse of power or office (Article 364)
- abuse of authority by an official of a private legal person irrespective of the organizational and legal form (Article 364-1)
- abuse of power or authority (Article 365)
- excess of authority by an official of a private legal person irrespective of the organizational and legal form (Art. 365-1)
- abuse of power by persons providing public services (Article 366)
- official negligence (Article 367)

- acceptance of an offer, promise or receipt of undue benefit by an official (Article 368) [5].

The information on persons prosecuted for committing corruption offenses shall be entered in the Unified State Register of Persons Who Perpetrated Corruption Offenses within three days from the date of entry into force of the relevant court decision.

Summarizing, the important guarantee of corruption prevention is high quality legal support. The rules of administrative, civil and criminal law regulate public relations regarding the management and prevention of the corruption sector, prevention of corruption, sectoral control, responsibility for violation of the legislation in the field of corruption, etc.

Analyzing the basic anti-corruption law "On Prevention of Corruption" for effective fight against corruption, an anti-corruption strategy is created, which is created for a separate period of time based on the analysis by the authorized bodies of the situation on corruption, as well as on the basis of the previous strategy. This strategy includes an anti-corruption program that provides a general policy framework for preventing and combating corruption, assessing the risks of corruption in the activities of the authorities, outlining measures to address the identified risks, and measures to prevent corruption.

Thus, first of all, the state policy in the field of preventing corruption depends on the justified, harmonious, consistent and effective state policy in the sphere of preventing corruption. A perfect regulatory framework, a clear system of sectoral governance, and effective methods of influencing the behavior of legal actors are a reliable guarantee of an effective anti-corruption policy. Conversely, the shortcomings and imbalances of regulatory support always lead to the unmanageability of socially significant processes, the haphazardness of the measures taken, and, as a consequence, the lack of sustained progress in the fight against corruption.

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ABOUT THE OBLIGATION TO HOLD A COMPETITION FOR APPOINTMENT OF POLICE OFFICERS

Security in a civilized society is achieved through the creation of favorable economic, informational, political, social, natural and other conditions by the state. Negative factors of external and internal nature require effective measures to ensure national security, including in the field of public security and order. The ability of national security actors to respond to national security threats in a timely manner requires external and internal organizational measures to be taken. The latter include the provision of the needs of the National Police in the high-quality personnel of the designated central executive authority.

Formation of a competent, professional and motivated police core is a prerequisite for increasing the level of citizens' trust in the National Police as an effective institution capable of defending the rights and fundamental freedoms of the individual person and citizen supporting both – civil society and the constitutional state.

Romanenko M.V. correctly points out that the task set before the police authorities is possible only in the presence of qualified professionals, who must not only possess the appropriate knowledge, skills, but also be motivated, dedicated and educated on patriotism and priority perception of the person as the highest value.

It should be emphasized that the qualitative composition of the National Police is formed both during the recruitment to the police service and during the police service. Thus, the Law of Ukraine on the National Police stipulates that in order to select persons capable of professionally performing police powers and duties under the relevant vacant position, in the cases stipulated by this Law, a competition for police service and / or for vacancy is held. The competition is conducted taking into account the level of professional competence, personal qualities and achievements of candidates for the recruitment and occupation of a vacant position. Competition for police service is mandatory among first-time recruiters for the appointment of junior police officers. Recruitment in the order of promotion of positions of junior, middle and senior police, except in the case provided for by part three of this article, may be preceded by either a competition or certification by the decision of the head authorized to appoint such positions [2].

Analyzing the above norm it can be noted that the competition for police service is compulsory only for those persons who, firstly: are accepted for police service for the first time, and secondly: who are appointed to junior police posts. It should be noted that the junior police force includes the positions defined in Title VIII of the Order of the National Police of Ukraine dated December 4, 2015 № 142 “On Approval of the List of Positions of the Junior and Secondary Police Squad and their respective special border posts” [3].

The problematic issue of the obligation to hold a contest is also reflected in detail in the report on police commissions in Ukraine. Thus, the authors of the study state that the competition for positions in the National Police is obligatory conducted only among persons who are first recruited to the police with the appointment to the posts of junior police (Article 52, paragraph 3 of the Law). And in the case of promotion of police officers, including leadership positions, the competition is not obligatory. Therefore, these positions can be filled by orders of the relevant leaders in the police structure without a competition. Thus, in practice, police commissions only engage in the selection of junior positions. That is why competitions for senior positions in the police since the law were passed were rather exceptions than the rule. The existence of such an alternative in law - the appointment of a person on the basis of an order of the head or through the announcement of a competition with the involvement of the police commission - means that the head in question usually chooses a simpler option for appointment. Appointment to senior positions and promotion in the National Police is mainly through a non-competitive procedure. Probably, the fact that the police commissions are selected for the lowest level is related to the fact that absolutely all interviewed commissioners indicated that there were no facts of pressure or other influence on them by the representatives of the Na-

tional Police or third parties during interviews with candidates [4].

The above position is shared by I. Kravchenko, who also points out that not all police posts are selected by competition, although international standards provide for the widespread use of competitive police positions, including senior positions [5].

However, it cannot be considered that the obligation of competition for employees is a novelty in national law, which has not been consolidated yet. Positive experience regarding the compulsory conduct of the competitive procedure is presented in a number of Laws.

In particular, in part 2 of Article 35 of the Law of Ukraine "On Civil Service" it is stipulated that when appointing a person to the post of civil service, the first time the test is required. Promotion of a civil servant on the service is carried out taking into account professional competence by holding a higher position according to the results of the competition (Part 1, Art. 40 of the Law of Ukraine "On Civil Service") [6]. That is holding a vacancy contest public service positions; to a post for the period of replacement of a temporarily absent civil servant, after which a civil service position is retained; to public service positions held by persons whose termination of public service is due to their attainment of 65 years of age; to the posts of the public service of category "A", occupying the persons in which the term of appointment expires is obligatory. Without a mandatory competition, only a public servant may be transferred to an equivalent or lower (with his / her consent) position in a public authority.

The Law of Ukraine "On the State Bureau of Investigation" stipulates that citizens of Ukraine who are capable of their personal, business and moral qualities, age, educational and professional level and status are admitted to the service of the State Bureau of Investigation on a voluntary basis (by contract) health effectively perform the relevant duties. The admission of citizens of Ukraine to the State Investigation Bureau without a competition is prohibited [1]. Without compulsory competition, officers of the rank and file and civil servants of the SBI may be transferred to another lower or equivalent vacant or temporary position.

The Law of Ukraine "On the Prosecutor's Office" also establishes the mandatory holding of a vacancy for vacant positions, transfer to a higher level prosecutor's office. The transfer to the equivalent positions of other prosecutor's offices is carried out without the obligatory conduct of competition [8].

Special attention should be paid to the competition procedure in the National Anti-Corruption Bureau of Ukraine (here in after – NABU). Thus, according to Part 5 of Art. 10 of the Law of Ukraine "On the National Anti-Corruption Bureau", citizens of Ukraine, who are capable of effectively fulfill the relevant, personal, business and moral qualities, age, educational and professional level and health status, are admitted to the NABU on a competitive, voluntary, contractual basis job responsibilities. Qualification requirements for professional suitability are determined by the NABU Director. Appointment to positions at NABU shall be carried out solely on the basis of open (except as provided in part four of this Article) competition, which shall be conducted in accordance with the procedure established by the NABU Director, except for the appointment of first deputy and deputy NABU Director. That is, all appointments at NABU are conducted solely on a competitive basis [9].

Analyzing the above regulations, we can conclude that competitive procedures in state bodies are mandatory when appointing for the first time in such bodies and in the order of promotion. Appointments to equal and lower positions are made by authorized persons of these state bodies without conducting a competition. The exception is the undeniable obligation to compete for any position in the National Anti-Corruption Bureau.

It is worth agreeing with I.O. Svyatokum, who notes that despite some successes, the effectiveness of police commissions in ensuring transparency of the personnel policy of the National Police is significantly reduced due to the lack of clear criteria for the announcement of a competition when promoting a police officer. In this regard, it is advisable to determine the list of positions (above all, higher and middle-level police forces) for which the competition is mandatory [10].

Thus, it can be concluded that the competitive procedures in the National Police bodies in terms of appointment in the order of promotion, in particular and in leadership positions, are of an alternative nature. An alternative to the competition in this case is promotion of police officers in this case. The role of appraisal commissions in the activities of the National Police should not be offset, but at the same time, given the order of formation, operation and operation of appraisal commissions, the subordination of their members in their official activities to authorized officials, it is necessary to reduce corruption risks, create more transparent conditions including leadership positions, by the subjects of destination. Displayed above indicates the necessity of amending the

provisions of the Law of Ukraine "About the National Police" and orders of the Ministry of Internal Affairs of Ukraine from 17.11.2015 № 1465 (as amended) " About Approval Of The Instruction On The Procedure For Police Appraisal" [11] from 25.12.2015 № 1631 (with Changes) "About The Organization Of Recruitment (Competition) And Promotion Of Police Officers" [12] in the part of the alternative of conducting the competitive procedure in the appointment to senior positions, including senior positions, in the order of promotion.

We think that the non-alternative competition procedure in the police will facilitate a more transparent selection of police officers, which will ultimately allow us to speak about the quality filling of the State Police staff by competent professionals, capable of professionally performing their official tasks.

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**ECONOMIC SECURITY AS A COMPONENT
OF UKRAINE'S NATIONAL SECURITY**

Ensuring economic security becomes a priority for all countries in the world at the current stage of globalization and internationalization of business relations. This issue has become especially acute in Ukraine, as the current problems of the world economy are exacerbated in our

country by the longstanding systemic crisis [1, p. 52]. Such scientists as O. Bandurka, O. Baranovskij, O. Vlasyuk, V. Geyec, V. Gorbulin, Z. Varnalij, V. Goncharova, V. Zaharchenko, L. Kisterskij and others. have been studying economic security and its security. The issue of determining the category of «economic security», identifying major external and internal threats to economic security and measures aimed at strengthening the economic security of Ukraine are quite relevant today. First of all, the economic security of the country, on the one hand, is an important component of the national security system that shapes the protection of national interests, on the other - is a direct condition for the observance and realization of national interests in securing financing, income generation and expenditure, etc. [4, p. 336].

The problem of national economic security in Ukraine began to develop after the country gained independence. Conceptually, it was reflected in the «On the Concept (Basis of State Policy) of National Security of Ukraine», adopted by the Verkhovna Rada of Ukraine in 1997. The main legislative acts in the field of national security are the Constitution of Ukraine, the Law of Ukraine «On National Security of Ukraine», as well as other laws and by-laws [2, p. 140]. According to the first article of the Law of Ukraine «On National Security of Ukraine» the category «national security» is defined as the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine against real and potential threats [3].

There is no single comprehensive definition of «economic security» in the scientific literature and regulatory framework of Ukraine. In particular, scientists such as A. Arhipov, A. Gorodeckij, I. Bogdanov define economic security as a state of the economic system of the state that ensures a normal standard of living, internal stability and external independence. S. Afoncev, V. Bilous, V. Goncharova consider the concept of «economic security» as a state of the economic system of the state, which provides him with the opportunity to confront external and internal threats [2, p. 141].

The domestic literature contains the following approaches to interpreting the concept of economic security of the state with the following characteristics:

1) Stability and counteraction to internal and external threats, by which we mean the strength and reliability of links between all elements of the economic system, stability of economic development of the state, resistance to containment and elimination of destabilizing threats;

2) Economic independence, which characterizes first of all the ability of any economic security entity to make and implement strategic economic and political decisions for development, the opportunity to use national competitive advantages to ensure stability and development;

3) Self-improvement and self-development. This characteristic implies the creation of the necessary conditions for effective economic policy and expanded self-improvement, ensuring the competitiveness of the national economy on the world stage;

4) National interests. This characteristic determines the ability of the national economy to protect national economic interests [1, p. 53].

Analyzing the views of scientists, the economic security of the state should be considered, first of all, as one of the components of national security of the state, which is a set of measures aimed at ensuring the economic stability of national interests in the presence of adverse external and internal factors.

Economic security of the country, being one of the defining components of the national security subsystems of the country, at the same time, has a complex structure as it includes its components. The list of components of economic security is also debatable, even somewhat contradictory. This is due to the fact that certain components of national security, defined by law, are included in the economic security system, which causes a number of criticisms from scientists and practitioners. Most economic security researchers have come to the conclusion that the basic structural elements of economic security that need to be applied in the analysis of economic security of Ukraine are the following: raw material and resource security; energy security; financial security; social security; innovation and technological security; food security; foreign economic security [4, p. 337].

In the face of globalization challenges, the so-called national security threats should be addressed. According to the Law of Ukraine «On National Security of Ukraine» threats to national security are phenomena, tendencies and factors that make it impossible or complicate or may impede or complicate the realization of national interests and preservation of national values of Ukraine [3]. Concerning threats to economic security, they are divided into two groups - internal and external. Thus, the internal threats include: 1. Low technological level of most industries, high costs of production, poor quality of production and, as a consequence, low competitiveness of the

national economy; 2. Loss of a considerable part of scientific and technical potential, positions on important directions of scientific and technological progress; 3. Deformed structure of production; destruction of the system of reproduction of production potential; 4. Inefficiency of the state management of socio-economic processes, etc. The main external threats include: 1. Ukraine's import dependence on many types of products, including strategic goods, energy, mechanical engineering components, foodstuffs; 2. Irrational export structure; 3. Staying in the bud of the financial, organizational and information infrastructure to support the competitiveness of Ukrainian exports; 4. Poor development of transport infrastructure of foreign economic relations [1, p. 54].

Therefore, economic security is an extremely important element of ensuring national security of Ukraine, which applies to all spheres of life of our country. Ensuring the economic security of Ukraine is one of the main functions of the state and depends directly on the current internal and external conditions.

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TRUST AS AN INTEGRAL PART OF ECONOMIC ACTIVITY AND RISK FACTOR THAT OCCURS WHEN DELEGATING IN PART THE RESPONSIBILITY TO ANOTHER AGENTS OF ECONOMIC ACTIVITY

The topic of economic security in the modern world is relevant and very important, because the economy is a reflection of the success of the state, the level of economy influences the level of life of the country as a whole along with the standard of living of its population, which, in turn, is an integral part of ensuring the functioning of the state as a counterparty of economy, that is, economic activity, in its various manifestations at all its levels.

As the topic is very vast, we will consider only one, but strategically important, economic security sector, which is the banking sector.

The issues of economic security were studied by such scientists as: R. Dronov; N. Głowacki; S. Lazurenko; Y. Borodin; M. Dudin; I. Fedorov; L. Plotitsyn and many others.

Taking into account the pace of development and transformation of many economic processes and procedures that provide for economic activity, there are a great number of unresolved or in part unresolved issues, such as the digitization process and the banking security risks arising from this process.

Before we begin the analysis and covering of the above topic, it is necessary to define the basic terms such as: trust, economic security, economic security of the country.

The term of trust. "Trust is something that cannot be touched or seen, but can literally be felt through the degree of freedom in communication, the transmission of information, important and such that can affect the continued quality of the activity, and not only in the line of economy, of all participants involved in communication." [1]

Economic security, according to L. Abalkin, is the interconnection of factors and conditions that ensure the independence of the domestic economy, its stable and sustainable growth, the opportunity for renewal, self-development and improvement. [2]

As the country's banking system is the main means of making money circulation, and money circulation, in turn, is the economic organism's blood circulation system, we have selected the banking sector as the object of analysis and the deposits as the confidence in the banking system to the example of a nationalized bank, PrivatBank.

In 2017, a hacker attack was conducted on PrivatBank, both personal and credit funds were withdrawn from the clients' accounts. The bank's management by default resolved this incident by returning clients' money to their accounts, thus reinforcing their clients' confidence in their institution. However, in Figure 1 we can see a slight decline in the growth of money supply in early 2017 against the background of its growth in the period 2014-2018 when the attack took place. [3]

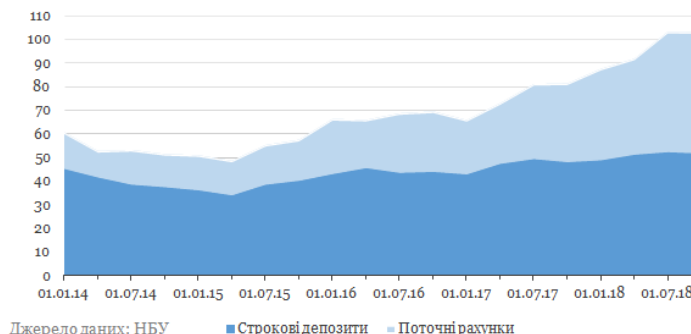


Fig. 1 Dynamics of attracting hryvnia funds from the population of PrivatBank, January the 1st 2014 – October the 1st 2018, billion UAH.

Also, let us draw your attention to the significant decline in money supply in the form of household deposits, which could have occurred in connection with several events. Namely, the revolution, or the insurrection and the change of government and nationalization of the institution.

Basing on the definition of the term "economic security" and the aforementioned circumstances existing in the economy (since the economy is the life of the counterparties of the economy (legal entities and individuals), such events could not help affecting the state of the economy of the country) we can draw the following conclusions:

1. Independence of the domestic economy - for many reasons, the independence of the domestic economy has decreased significantly. Reasons: signing of the document on Eurointegration, Conditions for receiving a new tranche from the IMF, grave and total uncertainty which the population is experiencing now, sharp outflow of population to other countries - migration (labor and permanent residence Figure 2. [4])

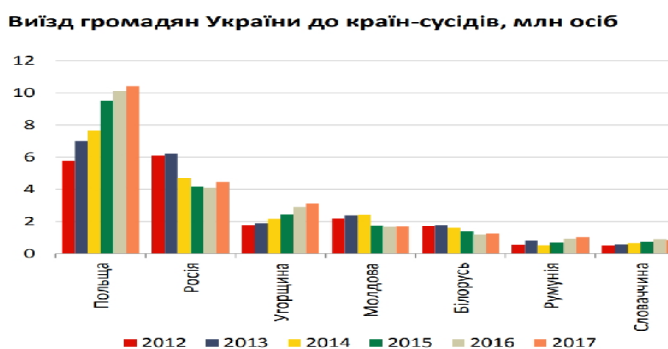


Fig. 2 Departure of Ukrainian citizens to neighboring countries, millions of people

2. "Stable and steady growth, opportunity for renewal" - Conflict in the West of the country, as the most negative factor in the outflow of both investment (Figure 3) and the country's population. [5,6]

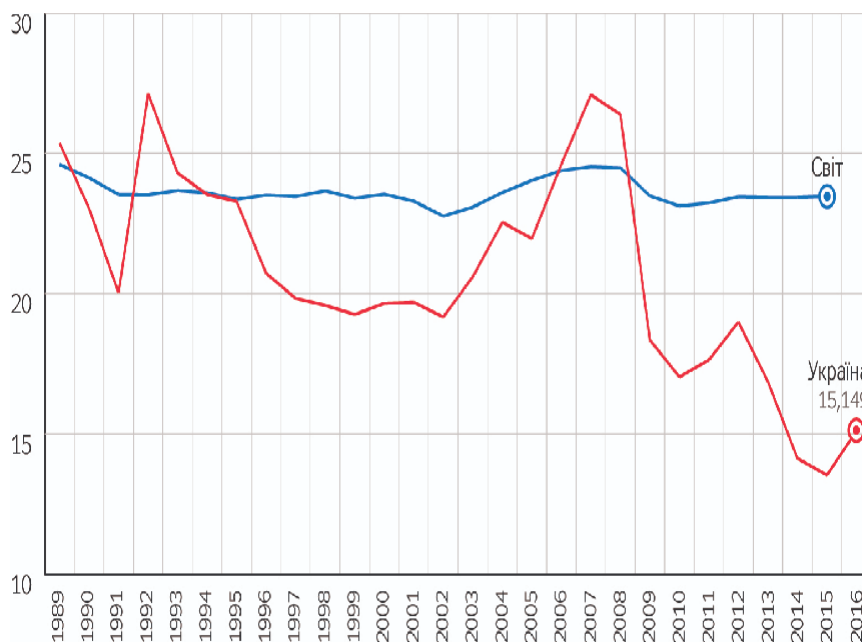


Fig. 3. Gross fixed capital formation, % of GDP [5,6]

Figure 3 shows a clear decline in GDP, in several stages, with the first stage of the recession coinciding with the so-called Orange Revolution and the second with the 2014 Revolution.

2. "self-development and improvement" - loss of markets that could provide such an opportunity. The list of countries to which Ukraine has exported its products significantly, if not to pick up the synonym of the word "significantly" more adequate to reality, has decreased. At least, if we talk about those countries that actually provided Ukraine with a high level of exports, which in turn provided an opportunity for GDP growth. The situation, which is a reality for Ukraine, is well reflected in fig. 4. [7]

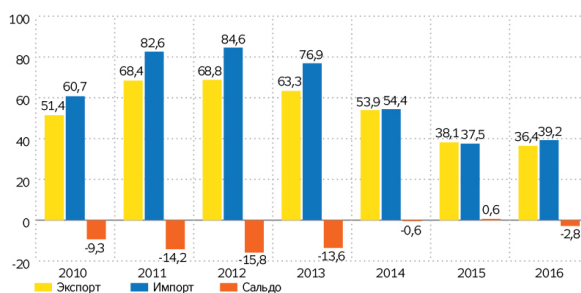


Fig. 4 Comparison of Export and Import of Ukraine 2010 - 2016

Thus, the economic security of a country depends to a large extent on the policy conducted towards the population of the country, because the economy as a whole depends not only on the instruments of economic policy (tax regulation, banking system, etc.), but to a great extent on the degree of confidence of the population to the policy of the state towards its population.

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**DEVELOPMENT OF INVESTMENT ATTRACTIVENESS
OF UKRAINE AT THE PRESENT STAGE**

Economic stability and prosperity are a source of state stability. It is a well-known fact that the improvement of public administration systems in the economic sphere, the search for the latest technologies and cooperation, investments play one of the most important roles in this. Today there is a problem of overcoming the economic backwardness of Ukraine, using the country's powerful investment potential.

Direct research and study of issues of improvement of investment potential, its formation and development are engaged as scientific circles: V.V. Bocharov, O.A., Kirichenko, O.M. Tishchenko, S.M. Tkach, IO Form, etc., and the public through the activities of communities, communities, central and local government bodies in the field of economy, etc.

First of all, it starts with the investment climate of Ukraine and its components. By taking advantage of the major benefits:

- 1) favorable geographical location;
- 2) the level of development of industrial production;
- 3) natural resource potential;
- 4) highly skilled and competitive workforce;
- 5) unformed market for goods,

there is an opportunity to improve the “investment climate” and be able to attract foreign capital to the Ukrainian economy, taking into account these indicators. There is no exclusion of economic factors that hinder this process:

- 1) imperfection of economic legislation;
- 2) corruption;
- 3) technical and economic backwardness;
- 4) instability of the internal state of the economy: fluctuations in prices, exchange rates;
- 5) small business development problems;
- 6) high bureaucracy [2, p. 101-102].

At the present stage of development for Ukraine, the investments of the technological leaders, the specialization of which is the production of high value added goods (France, Italy, Germany, Japan, USA), are attractive. There is a problem of commodity specialization of Ukraine in the world market, since mainly foreign investments go to the processing industry, wholesale and retail trade, which does not entail modernization of the economy, development of export of high-tech products [1].

According to the State Statistics Service of Ukraine: the accumulated volumes of FDI as of 01.10.2018, to the areas in which the investment potential is realized most are: industry (US \$ 10

688.8 million), wholesale and retail trade (US \$ 4 970, US \$ 4 million), real estate transactions (US \$ 3822, US \$ 6 million. The main investors are: Cyprus (\$ 8,919, \$ 7 million), the Netherlands (\$ 6,452, \$ 7 million), the United Kingdom (\$ 2,047, \$ 9 million), etc. [4].

Based on statistical data, measures to promote foreign capital should be implemented at the state level. To facilitate the implementation of various forms of foreign investment, in accordance with Article 3 "On the regime of foreign investment":

- 1) acquisition of a share of operating enterprises, real estate, land use rights and natural resources in the territory of Ukraine;
- 2) creation of new enterprises and organizations;
- 3) carrying out economic (entrepreneurial) activity on the basis of production sharing agreements, etc. [3].

The Presidential Decree No. 713/2019 "On Immediate Measures to Ensure Economic Growth, Promote Regional Development and Prevent Corruption" of 20.09.2019 has set the Road Map for the main economic measures. Thus, during May 2019 - February 2020, a number of them were implemented:

- 1) the signing of the Laws of Ukraine "On concession" of 03.10.2019, "On lease of state and communal property" of 03.10.2019, which creates the legal basis for investment activity;
- 2) initiating the creation of a new body of pre-trial investigation - the Bureau of Financial Investigation, whose main task will be the implementation of state policy on the prevention, detection, termination, investigation and disclosure of criminal offenses in the field of economic activity, the bill of which was approved by the Verkhovna Rada on 02.10.2019;
- 3) the launch of the application of state online services "Action", etc.

Thus, summarizing the above, we can point out the positive side of the economic changes, which are leading in improving the investment potential of the country. Considering all the risks and negative factors affecting the economy, it should be understood that with complex work: the state apparatus, the population in the field of financial literacy there are chances for significant transformations and becoming Ukraine as a powerful investment base.

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PROTECTION OF CONFIDENTIAL INFORMATION ON THE WORLD WIDE WEB

Digitization is an integral part of the world today, as people are becoming digital consumers on the global computer network, and all the information they need is now on millions of websites. However, people using email, social networks, blogs for communication and information sharing, along with facilitating many processes, face the important problem of leaking sensitive information. Malicious software, viruses, and phishing scams, both growing in number and

secrecy, violate the rights and theft of users' personal information. Even with reputable sites, there are multiple ways to track, collect and store personal information that can pose real risks to your privacy and finances.

In order to prevent intrusion and maintain privacy on the Internet, it is necessary to identify possible ways of protecting personal information:

- The main ones include:

malicious software and "phishing" that are becoming more complex, so you should not try to open emails that look suspicious or unusual, especially if they relate to social media, financial services or utilities accounts; double values for links and attachments in emails related to these types of accounts or. If you receive an email about a problem or a late balance or refund, go directly to the vendor website and log in to your account there or call your vendor.

To prevent these abuses, keep your computer's operating system, browser, and software updated by enabling automatic updates.

1) Privacy settings: In order to protect your personal information, updating your privacy settings on websites and services, especially on social networks and search sites such as Facebook, Google and Yahoo, is necessary as most sites receive information by default, which has signs of publicity. Changing your settings will help to make sure that less personal information is visible to your people. This is important because "posting" information on social networks has many risks, including domestic crimes. In addition, the limited sharing and / or tag removal of photos and editing of your timeline can help remove potentially inconvenient material so that other users do not use the information.

2) Blocking third-party cookies on your browser will allow you to maintain some anonymity while browsing the Internet. Cookies are a text file, that is, a kind of data set that is written to our browser by a server after a user visits the site. This set stores important information about login and password, individual settings and user preferences, visitor statistics and more. Each time you visit a particular site, the browser sends a cookie to the resource server to identify the user. COOKIES have their expiration date. By default, they are stored for one session on the Internet, and when the user closes the browser they are deleted. But they are still valid, they are stored permanently and deleted either at the request of the PC user or for a period that is set. In most cases, this file is named 'cookies.txt' and is stored in the working directory of the installed browser. COOKIES files do not harm your computer and do not work on their own, such as deleting data from your PC. So do not be afraid of their work, because it is all textual information. First of all, they are needed for the convenience and comfort of users while working on the Web. For example, you have logged in to the forum, and to prevent your login and password from being re-entered each time you visit, cookies store this information and the visitor enters the forum from your PC automatically. Agree, it's pretty convenient. COOKIES store individual user preferences and their Internet browsing interests. They also use cookies to collect statistics from advertisers.

However, COOKIES is recommended to be cleaned from time to time. This should be done first and foremost for the security and stable operation of your computer. The main reasons for clearing cookie files are:

- to prevent other users of your computer from using your logins and passwords when logging into the sites;

- not to clog the space on your computer hard drive and thus slow down your PC;

- Privacy: A cookie can track your work on the Web.

Many web browsers offer a cookie disabling feature. But then the user will not be able to visit resources that require the included COOKIES files. Therefore, enable or disable cookies on the right of each user. All COOKIES can be deleted at once, but only for individual resources. Including in the browser settings you can specify that it requests permission to create new cookies or to automatically delete all files when you close the browser.

3) Unlink accounts. Linking accounts makes it much easier to use the web, using a single Google login, which allows you to link all the different Gmail accounts in your browser while posing a certain threat. Because, if one of your accounts is compromised, all linked accounts are also automatically at risk.

4) Passwords. Username and password combinations remain critical to maintaining online security. The problem is that on every website that requires a password, users typically get predictable or lazy ways by creating simple passwords or using the same passwords on different websites. Using passwords of eight characters or more with mixed character types, but even passwords with simple substitutions such as "dr4mat1c" will help reduce the risk of personal data

misuse among sophisticated attackers, and random combinations such as "j% 7K & yPx \$" are tricky remember. Also, avoid using the same username / password combination for multiple websites. It is especially risky to use the same password for entertainment sites, social networks or financial services.

To help you remember different passwords, you can use a password management program like SplashID, which organizes and protects passwords and can automatically log into websites.

5) A closer look. You must permanently delete cookies, log out of social networking sites such as Facebook and even your Google Account, and keep tabs open in your browser.

In addition, for privacy purposes, use a browser that routes your IP address over a virtual private network (VPN) that routes all your data through a proxy to keep your IP address and in many cases your data secure.

Therefore, privacy is a very relevant topic in the information technology era, and protecting it is only about being able to properly store and access your own data.

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THE EFFECT OF EMPLOYMENT LEVEL ON THE CRIME IN THE COUNTRY

From birth, people are law-abiding citizens, but as they grow older they are faced with a discrepancy between the constant growth of their own needs and their satisfaction, which is primarily due to the low real incomes of the majority of the population. In particular, the amount of social benefits depends on the subsistence minimum, the parameters of which are now about three times lower than the actual amount of money needed for a more or less decent life. It is not a guarantee of protection against poverty and employment, since virtually all employers (in addition, regardless of the ownership of enterprises, organizations, institutions) do not have the desire, opportunity and / or need to pay decent official wages. Only partially improving the situation at the same time occupying several positions, but now this option has become quite problematic.

The state is dominated by the phenomenon of unemployment, which in turn increases the crime rate because of the desire of people to meet their own needs. The dynamics of the unemployment rate in Ukraine is presented graphically (Fig. 1).

Unemployment is a macroeconomic problem caused by the following factors:

- 1) structural shifts in the economy leading to large-scale changes in the structure and quantity of labor demand;
- 2) the slowdown of economic development causes a decrease in the number of jobs, a violation of the balance of the number of employees and the number of jobs;
- 3) insufficient aggregate demand;
- 4) inflation causes a reduction in capital investment, a decrease in real incomes of the population, which causes an increase in supply with a decrease in demand for labor;
- 5) the ratio of prices to factors of production, which leads to the predominance of workable technologies;

- 6) seasonal fluctuations in production that cause changes in labor demand;
7) scientific and technological progress that increases the imbalance between labor supply and demand [1].

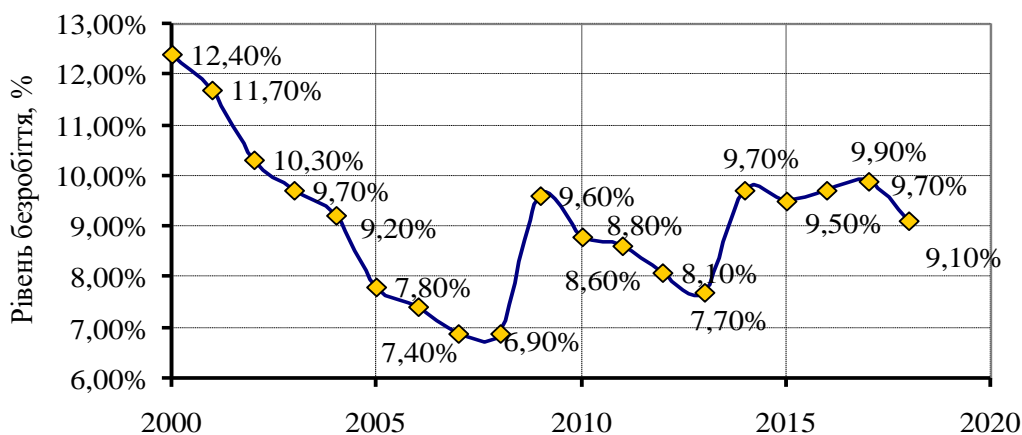


Fig. 1. Dynamics of unemployment in Ukraine

The unemployment rate is a quantitative indicator, which is defined as the ratio of the number of unemployed to the total number of economically active able-bodied population of the country (region, social group), and is measured as a percentage.

Analyzing the presented graph we can see that the percentage rate of unemployment has not changed for several years.

The emergence of unemployment has the following consequences: increased social tension; increase in the number of mental illnesses; increased social differentiation; aggravation of the criminogenic situation; fall in labor activity; reduction of tax revenues; reduction of GNP; falling living standards; rising costs of unemployment benefits.

It should be noted that there is a threatening trend that, due to the worsening economic situation in the country, women and those workers who have a low level of skills and a lack of practical experience are primarily fired. Last but not least, they are hired. The issue of youth unemployment is acute: about a third of the unemployed are young people under 30.

In view of the above, it can be noted that the priority areas of activity of the leadership of the state should be the development of measures for the development of the economy, and therefore the reduction of unemployment.

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**PROBLEMS OF ASSESSMENT OF THE PRESENT LEVEL
OF INFORMATION SECURITY IN UKRAINE**

Information Security (IS) is designed to protect the confidentiality, integrity and accessibility of computer system data from persons with malicious intent. Privacy, integrity, and accessibility are sometimes referred to as the CIA Information Security Triad. This triad has evolved into what is commonly known as Parker's hexadas, which includes privacy, ownership (or control), integrity, authenticity, accessibility, and utility.

Information security handles risk management. Anything that may be a risk or a threat to the same information security. Confidential information should be kept - it cannot be changed, altered or transmitted without permission. For example, a message can be modified during transmission to those who intercept it before it reaches the intended recipient. Good cryptography tools can help mitigate this security threat.

Digital signatures recently introduced by our country can improve information security by enhancing authentication processes and encouraging individuals to verify their identity before they can access computer data.

Today, in today's society, information is becoming the most important value, and the industry of receiving, processing and protecting information is a leading industry, where every year more and more significant capital is invested. In the near future, the development of the information sphere, the level of information security will determine the political and economic role of individual states in the world arena [1].

In general, analysts point out that the national security strategy of Ukraine is a topical threat to Ukraine's national security in the information sphere, defines the waging of an information war against Ukraine and the lack of a coherent communicative policy of the state, an insufficient level of media culture of society. The main directions of the state policy on information security are securing the offensiveness of information security policy measures on the basis of asymmetric actions against all forms and manifestations of information aggression; creation of an integrated system of information threats assessment and prompt response to them; counteraction to information operations against Ukraine, manipulation of public consciousness and dissemination of distorted information, protection of national values and strengthening of the unity of Ukrainian society; development and implementation of coordinated information policy of public authorities, etc. [2].

Establishing cyber security cannot rely solely on hardware. Due attention should also be given to end users and ICT system administrators, development workers, government contractors, auditors and managers. Insufficient information on the security of ICT systems poses serious risks. Lack of qualified and knowledgeable staff and further education increase vulnerability and damage.

In order to be useful, a security policy must not only determine the need for security (for example, for confidentiality, data should only be disclosed to authorized persons), but also address the circumstances in which the need must be met and related performance standards. Without the second part, the security policy is so general that it is futile (although the second part can be implemented through the procedures and standards established to implement the policy). In any particular circumstance, some threats are more likely than others, and a prudent security policy maker should evaluate the threats, assign a level of concern to each individual, and outline policies that can be countered. For example, until recently, most security policies did not require the security needs of a viral attack because this form of attack was rare and has not been widely

studied. As viruses have grown from a hypothetical to a common threat, there is a need to rethink such a policy on the methods of distribution and acquisition of software. The consequence of this process is the management's choice of the residual risk level with which it will live, an entity-dependent level.

That is, in order to minimize attacks on information security, it is necessary to work out a perfect strategy to ensure its security.

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**MODERN WAYS AND METHODS OF OVERCOMING
THE PHENOMENON OF ECONOMIC CRIME IN UKRAINE
UNDER GLOBALIZATION DEVELOPMENT**

The process of Ukraine's transition to the newest social, political and economic system, dramatic changes in the law enforcement system entail an increase in crime rates, among which economic crimes are of particular importance.

Under the influence of relatively long downtime, continuous inflation, widespread unemployment, declining living standards and social decline, the population is increasingly seeking criminal solutions to these problems.

The content of an economic crime is that the subjects of a crime with a direct intent, spontaneously or as part of an organized group, violate the property right of any society (for example, the appropriation of property) or by their actions violate a certain established order for engaging in economic activities (as an example, violate issuance and circulation of securities), thereby doing significant damage to the economy of the country as a whole. Offenders receive material gain or other economic benefits by committing a crime. It is important that detecting and preventing such criminal activity in time is too difficult. The victim of an economic crime only eventually realizes that his financial and economic interests have been harmed and only afterwards takes measures to protect the infringed right. In such circumstances, economic crime becomes an extremely dangerous threat to the entire economy of our country.

The main problem can be attributed to the fact that in spite of a sufficient number of special subjects, which are obliged to actively counteract economic crimes, the issue of developing an optimal and effective structure, its legal regulation and ensuring the prevention of economic crimes, and in particular the creation of a new one, is urgent. a state body that will be endowed with rights and direct responsibilities in the field of economic crime prevention [1, p.45].

It is quite important to take into account the European experience of operating structures that are designed to counteract economic crimes. For decades, the phenomenon of economic crime in Europe has been a direct topic of scholarly and managerial debate. The need to effectively counteract the spread of this type of crime makes the issue of universal law enforcement reform urgent. However, several institutional systems have been developed, not just

one, but they are linked to different legal systems and methods of state formation.

In the European countries, just like in Ukraine, the methods of preventing and combating economic crimes include the following basic structures: special law enforcement agencies, police, tax, customs, financial intelligence units. The full integration of economic functions within a single law enforcement structure is an exception rather than a rule [2, p.58].

An important problem is the lack of a single definition of the concept of "economic crime" and the types of crimes that fall into this category. A number of scholars propose to interpret economic crimes as a set of intentional selfish crimes and persons who have committed them, in the field of legal and illegal economic activity, the direct object of which is public relations in the field of property and production, exchange, distribution and consumption of goods and services. But opinions on this issue are divided, and therefore there is no unanimous opinion in the scientific literature regarding the definition of "economic crime".

Therefore, in this context, the problem of legislative definition of the phenomenon of economic crime and types of crimes that can be classified as "economic crime" is extremely relevant, because it is on this factor that a clear and complete formation of approaches and methods of subjects of crime prevention in the economic sphere [3, c.74].

Having analyzed all the above, we can propose the following ways to solve the problems of combating economic crime in Ukraine:

- the formation of a new state structure that would fully control the state of economic security in the country;
- cooperation of internal affairs bodies with public authorities and local self-government bodies for the sake of complete transparency of the economic sphere;
- Legislative and normative consolidation of the concept of economic crime, identification of a clear composition of the crime for the given list of criminal offenses;
- close cooperation with European countries with experience in tackling economic crime.

Therefore, the problem of the types of crimes that have been committed precisely in the sphere of economic activity requires clear legislative fixing, which will facilitate the clear classification of these illegal acts. And, in turn, fruitful cooperation with European countries and proper reform of state structures and law-enforcement bodies will help to overcome the problems of crime prevention in the sphere of economic activity.

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**PREVENTIVE ACTIVITIES AND POLICE'S SECURITY INITIATIVES
IN NATIONAL AND INTERNATIONAL DIMENSIONS.
ADMINISTRATIVE AND LEGAL ENSURING
OF PUBLIC SAFETY AND ORDER**

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**ENTERING INTO THE HOME OR OTHER PROPERTY OF THE PERSON.
WHAT MUST BE OBEY BY POLICE OFFICERS?**

The **objective** of this research paper is to overview the current existing laws of Ukraine, namely the provisions of the Law of Ukraine on the National Police on entering into the home or other property of the person. We can describe police activity in our daily life by wordings “*to secure and protect*”. It embraced a lot of activity in daily police actions, i. e. to guard, to keep safe, to defend, to prevent harm coming to. In performing these actions police officers have reasonable ground to enter into private space of person, for example into private home. In given case we are facing with competition of two different legally important, protected by law values *public security vs person's privacy*.

Article 8 of the European Convention on Human Rights states that “1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”¹

The same provisions are set up in the main document of many countries. For example, article 30 of the Constitution of Ukraine states that “Everyone is guaranteed the inviolability of his or her dwelling place. Entry into a dwelling place or other possessions of a person, and the examination or search thereof, shall not be permitted, other than pursuant to a substantiated court decision. In urgent cases related to the preservation of human life and property or to the direct pursuit of persons suspected of committing a crime, another procedure established by law is possible for entry into a dwelling place or other possessions of a person, and for the examination and search thereof.”² Provisions of this article of the Constitution create entry points and basement for other national laws to set up detailed procedures for entering into person's dwellings places in urgent cases: without courts order or consent of dwelling place owner's.

Article 30 the Law of Ukraine on the National Police provides full list of types of police measures and states that: “1. For the purpose of performing the tasks imposed on it, the Police shall take measures to respond to the offences envisaged in the Code of Administrative Offences of Ukraine and the Criminal Procedure Code of Ukraine, on the grounds and in the manner stipulated in these legal regulations.

2. For the purpose of protecting human rights and freedoms, preventing and combating

¹ https://www.echr.coe.int/Documents/Convention_ENG.pdf

² <https://rm.coe.int/constitution-of-ukraine/168071f58b>

threats to public order and civil security, the Police shall also apply, within the scope of its competence, preventive police measures and coercive measures contemplated in this Law.

3. National Police may take other measures envisaged by relevant laws in order to perform the tasks imposed on it.³

The national lawmaker granted the right for police officers to use preventive police measures for performing their tasks in order prescribed by laws. In accordance with provisions of article 31 Law of Ukraine on the National Police, officers have right to use preventive police measure. The purpose of preventive measures undertaken by the police is to improve public security and to combat criminal and administrative offences. The police aim to prevent offences, public disturbances and accidents and to solve problems in collaboration with the state and non-state players. The key elements of these efforts are reducing violence – namely administrative and criminal offences (crimes and petty crimes/misdemeanors). The goal of the police prevention system is to detect and neutralize the threat before its realization and for safeguarding important legal values' the legislation enables to interfere with human rights and freedoms with intensity of various degrees. The full list of preventive police measures is provided in the article 31 of the Law of Ukraine on the National Police and these list can not be expanded, amended or removed without participation of a national lawmaker who has exclusive right to introduced, amend the laws in order and procedures prescribed by the laws.

One of Police of Ukraine preventive measure is “entering the home or other property of the person.” Based on provision of article 30 of the Constitution of Ukraine article 38 the Law of Ukraine on the National Police provides legal conditions, grounds and procedures for entry into a home or other property and states that: “1. *The Police may enter a home or other property without a substantiated court decision only in case of emergency related to:*

- 1) preservation of human life and valuable property during the emergency situations;
- 2) direct chase of persons suspected of committing a crime;
- 3) cessation of a crime which threatens life of persons who are in the home or other property;

2. An entry of a police officer into home or any other property shall not restrict the person's right to use his/her own property.

3. Protocol is necessary in case of taking mentioned measure.”

An emergency that can endanger people's lives and valuable property may include fire, flooding, damage to housing or other property due to natural disasters and the like. The direct prosecution of persons suspected of committing a criminal offence means that a police officer has discovered the fact of the criminal offence by a person or has identified the person wanted for the criminal offence and has started to prosecute the person. In above mentioned grounds in part 1 of article 38 Law of Ukraine on the National Police a police officer might enter into a person's home or other property without a court order with objective - to end the life-threatening criminal offence of the persons in the home or other possession. In doing so, there must be obvious information about the commission of such a criminal offence that endangers the lives of persons in dwelling or other possession. Upon entering a dwelling or other possession of a person, a police officer may not in any way restrict his/her right to use his property. At first glance grounds for entering into person's dwelling place without his/her consent or court's order looks fine, clear. Although questions are coming when police officers go to implement it in the daily practice. One of question which might be arise is what does it stand under wording “*valuable property*.” To find answer to this questions we can use different research methods of explanation, interpretation of it. According to the World Legal Dictionary “*valuable property is “(something that you own) that is worth a lot of money.*”⁴ This topic might be subject for separate research.

The introduction the new law on domestic violence in Ukraine in 2018 and criminalization of domestic violence (introduction the new criminal offence in the Criminal Code of Ukraine – article 126¹ on domestic violence) brings uncertainty amongst patrol police, responding officers on entry into person's dwelling place. The fear of police officers to enter into person's dwelling seriously undermine possibility of victims of domestic violence to be protected by police, also lowering police powers successfully to tackle widespread, latent criminal offence such as domestic violence. One of explanation from police side on it are: that for entering into person's dwelling police officer can be prosecuted based on provisions lay down in article 162 of the Criminal Code

³ Non-official translation.

⁴ <https://www.translegal.com/legal-english-dictionary/valuable-property>

of Ukraine “Violation of security of residence.” According to statistics from General Prosecutor’s Office of Ukraine website in 2019 were registered 215 criminal proceedings, 82 cases have sent to court (a subject above mentioned criminal offence can be not only police officer but also natural person).⁵ The instigation of criminal proceedings does not harm police officers rights. If we glance through police officer lenses it become clear why police officer are so reluctant to use above mentioned preventive police measure granted by law. Same time it allows to the author of this paper choose this exact topic for his research.

The author of this paper through analysis of European Court on Human Rights (hereinafter referred to as - “ECHR”) and the Supreme Court of Ukraine case law is going to propose brief legal requirements for entry into person’s dwelling places without his/her consent or court’s order.

ECHR states many times in it’s judgments that measures involving entering private homes must be “*in accordance with the law*”, which entails compliance with legal procedure (*L.M. v. Italy*, §§ 29 and 31) and with the existing safeguards (*Panteleyenکو v. Ukraine*, §§ 50-51; *Kilyen v. Romania*, § 34), must pursue one of the legitimate aims listed in Article 8 § 2 (*Smirnov v. Russia*, § 40), and must be “*necessary in a democratic society*” to achieve that aim (*Camenzind v. Switzerland*, § 47). In order to secure physical evidence on certain offences, the domestic authorities may consider it necessary to implement measures, which entail entering a private home. The actions of the police when entering homes must be proportionate to the aim pursued (*McLeod v. the United Kingdom*, §§ 53-57), as must any action taken inside the individual home (*Vasylchuk v. Ukraine*, § 83, concerning the ransacking of private premises). The Court also assesses the relevance and adequacy of the arguments advanced to justify such measures, compliance with the proportionality principle in the specific circumstances of the case (*Buck v. Germany*, § 45), and whether the relevant legislation and practice provide appropriate and relevant safeguards to prevent the authorities from taking arbitrary action (*Gutsanovi v. Bulgaria*, § 220; regarding the applicable criteria. A police raid at 6 a.m., without adequate reason, of the home of an absent person who was not the prosecuted person but the victim, was found not to have been “necessary” in a democratic society” (*Zubal’ v. Slovakia*, §§ 41-45, where the Court also noted the impact on the reputation of the person concerned). The Court has also found a violation of Article 8 in a case of searches and seizures in a private home in connection with a offence purportedly committed, by another person (*Buck v. Germany*, § 52). The concept of “home” in Article 8 § 1 of the Convention embraces not only a private individual’s home but also a lawyer’s office or a law firm (*Buck v. Germany*, §§ 31-32; *Niemietz v. Germany*, §§ 30-33). Searches of the premises of a lawyer may breach legal professional privilege, which is the basis of the relationship of trust existing between a lawyer and his client (*André and Another v. France*, §41).⁶ The author of papers also analyzed decisions of the Supreme Court of Ukraine on entry into person’s dwelling place, for example (BC/KKC № 159/451/16-к від 12.02.2019).⁷

Sum up this short research on police right to enter into the person’s dwelling place, based on principles of criminal procedure law the author of this paper would like to propose this algorithm for implementing above mentioned preventive police measure. The algorithm for entering into the home or other property of the person consists from list of questions:

- Is it in accordance with the law;
- Is it necessary in a democratic society;
- Is it pursue one of the legitimate aims;
- Is it comply with the principle of proportionality;
- Is it exist probability that the threat will become a real or is it threat to human being’s life is real;

This list of questions proposed by the author of this paper is just an entry point for further researches, discussions on that topic.

⁵ https://old.gp.gov.ua/ua/stst2011.html?dir_id=114137&libid=100820#

⁶ <http://reyestr.court.gov.ua/Review/77684989>

⁷ <http://reyestr.court.gov.ua/Review/>

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ACTIVITIES OF THE MIA'S SERVICE CENTERS: ISSUES OF ADMINISTRATIVE AND LEGAL REGULATION

Realization of legal reform in Ukraine, strengthening the legal foundations of state and public life implies the improvement of the fundamental principles of leisure activities, the proper provision of public security and order. The problem of the proper provision of public security and order is of both scientific and practical importance, since its content and effectiveness contribute to the stability of society, to meeting the vital needs of citizens [1, p. 67].

For the legal science and law enforcement activities, the investigated category is of particular interest because public safety and order are subject to administrative and legal regulation.

Modern administrative law is focused on satisfying primarily the public interest, and its purpose is to ensure by legal means those interests in order to provide real opportunities for the exercise of human and citizen's rights and freedoms, for the attainment of public good, and in this aspect - public security and order.

It is the public administration bodies, carrying out leisure activities in the field of public security and order, that focus their efforts on preventing the occurrence of negative factors that can harm the life and health of the individual and the citizen, as well as the interests of society and the state [2, p. 380-381].

In connection with the aforementioned, the activity of the service centers of the Ministry of Internal Affairs of Ukraine to date should be considered from the point of view of the implementation of the public-service function of the state to change the ideology of the functioning of all state institutions, aimed primarily at the realization of citizens' rights through the provision of public services in general, and objects of increased danger, in particular, and secondly, changes in the perception by all segments of the population of the appointment of the Ministry of Internal Affairs of Ukraine from a punitive body to a body created and functioning to ensure the rights and freedoms of the man and the citizen [3].

Thus, in order to improve the administrative and legal regulation of the activity of the Ministry of Internal Affairs service centers, the position on the need to adopt the draft Law of Ukraine "On Public Services and Service Centers of the Ministry of Internal Affairs" is maintained, which should become the legal basis for regulating the permitting, registration, expert and information services provided. MIA service centers, and will determine the organizational and legal foundations of the MIA service centers, aimed at ensuring the exercise of rights, freedoms and legitimate interests. individuals and legal entities in the field of public service provision. The peculiarity of this legal act is the legislative consolidation of the list of public services provided by the Ministry of Internal Affairs service centers, terms of service, the list and requirements for documents that must be submitted in order to obtain a public service, as well as regulation of the procedure for appealing against illegal acts of the authorities [4].

In addition, the basic principles and rules of the administrative procedure need to be strengthened at the legislative level, which will contribute to the legal certainty and guarantee the observance of the rights of citizens and legal entities when the service centers of the Ministry of Internal Affairs of Ukraine determine their rights and obligations. Principles such as legality (decision-making in accordance with laws and by-laws adopted), establishing the true facts that are important for the decision, the right to be heard, the right to receive a written decision, indicating the reasons for its adoption, to renew the procedures in some cases, extrajudicial appeals are indispensable for the functioning of a modern system of public administration based on the rule of law [5].

Therefore, in order to achieve high quality and accessibility of public services in the activities of the Ministry of Internal Affairs service centers, the following steps should be taken [6; 4]:

- introduction of public-service approach in the activity of service centers of the Ministry of

Internal Affairs of Ukraine;

- reducing administrative barriers and simplifying the procedure for obtaining public services, as well as applying criteria that determine the accessibility and quality of public services provided to individuals and legal entities;
- constant monitoring of the quality and accessibility of the provision of public services by the service centers of the Ministry of Internal Affairs of Ukraine, which will promote transparency and clarity of the activities of these bodies;
- the provision of public services to the service centers of the Ministry of Internal Affairs of Ukraine on the principle of "single window" in the format of an open office;
- inclusion in the list of services provided by the service centers of the Ministry of Internal Affairs of Ukraine, the services provided for today by the National Police and the State Emergency Service of Ukraine, and to leave only the controlling powers to the last institutions;
- introduction of permitting, registration, expert and information services through the Internet using electronic signature by means of involving the general population in obtaining them;
- creation of a system of continuous exchange of information between the entities responsible for entering and filling the database related to high-risk objects;
- preventing the corruption component in the provision of public services by the Ministry of Internal Affairs service centers through the implementation of anti-corruption measures.

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PECULIARITIES OF ADMINISTRATIVE AND LEGAL REGULATION OF THE NATIONAL SECURITY OF UKRAINE

The content of public needs in the field of national security is characterized by a significant species diversity of the spheres of social life where they arise. Similarly, the existing instruments of legal regulation of relevant social relations differ from the norms of recognized fundamental branches of public law - constitutional, administrative, criminal and criminal procedural law and ending with the rules of so-called special branches of law as environmental or land law.

The rules contained in Articles 17, 65, 102, 107 and Article 116, paragraph 7, of the current Constitution of Ukraine enshrine not only the relevant principles, declarations and powers regarding the general organization of national security in our country, but also serve as the starting legal basis for the rules of other branches rights, the content of which details the organizational and functional, regulatory and security activities of the components of the state apparatus of national security.

Special role in the processes of legal regulation of national security relations belongs to the rules of administrative law, which is primarily explained by the breadth of the subject and the multifunctional purpose of the rules of this branch of Ukrainian law, whose arsenal, unlike other branches of law, consists of all functional varieties of legal rules: and procedural (procedural);

regulatory and security; imperative and dispositive.

The analysis of the provisions of the current national regulatory framework in the field of national security allows to confirm the undisputed dominance of the administrative and legal share in it, the share of which fluctuates in the region of 80 percent. As an example, you can cite the current Law on National Security of Ukraine of 21 June 2018 [1], which is almost entirely composed of administrative rules.

In particular, Article 1 of this legislative act defines the definition of 24 terms (military conflict, military security, public security and order, state security, democratic civilian control, threats to national security of Ukraine, armed conflict, comprehensive review of the security and defense sector, national security, national security interests, defense review, defense planning, defense-industrial complex, review of defense-industrial complex, national security planning, security and defense sector, security forces, the National Security Strategy of Ukraine, Ukraine's strategy of military security, cyber security strategy of Ukraine, Ukraine's Strategic Defense Bulletin, Strategy public safety and civil protection of Ukraine's strategy of military-industrial complex of Ukraine), directly related to the subject of administrative regulation.

National security provides in the provisions of this law the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine against real and potential threats (paragraph 9 of Article 1 of this law), and national interests are defined as vital human interests, societies and states whose realization ensures the state sovereignty of Ukraine, its progressive democratic development, as well as safe living conditions and well-being of its citizens (p. 10, art. 1 of this law).

The content of the current Law of Ukraine "On National Security of Ukraine" of June 21, 2018, also contains provisions on the principles of national security of Ukraine, democratic civil control, security and defense sector, and security and defense planning.

The final and transitional provisions of this legislative act state that: a) Upon their entry into force, such Laws as: "On the Basis of National Security of Ukraine" of 19 June 2003, "On Democratic Civilian Control of the Military Organization and state law enforcement agencies" of 19 June 2003 and "On defense planning organization" of 18 November 2004; b) the Military Doctrine of Ukraine, approved by the Decree of the President of Ukraine No. 555 of September 24, 2015 "On the Decision of the National Security and Defense Council of Ukraine of September 2, 2015" On the New Revision of the Military Doctrine of Ukraine, shall be valid until approved in accordance with this Law of the Military Security Strategy of Ukraine.

For the sake of objectivity, it should be noted that, according to the information management of the Verkhovna Rada of November 6, 2019, the working group on drafting laws on amendments to the Laws on National Security of Ukraine was held at the Committee on National Security, Defense and Intelligence. "On State Secrets" and the preparation of the bill on the reform of the Security Service of Ukraine [2], which only confirms the universal features of administrative legislation, characterized at the same time as not stability and a high degree of dynamism - the ability to respond timely and appropriately to changing the content of relevant social needs.

If the provisions of the Law of Ukraine "On National Security of Ukraine" are to clearly define the general characteristics of the main components of the national security sector, their general purpose and functional orientation, then the administrative and legal provisions of the Law of Ukraine "On the National Security and Defense Council of Ukraine" of March 5, 1998 [3], actually detail the rules of Art. 107 of the Constitution of Ukraine, defining the legal principles of organization and activity, composition and structure, procedure of meetings and decision-making, powers of the Chairman, members and Secretary of the National Security and Defense Council of Ukraine.

The decisions of the National Security and Defense Council of Ukraine shall be adopted by at least two thirds of the votes of its members, and shall be enforced by decrees of the President of Ukraine, which shall be binding on the executive bodies.

Unfortunately, as practice shows, the completeness of implementation of these decisions is far from obscure. For example, the Decree of the President of Ukraine №874 / 2019 put into effect the decision of the National Security and Defense Council of December 2, 2019 "On urgent measures to ensure energy security" [4], which stated that the analysis of the results of the implementation of tasks to ensure the proper level energy security, in particular identified by previous decisions of the NSDC, indicates that the measures taken by the executive authorities in this area are not effective.

Another component of administrative legislation on national security is the so-called

sectoral groups of laws, the rules of which regulate the relevant relations in specific spheres of public life: economic activity of the state, economy and inter-sectoral spheres (economy, finances, banking system, fuel and energy complex, transport and telecommunications). customs, fiscal and fiscal activities, etc.); social and humanitarian and cultural activities of the state (social policy, health care, science and education, culture, etc.); administrative and political activity of the state (defense, state security, public security, etc.).

Special attention should be paid to the administrative and legal regulation of the security and defense sector, which includes: Ministry of Defense of Ukraine, Armed Forces of Ukraine, State Special Transport Service, Ministry of Internal Affairs of Ukraine, National Guard of Ukraine, National Police of Ukraine, State Border Guard Service of Ukraine, State the Migration Service of Ukraine, the State Emergency Service of Ukraine, the Security Service of Ukraine, the State Security Service of Ukraine, the State Service for Special Communications and Information Protection of Ukraine, the apparatus of the National Security and Defense Council of Ukraine, the intelligence agencies of Ukraine, the central executive authority that ensures the formation and implementation of the state military-industrial policy (paragraph 2 of Article 12 of the Law of Ukraine "On National Security of Ukraine") [1].

The administrative and legal norms that form the legislative array at this level traditionally define the functions and powers of a state authority, which is entrusted with national security responsibilities.

The last version of the relevant legislation is the rules of administrative coercion and administrative responsibility. First of all, this administrative and jurisdictional activity is regulated by the provisions of the Code of Administrative Offenses of December 7, 1984 [5].

In spite of the considerable amounts of administrative legislation on national security, it cannot be recognized as either perfect or effective. Among the reasons for forming such a critical conclusion are: low-quality rulemaking (law-making) work, when all objectively existing social needs are not taken into account, or they are not fully taken into account, for their full and timely implementation they need appropriate regulatory and legal regulation; unsatisfactory (partial) implementation of existing norms of law or their complete neglect by representatives of the bureaucracy for various reasons (sabotage, mercantility, etc.).

In the conditions of partial unbalance of separate parts of the state apparatus, elimination of the above grounds is a matter of time and political will on the part of the country's leadership. However, when the unique legal potential is overlooked by much of the bureaucracy of all power levels, when judges may be pressured by individual influential individuals, when the clan-oligarchic Kuman-family system is actually over the state apparatus and may neglect public interests, the effectiveness of "cosmetic" ordering measures in the country, in particular in the field of national security, are illusory.

To overcome this difficult, almost critical situation, it is necessary to use all possibilities of administrative law and its science, first of all - the latest approaches and tools, non-standard and original solutions.

Thus, on the basis of the existing negative, threatening phenomena characterizing the degrading state of Ukrainian society and the state (impossibility of positive self-realization for a large part of Ukrainians within their own state, absence of middle class, civil society and rule of law, permanent nature of high levels of crises, and theft, etc.) should create a unified systematic database of threats to Ukraine's national security.

In addition to the internal ones, in addition to the internal base, we also need to add the existing existing and potential dangers generated not only by our northeast neighbor, but also by some other neighboring countries.

In conclusion, it should be noted that the current traditional scheme of administrative and legal regulation of relations in the field of national security of Ukraine is not able to ensure a proper level of state readiness to counter the relevant threats, because it is outdated and actually adapted to the dominant clan-oligarchic divide. As a real alternative to the aforementioned regulation, a fundamentally new model of administrative and legal support for objectively existing public needs is proposed, which, if maximized use of its potential, will not only create an effective mechanism of national security protection, but also contribute to positive self-realization of our citizens, renewal of development. Ukrainian society and state.

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**INTERNATIONAL-LEGAL STANDARDS
FOR THE PROVISION OF PUBLIC SERVICES**

The general direction of reforms for foreign governments is to increase the transparency and efficiency of the services provision. For example, in order to increase the transparency and quality of the service system by government agencies, the Department of Transportation in the United Kingdom annually develops and submits a report on the services provided and their compliance with standards. Increasing transparency and efficiency of the provision of services, focusing on the urgent needs of society is also characteristic of Bulgaria, which has a peculiar approach to identifying the needs of society, with a certain managerial character. In the Republic of Finland, in order to increase the transparency and efficiency of public services provision, the results of state reform programs are evaluated. The criteria for evaluating such results are, as a rule, the opinion of the population on the quality of public services, the degree of controllability of state bodies and the effectiveness of their activities, the motivation of public servants, the quality of the implementation of the programs needed to implement the reform, the significance of the goals of these programs for society and their consistency (The citizen's charter, 1991).

It should also be noted that for the first time at the level of a doctoral dissertation, only one dissertation was defended by A.N. Bukhanevich "Theoretical, legal and praxeological principles of the provision of administrative services in Ukraine" (2016), which comprehensively disclosed the theoretical foundations and practice of legal regulation of the provision of administrative services in Ukraine.

In developed democracies, the ideology of public administration as a system aimed at providing public services to the population is set forth in special acts, such as: "Citizen's Charter" (Great Britain, India, 1992), "Civil Servants Charter" (Italy), "Marianne Charter" (France, 1992) (La Charte Marianne 2013) (Sadler J., 2000), "Charter of Public Services Consumers' Rights" (Belgium, 1992), "Charter of Quality Assurance in the Provision of Public Services" (Portugal, 1993 .), "Quality Supervision" (Spain, 1992), "Quality standards initiative" (Canada, 1992), "Quality Charter for compliance with public services provision" (Portugal, 1993) and the like. It should be noted that the introduction of standards for the provision of public services in foreign countries is a kind of realization of the right of subjects to apply for affordable and quality services.

The Citizen's Charter of 1991 established in Great Britain the principles on which the activities of government agencies and organizations providing services to the public should be based, as well as government commitments in this area. These principles include the establishment of clear standards for services, the openness and completeness of information, the provision of advice to the public and the choice of services, their usefulness and effectiveness, and the like. The Citizen's Charter is the basis for about forty more charters developed and approved by the Cabinet of Ministers and ministries by the Cabinet of Ministers, each of which sets standards for services in such areas as education, social welfare, employment, recreation, taxation and the like. In addition to them, local authorities created, taking into account the specific conditions of different regions, their charters of services, which they pledged to comply with.

Thanks to the Citizen's Charter program, the level public services quality in the UK has noticeably increased, citizens have a better understanding of their rights when receiving such services, and prerequisites have been created for changing the psychology and culture of public servants themselves.

However, the implementation of this program stumbles on a number of difficulties, in particular, the underestimation of the usefulness of the “Citizen’s Charter” by the population, the insufficient responsibility of public servants for the quality of services provided, methodological problems in determining indicators and standards, low monitoring efficiency and subjectivity in evaluating services, poor coordination between their providers (The Legislation of Ukraine, 1997).

In order to assess the practical results of the work of government bodies that provide services to citizens, the so-called compliance tables for the quality of their services have been introduced in the UK. At first, this concerned regular schools, then the tables were adapted for various organizations for the purpose of their use, for example, during inspections or audits (The Legislation of Ukraine, 1997).

So, the foreign experience in providing public services of such countries as the USA, Japan, Canada, requires implementation in domestic legislation with the aim of developing common standards for the provision of these services.

The international legal acts establishing the standards for the provision of public services are highlighted: “Citizen’s Charter” (Great Britain, India, 1992), “Charter of Civil Servants” (Italy, 1992), “Marianne Charter” (France, 1992), “Charter of Public Services Consumers’ Rights” (Belgium, 1992), “Charter of Quality Assurance in the Provision of Public Services” (Portugal, 1993), “Supervision of Quality Compliance” (Spain, 1992), “Initiative quality standards” (Canada, 1992), “Quality Charter for compliance with public services provision” (Portugal, 1993); European Charter of Local Self-Government, ratified by the Law of Ukraine No. 452/97-BP of July 15, 1997.

It was found that administrative and procedural relations on the provision of public services are indicated in the legislative acts of the EU countries: the laws on administrative procedure are in force in the Federal Republic of Germany, the Republic of Austria, the Swiss Confederation, the Act on Administrative Procedures – in the Republic of Finland, and the general administrative act in the Kingdom of the Netherlands, in the Kingdom of Sweden – the Law on Public Administration, in the Republic of Poland – the Administrative Proceeding Code, in the Czech Republic – the Code of administrative procedures, in the Republic of Lithuania – the Law on Public Administration and the like.

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PUBLIC HEALTH AS A PRIORITY OF UKRAINE'S STATE POLICY IN THE NATIONAL SECURITY

The development of Ukraine is conditioned by the realization of European integration aspirations for membership in the European Union. By taking an active part in international and European organizations, our country is strengthening its position in the international arena as a social, democratic and rule of law. At the same time, the ongoing globalization processes are exacerbating the factors that have a negative impact on the national security and defense of Ukraine.

Article 3, paragraph 3, «Principles of State Policy in the Fields of National Security and Defense» of the Law of Ukraine «On National Security» identifies fundamental national interests of Ukraine, which include: 1) state sovereignty and territorial integrity, democratic constitutional order, prevention of interference in internal affairs Ukraine; 2) sustainable development of the national economy, civil society and the state to ensure the growth of the standard and quality of life of the population; 3) integration of Ukraine into the European political, economic, security, legal space, membership of the European Union and the North Atlantic Treaty Organization (here in after – as NATO), development of mutually beneficial relations with other countries [1].

In turn, the state policy in the fields of national security and defense is aimed at protecting: human and citizen – their lives and dignity, constitutional rights and freedoms, safe living conditions; society – its democratic values, prosperity and conditions for sustainable development; the state – its constitutional order, sovereignty, territorial integrity and inviolability; territory, the environment – from emergencies [1].

According to the above, the Law on National Security of Ukraine does not contain any provisions defining the protection of human and citizen health as the vector of the direction of state policy in the fields of national security and defense, while the life or safe living conditions are related to them.

Recall that health is one of the highest social values guaranteed by Article 3 of the Constitution of Ukraine [2], which also updates the importance of public health for national security and defense of Ukraine. This is also confirmed by the provisions of Article 12 «Health care is a priority area of state activity», which states that health care is one of the priority areas of state activity. The state formulates health policy in Ukraine and ensures its implementation [3].

Therefore, the importance of providing the health care to the state should not be questioned in view of the following: a) health is a value that can be maintained at the proper level but cannot be bought as tangible assets; b) public health depends directly on the level of public health and therefore the economic stability of the state; c) mass diseases can destabilize work in many spheres of public life; d) health is quite vulnerable due to its many destabilizing factors.

With regard to public health, by the decree of the Cabinet of Ministers of Ukraine on approving the Concept of development of the public health system, the public health system was defined as a set of instruments, procedures and measures implemented by state and non-governmental institutions for promoting public health. Probably, the prevention of diseases, the increase in the duration of active and working age and the promotion of healthy lifestyles by combining the efforts of the whole society [4]. Among other things, the Concept emphasizes that «... at present, the issues of biological security and biological protection, in particular in the context of the risks posed by the globalized world, and defense and security are virtually unregulated» [4].

Thus, the issue of public health for Ukraine is, without exaggeration, vitally important, and should therefore be reflected in legislation concerning the national security system of Ukraine.

By the way, in June 2018 the Ministry of Health of Ukraine drafted a bill on the Public Health System, which has not yet entered into force. Article 16 «Public health emergencies» of the draft law proposed the fixing of public health emergencies that may be caused by a dangerous event or an imminent threat of a man-made, natural, social, military or other hazardous event [5].

Unfortunately, the Parliament of Ukraine did not support the above-mentioned draft law, and consequently many issues regarding public health organization in Ukraine remained insufficiently regulated.

Turning to the practical plane of the study of the problem, it is appropriate to note the situation with the spread in the world of infection with coronavirus COVID-19. Thus, according to official data, as of 20.02.2020 in the world 75283 people became ill with this infection, of which 2014 died due to complications of the disease, and 15095 recovered [6]. The figures above are more than convincing evidence of the danger that the coronavirus infection carries for the population of Ukraine.

To this should be added the protocol decision of the interagency meeting to prevent the introduction of acute respiratory viral disease caused by coronavirus 2019-nCoV in the territory of Ukraine and the anti-epidemic response to the spread of the virus, held on 11.02.2020 under the chairmanship of the Secretary of Defense and Defense. In particular, the decision referred to the recommendation of the Ministry of Health of Ukraine and the Public Health Center within a week to develop and submit proposals for the resumption of the activity of the sanitary and epidemiological service in the territory of Ukraine [7].

It is noteworthy that the sanitary and epidemiological service was liquidated by the Cabinet of Ministers of Ukraine in March 2017, canceling the previous decision to reorganize it [8]. Due to the incompetent actions of the Government, the population of Ukraine has actually remained without proper sanitary and epidemiological surveillance. Of course, one of the arguments in favor of liquidating this service was the high level of corruption of its employees, but here it was necessary to improve personnel policy, and not just to eliminate the mechanism created for years. A similar situation can be observed in the Ministry of Internal Affairs, where the liquidation of the state road inspection has not actually found a continuation in the work of the patrol police, through which we can observe a significant increase in offenses in the field of traffic safety. Corruption of employees was also the reason for the liquidation of the body, but the road users also felt more secure than today.

To summarize, we reiterate the importance of public health, the proper provision of which must be included in the priorities of Ukraine's national security policy, by amending the Law on National Security of Ukraine. Otherwise, there may be a situation where, instead of the normal functioning of public administration bodies, the majority of their employees will be on sick leave.

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PROBLEMS OF RESPONSIBILITY FOR COMMITTING INFRINGEMENTS ON THE PUBLIC ORDER

One of the main functions of the state is the protection of public order. This function is part of the public relations between the government and the citizen. That is, the people (citizens) delegated certain natural functions of power to the state, as a consequence, expecting the authorities to ensure their own security.

In order to create such comfortable, correct, appropriate legal postulates, the conditions of existence of the society as a whole and every citizen in particular, the state, its institutions, bodies and representatives must carry out a number of complex actions, traditionally called the protection of public order. One of the means of such protection is to hold people accountable for violations of norms that violate public order and security.

Responsibility has traditionally been studied by scholars in the field of administrative law. In particular, it was addressed by such researchers as Yu.P. Bityak, SO Vashchenko, I.P. Golosnichenko, EV Dodin, L.V. Koval, TO Kolomoets, V.K. Kolpakov, OV Kuzmenko, MV Loshitsky, S.V. Petkov, etc., however, the relevance of this topic due to the lack of legislative fixing of a number of misconduct against public order does not diminish.

Statements and complaints of citizens, decisions of relevant state bodies, their officials, etc. may be grounds for initiating a case for committing offenses that encroach on public (public) order. For example, if you analyze the content of Art. 173 of the Code of Administrative Offenses, it can be argued that the reason for initiating proceedings in the case of petty hooliganism is the victim's statement or protocol [1].

It should be noted that the mere fact of committing an unlawful act is not enough to hold those responsible. It is necessary that such a misconduct is discovered by a competent authority (an authorized official), that is, a subject of law whose competence usually involves the possibility of carrying out appropriate supervisory actions and issuing acts of reaction and acts of termination. If, however, the fact of the wrongful act becomes known to an improper subject, it will have no legal value, that is, the responsibility for committing a misdemeanor against public order may not occur (except in cases where the relevant violation is detected during the control measures by authorized entities).

In legal science, there are factual and legal (legal) grounds for administrative responsibility. The actual basis of liability is misconduct. Legal grounds for liability are associated with the notion of "composition of misconduct", which means the totality of objective and subjective features established by law that characterize an act or omission as a misdemeanor [2, p. 124-127].

Thus, liability takes place in the presence of a misdemeanor - a system of objective and subjective elements of action, designed on four subsystems, the signs of which are defined in the dispositions of the norms of the law providing for liability, that is, structurally, the composition of the misdemeanor includes, first, four subsystems (object, objective side, subject, subjective side); secondly, the elements that are part of the subsystem (wine, motive, purpose are the components of the objective side of the offense), and the features of the element of the offense (for example, direct intent) [3, p. 51].

Determining the presence of a misdemeanor composition as an objective necessity for the use of penalties, the legislator, unfortunately, does not define in the Code or within the framework of another legislative act the concept and essence of its basic elements or their mandatory or optional features. We believe that this does not contribute to creating a unified approach to understanding these categories, determining their legal and factual content, practical application in resolving the issue of bringing a person to justice, although these problems are traditionally violated by legal science.

It should be noted that no element of committing an offense against public order is in itself

sufficient grounds for holding a person liable. Only the simultaneous presence of all objective and subjective features creates the composition of the violation and is the basis for the application of the administrative sanctions provided by law. However, such interdependence of objective and subjective features does not indicate their independence, but on the contrary, only proving the presence of each element creates the basis of responsibility. Therefore, the presence of all elements of the composition of the misdemeanor, their evidence, as well as the absence of circumstances that absolve a person from liability, is the basis that makes the offender's liability possible and that should take place [4, p. 56].

The analysis of the content of the Code of Administrative Offenses allows us to determine the following conditions of liability: committing unlawful acts that constitute the objective side of a specific misdemeanor against public order; committing such unlawful acts by a proper subject - a person who has reached the age of responsibility, is a convict and has not acted in the state of extreme necessity or necessary defense. If the law recognizes that a special entity may be held liable for committing certain unlawful acts, then the person, in addition to the general features, must also possess the special features of the offender (official, serviceman, bank employee, driver, etc.); proof of guilt of the person who committed the respective illegal act; committing actions that are recognized as infringing on the goods protected by law.

The number of misdemeanors against public order committed by legal entities is extremely high. Therefore, the need to legislate the concept and structural elements of the composition of the offenses, their mandatory and optional features did not cause doubt, because in each case is a specific person. Only the establishment of all the elements of a misdemeanor against public order, the proven guilt of the offender can be called a person guilty of committing an unlawfully punished act and apply sanctions or measures of influence provided by law. Penalties are imposed by the competent authorities and officials by issuing compulsory individual acts of management. The coercive influence must be fair, consistent with the nature of the wrongdoing and the offender. Its severity depends on the gravity of the misconduct.

In jurisprudence, fine is the dominant type of penalty. First of all, this is due to the fact that it is intended as the sole or alternative measure for most offenses against public order. A fine in the sphere of misdemeanors that violate public order shall be punished for committing the offenses provided for in Articles 173-184 of the Code of Administrative Offenses. But there are, among other kinds of penalties, those which do not correspond to the contemporary realities of a democratic society.

Under current law, administrative arrest is provided for the following offenses: petty hooliganism (Article 173); drinking alcohol in public places and appearing in public in a drunken manner (Part 3 of Article 178) [1].

With regard to the procedural criterion of delimiting the misdemeanor against public order from crimes, it is related only to the procedural order of the case. The former are dealt with under the rules of the administrative process, and the latter - under the rules of criminal justice. It should also be borne in mind that criminal offenses should have judicial jurisdiction and be subject to criminal law regulation (such as petty hooliganism, domestic violence, etc.).

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INTERNATIONAL STANDARDS FOR PUBLIC ATTITUDES TO CONSIDER COMPLAINTS ON ACTIONS OR OMISSIONS OF POLICE OFFICERS AND THEIR IMPLEMENTATION IN UKRAINE

Article 90 of the Law of Ukraine "On the National Police" determines that one of the forms of public control over the police activity is the participation of public representatives in joint consideration of complaints against actions or inaction of the police and verification of information on the proper performance of the duties imposed on them according to laws and other normative-legal acts of Ukraine. Attention should be paid to the fact that public involvement in any activities of the police, including the application of disciplinary impact on staff is not the direct method (form) of public control, a form of interaction through which the control function of the public is partially implemented; in this regard it would be more appropriate to give the following title to section VIII of the Law: "The Police Interaction with Public and the Bodies of Public Authority and Public Control over the Police Activity".

It should be noted that the mechanism of involving members of the public to the joint consideration of complaints against actions or inaction of the police at the normative level today is missing. The existing normative-legal acts that determine the opportunities of public institutions in law enforcement area, including the Law of Ukraine "On Democratic Civil Control over Military Organization and Law Enforcement Agencies of the State", the Law of Ukraine "On the Prevention of Corruption", the Decree of the Cabinet of Ministers of Ukraine "On Ensuring Public Participation in Formation and Implementation of State Policy", etc. do not stipulate which members of the public, in which cases and forms may be involved in activities for joint consideration of complaints against actions or inactivity of the police and what powers they are granted in such cases. A similar situation is observed in relation to the legal regulation of the procedure of involving members of the public to review information as for the proper discharge of the police duties.

In accordance with the provisions of the European Code of Police Ethics (approved by the Committee of Ministers of the European Council on September 19, 2001) disciplinary measures against police officers should be subject to review by an independent body or court, public authorities should provide efficient and impartial procedures for complaints against police actions, mechanisms of prosecution should be based on communication and understanding between the society and the police and should be encouraged [2].

Based on the provisions of international acts and the Law of Ukraine "On the National Police", namely Article 51, the powers to hear complaints against actions or inaction of the police may be imposed on permanent police commissions comprising both police and public representatives. Moreover, members of the relevant local council, members of human rights NGOs, attorneys elected by the council of lawyers of the region, a representative of the Ombudsman of Ukraine in human rights may also be directly included in this commission. The head of the police unit cannot be elected to the police commission.

In addition to ensuring transparent selection (election) and promotion, constant police commissions can become a disciplinary body for police officers and, accordingly, consider the complaints against their actions.

According to the conclusion of the Commissioner for Human Rights "On the Independent and Effective Consideration of Complaints against Police Actions" as of March 12, 2009, an independent and efficient complaints system against police actions is essential for the functioning of a democratic and accountable police service. Independent and efficient consideration of complaints increases public confidence in the police and eliminates impunity of abuse or ill-treatment. The complaints system should ensure adequate and proportionate consideration of a wide range of reports regarding police actions, taking into account the seriousness of the complainants' allegations and the consequences for the police officer against whom the complaint was submitted [3, p.137].

The system of complaints against the police actions should be clear, open and accessible and, in a positive way, take into account and analyze issues on gender, race, ethnic origin, religion, beliefs, sexual orientation, gender identity, disability and age. This system must be efficient and properly resourced as well as assist in the development of people-centered approaches to police activity.

The European Court of Human Rights has developed five principles for the effective investigation of police complaints relating to Articles 2 or 3 of the European Convention on Human Rights: 1) independence: there should be no institutional or hierarchical links between investigators and the police officer complained against; 2) adequacy: the investigation should be able to collect evidence to determine whether the conduct of the police officer complained against was unlawful and to identify and prosecute the perpetrators; 3) promptness: the investigation must be carried out quickly and actively following the rule of law; 4) public oversight: decision-making procedures and processes should be open and transparent to ensure accountability; 5) victim involvement: applicants must be involved in the consideration of claims to ensure their legitimate interests [4].

In order to efficiently prevent ill-treatment and misconduct by the police, all complaints against police actions, including working complaints, should be considered appropriately. Complaints and the very approach to their consideration should be differentiated based on the seriousness of the complaint and the potential consequences for the complained police officer. The police complaint system should act as a complement to criminal, public and private remedies against police misconduct, rather than an alternative to these means.

The system of complaints against the police actions should have the operational framework for consideration of complaints against the police actions at all stages of handling: 1) openness and accessibility of this system: promoting public awareness and facilitating a complaint submission; 2) messages, registration and consideration: the way complaints are accepted, registered and how to determine the required procedure for consideration of different types of complaints; 3) the reconciliation process for how complaints are considered, in respect of which the investigation is not conducted; 4) the investigation process: relates to how complaints are considered in respect of which the investigation is conducted; 5) decision making: it concerns the outcomes of the complaint consideration on the round of investigation; 6) revision procedure: relates to applicant's right to appeal the complaint consideration or the results of its consideration.

After consideration of the complaint five types of actions can be carried out: neither further action; criminal proceedings can be opened against the police officer; disciplinary investigation can be held against the police officer; the police management can perform informal actions against the police officer; subject to the findings amendments can be introduced into the police practice.

The system of complaints against the police actions should be clear, open and accessible and in positive manner take into account and be grounded on the understanding of gender, race, ethnic origin, religion, belief, sexual orientation, gender identity, disability and age issues. This system has to be efficient and rely on sufficient means, contribute into the development of polite treatment culture to people at exercising the police activity.

The procedure of the activity of standing police commissions in terms of considering complaints against the police actions or inaction may be regulated by the normative legal act of the Ministry of Internal Affairs or the Cabinet of Ministers of Ukraine, since currently only Art. 90 of the Law regulates this procedure. And as the authors of the Practical Guide "Public and Law Enforcement: Control, Monitoring, Cooperation" [5, p.18] correctly state, the disciplinary statute of the National Police of Ukraine, which currently regulates the procedure of bringing police officers to disciplinary responsibility, does not define the participation of community representatives in imposing sanctions on police officers for their disciplinary misconduct. It should be added that the same regulation is envisaged in the Procedure of carrying out official investigations at the National Police of Ukraine, approved by the order of the Ministry of Internal Affairs of Ukraine on November 7, 2018 No. 893 [6], which despite its updating does not contain any elements of public control over conducting internal investigations. They are absolutely correctly point at that in the current legislation either the procedure of disciplinary proceedings against police officers, or information on measures taken by the heads of police bodies result in complaints submitted by citizens against the actions of their subordinates are now practically closed from public control and data as for disciplinary actions for misconduct the citizens can obtain only through requests for access to public information.

The analysis of legislative grounds of public involvement in consideration of complaints

against actions or inaction of police officers indicates that the public can be involved in consideration of complaints against police officers only by obtaining relevant consent from the management of a specific police authority in terms of cooperation with local population and to increase the level of confidence towards the police activity. Therefore, the degree of involvement of public representatives into this area largely depends on the activity of a territorial community, public organizations and individual activists. As well the appropriate requests to involve public in the participation in consideration of complaints against police officers may be directed by a local council.

In general, proposals for public participation in the review of complaints against the police actions must come from the representatives of the community themselves, including personal interview with the head of a territorial police body as well as during his meetings with deputies of a relevant council. Under any conditions, public members may be present during the consideration of complaints against police officers as well as during the procedure of imposing sanctions on a police officer for his offences in case of the relevant decision by the head of a territorial police body. At this, public members have no right to participate directly in these procedures. In fact, the presence of public performs the role of a deterrent factor to ensure that facts stated in the complaints of citizens were verified properly. And in case of confirmation of the offense circumstances, the presence of the public ensures that the perpetrators will become liable, and the complaint consideration is objective and comprehensive.

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**TO THE ISSUE OF LEGAL REGULATION
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In terms of European integration of Ukraine committed itself to a number of important commitments of the European community ' commitments. In order to be worthy of being among the club of advanced democracies, where the primacy of the rule of law operates, it is necessary to build an effective, non-corrupt state apparatus. Despite the regulatory support for the activities of public authorities, those who are in public service still implement the policy of the state. Therefore, in order for the National Police to be an effective body that enjoys respect and authority among citizens, it is necessary to have in its composition professional, motivated, with

moral virtues, intolerant of corruption and other personnel.. One of the tools of a whole set of approaches aimed at forming a highly professional state of police is the official certification, as it will also allow to eliminate, over time, those persons who are not suitable for certain reasons to work in the National Police of Ukraine.

It is necessary to establish, as defined by the legislator and scientists in general, such a definition as "attestation". In the Law of Ukraine "On the National Police", Article 57, paragraph 1, it is possible to clarify the meaning of the concept of attestation for the purpose of attestation, which states here: "... in order to assess their business, professional, personal, educational and qualification levels, physical training on the basis of deep and comprehensive study, determine whether the positions and perspectives of their career "[1]. That certification appears as a procedure for assessing professional and personal virtues police, as well as its physical form, which will promote police 'car ' yernoju ladder. "

While characterizing the attestation of public servants as a whole, researcher I. Zadoya notes that this is one of many means of evaluation, but the appraisal procedure is not merely a determination of the level of professional or moral qualities of a person. Certification helps to develop human resources (including the police), to create an efficient and effective state apparatus, and is one of the means of building a professional, authoritative civil service. Although, as indicated by I. Zadoya elements of certification is not only a public service, but the specificity is the impact of certification for a public servant to his future career ' EMU in this area [3, c . 296] .

She gives some examples of interpreting such a definition as "attestation": " F.P. Negro noted that certification is a test of an employee's qualifications by periodically assessing his knowledge, experience, skills, abilities, that is, his or her suitability for the position and for the job being performed . According to A.P. Girova, "Attestation is a state-established form of periodic review of the special capacity of a certain category of employees and the quality of the work function they perform, with the aim of establishing the conformity of the attested persons with the post, enhancing their professional, business and moral and political level, as well as promoting administration to improve the recruitment and placement ' . Concerning the definition of the concept of " civil servants ' certification " ... D.M. Ovsyanko defined the attestation as a procedure that promotes the improvement of recruiting activities, upgrading of qualifications, placement of civil servants, determining the level of their professional qualification and suitability to the position, assignment of the next qualification rank. D.M. Bahrach generally addresses the dual interpretation of attestation: general attestation conducted to evaluate the performance of civil servants, increasing their sense of responsibility, and personal attestation conducted with respect to individual public servants to resolve issues of granting a civil servant the next rank a civil servant to another position, on dismissal of an employee " [3, p. 297] .

The scientist S. Lucas on certification is police making comments that nowadays this procedure in the agencies and departments of the National Police led to a significant number of controversial and contradictory points about the grounds and procedures for certification and adopted conclusions on issues as the result of certification police officer [4, p, 96] . Therefore, it is necessary to state the existing regulatory framework governing this issue and to point out its main features. The relevant issues are regulated by the Law of Ukraine "On National Police", as well as the Instruction on the procedure of conducting police appraisal from 17.11. 2015 [2].

Article 57 of the Law contains rules on the purpose of certification, paragraph 2 specifies three main reasons for certification, one of which is positive for a police officer, and two for either dismissal or dismissal: first, in the case of appointment to a police post without the competition requires the introduction of certification; second, about the transfer of a person to a lower position as a result of an official mismatch; thirdly, on the issue of the general dismissal of a police officer as a result of maladministration [1] . In paragraph 3, it is stated that the appraisal is carried out by the appraisal commissions of the relevant bodies, agencies or police institutions, and that they are formed by the heads of the respective police institution. Paragraph 4 specifies who can make the decision on the performance of the attestation (police chief, heads of bodies, police establishments or establishments) in relation to the persons appointed in accordance with the orders of the above-mentioned heads, and paragraph 5 mentions the procedure for attestation established by the Ministry. of internal affairs.

The Instruction directly defines the types of commissions (central attestation commissions, police appraisal commissions) as well as their powers, composition of the Central and appraisal commissions of police departments of Section II . Section III addresses the powers of the chairman, the secretary of the commissions, as well as its members. In the IV and V section defines the

procedure for organizing, training, attestation and testing of police. Section VI is devoted to the issues of appellate appraisal commissions, which are divided into central, northern region, eastern region, southern region, western region, their composition and powers [2] .

Scientist S. Lukash noted that the modern procedure of certification requires clarification and additional regulatory regulation. For example, the Instruction should be supplemented by provisions on the list of diagnostics used during the certification and the need to consider the motivation in making the decision. The scientist also proposes to prohibit attestation in cases not provided for by the law and to oblige the commission to indicate clear grounds for recognizing a police officer as not being fit for the position [4, p. 98] .

At the same time, it should be noted that the legal framework , which is presented by the Law of Ukraine "On the National Police" (namely Article 57 of the Law), the Instruction on the Procedure of Police Appraisal , allows to regulate the issue of police officers' certification. However, we agree that some aspects need clarification and additions.

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ON THE ISSUE OF PROFESSIONAL TRAINING OF POLICE OFFICERS

Law enforcement, like any other field of society, requires highly skilled personnel, the level of performance which its functions are directly dependent on the level of their training.

The period of study at a higher education institution with specific conditions of teaching is very hard work, because it is a certain professionalization of the individual. This so-called period of initial professionalization, as it calls V. Pogrebnyaya, which "covers the acquisition of professional knowledge, abilities and skills necessary for a successful start of professional activity, that is, mastering the specialty" [1, p. 12].

The training system in police differs from the others in its specific conditions, which must border on extreme, close to the realities of practice, using simulation tasks, as their performance in the future is stressful. For example, patrol officers under the specified conditions should be understood as a number of adverse factors, including: permanent residence in the hearth of conflict situations, the likelihood of an armed attack; the need for instantaneous decision-making that forms of stress and causes fatigue; the constant wearing of heavy equipment (armor, weapons, special equipment, etc); low physical activity during a patrol in the car, which adversely affects the overall physical health of workers.

Therefore, one important issue is the continuous monitoring of the effectiveness and improvement of forms and methods of training police, and therefore determines the need to find new ways to improve the quality of training of such specialists. According to scientists and practitioners, the former police system required fundamental change not only of the principles of its operation, and accordingly improve the system of professional training of personnel [3, p. 25].

Vocational training is a process of interaction between a teacher and listener (learner), which is vocational education. Vocational training aims to stimulate, development the applicants have higher education psychological qualities necessary for successful completion of the stages of professionalization (the development of the profession, occupational adaptation, mastery and crea-

tivity in the profession, professional development, etc.). The main aim of vocational training is the formation and design graduates effectively engaged in labor activities, the most fully realizing themselves in the work.

Now experts produced a lot of methodical recommendations on the implementation of the educational process, techniques that contribute to bring the listener to the acquisition of practical skills [2, p. 11]. The main theoretical concept of training at present should be considered "situational approach" in training. It provides for the training of the police, which is able to use acquired knowledge and skills in the environment that exists during the execution of a specific duty assignments. A police officer should always be able to change the situation in favor of their own superiority to the offender. With this purpose, during the training focused on processing of possible variants of the course of the fight.

The most important role in professional training and further development and improvement of the system of police bodies is the departmental system of education. As rightly noted by scholars in the field of vocational training and retraining "to Get good results in the management of the organization only if the people you lead, have the knowledge, skills and appropriate attitude necessary to ensure that their efforts were effective and efficient. When such persons come into practice, learning becomes the key contributor to the development of their abilities, skills and attitudes necessary for better performance. Training does not seem to be something external to the core functions of the organization, on the contrary, it plays an integrative role in achieving the organization's major strategic goals. Indeed, virtually every organization operates in a changing environment, skills and knowledge required in the activities also changed. Education and training in our days needs to be continuous" [3, p.18].

Therefore, for the accumulation of knowledge and the formation of professional skills of future police officers, it is initial implementation of theoretical and methodological substantiation of new approaches to building a system of professional training, which would contribute to the formation of readiness for effective execution of professional activities, development of functional model of professional activities, definition of pedagogical conditions, principles and methods of the professional police training and development.

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**POLICE USE OF FORCE IN REPUBLIC OF MOLDOVA AND UKRAINE:
A COMPARATIVE ANALYSIS OF LEGAL REGULATION**

Ukrainian state is gradually moving towards European integration. One of the most significant and dramatic reforms is the creation of a National Police. It's a law enforcement institution modelled on the Euro-Atlantic countries.

An important aspect of police operation is police interventions, which were for the first time explicitly formulated in Ukraine in the profile law on police. Among the various police interventions, special attention of police administration, specialists, scientists and the public is paid to coercive methods, which significantly restrict human rights and freedoms.

Understanding this fact has led in recent years to research relevant institutions by experts such as J.M. MacDonald, W. Terrill, S. Didenko, A. Koblenko, O. Komisarov, K. Kostyuchenko, V. Pokaychuk, V. Flora, O. Frolov, and others. Our aim is to provide a comparative analysis of the legal regulation of the triad of coercive police methods: the use of physical influence, the use of special police tools and the use of firearms in Moldova and Ukraine. This is due to the fact that the Republic of Moldova is actively promoting European integration, has close ties with Romania and has introduced a special legislative act to regulate police coercion: the Law on the Procedure for the Use of Physical Force, Special Tools and Firearms [1]. In Ukraine, this triad is regulated mainly in Articles 42 – 46 of the Law of Ukraine "On the National Police" [2].

We consider it necessary to begin the analysis of the terminology used in the legal regulation. The Ukrainian legislator summarized the use of physical force, firearms and less-lethal force, combining this triad into a design of "police coercion measures" [2, part 1 of Art. 45] (and, of course, the legislation of Ukraine also regulates the measures of procedural coercion). The aforementioned Law of the Republic of Moldova does not propose a general term. However, it defines this institution as: "specific acts of *administrative coercion* of a repressive nature (for the purpose of termination of action), and from the point of view of the manner of performing these actions are tools of violent influence on a person who commits or commits an act that causes harm ..." [1, part 1 of Art. 2]. The italicized generic notion of "administrative coercion" is not limited, of course, to this triad. The Ukrainian law indirectly defines coercive policing by defining a generic concept: "a police measure is an action or a set of preventive or coercive actions that restricts certain human rights and freedoms and is used by police in accordance with the law to enforce police powers" [2, p. 1, art. 29].

The laws of both countries offer definitions of key concepts. The law of Moldova states that "physical force – coercive measures taken exclusively by muscle tension, the physical force of man, including special methods of struggle" [1, part 2, art. 2]. It is worth noting that the legal technique of definition in Russian language is not perfect, in particular, the mistake of "determining by what is determined" is made: physical force – measures taken by physical force. However, in the original version, the Romanian (Moldovan) language uses different terms "forță fizică" and "puterii fizice". The Ukrainian legislator also managed to avoid this mistake, calling the first element of the triad "physical impact": "Physical impact is the use of any physical force, as well as special methods of struggle to stop the wrongdoing of offenders" [2, p. 2, art. 42].

The approach of legislators to the definition of special tools is also different. In Ukraine, the law offers an analytical approach to the definition of special tools, characterizing their purpose. So, special tools are defined as «a set of equipment, devices and objects specially made, structurally intended and technically suitable for protection of people against the defeat of various objects (in-

cluding weapons), temporary (reversible) damage of the person (offender, opponent), suppression or restriction human (psychological or physical) by influencing him or the objects that surround him, with a clear regulation of the groundings and rules for the use of such tools and special animals" [2, p. 3, art. 42]. The law of Moldova offers a descriptive definition, listing the varieties of special police tools: "special tools – items, ammunition, gadgets, chemicals, tear and colouring agents, light-sounding devices of psychological influence, equipment of compulsory transport stop, vehicles, fighting equipment, training equipment, combat equipment, training equipment used for passive or active non-lethal defence, designed to overcome human immobility, immobilization and disorientation or to disrupt obstacles"[1, p. 1, art. 2]

In addition, in Moldova, the Law includes not only every element of the said triad definition. The Law also consists important characteristics, groundings, specifications and limits of its application: attack on personal security, assault, armed assault, armed resistance, etc. [1, p. 2, art. 2]. Unfortunately, the Law of Ukraine "On the National Police" do not contain corresponding definitions. This fact complicates the equal understanding of the groundings and limits of the use of force and the training of law enforcement officers.

It should be noted that the regulation of the use of force at the level of a separate law demonstrates undeniable advantages. Thus, in Moldova, the subjects of use of force, special tools and weapons (including "foreign nationals who are employees of special services who arrived in the Republic of Moldova to ensure the protection of statesmen ..." are clearly listed [1, item C, p. 1, art. 3], while in Ukraine the norms are formally addressed only to the police. The Moldovan legislator also obliges the corresponding administrators to organize special training courses, and the staff of these bodies was obliged to attend them and "to pass periodically, but not less than once a year test of ability to act in conditions, related to the use of physical force, special tools and firearms"[1, Part 3 of Article 4]. This requirements' consolidation at the level of law gives it more importance.

More detailed regulation in Moldova is also revealed in the following prohibitions: "Subjects of the law may not invoke any extraordinary circumstances or other extreme cases to justify the use of physical force, special tools or firearms in violation of the provisions of this law" and "Subjects of the law is obliged to refrain from executing orders of the authorities on the use of physical force, special tools or firearms, which clearly violate this law, and immediately notify the authorities, for are significant in the article » [1, p. 8, 9, art. 4]. The aforementioned law of Moldova, unlike the Ukrainian law, also contains a direct prohibition on "equipping the subjects of the law with firearms and ammunition, the use of which causes excessively serious consequences or uses as a source of unjustified risk ..." [1, p. 6, art. 4].

However, the existence of these prohibitions in the special law of the Republic of Moldova and their absence in the text of the relevant Ukrainian legislative act do not affect the practice of applying coercive measures, since the similar prohibitions are rendered from the systematic interpretation of the Ukrainian legislation. However, the rule contained in part 10 of the Law of the Republic of Moldova: "In the absence of the necessary special tools or standard firearms, the subject of the law has the right to use and apply any other tools and objects subject to the conditions and restrictions established by this law" at first glance fundamentally different from the order established in Ukraine: "A police officer may under no circumstances apply coercive measures not defined by this Law" [2, p. 5, art. 42]. However, we consider it necessary to distinguish between the types of coercive measures (namely, the use of physical influence, the use of special tools and the use of firearms) and specific types of physical influence, special tools, firearms. Accordingly, the list of types of special tools is legally fixed in Ukraine [2, p. 4, art. 42] is not final and exhaustive.

It is worth noting that the list of special tools, types of firearms, ammunition and rules for their use are approved by the Government of Moldova [1, p. 7, art. 4], while in Ukraine "Standards for providing police units with special tools and firearms" are set at the level of the profile minister [2, p. 8, art. 42].

Regarding the direct order of application of coercive measures, we can state the similarity:

- warning procedures [1, item A, p. 4, art. 4; 2, p. 1, art. 43], except that the Ukrainian legislator restricts the form of warning by voice, mentioning the possibility of warning through loudspeakers;
- procedures for providing first aid to the victims [1, item C, p. 4, art. 4; 2, p. 4, art. 43];
- procedures for informing management and prosecutors [1, item D, E, p. 4; 1, p. 5, art. 4; 2, p. 2, art. 44].

The analyzed law of Moldova also mentions the obligatory procedure for notification of

relatives of victims of the use of coercive measures [1, it. C, p. 4, art. 4], while the Law of Ukraine "On the National Police" does not explicitly require this, although it establishes a similar procedure, for example, in such police interventions as "restriction of movement of persons" and "police care" [2, art. 37, 41].

Another indisputable advantage of regulating in the Republic of Moldova the conditions of use of physical force, special tools and firearms, in our opinion, is correlation with circumstances that exclude crime. Thus, part one of Article 4 of the aforementioned Law [1] stipulates: "Subjects of the law have the right to use physical force, special tools and firearms in case of self-defence, state of necessity or detention of persons in the order and situations provided by this law". At the same time, the profile legislation of Ukraine does not contain a direct indication of the state of state of necessity, self-defence, detention of the perpetrator.

Therefore, we can state a high degree of substantive similarity in the regulation of the groundings and the procedure for the use of force in Ukraine and Moldova. At the same time, the special law approach to regulation implemented in the Republic of Moldova demonstrates the advantage of allowing more fully to identify the important aspects of the application of these coercive interventions:

- in Moldova, the definition of not only every measure of coercion, but also of important characteristics, grounds, features and limits of their application is fixed at the level of the law: encroachment on personal security, assault, armed attack, armed resistance, etc.;
- in a special law of the Republic of Moldova there is a correlation of coercive measures with circumstances that exclude crime;
- clearly list the possible subjects of enforcement measures;
- The Moldovan legislator establishes a mandatory procedure for notifying relatives of victims of coercive measures, and also obliges law enforcement agencies to organize special training courses;
- Moldova has a direct prohibition on the supply of firearms and ammunition, the use of which is either excessively serious or a source of unjustified risk.

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**THE ROLE AND PLACE OF MILITARY-COMBAT ACTIVITY
IN ENSURING OF THE NATIONAL SECURITY**

The problems of ensuring national security are currently very relevant. Safety is an essential condition for the normal functioning of a person, society and the state.

It should be noted that the category "security" is not absolute, but acquires relative and semantic meaning only in connection with specific objects or the sphere of human activity and the surrounding world [1]. With regard to a comprehensive study of the security of an individual, society and the state, it would be more correct to operate with the concept of "national security."

The ideal of security now lies in the context of the formation of a collective security system

in Europe. Such values as social equality and justice are fading into the background, and "modern post-industrial society is focused primarily on collective security, which is its normative ideal." [2]

At present, we can definitely assume that the concept of the rule of law is dominant in political and legal thought. According to this concept, state and public institutions as well as citizens recognize and use the fundamental principles of law and democracy in their activities. By carefully following these principles, public and private interests are aligned, from which it follows that it is impossible to achieve a legal democratic state, if one prefers state interests and ignores the interests of an individual and society. The state is called upon to respect and protect human rights, and implement its policy with a view to the well-being of the whole society [3].

It is worth noting that for today, given the operational situation, which is typical for Ukraine, we can talk about the presence of crisis situations. In particular, some political phenomena affect the condition of national security and is an indicator of its effectiveness.

Under such conditions the military-combat activity of law enforcement agencies is extremely important, because timely response to crisis situations in the state can prevent threats to the national security of Ukraine.

According to the doctrine that exists today in Ukrainian in legal literature, military combat activity in the broad sense consists of preventive, security, protective, isolation-restrictive measures and special actions (operations) of special-purpose law enforcement bodies and their military and other armed formations prescribed by law, conducted under the leadership of the central executive authority (main, central administration, etc.) in order to ensure the territorial integrity of the state, its constitution, public safety, law and order, the inviolability of the state border of Ukraine, protection and defense of critical facilities, combatting against organized crime and terrorism in a planned, regular manner and during special events (operations) in case of emergency situations and during war using law enforcement, military and other methods [4].

Para. 3 of Art. 17 of the Constitution of Ukraine proclaims that ensuring state security and protecting the state border of Ukraine shall be performed by the relevant military units and law enforcement agencies of the state, the organization and procedure of which are determined by law [5].

For effective military combat activity in Ukraine, special-purpose military and law enforcement units have been created, namely the National Police of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine, the Security Service of Ukraine, the State Guard of Ukraine, and the Armed Forces of Ukraine. However, despite the ongoing measures to reform military units and law enforcement agencies, the performance of military-combat missions is not sufficiently effective and the level of national security is not always at the highest rate.

In the context of the active conduct of a "hybrid" war in Ukraine, an important and urgent task currently is to improve the organization of military service activities, the regulatory and legal component of the system of state bodies, and regulate the performance of military service tasks in the aspect of protecting the national security of Ukraine.

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**LEGAL REGULATION OF PUBLIC CONTROL AS A MEAN
TO ENSURE NATIONAL SECURITY**

In the context of globalization, the issue of national security for each state, including Ukraine, is particularly acute, given the annexation of the Crimean peninsula in 2014 and the long-running hostilities in eastern Ukraine. It should be emphasized that in the system of interaction between the state and society an important link is the sphere of national security. In democratic countries, public control as a key means of ensuring national security is an effective component of public policy and an important indicator of their development.

In the context of increasing external threats and threats to national security, the works of such scholars as V. Gorbulin, A. Kachynskiy, V. Lipkan, V. Pocheptsova, A. Paderina, G. Perepelytsia, T. Starodub, G. Sytnyk, I. Khrabana, L. Chekalenko and others. Problems of public control were investigated by O. Andriiko, V. Bieliaiev, S. Bratel, S. Vitvitskyi, V. Garashchuk, A. Goncharov, S. Denysiuk, S. Kushnir, A. Mukshymenko, L. Nalyvaiko, T. Nalyvaiko, L. Rogatina, I. Skvirskiy, O. Sushynskiy, S. Shestak and others.

The impact of public institutions on public policy in any sphere of society depends on the general level of public organization, the willingness and ability of citizens and their associations to put into practice the democratic rights and freedoms declared by the Constitution, largely determined by the financial and organizational independence of the civil society and the existence of mechanisms for influencing the formation and implementation of national security policies by the state [1, p. 102]. In the context of organizing state activities in the field of national security, it is important to introduce an effective system of public control. It is about managing such types of security as economic, political, information, etc., each of which has its own specifics and peculiarities of functioning.

At present, the process of forming a system of public control legislation in the context of national security in Ukraine is at an early stage. The basis of domestic legislation is the Constitution of Ukraine. According to Article 3, the state is responsible to the person for its activity. If the state is accountable to the person, it means that the person can ask the state in the person of the authorized state authorities about their activity, including in the field of national security. Also, the Constitution of Ukraine states that citizens have the right to participate in the management of state affairs. We believe that one of the main types of exercise of this right is the exercise of public control over the activities of state bodies in the fields of national security and defence.

While investigating public control regulations in Ukraine as a means of ensuring national security, there is no single mechanism for exercising public control by its subjects. Various means and methods of organizing and conducting public control are regulated in a number of legal acts. The organization and exercise of public control is governed by such legal acts as:

the Law of Ukraine "On Local Self-Government in Ukraine": establishes the right to exercise public control through public hearings (Part 1 of Article 13) [2];

the Law of Ukraine "On Citizens' Appeal": regulates the issue of practical realization by citizens of Ukraine of the right given to them by the Constitution of Ukraine to bring into state bodies, associations of citizens in accordance with their statutes proposals to improve their activities, expose deficiencies in work, challenge actions of officials, state and public bodies [3];

the Law of Ukraine "On Information", which in paragraph 3 Part 6 states the duty of public authorities to inform the public and the media about their activities and decisions [4];

the Law of Ukraine "On the Principles of State Regulatory Policy in the Field of Economic Activity", in Part 1 of Article 6 stipulates that citizens, economic entities, their associations and scientific institutions, as well as advisory bodies which are established under state and local self-government bodies and represent the interests of citizens and economic entities [5];

the Law of Ukraine "On Public Associations": provides for the right of public associations to address, in accordance with the procedure established by law, public authorities, bodies of the Au-

onomous Republic of Crimea, bodies of local self-government, their officials with offers (comments), statements (requests), complaints, etc. [6]. However, the presence of the aforementioned legal acts is not sufficient to effectively exercise public control in Ukraine's national security.

Despite extensive regulation, there is no legislative definition of public control in the field of national security at the legislative level. For example, the Law of Ukraine "On National Security of Ukraine" mentions democratic civil control, which is defined as a set of legal, organizational, informational, personnel and other measures implemented in accordance with the Constitution and laws to ensure the rule of law, legality, accountability, transparency of the bodies of the sector security and defence and other bodies whose activity is related to the restriction of human rights and freedoms in the legally defined cases, promotion of their effective activity and implementation of their functions, strengthening national security of Ukraine [7]. Thus, the security and defence sector bodies are subject to democratic civil control.

The legislator in the Law of Ukraine "On National Security of Ukraine" directly identifies civil control over the security and defence sector as one of the important factors for the effective functioning of the national security sphere.

According to paragraph 2 of Part 1 of Article 4 of the said Law, the civil control system consists of control exercised by the President of Ukraine; control exercised by the Verkhovna Rada of Ukraine; the control exercised by the National Security and Defence Council of Ukraine; control exercised by the Cabinet of Ministers of Ukraine, executive authorities and local self-government bodies; judicial control; public control [7]. It should be emphasized that in the Law all types of control existing in the state are combined within this concept. So, with regard to public control, it is considered as an integral part of democratic civil control.

In Part 1 of Article 10 of the Law of Ukraine "On National Security of Ukraine", citizens of Ukraine participate in the exercise of civil control through public associations, of which they are members, through deputies of local councils, personally through an appeal to the Ombudsman of Ukraine or to state bodies in the order established by the Constitution of Ukraine, the Law of Ukraine "On Public Associations" and other laws of Ukraine. In the context of national security, the sphere of public control can be restricted only within the limits of the Law of Ukraine "On State Secrets".

Thus, only continuous interaction, cooperation of public authorities in the fields of national security and defence with the public is a prerequisite for their effective and transparent activity in the field of national security of Ukraine. This problem was actualized at the stage of becoming Ukraine as a rule of law, social and democratic state. Therefore, one of the most pressing issues is the involvement of the public in the process of control and, as a result, the efficiency and transparency of the activities of public authorities in the fields of national security and defence. The disadvantages of the Law of Ukraine "On National Security of Ukraine" in the provisions relating to public control are that: firstly, public control is provided only through public associations (it is necessary to allow the participation of a citizen independently); secondly, there are no principles – openness of information in the field of national security, responsibility for the accuracy, completeness and timeliness of information provided by officials; third, Article 5 is unconstitutional, since it refers to Article 106-107 of the Constitution of Ukraine (in particular, the powers of the President are being expanded) (similar to Article 13); fourth, in Article 10 public associations do not have the opportunity to exercise public control, such as familiarizing themselves with the conditions of service, life of military personnel in military units. Improving legal regulation in the research area will ensure high efficiency of interaction between the public and the state and will help to develop new and effective mechanisms for guaranteeing national security.

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**UPDATED ISSUES ON THE PROVISION OF THE MIA'S ADMINISTRATIVE
SERVICES: ISSUANCE OF THE VEHICLE'S CERTIFICATE**

Issues related to the provision of service of the Ministry of Internal Affairs, on the issue of a certificate of admission of vehicles to the carriage of certain goods, as well as the use of technical devices, in particular in the process of photo and video-fixing, namely in violation of traffic rules are currently quite relevant. She plays a large role in the search for criminals and offenders, helping to gather evidence, investigate documents and other material evidence. Therefore, it is necessary to determine the legal grounds, the importance of the matter and the appropriateness of using these tools by police officers.

The conformity of the design of specialized vehicles for the carriage of goods to the requirements of the SIPP is confirmed by issuing a certificate of admission of vehicles to the carriage of certain dangerous goods.

The certificate is issued or continued by the Ministry of Internal Affairs service center following the results of the verification of conformity of construction and special equipment of the vehicle to the requirements of the SIPP and the Rules of Road Transport of Dangerous Goods.

The owner of the vehicle, the carrier or the person authorized by him has the right to freely choose the service center of the Ministry of Internal Affairs to check the conformity of the vehicle design with the requirements of the SIPP and to obtain the Certificate. Restrictions on the choice of the service center of the Ministry of Internal Affairs, in particular from the place of registration of the vehicle, are not allowed.

Vehicles carrying dangerous goods must comply with the requirements of state standards, safety, labor protection and the environment, as well as in the cases prescribed by law, have appropriate marking and a certificate of admission to the transport of dangerous goods.

To date, carriers only agree with the National Police on the carriage of dangerous goods by road, which are classified as high-risk goods, in accordance with the order of the Ministry of Internal Affairs of Ukraine "On Approval of Some Regulations on Road Carriage of Dangerous Goods" dated August 4, 2018 No. 656.

Conclusions. In order to solve the problem of transparency of the provision of administrative services of the Ministry of Internal Affairs on the issue of a certificate on the admission of vehicles to the carriage of goods, it is necessary to regulate the issues regarding the effectiveness and efficiency of the work of the national automated information system.

But to introduce a number of innovations. In particular, to increase the cost of services for obtaining a certificate of admission of vehicles to the carriage of goods. Because, the high price should reflect the desire of citizens to engage in corruption relations in order to obtain such a certificate. Writing theory and practice should be accompanied by video footage from multiple cameras. Information about who, when, and to whom the medical certificate and driver's license was issued should be either public or accessible to certain circles. Examiners should receive a decent salary to reduce corruption risks in the MIA's administrative services.

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PECULIARITIES OF IMPLEMENTATION OF PUBLIC CONTROL FOR POLICE SERVICE ACTIVITIES

Today with the adoption of the Law of Ukraine "On the National police" has acquired a normative settlement of such forms of public control over the service supports the activities of the police (Section VIII), as prepared and published the report on police-related activities; supervision of the head of police and the adoption of a resolution of no confidence in him; by the interaction between the heads of territorial police bodies and representatives of local authorities; by involving the public in the consideration of complaints against actions or inactivity of police officers; the preparation and implementation of joint projects with the public [1].

It should once again recognize that the law requires is not available and effective forms of public control over police activities, and some of them, in particular the preparation of the report by the head of the police or the adoption of a resolution of no confidence in the head of the police, the local Council is generally difficult to attribute to forms of public control, I will try to explain my stance on this.

So, according to article 86 of the Law, with the aim of informing the public about the activities of police chief of police and the heads of territorial police bodies once a year prepare and publish on the official web portals of the police report for police activities [1]. Annual report on the activities of the police and territorial police must provide an analysis of the crime situation in the country or region in accordance with information on the measures taken by the police, and the results of these activities, as well as information on the implementation of the priorities set for the police and territorial police relevant police commissions. Accordingly, the heads of territorial police bodies are obliged to regularly publish statistical and analytical data on the measures taken to identify, prevent and suppress violations of public order at official web portals of the bodies they lead.

In our opinion not correct to think of the preparation by the head of the report on the activities of the police authority and the promulgation of a form of public control over police activities, because it more relates to the powers and tasks of the head of police because the initiative and the responsibility of preparing such a report rests with the head of the police, at the same time as the initiator of social control can be individual citizens or organized community . On public control it could be when, for example, the public organization on their own initiative with the support of the relevant company or on its order and monitors the activities of the relevant police unit, which prepares and publishes a report of such verification (monitoring).

Also, the implementation of this rule can cause a number of problems. In particular incomprehensible the frequency of lighting on the official website of the territorial body of the police statistical and analytical data on the measures taken to identify, prevent and suppress violations of public order, that is, how to understand the term "regularly" - daily, weekly, etc. If such information should be posted on the website daily, it is difficult to implement, because before the release of this information must be rapidly processed and systematized, and technical and organizational capacities of such activities are absent. Therefore, a more appropriate is the systematization and dissemination of such information on the website of the territorial body of the police of the city or regional level. Moreover clarification in the law needs to be the norm, which indicates that such information does not include information with limited access.

It is clear that the police should be transparent to the public and are willing to provide information about their activities. However, the police are obliged to respect the confidentiality of some information. Of course, though in most States such a situation is enough regulated, the police will always be a certain freedom of choice to achieve a balance between these two categories of interests. In addition, contacts between police and the media can be complex, and the police may not always be to him quite ready. Therefore, in these documents contains a recommendation to develop appropriate guidelines for the regulation of police relations with the media, that unfortunately, the new Law is not fully reflected, although the results of police activities is

constantly in the lens of the media attention.

Informing the public about the rule of law, measures taken for prevention of crime rests with the heads of territorial bodies of police. To this end, the heads of territorial police bodies periodically according to a pre-published schedule, should hold private meetings, press conferences, and use of the Internet for rapid dissemination of information about the activities of the police, to ensure the content of the websites of the territorial bodies of police; to assist the news agencies, broadcasters, print media, online publication, creative organizations, enterprises and institutions in informing the public about the activities of the police; to ensure the preparation of case materials and programs for mass media on urgent issues of maintaining public order, fighting crime, preventing crime, to assist reporters in this work; to arrange the conduct of population surveys to study public opinion on the activities of the police and the like.

In turn, the media in the established order may request, and donated to the police public information, documents and materials on matters under their competence, and heads of territorial police bodies are obliged to freely provide such information; distribute the information received through the press, radio, television, the means of global information network Internet and the other way, adhering to the requirements of the law on preservation of state secrets; publish official replies of heads of territorial bodies of police at the material that was published previously [2, p. 32].

A separate aspect of the interaction of the public and the police, which got its legislative expression in article 89 of Law is the preparation and implementation of joint projects, programmes and activities to meet the needs of the population and improving the efficiency of police the task assigned to it. The interaction between the police and institutions of the public is primarily regulated by administrative law public relations of equal subjects on the principles of partnership, which are formed in the process of their concerted activities on revealing, prevention and suppression of offenses, implementation of plans, programs and projects law enforcement with effective use of assets, resources and capabilities of each of the entities [3, p. 22]. The factors that influence the formation of partner relations between the police and the public, include: the commonality of goals, interests and actions; awareness of possibility of realization of objectives, plans and programs only through joint activities; the trust of the partnership entities to each other, which is the result formed a positive image of each subject; understanding [4].

Based on the provisions of laws of Ukraine and international legal acts in the major joint actions of the police and the public about the needs of the population and improving the efficiency of police the task assigned to it include: joint planning and joint action regarding the prevention and detection of offences; exchange of information and experience on the prevention and suppression of administrative offences and crimes; the holding of joint seminars, exercises, fees, consultations and meetings of law enforcement focus on improving the organization of combating crime.

The joint projects of the police and the public include: joint research; joint development of guidelines, programmes, draft laws, etc.; the joint expertise of normative legal acts; participation of police in the work of public reception offices and legal aid centres for the population; organization and conducting of joint telephone hotlines, presentations and publications in the media. To joint programs of the police and the public include: police cooperation with international and foreign non-governmental organizations on the implementation of police tasks and functions; participation in programs of legal education and education of the population, youth, students of secondary schools and students, cadets and listeners of higher educational establishments; the establishment and operation of joint print media (Newspapers, magazines, etc.) and online publications to highlight issues of policing, the results of joint activities, publications, management reports, joint projects, research and the like.

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2. Hromads'kist' i orhany pravoporyadku: kontrol', monitorynh, spivpratsya / [O. Ban-chuk, YU. Hadzhyeva, B. Malyshev, S. Pernykoza, U. Shads'ka]; Praktychnyy posibnyk. Za zah. red. O. Banchuka. K.: FOP Moskalenko O.M., 2017. 75 s.

3. Torkaylo YU.S. Orhanizatsiyno-pravovi zasady vzayemodiyi orhaniv vnutrishnikh sprav z instytutsiyamy derzhavy ta strukturamy hromadyans'koho suspil'stva: Dys. na zdobuttya nauk. kand. yur. nauk: 12.00.07. KHNUVS, Kharkiv, 2012. 212 s.

4. Vzayemodiya militsiyi y naseleण्या yak stratehichnyy napryam diyal'nosti orhaniv pravoporyadku. Zhurnal «Viche». №12, cherven' 2013. URL:<http://www.viche.info/journal/3714>.

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POLICE TRAINING: PROFESSIONAL COMMUNICATION

The relevance of the chosen topic is that under the conditions of reform, the current development trends of our state and its law enforcement agencies set new tasks and priorities for the newly formed police. One of the leading tasks is the reorientation of those negative stereotypes that existed in the pre-reform period, namely, the idea of people about law enforcement agencies, which came down to a forceful and often even repressive image of a police officer being a representative of the law enforcement agency. Unlike the newly formed National Police, the leading role in the arsenal of previous police format was played by a forceful and aggressive model for resolving service situations.

It should be noted that the motto “Serve and Protect” is also a confirmation of the direction of the National Police based on the principles of humanism and the rule of law. This slogan reflects the new essence of law enforcement in a democratic society, namely, to be closer to the public, to build their professional activities for the sake of people as well as to be open to their needs and wishes.

It is equally important that the tactics of communication, the social-service nature of the police, the focus of activities for the sake and in the name of people can lead to significant success in the disclosure of certain types of crimes and crime prevention [1].

It is necessary to highlight what criteria are the determining factors in service situations. These include, first of all, whether a police officer showed tact and respect towards an interlocutor, listened carefully enough as well as the correct direction of the conversation. Another important factor is the endurance of a police representative during conflict situations and awareness of an offender and the situation that preceded the offense.

One of the duties of police officers is to treat people with respect for their dignity, correct behavior. Compliance with the oath to faithfully serve people is one of the main reasons for citizens to develop a respectful attitude to the entire law enforcement system and the law [2].

Also one of the equally important criterion is that the National Police set itself as one of the priorities for involving communities in cooperation with law enforcement agencies (community policing). The essence of this interaction is that the choice of a solution or algorithm for a specific behavior in a specific situation should be based on the opinion of the public.

For the efficient counteraction with society it is necessary to inspire their confidence. Transparency and openness of the police is important as well. Besides, in order to encourage people's trust it is necessary to promptly respond to public information requests forwarded to the National Police officials as well as in matters within their competence.

It is also worth paying attention to the types of communication depending on the aim. Two mediums can be distinguished here. Firstly, communication with persons contacting the National Police and the environment specifically with employees. There is a certain interdependence between these two areas. For example, if a police officer allows himself/herself to communicate incorrectly with citizens in course of his/her practice, then we can definitely say that he/she will show the same attitude to his/her colleagues [3].

Regarding the factors that indicate professional suitability and high competence in the field of communication, they are primarily cover the ability of a police officer to avoid conflict situations when solving any complex situations. It is also the quality level of communication with colleagues or with other citizens. Such factors include emotional restraint in stressful or dynamic situ-

ations. And, of course, the ability to successfully and correctly explain conflicting positions not only to colleagues, but also to other citizens.

To sum up all the above, we can say that the steps to reform the police were successful, in particular, this is manifested in positive and trustful attitude of citizens towards law enforcement agencies. Unlike the National Police, according to the results of numerous polls among citizens, confidence in the Ukrainian police previously has been too low [2].

Therefore, the issue of updating professional communication between law enforcement officials remains very important in our time. And thanks to the established training system, the level of trust in the newly formed National Police can be significantly improved.

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**USE OF PROJECT LIFESAVER EXPERIENCE
IN THE NATIONAL POLICE SEARCH**

According to Art. 23 of the Law of Ukraine on the “National Police” among the main powers of the police is the search of missing persons and other persons in cases determined by law. The police are required to take steps to identify those who are incapable of health, age or other circumstances to report information about themselves [1].

The disappearance of a person can, among other things, result in memory loss. This phenomenon can be a threat to the life and health of a person, because the lost person is disoriented in space and unable to take advice on his own. This condition has a medical term - dementia. This is a syndrome that causes memory degradation, thinking. Dementia mainly affects the elderly.

There are around 50 million people with dementia worldwide. Almost 10 million new cases occur every year. Alzheimer's is the most common cause of dementia - it accounts for 60-70% of all cases [2].

7.7 million new cases of dementia are reported each year. Estimates for 2050 amount to 131.5 million. In Ukraine, 63 thousand people suffer from dementia, and over 4.5 thousand people become ill each year [3].

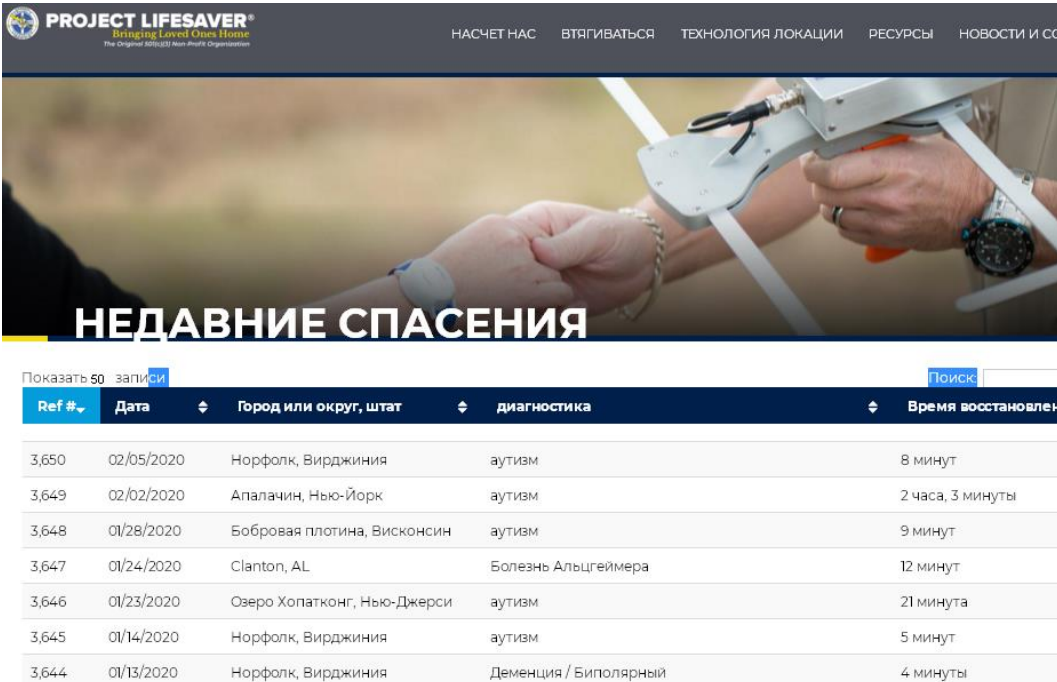
A person diagnosed with a psychiatrist as dementia (many types of it) is automatically at risk for potentially missing persons as a result of memory loss and at risk in an unrecognized environment that could result in trauma, injury or even death, but in addition to the medical and psychiatric issues of providing assistance to such persons, there are other safety issues, which include preventing the disappearance of such persons and the prompt response of authorized persons to the

subject. and units of the National Police, the installation location above others [4].

In this context, the PROJECT LIFESAVER project, implemented in the USA by a non-profit organization, is of practical and scientific interest. It provides law enforcement, rescue services and carers with a program designed to protect and, if necessary, quickly locate people with cognitive disorders who are prone to life-threatening behavior. The organization was founded in 1999 in Chesapeake, Virginia. The need for this program was identified because of the correlation between cognitive conditions and the act of extinction. With the dramatic increase in cognitive conditions since the inception of the organization, the program has evolved from a localized program into a program recognized internationally as a proven and effective method of "bringing loved ones back home".

Project Lifesaver was the first to employ such placement techniques to assist in the search and rescue of people, and is the most widely used and proven most effective program in a country specifically designed to protect at-risk populations. The program has been structured to strategically integrate state-of-the-art placement technologies, innovative search and rescue techniques and public safety courses that have taught those who are the first to respond to cognitive conditions.

Project LifeSaver's search time was reduced from hours, possibly days, to minutes, and averaged 30 minutes, 95% less time than standard operations without Project LifeSaver.



The screenshot shows the Project Lifesaver website interface. At the top, there is a navigation bar with links in Russian: "НАСЧЕТ НАС", "ВЛЯГИВАТЬСЯ", "ТЕХНОЛОГИЯ ЛОКАЦИИ", "РЕСУРСЫ", and "НОВОСТИ И СО". Below the navigation bar is a large banner image showing a person's hand holding a small transmitter device. The banner has the text "НЕДАВНИЕ СПАСЕНИЯ" (Recent Rescues) overlaid. Below the banner is a search bar with the text "Поиск" and a dropdown menu showing "Показать 50 записи". Below the search bar is a table with the following columns: "Ref #", "Дата", "Город или округ, штат", "диагностика", and "Время восстановления". The table contains 7 rows of data.

Ref #	Дата	Город или округ, штат	диагностика	Время восстановления
3,650	02/05/2020	Норфолк, Вирджиния	аутизм	8 минут
3,649	02/02/2020	Апалачин, Нью-Йорк	аутизм	2 часа, 3 минуты
3,648	01/28/2020	Бобровая плотина, Висконсин	аутизм	9 минут
3,647	01/24/2020	Clanton, AL	Болезнь Альцгеймера	12 минут
3,646	01/23/2020	Озеро Хопатконг, Нью-Джерси	аутизм	21 минута
3,645	01/14/2020	Норфолк, Вирджиния	аутизм	5 минут
3,644	01/13/2020	Норфолк, Вирджиния	Деменция / Биполярный	4 минуты

The program is implemented at the municipality level by public safety authorities. When a potential entity decides to implement the program, Project Lifesaver International will provide it with the necessary technology and provide training for all participants. The training includes the use of equipment, the implementation of strategic techniques specifically designed for the program, as well as public safety courses that provide a basic understanding of cognitive conditions for better understanding of behavior. The training also includes the use of a specialized PLS database, which is a useful resource provided to members free of charge. The completion of training is required for certification. As soon as the entity becomes certified, it can start attracting customers to its local program.

The method is based on proven radio technology and specially trained search and rescue teams. Citizens enrolled in Project LifeSaver carry a small transmitter on the wrist or ankle that responds to the traveler area. To determine the location of the person uses the individual frequency of the client. Knowledge gained from public safety courses is best applied in this situation, as search engineers will know how to best approach the client after they are identified and allow him / her to return to a safe place (family).

The project has already prepared thousands of public safety authorities not only to locate,

rescue and use electronic equipment to determine location, but also the methods needed to communicate with a person with Alzheimer's, autism, dementia or related cognitive impairment. [5].

Overseas social workers, police officers, teachers and relatives of patients are taught how to deal with dementors. In Britain, police are trained to work with the elderly. In Canada, Sweden, special police units have been set up to protect the rights of the elderly. In Britain, in every home where dementia patients live, a special protocol, pre-filled with the dementor family, is kept in sight. Just in case he leaves home.

In Ukraine, the problem of people with dementia is gradually being covered by the Austrian project "Inclusion of the elderly through social counseling services". The work is carried out in the form of seminars, lectures, trainings, meetings with domestic and foreign colleagues not only for relatives of patients with dementia, but also for police officers. However, this is clearly not enough for the situation to be controlled by law enforcement [6].

Thus, gaining international experience of police cooperation with specialized non-governmental organizations in the context of police care and provision of services to the public is extremely relevant and promising and, in the case of its implementation, can increase the effectiveness of the search of bodies and units of the National Police of Ukraine.

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2. Dementsiya. Spil'na problema. Pohlyad nevroloha. URL: <https://vopnl.vn.ua/one?st=282>.

3. VOOZ pro dementsiyu, yiyi oznaky i likuvannya URL: <http://opnl.cn.ua/%D0%B2%D0%BE%D0%BE%D0%B7-%D0%BF%D1%80%D0%BE>.

4. Dementsiya: navchal'no-metodychnyy posibnyk / O.A. Koz'olkin, M.V. Sikors'ka, I.V. Vizir, YU.M. Neryanova. - Zaporizhzhya: [ZDMU], 2015. - 90 s.

5. What is project lifesaver URL: <https://projectlifesaver.org/about-us>; How does the project lifesaver program work? URL: <https://projectlifesaver.org/about-us/>; Searching for the lost: a task for an officer, not a caregiver. URL: <https://projectlifesaver.org/about-us/>

6. Ya zahubysya, nichoho ne pam'yatayu... URL: https://dt.ua/SOCIUM/ya-zagubivysya-nichoho-ne-pam-yatayu-270990_.htm.

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SOME ASPECTS OF ADMINISTRATIVE AND LEGAL SUPPORT OF NATIONAL SECURITY IN PRESENT CONDITIONS

Provision of national security in the current conditions is an important problem of state policy and an indispensable condition for sustainable economic and social development of Ukraine.

In paragraph 17 of Article 92 of the Constitution of Ukraine, it is stated that the basic principles of state policy include the protection of national interests and the guarantee in the state of the security of the person, society and the state against external and internal threats in all spheres of life. Article 17 also determines that the defense of Ukraine, the protection of its sovereignty, territorial integrity and inviolability are vested in the Armed Forces of Ukraine, and the provision of state security - the relevant military formations and law enforcement agencies of the state, the organization and order of activity of which are determined by law. [1]

The function of the state to ensure national security is inseparable from the main activities of the state, that is, its functions, is consistent with them and is to ensure the security of national interests (values) or objects of protection in the relevant spheres, namely: military, environmental, economic, political, information and migration spheres.

It should be noted that Article 1, item 9 of the Law of Ukraine "On National Security of Ukraine" of June 21, 2018 defines the national security of Ukraine as the protection of state sovereignty, democratic constitutional order and other national interests of Ukraine against real and potential threats. [2]

In particular, the state is obliged to provide such areas of national security, which include

the fight against transnational crime, the solution of interethnic conflicts, regulation of migration, etc. The main functions of the state include those aimed at ensuring territorial integrity, maintaining public order and ensuring internal security.

National security issues have always been the focus of attention as a global phenomenon that represents a security environment that resists many threats of varying nature.

Investigation of problematic issues of national security of the state by law enforcement was carried out in the works of O.M. Bandurka, R.A. Kalyuzhnyy, V.K. Kolpakov, S.O. Kuznichenko, T.P. Minka, V.I. Olefir, M.I. Khavroniuk, S.B. Chekhovich, O.N. Yarmisch and more.

It should be emphasized that migration is a universal means of adapting to global political, economic, social and other changes, and the role and importance of migration policy in international life and national security is increasing.

This is relevant for Ukraine with its geopolitical location and difficult social conditions. Migration is a complex process that requires constant attention from the state and its authorized bodies in order to prevent and localize offenses by foreign nationals. It should be noted that every year the number of foreigners who stay in Ukraine for various reasons increases, illegal migration in the country increases, the rules of stay and transit passage through its territory are violated. In all cases of stay in the territory of Ukraine (permanent, temporary, transit) foreigners are obliged to comply with the Ukrainian legislation, and in case of violation of the relevant rules or rules, they are responsible under the laws of Ukraine.

One of the numerous administrative and legal means impact force applied by authorized public authorities to ensure public order and security is deportation of foreigners from Ukraine.

It should be noted that Article 24 of the Code of Administrative Offenses provides for the administrative expulsion of foreigners outside Ukraine as a type of administrative punishment, but the law does not provide for which administrative offenses foreigners and stateless persons are deprived of the right to stay in the territory of Ukraine [3]. In addition, administrative expulsion is not provided for by any sanction of Articles 203, 203-1, 204, 204-1, 206, 206-1 and others of the Code of Administrative Offenses.

As V.K. Kolpakov notes, the legislator did not come to an unambiguous definition of administrative expulsion as administrative punishment, namely, on the one hand the legislator included the concept of "forced expulsion" in Part 3 of Art. 24 of the Code of Administrative Offenses of Ukraine "Types of administrative penalties", "... the laws of Ukraine may provide for the expulsion of foreigners and stateless persons from outside Ukraine for committing administrative offenses that grossly violate the rule of law", but on the other hand did not include them in the list of this article »[4].

Thus, the administrative expulsion of foreigners outside Ukraine has an undefined legal nature. An analysis of the current legislation (the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection" and others) and the practice of law enforcement agencies shows that the term "expulsion" in some cases uses the terms "expulsion" or "deportation" and exists a certain conflict of different concepts that define the activity of the state and its authorized bodies. Therefore, we propose to give a clear definition of the concept of administrative expulsion, to create an effective mechanism of administrative and legal regulation of expulsion of foreigners and stateless persons and to find out its place in the system of administrative coercion.

Thus, the real situation requires legal definition, effective procedures and specific functions regarding the legal regulation of the administrative expulsion of foreigners and stateless persons at the level of different governing bodies in this field from the position of realization and protection of citizens' right to internal security in the national security system.

1. Konstytutsiya Ukrainy vid 28.06.1996 roku/VVR Ukrainy. - 1996. -№30.- s.141

2. Pro natsional'nu bezpeku Ukrainy: Zakon Ukrainy vid 21 chervnya 2018 roku/VVR Ukrainy. - 2018. - №31.- s. 241

3. Kodeks Ukrainy pro administratyvni pravoporushennya. - : <http://zakon.rada.gov.ua/laws/show/80731-10>.

4. Kolpakov V.K. Administratyvno-pravovi problemy vydvorennya inozemtsiv /Kolpakov V.K.//Visnyk L'viv.in-tu vnutr.sprav. - 2004.- Vyp.1. - s. 201-203.

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SAFETY INITIATIVES IN THE NATIONAL DIMENSION

Today, in Ukraine, a number of understandings of effective interaction of the community, medical institutions, local self-government, police, public services in solving various security problems are offered. There is no one-size-fits-all «recipe» for *Community Policing*. The introduction of a security initiative in a specific settlement in Ukraine is a unique model that will depend on several factors, in particular: the context in which the region is located; to which category of population the initiative is directed; to overcome the problem it is aimed at. In general, security is first and foremost a matter of non-threatening assurance of state sovereignty, territorial integrity, and inviolability of borders. National security and economic development of Ukraine depend significantly on the external environment: trends in the development of the world economy, political and economic situation in the world. its positive and negative factors.

The formulation of security initiatives is one of the modern and important topics that reveals its reflection in the works of O. Baranovsky, I. Bodnar, A. Vasin, L. Gerasimenko, O. Gritsenko, S. Dzubik, K. Kononenko, S. Makukha, G. Novitsky, O. Rivak, M. Strelbytsky, V. Stogniya. In the course of the research the ideas and positions of scientists of foreign states were analyzed: V. Adrianova, V. Burtseva, V. Didik, V. Senchagov.

The purpose is to determine the need for the implementation of security initiatives in Ukraine, above all the concept of police-community interaction.

Among the priorities of national interests in accordance with the Law of Ukraine «On the basics of national security of Ukraine» [1] we define: guarantee of constitutional rights and freedom of man and citizen; protection of state sovereignty, territorial integrity and inviolability of state borders, prevention of interference in internal affairs of Ukraine; strengthening political and social stability in society; integration of Ukraine into the European political, economic, legal space in order to become a member of the European Union and into the Euro-Atlantic security space; development of equal and mutually beneficial relations with other countries of the world in the interests of Ukraine.

The new approach to security policy puts the focus no longer on preventing a world war, the likelihood of which has, of course, been preserved, but rather a set of smaller-scale military conflicts and broader socio-economic processes. This less policy-oriented approach includes issues related to the globalization of the economy, energy supply, regional political instability, crime, terrorism and corruption, drug trafficking, degradation of human habitat. Defining the concept of «security of the state», it should be noted that the most important components of the formation of a system of appropriate ideas about security are the definitions of «subject of state security» and «object of state security». These definitions identify those who secure the state and those who apply it. Both the subject and at the same time the object of state security are competed by the state or the community of states, society, as well as the role played by man. The state is a certain component and part of the community of states.

Argue that in Ukrainian realities the Community Policing is a strategy of cooperation between the police and communities, in particular formed their local governments, whose main aim is the prevention and solution of crime and ensuring the security of the population.

Significant for the effective realization of the initiative is vsamare community with the police and local government. If the three parties understand the problem and agreed to continue her decisions, involve others. The police and local government more attuned to that which is being built whose area of responsibility (from the point of view of state authorities), and who else to go for further steps. They will help deregulate initiative.

In Ukraine, the interaction of police and society is addressed in article 11 of the Law of Ukraine «On the National Police», where, in particular, stated that policing is carried out in close cooperation and interaction with the population, territorial communities and public associations on the principles of partnership and aims to ensure their needs [3]. From 2016, implementing a pilot project «School police officer» which was the first implementation of the concept of Community Policing in Ukraine. This project is designed to address the problems of youth and juvenile delinquency, which combines the efforts of two organizations – the National police, responsible for prevention of crimes and the secondary education institutions that provide training of children [2]. The project police to conduct open lessons in schools they tell the children (according to age) about the dangers of communicating with strangers, the rules of conduct on roads and in public places exactly where to go in case of an emergency, or if the child was in danger, about the problems bongu, on the inadmissibility of the use of drugs, safety on the Internet. For younger students, the information is presented in the form of a game that allows early childhood to teach children not to be afraid and to trust people in uniform.

Therefore, in our opinion, mutual respect are the basis of cooperation between the police and society. In addition, the community must assist the police and local authorities to develop and adopt necessary municipal strategy (program) security.

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ADMINISTRATIVE AND LEGAL REGULATION OF MEDICAL SUPPORT FOR POLICE OFFICERS

In our country there has developed such a situation, under which the system of healthcare institutions of the Ministry of Internal Affairs operates under the Ministry of the Interior. The functioning of specific departmental medical institutions for the military, police or the national guard purposes is necessary due to many factors, including those in departmental institutions, medical personnel are better adapted to the physical or psychological states of persons undergoing treatment, etc., since the police or military service has significant features and differences from the work in private civilian sector or in the “civilian” public service. In addition, medical care for police in departmental institutions is an important factor in the manifestation of social security by the state.

It should be noted that the medical service in the internal affairs bodies went through a series of development stages. For example, B. Logvinenko identified three main stages: Tsarist-Russian (from the 60s of the XVI century until the beginning of the 20s of the XX century); the Soviet (1920s - early 1990s) and, correspondingly, the modern stage after gaining independence [8, p. 8-12]. However, it should be noted that in recent years there have been significant changes in the regulatory framework in accordance with the reform of the national police of Ukraine. This also applies to regulation of issues of medical care and provision of employees of the national police of Ukraine.

It should also be noted that in the world as a whole, there are three main models of medical support for the police, which are formed as a result of historical factors in the formation and construction of the national health care system as well as the police organization system. Firstly, the practice of a market model (i.e. personal insurance) is used. Secondly, the state or budget model. Thirdly, a mixed budget-insurance model. Ukraine, according to modern legislation, uses just the budget model. Financing of departmental medical institutions and medical institutions is carried out at the expense of the state budget [8, p. 8-12].

Today, in the new law of Ukraine “On the National Police” (2015), section IX “Social

Protection of Police Officers”, Article 95 defines the main issues regarding the circle of persons covered by the right of departmental medical support as well as the types of medical and sanitary-medical services. According to para. 1 of the Article, police officers are guaranteed with free medical care in the relevant departmental healthcare institutions under the Ministry of Internal Affairs. Para. 2 provides that in the absence of a place of residence or service of a healthcare institution under the Ministry of Internal Affairs of Ukraine, or in the absence of special medical support, medical assistance is provided to the police by community or state health facilities. If the departmental, state or communal healthcare institutions do not have necessary equipment, specialists or budgetary allocations, police officers can be sent under the conditions of the conclusions of a healthcare institution for examination or treatment in private institutions within the state or abroad to a foreign medical institution (this direction is settled on a general basis in the manner determined by the Cabinet of Ministers of Ukraine (CMU)) [1].

In addition to persons serving in the police, departmental institutions have the right to service other categories of citizens. According to para. 4 of Article 95, family members of police officers, namely, a spouse, children under 18 years of age (if they study in a HEI - under 23 years), family members of police officers, who died or are considered missing, persons with disabilities obtained during service not only in Ukraine, but also as part of international peacekeeping operations, can be treated free of charge in departmental institutions. In addition, there is the practice of preferential rehabilitation, sanatorium-resort treatment, rehabilitation and recreation in rehabilitation centers, sanatoriums, etc. under the Ministry of Internal Affairs. According to para. 5 of Article 95, except for police officers such right is granted to a wife (or a husband), children under 18 and 23 years old in case of training in a HEI. In addition to providing appropriate recreational facilities, the state provides the allocation of budgetary funds for such purposes. According to para. 6 of Article 95, police officers pay 25 percent from the cost of the permit, while their family members shall cover half of the cost [1].

At the same time, family members of those deceased or deceased during the course of service have the right for free health resort treatment and rehabilitation every two years. Except for a spouse (if a new marriage has not occurred), children under 18 or 23 years old, children with disabilities from childhood also have this right regardless of age. In addition, Clause 8 of Article 95 defines the list of persons entitled to medical care in departments under the Ministry of Internal Affairs and other services, either they are not in the service - former police officers dismissed from the service due to their age or health state or as a result of staff reductions as well as members of their families [1]. Medical rehabilitation and SPA treatment are provided in accordance with the “Instruction on the Organization of Medical Rehabilitation and SPA Treatment under the Ministry of Internal Affairs of Ukraine” [3]. In addition to Article 95, there is the “Instruction on the Procedure for Medical Care in Healthcare Institutions of the Ministry of Internal Affairs” [4], which regulates relevant issues more in detail. Special attention is paid to all representatives of the personnel of the bodies and units of the Internal Affairs affected by the Chernobyl disaster [6].

According to para. 9 of Article 95, in addition to the medical support mentioned above, police officers are required to undergo a comprehensive medical examination annually as well as, if necessary, targeted medical examinations, psychophysiological examinations and tests. According to the “Instructions on the Procedure for Conducting Mandatory Preliminary and Periodic Psychiatric Examinations in the System of the Ministry of Internal Affairs of Ukraine” [5], the corresponding types of examinations are carried out. Mandatory preliminary and periodic examinations are carried out in order to establish the suitability of a person for a particular profession, where special requirements for mental health are required due to the specific nature of the activity (work, profession or service), which can pose a direct danger to the person or to others. The circle of persons subject to determination of the presence or absence of psychiatric contraindications includes persons entering the police service as ordinary or senior officers of the Ministry of Internal Affairs, who enter educational institutions with specific training conditions under the Ministry of Internal Affairs, ordinary or senior personnel of internal affairs bodies, persons accepted for the positions at the internal affairs bodies, employees of internal affairs bodies undergoing inspection for admission to state secret [5].

Mandatory preliminary examination of persons entering the service or entering a HEI under the Ministry of Internal Affairs is carried out by psychiatrists of psychiatric care centers and professional psychophysiological selection departments, medical support sectors of the main departments, departments of the Ministry of Internal Affairs in the Autonomous Republic of Crimea, regions, in Kiev and Sevastopol. The individuals entering the position of workers are also

examined by psychiatrists. Mandatory periodic examinations are carried out exclusively by psychiatrists of departmental institutions [5].

The initial compulsory narcological examination is carried out by psychiatrists of departmental centers of the Ministry of Internal Affairs for persons who enter the service of the internal affairs bodies, in departmental educational institutions. Besides, people accepted for the positions of workers at the Ministry of Internal Affairs also pass it. Persons served by communal or state institutions have the right to undergo examination by local narcologists. At the same time, periodic and extraordinary drug tests are carried out exclusively by departmental psychiatrists [2].

In addition, today the regulatory act defining the mechanisms of medical support for police officers in carrying out operational tasks in response to emergencies, stopping group violations of public safety and order or riots, ensuring security during meetings, rallies, etc. creating danger to life and health of citizens exists. The so-called "Order of Medical Support for Police and Military Personnel of the National Guard of Ukraine when Performing Operational Tasks in Responding Emergency Situations, Stopping Group Violations of Public Safety and Order or Mass Riots" aims at reducing or even preventing the degree of defeat of police officers, creating conditions for timely provision of emergency medical assistance or evacuation of police officers by land, air and water transport in a healthy institution. Such medical support in emergency areas for police is carried out by the Ministry of Internal Affairs healthcare institutions or mobile medical units (freelance ones). They are formed on the basis of relevant departmental institutions [7]. There are the following mobile medical units of the prehospital phase from healthcare institutions of the Ministry of Internal Affairs: mobile medical teams (doctor, paramedic), sanitary and epidemiological groups (hygienist and epidemiologist), specialized surgical team (two surgeons, anesthesiologist, operating nurse, nurse), specialized psychiatric team (psychiatrist, psychologist, nurse) [7].

Thus, in accordance with the current regulatory framework, the Ukrainian state is trying in every possible way to increase the social security of police officers as a result of its development and development of the system of departmental healthcare institutions. The service comes from the state budget. In addition, for the police, their family members, retired police officers, their families or family members of police officers, who died during the service, the state provides SPA treatment and rehabilitation. At the same time, the positions of psychiatric and narcological police officers are being reviewed in the system of departmental educational institutions. In 2017, a special procedure was approved for the medical support of police officers in emergency situations.

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THEORETICAL-APPLICABLE ASPECTS OF CIRCULATION OF SELF-DEFENSE WEAPONS IN UKRAINE

Self-defense weapons are weapons that can be used and used by Ukrainian citizens to protect their lives and health, family members, property, and other citizens of Ukraine from an attack by an armed person or a group armed attack.

The issue of weapons for the population has been raised for many years, but there are supporters and opponents of this issue both among the population and professionals, law enforcement officials and people's deputies.

Ukraine has civilian weapons available for purchase that can be used as self-defense weapons in the required defense. According to the draft Law of Ukraine "On the Circulation of Non-Military Weapons", self-defense weapons are weapons that, by their constructive and tactical and technical data, are intended for use with the purpose of self-defense, protection of other citizens and property from criminal and unlawful attacks. This list applies:

- pistols and revolvers, cartridges to which are equipped with rubber or other similar non-lethal projectile metallic projectiles, which comply with the standards of the Ministry of Health of Ukraine;

- gas weapons - gas guns and revolvers, cartridges containing tear and irritant substances, as well as self-defense in aerosol dispensers and mechanical sprays,

- Hunting rifles and shotguns may also be used as self-defense weapons [1].

According to Article 4 of the Civilian Weapons and Ammunition Public Bill, registered with the Verkhovna Rada of Ukraine under number 1135-1, represented by members of the Ukrainian Association of Weapon Owners, the following categories of civilian weapons and ammunition exist:

- 1) the first category - air guns of caliber up to 4.5 mm and the flight speed of the metal element up to 100 m / s; firearms under the Flaubert cartridge up to 4.5 mm caliber and ammunition;

- 2) the second category - long-barreled firearms; gas weapons; air guns of caliber more than 4,5 mm and flight speed of the metal element more than 100 m / s; Flaubert firearms of more than 4,5 mm caliber and ammunition;

- 3) the third category - long-barreled rifled and combined firearms and ammunition;

- 4) the fourth category - short-barreled firearms and ammunition; short-barreled smooth-bore firearm intended for firing ammunition, equipped with elastic metallic elements of less lethal action and ammunition thereto [2].

The first category weapons, as well as the cooled and deactivated weapons, are in free civilian circulation. The weapons of the second, third and fourth categories and their ammunition are within the limited civilian turnover established by this Law [2].

One of the main requirements of this project is to allow the free circulation of weapons of the second, third, and most importantly, the fourth category. But for effective self-defense, any of the above weapons, except the first category, can be used. Also in Ukraine, for certain categories of citizens, it is allowed to purchase traumatic short-barreled firearms, for example, law enforcement officials, judges and journalists, etc. But the restrictions imposed on traumatic weapons, which are considered special weapons for firing cartridges equipped with rubber or similar non-lethal projectile metallic projectiles, pose the following problems:

- the requirements established today in Ukraine for traumatic weapons make it rather ineffective as a weapon of self-defense, which leads to the fact that citizens have the desire and ability to independently increase the capacity of ammunition by characteristics to the level of combat firearms;

- limitation of the legislation for the acquisition of the above category leads to abuse by some employees of the Ministry of Internal Affairs of Ukraine in the acquisition of such weapons;

- control of weapons and ammunition, equipped with rubber or similar in their properties

metal shells of non-lethal action is significantly complicated [3].

Based on the above provisions, it should be noted that the current legislation on the circulation of weapons intended for self-defense poses a dilemma regarding traumatic weapons - a weapon of self-defense or a way of abuse of office by some employees of the National Police of Ukraine.

Ukrainian citizens may, but in most cases, do not use other types of self-defense, such as gas canisters and handguns, because they understand that their percentage efficiency is very low.

The significant spread of gas guns has stopped with the emergence of traumatic pistols and revolvers for the following reasons:

- gas pistols and revolvers were manufactured and released from combinations of metals that are destroyed by the use of ammunition in excess of the permitted limits;

- traumatic weapons made from such combinations of metal are not popular for purchase by Ukrainian citizens for the same reason. Therefore, everyone will buy pistols and revolvers, converted from combat samples or made of high quality steel, which can withstand ammunition, self-reduced to combat characteristics;

- in the barrel of a gas weapon, in accordance with the provisions of the permit system, there must be a protrusion which will interfere with the use of ammunition of a metallic action. Similar requirements are imposed in other states for traumatic weapons to use bullets exclusively with soft rubber that breaks down as the barrel passes through the projection [4].

Legislative requirements for traumatic weapons in Ukraine make it ineffective as a weapon of self-defense, which gives the owner psychological assurance of protection, but some individuals who have experience handling such weapons understand that it is self-deception. This leads to another problem, the illegal enhancement of ammunition characteristics (over 50 J) and the processing of weapons that cannot be detected by law enforcement officials when inspecting weapons, but only after carrying out the necessary expertise in a research facility.

To date, the number of combat short-barreled weapons used by its owners for self-defense has increased, and as a result, the rules for carrying such weapons have not been established to date [5].

Therefore, due to the lack of a single law that would regulate the legal relations arising in the course of the circulation in Ukraine of non-military weapons and ammunition to it and aimed at protecting the life and health, rights and freedoms of citizens, all forms of property, protection of public order and natural resources, as well as strengthening international cooperation in combating crime and trafficking in weapons, and through the availability of traumatic and award-winning firearms only to certain categories of citizens, but numerous other requirements to give all citizens equal opportunity to possess weapons. This led to the submission of a Petition to the President of Ukraine on Civilian Weapons, which gained 25,000 votes in five days.

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ON THE ISSUE OF THE USE OF FIREARMS BY POLICE OFFICERS IN OUR DAYS

The formation of a legal social state in Ukraine, the implementation and protection of the rights and freedoms of citizens is possible only if the rules of law, strict adherence to the fundamental human rights, effective counteraction to crimes and criminals are guaranteed. The main task of the state power, especially the executive one, in a democratic society is to ensure the rights and freedoms of citizens.

Referring to article 3 of the Constitution of Ukraine, which proclaimed: “The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State”, we have to acknowledge that the achievement of a high level of discipline and legality without infringing behavior of citizens, improvement of the quality and effectiveness of law enforcement agencies.

The use of firearms as an exclusive remedy is only possible by specialized entities. The extreme point about it is the following:

1. The consequences of its application in comparison with the consequences of all the other measures are the most severe;
2. The reasons for using the weapon are specified in detail [1].

Analyzing the international studies, we can see that police are being increasingly confronted with felonies related to gunfire. Therefore, firearms are one of the effective ways of combating crimes, which allows to protect human rights, interests of society and state against unlawful infringement more effectively. The importance of the use of weapons is especially amplified in our current environment, when there is a steady tendency of increasing the number of violent crimes, committed with the use of firearms, increasing the number of cases of aggressive counteraction to law enforcement agencies, etc. The main international instruments, which regulate a wide range of law enforcement bodies are the UN Code of Conduct for Law Enforcement Officials and its European analogy, the Declaration of Police, adopted by the Parliamentary Assembly of the Council of Europe in 1979. In the context of these normative acts, the legal issues regarding to the use of standard firearms by law enforcement personal have a particular importance. They oblige law enforcement agencies to use force only in emergence cases and in cases, where there are legitimate reasons to increase: conviction – physical force – special means – firearms. In most countries national legislation restricts the use of force by law enforcement officials in accordance with the principle of proportionality [2]. Thus, article 46 of the Law of Ukraine “About National Police” states that the use of firearms is the most difficult measure of coercion. The same provisions are contained in most of the other states legislative acts, which regulate police activity [3].

The effectiveness of the use of weapons by police is directly influenced by many subjective and objective factors. In case of real danger, the actions of every police officer will be determined by his level of professional training and ability to manage his mental state in such extreme situations. Negative emotional states (such as fear, stupor, shock, etc.) significantly affect the accuracy of even automatic movements. Israeli experts point out on the fact that only 25% of police officers use practical skills and algorithms of the actions they took during trainings in real combat [2].

Effective training of patrol police officers is especially important for the handling of weapons while fulfilling their tasks, confident and clear actions of which shouldn't doubt on their legitimacy and correctness. In order to achieve a qualitative new level of work, it is necessary to increase vocational training, as well as its component weapons training. For police officers its effectiveness is particularly important in order to ensure the public safety of citizens.

The use of firearms results in high levels of psychological trauma for police personnel. Some studies show that up to 90% of police officers who were involved in the shooting and 70% of police officers who shot the suspects, have left the job within five years. This happens due to

the pathogenic impact of extreme stressors and the traumatic effects of weapons. Police psychologists call a psychological trauma, which was a result of the use of weapons with fatal consequences, a “post-traumatic trauma” [2].

Consequently, after the use of police weapons, there is a need for a complex of emergency special measures of psychological, medical and pharmacological character to eliminate the negative effects.

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ISSUES OF CREATION OF MUNICIPAL POLICE (SAFETY DIMENSION)

Today, Ukraine's development continues towards full membership in the European Union (here in after – the EU) and in the North Atlantic Treaty Organization (here in after – NATO).

In 2018, the Law of Ukraine «On National Security» [1] was adopted in order to provide legal support for the determined course. The presented Law states that the security and defense sector is a system of state authorities, the Armed Forces of Ukraine, other military units, law enforcement and intelligence agencies, state special-purpose bodies with law enforcement functions, civil defense, defense and industrial bodies formed in accordance with the laws of Ukraine. complex of Ukraine, whose activities are under democratic civil control and in accordance with the Constitution and laws of Ukraine by functional purpose aimed at ability of national interests of Ukraine from threats and individuals and associations who voluntarily participate in the national security of Ukraine [1].

The security and defense sector of Ukraine as an independent entity includes the National Police of Ukraine, whose security prospects are specified in the National Security Strategy of Ukraine. Recall that the corresponding Strategy was adopted at the meeting of the National Security and Defense Council of Ukraine and approved by the Decree of the President of Ukraine of May 26, 2015 [2].

According to the text, the main directions of the national policy of national security of Ukraine include the reform and development of intelligence, counterintelligence and law enforcement agencies. In particular, the National Police, as the central executive body, whose activities will be channeled through the Minister of Internal Affairs of Ukraine, will perform functions in the areas of combating crime, in particular organized crime, and ensuring public order; to maintain public order on the ground, local governments will set up municipal police within their own budgets [2].

This raises a number of questions. First, if the Strategy is designed for the period until 2020, then where is the local municipal police? Second, what status will the respective municipal law enforcement agencies have? Third, how will the creation of municipal police help to improve the national security of Ukraine?

Answering these questions, we will note that the expediency and necessity of establishing municipal law enforcement agencies in Ukraine has a long history and a considerable galaxy of supporters and opponents of the existence of such institutions.

In this aspect, as early as 2006, S.G. Vodotika noted that: «... local police, in our circumstances, are synonymous with administrative police, which should include the PPP, the permit-registration service, the administrative activity service, the preventive and tax police. All

these services should be allocated to a separate local police force, which reports to local authorities. However, in reality there are many debating issues – regulatory framework, arms, numbers, means, place in the law enforcement system, material base, the fate of other units, etc.» [3, p. 129].

In the study of VA Orlov it is possible to trace the attempts of legislative consolidation of municipal police. In particular, the following bills are worth mentioning: «On local self-government militia» of June 6, 2000 № 6104, «On local self-government militia» of October 31, 2002 № 2364, «On local police» of March 13, 2009 № 4199 [4, p.93].

In addition, S.V. Poltava quite rightly notes that the attempts of lawmakers to adopt a separate law that would regulate the activities of «municipal police» have not yet been successful, since the nature of the powers of the newly created municipal police must be extremely broad from: «the protection of monuments of history and culture, architecture and urban planning, palace and park, park and estate complexes, nature reserves «to» control over the use and protection of land, other natural resources of national and local importance «and» rescue of the same people protect their health and preserve wealth in the event of natural disasters, environmental disasters, epidemics, epizootics, fires and other emergencies»[5].

Today, it can be argued that legislative initiatives to set up unified units of municipal police in Ukraine have not been adequately supported. Discussions about the prospects of municipal police are still ongoing in the relevant committees of the Verkhovna Rada of Ukraine. Thus, this component of the National Security Strategy was not implemented until 2020.

Instead, local decentralization initiatives in communities are actively developing within the framework of decentralization in Ukraine. For example, the municipal enterprise «Municipal Watch» of the Dnipro City Council, as well as the Inspectorate for Parking Control of the Dnipro City Council, were established and operating in Dnipro. According to the Law of Ukraine «On Local Self-Government in Ukraine» [6] and the decisions of the City Council, these authorities have assumed some of the law enforcement functions to counteract certain types of offenses in the city.

Regarding the powers that the municipal police have to obtain when created, the opinions of scholars are also quite different. Generalizing scientific positions and relying on open source publications, we can distinguish several of them: a) duplication of authority of the National Police of Ukraine on the territory of the community; b) transfer of a part of authority to units of preventive activity for municipalities, or subordination of such units to bodies of local self-government; c) forming the powers of the municipal police on the basis of various services, inspections and businesses. Accordingly, to speak about a unified view on the prospects of municipal police development in Ukraine in advance.

As to whether or not municipal police will help improve Ukraine's national security, we think not. Justifying our own position, it should be noted that the process of decentralization continues in Ukraine, only after the completion of which in full, it will be possible to talk about the new administrative and territorial structure of Ukraine, and therefore about qualitatively new opportunities for local self-government.

It is also difficult to imagine how many regulations will need to be amended to start functioning the municipal police force, which will ultimately bring far more problems than benefits.

Governance of the police system will be much more difficult due to the availability of local police structures with municipal subordination and, therefore, national law enforcement plans requiring additional approvals.

Finally, a significant number of EU Member States are successfully developing without establishing a municipal police institute. Of course, having a unitary state, the artificial complication of the law enforcement system does not seem to us a much needed innovation.

Thus, having examined the prospects of creating a municipal police force in a safe dimension, it can be stated that there is no objective need for a municipal police force in Ukraine. At the same time, further development of local self-government in Ukraine may be aimed at finding new forms and methods of interaction of the National Police with the population, which will allow to ensure full public safety and order both in the community and in the state as a whole.

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2. Pro rishennya Rady natsional'noyi bezpeky i oborony Ukrainy vid 6 travnya 2015 roku «Pro

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REASONS AND DIFFERENCES OF USE OF FIREARMS BY POLICE IN UKRAINE AND IN THE US: COMPARATIVE ANALYSIS

In Ukraine, the use of firearms by police is a problematic act, with possible negative consequences for the police officer himself. As in our time, the understanding about the use of firearms is very different from foreign countries, so it should be noted about the urgency of the problems of the use of firearms by police officers of Ukraine in contrast to foreign countries. To begin with, the use of firearms by police officers is the most severe measure of coercion, which can entail a variety of consequences, not significant or fatal, as well as public criticism. Among researchers, scholars, and practitioners of law, the current attitude to weapons can be divided into two groups: one for gun control, and the other for free-carrying weapons.

In Ukraine, firearms are largely under the control of the state, but that does not mean that firearms are inaccessible to the public, as an example is the use of firearms solely for the purpose of hunting. As regards the use of firearms by police officers, they are often condemned for misuse. In this respect, it would be appropriate to consider the use of firearms by police officers in the United States as compared to the use of firearms by police officers in Ukraine, and to distinguish between countries in the field of handling, use and storage of firearms, since it is this country that adheres to the policy of free weaponry. In the United States, citizens have the right to store and carry firearms; in reality, today, this right is separately protected by the US Constitution and many state constitutions that grant the right to possess weapons for individual use as a means of personal protection. From this, there is already a big difference between the countries themselves, since as of 2020, Ukraine does not have such provisions in the constitution, as well as the law itself that would regulate the circulation of civilian firearms. However, the procedure for the acquisition and registration of weapons is defined in the «Instructions for the procedure for the manufacture, acquisition, storage, accounting, transportation and use of firearms, pneumatic, cold weapons, devices of domestic production for shooting cartridges, equipped with rubber or similar in their properties of metals, metals cartridges to them, as well as ammunition for weapons, major weapons and explosive materials» approved by the Ministry of Internal Affairs of 21.08.1998. No. 622 [1]. Therefore, in fact, today Ukrainian citizens have the right to purchase firearms in Ukrainian armory shops, but all of them are referred to as "hunting", ie it is considered that all purchased weapons will be used solely for hunting purposes [2]. In our opinion, this distinction itself is the reason that governs the degree of police use of weapons. Because, in the US, everyone has the right to carry and hold a firearm, and to use it immediately in the event of a threat to their lives or the protection of their property, so they defend their rights, honor and dignity. First of all, based on this right of US citizens, US police use weapons more aggressively. It should also be noted, as noted above, that Ukrainian police officers use firearms as the most severe measure of coercion, that is, the last thing a police officer can use against a criminal. Compared to an American police officer, the level of force counteraction corresponds to the level of Deadly Force, that is, one that could lead to death by weapon. Also, an American police officer, like a Ukrainian, should only use firearms in certain cases [3, p. 36].

In cases where a police officer can use firearms, you can refer to the applicable laws. In

particular, a Ukrainian police officer has the right to use a weapon to repel an attack on him, his family members, protect others in the event of endangering their lives or health, and releasing hostages or illegally imprisoned persons. It also provides for counteraction to weapons during the repulsion of attacks on protected objects, as well as the release of such objects in the event of their capture, the detention of a person during the commission of a serious or particularly grave crime that attempts to escape, to stop transport by its damage. It is important to note that in all cases the boundary of the offender's actions must be objectively dangerous and pose an immediate threat to the life and health of people [4]. The use of Deadly Force weapons is determined by the American police to be "objectively reasonable" to protect themselves or others from death and serious bodily harm, and to prevent the offender from escaping. Before using a weapon, the police officer, whenever possible, warns about its use with the exclamation: "Police! Stop, or I'll shoot! ". This is correlated with the relevant provisions of the Ukrainian legislation, which stipulates the possibility of using a weapon after a warning, but with exceptions in case of a failure to warn about its use [3].

Summarizing, it should be emphasized that the US is an armed country, among the civilian population, and this fact, of course, influences the active use of firearms by police in the country. While in Ukraine by the order of the Ministry of Internal Affairs of 21.08.1998 № 622, the citizen of Ukraine has the right only to buy "hunting weapon", exclusively for hunting. Also, in the US, the use of weapons carries the notion of "Deadly Force" - which can lead to death by weapon, and differs from the notion, the harshest measure of coercion, in that in Ukraine all these requirements are appealed solely to the law, and in the US are set for and are correlated annually with specific refinements in response to the real needs of society and citizens for protection.

1. «Instruktsiya pro porjadok vyhotovlennya, prydbannya, zberihannya, obliku, perevezennya ta vykorystannya vohnepal'noyi, pnevmatychnoyi, kholodnoyi zbroyi, prystroyiv vitchyznyanoho vyrobnytstva dlya vid-strilu patroniv, sporyadzhennykh humovymy chy analohichnymy za svoymy vlastyvostryamy metal'nymy snarya-damy nesmertel'noyi diyi, ta patroniv do nykh, a takozh boyeprypasiv do zbroyi, osnovnykh chastyn zbroyi ta vybukhovyykh materialiv», zatverdzhena Nakazom MVS vid 21.08.1998 r. № 622 / URL: <https://zakon.rada.gov.ua/laws/show/z0637-98> (Data zvernennya: 12.02.2020)

2. Kamsha O. Zakon pro zbroyu v Ukrayini / URL: <https://yur-gazeta.com/publications/practice/inshe/zakon-pro-zbroyu-v-ukrayini.html> (Data zvernennya: 12.02.2020)

3. Las Vegas Metropolitan Police Department / URL: <http://www.lvmpd.com/enus/InternalOversightConstitutionalPolicing/Documents/Use-of-Force-Policy-2017.pdf>. 36 s. (Data zvernennya: 12.02.2020)

4. Pro Natsional'nu politsiyu: Zakon Ukrayiny vid 2 lypnya 2015 roku № 580-VIII / URL: <http://zakon2.rada.gov.ua/laws/show/580-19/print1502963361252471> (Data zvernennya: 12.02.2020)

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**ADMINISTRATIVE AND LEGAL PROVISION
OF PUBLIC SECURITY AND ORDER**

The National Police of Ukraine, as the central executive authority, serves the society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order in the state. The state and its respective bodies are tasked with ensuring the rights and

freedoms of the individual and the citizen, guaranteeing protection by creating conditions for its practical observance, which the state obtains as a result of the exercise of law enforcement function. According to Art. 3 of the Constitution of Ukraine, namely human rights and freedoms and their guarantees determine the content and orientation of the state. Optimization of the system of measures for ensuring law and order in the state, protection of human and citizen's rights and freedoms is an indispensable condition for becoming Ukraine as a truly democratic, social, rule of law.

One of the main subjects to which the state is charged with the duty of law and order is the National Police of Ukraine as a state body that serves the state and society, protecting their rights and legitimate interests. The creation of such administrative institutions and institutions, which will be able to develop and effectively implement European principles of activity of public authorities, will help to optimize the national law of creation and enforcement in terms of ensuring the rights and freedoms of the individual and the citizen is the main goal of the state. This is what led to the adoption of the law of Ukraine "On National Police", which finally regulated its legal status, defined the tasks, functions, structure, order of service in the police, public control over its activities and principles of building partnerships with civil society.

Among the wide range of functions that police authorities are empowered to perform, a special role is played by the administrative function, which is carried out through appropriate administrative and legal means. Exactly how the mechanism of realization of this function is constructed, whether the administrative activity of the police corresponds to the European standards of public service activity, depends on the state of law and order in the state and its individual regions.

The Law of Ukraine "On National Police" created the following innovations:

- National Police was established as a central executive body;
- the structure and functions of the National Police have been optimized (a number of units, in particular the GAI, have been eliminated; patrol police have been created, which perform both road safety and public safety and order; eliminated the Organized Crime Combat Office, OCCO, all special units and created a single CORD);
- transparency of the activities of the National Police was determined;
- effective partnership with the public is ensured;
- open competition system for recruitment to the ranks of the National Police;
- a new system of initial and professional training of police officers.

Important measures taken by a police officer to identify and eliminate causes and conditions conducive to the commission of offenses and to influence persons inclined to unlawful behavior are preventive measures which include:

- holding meetings with the community, representatives of labor collectives, administration of educational institutions, etc.;
- conducting information lectures and practical classes for the population aimed at mutual solution of problems that are of concern to the community;
- forming partnerships;
- introductory, preventative, educational conversations at the place of residence or work of persons;
- Conversations with relatives, neighbors of the person inclined to commit an administrative or criminal offense;
- within the competence - assistance in employment, leisure, establishing socially useful contacts;
- visiting at the place of residence, finding out the conditions of residence, negative factors that induce a person to engage in unlawful behavior;
- assistance in solving social problems, initiating before the bodies of local self-government, relevant services the issue of providing necessary social, medical and psychological assistance.

In a tense political, economic and social situation, one of the priority tasks of ensuring the national security of Ukraine is to strengthen the legislative initiative of the state to ensure the security of the person and citizen in the territory of Ukraine by creating the necessary legal framework and mechanism for its use.

As of today, police officers who ensure the safety of citizens and public order on the territory of an administrative station assigned to them play an important role in the execution of public order tasks. The organization and activities of police officers are governed by MIA Order No. 650 of 28 July 2017.

Police officers, in accordance with their duties, carry out the following communication ac-

tivities:

- activities with the public, enterprises, institutions and public organizations based on the principle of interaction with the population, partnership for the purpose of cooperation;
- interaction with state authorities and local community;
- fulfillment of tasks aimed at respecting the interests of society (human rights and freedoms) and the state;
- Carrying out measures to ensure the registration of persons for whom preventive work was carried out, ensuring the accumulation of information subsystems of the EIS of the Ministry of Internal Affairs;
- cooperation with authorized structural units on the application of prevention measures for persons inclined to commit offenses;
- proper notification of the next part of the police body upon receipt of information from the population about possible intentions to commit or commit criminal offenses by individuals.

It is worth noting that the patrol service also plays an important role in the execution of public order and security tasks, since its personnel are in close contact with the public on a daily basis, comprising a spectrum of political beliefs, religious outlook, social, educational and professional categories. Patrol officers perform different police functions under their authority. The main functions of the patrol service are:

- carrying out round-the-clock patrols of the designated service area to ensure public safety, public order, road safety and control over compliance with road safety rules. If necessary, arranges for traffic regulation on the road;
- eliminating violations of public order by responding to reports of violations and, if necessary, provide emergency assistance;
- during the patrol, independently identify the offenses for the purpose of their prevention, termination, documentation and prosecution;
- by applying the rights and powers provided for by the law, suspends detected criminal and administrative offenses by appropriate response, including bringing to administrative responsibility or carrying out documentation of a criminal offense;
- participate in the search of offenders, their detention for the purpose of delivery to the units of the National Emergency Service of Ukraine, and in urgent cases the protection of the scene;
- communication with the public and other structural units of the Ministry of Internal Affairs.

The powers and tasks of the patrol service are regulated by the Order of the Ministry of Internal Affairs of Ukraine No. 796 of 02.07.2015 "On approval of the Regulation on the patrol service of the Ministry of Internal Affairs".

Summarizing the above, we can conclude that the state creates and updates units in the National Police aimed at taking public challenges in the implementation of measures for public security and order, communication with the population for the protection of human rights and freedoms and combating crime. Regulatory acts have been created to regulate the activities of such units, but as of today, the territorial units of the National Police have not been completed in accordance with the staff list by skilled workers. There are difficulties in logistical support of police officers, namely, the provision of decent wages, unicorns, computer equipment with additional printing equipment and other electronic devices, which will allow to promptly access the necessary information systems of the Ministry of Internal Affairs and other Unified registers directly when performing office tasks outside the office.

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CURRENT ISSUES OF LEGISLATIVE REGULATION OF THE ACTIVITIES OF THE JUVENILE PREVENTION UNITS

The key to effective functioning of any regulatory act is the constant study of their gaps, improvement of the mechanism of their application and the application of new indicators of performance evaluation. Thus, as a result of the reform of the police and the creation of a new law enforcement agency - the National Police, were formed units of juvenile prevention. The main purpose of the newly created unit (compared to the former units of the CISG) has not changed - the protection of the rights and legitimate interests of children remains the foundation of the activities of law enforcement agencies. But there was a reformatting of the main areas of work of the units. The task of the state is to constantly expand and deepen the content of legislation in the field of protection of children's rights. The establishment of the Juvenile Prevention Unit within the structure of the National Police of Ukraine was accepted in August 2015, but for a long time remained in an uncertain status, since the order to establish the Department of Juvenile Prevention was signed only in July 2017, and later, in 2018, it entered into force. Departmental Instruction on the Organization of the Work of Police Units.

The administrative and legal activities of the Juvenile Prevention Units (hereinafter referred to as the Units of the Juvenile Prevention Unit) are regulated through many legal acts. Yes, there are several levels in the system of legislation that outline organizational and legal issues regarding the prevention of administrative offenses depending on their legal force, content, action in space, time and circle of persons, namely: 1) international legal acts that have become part national legislation as ratified by the Verkhovna Rada of Ukraine; 2) the Constitution of Ukraine is a normative act of the highest legal force, political and legal in nature, which defines the most important aspects of counteracting an offense, protecting the rights, freedoms of citizens, ensuring law and order, etc. ; 3) laws of Ukraine, including codified ones, for example, the Code of Administrative Offenses, which define the organizational principles of preventive work and counteracting offenses; 4) by-laws providing for forms and methods, procedure of work of police units as subjects of prevention of administrative misconduct [1]. So, let's consider them briefly in the sequence above.

According to Art. 3 of the Law of Ukraine "On the National Police", in its activity, the police are guided by the international treaties of Ukraine, the consent of which of which was provided by the Verkhovna Rada of Ukraine. Also Art. 9 of the Constitution of Ukraine states that the current international treaties, the consent of which is rendered binding by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.

The administrative and legal basis of the activities of the National Police is based on international legal norms, which are contained in: 1) Recommendations of the Committee of Ministers to the member states of the Council of Europe "On the European Code of Police Ethics", approved by the Committee of Ministers on September 19, 2001 at the 765th Ministerial Deputy Meeting ; 2) the Code of Conduct for Law Enforcement Officials of December 17, 1979; 3) Council of Europe Parliamentary Assembly Resolution No. 690 (1979) on the Police Declaration; 4) Declaration of the International Labor Organization on the Fundamental Principles in the Field of Labor and its Implementation Mechanism, adopted by the General Conference of the International Labor Organization at its 86th Session [1]; 5) the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948; 6) Declaration on the Elimination of All Forms of Racial Discrimination, adopted by the UN General Assembly on 20 November 1963; 7) Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 9, 1975; 8) the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations of 20 November 1989; 9) the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007; and others.

Thus, the units of the National Police of Ukraine, in the performance of their tasks, are guided by many international treaties, the consent of which is given by the Verkhovna Rada of Ukraine.

The Constitution is the basis of the system and the content of all sources of law in our state. In carrying out their tasks, the police departments UP guided by article 3 of the Constitution of Ukraine, according to which man, his life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. Units UP, performing their responsibilities in accordance with the provisions of article 19 of the Constitution of Ukraine are obliged to act only on the basis, within powers and in the way provided by the Constitution and laws of Ukraine, as well as nobody can be forced to do something that is not required by law.

All children are equal in their rights, and any child abuse or exploitation is punishable by law, but because the police during the execution of their tasks should take measures to prevent and counteract domestic violence committed by children and against them, the abuse of children and to take measures to prevent and stop child any illegal acts.

So, the Constitution is the legal basis in the activities of the units UP to the National police of Ukraine and is the base for the further expansion and deepening of the content of juvenile law.

Continuing the analysis of the regulatory framework governing the legal and administrative activities of the divisions UP among the main laws of Ukraine include the following legislative acts: the Code of Ukraine about administrative offenses from 07.12.1984, the law of Ukraine "On the National police" from 02.07.2015, the law of Ukraine "On prevention and counteraction to domestic violence" from 07.12.2017, the law of Ukraine "On amendments to some legislative acts of Ukraine regarding counteraction Bongo (bullying)" from 18.12.2018, the law of Ukraine "On bodies and services for children and special institutions for children" from 24.01.1995 and others.

The Law of Ukraine "On the National Police" (hereinafter - the Law) is basic in the activity of the police, as it determines the status of the National Police within the system of public authorities. Thus, according to Article 1 of the Law, the National Police of Ukraine is the central body of executive power, which serves the society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order.

The leading role in the administrative and legal activities of the units of the National Police Unit of Ukraine is the Law of Ukraine "On Prevention and Countering Domestic Violence" (hereinafter - the Law). This Law establishes the organizational and legal framework for the prevention and counteraction to domestic violence, the main directions of implementation of the state policy in the field of prevention and counteraction to domestic violence, aimed at protecting the rights and interests of the victims of such violence [2].

According to article 10 of the law of the competent division of the National police of Ukraine are the authorized bodies that perform the functions implementation in the sphere of prevention and counteraction to domestic violence, namely: 1) identify facts of domestic violence and timely response; 2) reception and consideration of statements and messages on Commission of domestic violence, including consideration of notifications received in the call center on issues of preventing and combating domestic violence, gender-based violence and violence against children, the adoption of measures to prevent and assist victims based on the results of the risk assessment in the order determined by the Central Executive authority ensuring formation of state policy in the sphere of preventing and combating domestic violence in cooperation with the National police of Ukraine; 3) informing victims about their rights, measures and social services which they can use; 4) making urgent restraining orders against the offenders; 5) taking preventive registration of offenders and holding them preventive work in the manner specified by the legislation; 6) implementation of monitoring offenders special measures to counter domestic violence within their validity period; 9) reporting to the Central Executive authority that implements state policy in the sphere of prevention and counteraction to domestic violence, the results of the exercise of authority in this area in the order determined by the Central Executive authority ensuring formation of state policy in the sphere of preventing and combating domestic violence.

Another pivotal law that holds a leading role in the implementation of preventive measures by units of the PUP is the Law of Ukraine "On Bodies and Services in the Affairs of Children and Special Institutions for Children" (hereinafter - the Law) of 24.01.1995. It establishes the legal framework for the activities of the authorities and services for children and special institutions for children charged with the implementation of social protection and prevention of offenses among persons under the age of eighteen. According to the provisions of the Law, the authorized subdivision of the body of the National Police is the body that carries out social protection of

children and prevention of the offenses of the latter [4]. Thus, the Law establishes the main responsibilities of PSU units in the field of social protection and prevention of child abuse.

Of paramount importance to the normative frameworks used by juvenile police officers in administrative and legal activities is the Code of Ukraine on Administrative Offenses (hereinafter referred to as the Code of Administrative Offenses). Juvenile offenses may be subject to administrative liability in the form of administrative punishment, which is used to bring up an individual.

The basic normative act stipulates the form and methods procedure of work of the police as agents of prevention of administrative offenses is the instruction on the organization of work of divisions of juvenile prevention National police 19.12.2017 of Ukraine (further-the instruction).

A significant amount in the organization activities of the juvenile police is necessary to ensure the prevention of administrative and criminal offenses among children. The process, which covers both single and long-term activities, and includes General and individual prevention. The misunderstanding is the fact that the exercise of police units UP of individual prevention manual provides only with children who consist on the preventive account in the police. This formally excludes the possibility of the police to carry out preventive and educational conversations with the child, take other preventive measures if it does not consist on the preventive account. Although such a need may occur if the child has committed an administrative offense (no reason for registration, but quite worthwhile is a visit to her place to clarify the conditions and factors that can negatively affect it and cause to be committed the following offences etc. [4].

So, today we can note some progress in the organization of modern units UP (compared to previous units KMDD), which can be seen in the reinforcement of the protection of the rights of children, especially those in difficult circumstances and in conflict with the law. [5].

Together with the advantages of new Instructions, organization of work units still requires adjustments. So, the Manual is not specified how many children has geographically to serve the juvenile police. Also the staff is YUP must have special knowledge of the psychology of adolescents, because minors under 18 years of age are a particularly vulnerable group of the population.

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**DOMESTIC VIOLENCE: PROBLEMATIC ISSUES
IN APPLICATION OF CURRENT LEGISLATION**

Domestic violence is common in any social, age or ethnic group in Ukraine as in any country in the world. It can include physical, sexual, economic or psychological violence, is often repeated action and can lead to severe consequences up to death. In Ukraine any family member can be an aggressor, most of victims are women [1].

Police is the first and often exclusive social institution which interacts with individuals who commit violence and their victims. Nevertheless police is often undeservedly criticized for indifference to domestic violence problems.

In 2019 National Police of Ukraine received 141,8 thousand statements of offense, offense notices and other applications which are connected with domestic violence (1881 of them are from children).

To implement up-to-date experience in domestic violence reaction, to stop offense immediately, to ensure protection of victims according to order of National Police of Ukraine from 30.08.2019 №871 on organization of immediate reaction to domestic violence facts [6] 45 mobile reaction groups started their work in 27 cities of our country to strive domestic offense.

Current social protection institutions in Ukraine are criticized because they do not fully meet needs of individuals who suffered from domestic violence. Law of Ukraine on prevention and counteraction to domestic violence [1] expanded a range of entities which provide medical and legal services. Our country opened 'hotline' 24/7 in addition to advisory assistance in housing and work search and consultancy for alcohol and drug addiction treatment. Unfortunately, work of these institutions is unsatisfactory.

Action of state response system in area of assistance to victims is inappropriate. We can see lack of place in shelters for women, who were victims of domestic violence. Current institutions have restrictions for providing assistance, such as strict admission requirements (need in registration of large number of documents, providing of which is sometimes difficult or even impossible). Admission decision can take very long time (up to 5 days) while a victim is already in a state of crisis, faces a serious risk of further violence and doesn't have other alternative ways of help. Concentration of shelters in big cities creates additional problems for women who live in rural areas or little towns.

No one disagrees with a statement that we should create an effective system of measures which prevents the spread of cruelty among family members, but applying different standards to individuals who committed administrative offenses in family or crimes is complicated with contradictory and conflicting interests of government in relation to families. On the one hand, it is going to create a civil society, where citizens could live without fear to become a victim of home tyrant. This goal has influence on state measures for domestic violence prevention and fighting it. On the other hand, government is interested in integrity of family preservation, that is why it can apply some norms and rules which are inappropriate for other institutions. A desire to limit a possibility of family breakup is very obvious. Parents cannot leave their children, women and men have to receive a divorce permit [4]. Regulatory uncertainty is expressed in fact that except for social and legitimate mechanisms, which connect family members with one another, there are some norms, which justify certain level of ill-treatment among family members. These norms allow physical punishment of children and open expression of feelings (including the negatives ones) to each other. For instance, selfishness, brutality and incompetence of an office or company employee do not entitle other employees to hit him or her. If something similar happens in family, it is thought as allowable or even necessary. Regulatory uncertainty is also inherent in such criminal offenses made in family such as crimes against property. Punishment for theft in family, made among family members (for example, a child stole something from parents) is often very different from the same theft, but which was made from a stranger [3].

It does not mean that if we create "right" laws and realize the importance of social problems solving, social policy will be effectively implemented. Thus, 1 August 2019 Ministry of Internal Affairs published an order №654 on approval of the rules concerning an injunction against an offender made by authorized units of National Police of Ukraine. The order is registered by Ministry of Justice of Ukraine accordingly to legislation [5]. Studying of special measures application by National Police of Ukraine showed that 15.9 thousand urgent injunctions against an offender were carried out last year. More than 70,7 thousand individuals who committed domestic violence were registered by National Police of Ukraine. What is interesting, special measures for prevention and counteraction were used by precinct police officers, community police officers, juvenile prevention, patrol police response teams and by specially created new institutions – mobile domestic violence response teams, but were not used by patrol police units. These issues affect possibility to prevent and counteract domestic violence in Ukraine, because these special measures are used in case of direct life and health threat to person in order to stop domestic violence, prevent its continuation and re-committing.

Listed examples clearly demonstrate current problems we should work hard on to prevent and counteract domestic violence in Ukraine.

1. Pro zapobihannya ta protydiyu domashn'omu nasyt'stvu: Zakon Ukrayiny vid 07.12.2017 r. № 2229-VIII. Vidomosti Verkhovnoyi Rady Ukrayiny. 2018. № 5. St. 35. URL: <https://zakon.rada.gov.ua/laws/main/2229-19> (data zvernennya: 19.02.2020).
2. Kodeks Ukrayiny pro administratyvni pravoporushennya. URL: <https://zakon.rada.gov.ua/laws/show/80731-10> (data zvernennya 19.02.2020).
3. Kryminal'nyy protsesual'nyy kodeks Ukrayiny vid 13.04.2012 r. № 4651-VI. Vidomosti Verkhovnoyi Rady Ukrayiny. 2013. № 9–10. St. 88. URL: <https://zakon.rada.gov.ua/-laws/main/4651-17> (data zvernennya 19.02.2020).
4. Simeynyy kodeks Ukrayiny: Zakon Ukrayiny vid 10.01.2002 r. № 2947-III. URL: <https://zakon.rada.gov.ua> (data zvernennya: 19.02.2020).
5. Pro zatverdzhennya Poryadku vynesennya upovnovazhenymy pidrozdilamy orhaniv Natsional'noyi politsiyi Ukrayiny terminovoho zaboronnoho pryypysu stosovno kryvdnyka: Nakaz Ministerstva vnutrishnikh sprav Ukrayiny № 654 vid 01.08.2018 r. URL: <https://zakon.rada.gov.ua/laws/show/z0965-18#n14> (data zvernennya: 19.02.2020).
6. Pro orhanizatsiyu svoechasnoho reahuvannya na fakty vchynennya domashn'oho nasyt'stva: Nakaz Ministerstva vnutrishnikh sprav Ukrayiny vid 30.08.2019 № 871. URL: <https://zakon.rada.gov.ua/laws/show/z0270-19#n14> (data zvernennya: 19.02.2020).

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ANTI-CORRUPTION SITUATION IN UKRAINE'S NATIONAL SECURITY

The urgency and importance of ensuring national security for Ukraine is now an unquestionable issue. Equally important is the awareness of the real situation regarding the absorption of corruption in all spheres of life in our country. That is why it is so important to explore the place of combating corruption in ensuring Ukraine's national security.

Issues concerning national security of Ukraine are regulated by the Law of Ukraine "On National Security of Ukraine". Yes, according to Art. 1 of the Law, the national security of Ukraine is the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine against real and potential threats. In turn, the national interests of Ukraine are vital interests of man, society and the state, the realization of which ensures the state sovereignty of Ukraine, its progressive democratic development, as well as safe living conditions and well-being of its citizens [1].

The aforementioned Law defines the principles and principles of national security, delineates the powers of state bodies in the fields of national security and defense, and most importantly sets out the goals and basic principles of state policy that will guarantee the public and every citizen protection against threats.

However, in order to understand how to ensure the national security of Ukraine and how the authorities specified in the Law should do so, one should turn to the definition of the threat. Thus, threats to the national security of Ukraine are phenomena, tendencies and factors that make it impossible or complicate, or may impede or complicate the realization of national interests and preservation of national values of Ukraine. However, there is no list of threats in the above Law, and in Art. 3 of the Law states that the respective priorities of state policy in the fields of national security and defense are determined in the National Security Strategy of Ukraine.

The Presidential Decree on the National Security and Defense Council of Ukraine decision of May 26, 2015 "On the National Security Strategy of Ukraine" is in effect at the time of the preparation of the abstracts. The author would like to point out that Article 1 of the General Provisions of the said Strategy begins with the words: "Dignity Revolution (November 2013 - February 2014) against corrupt authorities, who, consciously ignoring the rights, freedoms and legitimate interests of citizens, tried to impede the European choice The people of Ukraine have opened up opportunities for Ukraine to build a new system of relations between citizens, society and the state based on the values of freedom and democracy. " [2]. Thus, in the given context, the first threat is to identify corrupt authorities, however, according to Article 3 of the said Strategy, in the priority only clause 3.3 of Art. 3 defines such a threat as: corruption and inefficient public administration system, which is essentially defined in: the spread of corruption, its rooting in all spheres of public administration; weakness, dysfunctionality, outdated model of public institutions,

de-professionalization and degradation of the civil service; implementation by the state bodies of activities in the corporate and personal interests, which leads to the violation of the rights, freedoms and legitimate interests of citizens and economic entities.

Therefore, the author considers it necessary to consider corruption in the first place of existing threats and therefore emphasizes on the criminal law regulation of combating corruption as one of the priority factors in the way of ensuring national security.

Let us note the positions of O. Bantyshev and O. Shamara, who believe that the public danger of crimes against the bases of Ukraine's national security is, first and foremost, the creation, formation of negative, harmful, socially dangerous relationships and relations, in the presence and conditions of which it is possible to cause damage to law enforcement goods [3].

Yes, it should be recognized that such a threat to national interests as the spread of corruption in public authorities, the merger of business and politics, organized criminal activity is the main one.

Ukraine is a young country whose state-building process is in an active stage and usually starts with government bodies and state-owned enterprises. Recently, we are increasingly seeing representatives of foreign countries in leading positions of state-owned enterprises, which is also a national security issue.

According to Article 1 of the Law of Ukraine "On Prevention of Corruption", corruption is the use by a person referred to in the first paragraph of Article 3 of this Law to give him or her official powers or related opportunities for the purpose of obtaining unjustified benefit or accepting such benefit or making a promise / offers of such benefit to himself or to others or, accordingly, a promise / offer or the provision of an undue benefit to the person referred to in paragraph 1 of Article 3 of this Law, or at his request to other natural or legal persons for the purpose of persuading that person to the misapplication of the powers conferred on it or the related powers [4].

Thus, we see that corruption manifestation (corruption crime or corruption action) can be both for personal purposes (self-enrichment, mercantile interest) and more global ones - such as disorder of the negative state process.

Therefore, recognizing the possibility of corruption occurring and spreading in the state due to purposeful organized actions, it is necessary to pay attention to measures to counteract corruption in the bodies operating in the state.

That is why the author believes that corruption as a threat to national security should be at the forefront of the fight and the protection of national interests and national security in general, because corruption in the respective bodies does not allow for the successful implementation of the same Strategy, which is logically presented in its Section 4.5. Art. 4, namely: reforming the public administration system, new quality of anti-corruption policy; purification of power from corrupt officials and agents of foreign special services, non-professionals, political situation, making it impossible to override personal, corporate, regional interests over national ones; reform of the civil service institute, formation of a highly qualified, patriotic, politically neutral corps of civil servants, reform of the system of training, retraining and advanced training of civil service personnel, introduction of modern ethical standards for civil servants, servicemen, law enforcement officials; decentralization of functions of the state and budgetary resources; openness, transparency and accountability of government bodies, implementation of e-government. [2]

So, today in Ukraine there are actually a lot of state bodies that fight against these or other manifestations of corruption, which more often makes one think about its effectiveness through such an extensive system of them. For example, here is a list of bodies that counteract corruption in Ukraine:

- National Anti-Corruption Agency (NACC), National Anti-Corruption Bureau of Ukraine (NABU), Specialized Anti-Corruption Prosecutor's Office (SAP), State Bureau of Investigation (SBR), Supreme Anti-Corruption Court of Ukraine (VASU) - all-Ukrainian judiciary of corrupt officials investigated by NABU, National Agency of Ukraine for Detection, Investigation and Management of Assets Obtained from Corruption and Other Crimes (ARMA), National Council for Anticorruption Policy under President Ukr Aiu, Security Service of Ukraine (SBU), National Police of Ukraine.

As we see many bodies fighting corruption, however, the specificity of the Criminal Code of Ukraine is that it does not consider responsibility for corruption crimes within any particular section of its Special Part. Therefore, among the twenty sections of the Special Part of this Code, there is no section called "Corruption Offenses".

According to Art. 45 of the Criminal Code of Ukraine are considered to be corruption

offenses under Art. 191, 262, 308, 312, 313, 320, 357, 410, in the case of their perpetration through abuse of office, as well as the crimes envisaged by Art. 210, 354, 364, 364-1, 365-2, 368 - 369-2 of this Code.

It is obvious that the legislative definition of corruption crimes is given not in the context of their broad description with the disclosure of specific features, but by listing specific articles of the Criminal Code of Ukraine, which establishes the responsibility for committing such socially dangerous attacks. Therefore, corruption offenses include the encroachments envisaged by the 19 (nineteen) articles of the Criminal Code of Ukraine, ie the legislator has provided a comprehensive list of them.

Given the above, it is considered necessary to consider the fight against corruption by a separate body, special purpose with law enforcement functions, which ensures the state security of Ukraine. That is why it is so important, at the legislative level, to pay attention to the system of criminal-legal regulation of combating corruption.

1. Zakon Ukrayiny «Pro natsional'nu bezpeku Ukrayiny»
2. Ukaz Prezidenta Ukrayiny Pro rishennya Rady natsional'noyi bezpeky i oborony Ukrayiny vid 6 travnya 2015 roku "Pro Stratehiyu natsional'noyi bezpeky Ukrayiny".
3. Kryminal'na vidpovidal'nist' za zlochyny proty osnov natsional'noyi bezpeky Ukrayiny (problemy kvalifikatsiyi) : monohrafiya / O.F. Bantyshev, O.V. Shamara. 3-e vyd., pererob. ta dop. Kyiv : 2014. 198 s.
4. Zakon Ukrayiny "Pro zapobihannya koruptsiyi".

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YOUTH EXTREMISM AS A THREAT TO THE MODERN STATE

At present, extremism in all its manifestations has become one of the main internal threats to national security both in the Kyrgyz Republic and in neighboring countries.

The rally held in March 24, 2017 in Minsk, March 25 in Bishkek and March 26 in Moscow and a number of Russian cities clearly demonstrated the active participation of young people from 16 to 35 years old, as the main protest mass.

Today, there is a clear tendency to expand the scale of rallies and rallies of an extremist nature, the fight against extremism is becoming a global international problem that poses a serious threat to public safety. The ideological and informational counteraction to extremism has a special place. The future of the country depends on how the safety of society is ensured, against organized forms of crime such as terrorism, extremism, banditry, hostage taking, etc., that pose a real threat to public security.

The reasons for the extreme dissatisfaction of society can be a significant deterioration in the social well-being of the population, high unemployment, revealing facts about corruption in the highest echelons of power, the adoption of laws that infringe on the interests of certain segments of the population, etc.

A significant threat to the security of society is the most dangerous form of organized criminal activity - extremism, including its extreme form - terrorism. Therefore, at present, countering extremism as an ideology of intolerance, inciting hatred or enmity, humiliating the dignity of a person or a group of people on the grounds of race, nationality, language, origin, religion, belonging to any social group is the most important way to ensure national security [1].

At the same time, the main carrier of their forms and methods is civil society, which today has the opportunity to propose new conceptual approaches, models and elements of the fight against extremism.

In this case, the greatest concern of society is the youth extremist organizations. The main criterion for distinguishing youth extremism from extremism in general is the age of its adherents - 14-30 years. The physical and psychological characteristics inherent in each age are reflected in behavioral responses. Scientists highlight such a characteristic of youth behavior as "extremeness." Today, youth extremism is expressed in disregard for the rules of conduct in society, the law as a whole, and the emergence of informal youth associations of an unlawful nature. Extremists are intolerant of those citizens who belong to other social groups, ethnic groups and adhere to other

political, legal, economic, moral, aesthetic and religious ideas. The extreme type of consciousness manifests itself in specific forms of behavior, characterized by impulsive motivation, aggressiveness, a tendency to take risks, shocking, deviations from accepted norms, or, conversely, depression, depression, passivity. Youth extremism usually begins with an expression of disregard for the rules and norms of behavior in society or in denying them, because young people have always been subject to radical sentiments due to their age-related characteristics [2].

There are a number of features characteristic of modern extremism:

1. Active participation of young people from 14 to 30 years of age in organized mass extremist actions and their unification into informal youth organizations (groups) of an extremist-nationalist orientation and extremist communities.

2. Members of informal youth organizations (groups) of an extremist-nationalist orientation often become minors aged 14-18 who have recently graduated from school. It is this age that is most optimal for "absorbing" radical nationalist, xenophobic and extremist ideas

3. We also note that adolescents are increasingly acting not only as performers, but also as organizers (leaders) of youth extremist organizations (groups).

In this regard, the process of searching for effective mechanisms for educating young people in the spirit of tolerance, including the adoption and correct understanding of the diversity of cultures, forms of self-expression and manifestation of human personality, is being activated.

Extremist activities (extremism) include:

- forced change of the foundations of the constitutional system and violation of the integrity of the country;

- public justification of terrorism and other terrorist activities;

- the incitement of social, racial, national or religious hatred;

- violation of the rights, freedoms and legitimate interests of man and citizen, depending on his social, racial, national, religious or linguistic affiliation or attitude to religion;

- propaganda and public demonstration of Nazi paraphernalia or symbolism, or paraphernalia or symbolism similar to Nazi paraphernalia or symbolism to the point of confusion;

- financing of these acts or other assistance in their organization, preparation and implementation, telephone and other types of communications or the provision of information services.

The basis for countering extremism among young people should be the elimination of the causes and conditions that cause unlawful patterns of behavior.

Among the measures to prevent extremism in the youth environment are the following:

1. The increasing role of student self-government in the life of an educational institution and the degree of their influence on processes in the student community.

2. Organization of educational hours in educational institutions to study legislation in the field of countering extremism.

3. Designing stands of anti-extremist orientation in buildings of educational institutions and student dormitories

4. Active involvement of law enforcement agencies in the work of educating law-abiding citizens who are confident in the inevitability of punishment for carrying out extremist activities.

5. Development and implementation with the participation of national diasporas of a set of measures for the development of interethnic dialogue and internationalism in the student community.

6. Strengthening attention to activities to promote the culture and traditions of peoples living in the Kyrgyz Republic and to train in conflict-free communication skills, as well as to educate students about the social danger of hate crimes.

7. The creation in schools of voluntary international student squads to prevent conflicts based on ethnic hostility [3].

1. Pushkina M.A. Materialy planovogo seminara po voprosam profilaktiki ekstremizma.

2. Fridinskiy S.N. Molodezhnyy ekstremizm kak osobo opasnaya forma proyavleniya ekstremistskoy deyatel'nosti // Yuridicheskiy mir. 2008. №6 – S. 24.

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**THE PRINCIPLE OF THE USE OF THE CONTINUUM OF FORCE
IN THE ACTIVITIES OF THE NATIONAL POLICE OF UKRAINE**

In accordance with the provisions of Section V of the Law of Ukraine “On the National Police”, police can de-escalate a conflict or eliminate danger of using force equal to the encounter’s, and in exceptional cases, even one level higher. At the same time, the use of force by police is often criticized by society. One of the main issues that interests public society is "whether the use of coercive measures by the police is justified or excessive." Although the public may not understand or even disagree with the activities of law enforcement agencies in terms of the proven algorithms and principles for the use of force measures. Police officers, who find themselves in a situation where they need to stop the offense, detain an offender or criminal, protect citizens or themselves from attacks, must analyse a potentially dangerous, rapidly changing situation, formulate an action plan and actually carry out the planned actions. As a rule, when a police officer gets into such a situation, it takes only a few seconds from identifying potential danger to initiating actions for eliminating it.

One of the principles for applying coercive measures is the principle of using the continuum of force. This principle determines the correct actions that should be carried out by police officers in the event of a situation requiring the use of force.

The use of the continuum of force principle was developed specifically for the police activities. At first, it was used as an objective reference point to determine whether the force was applied “correctly” and “justifiably”. It provides a standard for elucidating the answers to the following questions: “How did the police act with the use of force: properly or not? Were any steps skipped, and if so, why?” Although there may be many changes in each situation, the use of the continuum of force is seen as the gold standard that should be used in determining the appropriate level of force response to situations.

Nowadays in practical and training materials for training police officers the “continuum of force” notion is considered as a progressive scale, when a police officer can/should use force. Besides, the use of the continuum of force is also considered as a “set of options”, with which a police officer can determine an adequate level of response depending on the situation he/she is facing [2, p. 144].

The continuum of force usually has many levels, and the police must apply a level of continuum that corresponds to the situation that has developed in a particular case. Given the dynamics of the situation, the police should move from one level to another within seconds.

Depending on the dynamics of the development of a situation, the following levels of the continuum of force should be distinguished:

- presence of a police officer is the level of the continuum of force, at which police measures are not used. This is the best way to resolve a situation or conflict. The mere presence of a police officer in uniform or a police car is often enough to stop a crime or prevent an escalation of a situation;

- verbal commands. The level of the continuum of force is characterized by verbal instructions of a police officer. The specified level is applied if the physical presence of a police officer is not enough. A verbal command can be simple: “Stop”, “Don’t move” or even “You are arrested”. When using verbal commands, the content and tone of voice are very important. It should not be threatening or calm, but firm and confident;

- empty-handed control is the level of the continuum of force, including in its structure several sublevels and starts with a light tactile contact, while ending with the exceptional use of force. This level usually includes “soft empty hand technique” (police use grips and physical control techniques to restrain an offender) and “hard empty hand technique” (police use self-defence techniques, punches and kicks to repel or stop an offender’s attack). At this level, the police do not use any weapons or special means;

- the use of special tools and equipment is the level of the continuum of force, at which po-

lice officers use non-lethal devices, devices and objects to gain control over the situation. This level in some situations can be used as an alternative to firearms. Special tools are designed to temporarily disable, confuse, delay or deter an enemy in various situations. They are often used in gang riots, strikes and also when detaining criminals. The indicated level of the continuum of force can also be applied if the use of weapons is objectively justified, but its use can lead to personal injury or death of unauthorized persons, damage or destruction of property;

- demonstration of firearms is the level of the continuum of force preceding the use of firearms and is used by police in situations where firearms could potentially be used or have been used. In general, the level of “demonstration of firearms” and “use of firearms” by analogy with the level of “empty-handed control” can be combined into one level;

- the use of firearms is the level of the continuum of force, at which police officers use firearms to gain control over the situation. At the same time, a police officer should remember that the use of firearms is a strict measure of coercion as well as the fact that weapons are used in exceptional cases specified by law.

Summarizing the above, I would like to note that the principle of using the continuum of force in situations with many levels of conflict escalation allows a police officer to move from one level to another one as necessary skipping the level and returning to the previous one, if specific circumstances require, which means effectively fulfilling the tasks and functions entrusted. At its core, a continuum of force is a set of rules for a police officer to respond to a situation that he/she has encountered. The principle of the continuum of force is also a fairly good, understandable training tool that can help police officers adequately perceive and respond to the situations and avoid escalation of conflicts. It can also be used to educate public on the objectively justified use of force.

1. Pro Natsional'nu politsiyu: Zakon Ukrayiny vid 02.07.2015 / URL: <https://zakon.rada.gov.ua/laws/show/580-19> (data zvernennya: 16.02.2020 r.).

2. Taktyko-spetsial'na pidhotovka pratsivnykiv Natsional'noyi politsiyi: navch. posibnyk / O.I. T'orlo, YU.R. Yosypiv, V.M. Synen'kyi ta in. L'viv: L'vDUVS, 2018. 480 s.

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**PREVENTION OF ADMINISTRATIVE OFFENSES
IN THE AREA OF ILLICIT DRUGS TRAFFICKING
AS A COMPONENT OF NATIONAL SECURITY**

The issue of administrative and legal prevention of illicit trafficking in narcotic drugs, psychotropic substances and precursors is still insufficiently researched in domestic legal science, which testifies to the need for a comprehensive elaboration of the legal and organizational principles of the activities of the departments of the internal affairs bodies for administrative offenses against offenses.

The legal basis for prevention is: the Constitution of Ukraine, the UN Convention, Treaties and Declarations (United Nations Single Convention on Narcotic Drugs (1961); the UN Convention on Psychotropic Substances (1971); the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988); United Nations Convention against Doping (1989); Maritime Trafficking Agreement concluded in accordance with Article 17 of the United Nations Convention against Narcotic Drugs and Psychotropic Substances (1995); United Nations Convention against Transnational Organized Crime (2000); Political Declaration of the Twentieth Special Session of the UN General Assembly on Joint Combating the Global Drug Problem (1998) and Others), Laws of Ukraine ("On Drugs, Psychotropic Substances and Precursors" (1995); "On Amendments to the Law of Ukraine "On the circulation in Ukraine of narcotic drugs, psychotropic substances, their analogues and precursors" (2006); "On Measures to Combat Drug Abuse, Psychotropic Substances and Precursors and Their Abuse" (1995); "On the Organizational and Legal Basis of Combating Organized Crime" (1993); "On Administrative Supervision of Persons Released from Prison" (1994); "On Licensing of Certain Business Activities" (2000); "About Medicines" (1996), etc.

The world community fights the spread of drugs in the following areas:

1. Widespread prevention activities aimed at preventing youth involvement in drug use. For this purpose, the latest achievements of medicine, psychiatry, pedagogy are applied, and the general public is involved. It is considered that this area should be a priority in every country.
2. Power struggle against narcotics business with involvement of specialized institutions, military equipment, professionally trained workers, control over laundering of "dirty" money, capture of drug traffickers and access through them to leaders of drug cartels.
3. "Liberalization" of the drug problem, ie the transition to the legal sale of drugs through pharmacies and other commercial establishments (referring to "light" drugs). This enables the drug market to be controlled and the treatment of drug addicts fully accounted for.

But practice shows that the depenalization of drug use (Holland, Sweden) does not produce the desired results. Addicts have a craving for "heavy" drugs. In our view, such a fight against drug addiction may not be acceptable for Ukraine, although syringes, condoms, disinfectants, etc. are being dispensed within the WHO project in Kyiv, Odessa and some other cities [1].

Drug use in Ukraine has reached a threatening scale. According to the Ministry of Health of Ukraine, there are 387 thousand injecting drug users in the country (according to data of international organizations WHO and UNAIDS injecting drug users in the country are about 425 thousand, and according to independent experts in Ukraine use drugs from 1 to 1.5 million people, and their number increases annually by 8-10%).

At the same time about 150 thousand addicts are registered in the Ministry of Internal Affairs of Ukraine. Up to 120,000 people die from drug addiction and related illnesses (HIV / AIDS, viral hepatitis, specific cancers, tuberculosis, etc.) in Ukraine annually (330 people die in the world every day, with an estimated 250 million addicts killed each year). is 4% of the population) [2].

Not only do drug addicts harm their health, but they also commit many offenses, including in the area of drug trafficking, psychotropic substances and precursors. Thus, in recent years, more than 424.8 thousand criminal offenses in the area of illicit drug, psychotropic substances and precursors have been uncovered within the framework of special operations "Mack" and "Batiskaf", and courts have imposed more than 120.7 thousand penalties for such offenses. 86.2 thousand offenses were committed by drug addicts and drug addicts.

It is clear that counteraction in the field of illicit trafficking in narcotic drugs, psychotropic substances and precursors by means of criminal law (detection of a crime, conviction, conviction and punishment according to the law) can not reduce crime, and its elimination and destruction. Criminal liability usually occurs much later than when a person becomes prone to the non-medical use of drugs and psychotropic substances, and therefore it is difficult to scare off persons with drug addiction.

Therefore, prevention work that helps to prevent anti-social manifestations at an early stage of their development remains relevant.

Statistics show that the narcological situation in Ukraine is deteriorating. The reason is not that the perfect legal framework for the prevention of drug addiction and the fight against drug trafficking has not been created, but that the existing laws and regulations are not fully implemented. Obviously, more attention should be paid to using the experience of neighboring countries to participate in the fight against drug abuse by NGOs, and educational activities.

According to experts, the spread of drug addiction in our and neighboring countries will not stop in the nearest years. Even a slight increase in the well-being of the population against the backdrop of the global economic crisis may intensify the activity of the drug business, facilitate the involvement of low-income sections of the population, especially unemployed women, young people and students in the drug trade. Combined with the difficult operational situation in Ukraine, this leads us to expect that drug-related crime will be one of our most pressing problems for our country. Coordination of efforts of all stakeholders requires a single information and scientific and methodological base, implementation of an interdisciplinary approach to the prevention of drug addiction, improvement of the level of education of law enforcement officials on these issues. It is not only the staff of the units of the National Police for Combating Trafficking in Commerce, but also all graduates of the Ministry of Internal Affairs of the Ministry of Internal Affairs, for whom at least the special course "Prevention of drug addiction among children" should be introduced [3].

Drug addiction in Ukraine poses a significant threat to national security, in the first place because of the destruction of human potential. This is especially relevant given the demographic pit in which our country is located. A typical portrait of a Ukrainian drug user is mostly young people between the ages of 15 and 27. Moreover, 74% of drug addicts do not work or study any-

where. Almost 2% are students of technical schools and VET, 0.4% are students of higher education. 73% of drug users are urban residents, but the proportion of rural youth is increasing.

To date, 70% of drug addicts in Ukraine are young people under 25 [4]. From the above, it follows that the negative phenomenon we cite destroys the color of the nation, eradicates the most able-bodied layer of the population.

In addition, drug addiction carries a significant economic burden that significantly impedes the state economy.

It is worth emphasizing that if a person becomes a drug addict (and this happens mostly among young people), then all the public funds spent on it (education, medical support) are in vain. And they make considerable sums, because the state invests at least \$ 10,000 in training of one specialist [5, p. 2]. Drug addicts of Ukraine bear considerable expenses for the purchase of narcotic substances - UAH 2300 per month [6, p. 31]. According to our calculations, the drug addicts of the country spend on acquisition of drugs from almost 28 billion to 40 billion UAH. during the year.

Summarizing the above, it is necessary to emphasize the need to strengthen the fight against drug addiction. Given the specifics of this phenomenon, we propose to distinguish the following areas:

- organizational - to provide coverage of the problems in the media and to carry out existing agitation with demonstration of the grave consequences of drug use (such as visual anti-agitation for smokers on cigarette packs);

- Legal - to develop and approve a State Drug Policy Strategy that would be in place after 2020 and take into account the realities of the social, cultural, economic and political situation in the country;

- methodological - development and implementation in the activity of competent bodies of the Model methodical recommendations on detection and counteraction of drug addiction in Ukraine;

- approval of a purposeful state course on combating drug addiction - provides for the formation of a "state will" in combating drug addiction of the population by creating conditions for voluntary refusal of a person to use drug-containing drugs;

- to conduct an all-Ukrainian discussion of the problem of legalization of cannabinoid drugs (such as Western European countries).

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CRIMINAL-LEGAL, CRIMINOLOGICAL AND FORENSIC SUPPORT OF INTERNATIONAL AND NATIONAL SECURITY

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MEASURES TO ENSURE PROTECTION OF DOMESTIC VIOLENCE VICTIMS AND THE BASES OF THEIR IMPOSITION IN LITHUANIA

Mindaugas Bilius. Laimutė Čaplikienė. The article aims to describe achieve this aim, the analysis has been carried out on the recent mechanism of protection of victims of domestic violence and the application order of the established measures in particular situations in Lithuania.

Keywords: *domestic violence, abuser, victim of domestic violence, interim protective measures, supervision measures, special protective measures.*

Problem. Domestic violence is a dangerous criminal offence. It is different from other criminal offenses because of the close relationship between the abuser and the victim. Therefore, in the case of violence, assistance to the victim is urgent to ensure his / her safety.

Lithuanian legislation [2, 3, 4, 6] regulates the measures of protection of domestic violence victims that can be applied in different stages of investigation of domestic violence.

The Law on Protection against Domestic Violence of the Republic of Lithuania [4] (hereinafter the Law on Protection against Domestic Violence or the Law) provides an opportunity to apply interim protective measures before pre-trial investigation while clarifying the circumstances. Imposition of these measures is limited by period of time (imposed before the start of pre-trial investigation, up to 10 days) and the procedure itself is not fast. When police officers want to apply interim protective measures, they have 24 hours to access the district court, meanwhile the judge has 24 hours to take a decision. Regarding the short imposition time, this period of time (48 hours) gets even shorter. The problem is that police officers are likely not to access the district court regarding the imposition of interim protective measures because of the short imposition time. They attempt to clarify the circumstances and take the decision. Once the data is clarified and the pre-trial investigation is started, prosecutor in accordance with the Criminal Procedure Code of the Republic of Lithuania has the opportunity to access the district court due to imposition of supervision measure (i.e., the obligation to be separated from the victim and / or not approaching the victim within an indicated distance). As a result of that, the attempts are made to clarify the incident circumstances as soon as possible and take the decision rather than access the court due to the imposition of interim protective measures.

In cases of domestic violence, police officers can apply one of procedural coercive measures (temporary detention, the maximum duration is 48 hours) to protect the victim [2]. The Criminal Procedure Code of the Republic of Lithuania does not indicate other fast and effective protective measures during pre-trial investigation except temporary detention that can be applied “here and now” to separate the victim from the abuser. Therefore, after arriving at the incident scene, police officers usually apply procedural coercive measure (temporary detention) to ensure the safety of the victim of domestic violence. The Criminal Procedure Code of the Republic of Lithuania (Article 140) indicates that “prosecutor or pre-trial investigation officer can detain the person caught in the act of committing the crime or immediately after committing it” [2]. Despite the fact that the expression “can be” (indicated in the Criminal Procedure Code of the Republic of

Lithuania) is only giving right but not obligation, police officers use this procedural coercive measure as imperative, and temporary detention is applied in almost every case of domestic violence. Taking this into account, the question arises if temporary detention procedures are performed legally and without violating human rights.

Analysis of publications in which the solution to this problem was initiated. The problem of domestic violence has received considerable attention in Lithuanian scientific literature. In spite of the researches carried out on various issues of domestic violence [13,17,18], the mechanism of protection of victims of domestic violence, evaluating criminal law provisions and the content of police secondary legislation, is not sufficiently analysed.

I. Michailovich [15] fundamentally analysed the problem of domestic violence, its concept, legal and psychological aspects as well as related issues. The researcher studied the stereotypes of domestic violence and international standards in the field of domestic violence. N. Dirsienė, K. Ušackienė, I. Mainelytė, R. Kriugždaitė [12] and R. Uscila, N. Grigutytė, E. Karmaza [18] prepared methodological recommendations for both victims of domestic violence and officers dealing with conflicts of domestic violence. In her dissertation “Smurtas artimoje aplinkoje prieš moteris: baudžiamoji teisinė apsauga” (“Domestic violence against women: criminal legal protection”), R. Jakštienė analysed protective measures for victims of domestic violence provided in legislation and revealed the problem of their application. Humans Rights Monitoring Institute issued a practical handbook “Pareigūno bendravimas su nukentėjusiais” (“Officer’s communication with victims”) [16] that discussed the basis of the protection of victims from threats arising after criminal offences. The handbook also described the evaluation of special protective needs and the application of measures.

The objective of the article: to analyse and reveal protective measures of the victim of domestic violence, the problem of application and possible solutions.

Basic content. Violence in a family or other “immediate environment” is one of “the most serious problems among modern countries worldwide” [15]. The term domestic violence includes various forms of violence, from psychological to physical violence, from threats to murder, but usually this term reflects long-term relationship between the abuser and the victim [4]. Domestic violence includes a husband’s violence against a wife, a wife’s or partner’s violence against a husband, parents’ violence against children and vice versa, violence among brothers, sisters, grandparents, partners, etc. [18]. Violence is considered to be everything that affects a person’s psychological, physical, moral or sexual condition and causes suffering, as well as threats and attempts to restrict personal freedom” [18].

In Lithuania, issues of domestic violence are regulated by the Law on Protection against Domestic Violence of the Republic of Lithuania [4] and the Criminal Code of the Republic of Lithuania [3]. The law defines the violence as “deliberate physical, mental, sexual, economic or another effect on a person by action or omission resulting in the person’s physical, material or non-material damage” [4]. Moreover, in this law, immediate environment is defined as “environment composed of individuals that are being related or were related by marital, cohabitational, in-law or other close relationships, living together and managing common household” [4].

Meanwhile, the Criminal Code does not provide the term of domestic violence as a separate type of these criminal offences. However, the Criminal Code outlines the conditions regarding initiation of pre-trial investigation due to different criminal offences if the signs of domestic violence were detected: Article 140 – infliction of physical pain or minor health impairment; Article 145 – threatening to murder or seriously impair a person’s health or terrorising a person; Article 148 – restriction of freedom of a person’s actions; Article 149 – rape; Article 150 – sexual abuse; Article 151 – forcing to have sexual intercourse; Article 165 – illegal offence of inviolability of a person’s home. Considering a broad definition of domestic violence, this type of violence can also include other criminal offences that are committed in immediate environment and that cause physical, material or non-material damage.

Taking into consideration the fact that domestic violence usually gains a lot of public attention and is classified as an act of public importance, while its prevention is thought as a priority for both the state and the police [6], the following conclusion can be drawn: in the process of case investigation related to domestic violence, the essential issue is not the formal decision but the effectiveness of assistance and protection of the victim.

In order to appropriately protect people from domestic violence, a legislation specifically designed for this purpose was adopted – the Law on Protection against Domestic Violence that “aims at protecting people from domestic violence that is attributed to offences of public importance due to

its negative impact on society, at immediately reacting to threats, at taking preventive measures, at applying protective measures, and at providing any necessary assistance” [4].

When reacting to reports about domestic violence and detecting the need of protective measures, Lithuanian police officers can impose protective measures for victims regulated in the Law on Protection against Domestic Violence of the Republic of Lithuania [4], the Criminal Procedure Code of the Republic of Lithuania [2] and other legislation [6]. Protective measures of the victim include interim protective measures, special protective measures, supervision measures and other measures (for example, “emergency call electronic button”).

Having in mind the fact that certain protective measures of the victim can be imposed only in particular stages of domestic violence investigation, it is important to analyse protective measures of the victim in three possible investigation cases:

- when the report of domestic violence was not confirmed;
- when it is necessary to clarify the circumstances regarding domestic violence report due to the lack of data for pre-trial investigation;
- when the signs of domestic violence are evident and pre-trial investigation is immediately started.

The case when the report was not confirmed. In this situation it is obvious that there was no domestic violence, there was no injuries, there was no information about the violence, and the statements of both abuser and victim are realistic and do not contradict each other. In this case, no protective measures are applied, and the situation is not controlled. If the conflict among immediate environment subjects (without incurring criminal or administrative consequences) was detected during the first inspection, information about the case is provided to police structural unit (police headquarters) that is responsible for the area where the incident happened. After receiving information about the incident, a responsible police officer immediately orders a senior activity management officer from the incident area to organise reinspection of circumstances up to 3 working days. The authors equate the reinspection of circumstances to protection of a victim, because there are cases when similar conflicts later result in violence, or such a conflict can be the beginning of violence. Therefore, when a police officer performs a preventive reinspection directly (not on the telephone), there is a possibility that an abuser can refuse his / her intentions. While communicating with all participants of the incident, an officer additionally evaluates circumstances related to the incident. If any violation of the law is detected, the officer takes the decision in accordance with the legislation. In those cases when “signs of domestic violence or other violations of law are not detected after reinspection, the officer who performed reinspection, after the reinspection of incident circumstances, determines the reasons why there were no signs of domestic violence, and obligatorily indicates the date of the reinspection” [8]. If the signs of criminal offence are not detected, the decision is taken to refuse to start pre-trial investigation, a prosecutor or a pre-trial investigation officer draws up a reasoned report.

The case when it is necessary to clarify the circumstances regarding domestic violence report due to the lack of data for pre-trial investigation. This situation needs to clarify the circumstances because there are no obvious signs of violence, the incident circumstances are not clear, the victim is intimidated, etc. In accordance with the Criminal Procedure Code of the Republic of Lithuania, Article 168, reinspection of incident circumstances is possible when there is no possibility to take the decision immediately, it is necessary to clarify the circumstances (during the reinspection, the following actions can be performed: the incident scene can be examined; the incident witnesses can be interviewed; necessary information or documents from state and municipality companies, institutions, organisations, applicant or person who initiated the complaint, statement or report can be required; applicant or person who initiated the complaint, statement or report can be interviewed) [2]. These actions have to be performed in the shortest possible terms, up to 10 days [2].

It should be noted that reinspection of incident circumstances has to be carried out according to „written procedures related to police officers’ response to reports about domestic violence, court judgement regarding implementation of imposition of interim protective measures for victims of violence, and the control of the implementation of this judgement“ [8]. After responding to a report about domestic violence, an officer always has to detect and evaluate the following aspects: if the conflict has any signs of domestic violence as well as the place, time, reasons and consequences; if any illegal (violent) actions were performed as well as their type (battery, sexual violence, restriction of freedom, offence of inviolability of a person’s home and threatening) and consequences; if there is information about repetitive violation cases

(prosecution, incidents registered in the police record of events); if any protective measures for victims of possible domestic violence are applied; if there was any damage caused to a child, etc.

Written procedures related to police officers' response to reports about domestic violence, court judgement regarding implementation of imposition of interim protective measures for victims of violence, and the control of the implementation of this judgement state that „in case of lack of information to start pre-trial investigation and need to clarify incident circumstances, a police officer carries out evaluation of risk factors in immediate environment up to 24 hours from receiving the report“ [8]. While evaluating the risk of domestic violence, a police officer has to consider the type of illegal offence and circumstances, the damage, the victim's personal features, the abuser's characteristics, information about previous cases of domestic violence as well as the behavior of subjects of domestic violence during the evaluation process [1, p.13]. A police officer carrying out evaluation of risk factors in immediate environment follows the recommendations regarding the evaluation of the victims' special protection needs, approved by the order No. I-63 of the Prosecutor General of the Republic of Lithuania on 29 February 2016 „Regarding the recommendations of approval of evaluation of the victims' special protection needs“ [6] and fills in a certificate of the victims' special protection needs (hereinafter Certificate).

In order to select and apply special protective measures that best fit the victim's situation, after evaluating the victims' special protection needs, and, for example, detecting certain circumstances indicating the probability that the suspect may attempt to exert psychological pressure on the victim of a sexual or violent crime or disturb the victim's emotional condition, a police officer taking into account the circumstances identified and the information collected during the investigation can decide to apply a special protective measure – organisation of an interview with a pre-trial investigation judge in the absence of the suspect – thus enabling the victim not to be summoned to appear in court [2]. While filling in a certificate, the data collected from all available sources up to the point of the evaluation have to be taken into consideration.

After detecting the risk of domestic violence (or receiving a written request from the victim of violence to impose interim protective measures for the victim of violence), an officer has to access the court immediately, or up to 24 hours, regarding the imposition of interim protective measures for victims of violence [4]. The following interim protective measures for victims of violence can be imposed on the abuser:

- 1) the obligation for the abuser to temporary leave the place of residence, if the abuser lives together with the victim of violence;
- 2) the obligation to the abuser not to approach, interact or seek contact with the victim of violence [4].

These interim protective measures are imposed, until the decision to start (or refuse to start) pre-trial investigation is taken (maximum 10 days).

It should be noted that protective measures for the victim are intended to respond to the situation as soon as possible, otherwise, they can lose their effectiveness. It is also assumed that any information related to repetitive violation cases creates an additional urge for the state to take actions. Nevertheless, according to the model of interim protective measures established in the Law on Protection against Domestic Violence that indicates short periods of time, organisation of assistance takes at least a few days (officers evaluate the risk factors during 24 hours; they access the court due to imposition of measures immediately, or up to 24 hours; the court takes the decision during 24 hours). [8]. If the decision to refuse to start pre-trial investigation is taken after clarifying the circumstances, investigation of the report is terminated, and the reinspection of the report is not performed.

The case when the signs of domestic violence are evident and pre-trial investigation is immediately started. In this situation police officers, after receiving a report regarding domestic violence and arriving at the incident scene, or becoming the witnesses of the incident themselves, record information about domestic violence incident, detect the signs of criminal offence, start pre-trial investigation, take all the necessary measures to carry out pre-trial investigation during the shortest possible terms and ensure the protection of the victim of violence.

During the state audit in Lithuania, it was indicated that the most common protection measure for the victims of violence is temporary detention, i.e., „police officers usually apply temporary detention for suspects thus ensuring protection of victims up to 48 hours“ [19]. In other words, in most cases police officers, after arriving at the incident scene, can ensure protection of the victim of violence up to 48 hours by applying procedural coercive measure - temporary detention, i.e., by arresting the suspect (in accordance with the Criminal Procedure Code, Article

140 [2]). After police officers arrest the suspect, his / her freedom is temporarily restricted and protection for the victims is ensured (up to 48 hours) immediately after the incident. It can be stated that this is probably the only one measure of urgent protection. However, it is short-term and has to comply with the Criminal Procedure Code, Article 140 (temporary detention) as well as with the requirements of the Directive 2001/220/TVR [1], Article 5 of the European Parliament and of the Council of 25 October 2012. The situation only confirms the position that “possibilities of urgent protection in Lithuania are very limited” [14].

During pre-trial investigation, to continue the protection of domestic violence victims, in accordance with current legislation, the following supervision measures indicated in the Criminal Procedure Code, Article 120 can be imposed on abusers: arrest, intensive supervision, house arrest, obligation to be separated from the victim and (or) not to approach the victim within an indicated distance, bail, submission of documents, suspension of special right, obligation to periodically report to police, and a written obligation to stay at a certain place [2]. It should be mentioned that the imposition procedure of supervision measures, contrary to interim protective measures, is even longer.

Imposition of the measures listed above can assist in achieving the following aims:

- protect a victim from further criminal offences,
- enable a victim to improve his / her physical and mental state.

Following the data of the Information Technology and Communication Department under the Ministry of the Interior of the Republic of Lithuania [21], in cases of domestic violence, the most common supervision measures imposed on the abuser are the following: obligation to be separated from the victim and (or) not to approach the victim within an indicated distance, written obligation to stay at a certain place, and submission of documents. After the imposition of supervision measure – obligation to be separated from the victim and (or) not to approach the victim within an indicated distance – or any alternative interim protective measure in accordance with the Law on Protection against Domestic Violence, police officers have to monitor the abuser’s compliance with the obligations imposed by the court (for example, temporary leaving the place of residence). The officers work in accordance with „written procedures related to police officers’ response to reports about domestic violence, court judgement regarding implementation of imposition of interim protective measures for victims of violence, and the control of the implementation of this judgement“, that outlines police officers’ procedures for ensuring control related to obligation for the abuser to temporary leave the place of residence [8]. It should be mentioned that in order to ensure the protection of victims from repetitive violation cases, protective measures have to be applied both during pre-trial investigation and after the investigation of criminal proceedings.

To conclude the opportunities to apply measures for the victim’s protection analysed in the article, it can be inferred that application of interim protective measures is limited by period of time (imposed before pre-trial investigation), whereas the imposition procedure of supervision measures takes even longer. Consequently, there is a lack of immediate protection measures that are imposed immediately after the victim contacts the law enforcement institutions to seek their assistance.

Another protection measure for domestic violence victim is emergency call electronic device (hereinafter Device) that is controversial in practice. This measure aims to ensure prevention of repetitive violence against the victim of domestic violence.

Description of the procedure for issuing, collecting and storing emergency call electronic devices [10] provides the list of cases when a police officer has to propose to issue the Device for the victim of domestic violence. These cases are as follows:

- 1) an abuser is imposed the penal measure – obligation to be separated from the victim and (or) not to approach the victim within an indicated distance;
- 2) an abuser is imposed the supervision measure – obligation to be separated from the victim and (or) not to approach a victim within an indicated distance;
- 3) an abuser is imposed the measures adopted in the Law on Protection against Domestic Violence of the Republic of Lithuania: obligation for an abuser to temporary leave the place of residence if he / she lives together with a victim as well as obligation for an abuser to be separated from the victim, not to approach, interact or seek contact with the victim of violence;
- 4) an abuser was convicted or acquitted of domestic violence;
- 5) an abuser was convicted or acquitted of domestic violence for intentional criminal offences against human life and health, endangering human health and life, human freedom, sexual self-determination freedom and inviolability as well as a child and a family or morality” [10].

On the above-mentioned grounds, an officer proposes a victim to issue an emergency call

electronic device and explains responsibility for losing or damaging it. If the victim agrees, the officer issues the device. After the device has been issued, the compliance officer provides an appropriate control, i.e., at least once a week he / she contacts the victim who has been issued the Device to ensure if it works properly and to determine whether it is necessary the person to hold the Device. Moreover, once a month the officer arranges the inspection of above-mentioned circumstances in the person's place of residence. Above all, if the officer fails to contact the person who has been issued the Device, the necessary measures are taken, i.e., the officer has to access the person's place of residence in order to establish whether the person still resides in the indicated place and to investigate the reasons why the officer failed in his / her attempt to contact the person [10].

After analysing the grounds of issuing and controlling the emergency call device, it is to be noted that the usefulness and effectiveness of this device is questionable. One of the problematic aspects of this device is technical barriers resulting in failure to put it in use. The practice indicates that even after taking decision to issue the emergency call device, sometimes it is impossible to put it in use since it doesn't work or works only outside, in an open space [10]. Another problem is related to the victim's fear, i.e., a considerable number of victims refuse the emergency call device since they are afraid of abuser's reaction after noticing it, they are also afraid of responsibility in case of its damage or loss as well as an accidental press of the button. When the victim is informed about the responsibility after damaging or losing the device (a person might be asked to recover the damage due to the damage or loss of the Device), a significant part of victims simply refuse to accept the device [10]. According to R. Jakštienė, "such form of protection is criticised because the responsibility for security is transferred to the victim despite the fact that he / she has requested assistance from the state institutions. Therefore, while using electronic devices the priority should be given to the abuser's supervision" [14]. In support of this observation, it is worth adding that sometimes bureaucratic procedures in the State preclude the main goal – to protect the victim.

Conclusions

1. Domestic violence (involving the family or immediate environment) is a dangerous criminal offence. This criminal offence differs from other criminal offences as there is a close relationship between the abuser and the victim.

2. Protective measures for the victims of domestic violence are composed of different legal instruments, i.e., interim protective measures, measures of criminal law and proceedings (supervision and other procedural coercive measures, emergency call electronic devices provided for the victim).

3. In accordance with the Law on Protection against Domestic Violence, interim protective measures for the victim of domestic violence are imposed before the decision of starting the pre-trial investigation. However, interim protective measures are usually not applied in police practice due to the short period of their validity. These measures are not considered to be supervision measures.

4. Procedural coercive measures cover the application of temporary detention. In practice it becomes imperative as almost in every case of starting the pre-trial investigation against the abuser this measure distorts the aim of application of procedural coercive measure itself.

5. Emergency call electronic button as a protective measure for the victim of domestic violence is not absolutely effective because of technical failures and the victim's fear.

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SAIRO – DETECTION TOOL FOR RADICALISATION⁸

Introduction

The word radical was taken by the Old English from the Latin word radicals (radix means-root). By this adjective (originally in the 14th century), the derivation was denoted and sometimes the root of the matter was pointed out. The essence of the matter was unequivocally described. Gradually, the meaning shifted to the metaphorical format. Finally, the conclusion was reached and it was claimed that the thing is growing from some foundations, roots, or the fundament. Another shift was finally made by the statement that the thing develops differently from others, that it moves away from something common or traditional. And precisely in this semantic shift, the notion "radical" became competitive to the notion "extreme". In this regard, it should be recalled that extremism (from the Latin extremus, ie the superlative of the adjective exter, exterus), in turn, meant being on the outside.

Extremism can be considered extreme behavior (or extreme views) then. These are considered "extreme" because they are not accepted by the majority of society. And at the same time (in political theory) extremism refers to such a position (on the imaginary opinion scale) which is the most distant from the political center. This extreme position of political extremists is also linked to the fact that its supporters do not hesitate to use violence to implement their program goals. Radicals, on the other hand, use all available legal means, even though some of them are on the very edge of the constitutional framework [3]. It should be noted that radicalism (in the theory of extremism) is used to denote positions and opinions which are moving away from the central demo-

⁸ The article was created within a partial scientific task 2/3 Radicalisation and Symbolism of criminal tattoos at PACR in Prague, Czech Republic.

cratic conformal space. And even though they are close to such boundary, they have not reached the limits of extremism. The concept of radicalism as the gray "zone" between the democratic and the extremist political spectrum of opinions and attitudes is (unlike in Anglo-American environment) relatively widespread and respected in German background.

Radicalism is therefore seen as an "intermediate step" between extremism and democracy while still belong to the so-called constitutional-conformist spectrum defined by the democratic order. However, the boundaries between radicalism and extremism are fundamentally ambiguous and "permeable", and therefore the effort of some authors to perceive the scope of radical and extremist views and attitudes as the whole is present. This means that "right-wing" radical and extremist views and attitudes are referred to as "ultraright", while "leftist" radical and extremist views and attitudes are perceived as "ultra-left" [9].

Generally, each radical focuses on a fundamental change of the current situation and desires significant changes, as the present state only offers imperfect order. The term "radical", unlike the extremism in politics, does not have a pejorative subtext and refers to diverse movements that can be radical either by their own purpose or by their means. It leads us to the idea that the term radicalism is used in politics very widely and rather as an ideological attitude.

As part of the operationalization of concepts, it is also necessary to define the process of radicalization. We have met a number of definitions that have been developed and modified in different decades. Since the 1970th, the term radicalization attempted to capture the interaction between social movements and the state and, as well, the procedural aspect, ie the gradual escalation of social violence. In this concept of radicalization, the authors referred to the use of violence itself in terms of different forms and intensities, ie they explored the dynamics of social violence. According to these authors, radicalization can be seen as a process leading to an increased use of political violence together with the transformation of values and the perception of social groups towards a strong political polarization, articulation and the promotion of radical interests in society on the background. The process of radicalization may also turn into open hostility towards certain social groups or social institutions and structures in the society. Other definitions, in turn, define radicalization as an inter-group conflict, in which there is a transformation of trust, opinions, attitudes. These then justify the inter-group violence and demand positive discrimination and defense of the domesticated social group [4].

In recent years, we can observe a certain reconceptualization of the notion radicalization, which extends the aspects of the notion and of the social violence itself with the psychological, ideological and institutional perceptions. For example, Ashour and Boucek see radicalization as a process of transformation of a social group. This particular group goes through ideological or behavioral transformation, which (in their view) leads to the rejection of democratic principles as well as the rejection of the legitimacy of political pluralism [1]. Horgan and Bradock similarly define radicalization as the psychological process of gradually gained experience with extremist political or religious ideologies [6]. Schmid emphasizes the motivation of radicalism to transform significantly some social aspects, and also in some cases, the usage of orthodox instruments. This may escalate into endangerment of the democratic culture and democratic institutions [8].

Based on the above, it can be stated that the process of radicalization can be understood as an increasing presence of antiliberal and antidemocratic elements and values in social thinking and behavior, either at the level of an individual or an entire social group. And within the process of radicalization, individuals (themselves or as part of a social group) are exposed to an extremist idea, which they gradually absorb and in this spirit, they change their attitudes.

Radicalization can serve as an indication of extreme behavior, but can also describe and interpret fundamental changes that affect the axiological aspects of political systems, economic systems, or religion. It is therefore clear from the expert studies that the term radicalization refers to different types of political activism, which can result in political violence, ie terrorism.

At this point it would be helpful to define the terms deradication and disengagement.

These (in turn) characterize processes in which individuals or entire social groups abandon the activities associated with extreme action and organized violence. While the first term of deradication involves significant changes in the ideas and attitudes of individuals or entire social groups, the second term "disengagement" draws attention to changes in the behavior of individuals or entire social groups, i.e. the rejection of violent means when promoting the interests concerned.

Theoretical Approaches and Radicalization Phases

We are currently experiencing a lot of written sources focusing on the reasons and the na-

ture of violent radicalization of individuals, which is at times the cause of terrorist behavior. We are facing a number of different models trying to capture (with the social sciences' perspectives of their authors) the roots of social radicalization. The common denominator of these models is the description of the social radicalization process of an individual. Attention is paid to a set of identifiers, markers, factors, etc., whatever it is called, which shape personal attitudes, group perception, group follow-up, and violent behavior.

The issue of the radicalization process is addressed by a wide variety of actors, from civic initiatives, think-tanks, academic institutions, international organizations, national state institutions and security organizations. In the European context, we can mention (for example) the European Union project SAFIRE, the academic centers such as the Danish Center for International Studies and Human Rights (DCISM) or the London Centre for the Study of Radicalization and Political Violence (ICSR). One of the most important think tanks in Europe is the Dutch International Center for Counter-Terrorism - The Hague (ICCT).⁹

Experts in sociology, psychology, or cultural anthropology (with their theories) try to explain the different aspects of the radicalization process. Sociological theories highlight the importance of socio-economic, political and cultural contexts of radicalization. According to Anja Dalgaard-Nielsen [2], most experts agree with the presumption that different types of terrorism and different types of roles within terrorist groups make it impossible to create a unified, universal social and psychological profile of a radicalized individual. The same it is claimed about the possibility to establish a universal set of factors leading to its violent radicalization.

Sociopsychological and psychological approaches focus their theories on the structural factors of group behavior, on processes within social groups and also on the cognitive theory of individual personality factors. Structural conditions and individual dispositions are (by sociological and psychoanalytic approaches) viewed as the relatively stable factors.

The dynamic view is represented by the approaches that follow group processes and stages during which an individual acquires violent dispositions. We can also notice the approaches based on the psychology of needs and rewards. The problematic aspect of the psychodynamic approaches (dealing with the motives of individuals) is a series of hidden nontestable assumptions. The approaches focusing on group processes highlight the key social mechanisms within small social groups and subcultures (socialization, peer pressure, marginalization, frustration, etc.) that lead to violent radicalization.

James Forest [5] highlights the aspect of local context. If we assume that radicalization is an interactive process, this process consists of intersections of ideas, perceptions, and opportunities that change over time, creating an individual's interpretive framework towards both local and global issues. Therefore, the socio-political succession of behavior and its context, the succession of relationships between social structures, the political contexts of the individual's place of life, and his or her biographical development are the prerequisites for the analysis and understanding of the violent radicalization process.

However, we can agree with Tomas Precht's statement from 2007 [7], that there is no single factor that could be perceived as a causal cause of radicalization. It is always a combination of factors and only a small part of individuals become terrorists from the radicalized phase. Most of them stop at a certain stage of the radicalization process, or they may step out of it. He offers a phase four-stage model of radicalization (pre-radicalization, conversion to radical Islam, indoctrination, and terrorist act). However, it must be emphasized that the radicalization process for each individual is specific and different.

Precht defines three general sets of factors influencing radicalization: 1) background factors (identity crises, personal traumas, exclusion), 2) trigger factors (charismatic leader, foreign policy, specific cases of discrimination against Muslims), 3) enabling factors (internet, mosques, television broadcasts, prisons, books). Young, Zwenk and Rooze [10] offer an overview of various phase radicalization models¹⁰.

⁹ A broad overview of academic workplaces and think tanks with their reports on the process of radicalization. See http://www.safecampuscommunities.ac.uk/uploads/editor/files/Radicalisation_Research_Summary_9-12-16.pdf

¹⁰ 1) The Preventive Pyramid - This model is divided into four floors. The lowest represents all members of the community, the second represents the most vulnerable, the third represents the moment when some of the most vulnerable members move towards radicalization, and the fourth floor represents the level where some individuals actively violate the law. In this model, emphasis is placed on a suitable response. This response is based on a specific context that focuses on a radicalized individual.

Radicalisation in prisons and Identifiers of radicalisation - SAIRO program

The prisons environment worldwide is historically the environment being a recruiting ground for miscellaneous extremist groups of different ideological and religious orientations. Risks of radicalisation in such environment is enhanced by accumulation of such aspects as the nature of the prison community in which we meet the persons with a criminal record, propensity for relapse showing a socio-pathological behaviour and a higher degree of psychological predisposition to radical behaviour.

We can notice certain signals of the radicalisation process in prisoners' behaviour. These signals are called the indicators of radicalisation which can be traced in visual changes of a person concerned, their actions or verbal expressions. These do not necessarily mean the person is willing to commit an offence of violence. These are seen as warning signs of the radicalisation process. However, it is not possible to establish a universally valid identification methodology of the radicalisation process and a universally valid set of identifiers that are met by those committing the acts of extremist violence or the terrorist attacks. A number of indicators applied to the environment of prisons is identical to the indicators of the whole-society radicalisation. The main objective of recognising the identifiers of radicalisation is a timely detection of radicalised individuals who represent the risk of recruitment, indoctrination and committing criminal activities with ideological motive.

The SAIRO (System of analytical identification of radicalized persons) program is based on manifestations of the accused and the convicted, a follow-up evaluation, implementation of a type analysis and a suitable re-socialisation programme which is not, unfortunately, put in a concept of today's conditions of the Czech prison system in the field of de-radicalisation. The program is based on the collection of data and information through observations of behaviour of the accused and the convicted which are carried out by the Prison Service staff. Individual manifestations of the interest prisoners are evaluated using a set of indicators to which certain point values are assigned by the computer program. By combining individual indicators of radicalisation a mathematical algorithm then establishes a percentual risk rate of the individual's radicalisation. Further, the information of the selected persons is revised, the authenticity of the individual's behaviour is examined and measures to de-radicalise the person are taken.

The first option is a preventive measure limiting a further spread of radicalisation and ideological contagion or distracting them from a charismatic leader of the group. The second option is suitable for the rehabilitation process of the less involved individuals in an extremist group which reduces the risks of the radicalisation process of not only the person concerned but the whole prison community. The third option is designed for the most dangerous persons, leaders and recruiters. Within the pilot project there has already been running a certified training of Prison service staff in the field of radicalism, extremism and terrorism as a follow-up of the SAIRO program training, which is under an umbrella of the Police Academy of the Czech Republic in Prague.

Since 2013 the Section of Terrorism and Extremism of National Centre Against Organized Crime (STE NCOZ) has cooperated with the General Directorate Prison Service of the Czech Republic (GR VS) in the field of detecting radicalisation of persons in custody and during their sentence. Based on the cooperation there has been set up the SAIRO program whose purpose is identification of radicalisation manifestations in prisons.

Conclusion

The aim is to create a scale of riskiness of a person on the basis of a set of indicators, which would work with the three groups of people, i. e. 1) informative group, reporting low risk; 2) interest group, demonstrating signs of extremism without following an organised group (passive supporters and sympathizers); 3) risky /potentially dangerous/ group, where there are persons detected in an interest group, but willing to be actively engaged in illegal and criminal activities.

It is not only the radicalisation in the environment of prisons, but also in a wider civil society, which requires a multidisciplinary approach and comprehensive procedure in the form of pre-

2) The four-step model of radicalization developed by the New York police -This model describes an individual who undergoes a process of pre-radicalization, self-identification, indoctrination, and ultimately jihadism. The model highlights a number of factors that can spur or accelerate the process of radicalization.

3) Sageman's Four-Step Process - The first step is a situation in which an individual feels a moral offense. His or her offence comes from the feeling of being harmed (or if the issues what he or she perceives as correct are).

vention, repression and rehabilitation. One of the key methodological issues of detecting radicalised persons is the relationship between the degree of the person's involvement and their willingness to commit a certain offence (even criminal). By the degree of engagement we understand its passive participation in a public or non-public activism (demonstrations, protests, blockades, concerts, etc.) without an active involvement in any organization or commitment to crimes. By the degree of willingness to commit a certain offence (even criminal) we mean active involvement, organization or management of public or non-public activism.

The basic role in the identification of the high-risk individuals is played by the Prison service, however, for a comprehensive and effective detection and settlement of radicalisation process of an individual it requires necessary staff involvement from Probation and Mediation Service, psychologists, educators, social workers and, last but not least, academics.

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Abstract:

The aim of the article is to present the possibilities of identifying radicalised persons through the significant indicators that are directly related to the transformation of personality attitudes, motivations and behavior associating with a process of radicalization. The prison facility is generally considered as an environment with a corrective purpose. Besides the social sense of remedy, prison is also an environment that potentially determines and affects socially dangerous behavior. The author presents a pilot tool of social-moral profiling of a subject in radicalization process as an effective prevention system which could reduce security risks in society. A tool for identifying the process of radicalisation in prisons is represented by a pilot project SAIRO, whose objective is a timely detection of warning signals which accompany the radicalisation process of an individual and a classification of the prison population. The methodological basis of the pilot project is a detection of outer noticeable signals in the process of a person's transformation, so called indicators of radicalisation, which represent visual, behavioural, rhetoric and other aspects of the person's behavioural metamorphosis.

Key words: *Radicalisation, Indicators, detection, Prisons, Models of Radicalisation*

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INTERNATIONAL COOPERATION ON PROPERTY CONFISCATION

Keywords: confiscation prior to sentencing, international cooperation, legal assistance, economic security.

In accordance with Article 4 of the Law of the Republic of Kazakhstan "On National Security of the Republic of Kazakhstan" dated January 6, 2012 No. 527-IV, economic security refers to one of the types of national security, which is expressed in the state of protection of the national economy of the Republic of Kazakhstan from real and potential threats, which ensures its sustainable development and economic independence.

Ensuring national security through the suppression, detection and investigation of crimes is the main task of law enforcement and special bodies. A foreign element (smuggling, asset stripping, cyber attacks, etc.) takes a greater part in the criminal segment, which makes it necessary to improve the institution of international cooperation.

One of the innovations introduced in 2014 of the Code of Criminal Procedure of the Republic of Kazakhstan is the confiscation of property obtained illegally, before the sentencing, which is recommended by paragraphs. "C" paragraph 1 of article 54 of the UN Convention against Corruption. The effective confiscation mechanism is separate from criminal proceedings and allows you to return property in situations where it is impossible to apply confiscation in a criminal manner: when the offender has fled from justice or his/her death, etc. [1, p. 31] The described procedural actions for confiscation of property contain signs of a security nature aimed at compensation for damage, return of property obtained by criminal means, and in some cases contain information of evidentiary value.

Confiscation can be applied:

- in relation to the property of the suspect and the accused;
- by a court order to satisfy the application and confiscation of property.

Note that the court ruling on the satisfaction of the petition and confiscation of property is, in essence, a court decision. Therefore, pre-trial confiscation of property does not contradict the provisions of Article 26 of the Constitution of the Republic of Kazakhstan that "no one may be deprived of his property, except by a court decision."

The content of confiscation undertaken in the pretrial stage fully complies with all the inherent features of this type of additional punishment. However, there are some features.

Firstly, the basis for confiscation is the materials of the criminal case about the crime, including confirming the circumstances provided for in the third part of Article 113 of the Code of Criminal Procedure, which states: "Along with other circumstances in the criminal case, circumstances confirming that the property to be confiscated must be proved in accordance with Article 48 of the Criminal Code of the Republic of Kazakhstan, obtained illegally, including as a result of a criminal offense, or is income from this property or is zovalos or intended to be used as instruments of crime or financing or other support of extremist or terrorist activities or criminal group."

Secondly, the suspect, the accused are put on the international wanted list in connection with their evasion of criminal liability. In this case, confiscation is likely to be a preventive measure.

Thirdly, paragraphs 3, 4, and 11 of the first part of Article 35 of the Code of Criminal Pro-

cedure provide for the termination of criminal proceedings on non-rehabilitating grounds. This means that the involvement of the suspect, the accused has been proved, the criminal prosecution against them is terminated, but property obtained by criminal means or otherwise having a criminal origin must be seized.

As a result, it turns out that in cases where the suspect and the accused escaped and escaped criminal liability, at least an additional penalty of confiscation overtakes them. As a result, the state is compensated for the damage caused.

In the event of the termination of the criminal case under paragraphs 3, 4, and 11 of the first part of Article 35 of the Code of Criminal Procedure of the Republic of Kazakhstan, the perpetrators are exempted from the main criminal liability, but additional property liability in the form of confiscation is retained for them, thereby compensating for the damage caused by the crime.

Thus, the confiscation in the pre-trial stage of the criminal process performs the task of compensation for property damage in cases where the proceedings are completed before the sentencing, but involvement in the crime of the suspect accused by the criminal case materials is proved.

However, when analyzing section 15 (Articles 667-672) of the Code of Criminal Procedure of the Republic of Kazakhstan, there was a lack of legal rules to initiate confiscation proceedings prior to sentencing on the basis of an order or petition of the competent authorities of a foreign state - in accordance with part 2 of Article 667 of the Code of Criminal Procedure of the Republic of Kazakhstan, the only basis is the procedural decision (order) of the national body conducting the pre-trial investigation on the initiation of confiscation proceedings before the sentencing.

Article 577 of Section 12 of the Code of Criminal Procedure of the Republic of Kazakhstan provides for the conduct of legal proceedings on the basis of instructions on the provision of legal assistance to the competent authorities of a foreign state in order to identify and only seize property, money and valuables obtained by criminal means, as well as property belonging to suspects, accused or convicted persons. A confiscation of the discovered property is allowed under paragraph 2) part 3 of this article only by sentence or other decision of the judicial authorities of the requesting party, which entered into legal force. Thus, the Code of Criminal Procedure of the Republic of Kazakhstan does not allow for procedural actions to confiscate property on the basis of an order (request, application) of a competent body of a foreign state in the absence of a court decision, which, in our opinion, is a significant omission of national legislation.

In support of the need to reform some provisions of the criminal procedure legislation, I would like to give an example from the practice of investigating a criminal case under Art. 193 h. 3 pp B, C of the Criminal Code of the Republic of Kazakhstan in 1997 (legalization of property), which was in 2011 in the production of the Department for Combating Economic and Corruption Crime in the Pavlodar Region of the Republic of Kazakhstan. As part of the case under investigation, a decision was sent to the Czech Republic to seize the property of the accused, authorized by the prosecutor. However, the Prague High Prosecutor's Office notified that seizure, including confiscation, is possible only on the basis of a court decision. In the absence of a decision of the judicial authority of the requesting state, the competent authorities of the Czech Republic, on execution of the order, can independently initiate proceedings in court on the seizure and confiscation of property. But in this case, if the decision on confiscation is made by a court of the Czech Republic, then the property is subject to confiscation in favor of only the Czech Republic, and not a foreign state. These provisions were contained in Article 376 and 450 of the Criminal Code of the Czech Republic of the old edition. In this regard, the Czech side requested that the decision on the arrest and confiscation made by the judicial authorities of the Republic of Kazakhstan be sent [2, p. 43-44]. However, it was not possible to conduct an objective investigation into the acquisition of property on the territory of a foreign state by the competent authorities of the Republic of Kazakhstan.

Due to the lack of rules in the criminal procedure law of the Czech Republic allowing extrajudicial arrest and confiscation of property of the accused, the order was not executed, property obtained by criminal means was not returned to the victim.

One of the few scholars whose writings touch upon the problems of legal assistance is M.Ch. Kogamov, who pointed out the importance of the list of procedural and other actions in the concluded international treaties for determining the allowable amount of legal assistance in criminal proceedings [3, p. 715]. An essential condition for all concluded international treaties is the establishment of the scope of legal assistance, including in domestic law.

In this regard, in 2013, the Republic of Kazakhstan and the Czech Republic concluded an

agreement on mutual legal assistance in criminal matters, which, among other procedural and other actions, additionally provides for the seizure and execution of court decisions on confiscation of any items, property, funds or income related to the crime for which assistance is requested [4].

In this regard, it is proposed to supplement the Code of Criminal Procedure of the Republic of Kazakhstan with norms that allow for the execution of procedural actions to confiscate property obtained illegally before a sentence is issued on the basis of an order (request, application) of a competent body of a foreign state.

In this part, the experience of France seems to be positive, where Article 695-9-17 of the Code of Criminal Procedure provides for the possibility of taking legal proceedings (freezing assets for the purpose of confiscation) in order to provide legal assistance, even if there is no double criminalization, but if the crime under investigation falls under one of categories of crimes provided for in Articles 695-23 of the Code of Criminal Procedure, which testifies to the right to execute or not to execute instructions if it is not punishable by the law of the requesting Party [5].

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**TO THE QUESTION OF FORENSIC SUPPORT OF CRIMINAL PROCEEDINGS
IN THE LIGHT OF THE DEVELOPMENT OF THE CONCEPT OF FORENSIC
ACTIVITY IN THE KYRGYZ REPUBLIC**

Abstract: The questions of improving forensic support in criminal proceedings are considered.

Keywords: forensic support; judicial reform; criminal proceedings; appointment and production of examinations.

The profound socio-economic transformations taking place in the country in recent years are accompanied by the criminalization of society, the growth and modification of the structure of crime. In the structure of crime, the activities of organized, well-equipped groups with a significant material base occupy an increasingly significant place, which significantly complicates the process of detecting and investigating crimes. Under these conditions, the role of using special knowledge in the evidence in criminal cases increases significantly.

The judicial reform, which resulted in the adoption by state authorities of a number of regu-

latory legal acts in the field of legal proceedings, including the Criminal Procedure Code of the Kyrgyz Republic, the consolidation of constitutional principles in it, aimed at the democratization of justice, the strengthening of legal guarantees of the individual, made scientists and practitioners pay special attention to the use of institutions related to the process of evidence in the field of criminal proceedings.

Despite the fact that at present officials of preliminary investigation bodies and courts are increasingly turning to the assistance of experts and specialists, it should be noted that both in the doctrine and in the law enforcement practice of forensic science there are many debate issues, starting from the specifics of legal the status of expert, specialist and ending with the problematic aspects of the production of certain types of forensic examinations.

Unfortunately, the sources available today are oriented almost exclusively to the problems of appointing and conducting traditional criminal examinations, in addition, in most cases they are descriptive. In addition, these publications are scattered, are departmental in nature, and are usually devoted to one or more kinds of examinations that are most common in investigative and judicial practice.

Today, in the conditions of intensive development of science and technology, the investigating and judicial authorities often quite sharply raise the question of the need to use non-traditional types of expertise in the investigation process, such as psychophysiological cybernetic, etc., however, the possibility of their implementation is often complicated by legal and organizational in nature. Difficulties also arise in determining the legal status of the head of an expert institution, as well as the legal nature of his relations with full-time experts.

One of the urgent problems of the domestic criminal process for a long time continues to be the possibility of appointing and conducting a forensic examination before initiating a criminal case.

In recent years, cases of the use of alternative forms of special knowledge by participants in the defense process have become more frequent. Among them, the results of the so-called non-judicial examination (private examination), which is initiated by the participants in the process in order to defend their procedural interests, are especially prevalent.

The range of issues related to forensic science and its results, due to changes and additions to the draft Code of Criminal Procedure of the Kyrgyz Republic (as part of open expert discussions on improving justice in the Kyrgyz Republic, June 16-25, 2014) turned out to be related to the activities of such a holder of special knowledge as specialist and provides for the possibility of forming this party to criminal proceedings a new type of judicial evidence for the domestic criminal trial - expert opinion [1].

Among scholars and practitioners, discussions do not stop both on the essence of this legal phenomenon, its role in judicial proof, and on the relationship of the expert's opinion with the expert's opinion on a number of positions related to the provisions of the criminal process and criminalistics.

These circumstances, as well as the need to improve forensic support in Kyrgyz criminal proceedings under the new criminal procedure legislation and the current state of development of theoretical and regulatory aspects of the use of special knowledge in criminal proceedings cannot be unambiguously recognized as completed.

Currently, there are many controversial and unresolved issues in the criminal procedure regulation, concerning both the procedural status of an expert or specialist, and the procedure for appointing and conducting an examination in a criminal case.

To date, the main areas of activity and tasks of the State Center for Forensic Examination (hereinafter referred to as the SCFE) are enshrined in the Regulation on the specified state body, approved by the Government Decree of April 30, 1999 No. 243, the following main areas [2]:

- Conducting forensic, engineering, economic, economic examinations on the instructions of the judicial investigating authorities in the investigation and consideration of criminal and civil cases;
- implementation of the development of basic directions for conducting scientific research in order to develop and improve production methods for various types of forensic examinations based on the latest achievements of science and technology;
- providing law enforcement bodies with methodological and methodological assistance in the application of special knowledge and technical means, coordination of this work;
- development of forms and methods of training personnel in the field of forensic examination and organization of training and advanced training of experts of the Kyrgyz Republic;

- the formation of the main directions of development of the theory and practice of forensic examination of the Kyrgyz Republic.

GCCSE is today the only independent specialized institution of the republic, carrying out practical and scientific research in the field of forensics and forensic science. The main goal of the SCFE is to provide law enforcement, fiscal, and judicial authorities with the necessary expert opinions in criminal and civil cases.

Today in the SCFE, 48 types of forensic, engineering, and economic examinations are conducted. The production tasks of the SCFE are determined by the direct activities of the judicial investigative authorities in the detection, consideration and prevention of crimes.

Every year, SCFE develops 6-7 guidelines for experts and forensic investigators on the study of new facilities and improvement of research methods.

Only in the last 10 years, a new species research has been organized at the SCFE:

- narcotic and psychotropic substances,
- currencies
- excise stamps,
- documents of foreign states,
- photocopies of documents,
- weapons and ammunition of foreign manufacture,
- explosive devices,
- precious stones and metals,
- gold ore
- Broken numbers of units of vehicles,
- cars of foreign manufacture,
- tax results,
- lending,
- indexation and economic activities of legal entities.

In addition, the activities of the SCFE are related to the performance of additional functions.

A comparative analysis is constantly being carried out on all types of examinations to adjust the structure and staff, prepare appropriate specialists and draw up plans for research work.

Judicial and investigative experts from the SCFE and its branches annually give more than 500 consultations on the possibility of examinations conducted in the SCFE, the collection of material evidence and the preparation of materials for various types of examinations.

Lectures and seminars are systematically held for investigators of the Ministry of the Interior, the State National Security Service, and the prosecutor's office, where, along with the above issues, the shortcomings that are allowed in the appointment and production of examinations are examined.

The concept of developing forensic science proceeds from the primary role of expertise in the process of proving criminal and civil cases, providing law enforcement and judicial authorities with compelling and irrefutable evidence. High-quality examination allows not only to effectively deal with crime and offenses, but also helps to protect the citizens' rights and interests.

In the context of the further establishment of the Institute for the Protection of Human Rights, the rule of law and the law, the improvement of forensic science that meets all modern realities, the conduct of practical and scientific research in this area are of particular importance.

To achieve this goal, the Concept of development of forensic science provides for the solution of the following priority tasks:

- The establishment of a single control over the quality and timeliness of forensic examinations;
- Organization of research work in forensic activities;
- development of a unified approach to the preparation of qualified experts for expert institutions in the indicated field of activity;
- the introduction of a clearer differentiation of employees in terms of qualifications, work experience and nature of activity;
- solving problems of the legal and organizational nature of forensic examination and investigative practice;
- development of international cooperation in the field of forensic activities;
- meeting the needs of judicial investigative practice in terms of providing background information and the holding of forensic examinations.

Thus, the implementation of these tasks must be planned and implemented in accordance

with the Action Plan, which is an integral part of the Development Concept. It should be noted that the effective implementation of the Concept primarily depends on the logistics, the introduction of modern information and innovative technologies in the activities of the SCFE.

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LEGISLATIVE REGULATION OF COMBATING CRIMES RELATED TO HAZARDOUS CHEMICAL, BIOLOGICAL, RADIOACTIVE AND NUCLEAR MATERIALS IN UKRAINE

In Ukraine, a situation arises when, from time to time, different types of emergencies of man-made, natural origin arise, which belong to factors that destabilize the internal security of the state. One of the factors that can create preconditions for the emergence of real threats to human life and health, public safety, environmental state is the illicit circulation of chemical, biological, radioactive and nuclear materials. Improper handling of these materials results in fires, explosions, long-term contamination of the terrain, poisoning, disease, personal injury, damage to structures and vehicles.

On the one hand, violations of the rules for dealing with these dangerous materials pose a threat to society, on the other - these materials can act as a means of committing crimes and, in the first place, crimes of a terrorist nature. In addition, the geographical location of our country, its developed nuclear complex, experience in participating in nuclear programs of the USSR potentially determine Ukraine in the risk zone for the activity of organized crime groups, the purpose of which is to seize radioactive materials or to arrange their transit.

The legal regulation of the circulation of chemical, biological, radioactive and nuclear materials in Ukraine is regulated by a number of legislative acts;

- The Law of Ukraine of 14.01.1998 “On Protection of Man from the Effect of Ionizing Radiation”;
- The Law of Ukraine of 18.01.2001 “On high risk objects”;
- Law of Ukraine of 08.02.1995 “On the Use of Nuclear Energy and Radiation Safety”;
- The Law of Ukraine of 11.01.2000 on Permit Activities in the Field of Nuclear Energy;
- The Law of Ukraine of 30.06.1995 “On Radioactive Waste Management”;
- Law of Ukraine of 19.10.2000 on the Physical Protection of Nuclear Installations, Nuclear Materials, Radioactive Waste, and Other Ionizing Radiation Sources;
- Law of Ukraine of 16.11.2005 “On ratification of the Additional Protocol to the Agreement between Ukraine and the International Atomic Energy Agency on the application of guarantees in connection with the Treaty on the Non-Proliferation of Nuclear Weapons”.

As we can see, Ukraine has developed a significant legal framework in the years of independence to protect against the violation of the rules for handling these hazardous materials, and has accumulated a great deal of legislative experience, but today there are a number of legal problems that remain insufficiently resolved. In particular, some norms of special normative legal acts on the provision of lawful treatment of dangerous substances with the legislation of Ukraine, which regulate public relations in this field, are in need of harmonization.

Violations of the rules for the treatment of chemical, biological, radioactive and nuclear substances may result in the exit of these dangerous items from control, use for criminal purposes, causing explosions, fires, arson, irradiation, contamination of the terrain, etc.

In order to prevent the negative consequences of violating the rules of chemical, biological, radioactive and nuclear materials, a system of legal measures has been created in Ukraine, includ-

ing criminal liability for illicit trafficking in these items.

Analysis of the Criminal Code of Ukraine gives us reason to identify 4 groups of crimes related to dangerous chemical, biological, radioactive and nuclear materials.

Group 1 is a crime that is related to the trafficking of these substances. Such crimes include:

- smuggling (Article 201), which provides for movement across the customs border of Ukraine outside the customs control or with the concealment of toxic, powerful, explosive substances, radioactive materials from customs control;

- abduction, misappropriation, extortion of firearms, ammunition, explosives or radioactive materials or seizure of them by fraud or abuse of office (Article 262);

- unlawful treatment of radioactive materials (Article 265), which provides for the acquisition, carrying, storage, use, transfer, modification, destruction, dispersion or destruction of radioactive materials (sources of ionizing radiation, radioactive substances or nuclear materials in any host material physical condition in the installation or product or in any other form) without the legal permission;

- the illicit manufacture of a nuclear explosive device or device that scatters radioactive material or emits radiation (Article 265-1). It is criminalized if this device could cause death, damage to human health, large-scale property damage or significant environmental contamination due to its properties.

- the threat of abduction or the use of radioactive materials (Article 266). An indispensable feature of this crime is that such a threat is made in order to compel an individual or a legal person, an international organization or a State to take or abstain from any action if there were reason to fear the threat.

Group 2 of crimes are crimes that are related to unlawful acts aimed at violating the activities of objects where these dangerous materials are stored:

- sabotage (Article 113);

- attack on objects that have objects that are of high danger for the environment (art. 261), in particular objects on which radioactive, chemical, biological or explosive materials, substances are manufactured, used or transported. , items;

- crimes in the field of the use of electronic computers (computers), systems and computer networks and telecommunication networks (Section XVI of the Special Part of the Criminal Code), that is, crimes that may pose a cyber threat to systems of physical protection of critical infrastructure objects .

It is worth noting that in the conditions of war there is a threat of cyber attacks, in particular at nuclear power plants, which have four of 15 power units in Ukraine. By number of power reactors, Ukraine ranks 10th in the world and 5th in Europe.

Group 3 of crimes are crimes that are related to violations of the following materials:

- violation of the rules for the handling of explosive, flammable and caustic substances or radioactive materials (Article 267), ie violation of the rules for storage, use, accounting, transportation of explosives or radioactive materials or other rules for handling them, or illegal transfer of these substances or materials by mail or cargo, if such violation created the risk of death or loss of life or the occurrence of other grave consequences;

- violation of the requirements of the radiation safety regime (Art. 267-1), ie movement by any means outside the exclusion zone or the zone of unconditional (mandatory) eviction without granting by the law permission or carrying out dosimetric control of food of plant and animal origin, industrial or other products, animals, fish, plants or any other objects;

- breach of the rules of nuclear or radiation safety (Article 274), that is, the breach of these rules on production by a person who is obliged to observe them if it created a threat of death or other serious consequences or caused harm to the health of the victim;

- violation of sanitary rules and norms regarding the prevention of infectious diseases and mass poisoning (Article 325);

- violation of the rules of treatment with microbiological or other biological agents or toxins (Article 326);

- violation of the rules for handling weapons, as well as substances and objects that pose a high danger to the environment (Article 414), including radioactive materials. The peculiarity of this criminal rule is that the subject of the crime is a serviceman.

Group 4 of crimes are crimes where dangerous substances can also be used as a means of committing such socially dangerous acts as: premeditated murder (Article 115); terrorist act (Article 258); the use of weapons of mass destruction (Article 439); development, production, acquisi-

tion, storage, sale, transportation of weapons of mass destruction (Article 440); other crimes.

It should be noted that in the Verkhovna Rada the draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Combating Terrorism" was registered (No. 6438 of 12.05.2017) [1], according to which by amending the Criminal Code of Ukraine and laws accordingly. Of Ukraine "On Combating Terrorism", "On Physical Protection of Nuclear Installations, Nuclear Materials, Radioactive Waste, Other Ionizing Radiation Sources" in the Definition of "Nuclear Terrorism" and "Nuclear Terrorism Act", as well as the Establishment of Crime the responsibility for committing terrorist acts involving the use of nuclear, chemical, bacteriological (biological) and other weapons of mass destruction, their components or against high-risk objects.

In particular, it is proposed to define:

1) nuclear terrorism as a crime committed for the purpose of terrorism with the use of or in relation to a nuclear weapon, nuclear installation, radioactive material, an object intended for the management of radioactive waste and aimed at the mass destruction of people, personal injury or other harm health and / or damage to property or the environment;

2) act of nuclear terrorism - committed with the use or in relation to a nuclear weapon, nuclear installation, radioactive material, an object intended for the management of radioactive waste, a criminal act, the liability of which is provided for in Part 2 of Art. 258 of the Criminal Code of Ukraine.

Nuclear terrorism is a new type of illegal activity. Therefore, this problem is relevant to Ukraine as a country with advanced nuclear energy. Especially after the control of part of the territory of Ukraine passed to terrorist groups ("DPR", "LPR") and the Russian Federation.

Thus, in 2015, the expert community InformNapalm.org reported in the material "Nuclear Terrorism" and "Dirty Bomb" in "DNR" that a burial ground of radioactive waste and a waste source was located in the Donetsk Chemical Products Plant under the control of the so-called DNR. radiation (about 150 containers). The situation regarding the provision of storage regime for radioactive waste and sources of ionizing radiation remains uncontrolled and is complicated by the fact that due to the powerful explosions the upper layer of the burial ground has been partially destroyed. Also, according to insiders, there is a high likelihood of the use of radioactive waste by certain groups of "DNR" and sources of ionizing radiation in the manufacture of the so-called "dirty bomb" or transfer (sale) to other terrorist organizations [2].

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**INTERNATIONAL COOPERATION UNDER CRIME PREVENTION PROJECT
AS THE BASIS OF CENTRALASIATIC SECURITY**

Summary: Implementation of the Crime Prevention project and the further development of organized crime units.

Keywords: International cooperation; organized crime; the Crime Prevention project.

The state of organized crime in the Kyrgyz Republic is a matter of serious concern. In recent years, there has been a significant increase in serious crimes committed by organized crime groups.

The measures taken are not always adequate to criminal manifestations, which are sometimes not sufficiently coordinated and coordinated. As a result, the scale of organized crime, the possibility of its penetration into the economic, political, social and financial spheres, which have a destabilizing effect on the entire course of socio-economic transformations, are increasing.

The prevailing criminal situation and the socio-political situation urgently necessitate the adoption of appropriate measures aimed at improving information support, optimizing the legal framework, and carrying out specific coordinated measures by law enforcement and other bodies of the criminal justice system in the fight against organized crime.

Organized crime is a dangerous social phenomenon that poses a real threat to state security. It is transnational, international in nature (drug trafficking, corruption, smuggling, terrorism, extremism, trafficking in people, weapons, technology, etc.) with widely ramified, concealed criminal connections. Organized crime stubbornly opposes economic, social, and political transformations in the CIS countries, in particular, in the Central Asian region.

After the collapse of the USSR (1991), organized crime became widespread. The struggle for spheres of influence, privatization of state property, raiding, the emergence of shell companies, the seizure of land, violation of the border regime, religious extremism, frequent terrorist acts and other manifestations of aggressiveness of organized crime required vigorous measures to ensure public safety and strengthen the state.

One of such measures in terms of implementing a national program to strengthen law and order in the Kyrgyz Republic for 1992-1997 was the creation of an independent department to combat organized crime and banditry in the Ministry of Internal Affairs of the Kyrgyz Republic - the UBOPB. On July 26, 1996, such a management was formed by a government decree due to the redistribution of personnel and the reorganization of the structure. An additional \$ 250,000 was allocated from the budget, and a 3-storey building of the former radio club DASAAF was allocated for accommodation.

The decision determined the main direction of the UBOPB activity - the identification, suppression and investigation of crimes committed by criminal groups, the protection of the country's economy from them, the suppression of the drug business, the introduction of international experience, new police management technologies, crime investigations, the strengthening of business contacts with law enforcement agencies, the development of methodological benefits. To strengthen the potential of the Ministry of Internal Affairs in the fight against organized crime, to better use foreign experience, on December 27, 1996, UNDP, the Government of the Kyrgyz Republic and the Ministry of Internal Affairs signed the draft KYR / 96/005 "Crime Prevention", prepared

by a group of international experts. The project was designed for 3 years. The Danish government was the first to support the project as a donor, contributing \$ 500,000, and UNDP - \$ 250,000.

These funds were invested in training the personnel of the Ministry of Internal Affairs in the modern methodology and tactics of combating organized crime on the basis of the International Police Academies, higher police educational institutions in Germany, Kyrgyzstan, the Netherlands, England, Russia, Denmark, the USA and other countries, for conducting sociological research, introducing into the practice of the latest technologies, computerization and updating of operational records, the acquisition of vehicles, telephone and radio communications, special equipment, police special equipment, to organize Regular visits of international consultants and experts to Kyrgyzstan to conduct thematic trainings, provide practical assistance, and transfer experience. This had a positive effect on performance indicators, crime detection.

By the order of the Minister of Internal Affairs, the national director of the KYR / 96/005 project approved the head of the UBOPB of the Ministry of Internal Affairs, police colonel B.K. Bayzakov, and the manager - retired police colonel Z. Yelichenko. The project office was located in the UBOPB building allocated by the Bishkek City Hall. Due to attracted funds and sponsorship, this building at Lane. Botanical, 1 in Bishkek was reconstructed and overhauled. In addition to office rooms, a classroom, a computer information center, a communications center, a library, and a gym are located here.

By order of the project, specialists of the Ministry of Internal Affairs Information Center developed a model of an information-analytical program that made it possible to widely use a computer network to accumulate and analyze operational information.

Sociological studies of victims of crime and the causes of organized crime were conducted. National project consultants have developed a number of thematic manuals on this topic. On the basis of the UBOPB training center, 3 scientific and practical conferences were held with the participation of scientists, heads of the Ministry of Internal Affairs, experts from 12 countries, a seminar of UNDP project managers. Study tours were conducted in Holland, Germany, England, which made it possible to get acquainted with the experience and practice of the police services of these countries, the selection and training system.

Summing up the implementation of the comprehensive program "Crime Prevention", the first three-year activity of the UBOPB, in the report at the meeting of the Coordinating Council on July 31, 1999, it was emphasized that 544 criminal authorities were identified and registered, of which 120 leaders of criminal clans were exposed and attracted participants of 181 criminal gangs were held accountable, which made it possible to reduce organized crime and prevent the bloody division of the sphere of influence of organized crime groups; 5982 firearms were removed from the criminal turnover. The work of the police became more transparent, the media began to write about her problems more often, the public began to help her more. Created 368 strongholds of public order.

The Coordination Council approved the work done on the implementation of the Crime Prevention project and decided to extend it for another 2 years, having found additional donor funds, and approved a new target program.

However, it was soon decided to combine the Organized Crime Control Department with the Criminal Investigation Department of the Ministry of Internal Affairs, to concentrate material and technical resources, experienced personnel, and operational records in one department - the Main Criminal Investigation Department of the Ministry of Internal Affairs of the Kyrgyz Republic, headed by B. Subanbekov.

The Organized Crime Control Department became part of Glaucus as a structural unit with a reduction in personnel and certain functions.

An analysis of the criminal situation in the republic since 2000 indicates a sharp deterioration associated with the intensification of the illegal activities of organized criminal communities. For the specified period to date, more than 30 murders have been committed with the use of rifled firearms with signs of criminal showdowns and "custom-made nature", which caused a public outcry. Controlling the cash flows of the shadow economy, drug business, and other areas of illegal activity, as well as having illegal weapons, individual leaders and active members of the groups tried to penetrate state and elected bodies and influence on making political decisions.

As a result, organized crime became a real factor restraining the development of economic reforms and, to a certain extent, a threat to national security in the republic. The current situation to a certain extent caused public distrust of state and law enforcement agencies.

In order to take drastic measures to stabilize the situation and provide an adequate response

to organized crime, by order of the Government of the Kyrgyz Republic No. 568 dated 12/19/2006, the Main Directorate for Combating Organized Crime with a total of 67 certified employees was re-established.

The initial staffing was 67 certified employees, of which 20 were in three densely populated southern regions of the republic.

As a result of the last reorganization (May 15, 2007), the number of employees was increased to 90 persons. The increase was due to the creation in the structure of the Investigative Department in the amount of 15 employees, 5 of which were transferred to the Office for the Southern Regions and an additional 8 dedicated operational personnel.

On May 15, 2007, by order No. 226 of the Ministry of Internal Affairs of the Kyrgyz Republic, a specialized investigative department was established in the structure of the GUBOP of the Ministry of Internal Affairs of the Kyrgyz Republic with a staff of 15 employees, 5 of which are for servicing the regional department for combating organized crime with a location in Osh).

In order to constantly monitor the operational situation in the republic, the additionally allocated staff units were distributed as much as possible by region:

- regional administration in the southern regions - 25 employees;
- Bishkek - 13 employees;
- Chui - Talas - 13 employees;
- Issyk-Kul - Naryn - 6 employees.

The central office consists of 33 employees, including: 10 investigative officers, OBNON - 5 employees, the OCG economic fundamentals department - 5 employees, the analytical department - 5 employees, and OTO - 4 employees.

In 2008, the GUBOP of the Ministry of Internal Affairs was reorganized as a department for combating organized crime, which was abolished in 2009 by merging with the GUUR of the Ministry of Internal Affairs, which included a department for monitoring leaders of the criminal environment with a staffing of 16 people.

Such a hasty reorganization of the department of the Organized Crime Control Department of the Ministry of Internal Affairs at a time when this service was steadily strengthening in Russia, Kazakhstan, Tajikistan, Uzbekistan and some other CIS countries, had negative consequences: weakened business contacts, exchange of operational information, and joint operations. Donor foreign aid has temporarily declined. Organized crime during the reign of Bakiev K. again raised her head, was introduced into the economy, into power structures, influenced the formation and use of budget funds, bank capital. Corruption has grown markedly. One of the measures aimed at strengthening democracy and implementing the plans of the April (2010) people's revolution in Kyrgyzstan was the revival of self-service in the Ministry of Internal Affairs system to combat organized crime and corruption.

The fateful year for the GUBOPiK of the Ministry of Internal Affairs was 2011, when, on the instructions of the President of the Kyrgyz Republic, Otunbaeva R.I., the Government of the country revived an independent Main Directorate for Combating Organized Crime and Corruption (GUBOPiK) in the Ministry of Internal Affairs. Speaking at a meeting of the collegium of the Ministry of Internal Affairs of the Kyrgyz Republic on January 25, 2011, R. I. Otunbaeva criticized the law enforcement authorities for the shortcomings in combating organized crime: lack of an offensive, preventive factor, low professionalism, poor knowledge of criminal intentions, inability to deeply analyze the current socio-political situation, weak interaction with other law enforcement agencies, government agencies and the public. Organized crime merged with power structures, worked to privatize state property, destabilized the situation, engaged in racketeering, laundering dishonestly acquired money, and armed itself. She was involved in the tragic events in the south of the republic, where in the summer of 2010 an ethnic conflict broke out, killing hundreds of human lives.

In order to implement the instructions of the President and the instructions of the Prime Minister of the Kyrgyz Republic, voiced at a meeting of the collegium of the Ministry of Internal Affairs of the Kyrgyz Republic on 01/25/2011, as well as real counteraction against organized crime and eradicating its manifestations, on 3 February 2011, the Main Directorate for Combating Organized Crime was established in the structure of the Ministry of Internal Affairs of the Kyrgyz Republic crime and corruption, Glavka divisions were staffed with experienced personnel, which was approved by order of the Ministry of Internal Affairs of the Kyrgyz Republic No. 109 of 02/03/2011.

In the structure of the GUVd of Bishkek and the Chui oblast, departments were created, in

the city of Osh - the department for the southern region, and as part of the GUV D of the Osh region, the Department of Internal Affairs of the regions and the city of Osh - departments. The Regulation, the structure of the GUBOPiK Ministry of Internal Affairs, a program of activities for the near future have been developed.

The main tasks of the Main Directorate are the separation of organized criminal communities, the identification of their financial foundations, channels of legalization, the suppression of persistent corruption and the penetration of organized crime into state structures, including elected bodies and local governments. In the structure of the GUBOPiK of the Ministry of Internal Affairs, the Anti-Corruption Department (UBK Ministry of Internal Affairs) was created consisting of: departments for combating smuggling, corruption in the state power system, department for protecting the economy and investments, department for protecting financial and banking spheres, and an operational search department for combating with embezzlement and other crimes at the Makmalzoloto gold mining plant of Kyrgyzstal'tyn JSC. The Criminal Code of the Ministry of Internal Affairs was created in order to neutralize the financial potential of organized crime groups, to prevent the legalization of criminal proceeds, to launder money, and to identify corruption ties.

The newly formed units in a planned manner carry out targeted measures aimed at identifying, suppressing and exposing the criminal activities of organized crime and its manifestations.

In 2013, by order of the Ministry of Internal Affairs of the Kyrgyz Republic No. 01 dated 04/03/2013, the GUBOPiK of the Ministry of Internal Affairs of the Kyrgyz Republic was transformed into the GUBOP of the Ministry of Internal Affairs of the Kyrgyz Republic with 50 employees.

At present, the number of the GUBOP of the Ministry of Internal Affairs of the Kyrgyz Republic has been increased to 143 employees, which include the Organized Crime Control Department for the Issyk-Kul and Naryn Oblasts; the GUBOP for the Ministry of Internal Affairs of the Kyrgyz Republic;

For the 12 months of 2013, as a result of activities of an operational-search nature, 198 subjects of organized crime were detained and prosecuted, 35 of which were previously wanted.

To cope with such complex, diverse responsibilities, only a well-coordinated, united team united by a common goal and well aware of their tasks can do it. The GUBOP Ministry of Internal Affairs staff is steadily increasing its pace, improving its style and method of work, and sees the prospect of its work in increasing the professional skills and personal responsibility of each employee.

Thus, over 20 years of activity of specialized bodies engaged in the fight against organized crime, the organizational and legal foundations of this activity have been formed, a mechanism for combating crime in their organized form has been developed, the main directions and spheres of the fight against organized crime have been identified, and a regular structural organization has been formed.

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WEAPONS LAW: GENESIS OF BASIC RESOURCES

As of 2020, Ukraine remains the only country in Europe that does not have its own legislation to regulate the circulation of civilian firearms. In the aspect of the well-known provision, according to which the presence of special regulations in this field should be considered as one of the necessary and sufficient conditions for the formation of a certain legal grouping, this circumstance could be considered as indicating that there is not only the specificity of social relations (armed), which are regulated and constitute the subject of self-regulation, but also about the lack of state interest in the existence of an armed group of legal acts.

However, this does not mean at the moment that the weapon is inaccessible to the citizens and the average person is not able to buy the weapon and the armed relations are not regulated at all. So far, the basic normative legal act of the arms legislation remains the departmental order established by the order of the Ministry of Internal Affairs of Ukraine (hereinafter - the MIA) [1].

Summing up the study of justice and legal culture as a prerequisite for expanding the current scope of the human right to arms in Ukraine, D.S. Boychuk rightly notes that the topic of legislative regulation of the human right to bear a weapon has a place of honor in domestic and foreign legal studies. The regulation of such a human right can be carried out not only by the norms of the law, but also by the corporate norms, the legal custom. Such additional social regulators are factors that have a positive impact on raising both the level of awareness of specific individuals and the enhancement of the level of legal culture in society as a whole [2, p. 20].

Numerous works of scientists representing different social sciences are devoted to the study of various aspects of the human right to arms. Undoubtedly, weapons have been and remain the subject of attention by legal scholars, and not of one specialty, but of representatives of different branches of law. Thus, some elements of the legal regime of weapons were investigated within:

- 1) administrative law - as an object of the permit system [3];
- 2) civil law - as an object of civil law relations [4];
- 3) criminal law - as the subject of the relevant crime or as an instrument of commission [5];
- 4) forensic science - as an object of forensic research [6];
- 5) forensic law as an object of forensic ballistic examination [7];
- 6) international law - as an object of international legal regulation [8];
- 7) martial law - as an object of military relations [9], etc.

However, unlike foreign lawyers, there is a lack of specialized research on weapons not only as an object of armed relations, but also of gun law in general, in Ukraine today. In many respects, this situation is explained by the already mentioned lack of a basic source - the legislative act on weapons. The recent genesis of the latter, since 1995, testifies that every consideration of draft laws on the regulation of the circulation of civilian firearms has failed to no avail - none of them has become a relevant law [10].

Turning to the chronology of lawmaking activities of the Ukrainian Parliament, you can find a number of these weapons bills that have left their mark in the database "Legislation of Ukraine" of the official web-portal of the Verkhovna Rada of Ukraine: 1) 1995 - the draft law "On Arms" : submitted by the Cabinet of Ministers of Ukraine; submitted to Parliament for consideration in accordance with Resolution of the Presidium of the Verkhovna Rada of Ukraine "On the Draft Law of Ukraine on Weapons" No. 338/95-PV dated 05.06.1995; 2) 1997 - the draft law "On Weapons": the resolution of the Verkhovna Rada of Ukraine "On the Draft Law of Ukraine on Weapons, submitted by National Deputy of Ukraine Nedryhail V.M. No. 682/97-BP dated 03.12.997; 3) 1997 - Model Law on Weapons adopted at the tenth plenary session of the Inter-Parliamentary Assembly of the States Parties to the Commonwealth of Independent States (Resolution No. 10-11 of 06.12.1997); 4) 1998 - Draft Law on Weapons No. 1032-1 of May 26, 1998, submitted by O.Y. Danilchuk; 5) 1998 - Draft Law on Weapons No. 1032-2 of November 10, 1998, submitted by Karmazin Y.A. and Mukhin V.V.; 6) 2000 - Draft Law on Weapons No. 1032-3 of 06.07.2000, submitted by Bilas I.G.; 7) 2001 - Draft Law on Weapons No. 1032-d of 15.06.2001, initiated by Karmazin Y.A., Bilas I.G., Danilchuk O.Y. and Mukhin V.V.; 8) 2002 - Draft Law on Weapons No. 1171-1 of 2 October 2002, initiators – Chernovetsky L.M. and O.I. Rimaruk; 9) 2002 - Draft Law on Weapons No. 1171 of 22.11.2002 Initiators - Karmazin Y.A. etc.; 10) 2003 - Draft Law on Weapons No. 1171-2 of 8 October 2003, initiated by a group of National Deputies of Ukraine (hereinafter - NDU) - Vinsky Y.V., Razvadovsky V.Y., Bulba S.S., Korol V.M., Zubov V.S.; 11) 2003 - Draft Law on Weapons No. 1171-d of October 29, 2003 initiators - O. Bandurko. and Nechiporuk V.P.; 12) 2008 - Draft Law on Weapons No. 3069 of 08/22/2008 Initiators - V. Gritsak and Pudov B.M.; 13) 2009 - Draft Law on the Circulation of Non-Military Weapons № 2105 of 09.02.2009 initiated by NDU - Moysik V.R., Gritsak V.M., Prokopchuk Y.V. and Pudov B.M.; 14) 2012 - Draft Law on the Circulation of Non-Military Weapons № 0885 dated 12.12.2012 was submitted by NDU Initiative Group Moysik V.R., Gritsak V.M., Prokopchuk Y.V. and Pudov B.M.; 15) 2013 - the draft law on the permitting system in the field of the treatment of specially defined types of weapons, ammunition, personal protective equipment and active defense, explosive materials of industrial purpose No. 3066 of 09.08.2013, submitted to the Verkhovna Rada of Ukraine Prime Minister of Ukraine Azarov M.Y. September 18, 2013; 16) 2014 - Draft Law on Civilian Firearms No. 1135 of 01.12.2014 (Main), initiator of

the Bill - Kaplin S.M.; Draft Law on Civilian Weapons and Ammunition No. 1135-1 of December 10, 2014 (alternative), initiators of Bill - the Illenko I.Y. etc.

Bill No. 1135 provided for the legalization of the right to purchase and use firearms for civilian use, including shotguns. But the procedure for acquiring weapons is not based on a permit basis: the right to issue a document for possession of a weapon is granted to the seller. Alternative Bill No. 1135-1 provided for the appropriate classification of civilian weapons and ammunition. The first category includes pneumatic weapons up to 4.5 mm caliber, with a flight speed of a metal element up to 100 m / s and a firearm under a Flaubert cartridge up to 4.5 mm. The purchase of such weapons does not require authorization. Other categories, including shotguns, long-barreled, gas and airguns, as well as Flaubert cartridges of more than 4.5mm caliber, will require a permit issued by the relevant state executive.

The results of legislative work of National Deputies of the 8th convocation, although they contain a number of unconditionally substantiated provisions governing the armed relations and could obviously be the subject of discussion, instead, both bills were withdrawn on 29.08.2019 - on the day of the first session of the Verkhovna Rada th convocation.

The latter also did not linger about its involvement in the development of gun laws of the country. Currently, there are two bills under consideration in the Verkhovna Rada of Ukraine: 1) the Draft Law on Weapons No. 1222 of 2 September 2019 (main), the initiators of the Bill Fris I.P. and Matusевич O.B.; 2) the draft law on arms trafficking No. 1222-1 of September 20, 2019 (alternative), initiators of the Bill - Bakumov O.S. and others.

Both are proposed by National Deputies from the majority, but they have quite significant differences. The main bill proposes to establish the classification of firearms, the list of civilian weapons, depending on the purpose and caliber, which may be in free circulation and which is prohibited, the procedure for creating and maintaining the Unified State Register of Civilian Weapons; powers of "subjects of the Unified State Register of Civilian Weapons"; general principles of civilian use (turnover) of weapons and ammunition; general principles for the exercise of the rights and obligations of civilian gun owners; the procedure for obtaining the right to civilian arms and ammunition; restrictions on the right to civilian arms and ammunition; rules on state control in the field of arms trafficking and a number of other issues, as well as to amend the current legislation in connection with the adoption of this law.

It should be acknowledged that the regulations of the MIA governing the circulation of firearms in the state, in fact, duplicate the basic provisions of the former Soviet legislation. The vast majority of these norms do not even regulate established social relations in the area of the arms trafficking. In particular, there is still no single state register of gun owners, no legal grounds for the activities of shooting sports organizations, no classification of modern weapons, etc. In addition, guidance in this area, contained in Council Directive 91/477/EEU of the European Society of Controls on Acquisition and Possession of Weapons (Luxembourg, 18.06.1991), has not been taken into account (subject to changes and additions made) Directive 2008/51 of the European Parliament and of the Council of 21.05.2008).

An alternative bill aimed at legislative regulation of relations arising during the circulation in Ukraine of firearms, cold air guns, ammunition, as well as constructively similar weapons and ammunition products; definition of the legal regime of their circulation, rights and duties of persons who own them; establishing requirements for the production, acquisition, use, alienation and settlement of other public relations related to the trafficking of arms. Depending on the technical characteristics, as in the main draft law, the alternative bill proposes division of weapons into 4 categories, but unlike the main project, these categories are indicated not by numbers, but by letters (A, B, C, D) and based on a few other criteria. The bill also proposes to establish a Unified State Register of Weapons, which systemizes information about each unit of weapons and their turnover throughout the life cycle - from production to destruction or disposal. The registry of the MIA (in the draft No. 1222 - Ministry of Justice of Ukraine) should be kept by this Register. At the same time, the rules of this project do not apply to the circulation of weapons and ammunition of law enforcement agencies and the Armed Forces of Ukraine (weapons of military service), as well as to other individual weapons.

01/15/2020 The Law Enforcement Committee registered draft resolutions on the re-first reading of the draft laws (Nos. 1222 and 1222-1) in order to finalize them as a result of which a joint bill should become. Therefore, on 04.02.2020 both draft laws were returned for revision to the initiators.

So, of course, weapons are a huge personal and civic responsibility, but in today's difficult

conditions, both the authorities and the Ukrainian society must become closer to an adequate awareness of the need for an armed culture as part of social life.

The absence of a law on arms in the country is a fact of violation of the foundations of the rule of law, in which legal relations in the sphere of arms trafficking require not a by-law, but a legislative regulation. Due to the stabilizing role of laws, the harmony and purposefulness of the legal system of the state is achieved. The most important substantive criterion of a legal law is inalienable, inalienable human rights, and its actual application is possible only in the rule of law.

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PLANNING OF CRIMINAL PROCEEDINGS AT THE PRE-TRIAL INVESTIGATION (CRITICAL ANALYSIS ON THE CASE OF CRIMES AGAINST ENVIRONMENT)

Clear planning in the system of investigation is essential for the successful resolution of criminal cases against environmental crimes.

Generally speaking, an investigation organization is a set of interrelated elements that provide the whole process of investigation. Its main elements include: 1) planning an investigation; 2) provision of resources (technical, personnel, regulatory, etc.); 3) ensuring cooperation in the investigation process between investigative bodies, operatives, specialists, experts, employees of supervisory bodies; 4) preparation for conducting procedural and other actions or their complexes; 5) providing qualified leadership to the investigative task force (hereinafter referred to as the ITF), which consists of: a) a clear division of responsibilities between its members; b) continuous monitoring of the activities of the members of the ITF, including by holding operational meetings to

discuss the results and subsequent tasks of the investigation; c) establishing a systematic exchange of information between the participants of the ITF; 6) other organizational measures necessary for effective investigation of criminal proceedings [1, p. 232-233].

The role of the bridge, which combines the versions with objective reality, is fulfilling the plan of investigation. If versioning is to be considered as retrospective modeling, then planning is predictive. Retrospective errors during the implementation of a plan can be amplified many times during the planning itself. Then the "break in the chain" will have to be searched for "ringing" along its entire length: from what was the derivative information to what came out after the plan was executed (inclusive) [2, p. 40]. The role of the version in relation to the investigation plan can be called decisive, since the version is the same direction of investigation, which determines the construction of a complex of investigative and investigative measures, which are carried out for the purpose of its verification [3, p. 25].

Planning is an important tool for organizing and managing forensic practice. Its success is fully determined by the quality of previous analytical work on versioning. In this regard, V.Ya. Koldin emphasized that religious work and planning form the core of all the investigator's practical activity [4, p. 39-40].

At the same time, the practice of drafting plans for version verification is a paradoxical situation. It would seem that the smaller the volume and the worse the derivative information, the more there should be "branches on the tree". A typical situation is different - less information, less versions, and a plan - like an inverted tree. It is difficult for many investigators (and operatives) to maintain the volitional tension, to regulate the direction of thoughts, to establish conscious control over the product of their own thought [5, p. 141]. In this regard, a well-known psychologist wrote that the laziness of thought pushes (any person - ed.) To stop the difficult work of analysis, as soon as there is at least any opportunity to reach any conclusion [6, p. 431]. In their turn, the criminals emphasized that the investigators would like to get away from the obligatory but burdensome formality (mental work on the investigation of the material situation of the scene - the car) and move on to what they consider to be the real case. - for the interrogation of witnesses [7, p. 9].

To a certain extent, this is confirmed by the results of our research, as 93% of the investigators we interviewed said that, in practice, the pre-trial planning process is indeed formal. Although investigators are aware of the need for planning, they still prefer an individual approach to this issue, which (as the most common option) is formalized in free-form schemes, because they think they save time, because unlike drafting a pre-trial investigation plan, do not require so much mental effort and are easily perceived in the future. In other words, these schemes are, in fact, a substitute for plans, although they must be supplementary to them. Moreover, during the course of the research we were convinced that in criminal proceedings (cases) under Art. 246 "Illegal deforestation", 247 "Violation of plant protection legislation", 248 "Illegal hunting", 249 "Illegal fishing, animal or other aquatic mining", which can be conditionally called "simple" in comparison with the pre-trial investigation of crimes, that do not even have plans, schemes or plans or activities of a formal nature. The above leads us to support the position of V.Yo.Tarayko that such attitude of investigators to the organization of pre-trial investigation of crimes against the environment is unacceptable [8, p. 191]. And this situation is not specific to these crimes, as V.O. Malyarova emphasized the negative state of planning of crimes against morality in the sphere of sexual relations*.

However, the regulatory planning of the investigation is fixed at the level of departmental legal acts. In particular, in article 4 of the second section of the Instruction on organization of activity of bodies of pre-trial investigation of the National police of Ukraine, approved by the Order of the Ministry of Internal Affairs of Ukraine from 06.07.2017 No. 570 [10], where it is stated that the investigator plans his work so as to ensure timely execution of necessary investigators (investigative actions and unspoken investigative (investigative) actions in all criminal proceedings in which he conducts pre-trial investigation. To that end, it draws up a general calendar of work in all criminal proceedings as well as plans of investigation in each criminal proceeding. In turn, in Art. 1 and 2 of the fifth section "Organization of the work of the ITF during the pre-trial investigation of criminal offenses" Instructions for the organization of interaction of pre-trial investigation bodies with other bodies and units of the National Police of Ukraine in the prevention of criminal offenses, their detection and investigation, approved Order of the Ministry of Internal Affairs of

* According to V.O. Malyarova, 88% of the investigators interviewed draw up a written plan to investigate criminal proceedings. However, 42% acknowledged that for the most part the plan was formal, and only 18% considered that the plans were justified and detailed [9, p. 188].

Ukraine from 07.07.2017 № 575 [11], states that:

1. The activity of the ITF is carried out on the basis of a plan of investigative (investigative) actions and unspoken investigative (investigative) actions, which is developed taking into account the submitted substantiated proposals of all employees included in the JIS. That plan reflects the versions of the offense, the measures aimed at verifying them, as well as the specific executors and terms of execution. The plan is approved by the heads of the pre-trial investigation and operational unit and approved by the head of the territorial police unit. If the plan of investigative (investigative) actions and unspoken investigative (investigative) actions is fulfilled and the criminal offense remains undisclosed, a plan of additional measures is developed. The implementation of these plans is monitored by the heads of the pre-trial investigation body and the relevant operational units in the areas of work.

The operational support of the pre-trial investigation shall be provided from the moment of the establishment of the ITF and until the court has adopted the sentence or decision which has entered into force, or in the case of closing of the criminal proceedings.

2. The employees of the operational units included in the SHOG shall inform the investigator - the head of the ITF on a weekly basis about the status of execution of the written assignments and planned activities, and upon his request shall provide documents confirming the volume of their work.

It is for these reasons that representatives of investigative departments always respond to the absence of plans (calendar, specific criminal proceedings, etc.) in investigators or a formal approach to their preparation, defining it as a drawback.

The stated circumstances are a consequence of lack of understanding by the investigators of the positive aspects of planning, which is a false position, since only proper planning can guarantee the quality of both investigative (investigative) and silent (investigative) actions and pre-trial investigation in general. Having a central role in the organization of crime investigations, the main function of the planning of the investigation is the adoption and practical implementation of organizational and management decisions. The planning of any activity has many advantages as it allows you to manage, organize, and control complex processes. In addition: 1) Planning entails rationality, organization, discipline, harmony and proportionality of activities, and therefore high efficiency; 2) planning allows you to: a) see a picture of a holistic concept; b) clearly define the priority of tasks; c) to phase out the program of activities; d) determine the location of each entity in the implementation of common tasks. That is, due to planning the process of investigation of crime is streamlined [12, p. 211], and in the case of the implementation of a properly drafted plan, the law of time saving becomes effective, as was explicitly stated in the forensic literature of Soviet times [13, p. 20]. Otherwise, underestimation of the issues of planning and organization of the investigation in practice leads to a number of negative circumstances, namely: 1) unreasonable extension of the investigation; 2) randomness and inconsistency of conducting investigative actions and operative-search measures; 3) inefficient use of human and material resources; 4) lack of interaction between the authorities and services involved in the investigation; 5) lack of scientific organization of work and management; 6) violation of procedural rules; 7) poor quality of pre-trial investigation [14, p. 115].

Thus, the issue of planning is an element in the system of investigating environmental crimes, the usefulness of which is underestimated by practitioners. Remedying this situation for the better requires directing the investigator's activity to a responsible attitude to the planning process (as well as to the organization of the investigation in general), awareness of its positive role and orientation to the use in such activity of those achievements, which are sufficiently stated in the scientific and methodological literature.

Properly organized planning allows the investigation to be purposeful, consistent, disciplines the investigator, encourages him to finish the investigation within the time limit established by the law, ensures the completeness and objectivity of the investigation, contributes to obtaining the maximum effect at the lowest cost to the investigator of time, effort and money.

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PROBLEMS OF APPLICATION OF SURVEY OF CITIZENS IN THE PRACTICAL ACTIVITIES OF OPERATIONAL UNITS

In order to solve the tasks of search and operative activity, operational units are endowed with certain rights, one of which is the right to interview persons with their consent. Despite the fact that in the modern world, under the pressure of scientific and technological progress and unprecedented development of information technologies, ways of obtaining information through technical means are becoming more widespread, the poll remains one of the most effective operational and search measures. According to some scientists, 75% of the operative-meaningful information was obtained precisely by conducting this operative-search event [1]. On the other hand, citizen surveys are the simplest means of obtaining information that does not require significant financial or material costs and also does not lead to any violations or restrictions on human and legal rights and freedoms. However, despite the high efficiency of this measure, the legislator, unlike other operational and search measures, does not regulate the issue of registration of the results of the specified event, their further use in law enforcement activities, its concept and essence are not defined. Operators and scientists in their activities operate different concepts of "citizen survey", "operative survey", "silent poll", "intelligence survey", etc.

Some scholars completely identify the intelligence and operational survey (Shinkarenko IR, Kirichenko OV, Khankevich AM, Shynkarenko IO), others (Pogoretsky MA, Rudenko MM) that the terms "intelligence survey" and "operational survey", although very close, but not identical [2, 3].

This leads to some misunderstandings that can lead to significant work flaws. Scientists have long come to the conclusion that the use of the term in two or more definitions, as well as the replacement of one term by another adversely affects the entire process of lawmaking and jurisprudence.

Attempts at the legislative level to define the concept of the survey were made in the draft

Law of Ukraine "On Operational Investigation Activities" of 03.06.2016 № 4778 and 04.04.2017 № 6284 [4, 5]. But both bills were not passed and were not considered.

Thus, in the day-to-day activities of operative employees, in carrying out such an operational search activity, such as a survey, and designing its results, one must be guided by the personal experience and the experience of their colleagues, "quick wit", intuition, etc. The results of the survey in the field of search activities are usually drawn up by reports or certificates, which are drawn up and signed directly by the operative, rarely in the form of an explanation prepared by the operative and signed by the interviewee. Explanation of the object of the poll is of exceptional nature and practically does not occur. On the contrary, common cases where the subject of the poll is sufficiently free to contact provides a significant amount of material information, but directly refuses to sign their testimony or closes and interrupts communication altogether.

There are also situations of sincere communication with the interviewee, but as soon as the operative employee reveals his or her affiliation with the law enforcement unit, the contact is terminated. The preservation of the identity of the operative employee or the purpose of the questioning does not, in advance, presuppose the receipt of written evidence and, therefore, the use of the information obtained as an excuse and basis for initiating a pre-trial investigation or as evidence in criminal proceedings. It is worth paying particular attention to the use of technical means in carrying out such an operational-search measure as a survey. For example, can an operating officer implicitly use audio recorders when interviewing people?

According to paragraph 7 of Part 1 of Art. 8 of the Law of Ukraine "On operative-search activity" the operative units were given the right to indirectly identify and record the traces of serious or especially serious crime, and according to paragraph 9 of Part 1 of Art. 8 - to carry out audio control of the person in accordance with the provisions of Art. 260 of the Criminal Procedure Code of Ukraine. According to the said article, audio control of a person is a form of interference with private communication, which is carried out without his knowledge on the basis of the decision of the investigating judge, if there is sufficient reason to believe that the conversation of that person or other sounds related to his activity may contain information, that are relevant to the pre-trial investigation.

Thus, on the one hand, the Law does not prohibit the use of technical means in conducting the questioning of persons, but there is a restriction on the existence of grounds to believe that this person's conversations or other sounds related to his activity may contain information that is relevant to the pre-trial investigation. On the other hand, conducting audio control of a person is possible only on the basis of the decision of the investigating judge, made at the request of the head of the respective operational unit or his deputy, agreed with the prosecutor (Part 3 of Article 8 of the Law of Ukraine "On Operational Investigation Activity"). The said petition, among other things, specifies information about the person (s) for whom the said event is required (Part 2 of Article 8 of the Law of Ukraine "On Operational Investigation Activities"; Part 4 of Part 2 of Article 248 of the Criminal Procedure Code of Ukraine). All this is understandable and quite effective when it comes to persons directly involved in the preparation or commission of crimes. Audio control of persons, in combination with other search operations, for example, is widely used by operational units in documenting persons preparing a crime under Art. 368 of the Criminal Code of Ukraine "Acceptance of an offer, promise or receipt of an improper benefit to an official" for the purpose of detaining him directly at the scene of the crime.

Not only potential or actual criminals but also other persons, including those who have no relation to the illegal activity in the preparation or perpetration of crimes, but who possess or may have significant information regarding of operational development. In these cases, it is not a question of obtaining information using technical means. It should be noted that the legislation stipulates a mandatory condition for conducting the survey, namely - the voluntary consent of the person, the medium of information. Thus, it is quite understandable that when interviewing citizens it is forbidden to use any means of physical or psychological influence. In the case of conducting a public interview with a message to the interviewed person, the purpose of the interview, disclosure of information about an operative employee and obtaining voluntary consent can be counted, if necessary, for obtaining official testimony for further use in the operational search activity or during the pre-trial investigation in a criminal investigation. A completely different situation is in the case of the urgent need to keep a secret or encrypt the purpose of the survey and the identity of the operative employee. In this case, there may be significant difficulties in obtaining meaningful information that can and should be used in further law enforcement activities. The interviewee may refuse to provide official testimony, or they may not conform to

the information obtained during the silent (encrypted) interview. If required by the law enforcement officer to obtain the necessary information by appealing to the results of a previous survey, this can already be considered as a certain psychological pressure on the person. Moreover, given that he was not provided with reliable information about the purpose of the questioning and the identity of the law enforcement officer, the respondent may claim that the information he provided was obtained by misleading him and that if all of the above was known to him in advance, he would not have given his consent to the poll at all. In such cases, there will be a violation of the requirements for the voluntary provision of explanations and the use of the information received in further law enforcement activities is completely impossible.

Thus, in view of the above, it should be noted that today the citizens' survey remains one of the widely used operative-search measures, which allows to obtain at a minimal cost a significant amount of meaningful information, which can be essential for solving the tasks of search-and-search activity and criminal justice and its application in the operational activities of operational units requires additional legal regulation at the legislative level.

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**SOME ASPECTS OF OVERCOMING OF COUNTERACTION
TO INVESTIGATION OF FRAUDS COMMITTED ON THE REAL
ESTATE MARKET BY CRIMINAL GROUPS**

The formation of the real estate market in Ukraine is characterized by uneven development of its segments, the imperfection of the legislative framework, and low solvency of citizens. At the same time, large volumes of cash that are rotated on it attract a large number of diverse fraudsters and criminals. In no way does it want to improve the safety of its citizens when carrying out transactions of real estate objects and the state. In addition, a large circle of citizens, without sufficient legal knowledge and experience and in need of appropriate services, unwittingly entrust various commercial structures and individuals whose professional status is not defined. The real estate market has been chosen as an area of criminal activity and organized crime groups.

In recent years, there has been rapid development of real estate. However, the so-called «criminal business» is active on the real estate market. The very criminal aspects of real estate are part of a more general problem – the problem of organized crime. This is primarily due to the fact that criminal activities in this area are usually committed by persistent criminal groups that have sufficiently complete information about persons forced by virtue of many circumstances to change their living conditions. Crime with immovable property is the most dangerous, since the groups of persons who commit them are the most stable, and they have all the features of organized criminal groups: internal structur-

ing, hierarchy, clear division of functions. The real threat is the latent victimization of the population, when victims of crime massively do not turn to law enforcement agencies in connection with the loss of trust in them [1, p. 590]. At the same time, the reason for the refusal to cooperate with law enforcement bodies is the fact of the use of threats and violent acts against the participants in the criminal process. In this case, violence can be carried out both in mental form and in physical. Sometimes organized criminal groups even resort to deprivation of life of individuals who interfere with the activities of an organized group (law enforcement officers, government representatives), witnesses and victims.

The above stipulates the need for the development of tactical operations aimed at overcoming the counteraction to the investigation of fraud committed on the real estate market by criminal gangs. Instead, in cases of property fraud, the tasks facing investigators, employees of operational units and other persons interacting with them can not be solved without systematic approach, which consists in the establishment of a complex of investigators (investigators who are effectively operating in complex investigatory situations) actions, operational search activities, organizational actions, as well as the use of assistance from specialists in various fields.

However, it should be borne in mind that not every set of investigators and other actions can be recognized as a tactical operation. In the functional sense, the combination of investigative actions, operational search and other measures in a tactical operation is based on the possibility of solving as a result of such association certain tasks of investigation, which due to volume or content can not be solved by the use of separate tactical methods, investigative actions and so on [2, p. 251].

From this it follows that one of the tasks of the said tactical operation is to ensure the safety of the participants in the criminal process. In the context of this issue, it should be noted that in determining the number of persons who are unlawfully influenced, it should be taken into account that the encroachment on them is carried out in order: to prevent the beginning of their promotion of justice; to force the cessation of assistance; from revenge for the rendered (completed) assistance. Accordingly, the reasons for the incidents are: the intention and even the potential ability of a person to promote justice; assistance provided; Accomplished assistance. It is these factors, and not the actual presence of a person of a criminal-procedural status, is the cause of unlawful influence (having a procedural status, a person can take a passive position, in addition, the promotion of justice can be carried out outside the criminal justice) [3, c. 52].

In general, the assistance from interested parties to justice can be carried out in the following forms: 1) reports to the law enforcement and judicial authorities about the committed, committed, or prepared crime, in the form of applications for these actions; giving explanations in the process of operational and investigative activities; 2) the detention of persons who have committed crimes for delivery to their authorities and the termination of the possibility of committing new crimes; 3) participation in the preparation and conduct of operational-search activities; 4) giving explanations and indications in the course of criminal proceedings; 5) implementation of criminal-procedural functions of protection, prosecution, maintenance of civil action and protection against him; 6) criminal procedure of victims, close relatives of victims of criminal offenses and their representatives, as well as legal representatives of witnesses – activity that is not a criminal procedure, but in its content and direction, contributes to the implementation of justice; 7) the activities of persons involved as translators, perceptions, experts and experts in accordance with the criminal-procedural law [4, p. 77].

Therefore, the definition of an optimal line of behavior by officials of a law enforcement agency when applying security measures involves the need to take into account the situation. In addition, in practice, in the process of combating crime, various options for the use of one and the same security tool in different production situations are implemented, which allows us to talk about the functional multivariable security tools [5, p. 116].

Under the tactic of ensuring the security of persons in criminal proceedings, B.V. Shyr understands: the most optimal system of measures; the totality of tactical methods of security; optimal forensic safety recommendations; structural dependence of security measures. At the same time, he observes that a certain tendency in the development and application of measures to ensure the safety of participants in the criminal process is that some criminalistic methods become the rules of the criminal procedure law [6, p. 11].

Questions on the protection of individuals have long been discussed both in the scientific environment and discussed at the legislative level. Thus, in 1993 the Parliament adopted the law «On ensuring the safety of persons involved in criminal proceedings». The said law regulates the rights and obligations of persons in need of protection, as well as the rights and obligations of bodies providing security, defined security measures and application mechanisms. However, the question of the practical implementation of some measures is still unclear. For example, Article 9 of

the Law of Ukraine «On ensuring the safety of persons involved in criminal proceedings», defining as a measure the issuance of special means of personal protection, for some reason, does not detail which funds are allowed and the order of their issuance. Offering in article 11 of the same law of replacement of documents and change of appearance, the legislator did not reveal at all how he sees everything and what should be the mechanism of implementation of this norm.

Little attention is paid to the financing and logistics of security measures, although this question often becomes an obstacle to the practical application of most measures. Having registered in the law the possibility of financing at the expense of persons taken under protection, the legislator practically put on them the decision of this issue.

Unfortunately, the current CPC of Ukraine does not contain any norms that would establish a clear procedure for the actions of those who carry out criminal proceedings regarding the implementation of security measures, but merely admit the fact of their application. Therefore, following the procedural requirements and norms of the said Law, one should rely on the tactical provision of this process. Consequently, the normative base established in Ukraine covers a wide range of issues concerning the security of persons in need of protection. Meanwhile, this direction needs some improvement and development in terms of practical application of the said legislation.

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**TACTICS OF INSPECTION OF THE SCENE WITH THE INVOLVEMENT
OF A SPECIALIST IN THE INVESTIGATION OF ILLEGAL HANDLING
OF WEAPONS, AMMUNITION OR EXPLOSIVES**

The most common and important investigative (investigative) action aimed at obtaining evidence from material sources is information. According to art. 237 of the Criminal Procedure Code of Ukraine, «in order to identify and record information about the circumstances of the criminal offense, the investigator, the prosecutor conduct an inspection of the area, premises, things and documents». In forensics, under review means investigative action, which consists in the direct perception of objects in order to detect the traces of a crime and other material evidence, to clarify the circumstances of an event, as well as other circumstances relevant to criminal proceedings.

Analysis of the practice of investigation of crimes under art. 263 of the Criminal Code of Ukraine, indicates that the review is most often carried out at the initial stage of the investigation and is the most effective means of proving in this category of crimes. When investigating crimes in this category, the objects of review are usually:

- weapons, ammunition, explosives and devices;
- the place of the event, which is the area or premises within which objects or traces related

to the crime have been identified;

- terrain and premises that are not the venue of the event;
- devices and materials used in the manufacture of weapons, ammunition, explosives and devices, as well as related items (boxes of weapons, weapon oil, holsters, weapons cases;
- documents, including those with counterfeit signs (identity cards, documents on the right to bear and store weapons, invoices for receiving weapons from warehouses, goods and transport invoices, etc.;
- vehicles used to transport weapons, ammunition or explosives.

In many cases, several of the objects we name are subject to review within the framework of a single criminal proceeding.

When solving almost all these problems, one way or another, a specialist takes part. According to the results of our study, the following specialists were involved in the review of the investigation into the illegal handling of weapons, ammunition or explosives: criminal investigators, who were inspectors and forensic investigators of police bodies and the Expert Service of the Ministry of Internal Affairs of Ukraine (84 %); Explosives, as a rule, employees of the Department of Explosive Service of the National Emergency Service of Ukraine (37 %); dog canine dog (19 %); military (9 %); accountants, merchants (6 %); workers in the working professions (locksmiths, gunsmiths, turners, etc. (6 %); others (3 %).

It is common knowledge that any investigative action, including review, consists of preparatory, working and final stages. The forensic specialist assists the investigator at the preparatory stage of the examination even before leaving the scene. He participates in the analysis of the received primary information, advises the investigator on the issues of technical and forensic review, appropriate, in his opinion, the sequence of actions, makes proposals for involvement of other specialists. The forensic specialist then prepares the necessary technical and forensic tools.

To conduct a qualitative inspection of the scene when investigating the illegal handling of weapons, ammunition or explosives, a forensic specialist requires, first of all, the means of detecting forensic objects: magnifying glasses and fingerprints of different magnification with illumination, ultraviolet light. Traditional means of detecting, fixing and removing traces of hands are also needed – fingerprints, fingerprints, tape, tape, magnetic and flute brushes. The latest tools for detecting and removing traces of hands include the development of Sirchie (USA), Foster & Freeman (UK). When inspecting a factory-made weapon with signs of number destruction, it is necessary to install it. Forensic technology may include the use of a Regula 7515M eddy current magnet device, which is used in conjunction with the Regula 7505M magneto-optical instrument to identify and detect fraudulent vehicle unit numbers.

Among other means of forensic technology are the following measuring instruments: roulette, rulers, calipers; photo, video capture: camera with flashlight, a set of lenses with variable focal length and macro shooting capabilities; sets of devices for work with micro traces, including biological origin: test tubes, scalpel, tweezers, gauze, etc.; personal protective equipment; fencing tapes, markers, numbers; packing materials – plastic bags, boxes, threads, envelopes, flasks, jars, glue. Forensic equipment can be the contents of suitcases of different equipment or be separately.

Upon arrival at the scene, the forensic expert, together with the investigator, determine the boundaries of the examination, decide on the methods of inspection, the areas where the maximum number of traces is concentrated, and the detection and removal of which requires the use of forensic equipment. During the working phase of the scene inspection, the forensic specialist provides forensic and technical assistance to the investigator, which consists in: direct application of forensic techniques, techniques and methods for finding, detecting and recording trace information; analysis of detected objects, their correlation with the event of the crime; fixing and packing together with the investigator, removed items; drawing up plans, diagrams, descriptions of objects with the indication of their forensic features; nomination, evaluation of evidence and verification by means of forensic versions of the crime event, including the mechanism of tracing, material connections and the relation of different objects to the situation of the investigated event.

The final stage of the review is to summarize, analyze and evaluate the information collected and capture its results. Removed items are packed in envelopes or plastic bags separately according to the general rules. The investigator draws up a report on conducting the inspection, which is a mandatory means of fixing this investigative (search) action. When packing removed objects and drawing up a protocol, a specialist's technical and consulting assistance is also required.

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TERRORIST ACTIVITY AS ONE OF THE THREATS TO UKRAINE'S NATIONAL SECURITY - WAYS TO STANDARDIZE ANTI-TERRORIST LEGISLATION

Combating terrorist activity remains one of the main tasks of the Security Service of Ukraine, as defined in Article 2 of the Law of Ukraine "On the Security Service of Ukraine". As, the first of all, among the topical threats to the national security of Ukraine, listed in the National Security Strategy of Ukraine, approved by Presidential Decree 287/2015 of May 26, 2015:

- intelligence, subversive and sabotage activities, actions aimed at inciting ethnic, inter-confessional, social hatred and hatred, separatism and terrorism, creation and comprehensive support, in particular military, puppet quasi-state entities in the temporarily occupied territories of the Luhansk part of the territory;

- insufficient level of critical infrastructure protection against terrorist attacks and sabotage.

Secondly, the Security Service of Ukraine is the main body in the nationwide system for combining terrorist activity [1].

Thirdly, according to Article 2 of the Law of Ukraine "On the Security Service of Ukraine", the tasks of the Security Service of Ukraine include the prevention, detection, termination of terrorism and the disclosure of crimes [2] provided by articles of the Criminal Code of Ukraine: 258 (terrorist act); 258-1 (involvement in the commission of a terrorist act); 258-2 (public calls for an act of terrorism); 258-3 (creation of a terrorist group and terrorist organization); 258-4 (promotion of an act of terrorism); 258-5 (Financing of Terrorism).

It should be noted that the use of the term "terrorist activity" by the author refers to the crimes provided for in the above articles of the Criminal Code of Ukraine. This position is based on the fact that in the current version of the Law of Ukraine "On Combating Terrorism" it is defined that: "terrorist activity" - activity, covers: planning, organization, preparation and implementation of terrorist acts; incitement to commit acts of terrorism, violence against individuals or organizations, destruction of material objects for terrorist purposes; the organization of illegal armed groups, criminal groups (criminal organizations), organized criminal groups for committing terrorist acts, as well as participation in such acts; recruitment, arming, training and use of terrorists; propaganda and dissemination of the ideology of terrorism; financing and other facilitation of terrorism [1].

Fourth, according to the Law of Ukraine "On Combating Terrorism", the Anti-Terrorism Center under the Security Service of Ukraine is coordinating the activities of entities involved in the fight against terrorism [1].

During the period of comprehensive reform of the security sector of Ukraine, the relevance of the issue of counteraction to terrorist activity is very high and due to the specific geopolitical situation of Ukraine.

The Security Service of Ukraine, as the main body in the nationwide system for combating terrorist activity in Ukraine, should have the legislative tools to exercise its powers during law enforcement in this area. It is logical that counteracting such unlawful activity requires the improvement of existing anti-terrorist legislation, both because of the dynamics of the development of such criminal activity, and in order to harmonize it with international and national legislative acts. One of these tasks was set before the Security Service of Ukraine in 2011. Thus, in paragraph 12 of the Plan of Counter-Terrorism Measures for 2011-2013, approved by Presidential Decree No. 898 of September 2, 2011, an action was planned "to analyze the national legislation in the field of combating terrorism, the results of which should be elaborated and submitted if necessary, in accordance with the established procedure, proposals for improvement of legislation."

The next step was the adoption of the Anti-Terrorism Concept, approved by Presidential Decree No. 230/2013 of April 25, 2013, which stated that the fight against terrorism in the territory of Ukraine should be based primarily on nationally determined principles based on the main provisions of the Global Counter the UN strategy and the European Union Counter-Terrorism Strategy.

In addition, it was envisaged to implement the implementation of the Concept during 2013-2020 in the direction of improving the legal and organizational foundations of the fight against terrorism. It should be noted separately that in order to comply with the basic principles set out in national law, the concept of counter-terrorism in the territory of Ukraine was intended to be solved by concentrating efforts on scientific support for the fight against terrorism.

At the same time, it should be noted that the current anti-terrorist legislation of Ukraine at the level of the Law of Ukraine "On Combating Terrorism" and the Criminal Code of Ukraine remains unaccounted for [3; 7; 16; 17].

The concept of counter-terrorism in Ukraine, approved by the Decree of the President of Ukraine of March 5, 2019 No. 53/2019, declared the improvement of scientific support for the subjects of the fight against terrorism, and the priorities of the fight against terrorism scientific support of the fight against terrorism. Among the priorities of the fight against terrorism, during the detection and termination of terrorist activity, the Concept provides for improvement of the legal and regulatory support for counter-terrorism measures, in particular as regards the procedure for recognizing the organization as terrorist.

Well, according to the author, special attention should be paid to the problematic issue of establishing criteria and developing effective mechanisms for identifying criminal organizations and organized criminal groups as terrorists, which should also be reflected in the amendments to the Law of Ukraine "On Combating Terrorism".

Thus, Article 24 (Responsibility of the Organization for Terrorist Activity) of the Law of Ukraine "On Combating Terrorism" provides for "an organization responsible for committing a terrorist act and found to be a terrorist by a court decision, liable to liquidation and property appropriated to it". However, the Law does not specify on the basis of what criteria and (or) materials of the relevant law enforcement agencies or special services of Ukraine the court will decide to recognize the organization as terrorist.

To this end, it is appropriate to define these criteria or to make a reservation in the Law that the procedure for submitting relevant materials to law enforcement agencies or special services of Ukraine on the basis of which the court will decide to declare an organization terrorist is determined in accordance with the procedure agreed with the Supreme Court of Ukraine and approved by the President of Ukraine.

It should be noted that the anti-terrorist legislation of Ukraine confers on the Prosecutor's Office of Ukraine the exclusive right to file an application for holding an organization accountable for terrorist activity, so, in accordance with Article 24 of the Law of Ukraine "On Combating Terrorism", it is provided that such an application is submitted to the court by the Prosecutor General of Ukraine, prosecutors of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol in accordance with the procedure established by law. In addition, Article 31 of the Law of Ukraine "On Combating Terrorism" stipulates that the oversight of compliance with the requirements of the legislation by the bodies participating in anti-terrorist activities is carried out by the Prosecutor General of Ukraine and his authorized prosecutors in accordance with the procedure established by the laws of Ukraine. search and counterintelligence activities.

It is reasonable to think that it is appropriate to recognize a legal entity related to terrorist activity, not a terrorist organization, but an organization involved in terrorist activity.

In particular, it is necessary to pay attention to the improvement of part 1 of Article 24 of the Law of Ukraine "On Combating Terrorism", which is proposed to be edited: "In Ukraine it is forbidden to create and operate organizations whose purpose or actions are aimed at planning, organizing, preparing and implementing terrorist acts ; incitement to commit acts of terrorism, violence against individuals or organizations, destruction of material objects for terrorist purposes; the organization of illegal armed groups, criminal groups (criminal organizations), organized criminal groups for committing terrorist acts, as well as participation in such acts; recruitment, arming, training and use of terrorists; propaganda and dissemination of the ideology of terrorism; financing and other facilitation of terrorism or committing the crimes provided for in Articles 258 - 258-5 of the Criminal Code of Ukraine. An organization engaged in terrorist activity and found to be a terrorist by a court decision is liable to liquidation and its property is confiscated to the state. This will provide clear criteria for the courts of Ukraine to recognize the organization as terrorist.

Amendments to the domestic anti-terrorist legislation in connection with the adoption of the Law of Ukraine "On Amendments to the Law of Ukraine" On Prevention and Combating Legalization (Laundering) of Proceeds of Crime "No. 2258-VI of May 18, 2010 (hereinafter - Law), so far needs to be analyzed in terms of changes that have been made to the Criminal Code of Ukraine

and the Law of Ukraine "On Combating Terrorism".

The Laws "On Combating Terrorism" and "On Amending the Law of Ukraine "On Preventing and Combating the Legalization (Laundering) of Proceeds of Crime" have a unified definition of the concept of "financing terrorism - providing or collecting assets of any kind which will be used in full or in part for the organization, preparation and commission of a terrorist or terrorist organization designated by the Criminal Code of Ukraine a terrorist act, involvement in the commission of a terrorist act, public personal calls for an act of terrorism, the creation of a terrorist group or terrorist organization, the promotion of an act of terrorism, any other terrorist activity, and the attempt to commit such acts," and a separate criminal rule provides for liability for terrorist financing - Article 258-5 Of the Criminal Code of Ukraine. However, part one of this article is worded as follows: "Financing terrorism, that is, actions committed to financially or financially support an individual terrorist or terrorist group (organization), organize, prepare or commit a terrorist act, engage in an act of terrorism, public appeals to committing a terrorist act, facilitating a terrorist act, creating a terrorist group (organization), - ».

In view of this, the question arises as to whether such changes have contributed to the effective counter-terrorism, or whether the author believes that it would be more appropriate to say counter-terrorism, since this term has legislative frameworks that are easily understood by the practitioner of the units directly carrying out such activities under the Act. Of Ukraine "On Combating Terrorism". To do this, refer to the applicable legal norms of domestic anti-terrorism legislation and carry out an appropriate analysis.

Let us focus on the analysis of the changes that resulted from the adoption of the Law of Ukraine "On Amendments to the Law of Ukraine" On Prevention and Counteraction to Legalization (Laundering) of Proceeds of Crime. The first thing that draws our attention is the different approach to defining the concept of "terrorist financing", both as regards the elements of the objective side and the subjective side of socially dangerous activity. In particular, the Criminal Code of Ukraine provides for a specific purpose "for the purpose of financial or material support of an individual terrorist or terrorist group (organization), ...". In the Law of Ukraine "On Combating Terrorism" and "On Amendments to the Law of Ukraine" On Preventing and Combating the Legalization (Laundering) of Proceeds of Crime "the legislator envisaged an element of the subjective party which was not reflected in the disposition of Article 258-5 Of the Criminal Code of Ukraine - "the provision or collection of assets of any kind with the knowledge that they will be used in whole or in part for the organization ...". In addition, the concept of "terrorist financing" means "the provision or collection of assets of any kind with the knowledge that they will be used in whole or in part for the organization, preparation and execution of an individual terrorist or terrorist organization ...", and the definition of this term in Article 258-5 of the Criminal Code of Ukraine provides for "actions taken with a view to providing financial or material support to an individual terrorist or terrorist group (organization) ...". The above norms of anti-terrorism legislation should be harmonized in the basic anti-terrorism laws when formulating the conceptual apparatus and constructing the disposition of the criminal law norm. In particular, taking into account part three of Article 28 (committing a crime by a group of persons, a group of persons by prior agreement, an organized group or a criminal organization) of the Criminal Code of Ukraine, it is considered expedient to define in this term such wording as an organized terrorist group [3, p.75-77; 4, pp.324-330].

Considering that one of the main requirements of implementation is strictly following the goals and content of the international normative act, the legislator, when formulating the term "financing of terrorism" to Article 1 of the Law of Ukraine on Combating Terrorism, proceeded first of all from the provisions of the International Convention for the Suppression of Terrorism Financing (hereinafter referred to as the Convention) [5]. Thus, under Article 2 of the Convention, "terrorist financing" is recognized as a crime if any person commits a crime within the meaning of the said Convention if, by any means, directly or indirectly, he illegally and intentionally provides or collects money from or with the intention that they be used, or upon the knowledge that they will be used, in whole or in part, for the commission of terrorist offenses in the wording of paragraph 1 (a) and (b) of the said article of the Convention [6, p.299]. The offense set out in the Convention, which qualifies as financing for terrorism (terrorist offense), contains two main components of the objective side: providing or raising funds. Funding is an active activity that is manifested in the form of transfer, transfer, forwarding or forwarding by other means of the addressee. Fundraising is an active activity, the essence of which is to receive funds from many (different) sources. According to the author, in constructing the disposition of Article 258-5 of the Criminal Code of

Ukraine, it was expedient to use the approach proposed in the Convention, in particular, regarding the elements of the subjective side of this crime.

For law enforcement, it also needs to be specified in the Laws of Ukraine "On Combating Terrorism" and "On Amendments to the Law of Ukraine" "On Preventing and Combating the Legalization (Laundering) of Proceeds of Crime" in the meaning of the term "terrorist financing" other terrorist activity, "it is not clear what is meant. After all, the free interpretation of these words will not be of any use for law enforcement practice, moreover the legislator in the Law of Ukraine "On Combating Terrorism" provided a comprehensive list of them.

In examining the issue of terrorist financing, it is appropriate to refer once again to the Convention on the Financing of Terrorism, which contains, in particular, three main provisions concerning national rules on terrorist financing: terrorist financing should be recognized as a crime within national law; the signatory State shall ensure the trial; States must establish a system of counteraction to terrorist acts [6, p.299-301]. However, it should be noted that the Convention does not specify the obligation of States Parties to provide for a specific rule that would criminalize the financing of terrorism. In particular, the Convention specifies that each State Party shall take such measures as may be necessary to identify the offenses under the domestic law of the offenses referred to in Article 2 of the Convention [6, p.301]. Therefore, it is not clear why the legislator defined responsibility for financing terrorist activities as a separate criminal rule? After all, articles 258-3 and articles 258-4 of the Criminal Code of Ukraine, in the previous version, provided for the responsibility for material assistance to the creation or activity of a terrorist group or terrorist organization and financing, financial support of a person for the purpose of committing a terrorist act, respectively. Material support for the creation or operation of a terrorist organization or terrorist group, in the author's view, should be understood to mean providing the terrorist group or terrorist organization with funds in the national currency of Ukraine or in foreign currency, as well as providing the members of these groups with weapons, transport, etc. as in the process of creating a terrorist group, and during the period of direct terrorist activity.

In particular, the conceptual apparatus defined in Article 1 of the Law of Ukraine "On Combating Terrorism" with Article 28 of the Criminal Code of Ukraine requires unification. Based on the conducted research [3, p. 53-69; 7, pp. 128-130; 8, pp.289-291; 9, pp.52-55; 16; 17] the following amendments are proposed, with a view to defining forms of complicity in the Law of Ukraine "On Combating Terrorism" in the following wording:

"Terrorist group - a group of several persons (two or more) who have united for the purpose of engaging in terrorist activity; organized terrorist group - a group of several persons (three or more) who have previously organized themselves into a stable association for terrorist activities, united by a single plan with a distribution of functions of the group members aimed at achieving this plan, known to all group members; terrorist organization - a stable association of five or more persons, created for the purpose of terrorist activity, within which functions are divided, certain rules of conduct are required for these persons in the preparation and implementation of terrorist activity. An organization is recognized as terrorist if at least one of its units carries out terrorist activities with the knowledge of at least one of the heads (governing bodies) of the whole organization."

To justify the above, it should be noted that, for example, a quantitative trait that characterizes a terrorist organization in accordance with Article 28 (4) of the Criminal Code of Ukraine is defined as five or more, which is one of the criteria for distinguishing between a terrorist organization and an organized terrorist group, in accordance with part three of Article 28 of the Criminal Code of Ukraine, three and more are defined. It should be emphasized once again that the conceptual apparatus of the Law of Ukraine "On Combating Terrorism" does not correspond to the definition of the term "terrorist organization" referred to in Article 28 (4) of the Criminal Code of Ukraine.

The framework of scientific theses does not allow to dwell on all contradictions (inconsistencies) that exist in the anti-terrorist legislation of Ukraine and their shortcomings [8, 16; 17]. Therefore, the author sought to pay attention to the part that needs priority and action by the legislator.

Summarizing the above, it should be noted that today there are no unregulated positions in the anti-terrorist legislation of Ukraine, which require a systematic, comprehensive solution by harmonizing existing norms of legislation in the sphere of counteraction to terrorist activity. Legislative tools will allow the Security Service of Ukraine and other actors in the fight against terrorism to effectively counter terrorist activity. The inconsistencies in the anti-terrorism legislation have been identified and the author proposes amendments to the anti-terrorism legislation of Ukraine aimed at creating conditions for effective counteraction to terrorist activity.

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**COMPARATIVE LEGAL ANALYSIS OF THE LAWS OF KAZAKHSTAN
AND UKRAINE ON CORRUPTION CRIMINAL OFFENSES**

Corrupt criminal offenses are socially dangerous acts that violate and significantly weaken the effectiveness of the functioning of state power.

The widespread corruption crimes are explained by the imperfection of the legislation, the ineffectiveness of the activities of anti-corruption bodies, the decline in morality, the loss of faith in social justice and in the equality of all before the law and the court.

Given the seriousness of the problems and threats posed by corruption, in 2003 the UN adopted the "Convention against Corruption," which was joined by 172 states, including Kazakhstan and Ukraine.

The main strategic document of the Republic of Kazakhstan, reflecting the principled position on this important issue, is the Anti-corruption Strategy of Kazakhstan for 2015-2025 [1].

In turn, the Center for Political and Legal Reforms of Ukraine in 2019 also presented a draft of a new Anti-corruption Strategy, which will determine public policy in this area [2].

In addition, in the scientific understanding, a corruption crime is a socially dangerous act provided for in the Criminal Code of the Republic of Kazakhstan that directly encroaches on the authority and legitimate interests of state power, public service, service in local authorities and the Armed Forces and other military units of our country and is expressed in unlawful receipt persons authorized to perform public functions or equated with them, or officials, as well as persons holding a responsible state vennyu post any good property or non-property or in the provision of the latest of such goods, if the act is committed with the use of official authority vested in them [3].

From this definition it follows that the signs of a corruption crime are:

- direct damage to the authority of the civil service;
- use by the guilty of official position;
- the unlawful nature of any benefits received by these entities (including property, services or benefits);
- the presence of the subject specified in Art. 3 of the Criminal Code of the Republic of Kazakhstan (hereinafter - the Criminal Code of the Republic of Kazakhstan);
- the presence of the perpetrator of the goal of deriving benefits and advantages for himself or other persons or organizations;
- the presence of intent to commit unlawful acts.

According to the note to Article 45 of the Criminal Code of Ukraine (hereinafter - the Criminal Code of Ukraine) corruption offenses include crimes provided for in Articles 191 (Assignment, embezzlement or seizure of property by abuse of official position), 262 (Theft, appropriation, extortion of firearms, ammunition, explosives or radioactive materials or seizing them through fraud or abuse of power), 308 (Theft, misappropriation, extortion of narcotic drugs, psychotropic funds or their counterparts or taking possession of them through fraud or abuse of power), 312 (Theft, misappropriation, extortion of precursors or taking possession of them through fraud or abuse of power), 313 (Theft, appropriation, extortion of equipment intended for the manufacture of narcotic drugs, psychotropic substances or their analogues, or taking possession of it through fraud or abuse of official position and other illegal actions with such equipment), 320 (Violation is established of the Rules for the Circulation of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors), 357 (Theft, misappropriation, extortion of documents, stamps, seals, seizure by fraud or abuse of official position or their damage), 410 (Abduction, misappropriation, extortion of weapons by military personnel, ammunition, explosive or other military substances, vehicles, military and special equipment or other military property, as well as seizing them through fraud or abuse of service trivial provision), if committed by abuse of official position, as well as the offenses provided for in Articles 210 (Misuse of budget funds, budget expenditures or

the provision of loans from the budget without established budget assignments or in excess thereof), 354 (Bribery of an enterprise employee, institutions or organizations), 364 (Abuse of power or official position), 364-1 (Abuse of authority by an official of a private legal entity, regardless of organization legal form), 365-2 (Abuse of authority by persons who provide public services), 366-1 (Declaration of false information), 368 (Acceptance of an offer, promise or unlawful gain by an official), 368-2 (Illegal enrichment), 368-5 (Illicit enrichment), 369-2 (Abuse of influence) of the Criminal Code of Ukraine [4].

Similarly, in the Republic of Kazakhstan in paragraph 29) of article 3 of the Criminal Code of the Republic of Kazakhstan there is an exhaustive list of corruption crimes, i.e. - these are the acts provided for in clause 2, part 3, article 189 (Assignment or embezzlement of entrusted property of others), Clause 2), Part 3 of Art. 190 (Fraud), clause 1), part 3, article 218 (Legalization (laundering) of money and (or) other property obtained by criminal means), clause 1), part 3 of article 234 (Economic smuggling), clause 2), part 3, article 249 (Raiding), Art. 361 (Abuse of official authority), Clause 3) Part 4 of Art. 362 (Excess of authority or official authority), 364 (Illegal participation in entrepreneurial activity), 365 (Obstruction of legitimate entrepreneurial activity), 366 (Acceptance of a bribe), 367 (Giving a bribe), 368 (Mediation in bribery), 369 (Official forgery), 370 (Inaction on service), 450 (Abuse of power), clause 2), part 2 of article 451 (Excess of power) and 452 (Inaction of power) of the Criminal Code of the Republic of Kazakhstan [5].

According to statistics, since 2013 in Ukraine there has been an increase in recorded crimes under Art. 368 of the Criminal Code (2013 - 1683, 2014 - 1535, 2015 - 1588, 2016 - 1578, 2017 - 2086, 2018 - 2189, 2019 - 1744) [6].

In Kazakhstan, an increase in the number of crimes under Art. 366 of the Criminal Code of the Republic of Kazakhstan (2013 - 316, 2014 - 258, 2015 - 551, 2016 - 694, 2017 - 812, 2018 - 802, 2019 - 649) [7].

In 2019, 4 crimes were committed per 100 thousand people in Ukraine, and 3 in Kazakhstan.

The sanctions in the article of corruption crimes also have differences in the size and type of punishment. The main types of punishment are provided for in:

- Part 1 of Article 368 of the Criminal Code of Ukraine - a fine from 1,000 to 1,500 NMD or arrest for a term of 3 to 6 months or imprisonment from 2 to 4 years;
- Part 2 of Article 368 of the Criminal Code of Ukraine - from 3 to 6 years in prison;
- Part 3 of Article 368 of the Criminal Code of Ukraine - from 5 to 10 years in prison;
- Part 4 of Article 368 of the Criminal Code of Ukraine - from 8 to 12 years in prison.

As an additional form of punishment in all parts of this article, deprivation of the right to occupy certain positions or engage in certain activities for up to 3 years is provided.

According to the legislation of the Republic of Kazakhstan, for comparison, in:

- Part 1 of Article 366 of the Criminal Code of the Republic of Kazakhstan - a fine of 20 to 50 times the amount of a bribe or imprisonment of up to 5 years;
- Part 2 of Article 366 of the Criminal Code of the Republic of Kazakhstan - a fine from 50 to 60 times the amount of a bribe or imprisonment from 3 to 7 years;
- Part 3 of Article 366 of the Criminal Code of the Republic of Kazakhstan - a fine from 60 to 70 times the amount of the bribe or imprisonment from 7 to 12 years;
- Part 4 of Article 366 of the Criminal Code of the Republic of Kazakhstan - a fine from 70 to 80 times the amount of the bribe or imprisonment from 10 to 15 years.

Mandatory additional types of punishment under this article: life deprivation of the right to occupy certain positions or engage in certain activities, confiscation of property.

Thus, the Criminal Code of Kazakhstan and Ukraine provides a list of corruption crimes, which have both similarities and differences.

It should be noted that the Criminal Code of Ukraine provides for liability for illegal enrichment, for declaring inaccurate information, for abuse of influence and for promising undue benefits, which are recommended by the UN Convention against Corruption, while in Kazakhstan this issue is at the level of discussion.

The Criminal Code of Ukraine does not provide a norm establishing liability for fraud committed by a person holding a responsible public position.

Moreover, if in Ukraine the categories of subjects of corruption crimes are provided in the note of Art. 368 of the Criminal Code, then in Kazakhstan - the conceptual apparatus of Art. 3 of the Criminal Code of the Republic of Kazakhstan.

At present, Kazakhstan is considering the issue of increasing the punishment by abolishing the fine for especially serious corruption crimes, with the appointment of real imprisonment.

However, with the help of measures to toughen the punishment of corrupt officials it is impossible to achieve serious success. It is necessary to develop and implement preventive measures, improve the social aspects of the life of citizens, including civil servants, develop a culture of behavior, educate the younger generation in the spirit of patriotism and the national idea of the inadmissibility of any manifestations of corruption.

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**THE IMPORTANCE OF THE METHODS OF INVESTIGATING THEFTS
COMMITTED BY ORGANIZED GROUPS FOR THE PRACTICAL ACTIVITY
OF THE NATIONAL POLICE UNITS**

The problem of combating organized crime, including forensic methods and means, remains relevant in the current conditions of development of the Ukrainian state. This is because the activities of organized criminal groups from criminal turned into a large-scale threat to social, economic and political stability in Ukraine. One of the dangerous manifestations of modern organized crime is its mercenary component. It violates constitutional human rights, the inherent right to social and material goods - property rights. The reason for the ineffectiveness of combating self-organized organized crime is the lack of effective methods of investigation, the lack of typical modern models of such criminal activity, the ineffectiveness of recommendations for conducting individual investigative actions and their complexes, the imperfection of forensic programs to solve problematic situations.

The successful investigation of criminal proceedings for thefts committed by criminal groups is primarily due to the timely, lawful and justified decision to initiate a pre-trial investigation, how fully and accurately the traces of the crime are detected and recorded, what information is available about the individual offenses, what measures have been taken in connection with the search of stolen property, as well as the presence of certain theoretical knowledge of investigators and their practical experience in investigating investigated crimes.

Analyzing the ratio of the number of reported thefts committed by criminal groups and the number of criminal proceedings in which a person is notified of a suspected criminal offense, we observe a significant deterioration of the situation. Thus, in 2019, according to the Prosecutor General's Office of Ukraine, criminal offenses were reported for thefts of 197463, of which 70744 were reported, which is about 35%. Of these, 3175 criminal offenses were committed by organized groups. Considering the structural elements of the criminal offense situation by a group of persons,

it should be noted that in most cases they encroach on private property (2621 cases), including thefts from warehouses, bases, shops and other retail outlets – 562, apartments – 202, cottages, garden houses – 110, cars – 137 [1].

Investigating the state of the forensic methodology development at the present stage, it should be noted, on the one hand, the positive changes in approaches to the formation of its content, the transition from a descriptive way of presenting investigative programs to formalized models in the form of algorithms for sequencing organizational, search, investigative (search) actions, and preventive measures. On the other hand, insufficient attention has been paid to the development of intraspecific techniques, methods of investigating the thefts committed by an organized group.

Of particular importance is the development of a methodology for investigating certain types of crimes at the current stage of reforming the National Police of Ukraine, as recently there is an update of the staff of the investigation units and units of the criminal police, which is accompanied by a significant decrease in their practical experience of their staff and lack of experience. Such methodological guidelines for the investigation of a specific crime for young professionals who have started their duties immediately after receiving a law degree and have no practical experience will serve as a clue as to the proper organization and planning of the investigation, especially at the initial stage of the investigation, when not enough information about the crime. In addition, the use of these materials will allow young professionals to investigate as effectively and efficiently as possible, consistently performing the proposed algorithms of action.

Analyzing the state of development of methods of investigation of thefts committed by criminal groups and the practice of investigation, we can distinguish a few grounds for which there is a need to use the methodological recommendations for investigation at the present stage:

- National Police officers lack practical experience and skills in investigating this category of crimes;
- lack of specialization of investigative and operational staff, that is, employees first investigate this type of crime;
- the occurrence in most cases under this category of criminal proceedings of a complex unfavorable investigative situation involving a large number of participants in criminal proceedings (several suspects, several victims, several facts of wrongdoing, several places of incident).

Undoubtedly, for a successful investigation of criminal offenses, the modern forensic methodology of investigating thefts committed by criminal groups must meet the following basic requirements: to be accessible, that is, plain and clear; be real, that is, possible to use in the investigation and prevention of crimes; the content of the methodology must be appropriate to the specific crime being investigated and its specificity; have clear guidelines for the organization of the investigation; all recommended actions must be effective and unmistakable in order to maximize their results with minimal time and effort; methodological recommendations should meet the contemporary needs of today, that is, modern legislation, new advances in science and technology, new ways of committing crimes [2].

Thus, when choosing a direction in the development of investigative techniques, first of all, to ensure their effectiveness, considerable attention should be paid to pressing and problematic issues that arise in the investigation of crimes of a particular category, as well as to approve these provisions in practice.

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**ABOUT THE RELATIONSHIP OF AMENDMENTS
TO CRIMINAL CODE OF UKRAINE AND LEGAL PROVISION
OF NATIONAL SECURITY PROTECTION**

One of the main and most painful problems, according to the lawmakers, who are currently concerned about the IT industry, is the constant threat to the security of doing business in Ukraine, which arises from periodic interventions, as well as open pressure from the state (especially law enforcement). This, in the end, creates unfavorable economic conditions for the Ukrainian IT industry and impedes the investment of attractive foreign companies to us. In turn, this not only interferes with doing business in Ukraine, but also causes, most regrettably, the removal of domestic labor and capital abroad [1].

For reasons unclear to me, this situation can be corrected solely by establishing criminal liability for violating the procedure for temporary access to things and documents, temporary seizure or seizure of property as a crime against justice. After the adoption of the Law of Ukraine "On Amendments to Article 3211 of the Criminal Code of Ukraine on strengthening the responsibility for falsification of medicinal products or circulation of counterfeit medicines" [2], which for any actions with falsified medicinal products or their production, if they caused the death of a person or other grave consequences, or committed in particularly large proportions, life imprisonment is established, I am no longer surprised by anything, but anything is possible. It appears that there is currently no criminal liability for intentional misuse of material evidence committed by a prosecutor or investigator.

Thus, according to the materials on the bill No. 2740 "On Amendments to the Criminal Procedure Code of Ukraine and the Criminal Code of Ukraine (on improving the order of application of certain measures of criminal proceedings)" [1] in the part of the supplement of the Criminal Code of Ukraine Art. 3741 "Violation of the procedure for temporary access to things and documents, temporary seizure or seizure of property" is a shining effort to solve acute socio-economic problems by creating new criminal rules, rather than assisting law enforcement agencies and the court in applying the applicable ones.

1. In accordance with the rules on criminalization and decriminalization, articles supplemented by criminal law shall be placed near the articles with the closest content. They receive the numbers of such articles but with a digital "extension". Such an extension is usually written either with the so-called upper character (eg, Article 2121 of the Criminal Code), or by specifying an additional number through a hyphen (eg, Articles 209-1 of the Criminal Code). In publications, as well as in practice in procedural documents, both methods are used as equivalent [3].

M. A. Spiridonov, M. Kharkiv in 2018 defended his thesis, "Criminal liability for the violation of the right to defense," in which he first proved that the direct object of the crime provided by article 374 of the criminal code of Ukraine, the structure is complex and combines two interrelated spheres of social relations: such is formed on the protection guaranteed by international law and by the Constitution of Ukraine the rights of any person to protect themselves from suspicion and accusations of a criminal offense, as well as produced with regard to ensuring the adversarial nature of criminal proceedings [4].

So, article 374 of the criminal code of Ukraine has no relation to the proposed article 3741 of the criminal code of Ukraine "violation of the order for temporary access to things and

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documents, provisional seizure or arrest of property", and the legislator itself violates the principles of criminalization, which are the rules of legislative technique.

2. In the explanatory note to the bill indicated that the subjects of such illegal actions in the sphere of application of criminal procedural law are primarily managers and employees (investigators) pre-trial investigation body, as well as prosecutors, investigators, judges, and judges. The criminal code of Ukraine provides for liability for the decision of the judge (judges) knowingly illegal sentence, decision, ruling or order (article 375). Investigators and prosecutors yet do not bear criminal liability for intentional violation of the order for temporary access to objects and documents or temporary seizure or attachment of property, if it caused significant property damage to the proprietor (legal owner) of the property or documents [1].

Therefore, the authors of the bill believe that establishing criminal responsibility for investigators and prosecutors for causing harm in violation of criminal procedural law, is a necessary condition for proper protection of citizens' rights, counteracting the arbitrariness of law enforcement, preventing and countering abuse when applying the law [1].

I do not consider this to be true, since in the case of a judge (s) being deliberately sentenced to an unlawful sentence, decision, decision or order (Article 375 of the Criminal Code), any violation by the investigator or prosecutor of the procedure of temporary access to things and documents or temporary seizure or seizure of a priori property is illegal. Moreover, NABU detectives also have the right to apply to court, and since 01.07.2020 - investigators or persons authorized for pre-trial investigation in the form of criminal misconduct.

3. If the investigator or the prosecutor negligently violates the procedure of temporary access to things and documents or temporary seizure or arrest, and this has led to significant damage or grave consequences in a purely material form, they shall be criminally responsible under Art. 367 of the Criminal Code of Ukraine "Official negligence" as a crime in the field of official activity, but not in any way as a crime against justice; if these persons violate this order deliberately, then there is Art. 364 of the Criminal Code of Ukraine "Abuse of power or office" or Art. 365 of the Criminal Code of Ukraine "Excess of power or official authority by a law enforcement officer".

Thus, the proposed Art. 374 "Violation of the procedure of temporary access to things and documents, temporary seizure or seizure of property" of the Criminal Code of Ukraine does not comply with the principles and grounds for criminalization of socially dangerous acts; for violation of the procedure of temporary access to things and documents, temporary seizure or seizure of property, the current Criminal Code provides for liability, and therefore from the bill 2740 "On Amendments to the Criminal Procedure Code of Ukraine and the Criminal Code of Ukraine (to improve the order of application of certain measures of criminal proceedings)" [1], the need to supplement the criminal law with a new criminal law rule should be deleted, since it has nothing to do with legal provisions. echennya protection of national security.

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CURRENT CHALLENGES OF INTERNATIONAL SECURITY RELATED TO FOREIGN MILITANTS-TERRORISTS

Combating the movement of foreign terrorist fighters over the last few years has remained a priority in the global counter-terrorism strategy.

For example, a high-level OSCE expert conference was held in Vienna (Austria) on February 11-12, 2020 to address the current challenges of international security related to the movement of foreign terrorist fighters.

The participants of the event noted that today there is an increase in the number of people returning from the zones of armed conflict. In this regard, there is a strong likelihood of involvement of the specified category of persons in extremist or terrorist activities in the territory of the country of origin. That is why law enforcement agencies and special services need the latest approaches and effective tools to counter the modern challenges posed by terrorist organizations.

At the same time, in order to reduce the risks associated with terrorism, particular attention is paid to the development of various public-private partnership programs (strategies) aimed at preventing violent extremism and radicalization, rehabilitation and reintegration of persons arrested / convicted of terrorist crimes, and the repatriation of persons currently in conflict areas.

In the course of further discussion, the conference participants stressed the importance of organizing the return of their citizens from the territory of armed conflicts.

In particular, during the conference, Minister of Foreign Affairs of the Republic of Kazakhstan Yerzhan Ashihbaev and representative of the National Security Service of the Republic of Uzbekistan Alisher Tuhtaev presented the results of special operations "Zhusan" and "MEHR" respectively, organized for the return of members of families (women and children) of foreign detained terrorist fighters at the al-Hol refugee camp in Syria.

The achievements of these countries in the repatriation and reintegration of persons involved in terrorist activities were highly appreciated by the representatives of the OSCE participating States, including the prevention of stigmatization of the said category of persons. Representatives of international human rights institutions and foreign law enforcement agencies also drew attention to the lack of expediency of bringing the said category to criminal liability for involvement in terrorist activities, since this contravenes the principle of humanism, and such a process must be individualized.

This is noteworthy in the context of the organization by the Ukrainian side of a set of measures aimed at returning from Syria to Ukraine 26 women and 66 children who have left the areas controlled by the Islamic State terrorist organization and are in the Al-Hol refugee camp.

Regarding this, combating current forms of terrorism must be undertaken not only through criminal measures, but also through the development and implementation of a national strategy to counter violent extremism.

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**INDIVIDUAL PROBLEMS OF APPEAL JUDGMENT
UNDER THE AGREEMENT IN THE CRIMINAL PROCEEDINGS**

The social political processes that took place in Ukraine during 2014-2016, stipulated the necessity of reforming the constitutional level of the national justice system, which resulted in adoption of the Verkhovna Rada of Ukraine on June 2, 2016 Ukraine "On amendments to the Constitution of Ukraine (regarding Justice)" [1], which substantially changed the constitutional principles of judicial proceedings.

The original version of article 129 of the Constitution of Ukraine defined one of the basic principles of proceedings to ensure appeals and cassation appeal against the court's decision, except in cases stipulated by law. However, after making the above amendments to the Basic Law, this ambush is formulated differently-as ensuring the right to appeal the review of the case and in the cases determined by the law-the Cassation appeal of the court decision [2].

The new version of the constitutional provision to a greater extent provides the right to review a court decision, since, compared to the previous edition, guarantees the procedural right of a participant in court proceedings to revise his case by the court at least once – in The Court of Appeal.

Thus, with the adoption of the above constitutional amendments, it was formed as a basis for introducing a legal guarantee system on which the court judgment of the first instance, which terminates the criminal proceedings may be subject to reconsideration in court of Appeal and appeal against such decision may not be prohibited by the procedural law.

The peculiarities of appeal judgment under the agreement are determined by the provisions of sections third and Fourth of article 394 of the CPC where the legislator defined an exhaustive range of appeals against the verdict on the basis of the agreement and predicted limited The list of grounds for such appeal. Thus, in the interest of accused it is possible to challenge the verdict on the basis of an agreement on conciliation or the recognition of guilt solely on the following grounds: appointment of a court punishment, obligation than agreed by the parties of the Agreement, the approval of the verdict without The appointment of punishment, in explanations by the court to the accused of his right to a trial, during which the prosecution must prove every circumstance of a criminal offence, as well as unexplanation of the basic procedural rights Accused in criminal proceedings, in case of an involuntary conclusion of a contract, discrepancy of agreement to the requirements of the law or in explanation of the accused consequences of conclusion of agreement [3].

The victim's interest is allowed to appeal only the verdict on the basis of the reconciliation agreement, while solely on the grounds of appointment by the Court of punishment, less strict than the agreed by the parties of the Agreement, the approval of the verdict without his consent to appointment Penalties, unexplaining the consequences of the agreement, failure to court the requirements set by the sixth or seventh of article 474 of the CPC, i.e. in the case of a voluntary conclusion of an agreement or discrepancy of the agreement to the requirements of the law.

As for the prosecutor, the latter is entitled to appeal the verdict on the basis of an agreement on reconciliation solely with the grounds of approval by the Court of Agreement in criminal proceedings, in which pursuant to a part of the third article 469 the CCP cannot be concluded (in

criminal In proceedings concerning heavy and especially serious crimes that are not attributed to the crimes of private prosecution and in criminal proceedings regarding the authorized person of the legal entity who committed the criminal offence in connection with which the Proceeding on the legal entity), and the verdict on the recognition of the guilt – solely on the grounds of appointment by the Court of punishment less strict than the agreement agreed by the parties, the Court approves in the proceedings, in which according to part four Article 469 of the CCP the agreement cannot be concluded (in criminal proceedings for particularly serious crimes that are not classified as a NABU or performed not by a preliminary agreement by a group of persons or not as a part of an organized group or criminal organization or not Terrorist group).

From this, one can isolate a number of legal problems in the Court of Appeal appeal on the basis of the agreement, which are reduced to the next. The procedural law does not provide for the prosecutor's right to appeal the verdict on the basis of the agreement, on other grounds than those mentioned above, in particular in relation to the inconsistency of the agreement with the requirements of the law or the agreed parties punishment Committed crime and the accused person, etc. For example, the decision of the judge of Kropyvnytskyi on 29 January 2020 denied the opening of appeal proceedings at the prosecutor's appellate complaint for the sentence of the Novomirgorod District Court of Kirovohrad region on December 12, 2019, Reconciliation Agreement between the victims and the accused. Reason for the refusal to open the appeal proceedings was to appeal the Prosecutor of the court sentence on the basis of the reconciliation agreement on grounds not stipulated by paragraph 3 of the third article 394 of the CPC, because the prosecutor in the appellate complaint was asked to cancel Court verdict of first instance in connection with improper application of the law of Ukraine on criminal liability [4].

Despite the fact that the Prosecutor is not a party to the reconciliation agreement, he still remains a participant in court proceedings and ensures the implementation of the State control function in compliance with the legislation in the implementation of criminal proceedings, including Based on the reconciliation agreement.

To be able to implement the above-mentioned functions on the basis of item 3 of article 394 of the CPC of Ukraine, the prosecutor granted the right to appeal the court of First Instance, adopted on the basis of the reconciliation agreement between the victims and the suspect or the accused. However, the Prosecutor shall have the right to challenge this verdict solely on the grounds of approval by the Court of the Agreement in criminal proceedings, in which the agreement cannot be concluded under the third article 469 of the CPC of Ukraine, that is, in criminal proceedings against grave and especially Serious crimes that do not relate to the crimes of private prosecution and in criminal proceedings regarding the authorized person of the legal entity who committed the criminal offence in connection with which the proceedings against the legal entity are conducted. Obviously, this form of procedural control is designed to prevent the abuse of victims and the accused by the procedural rights, and the use of them to the detriment of criminal proceedings.

Consequently, the foregoing may include a conclusion on the need to expand the grounds for appealing the court sentence on the basis of a reconciliation agreement prosecutor, providing for the possibility of appealing against the prosecutor of such a verdict on the grounds of improper use Court of the Law on criminal liability, approving the Court agreement on conciliation with a substantial violation of the requirements of the criminal procedural law, etc. The next problematic issue is that according to the provisions of article 394 of the CCP, the victim is not a subject of appellate appeal of the verdict on the basis of an agreement on the recognition of guilt, even if he participated in criminal proceedings and gave the consent to prosecutor on Conclusion of the plea agreement.

However, deprivation of the victim's right to appeal the court's judgment, even if this verdict is passed on the basis of plea agreement, contradicts as the constitutional principles of legal proceedings, which guarantee everyone to ensure the right to Appellate revision of his case and general principles of criminal proceedings, in particular the provisions of article 24 of the CPC, according to which everyone is guaranteed the right to appeal against procedural decisions, actions or inaction of the court, the investigating judge, the prosecutor, The investigator, in the manner prescribed by the CCP, is guaranteed the right to review the verdict, the ruling of the Court concerning the rights, freedoms or interests of the person, the higher level court in the manner prescribed by the CCP, whether or not such a person took part in the proceedings.

Limitation of the victim in procedural rights, in particular, regarding appeal of judgment on the basis of plea agreement, appears unacceptable because it leads to substantial violation of his

rights as a participant of criminal procedural Relations. As a way of overcoming the gaps in the procedural legislation it is advisable to initiate a change of the CCP, which should provide the right of the victim to appeal the court sentence on the basis of an agreement on the recognition of guilt on his consent, The relevant grounds and boundaries of such appeal.

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MEASURES TO PREVENT AND COMBAT DOMESTIC VIOLENCE UNDER THE LAW OF SERBIA

Following the signature of the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence (or the Istanbul Convention) of 11 May 2011, Ukraine, of course, had to make some changes to the law in force (even though the international law the act has not yet been ratified). Since domestic violence violates (or threatens to cause harm) human rights, freedoms and interests in several areas, the creation of an effective comprehensive mechanism for preventing and countering this phenomenon is of particular relevance and importance.

An indispensable component of such a mechanism should be the introduction of positive experience and experience in this field, which has already proven their worth in foreign countries, which have implemented the provisions of the Istanbul Convention into their own law and are building on its law enforcement practice. This will not only avoid the mistakes made earlier abroad, but will also increase the awareness of law enforcement and other public authorities on the most effective ways to apply new powers and mechanisms (tools), and will also promote cooperation between themselves and with public organizations (and civil society structures and the general public, in turn, to engage more closely with government institutions).

Serbia, while not the first signatory to the Istanbul Convention, nevertheless acceded to it in April 2012 and ratified it in November 2013; therefore, from the date of entry into force of this international legal act (1 August 2014), it is also effective for Serbia and obliges it to amend its own legislation accordingly. Against this background, the Law on Combating Domestic Violence [1] was adopted and entered into force on 1 June 2017, defining the basic concepts in this area and the specific activities of state bodies responsible for implementing the policy of preventing and combating domestic violence.

It should be noted that as early as August 2009, the Serbian Penal Code [2] was supplemented by Article 89a, which provided for the court's decision to prohibit the offender from approaching the victim, his place of work, or for a period of not more than 3 years. accommodation, or cause additional harm to him by maintaining any connection. However, only adherence to the Istanbul Convention and the adoption of a profile law allowed for proper legal frameworks for preventing domestic violence and protecting victims effectively. Serbia's criminal procedural and family law provisions, which allowed for certain restrictive measures against offenders from family members, were rarely used, although the power to go to court to reach a decision was given to the prosecutor's office (even in the absence of a complaint / claim from the victim).

The Domestic Violence Law authorizes the competent Serbian authorities to take two urgent measures to prevent domestic violence:

- an order for temporary removal of the offender from the place of residence;
- an injunction to temporarily prohibit the offender from contacting and approaching the victim,

The reason for taking the action is to address any person who has become aware of a domestic violence case, to the prosecutor's office or to the police and to conduct a risk assessment carried out without delay by an authorized police officer.

Although the Domestic Violence Act does not explicitly state this, in practice, both immediate measures are almost always applied at the same time (in order to prevent recurrent domestic violence that the abuser removed from his / her place of residence may approach by approaching the victim in another place). According to the Ministry of Internal Affairs of Serbia, in 2018, 19150 decrees were issued on urgent measures to prevent domestic violence, and in 19074 cases referred to the temporary removal from the place of residence and the temporary ban on contacting / approaching [3].

The total duration of these measures does not exceed 32 days: up to 48 hours - by order of an authorized police officer and up to 30 days - by court order, the injured party represented by the prosecutor's office. However, the court is not obliged to make a decision on the implementation of the said measure (measures) - it, after considering the petition of the prosecutor's office, only continues the implementation of the measure (measures) by the order of the authorized police officer, but has no right to reduce or cancel it (them). Violation of the conditions of at least one of the measures imposed by the decision of an authorized police officer entails the punishment of arrest for up to sixty days; however, if the injunction imposed by the court is violated, the guilty person may be imprisoned for a term of three months to three years.

Upon temporary removal from the place of residence of the offender, they are obliged to leave the apartment (house, room, etc.) in which the victim is (resides). The relevant decision applies not only to the actual part of the dwelling, but also to other premises (kitchen, basement, attic, garage, etc.) and may be issued by an authorized police officer even with respect to the owner of such dwelling. Of course, this is not about depriving a person of his or her property right, but only about temporarily limiting the exercise of such a right in order to satisfy the more important public interest, namely the other person's right to life, health, personal integrity and safety. The legitimacy of this has been repeatedly stated in ECtHR decisions.

The temporary prohibition of the offender from contacting and approaching the victim is intended to prevent the possibility of a recurrence of domestic violence or aggravated assault while simultaneously imposing an appropriate restriction on the offender and allowing the victim to live an ordinary life (without constant fear). It is worth noting that this immediate measure applies not only to the unconditional threat of threatening the victim in the near future, but also if there are grounds (as a result of risk assessment) to consider that the mere fact of contact (personal, communication, etc.) between the abuser and the victim is the last manifestation of psychological abuse. Therefore, this prohibition covers all possible means of contact (including through third parties); moreover, the victim is warned of the duty (in case of contact by the offender) to ignore the attempt to communicate and immediately report it to the police.

The rule on liability for the crime in question is set out in Section XIX, Crimes against Marriage and the Family, of the Criminal Code of Serbia. According to Article 194 Domestic Violence, physical violence or threatening it against a family member, which causes harm and violates the person's integrity, shall be punishable by imprisonment for a term of three months to three years. In the case of committing this encroachment with the use of weapons, dangerous objects or other means of harming the health, the punishment shall be from six months to five years in prison; if it caused serious harm to the health or was committed against the minor - from two to ten years, and at the death of the person - from three to fifteen years.

To summarize, it should be noted that the legislative provisions regarding the prevention and combating of domestic violence in Serbia largely take into account the provisions of the Istanbul Convention. Therefore, the experience of the practical activity of law enforcement agencies of this state in this field should be carefully analyzed for possible implementation of useful developments in domestic law enforcement.

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**ISSUES OF IMPROVEMENT OF THE DRAFT LAW OF UKRAINE
“ON MEDIATION” No. 2706 of 28.12.2019**

Modern society is characterized by the increase in the number of disputes that are resolved in court. However, the experience of judicial practice demonstrates a failure of settlement of a particular dispute only the legal rules, since dissatisfaction with a court decision may result in its failure, additional litigation. In addition, an inflated number of cases pending in the manufacture of the judges, makes it impossible to carry out the proper preparation and handling of such cases. So, the load per judge is approximately 70 cases per year (and, for example, in 2011 this figure amounted to 140 cases). For example, in Germany the burden on the judge is 55 cases and materials a year, which is considered excessive overload of the judicial system. Recommendations to the European institutions unanimously invite States that are members of the Council of Europe, not to increase but to decrease judicial workload. Such provisions are found, in particular, the recommendations of the Committee of Ministers of the Council of Europe № R (81) 7 on measures facilitating access to justice; no. R (99) 19 on mediation in criminal matters; No. Rec (2001) 9 on alternatives to litigation of disputes between administrative authorities and parties – private individuals; no Rec (2002) 10 on mediation in civil matters [1, p. 4].

The following issues can be resolved by means of widespread introduction into practice of resolving various disputes of the Mediation Institute. The draft Law of Ukraine “On Mediation” No. 2706 of 28.12.2019 [2] is devoted to this issue. The explanatory note to this draft states that the mediation procedure in Ukraine is unregulated, but the practice of resolving conflicts (disputes) through mediation is gradually increasing. Thus Art. 124 of the Constitution of Ukraine stipulates that a mandatory pre-trial procedure for the settlement of a dispute may be determined by law. It should also be noted that on August 7, 2019, the United Nations Convention on the International Mediation Settlement Agreements (Singapore Convention on Mediation) was signed by the Minister of Justice of Ukraine on behalf of Ukraine. In order to ratify and implement the said Convention, Ukraine needs to adopt a special law that will lay down basic provisions, in particular, on the scope of mediation, its procedure and the status of mediators [3].

We consider that the said explanatory note, like the draft law itself, does not fully take into account the real state of legal regulation of mediation in Ukraine, which, accordingly, affects the quality of preparation of the project under consideration. Thus, today, the possibility of using mediation in the settlement of disputes is provided by several existing regulatory acts.

The Law of Ukraine “On Social Services” of January 17, 2019 (came into force on January 1, 2020) in Item 10 of Part 6 of Art. 16 defines the list of basic social services to which mediation (mediation) refers. In this case, this service may be provided at the expense of budgetary funds in the case of submission to the structural unit for social protection of population of rayon, rayon in the cities of Kyiv and Sevastopol state administrations, executive body of the city council of cities of regional importance, council of the united territorial community at the place of residence / stay of the person: 1) statement of the person or his legal representative on rendering social services; 2) appeals, messages from other persons in the interest of persons / families in need of social services (Part 1 of Article 19 of the Law) [4].

The Law of Ukraine “On Free Legal Aid” of June 2, 2011 defines which legal services are provided as free legal aid. Such services include, in particular, providing assistance to a person in securing his or her access to secondary legal assistance and mediation (Article 4, paragraph 1 of the Law) [5].

National Classifier of Ukraine DK 003: 2010 “Classifier of professions”, approved by the Order of the State Consumer Standard No. 327 of 28.07.2010 contains the professional title of the work “Specialist in conflict resolution and mediation in the social and political sphere” with code 2442.2 [6].

The state standard of social mediation services (mediation), approved by the order of the

Ministry of social policy of Ukraine from 17.08.2016, No. 892, contains common approaches to the organization and to provide social mediation services (mediation) rules, principles and characteristics concerning the activities of the mediator. In particular, he determines that the provision of social services includes two stages. The first stage is the mediation. The mediator, having received information about the event, establishes a connection (contact) with the parties and arranges for an individual meeting. The mediator analyzes the situation, provides conditions for dialogue with the parties and the preparation for the meeting. The mediator assists in conflict resolution/dispute (establishes the causes of the conflict/dispute, is considering ways and conditions of its solution, contributing to its elimination). The mediator, when necessary, is a recipient of social services to apply to the mediator. The second stage is the implementation of mediation. The interaction of recipient of social services with the mediator takes place on the principles of mutual respect, the inadmissibility of insults and indignities, the participants' agreement on the mediation place, the date and the time frames of each meeting, create comfortable conditions for the participants of the mediation. The parties of mediation have the right at any time to refuse to participate in mediation. The mediator helps the parties to communicate, to explain to each other their vision of the conflict/dispute, to identify solutions, analyze and, if necessary, to correct possible solutions and agreements and to reach agreement on the resolution of the conflict/dispute and/or correct/redress [7].

In our opinion, the Law of Ukraine "On Mediation" should detail the procedure for regulating relations in the sphere of mediation, and not contain sufficiently abstract declarative categories, which, in certain circumstances, are not able to regulate, but, on the contrary, to entangle relations in the said sphere.

In particular, the draft Law of Ukraine "On Mediation" No. 2706 of December 28, 2019, as well as the previous drafts of this Law, does not specify a specific list of cases for which the mediation procedure is conducted. We propose to provide in the Law of Ukraine "On Mediation" a list of disputes, which make mediation mandatory. In our view, it is advisable to include the following disputes in this list: 1) civil - disputes concerning hereditary rights; 2) family - divorce, separation of property of the spouses, recognition of paternity, denial of paternity, disputes about participation in the upbringing of the child, determination of the place of residence of the child, disputes on ways of fulfilling responsibilities to support the child and determining the amount of alimony, participation in additional expenses for the child, on the obligation and amount of alimony for the maintenance of adult children, the maintenance of one spouse; 3) labor - all categories of disputes; 4) administrative - unlawful dismissal, resumption of work, recovery of average earnings during forced absenteeism and non-pecuniary damage; 5) criminal - in private prosecution cases [1, p. 5-6].

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PSYCHOLOGICAL FOUNDATIONS OF PROCEDURAL INTERVIEW

The national security of Ukraine covers a wide range of tasks, among which one of the main ones is prevention, detection and reduction of crime rate, protection of the public. Crime investigation is at the heart of this task. The staff of the pre-trial investigation units is constantly searching for improvement and improving the effectiveness of investigative work. In the process of reforming the law enforcement system, the results of current scientific research and the experience of foreign countries on crime prevention and detection are used.

An analysis of international experience shows that the police of the United Kingdom, the United States, Germany, Norway and other countries have been using victim interviews, witnesses and suspects for more than thirty years instead of traditional interrogations. Even police training does not use the term "interrogation" because it eliminates the possibility of voluntary cooperation by another person.

A procedural interview is a new form of crime-solving information that is predominantly based on psychological communication and interaction. The refusal to pressure a detainee and the use of technologically sound approaches to the preparation and interviewing, strangely enough, motivate a person to cooperate, and even to refuse a false version and admit to committing a crime. Effective interviewers are considered employees who have basic knowledge, good knowledge of psychology, have practical experience, adhere to the principles of integrity, common sense and adequate assessment of the situation.

Changing rigidly regulated forms of information (interrogation) to new - more progressive and effective - processes is difficult. For a police officer who is accustomed to old methods of working, the implementation of such a "human-centered" philosophy will in practice be a real challenge. The question arises immediately of arming the employees of the units of the pre-trial investigation with the basic knowledge and skills in the field of social psychology, psychology of negotiation activity, psychology of deviant behavior, etc. It is also necessary to take into account previous work experience, which has formed certain skills, stereotypes, successes, which may interfere with the perception of new forms of work.

Of course, each interview is unique, has its own purpose, aimed at the individual with his or her individual and psychological characteristics. However, all interviews have the common purpose of obtaining accurate, complete and truthful information that will help hold a true offender accountable.

During a procedural interview, a person may choose and exhibit different behavioral responses, from active communication to hostility and silence. Knowledge of the psychological patterns and mechanisms that underlie human behavior is an important factor in successful communication. In particular, the features of speech-thinking activity help to understand even a person who is silent and fundamentally unwilling to communicate.

According to T. Williamson, opposing a procedural interview "compels the police to panic, repeat the question again and again or prematurely end the interview", especially if the person says "without comment" or is silent [3, p. 58]. In these situations, you need to build a strategy based on using the features of the interviewer's professional thinking: reflectiveness, flexibility, creativity, and more. Such features of thinking allow the thoughts to penetrate into the thinking of another person, to predict its subsequent actions, to determine the degree of veracity of statements, etc. Another important psychological characteristic of the interviewer is the level of development of emotional intelligence, which makes it possible to recognize the emotional states of the interviewee, to properly express and use their own emotions.

According to psychologists, philosophers, linguists, thinking has a dialogical character. A means of realization of the thought process is internal speech, through which a person always linguises his own world in internal dialogue. That is, any thought, new meaning, idea is always born in dialogue: external (if several people communicate) or internal (when a person communicates with his / her self). Resisting an interview with a police officer does not mean that its internal dia-

logue has stopped. On the contrary, a person who, for certain reasons (fear of punishment, revenge, embarrassment, etc.) does not support communication, a very active internal dialogue takes place. That is why it is not necessary to reduce activity, it is necessary to continue to generate conversation, to ask questions, to argue utterances, to make assumptions.

It should be understood that the arguments are directed not at the person, at his or her internal speech-thinking process. Each semantic link is perceived and included (if significant) in the internal dialogue as a semantic position. In this regard, the interviewer's interview should consist of semantic blocks - a series of questions, statements that resemble or make some profound meaning for the object of a procedural interview

It is clear that such an active interviewing strategy can be used by employees who have a good psychological background and conversational skills, have knowledge of cognitive processes.

For modern police officers, training in a procedural interview is a step toward professional development and self-development. "It requires communication skills, openness and compassion, even in the most difficult situations. Interviewers should be able to plan, apply structure and demonstrate discipline at all times. They must be able to independently assess their successes and mistakes, and understand the complex psychological processes" [1, p.29].

The introduction of a procedural interview into police work significantly increases the general level of public trust in law enforcement, lowers the level of resistance of suspected persons and opens new perspectives in investigating complex resonant criminal cases.

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**THE SITUATION OF PUMPING
AND PERSON'S INVOLVEMENT IN PROSTITUTION**

The crime scene is a broad concept that includes a number of elements that characterize the environment in which a socially dangerous act is committed. They must always identify the time, place and conditions of the crime that are relevant to his full investigation. Their consistent consideration in the context of the study of pimping and involvement of a person in prostitution will help in the complex construction of his forensic characteristics.

The place of pimping and involving a person in prostitution is part of the event. It contains a large amount of information about the criminal offense, certain data about the identity of the offender. Among them are the following: place of work and residence; sports and wellness complexes; place of leisure and rest; vehicles; open terrain.

The places of pimping and involving a person in prostitution have the following characteristics:

- are characterized by a limited number of eyewitnesses (in this case in most cases there are no persons who do not use the services of prostitute);
- are located at the place of leisure and recreation of citizens (saunas, hotels);
- characterized by limited access (owner, customers, prostitutes) [3, c. 240].

Example: from December 2014 to June 2015, gr. L., as an unofficial nightclub employee, organized an activity in the nightclub for securing prostitution by other persons, which included financial reporting of illicit activities in the pursuit of intimate services, finding clients and mediating with women to enter with them in specially adapted premises of the institution, payment of wages, control of leaving work, drawing up of schedules of employment of women providing in-

timate services, etc. Thus, for the purpose of conspiracy to provide intimate services, she developed a plan according to which clients of the entertainment establishment under the pretext of "treating the girl with champagne" were offered intimate services, namely visitors to the institution, for a fee of 1000 UAH, allegedly bought a bottle of champagne and subsequently they were provided with intimate services [6].

Regarding the time of committing, the greatest number of them occur during the rest period (weekends and from 6 pm to 6 am).

Among the conditions that characterize the possibility of committing a criminal offense under investigation are the following:

- abnormal relationships between family members;
- antisocial manners of its members;
- the presence in the family of antisocial customs;
- wrong parenting of children;
- their failure to fulfill their educational obligations;
- disadvantages of school education;
- underdevelopment of leisure;
- lack of morality and ideology;
- youth alcoholism and drug addiction;
- degradation of the domestic culture, combined with the spread of the cult of violence and individualism;
- the negative role of the media;
- inefficient functioning of the law enforcement system;
- imperfect victim victimization of criminal offenses [4, c. 128].

The following picture contains a typical description of the tracks and their sources (people, things) and the circumstances of the event. It is, like any general, less specific in detail, but more meaningful as an ideal model of offense, which allows one to more fully distinguish the individual based on the general. Therefore, the following picture, as a coherent information system revealed in the course of the investigation, requires independent scientific analysis in order to identify the resources of forensic and evidential information contained therein. [1, c. 43].

The overwhelming number of footprints is distinguished by personal sources of information (testimony of witnesses and eyewitnesses to the event, pimps, prostitutes and other members of the criminal group).

Traces of pimping and involvement of a person in prostitution were mostly found in the place of intimate services. Outside the intimate services site, these traces were formed as a result of the offender's actions to prepare or conceal socially dangerous activities.

Evidence from material sources is mostly withdrawn at subsequent stages of the investigation during the conduct and other procedural actions. Most often, investigators at the sites of intimate services found: traces of hands and traces of blood and other organic substances [5, p. 176].

The nodes where the traces of pimping and involvement in prostitution can be concentrated are as follows:

- place of pimping;
- place of intimate services;
- the location of the pimp and prostitutes [2, c. 157].

To sum up, the crime scene is a broad concept that includes a number of elements that characterize the environment in which a socially dangerous act is committed. They must always identify the time, place and conditions of the crime that are relevant to his full investigation. Their consistent consideration in the context of the study of pimping and involvement of a person in prostitution will help in the complex construction of his forensic characteristics.

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**ABOUT THE PARTICIPANT OF THE SUSPECT WHEN CONSIDERING
THE APPLICATION FOR THE DEFENSE MEASUREMENT**

In accordance with Part 1 of Article 193 of the CPC of Ukraine, consideration of a petition for the application of a preventive measure is carried out with the participation of the Prosecutor, the suspect, the accused, his defense counsel, except in cases provided for in Part 6 of Article 169 of the CPC [1].

Part 6 of Article 129 of the CCP states that an investigating judge may consider applying for a measure of detention in the form of detention and choose such measure of restraint in the absence of a suspect, accused, only if the prosecutor, except for the reasons provided for in Art. 177 of the CCP, it will be proved that the suspect, the accused has been put on the international wanted list. In such case, after the detention of the person and not later than forty-eight hours from the time of his delivery to the place of criminal proceedings, the investigating judge, court with the participation of the suspect, the accused shall consider the application of the chosen preventive measure in the form of detention or his change to a softer precautionary measure, which the ruling provides. Which documentary evidence should the "internationally wanted" design relate to? According to paragraph 4.4. Section 4, "International Investigation by Interpol Channels," of the Instruction on the procedure for the use of the capabilities of the Interpol NCBs in Ukraine in the prevention, detection and investigation of crimes [2] states: the reason for the international search of Ukrainian citizens is a request from a law enforcement authority sent to the NCB. On the basis of that request, the NCB shall send the request to the General Secretariat of the Interpol or to the National Central Bureau of the Interpol of the country concerned. The NCB shall inform the initiator in writing of the request made.

Thus, attached to the petition for election of a measure of restraint by a document (copy), which certifies the fact of the announcement of the suspect on the international wanted list may act:

1) the resolution of the investigator on the announcement of a person on the international wanted list (Part 2 of Article 281 of the CPC; Item 8 of Section VIII "Ensuring interaction in the termination of pre-trial investigation" Instructions on the organization of interaction of bodies of pre-trial investigation with other bodies and units of the National Police of Ukraine [3]) or an investigator's decision to suspend the pre-trial investigation and announce the search;

2) investigator's request sent to NCB;

3) a letter from the NCB to the investigator requesting him or her to the General Secretariat of the Interpol or to the National Central Bureau of the Interpol of the country concerned.

In other cases, the absence of the suspect in the consideration of the request for the application of a preventive measure, the investigating judges decide to refuse the application of the preventive measure or to leave without consideration of the respective request of the investigator. The CCP of Ukraine does not envisage leaving without consideration of the petition for election of a preventive measure, however, this decision is sometimes made by investigative judges in cases of

establishing circumstances that make it impossible to consider the petition on the merits.

For example, an investigative judge of the Rivne city court of the Rivne region when considering a petition for application of a preventive measure in the form of detention [4]. The decision of the investigating judge to leave without consideration of the relevant petition is justified by the fact that the suspect of committing the crime, envisaged in Part 3 of Article.368 of the Criminal Code of Ukraine, after his detention in the order of Article 208 of the Code of Criminal Procedure of Ukraine, was admitted for treatment at the Dubna Central District Hospital and hospitalized at the Department of Anesthesiology and Intensive Care with a diagnosis of hypertension, hypertension, diabetes, severe form. For this reason, the suspect was absent in the application for a preventive measure, and therefore this circumstance made it impossible to consider the merits of the said request [4].

Otherwise, the investigating judge, within seventy-two hours, from the moment of receipt of the request to the court three times appointed the appropriate court hearing, to which the suspect though was delivered, but twice he was in a "non-contact state", in connection with which he was appointed and conducted medical examinations. In particular, in order to find out the possibility of a suspect for health condition to take part in a court session, such an examination was commissioned by the CPPO "Kharkiv Regional Clinical Psychiatric Hospital # 3". At the last court hearing scheduled for March 25, 2018, the suspect was not delivered, and the examination at that time was not conducted by a psychiatric hospital. In these circumstances, the decision to refuse the application for pre-trial detention in the form of detention is justified [5].

Thus, it would be expedient in the CPC of Ukraine to regulate a special rule of grounds for leaving an investigating judge without considering the request of the investigator to elect a preventive measure.

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STATE SECURITY AND INNOVATIVE DEVELOPMENT OF THE FORENSIC SECTOR

It is unlikely that anyone in today's Ukraine will deny the relevance of the topic of innovation. And it is not only about the state-administrative sphere, but also about all other spheres of social relations: science, education, medicine, jurisprudence, etc. To confirm this view, let us turn to the Ukraine 2020 Sustainable Development Strategy, in which the establishment and development of a national innovative system of social development was declared a priority for our country. Definition of the term "innovation" certainly has public-administration aspects.

In dictionaries, the orientation of "innovation" (innovation) is interpreted as the result of creative activity aimed at the development, creation and dissemination of new types of products, technologies, the introduction of new organizational forms, etc. However, its modern sound has

been greatly enriched: "innovative educational programs" are being created, "innovative foreign policy" is being implemented, "innovative solutions" are being adopted, and so on. In the broad sense, "innovation" - is used in one or another sphere of society as a result of intellectual (scientific and technical) activity aimed at improving the process of activity or its results.

For forensics, the term "innovation" is not just a word game or the use of a fashionable term. One of the main tasks of forensic science is the creation and use of appropriate means, methods for the detection and investigation of crimes, establishing the true circumstances of the case to ensure national security and public order. In order to be adequate to modern threats, criminalistics integrates and synthesizes the latest achievements of science and technology [2]. Today, for its purposes, it carries out an active "innovative" activity: it successfully develops, implements and uses the latest information and science-intensive technologies, various kinds of intellectual systems, nanotechnologies and more. The need for scientific substantiation of the system of measures for the detection and investigation of crimes, their development and practical implementation has always been and remains dependent on the achievements of scientific and technological progress.

Without their account, as A.I. pointed out. Winberg, "it would be impossible to properly understand the nature of forensics, whose official role is to introduce into modern criminal justice the modern capabilities of science and technology for the tasks of crime detection and investigation to ensure national security." The tendencies and prospects of the development of domestic forensics under the influence of scientific and technological progress have been paid much attention in the works of R.S. Belkin, who, as a manifestation of the consequences of scientific and technological progress, highlighted the acceleration of the pace of development of forensic science, caused by the increasing volume of basic and applied research, accelerated development of those fields of knowledge, the data of which are used in forensics. It is known that forensic science is one of all legal disciplines most closely connected with the natural and technical sciences, the achievements of which are generated in forensic science and at the same time act as the main source and means of development of forensic technology as a means of formation of state security. It was the natural and technical sciences that have always been a priority area for the state policy of the country [3, p. 78]. Today in modern Ukraine the contradictions of the process of formation of new socio-economic market relations together with the new round of world scientific and technical progress have led to an increase in quantitative and qualitative indicators of crime, as well as negative tendencies in its dynamics and structure: professionalization, intellectualization, unification antisocial forces in the crime group and the community, the emergence of new types of crime and more. All this has put before national forensics a strong social order to search for adequate criminal situation of the means, solutions and methods that would allow to curb crime.

We support the views of Karpeko N.M. [5, p.31-32], regarding the identification of three main directions of the state innovation development of forensics at the present stage: First, the use of fundamentally new materials, the development and implementation of new technologies and solutions. This tendency is characteristic mainly for the development of forensic expert studies. For example, domestic forensic experts have achieved considerable success in the study of various objects of biological, synthetic and other origin. In recent decades, atomic absorption analysis, laser microanalysis and other high-precision high-tech methods have become increasingly used in expert practice. Moreover, nanotechnologies are being introduced into the practice of expertise production. Nanotechnology was proclaimed the foundation of the scientific and technical revolution in the 21st century, one of the most promising and in demand areas of science, technology and industry, and the formation of the national nanoindustry was declared the most important strategic direction for the country. With the use of nanotechnology, fundamentally new opportunities are opened for the solution of expert tasks. For example, for the needs of forensic science, the physical and analytical equipment, created at the enterprises of domestic space microelectronics, the spectrum of the o-meter for especially accurate analysis of solids by the methods of ion, electron and photon spectroscopy was adapted. These spectrometers differ in the insignificance of the analyzed area, able to capture the thickness of the analyzed layer up to 1 atom with the detection of all kinds of atoms in an object with an unknown composition. The analysis is carried out by sequential removal from the surface of the material of the atomic layers with the exposure of the following. Accordingly, the volume of evidence is repeatedly increased [4]. In addition, a three-dimensional picture of the distribution of atoms of the desired type can be constructed from the results of the analysis to provide clarity and credibility of the expert study.

For the use of this equipment for forensic purposes, techniques have been developed for the preparation of samples and the production of research, which ensure the reliable preservation of the original information on the traces, as well as other individual features of the investigated objects. According to the authors, with their help, a number of forensic examinations were conducted on several dozen criminal cases.

Thus, various forensic problems were solved, which were previously considered insoluble due to the lack of equipment and methods of its application in expert practice. The scientific and technical component of modern forensic technologies is especially actively implemented in conducting reviews [5]. In the activity of bodies of pre-trial consequence the combined sets of sciences of technical means are introduced: the unified set of the investigator; a set of search tools of the investigator; a set of scientific and technical means for inspection of a place of fire; a set of scientific and technical means for inspection of explosive devices and place of explosion; a set of scientific and technical means for robots with micro-objects [1, p.14].

It should be noted that the use of forensic innovative products must meet a number of conditions. The admissibility of use is a fundamental principle of all forensic developments in the judiciary. The use of an innovative product is acceptable if it does not violate the rights and legitimate interests of citizens, moral, ethical standards. When applied, it is necessary to ensure the safety of sources of evidence: traces and objects - physical evidence, as well as the absence of distortions of fixed or analyzed information.

Another prerequisite is to ensure the guarantees of scientific capability and reliability of forensic innovative products, that is, the product itself and the rules for its application should be based on strictly scientific data, be tested, and, where necessary, be certified and recommended for practical use. The qualified use of forensic innovative products should be carried out by the appropriate special subjects (investigator, judge, specialist, expert, operational staff).

It obliges the latter to know and use correctly these forensic innovative products, while ensuring the objectivity and versatility of professional activity in the detection and investigation of crimes [5, p. 35]. The development of this topic seems to us quite relevant and significant both in theoretical and practical aspect for ensuring national security, because only through forensic law enforcement activities can be saturated with innovative products and technologies.

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INDIVIDUAL DETERMINANTS OF CHILD CRIME IN THE CIRCULATION OF DRUGS, PSYCHOTROPIC SUBSTANCES AND THEIR ANALOGS

According to estimates, there are 346,000 people who inject drugs (opioids or stimulants) in Ukraine. Mostly young people of working age, most of whom already have the syndrome of dependence on these substances [1]. According to a social survey, five share of young people are familiar with the effects of drugs. Among them, the highest percentage is students of higher education [2]. The above data indicate that drug addiction of a large number of drug addicts

occurs before they reach the age of majority.

The causes of drug distribution among children and young people are socially conditioned and directly related to internal and external contradictions in the development of our social system [3, p. 18]. That is why it is important for effective prevention measures to identify specific phenomena and processes that contribute to the commission of crimes related to drug trafficking, psychotropic substances, their analogues and precursors.

General conditions contributing to child crime in general and child crime in the area of drugs, psychotropic substances and their analogues, in particular, are deficiencies in the activities of both public institutions and non-governmental structures.

To the conditions of crime children include Bangladeshi and the lack of proper control by the relevant services and bodies, family, behavior, relationships and the nature of how the adolescent spends free time.

The family environment must be viewed as a social condition is of paramount importance in the structure of the determinants of drug addiction of children and youth. Social bases of lifestyle and attitudes, such as needs, interests, personality setting, the child's psyche, the sense of justice is laid in the family.

In turn, pedagogical failures in education in preschools and schools determine the probability of becoming such a person on the path of addiction is no less than inappropriate family environment.

Also terms of crime children include deficiencies in the system of legal education of adolescents in the organization of employment of minors, deficiencies in organization of their leisure, deficiencies in the activities of the bodies charged with duties of holding the direct prevention of crime children, primarily at the level of individual prevention of crimes [4, p. 240].

The formation of negative socio-psychological properties of the personality of juvenile offenders is under the influence of reasons, the main of which are: insufficient attention from the state and society to the problems of children in General and juvenile crime in particular; the shortcomings of family education, due both to the direct negative impact of the family and inability of families to resolve issues of moral and psychological education of the child in terms of destruction of the system of state bodies of education and undermine the material base of family education [5, p. 54].

The causes of juvenile crime in the sphere of turnover of narcotic drugs, psychotropic substances and their analogues should also include the following: negative impact of immediate everyday surroundings, which is now the dominant factor that contributes to antisocial orientation of adolescents provides them with an idea of the validity of the criminal actions of a certain type; solicitation by adults to commit crimes – direct involvement in criminal activities, selfish and violent direction, the inducement to use drugs; prolonged absence of socially useful employment (study, work) that pushes the youth to the path of committing crimes; the negative impact of media, social networking the propaganda of violence, immorality, drugs, easy life, criminal activity, etc [4, p. 75].

In addition to the common causes of juvenile crime in the sphere of turnover of narcotic drugs, psychotropic substances and their analogues should be attributed to social and political instability in the country, failure to comply with drug laws, "transparency" of Ukrainian borders.

We should also point out some reasons that push a person to drug use: the desire to escape from existing social injustices, lack of sufficient financial support, family problems, lack of a clear vision, specific goals in life, a malformed view of modernity. Also contribute to addictive drugs is first the desire to try them, confidence in security, and later – the illusion of the ability to stay on small doses [6, p. 115].

In the development of measures of prevention of juvenile crime in the sphere of turnover of narcotic drugs, psychotropic substances and their analogues should be comprehensively taken into account the causes and conditions that contribute. In our view, the absence of late in Ukraine adopted at the national level, integrated programs of prevention of offenses is not conducive to effective prevention of crime in General and children in particular.

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USE OF INFORMATION TECHNOLOGIES IN THE DETECTION OF TRANSPLANTATION-RELATED CRIMES

The development of transplant technology has led to the emergence in the early 20th century of a new type of socially dangerous unlawful activity, which has rapidly expanded due to its potential to generate significant profits. And the development of information technology in the 21st century has integrated them into cyberspace. With the help of new technologies, transnational crime has taken on a new form of existence and mechanisms for illegal activity.

The presence of a large number of online repositories, social networks and other multimedia communications, free VPN and TOR networks, phishing and hybrid sites, the introduction of cryptocurrency and other technologies "open hands" to criminals, enabling them to almost uncontrollably and securely transmit information to enter into unlawful agreements with respect to a person and parts of his body, to recruit or search for organ or tissue donors or potential victims through communication on social networks or advertising on the Internet, to bind them with their own anonymity, to launder the proceeds of criminal activity and so on.

The use of technology allows criminal activities to be aided or abetted by the use of common devices such as smart phones, computers, laptops and tablets that are widespread.

The international practice of combating trafficking in human beings, which is clearly linked to illegal activities in the field of transplantation, is convinced that it is difficult to detect and investigate such crimes, in particular to document them properly. Statistics show that in Ukraine the number of reported criminal offenses under Art. 149 of the Criminal Code of Ukraine (trafficking in human beings) significantly increased [1, p. 9].

If combating trafficking in human beings for the purpose of their exploitation in the pornography business, especially of children, is progressing more or less successfully due to the newly created cybercrime units, investing in this law enforcement sphere of foreign investment and considerable attention to this issue of the international community, then the detection, disclosure and disclosure of transplants are traditionally more complicated due to their higher latency. Transplant crimes are recorded much less than they are detected, and those found to be insufficient evidence are closed, including in court. Among other things, this indicates the poor performance of the organization in detecting and documenting them. In particular, these crimes are perpetrated by traditional methods, and the use of information technology allows only to prepare a crime, to assist in it. It is difficult to prove the fault of the direct organizer or performer at the stage of the crime detection.

The expediency of detecting criminal activity in the field of transplantation is directly proportional to the realization of the offender's guilt during the investigation. If a person who does not possess special knowledge by means of a site survey, analysis of social network data, requesting a provider for the owner of the IP address can detect a crime, then the complexity of documentation is connected with the need to involve a specialist with sufficient technical level of knowledge. , experience of correctly applying the algorithm of extracting evidence from the network system, including, in real time, forensic tools and experience with them in order to find

this evidence admissible in court [1, p. 108].

At the same time, the main trend in the use of information technology in criminal activities is to find and recruit donor victims through social networks (self-advertise) or on specially created public websites, such as employment agencies, marriage or tourism agencies, dating sites, treatment abroad and more. Further communication between the perpetrator and the victim can occur through chats, internet pagers, secure means (WhatsApp) and VoIP technology. The latter have an extraordinary degree of encryption, which prevents content and metadata (skype, viber) from being intercepted without using WireShark.

Detection of illegal activity in the field of transplantation cannot be based on traditional tactical techniques and methods of further investigative and unspoken investigative actions. Specific software, distributed computing, and tacit work are among the methods of detecting criminals. Identification of the offender allows you to obtain both an appeal to Interpol, as well as your own search for information (set domain and hosting), make a formal request and obtain a court decision to remove the history of correspondence), removal of information from transport telecommunications networks in accordance with Art. 263 of the code of criminal procedure of Ukraine - control of transmission of SMS, MMS, fax or modem regarding data on meetings, remuneration, nature of the agreement and more.

As evidenced by the experience of the Canadian Police Center for Missing and Exploited Children / Behavioral Sciences Departments in countering child grooming and pornography, great value for detecting the disclosure of a crime is an imitation of interest in criminal activity (for example, under the pretext of treatment and treatment. as the owner of the Internet) and the online application, as well as the application for everyone without exception users in the online recording mode (EatCam Web Recorder) and other documents ets [2].

Summarizing, it should be noted that improving the system of law enforcement officers training, developing forms and methods of their close cooperation, conducting a complex of investigations on the detection and investigation of various types of crimes using information technology, improving the legislation in the field of further investigative and non-public investigative investigative actions, as well as the use of positive world experience and the development of partnership will be the key to the effectiveness of ensuring the activities in counteracting transnational cial and cybercrime.

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2. Cory Patterson. Internet Facilitated Crime, Child Exploitation, Past, Present and the Future Canadian: Ukraine Presentation #1 / Royal Canadian Mounted Police Saskatchewan Internet Child Exploitation Unit : Police Centre for Missing and Exploited Children/Behavioural Sciences Branch. - Canada, 2017. – 18 p.

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OPERATIONAL-SEARCH ACTIVITIES AS FUNCTION OF LAW ENFORCEMENT

The state mechanism of law enforcement and functioning of law enforcement agencies in our country to combat crime provides for various forms of its implementation: social, economic, cultural, criminal, and others. Among the legal forms of combating crime, a special place belongs to the operative-search activity.

Operational search activities as one of the functions of law enforcement agencies are carried out with the aim of detecting, preventing and stopping crimes, obtaining information in the interests of criminal justice, as well as the security of society and the state.

It is the fight against crime that is the basis for all theories of criminal law, criminal procedure, criminal enforcement law, criminology, forensic science, and search operations.

It is necessary to agree with the opinion of V.S. Zelenetsky that the theory of operative-investigative activity develops only a special aspect of the activity of the relevant authorities and therefore cannot include in its subject the general questions of combating crime.

Generalization of practical experience of operative-investigative counteraction to crime and analysis of scientific researches on this issue give us reason to argue that the main problems of operative-investigative counteraction to crimes against the security of society and the state are: imperfection of regulatory and legal regulation; low efficiency of organization of this activity; insufficient level of information and analytical support of law enforcement agencies; lack of clear criteria for evaluating the activity of Investigation activities subjects in combating crime; absence of modern methods of operative-search counteraction to certain types of crimes; insufficient level of scientific support for this activity.

Legal policy is always manifested in a particular area of law, in laws and other regulations of the state. In connection with this P.L. Fris points out that "the rule of law in Ukraine can not be implemented other than on the basis of a deep and comprehensively developed concept of legal policy approved at the highest state level."

One of the fundamental questions of the state policy in the field of operational and search activity is the determination of the place of the Investigation activities in the system of state counteraction to crime, as well as the basics of its functioning, including in the field of national security. It will allow to formulate the concept of state policy in the field of operative-search activity and to reflect it in the doctrine.

It should be noted that for a long time, the Investigation activities was not properly legitimized as a type (form, function) of law enforcement activity. Only with the adoption on 18.02.1992 of the Law of Ukraine "On search and search activity" was this activity defined as a function. So far, all its activities have been enshrined only in departmental normative acts of state-authorized bodies.

The fight against crime requires, first and foremost, a modern and sophisticated legal framework. As the system, structure and construction of the regulatory and regulatory framework of the operational search activities have undergone some changes over the last 5-7 years.

The Law of Ukraine "On Investigation activities" provides an exhaustive list of law enforcement agencies, which has the right to conduct investigative search activities, and specifies the types of crimes by the degree of gravity for which the right to use the tools of Investigation activities, which temporarily restricts constitutional rights and freedoms, is granted. With the adoption of the CPC of Ukraine, the wording of this Law has undergone significant changes, especially with regard to the implementation of operational-search measures, the legal regulation of which is conditioned by reference to the norms of the said CPC of Ukraine.

Changes are also occurring among the subjects of operational and search activities, in particular they concern the creation of "new" state law enforcement agencies (National Police, National Anti-Corruption Bureau, State Bureau of Investigation), in turn the establishment of the National Financial Security Bureau, and their exclusion. As an example, the exclusion of the Ministry of Internal Affairs from the list of these entities provided for in Art. 5 of the Law of Ukraine "On Investigation activities".

The creation of such new law enforcement agencies is accompanied by the legislative consolidation of their powers and the organization of their activities in accordance with the defined legislative acts.

It is the lack of communication among law enforcement agencies, including law enforcement agencies, the priorities and evaluation criteria, the lack of effectiveness of their work in combating crime, which creates tension in society and undermines the authority of public authorities in matters of public and state security.

A separate issue is also needed for personnel policy in law enforcement agencies that conduct search operations, as this issue has not been given due attention lately. As a result, the professional level among the employees of these bodies is reduced, there is an outflow of personnel, their limitation in powers and so on.

Therefore, one of the first issues that needs to be addressed is the fixing at the legislative level of the procedure for appointing and dismissing the heads of the authorized bodies that carry out search operations, which in turn will have a positive impact on improving the efficiency of these bodies, as well as the formation of a professional nucleus.

The development and resolution of these issues will enable law enforcement agencies to work effectively and form a single Concept of Legal Policy, reflecting a coherent system of

leading official views on its nature and content, setting priorities for further development.

The elaboration of the Concept of the state policy in the field of operative-search activity will make it possible to ensure the adoption of a system of laws that provide comprehensive, logical and consistent regulation of certain phenomena of public life.

1. On operational-search activity: Law of Ukraine of 18.02.1992 № 2135-XII // Bulletin of the Verkhovna Rada of Ukraine. 1992. № 22. Art. 303 (as amended).

2. The Criminal Procedure Code of Ukraine dated 13.04.2012 // Voice of Ukraine. 2012. No. 90-91 (as amended).

3. V.S. Zelenetsky. The general theory of combating crime. Kharkov, S. 18.

4. (p. 63. Fris PL PL Legal policy as an element of state policy of Ukraine / text / PL Fris // Proceedings of the International Scientific and Practical Conference on the 70th Anniversary of Vasyl Stefanyk Precarpathian National University / Ukrainian Legal Policy States, February 19-20, 2010, Ivano-Frankivsk, 2010. - pp. 57-63).

5. The Criminal Code.

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**PROBLEMATIC ISSUES OF FINGERPRINT SAMPLING:
FORENSIC AND CRIMINAL PROCEDURAL ASPECTS**

Fingerprinting is a field of forensics that studies the structure of skin patterns on the fingers of a person's hands for the use of his traces for the purpose of identification, registration and search of criminals [1, c. 325]. Modern fingerprinting is based on three important features of skin patterns - their individuality, immutability and reproducibility. When considering papillary specimens of the fingers as objects of forensic research, it is necessary to pay attention to the problems that experts and bodies of pre-trial investigation face when obtaining or taking fingerprints.

It should be noted that fingerprinting continues to be one of the most common types of research, since fingerprints are an integral part of the scene of many crimes. However, they serve as a source of valuable forensic information, including the person who left them, the likely timing, and features of the trace. Considering the selection of fingerprints through the lens of forensic analysis, we have several pitfalls of a problematic nature. Thus, the scientific community distinguishes among the problematic aspects the classification of fingerprints as biological or non-biological.

In most dictionaries, "biological" is interpreted as "related to biology, life, life processes of the body" [2, c. 83]. Life in the genetic sense is reduced to chemistry or physics, since biological movement begins with the physical and the chemical. Note that the methods, methods and means of cognition are determined first and foremost by the nature and nature of the object being investigated, in which case the person is.

Therefore, fingerprinting is the process of fingerprinting, and fingerprinting is a science that studies the papillary patterns of the terminal phalanges of the fingers of the hands to establish the person's face [2, c. 272]. Scientists emphasize that the scientific basis of fingerprinting is based on histology, embryology, physiology, biochemistry and comparative anatomy [3, c. 101-102].

According to OV Baulin has enough biological components in the prints, and thanks to them, as well as special paints, capable of fixing colorless panicle secretions of papillary lines, the totality of which is stable, renewable and unique for everyone, these prints are always biological samples [4, c. 227].

Instead, some researchers believe that the waste substance is only a means of displaying the structure of human skin, that is, patterns on the fingers and palms, and it is by the patterns, not by

the content of the substance, that the person is identified during fingerprinting. In addition, traces of hands generated by the substance of the substance are removed during the inspection of the scene, in the receipt of samples of hands for expert study, the presence of the substance in their composition is virtually excluded [5, c. 13]. Proponents of the theory that fingerprints are non-biological, give the example that fingerprints can be taken from a person by using paint (degreasing the skin and then applying the paint) or by a colorless method (scanning the surfaces of the fingers by using special devices with their electronic devices). Given the above, we can conclude that the "biology" of man in such circumstances does not play a major role, because the first place of proof is the coincidence of patterns of fingers in.

The second cornerstone in the issue under study is the imperfection of the current Criminal Procedure Code of Ukraine on the selection of samples for examination, including fingerprints.

Therefore, the procedure for obtaining samples for examination depends on which samples you want to obtain. If you apply fingerprints to biological ones, then according to Part 2 and Part 3 of Art. 245 of the CPC of Ukraine, the selection of dactyloscopic specimens voluntarily is carried out on the basis of the prosecutor's decision, and in the case of refusal, ie in a compulsory manner, on the basis of the decision of the investigating judge [6].

At the same time, the legislation does not define a clear list of biological specimens, which leads to unequal interpretation of Art. 245 of the CPC of Ukraine in practice. Even from the foregoing positions, forensic researchers do not have an exhaustive answer regarding fingerprints and their place in the general list of specimens for examination.

Another problematic aspect is the lack of a clear procedure for the selection of fingerprints. Analyzing Part 3 of Art. 245 of the CPC of Ukraine, the question remains as to how the investigating judge should make a decision on the compulsory taking of samples, in particular, fingerprints. The mechanism and procedure for applying for their forcible selection is understood. The fine facet of this mechanism is the direct compulsion to which the person in whom the necessary specimens is required is subjected, since the person may exercise the right not to testify against himself. About this AV Shulzhenko points out that "forcing biological samples to be taken is not a sanction, because refusing to take samples is not a wrongful act, but a manifestation of free will, which may be caused by a desire to evade responsibility for what has been done. Therefore, the use of coercion is not a punishment, but an attempt to resolve a problem related to the appointment of a forensic testimony - the procedural enforcement of a decision» [7, c. 129].

Thus, the issue of fingerprint sampling remains controversial for both forensic scientists and procedural scientists. The forensic science community has not yet reached a clear conclusion as to the location of fingerprints (biological or non-biological). Considering the prism of criminal procedure law, there are now a number of equally difficult issues that lawyers face in criminal proceedings. In our opinion, it is advisable to amend the criminal procedural legislation of Ukraine by defining, first, a clear list of samples and, second, a clear mechanism for their selection.

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7. Shul'zhenko A.V. Prymusovyy vidbir zrazkiv dlya ekspertyzy. Aktual'ni problemy vitchyznyanoi yurysprudentsiyi. № 2. Tom 2. 2018. S. 127-130.

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**PROBLEM ISSUES OF CRIMINAL LIABILITY FOR OBSTRUCTION
OF THE LAWFUL ACTIVITY OF THE ARMED FORCES OF UKRAINE
AND OTHER MILITARY FORMATIONS**

Due to the events in the east of Ukraine, where in some regions the state authorities do not exercise their powers, and to the implementation of the Law of Ukraine of January 18, 2018 No. 2268-VIII "On the features of state policy on securing the state sovereignty of Ukraine in the temporarily occupied territories in Donetsk and Luhansk "On April 30, 2018, the Joint Forces operation began (before that - April 14, 2014 - Anti-Terrorist Operation). Another precondition is the annexation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol (this fact is recognized by the resolution of the United Nations General Assembly on the State of Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine) of December 19, 2016 # 71/205 and dated December 19, 2017 No. 72/190, which recognize the Autonomous Republic of Crimea and the city of Sevastopol as temporarily occupied by the Russian Federation).

As a result, our country's current criminal law is being amended. As E.O. Pismensky rightly points out, since 2014, the legislator has used criminalization in response to new challenges that threaten the security of the entire state [1, p. 231].

One of the "forced" short stories was the addition of the Criminal Code of Ukraine Art. 114-1 "Obstruction of the Legal Activity of the Armed Forces of Ukraine and Other Military Formations", as amended by the Law of Ukraine of April 8, 2014 No. 1183-VII "On Amendments to the Criminal Code of Ukraine" (concerning responsibility for crimes against the national security bases of Ukraine)». As I. Meditskiy rightly points out, it is worth noting that in this case the changes, taken in a hurry, without proper scientific analysis, contrary to the recommendations of the Main Scientific and Expert Directorate of the Verkhovna Rada (from 01.04.2014) should be treated rather critically [2, p. 298].

It should be agreed with M. Rubashchenko that the lack of a sufficient scientific and literary base for the analysis of this crime has caused a considerable number of practical questions, including the issue of the possibility of interfering with the legal activity of Ukraine's military formations in the form of information actions. These include, in particular, various appeals, statements or speeches in the media aimed at the entire population or residents of particular territories in order to form: a) a negative attitude towards joining the Armed Forces of Ukraine and other military formations, to participating in the anti-terrorist operation or holding ATO as a whole; b) negative attitude to the military formations of Ukraine in a special period; c) negative attitude to mobilization, as well as thoughts about the illegality of actions, "powerlessness" of military enlistments or other power structures, their discredit in a special period; d) negative attitude towards individual representatives of the government or the government in general, etc. [3, p. 322].

The analysis of the scientific literature on the criminal-law characteristics of obstruction of the lawful activity of the Armed Forces of Ukraine and other military formations allows us to distinguish such, in our view, discussion points.

1. There are several positions regarding the definition of a generic object to impede the legitimate activity of the Armed Forces of Ukraine and other military formations. According to some scientists, the generic object of the crime under Art. 114-1 of the Criminal Code of Ukraine (taking into account the fact that the article is located in section I "Crimes against the basics of national security" of the Special Part) advocate public relations that ensure state security, constitutional order, sovereignty, territorial integrity and inviolability, ie the bases of national security of Ukraine. Others, in particular, V. Tatsy, consider that the generic object of this crime is not the national security of Ukraine in general, but its basis, given that it is an obstacle to the lawful activity of military formations in a special period, which harms the defense capability of our country.

We believe that such differences of opinion are related to the wrong resolution of the object of the crime, which was raised during the drafting of the Law of Ukraine "On Amendments to the

Criminal Code of Ukraine (concerning liability for crimes against the national security of Ukraine) »). Thus, in the opinion of the Chief Scientific and Expert Directorate of the Apparatus of the Verkhovna Rada of Ukraine to this draft law it is stated that the proposal to refer the crime provided for in Art. 114-1 (in the draft version), to crimes against the bases of national security of Ukraine (section I of the Special part of the Criminal Code) is doubtful, because "... the object of his attack will be not the national security of Ukraine as such, but the legitimate activity of the Armed Forces of Ukraine and others. military formations, which include, inter alia, economic activity (see Article 14 of the Law of Ukraine "On the Armed Forces of Ukraine" and the Law of Ukraine "On Economic Activity in the Armed Forces of Ukraine") "[4].

June 2018 № 2469-VIII "On National Security of Ukraine" The Armed Forces of Ukraine is a military unit, which in accordance with the Constitution of Ukraine relies on the defense of Ukraine, the protection of its sovereignty, territorial integrity and inviolability. The Armed Forces of Ukraine shall ensure the containment and repulsion of armed aggression against Ukraine, the protection of the airspace of the state and the submarine space within the territorial sea of Ukraine, in cases determined by law, shall take part in activities aimed at combating terrorism [5].

Based on these provisions of the Law, it should be noted that the Armed Forces of Ukraine is an appropriate means of ensuring the national security of Ukraine, so obstruction of their activity creates a threat of harm to it precisely due to the blocking of the mechanism of neutralization or elimination of threats to the national security of Ukraine. Therefore, the location of this provision in section I "Crimes against the basics of national security" of the Special part of the Criminal Code of Ukraine corresponds to the protected public relations.

2. While studying the objective side of impeding the legitimate activity of the Armed Forces of Ukraine and other military formations, most scientists (we also support their point of view) point to the need to clearly define the concept of "impediment" and to clarify the content of other terms by which the composition of the analyzed crime is formulated.

In the Ukrainian language dictionary, the term "impede" is defined as "to be a barrier for something, to interfere with, to interfere with, to prohibit someone for something" [6, p. 322], and the word "obstruction" - "that which stops the traffic, blocks the road, closes access anywhere" [7, p. 652].

Therefore, an obstacle is in fact a deliberate activity that involves unlawful interference with the purpose of creating obstacles, obstacles, aimed at preventing, stopping or prohibiting a particular phenomenon or activity. It can also be argued that such acts can be committed both in the form of action and in the form of inaction.

The Criminal Liability Law of Ukraine contains a number of rules, which use the concept of "obstruction", in particular Art. 157 "Obstruction to the Exercise of the Election Right or the Right to Participate in a Referendum, the Work of an Election Commission or a Referendum Commission or the Official Observer's Activity", Art. 170 "Obstruction of the Legal Activity of Trade Unions, Political Parties, Public Organizations", Art. 171 "Obstruction of the Legal Professional Activity of Journalists", Art. 174 "Compulsion to Strike or Prevent Strike", Art. 180 "Obstruction to the Religious Rite", Art. 340 "Unlawful interference with the organization or holding of meetings, rallies, marches and demonstrations", Art. 340 "Capture of State or Public Buildings or Structures" (referring to the seizure of buildings or structures providing the activity of state authorities, local self-government bodies, associations of citizens for the purpose of illegal use of them or impeding the normal operation of enterprises, institutions, organizations) , Art. 351 "Obstruction of the activity of the People's Deputy of Ukraine and the deputy of the local council", Art. 351-1 "Obstruction of the activity of the Accounting Chamber, a member of the Accounting Chamber", Art. 351-2 "Obstruction of the High Judicial Council, High Qualifications Commission of Judges of Ukraine", Art. 363-1 "Interference with the Operation of Electronic Computers (Computers), Automated Systems, Computer Networks or Telecommunication Networks by Mass Communication of Mass Communication", Art. 375 "Decisions by a Judge (s) of Knowledge of Unlawful Sentencing, Decision, Decision or Decree" (in Part 2 - the same actions that caused grave consequences or were done for selfish reasons, in other personal interests or to interfere with the legitimate professional activity of the journalist) , Art. 382 "Failure to Enforce a Judgment" (Part 1 - Deliberate Failure to Enforce a Sentence, Decision, Decree, Ordinance, or Impaired Enforcement), Art. 386 "Preventing the appearance of a witness, a victim, an expert, forcing them to refuse to testify or make a conclusion", Art. 447 "Hiring" (part 1 - recruitment, financing, material support, training of mercenaries for use in armed conflicts, military or violent acts aimed at violent alteration or overthrow of the constitutional order, seizure of state power, obstruction of activity of

public authorities or violation territorial integrity, as well as the use of mercenaries in armed conflicts, military or violent actions) of the Criminal Code of Ukraine.

As R. Chorniy points out, the indispensable feature of the objective side of the crime in question is socially dangerous actions, which, firstly, consist in any active behavior of the subject, which creates obstacles for execution by the Armed Forces of Ukraine or other military formations of functions by exercising the last rights and duties granted to them by the laws of Ukraine in a special period; secondly, in some cases such actions may coincide with the features of the objective side of the crimes, provided by other articles of the Criminal Code of Ukraine (the use of violence against persons for the purpose of not bringing them to the points of mobilization, etc.) or be recognized as criminal only in the context of the provisions of Part 1 of Art. 114-1 of the Criminal Code of Ukraine (blocking the location of military units in order to prevent their deployment to combat zones, etc.); thirdly, the range of such socially dangerous actions is extremely wide, and the specific forms of their manifestation depend on the specific functions, rights and responsibilities of the Armed Forces of Ukraine and other military formations in the special period against which they are directed [8, p. 161].

Therefore, it should be assumed that the qualification of a socially dangerous act, which is an obstacle, must be based on the provisions of the special legislation of Ukraine, which regulates the powers of military formations in a special period, and the content of the action (inaction) of the subject. Therefore, in our view, they need a legislative definition of the form of obstruction and types of "lawful activity" of the Armed Forces of Ukraine and other military formations, since in their content "lawful activity" has a rather broad interpretation.

3. There is also an indispensable interpretation of such an indispensable sign of the objective side of the crime under Article 114-1 of the Criminal Code of Ukraine, as the time of committing a crime is a special period. In particular, in Art. 1 of the Law of Ukraine of October 21, 1993 No. 3543-XII "On mobilization training and mobilization" states that a special period is the period of functioning of the national economy, state authorities, other state bodies, local self-government bodies, the Armed Forces of Ukraine, other military units, civil protection forces, enterprises, institutions and organizations, as well as the fulfillment by the citizens of Ukraine of their constitutional obligation to protect the Fatherland, independence and territorial integrity of Ukraine, which comes from the moment of proclamation The decision to mobilize (other than the targeted one) or to bring it to performers for concealed mobilization or from the moment of introduction of martial law in Ukraine or in some of its localities, and covers the mobilization time, wartime and partially reconstructed period after the end of hostilities [9]. A somewhat different definition of a special period is given in the Law of Ukraine of December 6, 1991 No. 1932-XII "On Defense", according to which a special period is a period that comes from the moment of announcement of the mobilization decision (other than the target one) or bringing it to the executors regarding the hidden mobilization or since the introduction of martial law in Ukraine or in certain localities and covers the period of mobilization, wartime, and partially reconstructed period after the end of hostilities [10].

Based on the provisions of these laws, we believe that a special period comes from the moment of announcement of the decision to mobilize (except the targeted one) or to bring it to the executors for concealed mobilization or from the moment of introduction of martial law in Ukraine or in some of its localities and covers the time of mobilization, wartime and (partially) the post-war recovery period. If we take into account our conclusion, then Art. 114-1 of the Criminal Code of Ukraine could be applied at a time when martial law was introduced in part of the territory of Ukraine (namely in 10 oblasts), ie from 14:00 on 26 November 2018 to 14:00 on 26 December 2018. However, as of February 15, 2020, there is only one sentence under Art. 114-1 of the Criminal Code of Ukraine (trial number: 1-кп / 723/779/19), and this crime was committed on 07 November 2018.

Summarizing the above, we can conclude that the proper legislative definition of obstacles and types of "lawful activity" of the Armed Forces of Ukraine and other military formations, as well as an unambiguous explanation of the term "special period" will avoid mistakes in the application of this rule by law enforcement agencies.

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PROCEDURE FOR INTERROGATION OF A MINOR SUFFERED FROM SEXUAL EXPLOITATION AND SEXUAL ABUSE: COMPLIANCE OF NATIONAL LEGISLATION WITH INTERNATIONAL REQUIREMENTS

The Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse (hereinafter-the Convention) was ratified by Ukraine 20.06.2012 the year [1]. It is from this period that our State has assumed certain obligations, including the implementation of necessary legislative or other measures to ensure the investigation and criminal proceedings in the best interests and respect for the rights of the Child, In particular while receiving indications from such persons.

Thus, in accordance with art. 35 of the Convention above, each Party shall take the necessary legislative or other measures to ensure: (a) conduct of the child's surveys without unjustified delay, immediately after the notice of the facts to the competent authorities; b) Conduct of the child's surveys, if necessary, in a specially equipped and tailored room for these purposes; c) Conduct of the child's interviews with a person specially prepared for these purposes; D) The conduct of all surveys of the child by the same persons, if possible and where appropriate; e) The number of surveys as small as possible and to the extent necessary for the purposes of criminal proceedings; f) Opportunities of the child's support by its legal representative or, where appropriate, adults she chooses to choose, unless there is a rendered motivated decision about another. In accordance with part 1 of art. 9 of the Constitution of Ukraine [3] and art. 19 Law of Ukraine of 29 June 2004 "on international treaties of Ukraine" [4], the Convention as a valid international agreement of Ukraine, the consent of the be bound of which is provided by the Verkhovna Rada of Ukraine, has become part of the national legislation of Ukraine and shall be applied in order Provisions of national legislation. In addition, in accordance with part 4 of art. 9 of the Criminal Procedure Code of Ukraine (hereinafter-the CPC), if the CPC's norms contradict the international agreement, the provisions of the relevant international treaty of Ukraine shall apply. Thus, in case of contradictions

between the norms of the CPC regulating the procedure of interrogation and the procedure for conducting a survey stipulated by the Convention, the norms of the latter shall apply.

The national legislation of the interrogation of minors is regulated in the first place, para 11, 12, Part 1 of art. 3 CPC; art. 223-227 CPC, head 38 CPC.

As a general rule, interrogation of minors is conducted by investigators. In accordance with Part 2 of article 484 of the CPC of Ukraine, if the criminal proceeding is carried out against a minor, or if it is carried out in respect of several persons, of which at least one is minor, the investigator should conduct it, which is specially authorized by the The head of the pre-trial investigation agency to conduct pre-trial investigations on minors. In this case, the presence of appropriate psychological or pedagogical education in the investigator is not a mandatory criterion for securing them for minors. However, this approach does not take into account the skills of investigators, and only takes into account the head of pre-trial investigation In addition, the questioning can be carried out in addition to the investigator prosecutors (p. 4 (2) 36), heads of the pre-trial investigation Agency (6 part 2 of article 39 of the CPC), operative workers on behalf of the investigator or prosecutor (article 41 of the CPC) and judges (article 225, 232 CPC). The CPC does not establish special requirements for such persons, despite the fact that in accordance with P. P. C and D. 35 of the Convention, States which have ratified the Convention, including Ukraine, are obliged to take necessary legislative or other measures to ensure: the conduct of surveys of the child by a person specially prepared for these purposes and conduct all surveys The same person, if possible and where appropriate.

According to art. 224 and art. 225 CPC questioning as a general rule shall be carried out at the place of pre-trial investigation or in a court hearing at the place of court, but the legislator provides for the possibility of holding exit court hearings (article 225 (3)) as well as Allows to carry out interrogations in other places as agreed with the person intending to interrogate (article 224 of the CPC). In our opinion, it is advisable that such interrogation is possible on the basis of the crisis, friendly to the child, [6] as this firstly does not contradict the requirements of the current legislation, but rather agrees with the requirements of P. B. 35 of the Convention, which establishes the obligation to conduct a child's survey, in a specially equipped and tailored room for these purposes. In addition, given the requirements of art. 23 of the CPC "immediarity of Investigation of testimony, things and documents", consider it expedient, in order to minimize the re-trauma of minors and to fulfill requirements of p. C Art. 35 the Convention (to conduct fewer surveys as possible and to the extent that it is extremely necessary for the purposes of criminal proceedings) to recommend to practical employees to apply to the investigating judges on petition of exit judicial Meetings to the crisis rooms, child-friendly for the interrogation of juvenile witnesses and victims in order of art. 225 or carry out such interrogation in the mode of videoconference during pre-trial investigation in the order of art. 232 CPC.

In accordance with part 3 of article 223 of the CCP, the investigator, Prosecutor has taken appropriate measures to ensure the presence of persons in the conduct of investigative (detective) Actions (hereinafter – SRD) of individuals whose rights and legitimate interests may be limited or violated. According to art. 226 the CPC, questioning minors, shall be made in the presence of a legitimate representative. The need to involve a legal representative of the child during his/her poll or, where appropriate, an adult, whom she chooses himself, if in relation to this person there will be no rendered of a motivated decision about another, the same is mentioned as same in para F art. 35 of the Convention. As legitimate representatives in accordance with art. 44 CPC can be involved in the parent's body, and in the case of their absence-guardians or trustees of the person, other adult close relatives or family members, as well as representatives of guardianship and custody authorities, institutions and organizations under the care or care of which is minor, incapable or limited. In exceptional cases, when the participation of a legal representative may prejudice the interests of a minor or underage witness, the victim, the investigator, the prosecutor for the petition minor or minor or on its own initiative has the right to restrict Participation of the legal representative in the performance of individual SRD or eliminate it from participation in criminal proceedings and to involve another legal representative in his stead (Part 3 of article 227 of the CPC).

In the event of minors ' interrogation in accordance with art. 226 A teacher or psychologist must be present, and if necessary – a physician. Since there is no exact definition in the law, who should be understood as a teacher or a psychologist, therefore the involvement of persons with appropriate (psychological or pedagogical) education is fully appropriate. Teacher, psychologist or physician, if they are involved for questioning a minor suspect, in criminal proceedings acquire the status of "Specialist", which is regulated by art. 71 and 72 of the CPC. Also, according to Part 6 of

art. 223 of the CPC, the SRD, carried out by the petition of the Protection party, the victim, the representative of the legal entity in respect of which the proceeding is carried out with the participation of the person who initiated it and (or) its defender or the representative, except for the cases when Specifics of the SRD is impossible or such a person in writing refused to participate in it. Consequently, during the interrogation of minors other persons may be present who initiated it.

According to the general rules enshrined in art. 223 The CPC holding SRD at night (from 22 to 6 hours) is not allowed, except for urgent cases where the delay in conducting them may result in loss of a criminal offence or escape of the suspect. According to the para P art. 35 of the Convention, the child's survey must be carried out without unjustified delay, immediately after the notice of facts to the competent authorities. As for the duration of interrogation of minors or minors, it can not be continued without interruption over one hour, and in general-more than two hours a day. Summing up we can make the following conclusions: In general, the norms of national legislation meet the requirements of the Convention, except for the requirements regulated in para P. S, D, E, art. 35. Prior to the introduction of appropriate amendments to the CPC, we propose to eliminate the above gaps and to minimize the re-trauma of minors, investigator and prosecutors if it is possible to contact the investigating judges who have received special training on Conducting such interrogations with the petition of holding exit of court hearings to the crisis rooms, friendly to the child for the interrogation of juvenile witnesses and victims in the order of art. 225 or carry out such interrogation in the mode of videoconference during pre-trial investigation in the order of art. 232 CPC.

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CERTAIN ASPECTS OF CURRENT ANTI-CORRUPTION POLICY OF UKRAINE IN THE CONTEXT OF THREATS OF NATIONAL SECURITY OF UKRAINE

The level of corruption in Ukraine threatens its national security, stimulates the spread of legal nihilism in the society, the disregard for the values of law and democracy. Ukraine on the path to the European community is attempting to introduce international standards to prevent and combat corruption. Corruption as a social phenomenon is primarily understood by its most serious forms - corruption crimes. The current anti-corruption criminal policy shows some inconsistency. One reason is that corruption is spreading so rapidly and adapting to changes in various spheres of society that the legislator simply does not have time to find effective regulatory levers in prevent-

ing criminal phenomena. At the same time, the practice of anti-corruption expertise shows that the legislator intentionally allows corruption technologies. This suggests that the legislator is himself involved in corruption activity, reducing the effectiveness of the legislative norm in preventing corruption.

The world's major anti-corruption standards are enshrined in the United Nations Anti-Corruption Convention, the Criminal Anti-Corruption Convention, the Additional Protocol to the Anti-Corruption Criminal Convention, the Civil Convention of Anti-Corruption.

According to item 19 of the Constitution of Ukraine, state bodies and local self-government bodies, their officials are obliged to act only on the basis, within the powers and in the manner provided by the Constitution and laws of Ukraine. The Law of Ukraine "On the Principles of Prevention and Combating Corruption" of April 7, 2011, No. 3206-VI, which came into force on July 1, 2011, (expired) at that time became one of the steps towards Ukraine's approximation to international standards of struggle with corruption. The following were also adopted and are in force now: the Law of Ukraine "On the Principles of State Anti-Corruption Policy (Anti-Corruption Strategy)" for 2014 - 2017, the State Program for Implementation of the Principles of State Anti-Corruption Policy in Ukraine (Anti-Corruption Strategy) for 2015 - 2017. On October 14, 2014, the Law of Ukraine "On Prevention of Corruption" was adopted.

According to Art. 1 of this Law, corruption offense - an act that contains signs of corruption, committed by a person specified in part one of Article 3 of this Law, for which the law establishes criminal, disciplinary and / or civil liability [1].

However, the attribution of a particular crime to corruption is determined by the direct indication in the note to Art. 45 of the Criminal Code of Ukraine. Yes, corruption crimes are crimes under Articles 191, 262, 308, 312, 313, 320, 357, 410 of the Criminal Code, in the case of their perpetration through abuse of office, as well as crimes under Articles 210, 354, 364, 364-1, 365-2, 368-369-2 of the Criminal Code of Ukraine [2]. However, the crime under Art. 366-1 of the Criminal Code: the submission by a subject of a declaration of deliberately false information in the declaration of a person authorized to perform the functions of the state or local self-government, provided by the Law of Ukraine "On Prevention of Corruption" or intentional failure of the subject to declare the said declaration not classified as such. Also of doubt is the approach of non-recognition by the legislator of corruption and some other crimes, namely: Articles 189 and 206-2 of the Criminal Code, if committed by an official using official position, as well as articles of the Criminal Code, where the official is a special subject of simple or qualified composition (Articles 132, 137, 145, 148 of the Criminal Code of Ukraine and others) - if they are committed for the purpose of obtaining undue advantage for themselves or third parties.

At the same time, scientists point to the inappropriateness of referring to corruption offenses under Art. 320 of the Criminal Code, even if they were committed through abuse of office, as well as the actions provided for in Art. 210 of the Criminal Code. In particular, in Art. 320 provides for an act that may be intentional and its consequences only negligent. It is a violation of certain rules. In itself, violating such rules is not a corrupt act. Only in Part 2 of Art. 320 of the Criminal Code referred to the same actions if they caused a shortage of narcotic drugs, psychotropic substances, their analogues or precursors in a large size, or led, in particular, to the abuse by an official of their official position. However, in this case, the consequences of taking possession of certain items by abusing a third party (official) are not covered by the intent of the person guilty of violating the relevant rules. Otherwise, she would have been responsible for such possession under Articles 308 or 312 of the Criminal Code as an accomplice. As for Art. 210, it provides for the responsibility for the use of an official of his or her official position, combined with the commission of such acts as: misuse of budgetary funds; budget expenditures without budgetary allocations; granting loans from the budget without budgetary allocations; budget expenditures with excess; granting loans from the budget with their excess - in the last two cases contrary to the Budget Code or the Law on the State Budget of Ukraine for the respective year. However, in Art. 210 of the Criminal Code, the unlawful gain is not mentioned either as an object or a means or as an object of action. Therefore, the crimes provided for in Articles 320 and 210 of the Criminal Code are not corruption offenses in the strict sense of the word, and the mention of these articles is in the footnote to Art. 45 of the Criminal Code should be excluded [3, p. 18-19].

It is difficult to overestimate the importance of the concept of corruption. The lawmaker's attribution of a specific act to the list of corruption crimes has serious criminal consequences. Yes, committing a corruption crime is an obstacle to release from criminal responsibility, an obstacle to imposing a softer punishment than prescribed by law, for certain types of release from punishment

and its serving, for the removal of criminal convictions, committing certain corruption crimes are grounds for applying to a legal persons of measures of criminal law nature.

When commenting on forms of corruption for which criminal responsibility is provided, there is a difficulty in distinguishing between the concepts of corruption and corruption, since the sole reason for the occurrence of criminal responsibility is the commission of a crime under the Special Part of the Criminal Code of Ukraine. You also need to distinguish between corruption and corruption. The specific features of corruption-related offenses are that: 1) they are free of corruption; 2) it violates the requirements, prohibitions and restrictions established by the Law on Prevention of Corruption (but not by other law); 3) it is committed by the person specified in Art. 3 of the aforementioned Law; 4) the law establishes legal responsibility for a particular type - criminal, administrative, disciplinary and / or civil law. The following features correspond to certain administrative offenses envisaged by the Code of Administrative Offenses [3, p. 16].

Thus, as a result of inconsistent criminal policy in the field of anti-corruption in law enforcement, a situation has arisen where the concept of corruption offense is relevant for the application of the Law on Prevention of Corruption and the concept of corruption crime for the application of the Criminal Code of Ukraine. If these concepts are found in other laws (in particular in the CPC of Ukraine), in order not to create conflicts, they must be understood as defined in this Law and in the CC, respectively. The list of corruption crimes in the note to Art. 45 of the Criminal Code, as shown above, is inaccurate and incomplete.

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**CRIMINAL LIABILITY FOR ECONOMIC CRIMES:
ANALYSIS OF LEGISLATIVE AMENDMENTS**

According to the statistics of the Prosecutor General's Office of Ukraine for 2018, 3 541 criminal offenses in economic area were recorded, and in 2019 - 3 594 [1]. Obviously, over the past year, the number of economic crimes has increased slightly.

In 2019, significant changes were made to Title VII of the Special Section of the Criminal Code of Ukraine, which influenced the legislative regulation of criminal liability for committing economic crimes.

All legislative changes that took place in 2019 and which were directly amended in Chapter VII of the Special Part of the Criminal Code of Ukraine can be divided into four stages.

The first stage is related to the adoption of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Conservation of Ukrainian Forests" of April 25, 2019, No. 2708-VIII. In the Criminal Code of Ukraine, the note to Article 2011 was reworded as follows: "Note. 1. Valuable and rare tree species in this article should be understood as tree species, provided for in Article 1 of the Law of Ukraine "On peculiarities of state regulation of activity of subjects of entrepreneurial activity related to the sale and export of timber. 2. Large-scale relocation in

this article shall be understood to mean the movement of timber or timber of valuable and rare species of trees, as well as timber of unprocessed eighteen or more times the non-taxable minimum income of individuals whose displacement is thirty-six or more times the non-taxable minimum income of citizens ”[2].

According to the provisions of the Explanatory Note to the Law of Ukraine No. 2708-VIII, the note to Article 2011 of the Criminal Code of Ukraine required correction related to the smuggling of logs. People's deputies noted that despite the significant economic and fiscal results of the moratorium on the export of rounded timber, the issue of uncontrolled barbaric logging of Ukrainian forests remains unresolved. Previous editorial Notes to Art. In 2011, the Criminal Code of Ukraine envisaged a large amount of damages that exceeded the taxable minimum of citizens' income by a thousand times or more, and such damage exceeding the taxable minimum of citizens' income by two thousand times or more.

The second stage envisages the adoption of the Law of Ukraine "On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on Reducing Business Pressure" of September 18, 2019, No. 101-IX. First, the said act decriminalized the act of fictitious business. The bill's proponents argued that criminal liability for fictitious business is one way of exerting pressure on businesses in Ukraine. In particular, it was stated that "... in addition to the mere fact of criminal responsibility for the said act, the supervisory authorities use the sentences and materials of the pre-trial investigation (interrogation protocols of the director of the business entity) as evidence base when being held financially liable for violation of tax rules. legislation. Therefore, justifying the expediency of decriminalizing fictitious business, attention should be paid to the inability to achieve the purpose of criminal responsibility and application of Article 205 of the Criminal Code of Ukraine, which is, in particular, to use as evidence the facts and circumstances established by a court sentence. 205 of the Criminal Code of Ukraine, and the materials of pre-trial investigation in the course of bringing to financial responsibility for violation of norms of tax legislation..."[3].

Instead, the Main Legal Department drew attention to the weak reasoning regarding the decriminalization of Article 205 of the Criminal Code of Ukraine, due to the fact that the decriminalization of the act should have a serious justification and be the result of the analysis of the practice of applying the relevant article of the Criminal Code of Ukraine (slight public danger of action, rare application relevant article in practice, the presence of other regulations that can be used to combat the appropriate type of socially dangerous behavior).

In addition to the decriminalization of Article 205 of the Criminal Code, Article 212 of the Criminal Code of Ukraine has been amended. Thus, the current wording of the sanctions Art. 212 of the Criminal Code of Ukraine, which provides for liability for tax evasion, fees (compulsory payments), in Part 1 of Art. 212 punishable by a fine of three thousand to five thousand non-taxable minimum incomes or deprivation of the right to occupy certain positions or engage in certain activities for a term of up to three years, and for the actions provided for in Part 2 of Art. 212 in the form of a fine of five thousand to seven thousand non-taxable minimum incomes, deprived of the right to occupy certain positions or engage in certain activities for a term up to three years.

Also, mentioned by Law No. 101-IX, the considerable, large and especially large sums of the amount of the single contribution to compulsory state social insurance or insurance contributions to compulsory state pension insurance were increased from "thousands" to "three thousand" (significant size); "Three thousand" to "five thousand" (large size) and from "five" to "seven thousand" (especially large).

The third stage of legislative changes is related to the adoption of the Law of Ukraine "On Amendments to the Law of Ukraine" On Corruption Prevention "against Corruptors of October 17, 2019 No. 198-IX, aimed at protecting corruptors of corruption as one of the priorities of the National Council on Corruption. issues of anti-corruption policy, given that regulation in the field of protection of perpetrators of corruption needs to be substantially improved in order to bring it into line with international standards and best practices [4]. Thus, Article 231 of the Criminal Code of Ukraine was supplemented with the note as follows: "Note. Public, including through the media, journalists, public associations, trade unions, communication by a person of a crime or other offense committed in compliance with the requirements of the law, are not the actions provided for in this article and do not entail criminal responsibility".

The fourth stage of the changes that affected the provisions of Title VII of the Special Part of the Criminal Code of Ukraine can be related to the adoption of the Law of Ukraine "On

Amendments to Some Legislative Acts of Ukraine on Improvement of the Amber and Other Mining Legislation" of December 19, 2019 No. 402-IX [5]. Noted changes to Article 206 of the Criminal Code of Ukraine, which provides for responsibility for counteracting legitimate business activities. It is important to note the criminalization of illegal extraction, sale, purchase, transfer, transfer, transportation, processing of amber and supplement of the Criminal Code of Ukraine with article 2401. Pursuant to the provisions of the Explanatory Note to this Law, the purpose of its adoption was to regulate, the cessation of illegal extraction of amber, as well as the creation of favorable conditions for the development of economic sector in Ukraine, attracting investment and new technologies in this field, The last level of living in the place of extraction of amber, ensuring environmental protection during the extraction of amber and and the rehabilitation of disturbed lands..

Therefore, the provisions of Title VII of the Special Part of the Criminal Code of Ukraine have changed significantly over the last year. Adoption of a number of laws of Ukraine No. 2708-VIII, 101-IX, 198-IX, 402-IX, - influenced the issues of criminalization and decriminalization of unlawful acts.

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2. Pro vnesennya zmin do deyakykh zakonodavchykh aktiv Ukrayiny shchodo zberezhenhyya ukrayins'kykh lisiv: Zakon Ukrayiny vid 25 kvitnya 2019 roku, № 2708-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2708-19#n14> (data zvernennya 15.02.2020).

3. Pro vnesennya zmin do Kryminal'noho kodeksu Ukrayiny ta Kryminal'noho protsesual'noho kodeksu Ukrayiny shchodo zmenshenhyya tysku na biznes: Zakon Ukrayiny vid 18 veresnya 2019 roku, № 101-IKH. URL: <https://zakon.rada.gov.ua/laws/show/101-20#n7> (data zvernennya 20.02.2020).

4. Pro vnesennya zmin do Zakonu Ukrayiny «Pro zapobihannya koruptsiyi» shchodo vykryvachiv koruptsiyi»: Zakon Ukrayiny vid 17 zhovtnya 2019 roku № 198-IX. URL: <https://zakon.rada.gov.ua/laws/show/198-20#n167> (data zvernennya 19.02.2020).

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METHODS FOR DETERMINING OF LATENT CRIME

Considering Ukraine's course towards European integration, one of the most important security issues arises. The state of security and security is indicated by the level of crime, which directly affects the overall development of Ukraine in various fields.

According to the official statistics of the Prosecutor General's Office of Ukraine, in the period from 2013 to 2017, a total of 3 705 659 criminal offenses were registered in the territory of Ukraine. Yes, for 2013 - 563 560, for 2014 - 529 139, for 2015 - 565 182, for 2016 - 592 604, for 2017 - 523 911, for 2018 - 487 133, for 2019 - 444 130 [1].

According to international researchers, the latent crime rate is determined at 60% of the total number of committed crimes [2, p. 4].

In recent years, against the background of a decrease in the overall crime rate in the country, the issue of latent (hidden) crime rates in Ukraine remains open. Despite studies conducted to identify the causes and conditions of latent crime, the issue remains open.

Latent crime is a combination of actually committed, but not identified, or that, due to other specific circumstances, has not been made known to law enforcement and judicial authorities, the information of which is therefore not reflected in the official criminal statistics [3]. The common

classification of latent crime is divided into natural, artificial and intermediate (borderline).

Identifying latent crime is a difficult task, but it can still be solved. No matter how well prepared and disguised the crime, it leaves certain traces. Theory and practice are familiar with several methods of latent crime detection, such as mass population surveys, questionnaires, expert evaluations, and press materials; study by law enforcement agencies of annual reports on the economic activity of individual enterprises and organizations; systematic control over the state of accounting [4].

The main causes of latent crime include the following: the insignificance of the harm caused (theft, robbery without violence, theft, appropriation); unwillingness to disclose information about the victim of the crime and the damage caused (theft, misappropriation); moral side and unwillingness to disclose information about the crime (sexual crimes, domestic violence, personal injury, hooliganism); low level of detection of corruption crimes (illegal gain, etc.); lack of confidence in the work of law enforcement agencies, the judicial system regarding the establishment of perpetrators and their just punishment, compensation for damage caused by crime; a complex bureaucratic procedural system that takes a long time for the victim of a crime, a low level of public awareness, a low level of citizens' legal culture and other reasons.

Since it is difficult to cover hidden crime in the total number of reported crimes, it is necessary to classify research methods. Such methods of establishing latent crime include special criminological methods: questionnaires, surveys, expert assessments, document analysis, indirect indicators, opinion polls, monitoring media and Internet information, social networks. Based on the results of special criminological methods, the latency level for a given period of time is determined by the established formula. In addition to these methods, other methods can be used to establish latency for certain types of crime.

Thus, the methods of detecting latent corruption crime, the most effective of which are various types of surveys and the method of expert assessments. A modern method that can be used is to periodically use a polygraph. Although these methods are not without their shortcomings, their comprehensive application, in combination with other methods, will provide information on the true indicators of corruption crime, which is an important step towards creating an effective system for preventing and combating this type of crime. The challenge of modern science and practice is to improve existing and develop new methods for detecting latent corruption [5].

There are a number of methods for detecting latent economic crime, the most effective of which are surveys and the method of peer review - although the above methods are not without their disadvantages, their combined use in combination with other methods will allow to obtain information about true indicators of economic crime [6].

As for selfish crime - theft (part 1, 2 of Article 185 of the Criminal Code), the most common are the so-called pickpocketing, which by types can be both natural and artificial; Another common type of latent crime is fraud (Article 190 of the Criminal Code). Both individual and group methods can be distinguished to determine the latency level. These include: questionnaires, surveys, monitoring of media information, social networks. As for methods of detecting latent violent crime - intentional slight bodily harm (Article 125 of the Criminal Code), beatings and mortification (Article 126 of the Criminal Code), domestic violence (Article 126-1 of the Criminal Code), threat of murder (Article 129 of the Criminal Code), up to these include questionnaires, surveys, interviews, reports from health care facilities, monitoring of social networks, the Internet, and method of expert evaluation..

Methods for detecting sexual crime latency: rape (Article 152 of the Criminal Code), sexual abuse (Article 153 of the Criminal Code), coercion to sexual intercourse (Article 154 of the Criminal Code), sexual intercourse with a person under the age of sixteen (Article 155 of the Criminal Code), abuse of minors (Article 156 of the Criminal Code), anonymous questionnaire, method of expert assessments, monitoring of information of mass media, social networks.

It should be noted that a greater result can be achieved using a comprehensive methodology for determining the level of crime latency.

Undoubtedly, the latency of crime is a negative phenomenon, which gives rise primarily to a sense of impunity for criminals, does not have a clear idea of the level and status of crime in law enforcement agencies and, accordingly, such data are not taken into account in the planning of combating crime.

Thus, having analyzed the quantitative indicators of crime in Ukraine over the seven years from 2013 to 2019, we can conclude that in the last two years there is a tendency to decrease the crime rate in Ukraine. However, the issue of latent crime accounting for the total number of crimes

recorded and the perpetrators who committed them over a certain period of time in a certain territory remains open. In order to have a clearer idea of the crime situation in Ukraine, it is necessary to introduce a compulsory calculation for the specified period (one month, one year) of the statistical indicators of latent crime, indicating the methods.

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**ANONYMOUS CRIMINAL OFFENSES AS A WAY TO PROVIDE SECURITY
OF PERSONS PARTICIPATING IN CRIMINAL JUSTICE**

Ukraine is constantly in the dynamics of legislative changes, but it remains steady about provisions that reproduce the conceptual framework of the Universal Declaration of Human Rights and the fundamental principles of the Constitution of Ukraine. In our work, we have focused on human rights such as security. At the current stage, the current legislation integrates in the direction of internationally recognized standards, therefore, it is necessary to ensure the safety of persons involved in criminal proceedings at a decent level. However, there is currently no comprehensive system for ensuring the protection of participants in criminal proceedings.

For legal regulation and practical implementation, the institute of security measures for participants of criminal justice, at a more efficient level, it is necessary to generalize international legal acts that promote the establishment of a security institution in other countries and to introduce a reform that will be properly adapted to national realities.

First of all, the regulatory framework governing these legal relationships includes the Law of Ukraine "On Security of Persons Participating in Criminal Procedure" [2], the Criminal and Criminal Procedure Codes of Ukraine [3; 4], the Law of Ukraine "On Operational Investigation Activities" [5], the Resolution of the Plenum of the Supreme Court of Ukraine in Criminal Matters "On the Application of Legislation that Ensures the Right to Defense in Criminal Procedure" [6].

Provision of false information about oneself in the absence of documents and failure to provide information about the circumstances of the crime is known to the public is an incomplete list of problems encountered by law enforcement officials in practice. The reasons for such behavior by eyewitnesses and witnesses are:

- fear of negative consequences in the form of threats and intimidation by persons involved in committing the crime;
- doubts about the ability of law enforcement agencies to ensure security against unlawful encroachments at the proper level;
- lack of due care on the part of state authorities regarding persons facilitating the detection

of crimes, locating the perpetrators of crimes [9].

In order to prevent such negative phenomena, the United States is using material incentives to provide financial incentives for persons with credible information to commit or commit a crime. What is important is that the information is provided anonymously, followed by a number by which the person can be rewarded. A striking example of this practice is the state of Louisiana, where stolen property worth 4.3 million was recovered in 2017-2019 and more than 700 criminal offenses were uncovered [8, p.8].

In Ukraine, there is no fixed practice at the legislative level - material remuneration for assistance in criminal proceedings. With regard to the placement of material incentives for reporting crime on television channels, telecommunications networks, radio is used to some extent not only by relatives, victims and other indifferent citizens who are concerned about crime prevention and disclosure, but also by the criminal prosecution units. For example, the Ministry of Internal Affairs of Ukraine in the Lviv region was offered 100 000 UAH. remuneration for information regarding the armed attack on the Savings Bank branch, which took place on April 26, 2008 in the Lviv Railway District. At the same time, it was emphasized that law enforcement agencies guarantee witness confidentiality, anonymity and protection.

The above example is certainly positive and necessary to ensure the full security of the anonymity of eyewitnesses and witnesses. But on the other hand, anonymity is an obstacle to establishing the circumstances foreseen in Article 91 of the Criminal Procedure Code of Ukraine in criminal proceedings and may pose a threat to unfounded suspicion and prosecution. Therefore, in our opinion, a financial reward can only be sent to a person after verifying the evidence provided by the anonymous person.

It should be noted that the media do not always assist in the detection and investigation of criminal offenses, as they are sometimes a threat to the safety of participants in criminal proceedings. Of course, these are not deliberate actions of journalists, but in competition for information directly related to the course and participants of criminal proceedings, situations may arise regarding the coverage of individuals and personal data of direct witnesses, eyewitnesses, other participants of criminal proceedings who may not even be aware of latent danger. Legislation enshrined the norm regarding the inadmissibility of disclosure of pre-trial investigation information in the CCP [4]. In turn, the Code of Ethics of the Ukrainian Journalist [10] enshrines the prohibition of the journalist from using illegal methods of obtaining information and disclosing the source of information. In our opinion, all conditions should be created to prevent the possibility of negative consequences, through the cooperation of authorized law enforcement agencies with the media.

Therefore, in order to successfully reform the mechanism of ensuring the safety of persons involved in criminal proceedings, it is necessary to take into account international experience and adapt it to the current scientific and practical potential of Ukraine. In the US example, we looked at the material incentive model for individuals who provided information about criminal offenses and security in an anonymous manner. But research has shown that this practice, in the context of today, may be met with criticism, to which we have proposed a number of mechanisms to counter it. In our opinion, it is necessary to take into account the positive experience of foreign countries and use it, properly adapting it to the domestic realities.

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**PROBLEMS OF COMBATING INTERNATIONAL ORGANIZED CRIME
IN THE CONTEXT OF UKRAINE'S NATIONAL SECURITY**

Today criminal elements have some extent changed the forms and methods of illegal activity, increasingly focus their efforts on establishing control over the most profitable spheres of economic relations, involve in the implementation of self-serving intentions of corrupt authorities, trying to penetrate the criminal structures of various levels for lobbying has close interregional and international ties [1].

The problem of combating international crime is one of the most negative social phenomena of our time, which is quite important and complex for humanity and countries of the world community. International crime poses a threat to the very existence of the international state community, since organized and purposeful criminal organizations are now taking place in the structure of human society. They impede the implementation not only of criminal law, but also of inter-state socio-economic policies in general. Organized interstate criminal groups commit any unlawful acts, including violent ones, violate the rights and freedoms of citizens, undermine the economy and the rule of law in the countries of the world and state power in different countries, in the activities of the UN, its formations and other international organizations. This circumstance is of utmost importance for the international community in the fight against international crime today in the interests of securing the inter-national non-professional, and some are intertwined, characterizing the same phenomenon from different positions (organized, transnational, etc.). Today, crime is increasingly becoming professional. Organized crime, the essence of which is adaptation to survival and ensuring the highest efficiency of activity, is the highest form of professionalism of modern crime [2].

Today in the criminal environment there are qualitative social changes. The trends of consolidation and legalization of leaders and authorities of the criminal environment with the businesses of the shadow economy are clearly traced. At the same time, large-scale splicing of criminal structures of different orientation occurs not only within the country but also beyond its borders; they trace their connection to international organized crime.

The following processes, which were not characteristic of Ukraine's crime, became relevant:

- construction of new criminal schemes in the sphere of economy, finances, authorities and management;
- development of a new strategy and tactics of organized crime, which make it difficult to overcome the negative turn of events;
- further monopolization of spheres of criminal influence;
- rotation of leaders, authorities of the crime environment and revision of their own rules and traditions.

On the part of leaders and authorities there is a departure from the direct commission of specific facts of crime, the desire to legalize by officially entering into open structures, state authorities and management [3].

Ukraine's national interests in the area of combating organized crime require the consolidation of efforts by the individual, society and the state, the development of comprehensive

legal, social and other systematic measures that could effectively prevent crime or end criminal activity in order to protect human, society and the state against crime .

The European vector of Ukraine's development at the turn of the 21st century set the goals of a theoretical and political study of the problems of combating crime not only in the interests of ensuring the internal security of Ukrainian society but also within the framework of the European house. There is a need for theoretical conditioning of internal political causes of criminalization of society, scientific and methodological understanding of this phenomenon both in the modern period and in the aspect of the historical heritage of Ukrainian society [4, P.7].

It should be noted that the formation and realization of national interests are the subject of particular attention of state institutions, political parties, and society as a whole.

It is a complex and multi-stage process that requires the combined efforts of scholars and practitioners. This process will be more effective when it is well organized, when there is a clear understanding of its structural and functional elements, the direct and inverse relationships between them.

Equally important is the analysis of the relationship between the problem of defining and realizing national interests and the problem of ensuring the national security of the country, since this relationship essentially determines the nature and direction of both the domestic and foreign policy of the state, the strategic line of its activity in the middle of the country. and in the international arena [5].

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**SOME PROBLEMS OF THE QUALIFICATION OF PREMEDITATED
MURDER COMMITTED WITH AN EXTREME CRUELTY**

At the present stage of society's development, in the period of reforms and democratic reforms, it is necessary to introduce the latest scientific developments in the science of criminal law. With the adoption of the new Criminal Code of Ukraine (hereinafter referred to as the CCU), approaches to addressing crime prevention and reducing the crime situation have changed somewhat. Especially if the crimes are committed with extreme cruelty, which is a circumstance aggravates responsibility.

The relevance of this topic is that the notion of "extreme cruelty" is a qualifying feature, which significantly increases the public danger of crime, and yet the legislator does not specify clear criteria for when it can be applied. This leads to significant problems in the application of this phenomenon in law enforcement activities.

The criminal-law aspect of the influence of special cruelty in murder in the behavior of a criminal on criminal responsibility has been repeatedly considered by foreign and domestic scientists. This topic was the subject of consideration of the scientific works of such lawyers as: P.P. Andrushka, M.A. Grebenyuk, A.P. Zakalyuka, V.O. Glushkova, M.R. Tabanova, V.K. Grishchuk, G.I. Chechel and others.

Murder goes back a long time and continues to accompany humanity over time. As the Constitution of Ukraine states, a person, his life and health, honor and dignity, integrity and securi-

ty are recognized as of the highest social value. Everyone has an absolute right to life that cannot be returned. [1, Art.3 Art.27]

Analyzing the statistics of the Prosecutor General's Office of Ukraine, namely the registered criminal offenses and the results of their pre-trial investigation [2]. In 2017, 26 criminal proceedings were registered, under Section 4, Part 2, Art. 115 of the Criminal Code (premeditated murder with special cruelty), in 2018 - 17, in 2019 - 21 criminal proceedings.

According to paragraph 8 of the Resolution of the Plenum of the Supreme Court of Ukraine No. 2 of February 7, 2003 "On case law on crimes against the life and health of a person", premeditated murder is considered to be particularly cruel if guilty person, depriving the victim of life, realized that it was causing him special physical (by causing a great deal of bodily harm, torture, mortification, torture, including the use of fire, electricity, acid, alkali, radioactive substances, poison, causing unbearable pain, etc.), mental or moral (by hijacking honoring, humiliating, causing severe emotional distress, mocking, etc.) suffering, as well as if it was combined with mockery of a corpse or committed in the presence of loved ones, and the perpetrator was aware that such acts caused them special mental or moral suffering [3].

It should be noted that premeditated murder is especially intended to inflict physical pain and (or) mental suffering on the victim. An important aspect is the nature of such violence, which testifies to the intent of the perpetrator to inflict physical torture, mental suffering and the like. Therefore, it is necessary to investigate the subjective side of the crime. A well-known obligatory element of the subjective side in deliberate murder with particular cruelty is guilt.

Therefore, in our opinion, in order to qualify the murder with particular cruelty, it is necessary to establish the desire or assumption of the criminal of this particular type of murder.

The presence of a conscious choice to commit a crime with particular cruelty, which reflects a significantly increased public danger of the offender, is the basis for bringing him to justice for committing a qualified type of premeditated murder, in the form of a more severe kind of punishment.

Summing up the above, it can be concluded that crimes committed with particular cruelty, are related to a specific kind of crime. Extreme cruelty is a factor that aggravates criminal responsibility. However, at present, criminal law does not specify the criteria for a particular crime can be considered to have been committed with particular cruelty.

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CURRENT ISSUES OF CRIMINAL-LEGAL PROTECTION OF NATIONAL SECURITY

The issue of ratification by Ukraine of the Rome Statute of the International Criminal Court (hereinafter referred to as the Rome Statute) and the fulfillment of the relevant obligations under Art. 8 of the Association Agreement, especially in connection with the entry into force of Part 6 of Art. 124 of the Constitution of Ukraine, which directly provided for this possibility [1].

Even before the ratification, the Constitutional Court of Ukraine concluded that it had been found not to be in conformity with the Constitution of Ukraine [2].

At the same time, existing national criminal liability legislation requires urgent changes in the criminalization of international crimes enshrined in the Rome Statute, in particular genocide, crimes against humanity and war crimes, in order to enable Ukraine to prosecute itself for committing them.

There are two alternative bills aimed at ensuring the harmonization of criminal legislation

with the provisions of international law, one of which (№ 9438 of 20.12.2018) has already been adopted by the Verkhovna Rada of Ukraine in the first reading and the other (№ 2689 of 27.12.2019) is pending consideration [3, 4].

While clearly recognizing the timeliness and importance of the proposed amendments to the Criminal Code of Ukraine, we believe that a number of provisions are objectionable or in need of clarification.

It should be noted that it is not possible to agree with the proposed bill No. 9438 of 20.12.2018 by the wording of part 4 of Article 436-2 of the Criminal Code (hereinafter referred to as the Criminal Code) of Ukraine regarding the recognition by the perpetrators (co-perpetrators) of the crimes of persons who committed such crimes directly or through the use of others, regardless of whether they are held criminally liable for their actions [3]. That is, the analyzed criminal law contains provisions on the activity of several persons, which does not have the obligatory signs of complicity in a crime.

The attention that the subjects of the legislative initiative have paid to the problem of mediocre crime against the fundamentals of international law is certainly worthy of approval, but in our opinion such a solution is not without its flaws. In particular, the term "perpetrator" should be applied only to the crime of complicity, since "other persons who are not criminally liable for the crime committed by law" cannot be recognized as accomplices of the person who used them because they are not subjects. crime, and the corresponding feature is obligatory for the presence of complicity in the crime [5, p. 312].

Given that the subject of the crime occupies an independent place among the elements of the crime, and the perpetrator characterizes certain activities when committing a crime in complicity, it is possible to speak about the perpetrator (co-perpetrator) of the crime only in relation to the crimes committed in complicity. When it comes to indirect commission of a crime, the person who commits such an encroachment is not the perpetrator (co-perpetrator) but the person subject to criminal responsibility (the subject of the crime) [5, p. 314].

In Alternative Bill No. 2689 of December 27, 2019, this proposal is absent, unlike the implementation of command responsibility for military commanders and other commanders, provided for by Article 28 of the Rome Statute [6], without due regard for the principle of the individualization of legal responsibility (Article 61, paragraph 2 of the Constitution) Ukraine).

Conclusion. Taking into account the above conclusions, it should be noted that the problems of criminal security of national security and ensuring Ukraine's fulfillment of international obligations to prosecute international crimes are not exhausted in this work, and these aspects are a reason for further scientific research.

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**SOME FEATURES OF ENDING THE INQUIRY
IN CRIMINAL OFFENSES**

Preventing threats to national interests is a priority area for law enforcement. First of all, it concerns the area of criminal proceedings, which by its very nature is one of the main means of combating crime, including those that threaten Ukraine's national security. The results of this struggle largely depend on how effective the work of the relevant law enforcement agencies, with the right to conduct criminal proceedings, is considered necessary to focus some attention.

According to the Law of Ukraine No. 2617-VIII of November 22, 2018 "On Amendments to Certain Legislative Acts of Ukraine on Simplifying the Pre-trial Investigation of Certain Categories of Criminal Offenses", as of January 1, 2020, such a form of pre-trial law had to find its practical application investigation as inquiry [1]. However, due to the delayed steps in establishing the relevant units of inquiry, providing them with adequate facilities, etc., this Act is delayed by another Law, namely No. 321-IX of December 3, 2019 "On Amendments to Section II" Final and Transitional Provisions "Of the Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine on Simplifying Pre-trial Investigation of Certain Categories of Criminal Offenses "[2]. Only from July 1, 2020, the provisions of the Criminal Procedure Code of Ukraine (hereinafter referred to as the CPC), adopted by Law No. 2617-VIII of November 22, 2018, and concerning the procedure for conducting inquiries in criminal offenses, will enter into force, will find their practical application in the activities of relevant law enforcement agencies. [3].

According to these amendments the inquiries must be carried out by the inquiry units or authorized persons of other units: a) National Police bodies; b) security authorities; c) bodies, which control the observance of tax legislation; d) bodies of the State Bureau of Investigation; d) the National Anti-Corruption Bureau of Ukraine (Part 3 of Article 38 of the CPC). Directly conduct pre-trial investigation of criminal offenses by an authorized investigator - an officer of the inquiry unit of the National Police, security, the body that monitors compliance with tax legislation, the State Investigation Bureau, in cases established by this Code, the authorized body, authorized within the competence stipulated by this Code (Articles 3, 40-1 of the CCP). The investigator, when conducting the inquiry, is given the powers of the investigator. He is responsible for the legality and timeliness of the inquiry.

Inquiry in criminal misconduct is characterized by many features that distinguish it from pre-trial investigation. Its main difference from the pre-trial investigation is that the inquiry as a form of pre-trial investigation is of a simplified nature, which makes it much easier to hold a person criminally responsible for committing a criminal offense. But at the same time the legislator has established sufficiently broad guarantees for the proper protection of the rights, freedoms and legitimate interests of the suspected (accused) of the criminal offense.

An important feature is characterized by the completion of the investigation of criminal offenses, which we consider necessary to pay attention to lawyers. They are defined by the provisions of Article 301 of the CPC and are as follows.

1. The inquiry officer shall be obliged as soon as possible, but not later than seventy-two hours from the moment of detention of the person in the manner provided for in Part 4 of Art. 298-2 of the CCP submit to the prosecutor all the collected materials of the inquiry together with the notice of suspicion, of which he informs in writing the suspect, his defense counsel, legal representative, the victim.

2. The prosecutor shall be obliged not later than three days after receiving the materials of

the inquiry together with the notification of suspicion, but in case of detention of the person in the manner stipulated by part 4 of Art. 298-2 of the CCP, within twenty-four hours, perform one of the following actions:

- 1) to decide on the closure of criminal proceedings, and in the case of detention of a person in the manner provided for by Art. 298-2 CPC, - on the immediate release of the detained person;
- 2) to return the criminal proceedings to the inquiry officer with written instructions on carrying out procedural actions with the simultaneous extension of the term of the inquiry up to one month and to release the detained person (in case of detention of a person in the manner stipulated in Part 4 of Article 298-2 of the CPC);
- 3) to apply to the court with an indictment, a petition for the application of compulsory measures of medical or educational character, or about the release from criminal responsibility;
- 4) in case of establishing signs of crime, to initiate criminal proceedings for conducting pre-trial investigation.

3. In the case provided for in paragraph 3 of Part 2 of this Article, the period of detention of a person shall not exceed seventy-two hours from the moment of detention until the commencement of proceedings for criminal proceedings in court.

4. If the prosecutor makes a decision to appeal to the court with an indictment, a request for the application of compulsory measures of medical or educational character, the prosecutor shall be obliged to provide the person who committed the criminal offense within the time limits specified in part 2 of this article. to the defender, the victim or his representative copies of the inquiry materials by handing them over, and in case of failure of such handing - in the manner provided by the CCP for service of the messages, including by sending copies of the inquiry materials the last known place of residence or stay of such persons. In case of refusal of these persons to receive them or delaying their receipt, the said persons shall be considered as having accessed the materials of inquiry.

The refusal to receive copies of the inquiry materials or not to receive them shall be made by the appropriate protocol, which shall be signed by the prosecutor and the person who refused to receive it, as well as by the prosecutor, if the person did not appear for the receiving the inquiry materials.

An analysis of these provisions indicates their ambiguity in terms of making the above procedural decisions by the prosecutor. After all, it is clear that the preparation of procedural documents for making these decisions on behalf of the prosecutor will, in the main, rely on the investigator. This raises the question for the legislator: why put in criminal procedural law provisions that will not be enforced by the persons designated by him/her?

Particularly critical assessment is subject to the provisions of Part 5 of Art. 301 of the CPC on the prosecutor's duty to ensure the person who committed the criminal offense or his/her defense lawyer, the victim or his representative with copies of the inquiry materials by handing them over, and in case of such failure, in the manner provided by the CPC for service of messages, including by sending copies of survey materials to the last known place of residence or stay of such persons.

This raises the question of the proper implementation of this obligation, since criminal proceedings will always be at least a few dozen or even more sheets. The provisions of the law imply the obligation to send copies of the materials to the least suspected, and if there is a victim in the case, so should he. Who will do it: the prosecutor or the inquiry officer at his/her request? More than anything else. Where is the investigator or the prosecutor who, for example, will act in good faith in carrying out this duty and not transfer it to the investigator, to obtain the means of making copies of the materials of the inquiry? The answer is unequivocal - out of pocket, since the state will not allocate funds to cover these costs. And this must be done in the hundreds of criminal proceedings that will be with the inquiry officer (prosecutor).

We see that this provision must be subject to legislative adjustment. We offer two variants of such correction: 1) to familiarize the suspect, his defense counsel or legal representative, as well as the victim, his representative or legal representative to carry out in the manner provided by Art. 290 of the CPC of Ukraine, that is, as the investigator does; or 2) to provide inquiry materials to these individuals electronically.

An analysis of the legislative changes to the CCP of Ukraine, which were introduced by the Law of Ukraine of November 22, 2018, and related to the inquiry in criminal misconduct, points to other features of this form of pre-trial investigation. In particular, it concerns: the terms of the inquiry and their extension; the grounds and order of detention of the person who committed the

criminal offense; litigation of criminal proceedings in relation to criminal offenses, etc. To characterize all these features, to give them an estimate, to determine the possibility of their proper application in practical activity, to make appropriate proposals, etc., it is not possible in one scientific work. The need to research them is undoubted, since the newest aspects of conducting an inquiry in Ukraine are extremely interesting for any lawyer. But this should already be done in other scientific works.

1. Pro vnesennya zmin do deyakykh zakonodavchykh aktiv Ukrayiny shchodo sproshchennya dosudovoho rozsliduvannya okremykh katehoriy kryminal'nykh pravoporushen': Zakon Ukrayiny vid 22 lystopada 2018 roku № 2617-VIII URL: <https://zakon.rada.gov.ua/laws/show/2617-19> (data zvernennya: 19.02.2020).

2. Pro vnesennya zminy do rozdilu II «Prykintsevi ta perekhidni polozhennya» Zakonu Ukrayiny «Pro vnesennya zmin do deyakykh zakonodavchykh aktiv Ukrayiny shchodo sproshchennya dosu-dovoho rozsliduvannya okremykh katehoriy kryminal'nykh pravoporushen'»: Zakon Ukrayiny vid 3 hrudnya 2019 roku № 321-IX URL: <https://zakon.rada.gov.ua/laws/show/321-20> (data zvernennya: 19.02.2020).

3. Kryminal'nyy protsesual'nyy kodeks Ukrayiny (Vidomosti Verkhovnoyi Rady Ukrayiny (VVR), 2013, № 9-10, № 11-12, № 13, st.88) URL: <https://zakon.rada.gov.ua/laws/show/4651-17#n2662> (data zvernennya: 19.02.2020).

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CURRENT PROBLEMS FOR PREVENTING ILLEGAL TRAFFICKING IN WEAPONS IN UKRAINE

The public danger of unlawful acts of arms, such as theft, weapons, ammunition or explosives, the illicit carrying, storage, purchase, manufacture or sale of these items, and their negligent storage, is that these crimes cause harm or threaten to cause harm to the public safety. Ukraine is not the first country in the world to fall victim to such illicit trafficking. Our analysis of illegal activities with weapons has allowed us to make certain generalizations regarding the regulation of criminal prohibition of illicit trafficking in weapons and weapons items. First, in the case of illicit arms trafficking, the criminal behavior of a person (a crime subject) may be expressed in the act of a person acting (inaction) in the form of a violation of a ban or a failure to perform duties. Second: The Criminal Code of Ukraine provides for the liability for the following types (forms) of illicit trafficking in weapons: carrying, storing, purchasing, manufacturing, processing, falsifying, removing or altering its marking, repair, transfer or sale of firearms (except for shotguns), ammunition, explosives or explosive devices. Third, the illicit purchase of weapons, on the one hand, and the illicit sale, on the other, entail the same responsibility, but there is a clear degree of public danger for these acts.

In view of this, we consider that it would be appropriate and justified in view of the assessment of the public danger of illicit trafficking in weapons, to determine the illegal sale of weapon items in a separate norm (within the framework of Article 263 of the Criminal Code) with a significant increase in the punishment compared to the sanction for illegal transfer because the public danger of arms trafficking is much higher. In this way, the commitment of armed crimes can be prevented.

Introduction of Art. 263-1 of the Criminal Code of Ukraine "Illegal manufacture, processing or repair of firearms or falsification, illegal removal or alteration of its marking, or illegal manufacture of ammunition, explosives or explosive devices", in our view, does not solve the problem of increased criminal liability. And this is due, first of all, to the fact that this criminal code contains indications of an objective party that is not of great public danger, which would make it possible to refer to criminal actions. Such, in our view, are falsification of a firearm, illegal

removal or alteration of its marking. In today's chaos, in terms of legal regulation and control over the circulation of firearms and ammunition, it is in fact ineffective to establish this type of responsibility. As practice of activity of state military formations shows, that there is little order in them.

Comparative legal analysis of the criminal legislation of foreign countries showed that in some foreign countries the issue related to the illegal arms trafficking is given more importance at the legislative level than in the Criminal Code of Ukraine. Arms trafficking in the world is a multifaceted problem. It includes the illicit manufacture of weapons, their smuggling across national borders, and the illegal trade in weapons. For a long time now, it has been a part of the illegal business of organized crime in different countries, and, first of all, of terrorist groups used to overthrow the constitutional order in some countries of the world for the last 30 years (Syria, Libya, Yemen, Yugoslavia, Afghanistan, Egypt, etc.). The number of crimes involving various weapons is increasing, with the proliferation of weapon items in the world. In this case, the weapons are of a completely legal origin, produced in factories, not in a handicraft way or in some other underground.

Like any mechanism that is being developed and then implemented and operated in society, the system of norms governing arms trafficking in Ukraine is not perfect and has some drawbacks. One of these drawbacks is the lack of a proper legal framework regulating arms trafficking in the country. The need to strengthen the combating crime, illicit trafficking in weapons, the improvement of legislation to this end necessitates the development of appropriate measures to counter the illicit handling of weapons, to clarify the nature of criminal relations. In order to create certain measures, it is necessary to pay attention to the experience of different countries on this issue, to consider criminal legal prohibitions establishing the liability for illegal actions related to the use, purchase, storage, carrying of weapons, ammunition, etc. under the laws of different countries.

Combating the illegal proliferation of firearms with individual use is quite a challenge, especially in the face of military conflict in any state. This is explained by the fact that not only transnational criminal groups are engaged in the illicit arms trade, and the state bodies operating undercover take an active part in illegal arms trafficking operations.

The success of combating arms trafficking in many cases depends on the legal regime for the use of civilian weapon items, the extent of their access to the public, and the organization of control over them. This refers to the current legislation and practice of its implementation.

Many special sessions of the General Assembly of the International Criminal Police Organization on the Improvement of Firearms Accounting and the implementation of measures to improve international cooperation in this fight are devoted to combating illicit trafficking in weapons. According to an employee of the General Secretariat of Interpol D. Manross, awareness of the problem of gun ownership at the national level is high enough, at the same time, the reaction to the use of firearms for a large number of killings has a rather slow manifestation [1, p.43]. The UN Commission on Crime Prevention and Criminal Justice has conducted an expert survey on the regime of firearms ownership in different countries by forces of experts from 50 countries. The study showed that in all countries there is a tendency to tighten regulation of the circulation of firearms. This is especially true of Australia, Canada, the United Kingdom, Russia, the Czech Republic, Estonia, Latvia, Lithuania, Moldova, France, China, which have already adopted relevant regulations. In Brazil, Denmark, India, such new legislation is under elaboration.

Quantities in possession of firearms range from less than 1 individual owner per 1,000 population (Tunisia, Singapore) to over 120 (Germany). In Finland, the number of firearms reaches 400 per 1000 people. In this country, about half of the population have firearms in their families. There (as well as in Germany, Denmark, Sweden, Romania and some other countries) there are no prohibitions on the possession of long-barreled and hand-held types of civilian firearms [2, p. 29].

However, how many firearms in the world are being produced illegally, how many are smuggled into the countries, what is the amount of military weapons and weapons stolen from legal owners that are on the market - there are no reliable data. In foreign publications, only an approximate amount of funds received annually for the worldwide arms trade has been provided: approximately \$ 500 billion [3, p. 109].

It is also difficult to estimate the degree of arming of the population and the criminal world. One can only give an approximate estimate using the information received from law enforcement agencies, the results of a population survey and research conducted on the issue. Such information gives reason to believe that the uncontrolled proliferation of firearms contributes to the increase in the number of crimes. Whatever the supporters of the legalization of the free circulation of weapons in Ukraine, this step will only exacerbate the criminal situation and increase the rates of violent crime, which have increased significantly over the last 5 years.

Foreign scholars involved in the study of the relationship between the presence of firearms in the population and mortality due to violent crimes, accidents and suicides concluded that as soon as the firearm becomes readily available to the population, the likelihood of deaths increases the death toll. Such a situation is illustrated by statistics provided by American scientists: F. Cook, D. Nagin, M. Wolfgang, G. Zaisela, D. Zuela, F.E. Zimming, an English researcher D.P. King [4, p.50-58], Canadian criminologists I. Waller [5] and S. Fitzsimmon [6, p.21] and others.

Generalizing of foreign experience of criminal regulation of arms trafficking by us showed that it is impossible to legalize the circulation of firearms in the country, because it will only worsen the criminal situation. In addition, Ukraine, as part of Europe, must draw on the experience of those countries with which it shares borders, as arms smuggling is one of its ways of bringing large numbers of weapons and weapon items into Ukraine.

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CONCEPTS AND VARIETIES OF CRIMINAL PROCEDURAL DECISIONS IN JUDICIAL CONTROLLING

According to Art. 3 of the Law of Ukraine "On National Security of Ukraine" the state policy in the fields of national security and defense is aimed at the protection of the human and the citizen - their lives and dignity, constitutional rights and freedoms. Part 1 of Article 9 of the said Law stipulates that decisions, actions or omissions of state authorities, officials and officials may be appealed in court [2].

It is advisable to consider criminal procedural decisions in judicial review proceedings not only as one of the topics of discussion in science and jurisprudence, but also as a legal phenomenon that extends its effect to the participants of criminal proceedings, as well as to the other circle of persons, by covering decisions in the media. According to the court decision, including the decision of the investigating judge, society evaluates the effectiveness of the justice system as a whole, so the decision should be not only lawful, justified and motivated, but also accessible and understandable society aimed at protecting the rights, individuals' freedoms or interests in criminal proceedings, in case of finding their violation.

The function of judicial review is exercised by the investigating judge by making procedural decisions in the form of resolutions.

The concept of criminal procedural decision and its variants has already been investigated in scientific works. However, a comprehensive study of the problem of making criminal procedural decisions in the judicial control proceedings in the pre-trial investigation was not conducted.

The CPC of Ukraine does not enshrine the term "decision of the investigating judge", but defines only the definition of the term "procedural decision" in Part 1 of Art. 110 of the CPC of Ukraine, according to which procedural decisions are all decisions of the bodies of pre-trial investigation, prosecutor, investigating judge, court [1].

A criminal procedural decision in judicial review proceedings is a legal act of an investigating judge, issued in accordance with the requirements of criminal procedural legislation, as a result of the evaluation by the investigating judge of the circumstances and evidence when considering petitions or complaints in criminal proceedings in the pre-trial investigation.

The procedural decision of the investigating judge has the following features:

1) is of a legal nature because it contains the result of the decision of a particular issue concerning judicial control over the observance of the rights, freedoms and interests of persons in criminal proceedings;

1) is of state-power character, since it is ruled by a specially authorized subject - investigating judge and in the manner determined by the CPC of Ukraine;

2) is a legal act that initiates, changes or terminates criminal procedural relations;

3) meets the general requirements set out in Art. 372 of the CPC of Ukraine, taking into account the peculiarities defined in separate articles of the criminal procedural law depending on the type of criminal procedural decision in judicial control proceedings;

4) has a period of validity determined by the criminal procedural law (except for the resolutions issued in accordance with Articles 206 and 303 of the CPC);

5) is compulsory and is subject to unconditional enforcement throughout the territory of Ukraine (Part 2 of Article 21 of the CPC).

The decision of the investigating judge in the form of resolutions, in accordance with Part 2 of Art. 110 of the CPC of Ukraine shall comply with the requirements of Articles 369, 371 - 372 of the CPC of Ukraine, taking into account the features defined in Part 3 of Art. 152 CPC of Ukraine, Part 3, Art. 157 of the CPC of Ukraine, Art. 164 of the CPC of Ukraine, part 5 of Art. 173 of the CPC of Ukraine, part 1 of Art. 196 of the CPC of Ukraine, part 2 of Art. 235 CPC of Ukraine, Part 4, Art. 248 of the CPC of Ukraine, part 2 of Art. 263 CPC of Ukraine, Part 3, Art. 264 CPC of Ukraine, Part 3, Art. 268 CPC of Ukraine [1]. That is, in addition to the requirements that are specified for all court decisions, the results of consideration of a petition, the investigating judge makes a decree, which must necessarily specify the information enshrined in the above provisions of the CPC of Ukraine.

Part 1 of Article 370 of the CPC of Ukraine sets out imperative requirements for a court decision, which must be legal, substantiated and justified [1]. The legislator distinguished these concepts, they are not identical but interconnected.

In addition to the general requirements laid down in Art. 370 CCP of Ukraine, the decision of the investigating judge, in our opinion, should be high quality, accessible, timely, fair.

One of the conditions for an investigative judge to make a lawful, substantiated and reasoned decision is to strictly comply with the requirements of the criminal procedural law regarding its form and content.

The content of the decree is defined in Art. 372 of the CPC of Ukraine, according to which the decision, set out in a separate document, consists of: introductory, motivating and resolute parts [1].

The decision of the investigating judge can be classified:

1) by functional meaning: (a) Initial (of which the petition or complaint shall be considered: a decision to open proceedings on a complaint filed in accordance with Article 303 of the CPC); b) interim (resolved on the issues to be resolved during the consideration of the petition or complaint: the appointment of a defense counsel for a separate procedural action in the manner provided for by Articles 49, 53 of the CPC); c) summary (containing the result of consideration of the petition or complaint);

2) depending on the participation of the parties in the criminal proceedings: a) decisions issued with the participation of all parties to the criminal proceedings; b) rulings made with the participation of only one party to the criminal proceedings;

3) depending on the initiative of the subjects of criminal proceedings: a) decisions of the investigating judge, made on the results of consideration of the petition or complaint; b) decisions of the investigating judge, issued on his own initiative (in accordance with Article 206 of the CPC of Ukraine);

4) depending on the right of appeal: a) the decisions of the investigating judge, which may be appealed on appeal (Article 309 of the CPC of Ukraine); b) the rulings of the investigating judge, which are not subject to appeal (not included in the list of rulings determined by Article 309 of the CPC of Ukraine).

Since the decision of the investigative judges to make legal, substantiated and reasoned decisions has a direct connection with the performance of criminal proceedings, the formulation of modern scientific provisions on the criminal procedural decision of the investigating judge is relevant and needs further research.

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2. Pro Natsional'nu bezpeku Ukrayiny: Zakon Ukrayiny vid 21 chervnya 2018 roku № 2469-VIII.URL: <https://zakon.rada.gov.ua/laws/show/2469-19>

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**REALIZATION OF THE CITIZENS' RIGHT TO NECESSARY DEFENSE
AS A MEASURE TO COUNTERACT CRIMINAL ACTIVITY**

Combating crimes against the individual, ensuring public order, protecting the constitutional rights of citizens are one of the most important conditions for the functioning of any state. In modern conditions, law enforcement agencies of Ukraine are making considerable efforts to maintain them at the proper level.

However, practice shows that these efforts are clearly not enough today. The nature and extent of crime increase social tension, contribute to the emergence of destructive processes in society, people feel that their life, health and property are unprotected. Protection of the constitutional rights of a person and a citizen, in particular, protection by the state of life, health, honor, dignity, integrity and security in accordance with Art. 3 of the Constitution of Ukraine, recognized as the highest social value and main duty [1].

The implementation of the right for protection from criminal attacks is not only relevant, but also a very difficult task for the state, because it requires comprehensive research in many areas of knowledge, including legal, namely, an in-depth study of the causes and conditions conducive to the commission of crimes and offenses, the grounds criminal liability, features of their criminological characteristics and factors that prevent their commission. Therefore, it is precisely the problems associated with the settlement of actions to protect constitutional rights in the state of necessary defense that today is one of the most relevant in the field of combating crime.

One of the problems of realizing the right of citizens for necessary defense is the lack of proper legislative regulation of the powers of a human and a citizen in protecting their constitutional rights. Currently, Ukraine does not have a law that regulates the actions of individuals in terms of application of measures of influence, weapons and special measures in case of protection within the necessary defense against unlawful encroachments.

This contradicts, first of all, Art. 92 of the Constitution of Ukraine, since human and civil rights, which guarantee these rights, in particular, the right to possess and use weapons in case of necessary defense, should be determined exclusively by the laws of Ukraine. In accordance with Art. 27 of the Constitution of Ukraine, everyone has the right to protect his/her life and health as well as other people life and health from unlawful encroachments [1]. This norm of the Constitution of Ukraine should be enshrined in a legislative act, for example, the Law of Ukraine "On Weapons" or "On Non-Military Weapons".

Due to the absence of a corresponding law, the norms of Art. 24 of the Constitution of Ukraine, which provides equal constitutional rights and freedoms of citizens and their equality before the law, are also violated. The right to use weapons is granted only to law enforcement officers. The list of persons entitled to use firearms, devices for shooting cartridges equipped with rubber bullets in Ukraine, unfortunately, is exhaustive.

From the contents of Part 5 of Art. 36 of the Criminal Code of Ukraine it follows that it does not exceed the limits of necessary defense and does not criminalize the use of weapons or any other means or objects to protect against attacks by an armed person or an attack by a group of persons, as well as to prevent unlawful forced invasion of housing or other premises, regardless of the severity of the harm done to an offender [2]. Based on the foregoing, we can conclude that Part 5 of Art. 36 of the Criminal Code of Ukraine allows applying various measures of influence not

only by law enforcement officials, but also by ordinary citizens, although legislative regulation of the acquisition, possession and use of weapons by them does not exist today.

For the effective implementation of the constitutional right of citizens to necessary defense, it is vital to fix the optimal structure, functions, tasks, principles, powers, conditions, under which it is possible to establish efficient coordination and interaction between legislative, executive, judicial authorities and the public at the legislative level in order to determine types of weapons for civil purposes, conditions of its acquisition, and legal grounds for use.

In our opinion, to correct the shortcomings of the legal regulation of the implementation of the right to necessary defense it is possible only by introducing an effective mechanism of a scientifically-based complex of legal and organizational measures:

– adoption of the relevant legislative act “On Weapons” or “ On Non-Military Weapons”, which, in accordance with the Constitution of Ukraine would secure guarantees for the protection of a citizen and a person in compliance with the constitutional principle of equality of citizens before the law;

– the law should clearly regulate the types of civilian weapons, the procedure for granting the right to acquire, carry, store weapons, the rights and obligations of an owner of the weapon, legal grounds for using weapons, security measures for handling weapons, actions after their use (providing first-aid medical assistance, calling an ambulance, reporting to a police unit, if necessary, taking measures to detain the attacker, etc.).

The consolidation at the legislative level of the organizational and legal framework for the realization of the right to necessary defense is of particular importance, and it is precisely the determination of the powers of the subjects of legal relations in the field of the circulation of weapons designed for the protection against illegal encroachments, and the conditions for their lawful application.

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2. Kryminal'nyy kodeks Ukrainy: Zakon Ukrainy vid 5 kvitnya 2001 roku № 2341-III / URL: <http://zakon1.rada.gov.ua>

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TO THE ISSUE OF CONSTRUCTING FORENSIC CHARACTERISTICS OF PIMPING COMMITTED BY THE ORGANIZED GROUP

Forensic characterization is an indispensable part of the method of investigation of patterning committed by an organized group. Constructing its structure and outlining the correlation relationships between its individual elements are necessary to provide effective guidance on criminal proceedings in the investigated category. Therefore, the particular topic is extremely relevant.

It should be noted that in general, the methodology of investigating crimes by individual scholars is viewed through the lens of dualism. On the one hand, the authors define it as the process of investigation of crimes as a specific activity of bodies authorized by law, carried out on the basis of the use of tools of forensic techniques, techniques of forensic tactics, as well as forensic methods of investigation of certain types of crimes. On the other, as a section of forensic science, containing a system of comprehensive forensic recommendations for the detection, investigation and prevention of certain types of crimes [6, p. 120]. Interesting from the practical side is the opinion of E.P. Ishchenko, who emphasizes that, while working on a specific criminal case, the investigator often has difficulty in finding out the forensic features of a particular type or group of crimes, as well as in choosing the best approaches to their disclosure and investigation. In other words, he needs, figuratively speaking, a forensic matrix of inquiry, imposing which on the pre-existing (or initial) investigative situation, he could clearly determine what and how he should be done in order to establish and expose the perpetrators and acquit the innocent, if due to circumstances. the existing ones were suspected [2, p. 120-121]. On the other hand, he approached the forensic characteristics of L. Y. Drapkin. The author noted that the investigated scientific category with sufficient degree of specificity should describe the typical signs and properties of the event,

situation, method and mechanism of committing socially dangerous acts of a particular classification group, the process of origin and localization of evidence, typical signs of personality and behavior of the perpetrators, victims as well as stable features of other objects of encroachment [1, p. 17]. Analyzing the scientific literature, we find that the problem of the modern forensic characteristics of patterning committed by an organized group remains an under-researched problem. Also, according to a survey of law enforcement officials, it was found that 89% of the most promising areas of investigation efficiency improvement are the creation of a system of stable correlation between the elements of the forensic characteristic of the investigated criminal offense.

Moving on to the elements of forensic characteristics of patterning done by an organized group, one should give some opinions of scholars on this. In particular, V.S. Kuzmichev and G.I. Prokopenko among its elements is defined by the following: the subject of direct criminal assault (a variety of objects of organic and inorganic origin); the manner of committing the crime in its broadest sense (the circumstances of the preparation, commission and concealment of the crime, the manner of action of the subject used to achieve the intended purpose); the typical "trace picture" of crime in its broad interpretation (the totality of sources of material and ideal reflections in the surrounding material environment of the crime); the identity of the offender (the description of the person as a socio-biological system whose properties and features are reflected in the material environment); victim's identity (for particular types or groups of crimes: demographics, lifestyle information, character traits, habits, relationships and relationships, victim signs, etc.) [3, p. 253]. In her turn, K.Y. Nazarenko concluded that the following elements were included in the structure of the forensic characteristics of crimes related to the creation or maintenance of places of fornication and extortion: 1) the manner of committing the crime; 2) the situation of the crime; 3) trace picture; 4) the identity of the offender [7, p. 74]. And already V.A. Lazarev, speaking about involvement of minors in prostitution, has defined its following structure: a way of committing a crime; means of involving a minor in prostitution; the identity of the criminal (pimp); the situation of the crime; a trace picture; the person of a minor victim who, in their totality, models the investigated type of criminal offense [5, p. 92]. Quite important in the context of our study is the work of K.O. Chaplinsky, who provided a modern forensic characteristic and carried out an analysis of organized criminal activity. The author in detail discloses tactical techniques and organization of investigative actions in the investigation of crimes committed by organized criminal groups [8, p. 7].

Also relevant is the view of M.V. Kuratchenko, who concluded that the structural elements of the forensic characteristics of patterning and involving a person in prostitution are such a way of committing a crime; the situation of the crime; a trace picture; the identity of the offender; the person of the victim [4, p. 7].

To sum up, it should be noted that on the basis of the investigation of the materials of criminal proceedings and the analysis of the questionnaire conducted by law enforcement officers, among the elements of the criminalistic characteristics of patterning committed by an organized group, we have distinguished the following: 1) the method of preparation, direct commission and concealment of the criminal; 2) the situation of the crime; 3) trace picture; 4) the identity of the victim; 5) organized group.

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CHARACTERISTICS OF CRIMINAL ACTIVITIES AT THE STAGE OF STARTING TOURIST BUSINESS

It should be noted that criminal activities in the sphere of tourism activity can be committed both from the side of the real subjects of tourism activity and from the side of fictitious enterprises. A.F.Volobyev in this section adds that in many cases the preparation of documents required for state registration of a fictitious enterprise, as well as a number of legally significant actions related to the creation of a legal entity, are performed by lawyers (or other specialists) - employees of economic entities, heads which are part of organized criminal groups, in the interests of which are created networks of fictitious enterprises. The notarization of the founding documents is carried out by notaries on the basis of lost (stolen) passports, without establishing the capacity of their bearers [1, p. 55].

Regarding legislative consolidation, in September 2019 the President of Ukraine signed into law the Law No. 1080 "On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on Reducing Business Pressure". This Law excludes Art. 205 on fictitious entrepreneurship [2]. Although, as practice shows, "fictitious firms" have always been and remain an important tool in various criminal schemes. At the same time, it should be noted that for entering in the documents, which according to the law are submitted for the state registration of a legal entity or a natural person - entrepreneur, deliberately false information, as well as intentional submission for such registration of documents containing deliberately false information, the legislator provided criminal liability for Art. 205-1 of the Criminal Code of Ukraine.

Since tourist activity is entrepreneurial, state registration is a mandatory legal action as a condition for carrying out any business activity, in particular tourism. In fact, since the state registration the tourist enterprise is considered created and acquires the rights of a legal entity and is included in the Unified State Register of Enterprises and Organizations of Ukraine [3]. In addition, according to the Laws of Ukraine "On Tourism" and "On Licensing of Certain Types of Business Activities", tourism activities cannot be carried out without a license.

As evidenced by the practice, the licensee to obtain it does not always comply with the license conditions developed by the licensing authorities. Therefore, documents are often forged in order to start a "business"; documents that must certify the "personnel potential" of the future enterprise (number, availability of certain employees of appropriate education, qualifications and (or) work experience, etc.); documents confirming the presence of a certain material and technical base; information about the places of tour operator activity; documents confirming relations with the insurance company; documents proving the financial security of civil liability to tourists (guarantee of a bank or other credit institution) and the like.

Realizing that the relevant registration and licensing authorities will not issue the appropriate documents for the pursuit of tourism activities, entities that intend to carry out such activities may take the following preparatory actions:- make false information in the documents submitted in accordance with the law for state registration of a legal entity or a natural person - entrepreneur;- deliberately submit for the purpose of such registration documents containing deliberately false information;- abduct, misappropriate, demand official documents, stamps or seals or seize them by fraud or abuse of office;- forge certificates or other official documents issued or certified by an enterprise, institution, organization, citizen-entrepreneur, notary public, state registrar, subject of state registration of rights, a person authorized to perform the functions of the state in respect of registration of legal entities, natural persons - entrepreneurs, etc., and produce counterfeit stamps, stamps, or letterheads from businesses, institutions, or organizations.

Often, tourism businesses are assisted in opening tourist businesses by officials who, through abuse of power or office, for reasons of unlawful gain, avail themselves of employment opportunities, or persons providing public services (state registrars, state appraisers, other persons, which provide administrative services).

It should be noted that the key to the success of the tourist industry is a well-established in-

frastructure and comfort in the recreation area, especially if the place is close to water bodies or a protected area. In this regard, a number of entrepreneurs in the tourism industry disregard the rules of legal development and occupation of land and, contrary to legal rules and regulations, carry out construction without the design documentation and permits of the relevant authorities, or, using corruption ties, obtain such permits through to the bodies that are empowered to provide them. While for the unauthorized occupation of land and unauthorized construction provided criminal liability for Art. 197-1 of the Criminal Code of Ukraine. Often the objects of tourism activity (structures) are illegally located on the coastal zones, on the lands of the nature reserve fund, etc., which are preparatory actions for the further functioning of the tourist activity.

Therefore, in order to create the conditions necessary for the smooth opening of the tourist business, tourist operators often go against the law, violating a number of criminal laws, involving in this chain the lawlessness of officials and persons providing public services that are capable of remuneration make unlawful decisions and promote unlawful acts.

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ISSUES OF DETERMINING THE CIRCLE OF VICTIMS OF CRIME UNDER Part 1 of Art. 157 OF THE CRIMINAL CODE OF UKRAINE

The victim as a mandatory sign of the crime presented in Art. 157 of the Criminal Code of Ukraine. The damage to the object of this crime, namely the public relations related to the exercise of the right of citizens to vote and to be elected, is caused by influencing the participant of the election process directly. In Part 1 of Art. 157 of the Criminal Code of Ukraine the legislator listed as victims the following participants in the election process: citizens who exercise their electoral rights, another subject of the election process, a member of the election commission, an official observer.

In the context of Part 1 of Art. 157 of the Criminal Code of Ukraine under the citizens who exercise their electoral rights, should be understood as citizens who have the right to vote in elections and who is eighteen years old on the election day (voters - holders of active suffrage), and citizens who run for president. Ukraine, people's deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils, village, settlement, city mayor (voters - holders of passive suffrage).

Other actors of the electoral process are: parties (blocs) that have nominated candidates for the presidency of Ukraine, people's deputies; local organizations of parties that have nominated candidates for deputies in a multi-mandate constituency, or single-mandate constituency, or single-mandate majority constituency, or candidates for the post of village, settlement, city mayor; authorized representatives of candidates for the post of President of Ukraine, proxies of candidates for the post of President of Ukraine, representatives of local organizations of parties whose candidates are registered in a multi-mandate constituency settlement, city mayor, authorized person of the local organization of the party.

Let us briefly explain the contents of the individual actors of the electoral process mentioned above. Thus, a candidate for President of Ukraine registered with the Central Election Commission has the right to delegate one authorized representative to the Central Election Commission with the right to an advisory vote, who represents his interests in the Central Election Commission during the election process. The authorized representative of the candidate for the post of President of Ukraine in the Central Election Commission may be a citizen of Ukraine who has the right to vote. The authorized representative of the candidate for the post of President of Ukraine may not be a member of the election commission, an official of the executive power and

local self-government bodies, a military official, an official of the rank and command staff of the Interior Ministry of Ukraine, the Security Service of Ukraine, a person of the rank and command staff of the State Criminal Service Ukraine, a person undergoing alternative (non-military) service (Article 66 of the Law on the Election of the President of Ukraine [1]).

The proxies of the candidate for President of Ukraine lead the campaign for election of President of Ukraine, assist the candidate for President of Ukraine in the electoral process, represent the candidate's interests in relations with election commissions, other state bodies and local self-government bodies, mass media, associations citizens, voters.

A candidate for President of Ukraine may have no more than five proxies in a single nationwide constituency and one proxy in each territorial constituency. In turn, the candidate's authorized representative must meet the same requirements as the authorized representative of the candidate for the post of President of Ukraine (Article 67 of the Law on the Election of the President of Ukraine [1]).

Like the candidates for the post of President of Ukraine, according to the electoral legislation, as well as local organizations of parties in the election of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea and local councils and village, settlement, city mayors may have their representatives, proxies and authorized persons.

A representative of a local party organization whose candidates are registered in a multi-member constituency may be a citizen of Ukraine who has the right to vote in the relevant local elections. The local organization of the party whose candidates are registered in the multi-mandate constituency shall have the right to delegate one representative to the territorial election commission, which registered the election lists of deputies from the respective local elections, with the right of an advisor who is authorized to represent that party. in the territorial election commission during the election process. The nomination of the representative is approved by the governing body of the local party organization.

May not be a representative of a local party organization, a member of the election commission, a proxy of a candidate in a single-mandate majoritarian constituency, a candidate for the post of village, settlement, city mayor, an official of a state authority, an authority of the Autonomous Republic of Crimea or local self-government, a military self-government rank and file of the Internal Affairs of Ukraine, State Criminal Enforcement Service of Ukraine, employee of the Security Service of Ukraine, person undergoing alter active (non-military) service, a person who has a conviction for committing a deliberate crime, which has not been repaid or withdrawn in accordance with the procedure established by law (Article 54 of the Law on the Election of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Rural, Settlement, City Heads [2]).

A citizen of Ukraine who has the right to vote in the respective local elections may be a proxy of a candidate for the post of deputy of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils and rural, settlement, city mayors.

The candidate for the position of village, settlement, city (except for the cities of regional, republican in the Autonomous Republic of Crimea values, cities of Kyiv and Sevastopol) may have no more than three proxies. The candidate for the position of mayor (cities of regional, republican in the Autonomous Republic of Crimea of importance, cities of Kiev and Sevastopol) may have no more than five proxies. A candidate for deputy in a single-mandate constituency may have no more than five proxies. A candidate for deputy in a single-member constituency may have no more than two proxies.

Cannot be a representative of a candidate, a representative, an authorized person of a local party organization, an official of a state authority, an authority of the Autonomous Republic of Crimea, local self-government, a military official, a person of the rank and command staff of law-enforcement bodies of Ukraine, the State Criminal Code Ukraine, employee of the Security Service of Ukraine, a person undergoing alternative (non-military) service, a person held in penal institutions, detention centers or has a criminal conviction for committing a deliberate crime, if that conviction is not extinguished and not withdrawn in accordance with the procedure established by law (Article 56 of the Law on the Election of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Rural, Settlement, City Heads [2]).

An authorized person of a local party organization may be a citizen of Ukraine who has the right to vote in the relevant local elections. A local party organization whose candidates are registered in a multi-mandate constituency may have up to three authorized persons in a multi-member constituency. The list of authorized persons is approved by the governing body of the

local party organization.

An authorized person may not be a member of the election commission, a candidate's authorized representative, an official observer - a subject of the election process, an official of a public authority, an authority of the Autonomous Republic of Crimea or local self-government, a military official, a person of the rank and file of the state bodies of internal affairs of Ukraine the Criminal Enforcement Service of Ukraine, an employee of the Security Service of Ukraine, a person undergoing alternative (non-military) service, a person who has a criminal record for committing a deliberate crime, if this the conviction has not been canceled and has not been withdrawn in accordance with the procedure established by law (Article 54 of the Law on the Election of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors [2]).

It should be noted that in the text of the disposition of Part 1 of Art. 157 of the Criminal Code of Ukraine, among others, as a separate victim of obstruction, the legislator defines a referendum commission, without specifying the election commission. Perhaps the legislator in part 1 of Art. 157 of the Criminal Code of Ukraine "suggested" the election commission to be understood as "another subject of the election process". On the other hand, it is unclear why the referendum initiative group and the referendum commission defined them in the article disposition as separate victims, and not united by the concept of "other subject of the referendum process".

In our opinion, the reference to "other subject of the election process" should be excluded from the text of the disposition of part 1 of Art. 157 of the Criminal Code of Ukraine. Instead, in part 1 of Art. 157 of the Criminal Code of Ukraine, it is advisable to provide an election commission with the referendum commission as a separate victim. Such a supplement to Part 1 of Art. 157 of the Criminal Code of Ukraine would be appropriate from the point of view of harmonizing the substantive structure of the said article, which equally provides protection for both the suffrage and the right to participate in the referendum.

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ISSUES ON CRIMINAL-LEGAL PROTECTION OF HUMAN LIFE IN THE NATIONAL SECURITY SYSTEM OF UKRAINE

According to Art. 3 of the Constitution of Ukraine the person, his life, health, honor, dignity, integrity and security are recognized in our country as the highest social value, and human rights and freedoms, their guarantees determine the content and orientation of the state's activity [1]. This provision of the Basic Law of Ukraine proclaims the person of the highest social value, and no other phenomenon can be valued by society higher than the person. All social values, including those of the state, must be subordinated, subordinated to human values.

The basic rule about murder is the norm enshrined in Part 1 of Art. 115 of the Criminal Code of Ukraine, namely in Chapter II of the Special Part "Crimes against life and health of a person". There, it is stated that murder is the intentional wrongful death of another person. Objective features of this crime include, first of all: the immediate main object - human life, socially dangerous act - wrongfully causing death to another person, socially dangerous consequence in the form of biological death of another person and the causal link between the act and the consequence .

The subjective features of this crime are intentional wines. The subject of the crime is a natural convicted person who has reached the age of 14 at the time of the crime. The motive of the said crime is not provided as a sign of the intentional murder, but some motives are the qualifying signs of the crime and are provided in Part 2 of Art. 115 of the Criminal Code of Ukraine [2].

That is, the criminal law protection under Art. 115 of the Criminal Code of Ukraine is subject to human life itself.

According to the law of Ukraine "On fundamentals of national security of Ukraine" dated 19 June 2003, in which national security is understood as protection of vital interests of man and citizen, society and state that upholds a sustainable development of society, timely identification, prevention and neutralization of real and potential threats to national interests in different areas [3]. So, in this law, the vital interests of man and citizen standing along with the state, yielding nothing to her. According to article 3 of the law the objects of national security are the person and citizen, their constitutional rights and freedoms. That is, is a self-contained value, an independent subject of national security, which requires independent protection.

However, the responsibility for causing the death of another person, is established in the criminal code of Ukraine not only in Section II of the Special part, but in other sections, among which the Section "Crimes against national security." Here we are talking about article 112 of the criminal code, which establishes criminal liability for an encroachment on life state or the public figure. The main direct object of the crime under article 112 of the criminal code of Ukraine is the national security in the political sphere, the life of the person acts as an additional direct object in the complex object and this fact should be taken into account in criminal legal qualification of the intentional infliction of death to another person. The complexity of the object is attributable primarily to the social role of the person whose life is directed assault, the social value of the relationship with the media which is the personality, its social function and not the person itself [4].

Specific signs of the crime provided by article 112 of the criminal code of Ukraine is the victim. They can only be a state or public figure, is specified in the dispositions of this rule, elected (appointed) to a position in accordance with the Constitution and laws of Ukraine. The list of persons who can be victims under article 112 of the criminal code of Ukraine is exhaustive [2].

The objective side of a crime is to encroach on the life of a state or public figure, which can be manifested in actions (shooting, stabbing, etc.) or inaction (failure to perform the necessary medical procedure). The crime has been completed from the moment of direct attempt, regardless of the actual consequences [2].

The motive for committing this crime is: the desire to prevent or suspend a state or public activity of a particular person, to change his character or revenge for such activity.

The question naturally arises as to the validity of the differentiation of criminal liability for these crimes. One of the means of such differentiation is the sanctions imposed for these crimes. So the sanction of Art. 112 of the Criminal Code of Ukraine provides for a maximum sentence of life imprisonment and, alternatively, for life imprisonment of 10 to 15 years. In turn, Part 1 of Art. 115 of the Criminal Code of Ukraine provides for a sentence of 7 to 15 years of imprisonment, which has a lowered lower threshold of criminal liability for the crime under Art. 112 of the Criminal Code of Ukraine. In addition, considering that the crime under Art. 112 of the Criminal Code of Ukraine by design features is truncated composition and is considered to be completed from the moment of encroachment on life and does not foresee the occurrence of mandatory consequences, then the punishment in its smallest expression will be 10 years accordingly. At the same time, the crime provided for in Art. 115 of the Criminal Code of Ukraine is a crime with a material composition and a mandatory feature of its objective side is the occurrence of consequences in the form of death of a person. An encroachment on a person's life will qualify as an attempted crime. Part 3 of Art. 68 of the Criminal Code of Ukraine stipulates that for attempting to commit a crime, the term or the amount of punishment may not exceed two thirds of the maximum term or the amount of the most severe type of punishment provided for by the sanction of the article of the Special part of the Criminal Code of Ukraine. In fact, the legislator lowered the social value of a person's life and created a privileged composition of encroachment on the life of a state or public figure, placing an object - national security in the political sphere, higher than the life of a person, contrary to the Constitution of Ukraine.

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ISSUE OF TYPICAL INVESTIGATIVE SITUATIONS DURING IN THE INVESTIGATION OF MASS UNREST

Typical investigative situations are one of the basic scientific categories necessary for the practical implementation of forensic recommendations for the investigation of criminal offenses. Therefore, in the vast majority of investigative techniques, this category is maximally characterized. In addition, on the basis of its basic provisions, separate algorithms of actions of law enforcement officers in relation to the solution of certain problems of criminal proceedings are distinguished. Investigation of mass riots also requires some algorithmization in view of current conditions and changes in legislation.

On the significance of the investigative situation, A.V. Ishchenko emphasizes that her study as a forensic category is of theoretical and applied importance. The theoretical significance of the development of this problem in general lies in the objective need to specify the content and concept of this scientific category. Its practical importance is that the determination of the content of investigative situations, their classification, analysis and evaluation make it possible to objectively justify the choice of methods of investigation, which would be most appropriate to the circumstances and tasks of the investigation at a certain stage [2, p. 57]. In turn, we support the position of M.I. Skryhonyuk, who notes that the investigative situation in criminal proceedings on mass unrest can be conflict and conflict-free and differently affect the criminal-criminal activity, and the latter, in turn, regulates it. An investigative situation is a set of circumstances to be proved in a criminal proceeding about a crime, other circumstances arising during the course of investigative actions, officially and informally established, possibly even in conjunction with aggravation of contradictions between participants, subjects of criminalistic activity and other criminal activities. [6, p. 68]. With regard to defining the concept of the category under investigation, we consider it quite apt given by the following scholars who stated that the investigative situation is a set of conditions in which the investigation is being conducted and its status is being determined at the moment. It is a tactical tool for organizing the work of an investigator in the investigation of a crime, and focuses on the study of the question of analysis (study of the content of its determinants in order to make a tactical decision and the choice of a method of investigation that provides a quick and complete investigation of the crime) and evaluation of the investigative situation [4, p. 337-346]. Concerning the classification of typical investigative situations of the initial stage of investigation of mass unrest, for example, O.P. Kuzmenko, among them by their nature and completeness, identified the following: 1. There have been reports that irrational mass riots have occurred spontaneously. Some active participants of mass riots were detained, organizers are absent. 2. Crowd actions - irrational mass riots complete. There is information about the victims, damage and destruction of property, other material damage. 3. Mass riots of an organized, pre-planned nature continue. There is insufficient information on the actions of the crowd, the consequences of the criminal acts, the active participants and their motives. 4. The active actions of the crowd mentioned above have been completed, but there is reason to believe that a riot escalation is possible [5, p. 112]. This typing seems to be quite interesting and relevant. It solves specific problems in criminal proceedings in this category. That is, the initial stage of investigation of mass unrest is structured by certain situations.

Appropriate in this section is the opinion of M.M. Yefimov, who emphasizes that the investigation of mass riots is in fact always carried out in the aggravation of the situation in the city, district, and region; confrontation of participants of mass riots with local authorities, influential commercial structures or criminal formations significantly influences the situation of the investigation, since it can paralyze it as a result of counteraction to the investigation in the form of intimidation of witnesses, victims, suspects, and sometimes actual sabotage [1, p. 41].

Important for understanding the essence of the investigative situation is the statement of M.S. Kachkovsky, who emphasizes the following: typification of investigative situations is possible provided information about the most important elements and such frequently occurring components, which the scientist divides into two groups, is allocated. The first is information about particular circumstances of the criminal activity (the person who committed the crime, the method,

traces of the crime, the subject of the offense and the amount of the harm caused by the crime, links with other crimes). The second group consists of a set of information on the most relevant circumstances of the investigation (state of the evidence base, the possibilities of the investigation, the behavior of suspects and other investigators, bystanders trying to interfere with the investigation, etc.). Typical investigative situations, in our opinion, carry the main information and organizational and methodological load in the construction of methods of investigation of criminal offenses related to the deliberate introduction into the Ukrainian market of dangerous products, and the most typical investigative situations of the initial and subsequent stages of the investigation are interrelated [3]. To summarize, in the investigation of mass unrest, the amount of evidential information that can be seized during effective searches of various categories is quite significant. Therefore, at the initial stage of criminal proceedings, it is desirable to algorithmize the actions of law enforcement officers by constructing specific typical investigative situations.

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**REMOVAL OF DOCUMENTS IN THE INVESTIGATION OF CRIMES
RELATED TO THE PROVISION OF EMPLOYMENT SERVICES ABROAD**

Due to fundamental changes in politics and the economy, recent changes have taken place in the society, which have led to a reduction in the workforce and a decrease in the income of the population. In order to obtain more attractive living and working conditions abroad, a large part of Ukraine's population is forced to migrate abroad in search of work. However, the progressive changes in the structure of crime and the emergence of new modern methods of action, including in the sphere of employment, have made it difficult for the state to fully protect the above-mentioned citizens' rights, especially outside Ukraine.

The aforementioned calls for effective measures to solve the problems of disclosure and investigation of crimes related to employment abroad, which include a number of pre-planned and planned actions, the content of which depends on the selected schemes for the organization of "employment", the presence of corruption, organization of "cover-up" of criminal activity and the like.

The commission of offenses related to employment abroad is accompanied by the use of a number of documents, the contents of which can be of great importance. At the same time, documents can be material evidence and directly used by criminals to achieve a criminal result. In this regard, documents are the primary source of evidence, and investigative (investigative) action aimed at their removal is one of the primary tasks of pre-trial authorities.

As practice shows, the most time-consuming investigative (search) action aimed at retrieving information from material objects is a search. Instead, the most common way of seizing documents is to investigate criminal proceedings, such as temporary access to things and documents, when investigating codon-related offenses. The investigator chooses the method of removal, based on tactical considerations and the gravity of the criminal offense.

As a rule, when investigating crimes in the field of employment abroad, there is a need to remove a large amount of documentation, and the description of each document is quite problematic and time consuming. In this regard, a specialist should be involved in the process of removal and subsequent review of the documents.

As the analysis of the judicial investigative practice has shown, the following documents are mainly subject to seizure:

- documents defining the organizational and legal status of the employment firm and certifying its activity (statutes, licenses, contracts);
- accounting, banking and other documents reflecting business transactions;
- documents used as a means of committing a crime (fake or genuine);
- documents used for crossing the state border for the purpose of employment;
- documents confirming the fact of employment abroad, reservation or payment for accommodation in the country of employment, etc. ;
- a contract for mediation in employment abroad with a foreign employer;
- draft employment contract, etc.

Important is the information contained in the electronic format (text, graphics, photos, videos and sound recordings). In addition, you should carefully review the website of the mediator who offered employment services abroad, web pages, multimedia and voice messages, etc.

In general, during the review of documents it is possible to establish: the content of preparatory actions and actions on direct commission and concealment of a crime, duration and locations of all actions related to employment of a person abroad; the attitude of certain persons to the commission of the crime, their number and the nature of each person's involvement in the commission of the crime; the presence of fictitious signs of a firm providing employment services; the presence of criminal ties with government officials and persons accompanying employment activities, etc.

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PECULIARITIES OF INSPECTION OF THE SCENE DURING THE INVESTIGATION OF HULIGANISM CONCERNING THE LOCKING THE WORK (ACTIVITIES) OF STATE BODIES, INSTITUTIONS AND ORGANIZATIONS

Investigating hooliganism related to the blocking of the work (activity) of government bodies, institutions and organizations is a process of gathering evidential information, as is any other criminal proceeding. One of the important investigative (investigative) actions aimed at this is the various types of investigative review.

The surveyed law enforcement officials identified the review as the most effective investigative (investigative) action in the investigation of crimes qualified in accordance with Art. 296 of the Criminal Code of Ukraine, in 81% of cases. One of the main types of reviews that holds a special place among all investigative (investigative) actions aimed at gathering information from trace mappings is an overview of the place of the event.

Surveying the scene is of particular importance when investigating hooliganism, which in any case left some traces on material objects: damage to vending machines, breaking of windows and windows, abuse of monuments, obscene inscriptions on fences, buildings, etc. [4, p. 23]. The analysis of materials of criminal proceedings revealed that at the initial stage of investigation of hooliganism related to the blocking of work (activity) of state bodies, institutions and organizations, the following types of examinations are usually carried out: spot inspection - 73%, inspection of living persons (examination) - 34%, review of things - 15%, review of documents - 5%. Not only is the location of the scene important but also one of the most difficult to prepare and conduct investigative (search) actions. This feature is further complicated by the fact that, as a rule, the investigator does not at the outset know when, where and under what circumstances he will inspect the scene, thereby initiating an investigation into the crime. Initial information about hooliganism, which requires going to the scene, quite often comes suddenly, so all preparation for the review should be carried out in the shortest possible time, determining what and how to do it [2, p. 34]. In general, the inspection of the scene is an urgent investigative action aimed at the investigation of the territory (premises or structures) where the incident containing the signs of the crime occurred

[5, p. thirteen]. V.P. Popov, in his turn, considered the review of the scene as a complex of investigative and investigative measures aimed at identifying and securing material evidence and traces of the crime, establishing the mechanism and motives of the crime, using the survey data for the purpose of hot pursuit search [7, p. 8-9]. The main tasks of the EPE are to define the following: - determination of the time of the commission of the alleged crime, the time during which the offender was at the scene; - determination of the crime scene; - identification of the victim, data that characterize his / her identity; - identification of the perpetrators of hooliganism; - determination of the motives and goals of the crime; - establishing the method and tools of hooliganism; - identification of missing items (carried by criminals); - identify the path of approach and departure of criminals from the scene; - identification of ways of approach of the victim; - identification of possible traces that could remain on the perpetrators [6, p. 165].) By the way, M.M. Yefimov emphasizes that the right tactics of inspection of the scene contributes to obtaining important evidence that indicates the involvement of these persons in the act of hooliganism. Sightseeing tactics have certain characteristics that depend on the particular investigative situation or the situation being examined: the crime scene or the scene (area, premises or damaged houses, vehicles, fences, etc.). The main organizational and tactical measures for reviewing the scene during a hooliganism investigation include the following: defining the limits of the review; arrangement of forces and means (their use); the sequence of inspection of objects; methods of investigating the scene [3, p. 82]. The following persons should be included in the investigation of the scene when investigating a hooliganism related to the blocking of work (activity) of state bodies, institutions and organizations, depending on the investigative situation: - obligatory participants: investigator or other authorized person (head of the IOG), employees of criminal police units (to protect the scene, to monitor the behavior of individuals, to survey nearby territory, to interview witnesses, to conduct operational search operations), understood; - optional participants: a forensic inspector who works to identify and collect traces left at the scene; an employee of the SECC or a forensic research institute upon request, if necessary, to identify and remove individual traces of a criminal offense; the inspector of security or security services of the object under review [1, p. 55].

To summarize, in the investigation of hooliganism related to the blocking of work (activity) of state bodies, institutions and organizations, the obligatory investigative (search) action is the inspection of the scene. Properly defined review tasks make it possible to direct the activities of police officers to the most important facts necessary to establish a specific criminal proceeding.

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CERTAIN ISSUES OF LIABILITY FOR CHILD TRAFFICKING

Every year, about 1.2 million children in the world are victims of trafficking. Unfortunately, the analysis of open data on the number of recorded cases of child trafficking in Ukraine revealed, in general, very few in absolute numbers - only 49 crimes were recorded by the Department of Combating Trafficking in Human Beings of the National Police of Ukraine in 2011-2016. related to child trafficking. Whereas, since 2000, the International Organization for

Migration has provided assistance to at least 574 Ukrainian child victims of trafficking. The low level of detection of child trafficking in practice is associated both with a low level of awareness of the problem and among the general population as a whole and among professionals of relevant institutions and organizations, as well as the lack of a single clear system for collecting statistical information on the number of cases and victims of trafficking, including children in Ukraine. Experts named the main forms of child trafficking in Ukraine as sale of children, forced begging and sexual exploitation, along with forced labor, production of pornographic products, transplantation (according to the National Police, in 2018 five juvenile criminal proceedings were brought to court for the purpose of sale of minors authorities), the use of children in armed conflict and for petty criminal activity [1].

St. 149 "Torgle people" of the criminal code as a qualified or very qualified offences provides for liability for trafficking in person, as well as the recruitment, transfer, concealment, transfer or receipt of a person, committed for the purpose of exploitation, using coercion, abduction, deception, blackmail, material or other dependence of the victim, his vulnerable state, or bribery of a third party that controls the victim to consent to its operation, committed relatively minor or the minor [2].

In accordance with note 1 to article 149 of the criminal code of Ukraine, under the exploitation of man in this article, you should understand all forms of sexual exploitation, use in porno business, forced labour or forced services, slavery or practices similar to slavery, servitude, involvement in debt bondage, extraction of organs, experimentation over a person without his consent, adoption (adoption) with the purpose of gain, forced pregnancy or forced abortion, forced marriage, forced involvement in forced begging, involvement in criminal activity, use in armed conflicts, and the like [2].

In our opinion, this legal protection of the child from trafficking or exploitation in the current criminal law is unable to protect her from such crimes, makes it impossible to see the real statistical picture.

This is because the Department of fight against crimes connected with human trafficking of the National police of Ukraine, deals solely with cases related to human trafficking, including children. A statutory definition of "exploitation" in note 1 to article 149 of the criminal code of Ukraine in fact are competing with all the articles that relate to the protection of the child from various dangerous attacks.

Thus, according to one of the recent amendments to the Criminal Code of Ukraine, for the rape of a minor, imprisonment of fifteen years of imprisonment or life imprisonment, rape or sexual assault are recognized as acts irrespective of the presence or absence of voluntary consent, if the victim is not executed. fourteen years.

Forced marriage - Art. 151-2 of the Criminal Code of Ukraine "Compulsion to Marriage"; forced involvement in begging, involvement in criminal activity - Art. 304 of the Criminal Code of Ukraine "Involvement of minors in criminal activity" and other duplication of signs of exploitation as trafficking in children and other crimes. In fact, the basic article on human trafficking comes into competition with all other articles of the Criminal Code of Ukraine where there is a victim. That is why prolactin is difficult to carry out, since different agencies are involved in different crimes, and there is no special static reporting on preterm children in the country at all.

Therefore, there are now problems both in bringing persons to criminal responsibility for child trafficking and in carrying out appropriate preventive work. It is important to improve the criminal law and at the same time to create a real juvenile justice system in Ukraine - prevention, detection and investigation of crimes against children and juvenile delinquency should be carried out by one law enforcement agency, whose work should be supervised by a specialized prosecutor's office, and the case should be considered by a court.

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TO THE QUESTION OF CONDUCTING THE INTERVIEW DURING THE INVESTIGATION OF THEFT OF PASSENGER LUGGAGE IN THE AIRPORTS

The investigation of any criminal offense requires the National Police to respond as quickly as possible and to carry out the most appropriate procedural steps at the appropriate stage of the investigation. One of the most common investigative (investigative) actions in criminal proceedings of various categories is interrogation. It also does not lose its relevance in the investigation of thefts of passengers' luggage at airports. It should be emphasized at the outset that interrogation is a rather complicated procedural step in the context of its conduct and optimal results. Therefore, providing appropriate guidance on its preparation and implementation is absolutely necessary for law enforcement practical units.

With regard to defining the concept of interrogation, it should be noted that some scholars define it as a series of logically interconnected questions that are asked by an authorized person in a certain sequence: chronological, logical, tactical, reverse, psychological [4, p. 70]. Other forensic scientists emphasize that the interrogation consists of receiving and fixing in the established criminal-procedural form the subject of investigation of information through direct communicative contact, and the subject of interrogation is the established information as any data that is relevant for establishing the truth in case [6, p. 151]. That is, interrogation in the above definitions is characterized by a question and a certain communicative contact.

In our opinion, the definition of O.V. Dulova, is clearer, who formulates interrogation as an investigative and judicial action, which consists in receiving and fixing testimony about the circumstances relevant to the case directly from the interrogated person, who is a victim, a victim, a suspect, and which is conducted in strict accordance with the criminal procedural law [2, p. 306]. In this case, there is an extension of the definition through the mention of litigation, and all other characteristic elements of the investigative (investigative) action under investigation remain.

We consider it appropriate to emphasize that ensuring optimal results of the interrogation begins from the moment of organizational and preparatory activities. Due to their correct identification and application, the interviewee will in any case provide the investigation with a certain amount of information. Among the activities of the preparatory phase of the interrogation I.F. Pan-teleyev defines the following: determination of the subject of questioning; determining the number of persons to be questioned; study of the person interviewed; establishing the method of calling for questioning and the order of its conduct; preparation of the place of interrogation; invitation to participate in the questioning of third parties; determining the technical support of the questioning; drawing up an interrogation plan [5, p. 48]. A.F. Volobuyev stresses the presence of such organizational and preparatory measures of the investigated procedural action as: careful, complete and comprehensive study of the materials of criminal proceedings; determining the order of interrogation (the number of persons subject to interrogation and the sequence of their conduct); obtaining information about the interviewee; familiarization with some special issues; invitation of persons whose participation in the questioning is mandatory; scheduling interrogation; determining the time and place of the interview; preparing the place for the interrogation [1, p. 295-297]. In our opinion, the most tactically correct formulated preparatory actions of law enforcement agencies are as follows: 1) to conduct an interrogation immediately, to minimize the period of time from the moment of need for interrogation to its holding; 2) choose the right way of summoning a person for questioning in order to exclude undesirable disclosure of this fact and influence of interested persons; 3) determine the number of participants in the questioning; 4) obtain full information about the offender's identity, use this information to establish psychological contact with the interrogator and determine the tactics of the interrogation; 5) create an environment where the suspect could focus on the content of the interrogation; 6) to formulate the most important issues in such a way that they are not suggestive; 7) record information after the suspect's story is completed so that interruptions in the testimony do not interfere with the reproduction of events; 8) use technical

means as additional means of fixing readings for a more complete reflection of the progress and results of the interrogation [3, p. 114-115]. The survey of law enforcement officials identified the most common organizational and preparatory measures for questioning in the investigation of passenger luggage at airports, according to respondents: study of criminal proceedings - 71%; collection of baseline data on the subject of questioning - 69%; study of the person interviewed - 56%; determination of the technical support of the interrogation - 45%.

To summarize, interrogation is one of the most common investigative (investigative) actions in investigating theft of passenger luggage at airports. The most common organizational and preparatory measures for conducting interrogation in investigating theft of passengers' luggage at airports, according to the respondents: study of criminal proceedings; the collection of raw data concerning the subject of questioning; study of the person interviewed; determining the technical support of the interrogation.

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SOME ASPECTS OF INSPECTION OF THE SCENE IN INVESTIGATING OF GROUP VIOLATIONS OF THE PUBLIC ORDER

Criminal investigation requires law enforcement officers to take effective action initially. Criminal proceedings for group violations of public order in this perspective also have their own specifics. Among the investigative (investigative) actions of the initial stage of investigation of the specified socially dangerous act is the inspection of the scene.

In general, an inspection of a scene is an immediate investigative (investigative) action aimed at directly establishing, perceiving, investigating and fixing the situation of the scene (condition, properties and features of material objects at the scene), traces of crime and other actual data that collectively allow for a sound conclusion as to the nature, mechanism and motive of the crime, the person of the offender and other circumstances to be proven in the event of a further criminal case being instituted and the inquiry or pre-trial proceeding investigation [1, c.12]. According to the interviewed law enforcement officials, the inspection of the scene is not an important investigative (investigative) action in the investigation of a group violation of public order. In 57% of cases, they identify it as the most effective procedural action in investigating a group violation of public order.

In its turn, the examination of the criminal proceedings materials indicates that, while investigating a group disorderly conduct, the inspections, although conducted in 100% of cases, were mostly superficial. However, it is precisely when conducting this investigative (investigative) action that the investigator directly perceives the objects in order to identify the traces of the crime and to find out the circumstances of the event relevant in the criminal proceedings. These data, in our opinion, determine the insufficient level of use of the investigative survey to detect the traces of the offender.

With respect to the individual provisions for conducting a site review, we note the following. Immediately after the preparatory action, a direct inspection of the scene begins, during which

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the investigator's activities are of a research nature. At this stage, the main feature of the investigative (investigative) action analyzed is the determination of its boundaries. Errors in their determination, as emphasized by K.O. Chaplinsky, it is assumed in the cases of mechanical fixation of the tracks and the situation at the scene, although it is the nature of the event and the situation determine in each case the boundaries of the territory to be carefully inspected. Due to the narrowing of the boundaries, the areas where objects directly related to the criminal offense may be disregarded [2, p. 25]. In the study of criminal proceedings for crimes qualified under Art. 293 of the Criminal Code of Ukraine, it was found that during the inspection of the scene, indeed, such errors are made. They are mainly due to the recording of the tracks and the situation at the scene without comprehending them, whereas the nature of the events and the situation determine in each case the boundaries of the territory to be carefully inspected. After all, the specificity of investigating a group disorderly conduct is that criminals sometimes move over a rather large area over a period of time.

To summarize, it should be noted that the review of the scene is an immediate investigative (search) action aimed at directly identifying, perceiving, researching and fixing the situation of the scene (condition, properties and features of the material objects on the scene), traces the crime and other factual data, which collectively allow us to make a sound conclusion as to the nature, mechanism and motives of the crime, the person of the offender and other circumstances to be proved. Among the investigative (investigative) actions of the initial stage of investigation of the specified socially dangerous act is the inspection of the scene.

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CRIMINAL LIABILITY FOR ILLEGAL HANDLING OF WEAPONS

The effectiveness of the fight against organized crime is directly related to the level of theoretical understanding of the factors of destabilization of the relations related to the circulation of weapons, the foundation of the shadow capitals, etc. The problem of illicit handling of weapons, ammunition or explosives in Ukraine has become of great urgency, and the fight against this negative phenomenon is one of the primary tasks of the state in the protection of its interests.

Moreover, in the difficult situation in Ukraine, it is extremely important to consider the illicit handling of weapons, ammunition or explosives in certain areas of Donetsk and Luhansk regions. Since in 2014 some territorial parts of Donetsk and Luhansk regions are zones of anti-terrorist operation, the legal regulation in these territories has suffered a certain collapse. In this regard, the above testifies to the urgency of investigating the illicit handling of weapons, ammunition or explosives in Ukraine.

According to Part 1 of Art. 2 of the Criminal Code of Ukraine, the basis of criminal responsibility is the commission of a person of socially dangerous act, which contains the crime, provided by this Code. In particular, Part 1 of Art. 263 of the Criminal Code of Ukraine indicates that the crime is committed by performing any of the following actions: carrying, storing, purchasing, manufacturing, processing, repair, falsification, illegal removal, change of marking, transfer or sale of firearms, ammunition, explosives or explosive devices, and according to Part 2 of Art. 263 shall be committed by carrying out actions: carrying, manufacturing, repairing or selling cold weapons.

Penalties under Art. 263 of the Criminal Code of Ukraine is provided regardless of the number of dangerous items.

The subject of the crime under Art. 263 "Illegal Handling of Weapons, Ammunition, or Explosives" is a firearm and ammunition thereto (except for shotguns and ammunition) [1].

Penalties under Art. 263 of the Criminal Code of Ukraine is provided irrespective of the repetition of crimes and the number of perpetrators.

Unlawful handling of weapons, ammunition or explosives may be repeated. Also, this crime can be committed by one person, a group of persons and an organized group [2, p. 72].

According to the analysis, the theft of smoothbore hunting weapons by theft is qualified under Art. 185 of the Criminal Code, and the theft of rifle hunting weapons - under Art. 262 of the Criminal Code. This fact can to some extent be explained by the proximity of rifle hunting weapons to combat weapons (especially in the case of hunting weapons - SKS-OP, Saiga, etc.). At the same time, it should be noted that smooth-bore hunting weapons are not less social danger in the case of their edging. Also insufficiently regulated is the status of traumatic weapons, the ammunition of which is equipped with rubber or other similar non-lethal combat parts [3, p. 327].

The attribution of firearms and ammunition to a particular object of crime is primarily due to the danger that the weapon can pose to the health and life of citizens. The peculiar features of a smooth-bore hunting weapon in the criminal aspect are dictated by its status as an object of property rights of the citizens of Ukraine. At the same time, it should be noted that firearm rifle, which may also be the object of property rights of Ukrainian citizens, has no such features in the criminal law aspect [3, p. 327].

Regulation of the features of firearms and ammunition as an object of crime will be possible only in the case of a detailed legal regulation of arms trafficking in Ukraine. According to A. Tereshchuk, this will only be possible if a single legislative act (the Law on Weapons or the Law on the Circulation of Weapons of Non-Military Purpose) is adopted, which would regulate the citizens' right to arms and establish the procedure for its implementation, and also clearly define such concepts. , as "civilian weapons", "traumatic weapons", "weapons of self-defense", etc. [3, p. 329].

Thus, the analysis of the case law shows that the alleged type of crime qualifies under Art. Art. 262, 263, 264 of the Criminal Code of Ukraine.

Officially released statistical information shows that in Ukraine the number of crimes involving the use of weapons, ammunition, explosives and devices is steadily increasing. Of course, most of these weapons, ammunition, explosives and devices illegally fall from the ATO area [4, p. 228]. It should be borne in mind that this criminal activity is highly latent, ie official data is only the "tip of the iceberg". Practitioners and criminologists claim that at least these criminal activities are several times higher [5, p. 207].

It is worth noting that today, in the face of the acute situation in Ukraine, it is imperative to disclose issues related to the fight against the illegal handling of weapons, ammunition or explosives in Ukraine in the context of an anti-terrorist operation. Research in this direction will allow you to single out proposals to resolve the conflict as quickly as possible. Today's difficult situation makes it impossible to combat the abduction, appropriation and extortion of firearms in Ukraine. Not all issues that have arisen as a result of the acute situation in these territories are settled, as it is shown today that the problem of theft, appropriation and extortion of a firearm in the ATO area is widespread. Law enforcement not only fails to stop the illicit trafficking of weapons, but also avoids the consequences of their use.

Thus, it has been established that, despite some progress in counteracting this phenomenon, the level of illicit use of weapons, ammunition or explosives in Ukraine remains high. Modern manifestations of illicit handling of weapons, ammunition or explosives are characterized by particular cynicism, high latency, and secrecy. It has been established that the illicit handling of weapons, ammunition or explosives is a direct threat not only to Ukraine's economic but also national security.

It is clear that the relevant question regarding the mechanism of implementation and fight against illegal handling of weapons, ammunition or explosives in Ukraine is still insufficiently researched, which, in turn, needs further analytical development in order to increase the effectiveness of counteracting this phenomenon as a whole.

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ISSUES OF FUNCTIONS OF CRIMINAL LIABILITY

In criminal law theory there is a considerable amount of research, the subject of which is criminal liability in various forms of its manifestation. In particular, we can talk about the scientific works of such Ukrainian scientists, as L. V. Bagriy-Shakhmatov, Y. V. Baulin, L. S. Belovich-Kotlyarevsky, V. I. Borisov, V. A. Glushkov, V. V. Holy, T. A. Denisova, A. A. Dudorov, N. And. Miroshnichenko, A. A. Music, V. V. Stashys, Is.L. Streltsov, V. Ya. Tatsiy, V. A. Tulyakov, P. L. Fris, N.And. Havronyuk, S. M. School and many others. However, most of these and other researchers focus on the analysis or the concept of criminal responsibility, removing it from the informative signs that legal concepts, or of particular forms of realization of criminal responsibility.

But, given the advances in modern theoretical jurisprudence, which justifies the appropriateness of extending the category of "function" on different objects of scientific interest, it can be concluded that the analysis of the content of a concept becomes more systematic, if through the study of features that characterize the object of study, since it is impossible to distinguish from the structure, while the functional idea of the nature of things is quite compatible with understanding of the nature of the structure of things. Analysis of the functions of criminal responsibility should be based on the definition of this type of legal responsibility since the study of dynamic characteristics which are the function can not recognize the system without proper understanding of the static characteristics, that is, first and foremost, the definition of criminal responsibility [1, p. 170-175]. With all the variety of views on the understanding of criminal responsibility, we believe the most promising from the standpoint of the development of the social state in which not only proclaims, but also guaranteed the dominance of the rule of law, the following definition of criminal liability as a system of criminal-legal measures of compulsory and incentive effects used on the basis of the law of the state in order to ensure the implementation of the perpetrator of a criminal offence, the obligation to undergo statutory limitation of rights and freedoms [2, p. 17].

We also share the position of scientists who believe that criminal responsibility is one of the types of legal responsibility, whose essence consists in condemnation on behalf of the state by court sentence of the perpetrator of the crime, and the application to it of state coercion in the form of punishment or other measures of criminal liability under the Criminal code.

Note that according to the criminal legislation of Ukraine, the guilty party is subject to liability for past behavior, that is already committed socially dangerous act.

But under the functions of criminal responsibility should be understand the main directions of legal influence on social relations arising in the process of committing a criminal offence and infringe on the system of social values, with the purpose of punishment, correction, prevention, and prevention, thus creating a special legal regime to counter criminal manifestations, which is

characterized by the balancing of public and private principles of criminal and legal impact [3, p. 149-153]. To determine the informative features functions of criminal responsibility should be based on the following.

First, the function must receive a grade based on the recognition of the cultural dimension of criminal responsibility, which provides the allocation of the basic properties of this type of legal responsibility and direction of its application. Thus, the objectives of the criminal justice response, which are combined by the category of "criminal responsibility" [4, p. 54], has rightly recognized Kara, correction, prevention and prevention, each of which represents "the ideal image of the expected result in regulated social relations" [5, p. 17]. The subject of the functioning of the criminal liability is determined by reference to the social relations that arise in the process of committing a criminal offence, which encroaches on the system of social values, rozbudowana on the basis of the recognition of the incontrovertibility of the natural rights and freedoms of man and citizen and peculiarities of national culture.

Secondly, given the changing nature of the cultural dimension of both the act and the content of the criminal measures applied, it must be recognized that the nature of the activity in the exercise of criminal responsibility functions is derived from the nature and purpose of the criminal justice measures in different historical types of law, that is, the responsibilities of this type of responsibility are historically and culturally determined. Not only the need for regulatory influence on social relations, but also the forms and content of influence are determined by the specificity of society, its values, ideal, objective conditions [6, p. 56].

Third, the functions of criminal responsibility are derived from the functions of law, representing the defining properties of the latter and, at the same time, interpreting the functions of law, giving them the ability to achieve their own, intra-industry goals. The generalized nature of the functions of law provides a situation in which a single function of law may form the basis of several criminal liability functions. For example, the punitive and preventive-preventive functions of criminal liability derive from the protective function of law, specifying the latter taking into account the characteristics of the subject, purpose and nature of criminal influence.

Special prevention of criminal liability is the prevention of committing a new criminal offense by a person who is prosecuted.

Thus, we believe that the legal content of the preventive-preventive function of criminal responsibility is expressed in the exercise of such a basic direction of influence, which is characterized by the purpose of preventing the commission of a delinquent person and other persons who did not commit a crime (criminal offense) by new criminal offenses through the use of coercive and encouraging influence.

On the basis of the conducted research it is possible to draw a general conclusion, according to which the content of normatively defined functions of criminal responsibility, namely: punishment, corrective, preventive - prophylactic oriented on obtaining socially useful result in the process of realization of the criminal liability itself, is subject to certain correction taking into account domination rights and the use of such scientific research methods that focus on taking into account the achievements of cultural development and recognition of as a centripetal force of the functioning of criminal law and its individual institutions, among which a special place is held by the institution of criminal liability.

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NATIONAL SECURITY, CRIMINAL LIABILITY AND INVESTIGATION OF CRIMES IN THE LIGHT OF REFORMING CRIMINAL PROCEDURAL LAW

Ukrainian society is currently striving for justice, prosperity and national security. Despite the difficulties and obstacles, Ukraine is on the way toward democratic changes. One of the most important principles of a free democratic state and the basis of democracy is the rule of law and the strict compliance with the Law.

At present, the issues of abiding by the rules and respect for the rights at the stage of pre-trial investigation are quite crucial and debatable, as a number of scientific and practical conferences dedicated to this topic take place all over Ukraine. At the same time, a new Criminal Procedure Law is under preparation. It is the Criminal Procedure Code of Ukraine that establishes the procedure for person's detention, arrest, defines the legal limits of search, inspection of premises, seizure of correspondence, etc. The need for pre-trial investigation as a stage of criminal proceedings is conditioned by the fact that a comprehensive, complete and objective examination of a criminal case in the court and its resolution require intensive and qualified preparatory work.

As a result, by law, the vast majority of criminal cases must undergo the stage of pre-trial investigation. While considering the problem of the detained suspects' protection, it is necessary to define who a detained person is. According to the Oxford dictionary, a detainee is a person who is kept in prison, usually because of his or her political opinions. In Ukraine, this definition has its specifics, i.e. a detainee is a convicted person who has reached the age of criminal responsibility, who is suspected of committing a crime, for which a sentence of imprisonment may be imposed. Detainees can be held in custody for a definite period – 72 hours while the details concerning their involvement in the crime are being finding out.

Pre-trial investigation is related to the possibility of limiting or even depriving people of their rights when applying preventive measures, carrying out other procedural actions. Therefore, the law regulates in detail the grounds and procedure for their conduct and fixation in resolutions, protocols and other procedural documents. In the pre-trial stage, the relevant authority also solves the following tasks, i.e. establishment and compensation of damages, identification and elimination of the causes and conditions that contributed to the crime committing; educating citizens in a spirit of respect for the honor and dignity of humans and citizens, the pursuit of justice and compliance with the laws.

Respect for the rights and freedoms of the participants in criminal proceedings at the stage of pre-trial investigation is one of the controversial issues that confronts the legislature and the law enforcement agencies at the stage of performing the tasks assigned by the state. In practice, at the stage of pre-trial investigation there is sometimes a violation of the constitutional rights and freedoms of not only such participants of the criminal process, as a suspect or accused, but also a victim and a witness. As an example of this case is the failure to explain to witnesses their rights to testify against their relatives or themselves or to violate the order of summoning a witness for questioning. A typical mistake of the most practitioners is the violation of the detention terms of a suspect for committing a crime. It should also be noted that the current criminal procedural legislation traces the imbalance of rights of participants in the process. On the one hand, the rights of a suspect, an accused and a defender are clearly enshrined and guaranteed. On the other hand, an investigator's activity is limited by a rigid framework. Under the current Code of Criminal Procedure, the investigator is not protected either in front of the prosecutor or in front of the court. An object of prosecutorial supervision should not be the investigator's activity in general, but what matters most is the

legality of his/her procedural actions and the decisions he/her has made.

Constitutional law is a mainstream in the legal system of Ukraine. Establishing in a legal form the basic principles of the society organization and the state, defining the general principles of governing all social processes, this sphere thus provides the benchmarks of legal regulation in all spheres of public relations. In fact, in all areas of Ukrainian law, the inviolable natural rights and freedoms of a person and a citizen can be found, as well as in the constitutional-legal principle: "A person. His/her rights and freedoms are of the highest value". The Criminal procedural law, which in its norms reflects the above principles, is no exception.

Considering the relationship between the Constitution and criminal procedural law, we can conclude the following: - The Constitution is a factor contributing to the development of the entire field of criminal procedural law. However, at the present stage, we cannot come to conclusion that the rules of criminal procedural law have been brought into conformity with the Constitution. The process of improving the criminal procedure law is ongoing. It is clearly traced in the rulings of the Constitutional Court on the recognition of certain provisions of the Criminal Procedure Code as not in conformity with the current Constitution; - The Constitution is the basis for regulating criminal procedural relations. The Constitution enshrines that the law determines and guarantees persons and citizens' rights and freedoms, as well as their basic duties, criminal justice, bases of judicial examination, organization and activity of prosecutor's office, bodies of inquiry and investigation, bases of organization and activity of advocate; - the application of the norms of the Constitution, that is, the implementation of its norms in the sphere of criminal proceedings, is possible in the presence of a procedure duly defined in the Criminal Procedure Code of Ukraine. In the absence of such a procedure, or if such a procedure is not properly written out, instead of guarantees for the protection of human rights and freedoms, it can lead to arbitrariness. In conclusion, we would like to stress that the Constitution is a direct source of criminal procedural law only if the relevant rules are written in the Criminal Procedure Code of Ukraine.

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PRIVATE LEGAL RELATIONS IN THE CONTEXT OF HUMAN RIGHTS: GLOBAL TRENDS AND PROSPECTS

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FEATURES OF CONTRACTING WITH USE OF ELECTRONIC INFORMATION SUBMISSION

The rapid development of the means of distance communication between people has a great direct impact on all spheres of life of modern society. There is no exception to the case of business communication, which is carried out with the aim of reaching a consensus between the parties and concluding agreements between them.

At the same time, the use of the latest methods of remote communication has great advantages over more traditional means of information exchange. First, the newest means of communication substantially speed up the procedure for reaching an agreement between the parties and, as a consequence, the procedure for concluding agreements between them. Second, these methods help to avoid bureaucratic obstacles to the formation of the parties' will.

From the literal analysis of these articles, it follows that the electronic form of the transaction is a kind of writing, since it is mentioned next to the last in brackets.

At the same time, the form of committing a transaction in accordance with Part 2 of Art. 207 of the Civil Code of Ukraine can be considered written only when it contains all the necessary details, namely signatures of a foreign transaction. In view of this, not every electronic form of fixation can be equated with an electronic (written) form of committing a transaction, but only one that contains a signature provided by the legislation or a written agreement of the parties (Part 3 of Article 207 of the Civil Code of Ukraine). This may be an electronic digital signature created in the manner prescribed by current law, a one-off signature provided for by the E-Commerce Act, another analog of a handwritten signature agreed upon in writing between the parties. In the absence of these requisites, the transaction is considered verbally made, and its electronic form of fixation will be considered as confirmation of the fact of its completion and agreement of the relevant conditions, and may have force of proof in case of dispute.

However, while it is only a technical feature of the parties' will design, the conclusion of contracts using this form has significant features. First of all, using this form forces you to revisit the problem of the ratio of public offer and advertising. This is due to the fact that most electronic contracts are concluded in the information system of the person who posted information about the goods (works, services, etc.) on his web page, accessible to any user of the Internet.

At the level of international legal instruments, a "cautious approach" was chosen to resolve this issue. Yes, according to Art. 11 of the United Nations Convention on the Use of Electronic Messages in International Treaties 2005 "The position to conclude a contract which is made by one or more electronic communications and is generally available to parties using information systems should be considered an invitation to tender, unless this proposal is clear. it does not indicate the intention of the party making the offer to consider itself bound in the case of acceptance [1]. In an official explanation of this article, UNSITRAL noted that, given the potentially limitless audience of the Internet, the legal meaning of such "offers" should be treated with caution.

Applying the presumption of binding intent to use interactive applications may have adverse effects on sellers who have limited inventories of certain goods if the seller is responsible for fulfilling all orders received from a potentially unlimited number of buyers [2, p. 73-75].

This issue is differently defined at the level of the laws of foreign countries. In particular, in France, an offer made using electronic technologies for public view is considered an offer (public

offer) (Art. 1369-4 of the CC of France) [3]. At the same time, in Germany, only the offer addressed to a specific person (Article 145 of the German Civil Code) [4] is considered an offer, and no exceptions to this rule for the purpose of concluding contracts with the electronic form of fixing the will of the parties are provided here.

In domestic law, this issue is now regulated quite ambiguously. Thus, it follows from the provisions of the Civil Code (Art. 641, Art. 699 of the Civil Code of Ukraine) that, as a general rule, an offer must be addressed, that is, it must be addressed to a specific person. However, there are two exceptions to this rule. The first is in cases where the advertisement or other offer addressed to an indeterminate number of persons indicates that it is an offer. Thus, when concluding contracts using an electronic form of fixation, there is often a situation where the party who posted the message on the web page indicates that it is a contract of public offering. The second exception is for retail sale contracts, the conclusion of which is considered to be a product displayed on a showcase or information contained in catalogs, advertising, other product descriptions is a public offer to enter into an agreement.

At the same time, the E-Commerce Act regulates this issue differently. From the analysis of Part 2 of Art. 8 and Part 4 of Art. 11 of this Law, it follows that information provided by a supplier of goods (works, services, etc.) on the Internet is considered an offer, not just an invitation to bid. At the same time, the scope of regulation of these norms is not limited to contracts of retail sale. Therefore, unlike the Central Committee of Ukraine, the Law on E-commerce presupposes the existence of a public offer in each case when the e-commerce entity placed a notice containing all the essential terms of the future contract on the web page.

While this approach may be considered justified on the whole (in particular, when it comes to contracts for access to a certain software product online or for a license (permission) to use a certain program), does not comply with the Civil Code of Ukraine, which is the main act of civil law.

Summarizing all of the above, it should be noted that the conclusion of contracts using the electronic form of fixation is becoming increasingly popular. Therefore, ensuring proper legal regulation in this area is essential. In Ukraine, a series of normative legal acts have been developed and adopted in this direction, which made it possible to substantially regulate the relations that arise when concluding such contracts.

However, it is not necessary to overestimate the merits of the legislator, as the legal regulation in this area remains rather controversial. On the whole, there is a serious need to bring legislation governing the relationship between e-commerce entities into line with international legal instruments.

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THE EMPLOYMENT CONTRACT AS THE BASIS FOR THE EMERGENCE OF EMPLOYMENT RELATIONS IN UKRAINE AND CANADA: COMPARATIVE ANALYSIS

Ukraine has taken a European integration course and is steadily stepping into the community of European countries of the world, which is certainly a catalyst for a rapid transition to a market economy and its rapid development. The labor market is not an exception, as one of the main

indicators of the level of development of public relations in the sphere of meeting the needs of workers in employment, and employers - in hiring workers. These relations are the subject of regulation of the labor legislation of Ukraine. The Constitution of Ukraine guarantees the right of everyone to work, which includes the opportunity to earn a living by work, which he freely selects or for which he freely agrees, that is, to be an employed person. The main form of realization of the satisfaction of the person with the need for employment, and the employer - the hiring of an employee is an employment contract, which is essentially a separate institute of labor law of Ukraine. At present, the question of reforming the labor legislation in Ukraine is very acute, since the current Code of laws of work of Ukraine was adopted in Soviet times and bears the mark of the legal construction of the socialist era. The above just reinforces the urgency of introducing a positive experience of foreign countries, examples of which can be used and form the basis of modern normative legal acts of Ukraine in the sphere of labor. In this case, it is appropriate to analyze Canada's labor law, as of 2018, around 15.17 million people aged 15 and over, according to full employment statistics, testify to the country's extensive experience in regulating employment. The highest legal force in Ukraine has the Constitution of Ukraine, which proclaims the right of everyone to work, and also establishes the principles and basic provisions of the labor legislation. It should be emphasized that the Constitution of Ukraine enshrines the principle that everyone has the right to adequate, safe and healthy working conditions, to wages no lower than the statutory level. The right to receive timely remuneration for work is protected by law. The Constitution of Ukraine prohibits the use of the work of women and minors in hazardous jobs. Citizens are guaranteed protection against unlawful dismissal [1]. Now, it is necessary to find out what a "contract" is in general and what domestic and foreign scientists understand by an employment contract and whether there is a legislative consolidation of this concept in the legal acts of Ukraine and Canada that regulate labor relations. First of all, it should be said that the term "contract" is quite widespread and is used in various fields of law, namely in civil, commercial, land, etc. A general definition of the term "contract" can be found in the legal encyclopedia stating that the contract is an agreement of two or more parties to establish, change or terminate the respective rights and obligations [2]. Having this statement we can refer to the position of scientists in defining the concept of "employment contract". Thus, in the opinion of O.I. Kiselova and T.A. Kobzieva, "an employment contract is an agreement between an employee and the owner of an enterprise, institution, organization or an individual employer, under which an employee undertakes to perform the work specified this agreement, subject to internal labor regulations, and the employer - to pay the employee wages and provide the working conditions necessary to perform the work provided for by labor law, the collective agreement and the agreement of the parties» [3]. Scientists with extensive experience in the field of labor law, namely M.I. Inshin, V.L. Kostyuk, V.P. Melnik, give the following definition of an employment contract "is a transaction between an employer and an individual exercising the right to work, under which an individual as an employee is obliged to properly perform a job function and related job responsibilities subject to the established internal and the employer is obliged to pay wages in full, in a timely manner, to properly organize and guarantee working conditions in accordance with acts of labor law, social partnership and local labor law acts, and the parties agree" [4]. Turning to Canada's labor law, namely its Labor Code, we see that it does not contain a definition of an employment contract. Instead, this definition is enshrined in the Civil Code of the Province of Quebec (hereinafter referred to as the CC of the Province of Quebec). A number of articles in Chapter VII, "Employment Contract", Division II "Contracts of Certain Classification" in Book V, "Commitments", are devoted directly to labor relations in the CC of the Province of Quebec and also in Act Respecting Labour Standards. So, in accordance with the provisions of art. 2085-2097 of the CC of the Province of Quebec, namely article 2085 - a contract of employment is a contract by which a person, the employee, undertakes, for a limited time and for remuneration, to do work under the direction or control of another person, the employer [5]. Analyzing this definition and comparing it with what is enshrined in art. 21 of the Code of laws of work of Ukraine becomes clear the following: the concept of "employment contract" under the Code of laws of work of Ukraine and the CC of the Province of Quebec has similar provisions, but at the same time there are significant differences.

Firstly, it should be emphasized that the English word contract into Ukrainian can be translated literally - contract and, in another, as contract or agreement.

Secondly, in both cases, we see that the person who does the work is - a worker and a person with whom the employee signs an employment contract called differently in Ukraine legislator identifies the person as - owner of the company, institution or organization or individual person

and in Canada under the rules of the CC of Quebec, that person is - the employer is essentially a more modern term that have been used almost everywhere.

Thirdly, for the work done, the employee receives a salary (Code of laws of work of Ukraine)/remuneration (CC of the Province of Quebec), which are essentially identical concepts.

Fourthly, in Ukraine, an employee is subject to an internal work order, and in Canada he or she performs work under the direction or control of the employer, which is also similar, since in Ukraine the rules of the internal work order are approved by the employer in agreement with the workforce.

Fifth, article 2085 of the states such a condition as a limited time during which an employee does work, whereas in article 21 of the Labor Code of Ukraine we do not find such a condition, it should be emphasized that under this condition it is necessary to understand the length of working time during which the employee performs the work and although such a condition is not expressly provided for in Article 21 of the Code of laws of work of Ukraine, the whole chapter of the Code of laws of work of Ukraine, namely Chapter 4, is devoted to regulating working time.

Sixth, considering further the content of article 2085 of the CC of the Province of Quebec and article 21 of the Code of laws of work of Ukraine we see that the latter has a wider meaning. Thus, in addition to the above conditions in this article, the legislator establishes a provision according to which the owner of an enterprise, institution, organization or a body authorized by him or an individual person undertakes not only to pay wages but also to provide the working conditions necessary for doing the work thereby laying the foundations of such Institute of Labor Law of Ukraine, as - labor protection. It should be noted that a similar rule is also included in the rules of the CC of the Province of Quebec, namely in art. 2087 where it is stated that the employer is bound not only to allow the performance of the work agreed upon and to pay the remuneration fixed, but also to take any measures consistent with the nature of the work to protect the health, safety and dignity of the employee. It is worth noting that art. 21 of the Code of laws of work of Ukraine allows an employee to conclude an employment contract at one or more enterprises, institutions, organizations, unless otherwise provided by law, collective agreement or agreement of the parties, analogous to this condition in the rules of the CC of the Province of Quebec relating to the employment contract was not found. Interesting is the fact that art. 21 of the Code of laws of work of Ukraine says that a special form of employment contract is a contract, in which its validity, rights, duties and responsibilities of the parties (including material), the conditions of financial support and organization of the employee's work, the conditions of termination of the contract, premature numbers may be established by agreement of the parties, and the scope of the contract is determined by the laws of Ukraine.

Gradually considering and comparing the rules of law governing the issues of employment contract in Ukraine and Canada, the following is observed: in both cases, the legislator says that the employment contract may be a fixed-term or an indeterminate term, but in the Labor Code of Ukraine there is a third type of employment contract, namely such that it fits in at the time of performing a particular work; according to the labor law of Ukraine, the employment contract is generally concluded in writing, as well as the cases where such a form is obligatory, whereas in the CC of the Province of Quebec there is no such condition; the labor law of Ukraine prohibits unjustified refusal to take up a job, and in the CC of the Province of Quebec there is no such condition too; the Labor Code of Ukraine forbids to require certain information and documents (about party and national affiliation, origin, etc.) when the CC of the Province of Quebec has no such condition; The Labor Code of Ukraine gives the employer the right to impose restrictions on the joint work of persons who are close relatives in the same enterprise, there are no similar rules in the CC of the Province of Quebec.

There are many other Labor Code norms in Ukraine regarding the employment contract that are not available in the relevant section of the CC of Quebec, namely: on the recruitment test, its duration and results; the obligation of the employer to instruct the employee and determine his place of work; the duty of the employee to personally perform the work entrusted to him; about the prohibition to demand the performance of work not stipulated by the employment contract; about transfer to another job and change of essential working conditions, etc.

It is worth noting that in both cases there is such a rule that allows to extend the employment contract after its expiration, if the parties do not raise their objections (art. 39-1 Labor Code of Ukraine and art. 2090 CC of Quebec).

With regard to the grounds for termination of the employment contract it is worth noting that the Labor Code of Ukraine in art. 36 contains an exhaustive list of reasons for its termination,

namely: by agreement of the parties; at the end of the term, except when the employment relationship is actually in progress and neither party has requested their termination; when recruiting or joining an employee or owner - an individual for military service, referral to alternative (non-military) service, except when the place of work, position is retained after the employee; termination of the employment contract on the initiative of the employee, on the initiative of the owner or his authorized body or at the request of the trade union or other authorized to represent the labor collective of the body, etc. Whereas the CC of Quebec, namely articles 2091, 2093, 2094 states that: either party to a contract for an indeterminate term may terminate it by giving notice of termination to the other party, the notice of termination shall be given in reasonable time, taking into account, in particular, the nature of the employment, the specific circumstances in which it is carried on and the duration of the period of work; a contract of employment terminates upon the death of the employee, depending on the circumstances, it may also terminate upon the death of the employer; one of the parties may, for a serious reason, unilaterally resiliate the contract of employment without prior notice.

The labor legislation of Ukraine and Canada has a similar rule that in case of change of subordination of the enterprise, institution, organization, or change of the owner of the enterprise or any change of its legal structure or in case of merger and other cases, the employment contract shall not be terminated (art. 36 of Labor Code of Ukraine and art. 2097 of CC of Quebec).

It is worth noting that the common though not identical is the norm of the following: according to the labor legislation of Ukraine (art. 49 of the Labor Code of Ukraine), the employer is obliged to issue to the employee, upon his request, a certificate of his work at the enterprise, institution, organization indicating the specialty, qualification, position, hours of work and wages, and according to the CC of Quebec (art. 2096), upon termination of the contract, the employer shall furnish to the employee, at his request, a certificate of employment stating only the nature and duration of the employment and indicating the identities of the parties.

It is worth noting that the meaning of the concept of employment contract is more widely disclosed in the Labor Code of Ukraine than in the CC of Quebec, but at the same time there are certain differences and similar legal rules relating to the institution of the employment contract. So positive is the borrowing of such a reason for termination of an employment contract as the death of an employee or employer, it would eliminate the disadvantage of the current Labor Code of Ukraine in terms of fixing the grounds for termination of an employment contract, since the Ukrainian labor law allows to conclude an employment contract with an individual person and it is logical that in case of the death of an individual person as a employer, the employment relationship must be terminated.

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**ABOUT MECHANISMS FOR EXERCISING THE RIGHT TO RECEIVE
COMPULSORY STATE SOCIAL SECURITY PAYMENTS**

For most Ukrainian citizens, social security is a form of exercising the most important constitutional right to social protection. The guarantee of such a right is directly conditioned by the effectiveness of the social security system, which in turn depends on the correct choice of the means and methods of legal regulation.

Social relations in the field of social security arise as a result of the relevant rules of law, and therefore, social security legislation is a necessary prerequisite for their legal form to emerge [1, p. 115].

Considering the social orientation of the state's activities, increasing attention is being paid to the realization of enshrined and guaranteed rights in the field of social protection. Investigation of the mechanisms of realization by the insured persons and their families of the right to receive social services becomes an urgent task in order to determine the guarantee of the right in the field of compulsory state social insurance.

Scientists did not pay special attention to the study of law enforcement in the field of compulsory state social insurance. Instead, in the scientific works of P.D. Pylypenko, I.B. Stashkiv, O.M. Yaroshenko provided a general description of procedural legal relations in the field of social security. At the same time, no studies on the practical implementation of these subsidiary legal relationships in the field of compulsory state social insurance were conducted at the scientific level, which again indicates the relevance of our chosen topic.

Most scholars distinguish among the legal relations in the field of social insurance a separate kind - procedural.

I.B. Stashkiv defines procedural legal relations as social relations, which are formed on the basis of procedural norms of the right of social security between an individual (persons), on the one hand, and the competent authority, on the other, regarding the realization and protection of the right to a specific kind of social security [2, p. 468].

According to O.M. Yaroshenko procedural relationships arise in connection with the establishment of legally significant facts and the exercise by the individual (in some cases, the family) of the right to a certain type of social security [3, p. 89].

P.D. Pylypenko believes that procedural legal relations are ancillary to legal relations and their main purpose is to assist in the emergence and creation of conditions for the implementation of material legal relations. Based on this approach, the author determines that procedural relationships can be considered as regulated by industry norms relationships that arise from the establishment of legal facts that are necessary for the functioning of social security relationships [1, p. 138].

The foregoing indicates that domestic scholars are unanimous in their approach to understanding the essence of procedural legal relations in the field of social security, which will distinguish its key element - legal relations on the establishment of legally significant facts between the subjects of social security.

It is fair to assume that procedural legal relations also exist in the field of compulsory state social insurance, and the procedure for their application is defined in legal acts.

Nowadays, the procedural legal relations of compulsory state social insurance have been reflected in the norms of the Law of Ukraine "On Compulsory State Social Insurance". First, that law defines the mutual rights and obligations of the parties to these legal relationships. Secondly, the procedural legal relationships related to the protection of the infringed law are defined.

As rightly points out P.D. Pylypenko, procedural legal relations arise as a result of the voluntary will of the person claiming a particular type of social security. It is usually expressed in the form of an application by the person or his or her legal representatives to the relevant authorized body to establish a legally significant fact for the purpose of a particular type of social security. It should be borne in mind that in order to have a procedural relationship at the time of filing such an application, a person must have a subjective right to receive a certain type of social security. It should be borne in mind that in order to have a procedural relationship at the time of filing such an application, a person must have a subjective right to receive a certain type of social security. Therefore, the legislator obliges the citizen with the application to submit the necessary documents confirming his right. Without them, the statement alone would not be of legal importance to resolve the issue on the merits [1, p. 140].

As an example, considering the provisions of Art. 43 of the Law of Ukraine "On compulsory state social insurance" it can be specified that the insured person or his family for the purpose of payment of insurance payments in connection with an accident at work or an occupational disease are obliged to submit the relevant documents together with the application.

At the same time, the legislator also envisaged participation in procedural legal relations for the provision of payments in case of industrial accident and occupational disease by a specially authorized insurance expert of this Fund. Thus, the provisions of Part 4 of Art. 43 of the Law of Ukraine "On compulsory state social insurance" provides that in case of inability of the insured person or his family to receive the documents stipulated by the law, they are received by the relevant insurance expert of the Fund [4].

From the above it is possible to conclude that at the legislative level additional guarantees of realization of the guaranteed rights of the insured persons or their families to compulsory state social security are fixed in connection with an accident at work or an occupational disease with determination of the obligation to present the necessary documents for assignment of insurance payments to the other party of procedural legal relations in this sphere, namely to an official of the competent body - an insurance expert of this Fund.

At the same time, exploring the possibility of exercising by the state the right of an individual to provide such assistance to an insurance expert of the Fund, it should be noted that there is no regulatory regulation of the procedure for providing assistance to the person who applied for this type of social assistance, and the inconsistency of the legal status of such a participant in procedural legal relations, such as insurance expert of the Fund.

A detailed analysis of the current provisions of the Law of Ukraine "On Compulsory State Social Insurance" shows that the legal status of a participant in procedural legal relations - an insurance expert of the Fund, is not fixed at the legislative level.

If we turn to the Standard Structure of Branches of Executive Offices of the Executive Directorate of the Social Insurance Fund of Ukraine in the oblasts and the city of Kyiv, which was approved by the Resolution of the Board of the Social Insurance Fund of Ukraine No. 35 of December 12, 2018 [5], such officer as the Fund's insurance expert.

Summarizing the above, it is seen that the legislative level enshrined in an individual's right to receive assistance in obtaining and submitting documents for the purpose of payment in case of industrial accident and occupational disease is illusory to the Fund.

In our opinion, at the legislative level, it should be empowered to obtain, in the relevant organizations, documents for assigning insurance payments to insured persons or members of their families of insurance experts on occupational safety, having specified this in the Law of Ukraine "On Compulsory State Social Insurance".

Summarizing the above, it should be noted that the basis of the content of procedural legal relations in the field of compulsory state social insurance is the mutual rights and obligations of participants in these legal relationships. Procedural legal relations in this area arise on the basis of voluntary will of the person and the legislator obliges the applicant to submit to the competent authority necessary documents for appointment of payments in case of industrial accident and occupational disease. At the same time, the legislator enshrines the right of the payee in the event of an accident at work and an occupational disease to receive assistance in collecting and submitting the necessary documents for assigning such payments in the person of an insurance expert of the Fund. However, the current legislation in the field of compulsory state social insurance only declares the possibility of receiving such assistance from the designated social protection body and does not provide a mechanism for its implementation. On the basis of the foregoing, it is considered appropriate to confer on the authority to obtain documents for the purpose of insurance pay-

ments in the event of an accident at work and occupational disease of a special subject of compulsory state social insurance - an insurance expert on labor protection. These changes in the current legislation will contribute to the implementation of the mechanism of obtaining insurance services for compulsory state social insurance and to be consistent with the social orientation of the state.

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PUBLIC INTERESTS IN SOCIAL SECURITY

In recent years, the citizens of Ukraine have become a real test of sustainability, as the quality of life has deteriorated significantly, the state of social protection of citizens has fallen due to a significant cut in its funding from the state budget, and social tensions have increased. Such negative trends threaten national security, the further development of society, and the realization of the public interests of particular social groups, which may cause imbalance and stability. The social security mechanism can be effective only if the range of current contemporary problems that are of public interest to society, social groups, territorial communities in the social sphere is identified.

Insufficient theoretical knowledge on the problems of providing social security of the Ukrainian state in the aspect of such important components as social relations, social protection and pensions, said V. Skuratovsky and O. Lindyuk reduces the efficiency and quality of public administration. There is no comprehensive social security management mechanism in Ukraine, no legal framework for public policy on social security has been defined and developed [1; 414].

One of the reasons for the lack of such a mechanism for ensuring social security, in our view, is the uncertainty of scientists and practitioners about the system of the most important public interests in the social sphere of different groups of subjects, which are related to ensuring their functioning and development.

New approaches and ways to ensure social security in Ukraine must be tailored to the range of public interests in the field and implemented with respect to Ukraine's international commitments.

Thus, the Agreement on Association of Ukraine with the European Union 2014 [2] is a kind of conceptual document, the content of which defines a set of public interests, the achievement of which is a priority of the national system of public administration.

In particular, under the Agreement on Association of Ukraine and the EU, the area of public interest in the field of social security includes: the introduction of generally recognized democratic standards for the realization of human rights and freedoms, including the improvement of the national justice system and the rule of law and respect for human rights; ensuring environmental standards, including the introduction of a system of environmental impact assessment in line with Western European standards. [2].

For the most part, national security is only linked to the defense of the state. However, one should not forget that there are economic, political, moral and ethical and other aspects of national security [3, p. 112]. That is why we want to emphasize the relationship between the main national security problems of the state with socially responsible or, conversely, irresponsible actions of the latter. Recall that socially responsible is an activity that uses only such methods of achieving goals

that do not harm people, nature, society. At the same time, the welfare state is characterized by such features as the priority of the rights and freedoms of citizens, decent living conditions, including the possibility of productive employment and social protection; responsibility of officials, state institutions and the state as a whole for their decisions and actions, for the welfare of citizens [4, p. 20].

The main causes of threats to national security in the social sphere are: low living standards and social protection of large sections of the population; presence of a large number of able-bodied citizens not engaged in socially useful activities; unsatisfactory condition of the health care system; trends of moral and spiritual degradation in society; uncontrolled migration processes in the country, etc. [5]. Accordingly, anything that diminishes the quality of life harms a particular person, society as a whole, are factors that threaten social security. There is a clear correlation between the social stability indicator of the society and the level of social security.

Article 8 of the Law of Ukraine “On the Principles of Foreign and Domestic Policy” defines such basic principles of domestic policy in the social sphere that in our view reflect the public interests in this sphere: 1) improving the quality of social services; 2) improving the social protection of children, promoting a spiritually and physically healthy, financially well-off and socially prosperous family; 3) providing affordable housing for citizens, especially the poor, disabled, orphans and children deprived of parental care, persons from their families, young people, employees of the budget sphere, as well as large families, forming a powerful state order for construction of social housing, the revival of affordable mortgage lending; 4) transformation of public employment and labor market policies, including through the development of partnerships between employers and employees, owners of enterprises, institutions, organizations and trade unions; 5) overcoming poverty and reducing social stratification, in particular by promoting the self-employment of the population, the development of small and medium-sized businesses, preventing wage arrears at enterprises, institutions, organizations of all forms of ownership; 6) ensuring the protection of the rights of Ukrainian citizens working abroad and facilitating their return to Ukraine; 7) improving the pension system, creating conditions for a decent life for the elderly, stimulating the development of a non-state pension insurance system; 8) ensuring the level of social payments, which are the main source of income, at a level not lower than the subsistence level, improving the system of support for socially vulnerable groups [6].

The priority of the state social security policy is the formation and stable functioning of the pension system, the implementation of pension rights through the implementation of an active pension policy. It is important to continue reforming the pension system, given the pessimistic demographic projections, low average pension levels, the spread of the informal economy and shadow employment, and so on. Therefore, one of the priority actions in this direction should be: to ensure a uniform and fair procedure for the provision of pensions for the entire population; eliminate unjustified differentiation in the size of pensions; accelerate the introduction of the second, cumulative level of the mandatory pension system, which will stimulate the extension of length of service, contribute to the deduction of employment and remuneration, payment of contributions to pension insurance, implementation of measures for the institutional provision of the cumulative pension insurance system; accelerate the development of non-state pension insurance, in particular to ensure a clear coordination of the activities of state regulators; develop sound financial instruments. The conceptual framework for reforming the social security regulatory framework should be developed on the basis of an analysis of the effectiveness of social and economic programs. In the legislation of Ukraine it is expedient to systematize such components of social security as social interests, threats and directions of its provision.

Thus, the basis of all national concepts and strategies in the field of social security is a scientifically substantiated and formed system of social public interests of society, public associations, territorial communities, various social groups and the state.

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UNEMPLOYMENT AS A THREAT TO NATIONAL SECURITY

The problem of employment of the population in the conditions of the global economic crisis remains very relevant today, because the labor market plays an important role in the economy of any country. As an extremely complex distribution mechanism, it provides workers with jobs. Thus, it affects productivity, growth, and many other parameters of the economy. The unemployment rate is an important indicator of the level of economic development of the country. Unemployment is an economic indicator, one of the main indicators in the labor market. It reflects the relationship between unemployed citizens in society and those with permanent employment.

Unemployment is a social phenomenon that has a numerical filling in the form of a contingent of persons who cannot find a suitable job from their independent circumstances. As the contingent of the unemployed is extremely diverse in terms of socio-demographic composition, educational level, vocational qualification status, it can be grouped by appropriate criteria. In particular, from the practical point of view, the youth, female contingent, contingent of persons of pre-retirement age, persons with disabilities, etc. are distinguished. Each of these contingents is formed according to its specific laws, has a different meaning for the labor market and households, which can not be ignored in the mechanism of regulation of unemployment through the use of adequate means and methods of influence on them, including through the introduction of certain guarantees of social protection [1, p. 108-109]. The whole set of relationships creates an environment that causes unemployment. Conditions that express this environment are taken into account and, at the same time, regulated by the relevant regulatory framework.

Thus, the regulation of unemployment occurs under the influence of many factors produced by public employment policies and in other spheres of public life (demography, education, income and wages, financing, lending, investing, etc.), as well as under the influence of global economic con and global globalization processes, which collectively create an environment in which the functioning and development of the labor market occurs.

Unemployment has negative political, economic, social and psychological consequences. The social consequences of unemployment include: increasing social tensions; increased social differentiation; the fall in labor activation; weakening of motivation to work; outflow of skilled workers abroad. To economic: reduction of tax revenues; reduction of the country's GDP; declining living standards, loss of skills of the unemployed. Political: protests, rallies, pogroms. To psychological: psychological stress, personal tragedy for a person. As a result, human labor potential is impaired, the quality of life of the unemployed and their families is falling, fertility is decreasing, mortality is increasing, and skilled professionals are moving from stagnant regions to more promising or overseas regions. But there are also positive effects of unemployment, such as increased labor motivation of workers, the formation of mobile "reserve" labor. However, the negative consequences of unemployment are far greater than the positive ones, and they pose a real threat to the national security of the country.

Unemployment has negative socio-economic consequences for both the state and the population. The state loses income in the form of taxes, while increasing its expenditures through unemployment benefits. If the unemployment rate rises by more than 1% of the natural level, the country loses about 2-3% of GDP, according to Oaken's law. With regard to the population, unemployment benefits are low and difficult to live on, which has a direct impact on the degradation of

society.

It is also worth noting that the unemployment rate in Ukraine from 2000 to 2018 has not changed significantly and remains high. In particular, if in 2000 the unemployment rate was 12.4% (2630 thousand unemployed from 48923.2 thousand population), in 2018 - 9.1% (1577.6 thousand unemployed from 42153.2 thousand population).). Since 2014, the unemployment rate has been consistently high above 9.5% (2014 - 9.7%, 2015 - 9.5%, 2016 - 9.7%, 2017 - 9.9%) [2].

In 2019, 287,000 unemployed were officially registered in Ukraine. Compared to the end of 2018, it is 2% less than it was before. And at the beginning of 2018, the situation was completely unfortunate - 378 thousand unemployed. In addition, the unemployed accounted for 1.1% of the country's total working population. Although the employment trend in Ukraine has improved significantly today, at the same time the State Statistics Committee does not take into account too much data that is actually present on the Ukrainian labor market. Judging by the above data, it is quite acceptable in Ukraine that the unemployment rate is present in any country. However, experts in the economy believe that the real data on unemployment and official, are significantly different [3].

So far, there is no complete picture, which reflects the real state of unemployment in Ukraine, because: it is impossible to take into account persons who have lost their "hope for work" in Ukraine who are not registered in the employment service; statistics do not include part-time employment. Those who are forcibly on leave on the initiative of the administration are considered to be employed; false information from the position of the unemployed. A large number of workers work without formal registration, so it is almost impossible to check those who receive unemployment benefits and are involved in the shadow economy [3].

It should be noted that reducing unemployment will contribute to the economic growth of Ukraine, but overcoming this problem requires the implementation of a complex of solutions, ranging from adequate professional orientation in training specialists in schools, ending with large-scale economic reforms, attracting investment and creating jobs with technology jobs level.

Overcoming the problem of unemployment, as one of the threats to the national security of Ukraine, at least reducing its level, the number of unemployed population, is seen in the introduction of a set of measures, the main among which should be:

- budget subsidization of the labor force at the existing enterprises, including by crediting the state with the wages of additional employees;
- simplification of the procedure for registering the unemployed in employment services;
- use of insurance principles in labor relations, in which both the employer and the employee directly participate in the formation of the fund;
- financial promotion of youth employment, including through the provision of tax benefits to enterprises in which young workers occupy a fixed proportion;
- Establishment of specialized organizations that offer jobs exclusively to young people;
- creation of youth training centers for the most sought after professions;
- improving the organizational and legal and economic foundations of state regulation of internal and external migration movements of the labor force on the basis of monitoring and evaluation of its migration flows, promoting labor mobility, reintegration into the labor migrants and internally displaced persons, etc.

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TENDENCIES OF DEVELOPMENT OF UKRAINIAN LEGISLATION IN PROPERTY RIGHTS PROTECTION

The so-called “anti-raiding law” came into force last fall. It is the Law of Ukraine “On Amendments to Some Legislative Acts of Ukraine on the Protection of Property Rights” [3]. This law is undoubtedly a significant step forward on the way of improving the effectiveness of property rights protection. Such conclusions can be drawn by following novels:

- 1) Deprived of accredited entities (state and communal enterprises) of authority in the area of state registration. It means that when this law entry into force, registration acts can be carried out only by state registrars of local governments and local state administrations, as well as notaries;
- 2) Necessarily notarization of the power of attorney for representation of legal entities during the process of state registration has been implemented;
- 3) The obligation of the state registrar to determine the amount of civil capacity of individuals and the civil capacity of legal entities, as well as to check the authority of a person’s representative to perform registration acts, has been also implemented;
- 4) Responsibility for violation of the procedure of state registration has been increased;
- 5) Multifactor authentication of the state registrar’s access to the state registers is implemented. According to it registrars will not only use a qualified electronic signature but also confirm the operation on a mobile phone using the MobileID system;
- 6) Required written form of the contract of the alienation of corporate rights has been established;
- 7) Mechanism for automatic notification about registration acts against a legal entity has been introduced;
- 8) Mechanism for automatic notification of registration of real estate acts has been predicted;
- 9) Registration acts have to be executed on special forms of notarized documents;
- 10) Automatic monitoring of risky registration acts has been predicted.

As we can see, essentially all of the above innovations are aimed to strengthening the protection of property rights. However, the difficulties and disadvantages of implementing some measures cannot be overlooked. In particular, the legislator did not take into account that in connection with the adoption of this law, some provisions need to be specified in the predicted legal acts, namely: the Law of Ukraine “On State Registration of Real Property Rights and their Encumbrances” and the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and public organizations”. These include terms such as “multi-factor authentication”, “high-confidence electronic identification tools”, “prompt notification”, “real-time mode”, “acts of formation (creating) of real estate”, “instant messaging”, “Stakeholders”, “as soon as the previous registration act is completed”, etc. [1]. After all, a systematic analysis of provisions of the mentioned legal acts shows that no relevant additions have been made to them. In particular, to address the identified gaps, it would be appropriate to provide a legislative interpretation of the concepts “multi-factor authentication”, “real-time mode”, “high-confidence electronic identification tools”, “instant messaging”, “Stakeholders”, “acts of formation (creating) of real estate”, in Art. 2 “Concept definition” of the the Law of Ukraine “On State Registration of Real Property Rights and their Encumbrances” and the concepts “multi-factor authentication”, “real-time mode”, “high-confidence electronic identification tools” in Art. 1 “Concepts definition” of the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and public organizations”.

In addition, the ability of the authorities to provide the appropriate technical capability to implement multi-factor authentication, as well as automatic notification of real estate registration acts, looks doubtful. Nowadays, there are frequent cases when some state-owned electronic service fails to function properly for various reasons. There are problems with the functioning of the official site of the Verkhovna Rada of Ukraine, the Electronic Court, Unified State Register of Court Decisions etc.

In addition, it should be noted that, according to The Main Legal Department of the Verkhovna Rada of Ukraine, certain provisions of this law do not comply and not consistent with the standards of the Ukrainian Constitution and with the standards of other Ukrainian laws, and do not take into account the legal positions of the Constitutional Court of Ukraine, expressed in its respective decisions [1].

In particular, the conclusion emphasizes that the approach given in Part 5 of Article 3 of the Law of Ukraine “On State Registration of Real Property Rights and their Encumbrances”, which says “on the basis of the decision of the Ministry of Justice of Ukraine state registration of property rights and other rights in certain cases may be implemented within the several administrative-territorial units referred to in the first paragraph of this part, or irrespective of the location of real estate, does not take into account the requirements of Part 2 of Article 19 and Article 120 of the Constitution of Ukraine about of the determining the limits of powers of state authorities, local governments and their official agents only by the Constitution and laws of Ukraine, as well as paragraph 12 of Part 1 of Article 92 of the Constitution of Ukraine, according to which the organization and activity of executive authorities are determined solely by the laws of Ukraine” [4].

The Constitutional Court of Ukraine, in its verdict on the case of the National Commission for State Regulation of Energy and Public Utilities, wrote that “The Verkhovna Rada of Ukraine and the President of Ukraine in resolving the issues of creation, formation of public authorities and normalization of their activity in accordance with Part 2 of Article 19 of the Constitution of Ukraine are obliged to act only on the basis, within the powers and in the manner stipulated by the Constitution and laws of Ukraine” [5].

The European Court of Human Rights also draws attention to the need of implementation of this requirement. We speak about the case of St. Michael’s Parish vs. Ukraine. In its verdict on this case, the court stated: “The determination of the discretionary powers conferred on public authorities in the area of fundamental rights in a way that practically renders these powers unlimited would be contrary to the principle of the rule of law. Accordingly, the law should clearly define the limits of the powers of the competent authorities and clearly define the manner in which they are performed, taking into account the legitimate aim of the means under consideration to guarantee the individual adequate protection against arbitrary interference” [7].

Despite of the above, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Protection of Property Rights” should be supplemented by a list of cases of state registration of property rights and other real property, which can be carried out within several administrative-territorial units, or regardless of the location of real estate.

The study showed that, despite its undeniable progressiveness and positivity, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Protection of Property Rights” needs to be finalized, needs taking into account the opinion of the The Main Legal Department of the Verkhovna Rada of Ukraine, as well as the case-law of the Constitutional Court of Ukraine and ECtHR case-law.

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punktu 2 chastyny pershoi statti 4, chastyny pershoi, abzatsiv pershoho, druhoho chastyny druhoi statti 5, abzatsiv druhoho, tretoho, chetvertoho, piatoho, trydtsiat deviatoho, sorokovoho chastyny tretoi, chastyny shostoi statti 8 Zakonu Ukrainy «Pro Natsionalnu komisiuu, shcho zdiisniuiе derzhavne rehuliuвannia u sferakh enerhetyky ta komunalnykh posluh» (sprava pro Natsionalnu komisiuu, shcho zdiisniuiе derzhavne rehuliuвannia u sferakh enerhetyky ta komunalnykh posluh) №5-r/2019 (13.06.2020), *Verkhovna Rada Ukrainy*, Kyiv, URL: <https://zakon.rada.gov.ua/laws/show/v005p710-19/>, (accessed at: 19.02.2020)

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**LEGAL BASIS OF ACTIVITY OF SMALL-TOWN ZEMSKY CASH DESKS
IN THE CONTEXT OF TSAR'S AGRARIAN POLICY ON THE UKRAINIAN LANDS
OF THE RUSSIAN EMPIRE**

The agrarian reforms of 1861, 1863 and 1866, though alleviated the legal situation accordingly: the former landlords, landlords and state peasants, but from an economic point of view the changes were not made better due to high taxes, to which were added redemption payments for "land and freedom". According to the land census of 1877-1878, only about 20% of the former landlords and a third of the state peasants could provide the most basic needs of their families in a few decades after the corresponding reformation of the situation of the disadvantaged states of Dnieper Ukraine [1, p. 49]. Attempts to expand their tenure have encountered one obstacle in their path: a shortage of funds, such as, for example,

repeatedly declared to Zemsky economists even the privileged classes, not to mention the peasants [2, p. 24]. And this was in the years when the peasant banks (1882) and the Nobles (1885) were already active.

It was the acute need for access to cheap loans that prompted the revival at the turn of the nineteenth and twentieth centuries activities of zemstvos of sub-Russian Ukraine in search of additional credit resources for both privileged and non-privileged states of the respective region. Of all the zemstvos of Ukraine, only Kherson public figures in 1864 succeeded in establishing a credit society called "Kherson Zemsky Bank" [3]. The efforts of other zemstvos, including Poltava, inevitably met with a strong objection from the Ministry of Finance [4]. However, the well-known agrarian riots of 1902 in Poltava and Kharkiv provinces did not jokingly scare away the local and central authorities, which resulted in the adoption in 1903-1904 of a number of legislative acts aimed at some improvement of the socio-economic situation of the peasantry (abolition of the physical revolution, for certain offenses, improvements in lending to IDPs, etc.). Among the measures taken was an important act of June 7, 1904, known as "Regulations on institutions of small credit" [5]. On the basis of this law, on June 14, 1906, the Minister of Finance approved the Model Statute for small-scale Zemsky Cash Registers, which during 1906-1917 occupied a certain place in lending, including to agricultural producers, in the regions where the Zemstvo institutions operated (since 1911, the Zemstvo was established and in the provinces of right-bank Ukraine). The purpose of the Land Registry, as stated in its "General Provisions", is to "facilitate the access of farmers to landowners, landowners, artisans and industrialists on a bank basis." It was the acute need for access to cheap loans that prompted the revival at the turn of the nineteenth and twentieth centuries. activities of zemstvos of sub-Russian Ukraine in search of additional credit resources for both privileged and non-privileged states of the respective region. Of all the zemstvos of Ukraine, only Kherson public figures in 1864 managed to create a credit society called "Kherson Zemsky Bank" [3]. The efforts of other zemstvos, including Poltava, inevitably met with a strong objection from the Ministry of Finance [4]. However, the well-known agrarian riots of 1902 in Poltava and Kharkiv provinces did not jokingly scare away the local and central authorities, which resulted in the adoption in 1903-1904 of a number of legislative acts aimed at some improvement of the socio-economic situation of the peasantry (abolition of the physical revolution, for certain offenses, improvements in lending to IDPs, etc.). Among the measures taken was an important act of June 7, 1904, known as the "Regulations on institutions of

small credit" [5]. On the basis of this law, on June 14, 1906, the Minister of Finance approved the Model Statute for small-scale Zemsky Cash Registers, which during 1906-1917 occupied a certain place in lending, including to agricultural producers, in the regions where the Zemstvo institutions operated (since 1911 the Zemstvo was established and in the provinces of right-bank Ukraine). The purpose of the Land Registry, as stated in its "General Provisions", is to "facilitate the access of farmers to landowners, landowners, artisans and industrialists on a bank basis." The maximum amount of possible credit to one person could not exceed 300 rubles, and in some cases it could amount to even 1000 rubles. [6, p. 3]. According to § 30 of the abovementioned Charter, loans can be both short-term (up to 1 year) and long-term (up to 5 years). The terms of the loan were rather tight, as the borrower was obliged to use the money received only to improve their economy or purchase the necessary inventory. In case the loan was not used for the purpose mentioned above, the board of directors had "the right to demand early repayment of received funds" [6, p. 7]. The statute gave the zemstvo fees to issue loans without defining a specific purpose of credit funds, but in this case the condition was that the loan should not exceed one-tenth of the higher amount of the loan allowed by the cashier. Provided that the loan was secured by inventory, a number of conditions were to be observed in respect of such loans, including such poor creditworthiness as the description of the collateral in the presence of two witnesses with unconditional seals, seals or branding. For the sale of the mortgaged property it was necessary to obtain the relevant permission of the Zemsky box office. If the loan was issued in the presence of the guarantor, then if it is impossible to collect the debt from the borrower, the liability was borne by the guarantor. In addition to the direct lending of its customers, the Zemsky Cashier had the right to perform mediation operations in the course of buying necessary items in the economy or in the process of selling manufactured products to third parties [6, p. 9].

As practice has shown, county and provincial zemstvos, which were dominated by representatives of the privileged classes, were reluctant to make the decision to establish a Zemsky box office, since as of April 1908, only 20 Zemsky box offices were formed throughout the empire [7, p. 270]. According to M.P. Tkach by the end of 1914 their number by empire reached 158 units, of which about a third in the territory of Ukraine [8, p. 95]. Considering that not only agricultural producers, artisans and industrialists, but also savings and loan societies lend to Zemsky cash registers, we can conclude that, at first, self-sufficient credit institutions, but second, institutions that brought together existing small credit institutions, thereby facilitating their strengthening and development. Although the St. Petersburg governors did not give their consent to the opening of Zemsky banks, however, the Zemsky cash desks had signs of banks, which gave reason to the Ukrainian state of the time of Hetman Paul Skoropadsky to reorganize them into Zemsky banks.

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THE RESOLVING OF THE SPORTS DISPUTES IN NATIONAL SPORTS ARBITRATION COURT

A characteristic feature of the current stage of development of the sports movement is the establishment of specialized judicial bodies for the settlement of disputes in the field of sports, in particular on the initiative of the International Olympic Committee. One of these initiatives was the creation of the International court of arbitration for sport (the court of arbitration for Sport), based in Lausanne, Switzerland. It is authorized to deal with disputes arising in the field of sports at the international level. Almost thirty years of activity of the International court of arbitration for sport has fully proved the necessity of its existence, and therefore rule 74, has been included in the Olympic Charter of the International Olympic Committee since July 14, 2001. Existing world practice shows that one of the most common ways to create an optimal arbitration court that deals with disputes in the field of sports is to establish a specialized sports non-commercial arbitration center, which creates an arbitration court. This scheme is used by many well-known specialized arbitration structures in the world: the national sports center for dispute resolution in Australia, the national sport dispute center, and the Belgian sports arbitration Commission. on arbitration Pour Le sport, Chamber for the resolution of disputes in the field of sport in Italy, chamber Di Conchiliacione e arbitrato in Lo sport, and so on.

Sports Arbitration resolves disputes concerning the property rights and interests of subjects of sports activity, including: arising from the statutes, rules, regulations and other documents of sports organizations that regulate the rules of the Championships, Championships and other competitions, related to the determination of the status and order of transitions (transfers) of athletes (players); arising from Agency activities; arising from sponsorship contracts; related to the rights to broadcast sports events; arising from contractual and other civil relations in the field of physical culture and sports, unless otherwise established by Federal law. In addition, the court of Arbitration for Sport may consider other disputes on appeal.

In particular, by virtue of the International Convention against doping in sport, adopted by the General conference of the United Nations educational, scientific and cultural Organization (UNESCO) at its 33rd session in Paris on 19 October 2005, as well as the WADA world anti-doping code

Dispute resolution in Sports Arbitration is possible only with the consent of the parties, expressed in the form of an arbitration agreement - an agreement of the parties to transfer the dispute to the resolution of Sports Arbitration. It may relate to a specific dispute, certain categories, or all disputes that have arisen or may arise between the parties in connection with a particular legal relationship. The arbitration agreement must be concluded in writing by either including in the agreement or other document signed by the parties, or by exchanging letters, messages by Telegraph, teletype, or other means of electronic or other communication that ensure the recording of such an agreement.

The arbitration agreement may be contained in the organizational documents of sports organizations (statutes, regulations, rules of competition, etc.), which are referenced in contracts or other documents of the parties to the arbitration. The arbitration agreement is also recognized as valid if the Arbitration Court finds the agreement itself invalid in the course of the arbitration proceedings. Unless the parties have agreed otherwise, when submitting a dispute to arbitration for Sport, the rules provided for In the rules of Arbitration for Sport shall be considered as an integral part of the arbitration agreement. Parties that have entered into an arbitration agreement may not unilaterally withdraw from it. The procedure of the arbitration, in Sports arbitration:

The proceedings begin with the filing of a statement of claim, in which the plaintiff sets out his claims and sends them in writing to the arbitration for Sport Or to its Secretariat.

The date of filing the claim is the day it is served to the arbitration for Sport, and when

sending the claim by mail - the date of the postmark of the post office of the place of departure. The Chairman of the court of Arbitration for Sport makes a decision on the acceptance of the case for production.

The petition must include: name of Sports Arbitration; the date of the statement of claim; names and locations of organizations which are parties to the arbitral proceedings; the surname, name, patronymic, date and place of birth, place of residence and place of work of citizens, business people and individuals that are parties to arbitration proceedings; justification the competence of Sports Arbitration; the plaintiff; the circumstances on which the plaintiff bases his claim; the evidence supporting the grounds of the claim; the value of the claim; the amount of the arbitration fee; name and surname of the arbitrator chosen by the claimant or a request that the arbitrator was appointed Chairman of Sports Arbitration; the plaintiff may specify a reserve arbitrator; the list of documents attached to the claim, and other materials; the claimant's signature.

Attached to the claim: a copy of the document which contains the agreement on transfer of dispute on permission of Sports Arbitration; the documents supporting the claim; a copy of the document confirming payment of the arbitration fee; proof of sending or transmission to the defendant of the claim and attached documents, if these actions were committed by the very party. If the statement of claim is signed by the representative of the plaintiff, it must be accompanied by a power of attorney or other document certifying the authority of the representative. [1]

To resolve sports conflicts within sports federations (unions, associations, leagues), special bodies are created for sports - control, disciplinary, appeal, arbitration and other committees, commissions and chambers, in which disputes are considered by competent persons with extensive experience in the sports field. [2]

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CONSIDERING THE CONCEPT OF UNIFICATION AND HARMONIZATION OF LEGAL RULES IN THE CONTEXT OF THE COHESION OF UKRAINE AND EU COUNTRIES

One of the main instruments of globalization processes currently taking place in the world, an active participant of which is our country, can be called the approximation of the legal systems of different countries, strengthening their mutual influence. Such internationalization of law can occur through the unification or harmonization of legal rules. These processes are interrelated, but different in content with each of them peculiarities and advantages. Considering the importance of knowing and understanding the essence of the process of approximation of the legal norms of different countries, in our opinion, it is necessary to define criteria for delimitation of these categories and to study the peculiarities of each of them.

As a rule, unification means the creation of uniform legal norms and their introduction into the national legislation of different countries in order to uniformly regulate similar social relations. This is the opinion of such scientists as Yu.O. Tikhomirov [10, p. 75-79], O.M. Sadikov [6, p.39]. Also L.A. Lunz believed that the elimination of differences in the regulation of certain relations in the civil law of individual countries through the conclusion of international treaties and is the purpose of unification [5, p. 26].

M.M. Boguslavsky believes that “unification can be accomplished by introducing into national law the normative provisions that have been developed within the framework of international treaties, the formation of model laws, the development of model treaties, the formulation of

trade practices formed by international organizations in the form of so-called trading terms" [1; c.209]. S.M. Lebedev also acknowledges that it is possible and appropriate for the regulation of international economic relations to develop and use various standard contracts, while understanding his own unification as "the same regulatory framework in different countries of certain social relations" [4, p. 18].

O.K. Porfireva also regards unification as "the process of creating, changing and terminating legal rules and regulations, as well as uniformly applying and interpreting them, aimed at eliminating or eliminating differences in national legal systems based on generally recognized principles of law" [8].

Thus, a single definition of the definition of "unification" in science has not yet been elaborated. However, most scholars are of the view that unification, as a process of improving legal regulation through the approximation of national legal systems, should be understood not only to create the same legal norms, but also to apply these norms to equally regulate similar relations in the law of different countries.

Concerning harmonization, the essence of this process lies in the approximation of legal systems or of particular sectors or legal institutions. At the same time, unlike unification, there is no complete convergence of legal norms, but only the general direction of legal regulation is set in order to eliminate the existing contradictions. That is, the result of harmonization will not be the adoption of the same legal norms, but the creation of similar normative acts.

Thus, within the European Union, the approximation of the national laws of the EU Member States in the field of, for example, intellectual property rights, labor law, civil law, is done through harmonization. The main means of such approximation is the implementation in national law of the provisions of European Union directives and the accession of Member States to international conventions and their alignment with the provisions of these instruments.

In other words, harmonization is a process of approximation of legal systems, which takes place at the level of individual legal institutions by adopting common rules, but without necessarily complying with national and EU law. Harmonization may result in the incorporation into national law of similar but not identical legal rules in order to eliminate differences in legal regulation.

Thus, the main difference between unification and harmonization is the result of the application of these processes of approximation of legal systems. If the result of unification is to develop the same legal norms, which are uniform for all states that agree to introduce them into national legislation, the harmonization results in the introduction of similar legal norms, which allow to reduce differences in the legal regulation of certain legal relationships [3].

As far as the relation of the studied concepts is concerned, there is no consensus on this point at this time. Two views on this relation are dominant: some scholars consider these terms interchangeable, that is, that characterize the same process, and some recognize one of these concepts as part of another [11, p. 523].

For example, as I. Pokora points out, UNCITRAL Secretariat Legal Officer Jenny Clift points out that harmonization and unification are sometimes used synonymously, but that harmonization is intended to reduce differences between national legal systems by adopting common principles of law [7, p. 207].

Also, some think of harmonization as a broader concept, which also includes unification. This is the opinion of O.Yu. Diminska [3, p. 135], A. A. Stepanyuk [9, p. 4, 7], OS Vasilenko [2] and other scientists.

Thus, we can conclude that unification and harmonization are two interrelated processes that can be used to bring national legal systems closer together and individually. The answer to the question of which of these mechanisms is appropriate to apply to the approximation of legal systems depends on the expected outcome of such approximation, ie on how significant the differences in the legal regulation of certain legal relationships are and how much the states are prepared to change national legislation and eliminate differences in the legal regulation of such relations.

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**FICTITIOUSNESS OF UKRAINIAN CONSUMER RIGHTS: REALITIES
OF THE PRESENT AND WAYS TO SOLVE THE PROBLEM**

According to Art. 417 of the Association Agreement [8] Ukraine has committed itself to bringing Ukrainian consumer protection legislation into line with EU standards. Of course, some changes have been made since the signing of the Agreement in the domestic consumer protection legislation. Unfortunately, this did not significantly affect the situation. There is still a need to further improve Ukrainian legislation in this area. At the same time, the main thing is to take into account domestic realities. First of all, it is about the actual fictitious protection of consumer rights in Ukraine.

Thus, in particular, according to the provisions of Part 1 of Article 4 of the Law of Ukraine "On Consumer Protection", consumers during the conclusion, change, performance and termination of contracts for the receipt (purchase, order, etc.) of products, as well as the use of products sold in the territory of Ukraine, to meet their personal needs have the right to:

- 1) protection of their rights by the state;
- 2) proper quality of products and services;
- 3) product safety;
- 4) necessary, accessible, reliable and timely information in the state language about the product, its quantity, quality, assortment, its manufacturer (performer, seller);
- 4-1) service in the official language accordingly;
- 5) compensation of property and non-pecuniary damage caused by defects in production (defect in production), in accordance with the law;
- 6) appeal to the court and other authorized state bodies for protection of violated rights;
- 7) associations in consumer organizations (consumer associations) [5].

However, there are virtually no results in applying sanctions to sellers and manufacturers of substandard products. They continue to continue their life-threatening and health-conscious activities [3, p. 101]. This situation seems quite logical given that such sanctions provide for fines that are not significant to unscrupulous sellers and manufacturers. The situation could be improved for the better by increasing responsibility, in particular by increasing fines for the production and sale of substandard products.

In addition, it is very important not only to make regular legislative changes to protect consumer rights, but also to ensure the reality of ways to protect consumer rights in Ukraine. For example, according to Part 1. Article. 22 of the Law of Ukraine "On Consumer Protection", protection of consumer rights provided by law, is carried out by the court [5]. However, the biggest problems in the judicial protection of consumer rights are the overloaded courts, the lack of simplified consumer claims procedures and the dependence of the courts on business structures and the exec-

utive [2, p. 270]. It is no wonder, then, that resolving consumer cases in our country is an exception rather than a rule.

In addition, despite the fact that in part 3 of Article 22 of the Law of Ukraine "On Protection of Consumer Rights" states that consumers are exempted from payment of court fees for claims related to violation of their rights [5], for a long time at the time, the courts had no established practice in paying court fees for consumer protection claims. In some courts, claims without payment of court fees were motionless due to the lack of a receipt for payment of court fees, in others such claims were taken without question. This practice arose due to the fact that in the Law of Ukraine "On Consumer Protection" in Art. 22 states that the consumer is exempt from legal fees for actions related to violation of their rights. Instead, after the next changes in the Law of Ukraine "On Judicial Fee" from Art. 3 of this law was excluded from the list of categories of claimants who were exempted from paying the court fees in all cases before the court, for the protection of their rights as consumers.

In addition, there is a need for legal support for such cases. This issue is especially acute when the victims of violations of the Law of Ukraine "On Consumer Protection" are poor, pensioners and people with disabilities. After all, for these categories of persons to pay for legal aid services is not realistic.

According to clauses 1-14 of Part 1 of Article 14 of the Law of Ukraine "On Free Legal Aid" [4], the following categories of persons have the right to free secondary legal aid in accordance with this Law and other laws of Ukraine: persons under the jurisdiction Ukraine, if their average monthly income does not exceed two levels of subsistence, calculated and approved in accordance with the law for persons belonging to the main social and demographic groups of the population, as well as persons with disabilities receiving a pension or assisted pension, I retired instead, in an amount not exceeding two living wages for disabled persons; children, including orphans, children deprived of parental care, children in difficult life circumstances, children affected by war or armed conflict; internally displaced persons; citizens of Ukraine who have applied for registration as internally displaced persons; citizens of Ukraine - owners of land plots residing in rural areas; persons subject to administrative detention; persons subject to administrative arrest; persons who are considered to be detained in accordance with the provisions of criminal procedure law; persons who have been remanded in custody; persons in criminal proceedings in respect of whom, in accordance with the provisions of the Criminal Procedure Code of Ukraine, the defense lawyer engages an investigator, prosecutor, investigating judge or court to defend his / her appointment or conduct a separate procedural action, as well as persons sentenced to imprisonment, disciplinary detention battalions of military personnel or restraint of liberty; persons covered by the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection"; war veterans and persons covered by the Law of Ukraine "On the Status of War Veterans, Guarantees of their Social Protection", persons with special merits and special merit before the Motherland, persons who are among the victims of Nazi persecution; persons under the jurisdiction of Ukraine who have applied for the status of a person covered by the Law of Ukraine "On the Status of War Veterans, Guarantees of their Social Protection"; persons for whom the court is considering the case of restriction of the civil capacity of the individual, recognition of the individual as incapable, and renewal of the civil capacity of the individual during the trial in court; persons for whom the court considers the case of psychiatric help compulsory during the consideration of the case in court; persons rehabilitated under the legislation of Ukraine on issues related to rehabilitation; persons affected by domestic or gender-based violence; accusers in connection with their reporting of corruption or corruption-related information.

In view of this, it would be advisable to solve this problem at the legislative level by introducing amendments to Part 1 of Article 14 of the Law of Ukraine "On Free Legal Aid" [4] in paragraph 15 in the following wording: "Persons affected by violations of the Law of Ukraine Consumer Protection.

Improvement also requires a mechanism for exercising the right to protect consumer rights with the assistance of specially authorized consumer protection bodies. So, in particular, it is known that the mechanism of submitting a consumer complaint to the State Consumer Service is extremely complex, bureaucratic and time-consuming. Thus, a complaint lodged with a consumer by a territorial authority is sent to a central office, which in turn transmits it to the appropriate policy-making body (for example, the Ministry of Agrarian Policy and Food, which is responsible for food safety). Often this complaint is considered for a month and a half. In addition, it is not a fact that as a result of consideration of this complaint an examination will be appointed, the require-

ments of the complainant will be satisfied and adequate measures will be applied to the dishonest business. Unfortunately, such cases are mostly limited to banal unsubscribe to the consumer [1].

A solution to this problem could be the separation from the State Consumer Protection Service of a separate consumer protection body, independent of the influence of oligarchic groups, with significant powers to verify citizens' complaints. This body should have strong departments in various trade and service sectors. At the same time, the Institute of the Commissioner for Consumer Rights with special units in housing and communal services and financial services can become an effective tool for professional control over the activity of this state structure [1].

It is also important to prioritize consumer protection procedures at the legal level. The goal is to put in place effective legal mechanisms for compensation that should be proportionate to the harm caused to the consumer, not only material but also moral. It would be advisable to introduce the liability of officials if they did not satisfy the complaint, after which the court subsequently rendered a positive decision on the consumer [7].

Moreover, the norms of UNSCR 39/248 and Chapter 20 of the EU-Ukraine Association Agreement must be implemented at the executive level as soon as possible. To accelerate this process, it would be superfluous to create an interagency working group comprising experts and representatives of the public sector [7].

Thus, on the basis of the data obtained as a result of a systematic analysis of regulations providing legal regulation of consumer protection in Ukraine, opinions of scientists and practitioners, we can conclude that there are currently certain mechanisms and safeguards in Ukraine that allow for protection consumer rights. Unfortunately, however, in practice they mostly do not work. This, in turn, necessitates the response of public authorities. And most importantly, not only further improvement of domestic legislation in this area, but also the creation of an effective mechanism for the real implementation of its provisions.

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LABOR CONTRACT AND LEGAL WARRANTIES OF EMPLOYEES DURING DRAFTING IT UNDER NATIONAL LEGISLATION

Today, in a legal, democratic, social and economically developed state, every citizen can exercise his or her constitutional right to work. One way to implement it is to conclude an employment contract that establishes a certain range of rights and obligations of participants in the employment relationship, which, in turn, is a kind of "foundation" for protecting their citizens'

rights in employment.

The importance and importance of the employment contract for labor law have also caused the attention of scientists to these issues. Thus, among the scientists who dealt with the problem of employment contract, it is necessary to distinguish M.G. Alexandrova, S.O. Ivanova, M.I. Inshina, M.P. Karpushina, L.I. Lazor, R.Z. Livshitsa, A.M. Lushnikova, S.P. Mavrina, A.R. Matyuka, K.Y. Melnyka, V.I. Nikitinsky, Y.P. Orlovsky, O.V. Smirnova, V.M. Tolkunov, E.B. Khokhlova, N.M. Khutoryan, G.I. Chanishev, O.M. Yaroshenko and others. [4, p.78].

Throughout the history of the study of the category of "employment contract" expressed diametrically opposed points of view regarding its legal and social nature, features, components and more. Thus, T.V. Kashanin and V.M. Lebedev considered the employment contract as a classic source of law, that is, an act containing rules of law, but extending only "on two" [4, p.78].

From the point of view of M.G. Stolbova, the employment contract is a valid local normative document, the provisions of which can be the basis for a court decision [4, p.78].

M.N. Marchenko views the employment contract as a contract normative, that is, one that contains the rules of law, on the basis that the employer has some power over the employee [4, p.79].

And according to Part 1 of Article 21 of the Code of Labor Laws of Ukraine (hereinafter - Labor Code of Ukraine), an employment contract is an agreement between an employee and the owner of an enterprise, institution, organization or an authorized body or an individual under which the employee undertakes to perform the work, defined by this agreement, subject to internal labor regulations, and the owner of the enterprise, institution, organization or its authorized body or individual agrees to pay the employee wages and provide the working conditions necessary to fulfill Reference works stipulated by labor legislation, collective agreement and agreement of the parties. [1]

Based on the definition, the question arises, what are the legal guarantees the employee has when concluding an employment contract in accordance with the legislation of Ukraine.

First of all, let's find out what legal guarantees are in the context of employment law. In particular, the following approaches to defining this concept are observed in the legal literature. The scientist V.S. Peresunko in the conclusions of the candidate's dissertation provides the following definition: "guarantees in the labor law - the rules, which guarantee the rights of persons in the process of origin, existence, change and termination of labor relationship" are provided by legal norms [4, p.21].

Instead, A. A. Anton considers legal guarantees in the labor law system of legal norms, provided by the labor legislation, which establish the requirement of certain behavior of the subjects of labor relations (by establishing the rights and duties), are provided by sanctions and aimed at "elimination of obstacles to implementation of duties» [4, p.22].

Article 22 of the Labor Code of Ukraine contains several legal guarantees of employees when concluding an employment contract. In particular, it is forbidden to unjustifiably refuse to take up a job, but at the legislative level there is no provision for disclosure of the content of this concept [1].

In turn, the scientist A. M. Lushnikova notes that an unjustified refusal can be defined as a refusal for reasons that do not relate to the professional business qualities of an employee in accordance with the requirements that are put to occupy a certain position or perform work in a certain specialty, qualification [4, c.130].

Based on the above, it is advisable to amend the labor law and to state that this is an unjustified refusal to take a job. This, in turn, will increase the employee's level of confidence in defending the constitutional right to work in the course of its implementation and reduce the abuse of this right by the employer. After all, a clear list will be provided at the legislative level when a refusal to take a job may be considered unreasonable and if the employer is forced to abide by it.

The next guarantee is enshrined in Part 2 of Art. 22 of the Labor Code of Ukraine is a prohibition of discrimination in employment. Yes, any direct or indirect restriction of rights or establishment of direct or indirect benefits in concluding, amending and terminating an employment contract, depending on origin, social and property status, race and nationality, gender, language, political views, religious beliefs, membership in professional union or other association of citizens, the nature and nature of the occupation, the place of residence is not allowed [1].

One of the points mentioned in the prohibition of discrimination is gender, but in spite of the fact that gender equality is one of the signs of the rule of law and the legislative level of achievements in ensuring equality of men and women in the labor sphere, gender policy is actually

far from being implemented. Because traditional stereotypes of the mass consciousness do not allow women to fully exercise their right to work.

Employers, given the current system, often find it unprofitable to hire a woman who has a young child or could potentially become a mother. Most of the benefits for working women are considered by employers to be burdensome, which is increasingly causing discrimination. Another indicator of discrimination is the level of wages. In general, women's wages are 2/3 of men's. Gender pay is a direct violation of the principle of equal pay for equal pay [3, p.90].

According to I.P. Zhigalkin, labor discrimination, unfortunately, exists in Ukrainian society. The consequences of this are obvious: it degrades the human dignity of workers, creates tension in employment relationships, creates hostile attitude of one group of workers to others. In view of this, the issue of observance of legal safeguards aimed at preventing discrimination by employers when hiring employees, during their employment and during termination of the latter becomes especially relevant [4, p.140].

Another guarantee that is enshrined in Part 3 of Article 22 of the Labor Code of Ukraine is the following - the requirements regarding the age, level of education, health status of an employee can be established by the legislation of Ukraine [1]. For example, according to Article 3 of the Law of Ukraine "On Notary" of 02.09.1993 - a notary may be a citizen of Ukraine who has a full higher education legal education, speaks the state language according to the level, defined by the Law of Ukraine "On maintenance of functioning Ukrainian language as a state language", has a working experience in field of law for at least six years, of which an assistant notary or consultant of the state notary office - not less than three years, passed the qualification exam and received a certificate of eligibility for notarial activity [2]. That is, depending on the profession, additional laws set certain requirements for employment.

Thus, analyzing the legal guarantees of employees when concluding an employment contract with the employer, identified shortcomings in both theory and practice. From a theoretical point of view, it is necessary to consolidate at the legislative level a clear understanding of the concept of unjustified refusal to take a job in order to avoid from the employer abuse of this statement, which in turn contributes to the violation of the citizen's constitutional right to work. On the other hand, in spite of the sufficient level of gender equality legislation, in practice, women do not cease to face discrimination, so some measures should be taken to influence employers who violate the dignity of women and prevent her from exercising her rights to work activity.

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LEGAL SYSTEM IN THE UNITED STATES OF AMERICA

The relevance of this topic is that the legal system of the United States of America is perhaps the most influential in the world, and therefore its research and adaptation of its peculiarities will help international lawyers in improving the practice of our country's interaction with the countries of world society in general, as well as with the United States America in particular.

The purpose of the article is to investigate the features of the legal system and to ensure the regulation of law in the United States of America.

The role and importance of the legal system are substantiated by many legal scholars: W. Burnham, R. David, B. Clements, V. Fozekos, S.V. Bobotov, I.Yu. Zhigachev, O.V. Zaichuk, S.D. Geley, O.V. Riyaka, M.I. Abdullayeva, S.S. Alekseeva, O.M. Bandurka, M.A. Baimuratova, A.M. Vasiliev, A.B. Vengerov.

The US legal system began to take shape as early as the 17th - 18th centuries in the times of the world colonialism and has retained its original features to this day. It incorporates many features of English common law and was shaped by the legal traditions of the Kingdom of England. Yes, it has a structure similar to that of common law. Therefore, it belongs to the same legal family as English law. However, American law has undergone more than two hundred years of self-development, during which borrowed English legal institutions have come under significant changes. As a result, a new legal system has emerged in the United States, the peculiarities of which lie in the federal system of the state. US lawyers seek to take into account decisions previously made in other states, especially when there is no precedent in the law of their state. The Jury Institute has retained more value in the United States than in the UK, where jury jurisdiction has been reduced and they are more dependent on the courts than before. Intervention by a jury institute in the United States is provided for in the Seventh Amendment of the Constitution.

The main law of the country is the US Constitution, which is the oldest still in force constitution in the world. It was adopted in 1787 and came into force on March 4, 1789. The US Constitution guarantees its citizens the fundamental rights and freedoms: privacy, housing, right to be guarded in one's own home against unreasonable search and seizure of person or property, freedom of religion, speech and the press, and the right of any person charged with breaking the law to have a speedy trial by a jury of fellow citizens, etc. The Constitution clearly states the principle of separation of powers into legislative, executive and judicial branches, limiting the role of each organ to prevent any one branch from gaining undue powers. Since 1789, 27 amendments have been made to the US Constitution, the first 10 of which were adopted in 1791 and together formed the famous "Bill of Rights" [1].

This document was approved by Congress in 1789 and ratified by 11 states by the end of 1791.

Stages of legal system formation:

First stage - the stage of colonial law (At this stage is the formation of case law in the American colonies of the Kingdom of England).

Second stage - establishment of the US legal system as independent (The first important step in this was the adoption in 1787 of the federal Constitution and the individual Constitutions of the United States).

Third stage - significant changes in the legal system (Further development of the US legal system continues after the Civil War of 1861-1865. Legislative acts were adopted that legally enshrined the aftermath of the war - abolition of slavery, giving blacks the right to vote, etc.).

Fourth stage - the period when the system became modern (In 1954, the practice of racial segregation was abolished, thanks to the Supreme Court ruling in *Brown v. Board of Education*. Since the 1960s, affirmative action programs have been created. Equal opportunities for all Americans, regardless of ethnicity, race, gender, age, health, sexual orientation. Many acts have been enacted to bring these ideas to life, including the Civil Rights Act of 1964, the Age Discrimination Act by employment in 1967. [2])

The judiciary is of great importance and has a wide range of competencies. The state courts exercise jurisdiction independently of one another. There are often cases where state courts make different decisions in similar cases, sometimes opposite [3]. The latter circumstance leads to a conflict between the decisions of state courts and federal courts, which are subject to certain categories of cases. However, based on the principle of the constitutional community of states, American lawyers seek to take into account decisions previously made in other states, especially in cases where there is no precedent in the law of their state. The Jury Institute has retained more value in the United States than in the UK, where jury jurisdiction has been reduced and they are more dependent on the courts than before. Intervention by a jury institute in the United States is provided for in the Seventh Amendment of the Constitution.

The US legal system is largely derived from English common law, so it belongs to the same legal family as English law. But American law has gone more than two hundred years of independent development, and as a result, a new legal system has emerged in the United States.

The current US legal system should be characterized in terms of the following features:

1. American law exists and develops at two levels - the states and the federation. This is due to the US federal structure. That is, the states that are part of the United States have a broad autonomous competence. Within this competence, they create their own legislation and their own case law system. Therefore, we can say that there are 51 systems of law in the US: 50 in the states and one at the federal level. In addition, the courts of each state exercise their jurisdiction independently of one another under their own law. This is precisely what makes some differences in the law of the country, since the legislation in many aspects is different.

2. Importance of the Federal Constitution. The US Constitution should be seen as a basic law that defines the general principles on which society is based. This act acts as an expression of a social contract that legitimates power and unites citizens. The US Constitution has the highest authority, and therefore no person or branch of government can ignore it.

3. The greater proportion and greater importance of legislation in the legal system of the United States compared with statutory law in England. This is primarily due to the existence of a written U.S. Constitution and state constitutions [4].

4. Strict adherence to the principle of separation of powers. This means that none of the branches of government should go beyond the purview of the Constitution. This principle is considered the leading one in the US Constitution. It is because of it that the rule of parliament in force in the United Kingdom is not enforced in the United States.

5. Judicial review of the constitutionality of laws. The Constitution does not contain a provision that the judicial branch has the right to control the legislative and executive branches. In 1803, during the trial of *Marbury v. Madison*, the Supreme Court, represented by Chief Justice John Marshall, ruled that the Constitution was supreme law and it must be adhered, and it was also stated that the fundamental law has the right to judicial review. Nowadays, judicial supervision is used quite actively.

6. More free rule of precedent (the doctrine of *stare decisis*). Their own precedents have never bound the state courts and the US Supreme Court. Hence their great freedom in adapting the right to the variability of life, as the case may be.

Therefore, it can be concluded that English law has significantly influenced the US legal system, but due to the historical events and peculiarities of the state itself, the US legal system is special, with the above characteristics. The US legal system is one of the most prominent representatives of the Anglo-Saxon system of law. It can be asserted that the US system has undergone its own unique development cycle.

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ANALYSIS OF INDUSTRIAL INJURIES IN THE DNIPROPETROVSK REGION

The relevance of the study is caused by the high level of occupational injuries in Ukraine compared to developed countries and the lack of effective ways of motivating employees to safe working conditions.

The purpose of the work is to develop the principles of encouraging workers to ensure and maintain healthy and safe working conditions in the industry.

At present, due to the intensity of development of production processes, the emergence and development of new activities, occupational safety is gaining importance. Adherence to its basic principles is an effective tool in the modern world, allowing to solve a whole range of tasks, such as:

1. Guarantee the protection of workers in production from the influence of dangerous and harmful factors that directly affect their own health and the health of their children
2. Reduction of production costs of cash
3. Elimination of the likelihood of serious loss due to loss of working time
4. Elimination of the likelihood of filing claims and imposition of sanctions by the bodies that monitor and monitor compliance with the articles of labor legislation of Ukraine
5. Increasing the level of productivity and quality of work of employees.

Before we talk about occupational safety nowadays, we should look to the past. Unfortunately, it can be found that in the so-called "stagnation period" the problem of labor protection was not acute, because organizational and other issues at the production were raised at a high level. In the period of fast and almost spontaneous formation of market relations in Ukraine in the activity of enterprises, the main goal was to achieve maximum profit in the shortest possible time. There was no mention of any labor protection. The basic safety rules were grossly violated or, at best, simply pushed to the background. Of course, today, old-fashioned views on the principles of production management still take place in the minds of managers, which place occupational safety last. It is necessary to increase the level of responsibility of employers for ensuring safe and healthy working conditions in case of establishing a cause and effect connection with injury and loss of employees.

However, it is important to note that the vast majority of the new generation of executives have a clear understanding of the importance of proper organization of occupational safety and health. What is their conviction? With a true understanding of the role of labor protection.

It is important to say that the highest value is human life and health. Every manager of the company must put it above the size of income, the level of profitability of production, the value of the product being manufactured. There is nothing to force him to disregard the safety rules and to create threats to the life or health of the employee. It should also be noted that each employee is a valuable employee. This value is conditioned by his knowledge, skills and experience.

If the work aimed at ensuring work is done correctly, it contributes to the development and strengthening of the employee such qualities as, organization, discipline. And this in direct proportion increases labor productivity, reduces the number of industrial accidents, breakdowns of critical equipment and other emergencies. Thus, work on the organization of labor protection affects the efficiency of production.

Work safety means not only the need to ensure the safety of an employee during the performance of his / her duties. This includes such activities as:

- Organization of prevention of occupational diseases
- Good rest and good nutrition during work breaks
- Provision of overalls
- Provision of hygienic products
- Provision of social benefits and guarantees, etc.

The issue of occupational safety is as relevant today as ever. It is very difficult to imagine

any production that is successful in the market in its industry, provided that its manager's careless attitude to the organization of labor protection. It is no secret that accidents can halt production for a long time, create not only a tense atmosphere in work, but also bring significant financial losses. Turning to the foreign experience of the world's largest companies, we can see that safety is one of the priority areas of their internal activities.

The social component of occupational safety is the continuous promotion of improving the efficiency of production in improving and improving working conditions, improving safety while performing work, reducing general and occupational morbidity, reducing the number of industrial injuries.

According to the international classification, occupational injuries are divided into the following categories: minor, acceptable, satisfactory and unacceptable. A few years ago, the level of injuries in Ukraine was defined as unacceptable, but in recent years the number of accidents in our country's enterprises has decreased. In particular, the number of fatal injuries among miners, in the agro-industrial complex, in housing and communal services, in the socio-cultural sphere, in oil and gas production has decreased. At the same time it was not possible to stop the growth of fatal injuries in transport, construction, mechanical engineering, energy, metallurgy. Despite the fact that in recent years there has been a decrease in occupational injuries, its level in Ukraine remains quite high. Dnipropetrovsk region occupies the first place in the number of injured at work among the regions of Ukraine. [1]

In the course of the study, it was found that in 2019 in Ukraine compared to 2018 the number of insurance accidents decreased by 7.9% (from 3549 to 3270), the number of fatal injuries increased by 10.0% (from 260 to 286). In the Dnipropetrovsk region the number of insurance accidents at work increased by 18% or 3.6%. Among the causes of accident insurance, 64.9% (2121) of accidents are organizational. Due to psychophysiological reasons, 20.7% (679) of accidents occurred, due to technical reasons - 13.2% (432) of accidents, due to technogenic, natural, environmental and social reasons - 0.6% (19) of accidents and other causes - 0.6% (19) of accidents. [2]

Occupational morbidity is directly related to severe and harmful working conditions in the workplace. Most work in conditions that do not comply with the sanitary and hygiene rules and regulations in terms of levels or concentrations of dangerous and harmful production factors, due to the negative impact of which occupational diseases develop. In Ukraine, in 2019 compared to 2018, the number of occupational diseases increased by 26.5%, or by 348 diseases (from 1314 to 1662). The highest number of occupational diseases was registered in: Dnipropetrovsk Oblast (38.6%), Lviv Oblast (17.9%) and Donetsk Oblast (16.4%). The number of victims of occupational diseases in these areas is 72.9% of the total number of victims in Ukraine who have occupational diseases. The main circumstances that led to occupational diseases in 2019 are: imperfection of mechanisms and working tools - 21.9%, imperfection of technological process - 20.1% and non-use of personal protective equipment - 10.1% of their total.

This attitude to labor protection causes significant economic losses, influences social tensions, is contradicted by Art. 43 of the Constitution of Ukraine - "Guarantees for safe and healthy working conditions". [1-2].

We believe that an important direction to improve the situation in the field of occupational injuries is to develop measures, in particular, to encourage workers to safe working conditions in production. The accident is the result not only of the presence of dangerous and harmful factors in the workplace, but also of inadequate or dangerous actions or inactivity of the staff. Improvement of security management at all levels is required: management improvement (management level); improvement of organization processes, engineering support (organization level); improvement of technological processes, improvement of reliability and safety of technical means and systems (technical component); enhancing the reliability of the human factor (level of performance, professional and social components).

At the same time, we believe that comprehensive measures at the state level should improve the state of labor protection in Ukraine. It:

training civil servants for life, safety and civil protection issues for central and administrative authorities;

training of specialists in the field of life safety, labor protection and civil protection in higher educational institutions, taking into account the specificity of production.

1. Industrial injuries. State Statistics Committee of Ukraine. — Access mode.: <http://www.ukrstat.gov.ua/>.

2. Reports of the Social Security Accident Fund. — Access mode.: <http://www.fssu.gov.ua/fse/control/main/uk/publish/article/966388>.

Наукове видання

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ТЕОРЕТИЧНІ І ПРИКЛАДНІ АСПЕКТИ

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