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**ACTIVITIES OF THE NATIONAL POLICE AS A SUBJECT
OF ENSURING PREVENTION OF OFFENSES IN THE FIELD
OF ILLEGAL TRAFFICKING OF DRUG SUBSTANCES,
THEIR ANALOGUES AND PRECURSORS**

Андрій Чаус. ДІЯЛЬНІСТЬ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ ЯК СУБ'ЄКТА ЗАБЕЗПЕЧЕННЯ ПРОФІЛАКТИКИ ПРАВОПОРУШЕНЬ У СФЕРІ НЕЗАКОННОГО ОБІГУ НАРКОТИЧНИХ РЕЧОВИН, ЇХ АНАЛОГІВ ТА ПРЕКУРСОРІВ. У статті досліджується поняття адміністративно-правової протидії правопорушення у сфері незаконного обігу наркотичних засобів, психотропних речовин та прекурсорів та застосування Національною поліцією України різних заходів у сфері обігу наркотичних засобів, психотропних речовин та прекурсорів. Здійснено аналіз профілактичних заходів та їх особливості. Висвітлене питання системи суб'єктів протидії незаконному обігу наркотичних засобів, психотропних речовин, їх аналогів та прекурсорів.

Встановлено, що до завдань і обов'язків поліції відносяться: попередження і припинення злочинів та адміністративних правопорушень, виявлення обставин, що сприяють їх вчиненню, і в межах своїх прав вжиття заходів до усунення даних обставин.

Відповідно до стратегії державної політики щодо наркотиків на період до 2020 року та з метою координації діяльності центральних органів виконавчої влади, інших державних органів у сфері обігу наркотичних засобів, психотропних речовин і прекурсорів, протидії їх незаконному обігу досліджена можливість підготовки та подання Кабінетові Міністрів України пропозиції щодо утворення міжвідомчої координаційної ради з питань протидії обігу наркотичних засобів та психотропних речовин.

В даний час державна політика щодо профілактики наркоманії та правопорушень, пов'язаних з незаконним обігом наркотичних засобів, психотропних речовин та їх прекурсорів є важливим напрямком протидії правопорушенням, які посягають на здоров'я громадян, суспільну мораль, суспільний порядок і громадську безпеку. Профілактичні заходи сприяють не тільки виявлення правопорушень, а й встановлення та усунення причин і умов, які їм сприяють.

Дослідження присвячене висвітленню проблемних питань з профілактики правопорушень у сфері незаконного обігу наркотиків та протидії порушень в сфері антинаркотичного законодавства.

Розглядаються питання щодо визначення механізму притягнення до адміністративної відповідальності за правопорушення у сфері незаконного обігу наркотичних засобів та психотропних речовин, методів протидії порушень в сфері антинаркотичного законодавства, особливості взаємодії системи суб'єктів забезпечення протидії незаконному обігу наркотичних засобів та психотропних речовин, забезпечення протидії незаконному обігу, контроль за обігом.

Ключові слова: профілактика правопорушень, Національна поліція України, профілактика у сфері незаконного обігу наркотичних речовин, їх аналогів та прекурсорів, суб'єкти протидії, психотропні речовини, їх аналоги і прекурсори.

Relevance of the study. The urgency of the issue of measures to combat the circulation of narcotic drugs and psychotropic substances is certainly a priority for our society. Despite the fact that drugs have become a global problem facing law enforcement in recent years, the topic of drugs often becomes a lever of pressure not only on those guilty of such offenses, but a means of influencing all actors in the administrative or criminal proceedings.

The National Drug Strategy until 2020 is designed to humanize anti-drug legislation, focusing more on treatment rather than punishment of drug users. However, this does not mean that «use» or other actions related to narcotic drugs, psychotropic substances or their analogues do not entail legal liability.

Despite the humanization of national legislation, the legal responsibility for the «use» of drugs is quite serious and can have a negative impact on your whole life. Each such situation is purely individual, and also requires extreme care, knowledge of their rights and ways to avoid

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or minimize liability.

The issue of the content and essence of administrative prevention measures within the powers of the National Police of Ukraine as an entity to combat drug trafficking, psychotropic substances, their analogues and precursors has become relevant with the growing number of cases of drug trafficking. Today, for the institute of existing measures to counteract this negative phenomenon, it remains necessary to improve their effectiveness and legal accessibility for police officers.

Recent publications review. The theoretical basis of the study of this area in the field of administrative law, were the works of such scientists as V. B. Averyanov, O. M. Bandurka, I.A. Belenchuk, A.V. Berezhny, Yu. P. Bytyak, Yu. A. Vedernikov, V. V. Halunko, I. P. Holosnichenko, S. T. Honcharuk, G. Yu. Gulevskaya, V. V. Donenko, N.I. Zolotaryova, D. P. Kalayanov, R. A. Kalyuzhnyy, S.V Kivalov, S.F Konstantinov, T.O Kolomojets, S.O. Koroyeda, V.K Kolpakova, A.T Komzyuk, O.V. Kuzmenko, E.V. Kurinnyy, M.P. Legetsy, M. V. Loshitsky, I.V. Melnyk, S.O. Mosyondz, V.I. Olefir, O.M. Pasenyuk, Yu. I. Rymarenko, O.P. Ryabchenko, S.I. Sayenko, L.V. Soroka, S.H. Stetsenko, V.D. Sushchenko, V.K. Shkarupa and others.

The article's objective is to study a comprehensive analysis of scientifically sound developments, provisions of current legislation of Ukraine in the field of combating illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, as well as to determine the specifics of preventive measures and administrative powers of the National Police. Project in the field of combating illicit trafficking. Formulate full conclusions and practical recommendations for improving the implementation and application of preventive powers.

Discussion. It was with the advent of drug crime that there was a need to combat it with various measures and methods, and actors who would carry out activities in this direction. From the analyzed terms and concepts that cover the content of the administrative powers of the National Police to combat drug trafficking, psychotropic substances, their analogues and precursors, it was determined that the administrative powers of the National Police to combat drug trafficking, psychotropic substances and their analogues and precursors – is a set of rights and responsibilities of the National Police to apply the law and use a range of tools to implement public policy in the field of combating illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors and overcoming drug addiction [1, p. 302-308]. At the same time, the special characteristics of the administrative powers of the National Police are exclusivity, imperativeness, technical and special support, as well as the provision of state coercion.

In order to describe in detail the preventive activities of the National Police of Ukraine in the field of illicit drug trafficking, it will be appropriate to specifically consider the system of subjects of combating illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors.

At present, in accordance with the provisions of the current legislation of Ukraine on narcotic drugs, psychotropic substances and precursors, the mechanism for implementing measures to combat illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors provides that countering illicit trafficking in narcotic drugs, psychotropic substances and precursors: National Police of Ukraine, Security Service of Ukraine, Prosecutor General's Office of Ukraine, State Fiscal Service of Ukraine, central executive bodies implementing state policy in the areas of state border protection, trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, combating their illicit trafficking and others executive bodies within the powers granted to them by law.

According to the positions set out by A.A Kornev in his proposed classification of administrative and jurisdictional counteraction to drug trafficking, the National Police of Ukraine is a collegial body of common sectoral competence of an administrative nature with the authority to apply coercive measures for activities related to drug addiction [2, p. 26]

According to Pidgorny B.A, depending on the nature of competence, the entities that provide counteraction to illicit drug trafficking should include: subjects of general competence (President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine, local state administrations) , subjects of special competence (for which ensuring the implementation of state policy in the field of drug trafficking at the national and local levels is the only, main purpose) and subjects of mixed (joint) competence (National Police of Ukraine, Security Service of Ukraine, Prosecutor General's Office of Ukraine etc.) [3, p. 22]. Zakalyuk A.P the subjects of counteraction to illicit trafficking in narcotic drugs, psychotropic substances, their analogues

and precursors include: the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine; Ministries and other executive bodies; bodies of the Prosecutor's Office of Ukraine; government agencies, enterprises and institutions whose activities are related to the circulation of drug-containing plants [4].

In accordance with the provisions of paragraph 45 of the Procedure for activities related to the circulation of narcotic drugs, psychotropic substances and precursors, and control over their circulation, control over compliance with business requirements by the State Service of Ukraine for Medicines and Drug Control, The Ministry of Health of Ukraine, the National Police, the Security Service of Ukraine, the State Customs Service and other bodies within their powers defined by law [5.]

Thus, it becomes clear to the subject that the National Police can be considered as carrying out activities related to combating the circulation of narcotic drugs, psychotropic substances and precursors. Powers in this area, in this area are defined and enshrined at both the legislative and theoretical levels of scientific developments in the legal literature.

The next step is to uncover the measures taken by the police to prevent drug trafficking and further reduce crime in general.

Crime prevention is an important area of police work related to the prevention of crimes and administrative offenses, as well as the identification and elimination of the causes and conditions that contribute to their commission. Indeed, an administrative offense and a crime is easier to prevent (prevent) than to find the culprit and bring him to justice, as well as to restore the violated rights of others, the interests of enterprises, institutions and organizations and the state as a whole [7, p. 89].

According to A. I Mykolenko, the most typical administrative and preventive measures, as a set of means and methods of coercive nature, which are applied to persons in order to prevent possible offenses and prevent other harmful consequences of disasters, accidents, natural disasters, etc., include: a) control and supervisory inspections; b) inspection of things and personal inspection provided by the norms of the Customs Code of Ukraine; c) verification of identity documents; d) administrative detention in order to establish the identity of the detained person; e) the introduction of quarantine; f) prohibition of traffic and pedestrians in the event of a threat to public safety; g) seizure of property, etc. [8, p. 10-11].

M.G Shulga recognizes the most typical of the following measures of administrative prevention: a) the requirement to terminate certain actions; b) verification of documents; c) inspection of things and personal inspection; d) temporary restriction or prohibition of access of citizens to certain areas or objects in order to ensure public order, public safety, human health; e) restriction or prohibition of traffic and pedestrians on certain sections of streets and highways in the event of a threat to public safety; e) closure of sections of the state border; f) exercising administrative supervision over the persons in respect of whom it is established, as well as control over those sentenced to criminal penalties not related to imprisonment; g) registration and official warning of persons; g) the right to enter the territory and premises of enterprises, institutions and organizations, housing and other premises of citizens; h) introduction of quarantine in epidemics and epizootics; j) inspection of the medical condition of persons and sanitary condition of public catering establishments; i) requisition of property; j) control and supervisory inspections [9, p. 153-154]

It is possible to classify administrative and preventive measures in the sphere of circulation of narcotic drugs, psychotropic substances and precursors according to normative fixing, thus they can be conditionally divided into such that: are provided in Code of Ukraine on Administrative Offenses; provided for in other regulations.

The following classification of these measures can be carried out according to the level of prevention: administrative and legal measures of general action; administrative and legal measures of individual action.

According to the level of influence, administrative and preventive measures can be divided into two categories: directly related to the prevention of offenses in the field of drugs, psychotropic substances and precursors; indirectly affect the prevention of offenses in the field of trafficking in narcotic drugs, psychotropic substances and precursors.

According to the coverage of the population, administrative and preventive measures are divided into measures: general action; individual action.

To prevent offenses in the field of trafficking in narcotic drugs, psychotropic substances and precursors, in my opinion, should include the following:

- identification of persons who illegally use narcotic drugs and psychotropic substances,

and notification of health care institutions about such persons for their obligatory examination and treatment [10];

- verification of personal documents [11];
- surface inspection and inspection [12];
- police care [9];
- control over the implementation of preventive pre-trip narcological examination [11];
- control over the implementation of preventive pre-shift narcological examination [11];
- inspection of vehicles and check of drivers' waybills for compliance of narcotic drugs, psychotropic substances and precursors transported, goods and transport documents;
- revocation of permits for the acquisition, storage and carrying of weapons and ammunition issued to citizens who abuse drugs without a doctor's prescription, other intoxicants;
- detection and destruction of stray drug-containing plants;
- verification of the absence of employees who in their official capacity will have (or have) access directly to narcotic drugs, psychotropic substances and precursors, not removed or not repaid in the prescribed manner a conviction for committing a medium, serious and especially serious crime, or for a crime related to illicit trafficking in narcotic drugs, psychotropic substances and precursors, including those committed outside Ukraine;
- establishment and implementation of administrative supervision over persons who have been sentenced to imprisonment for one of the crimes related to illicit trafficking in narcotic drugs, psychotropic substances and precursors, and released from prisons;
- protection of facilities and premises in which economic activities related to the circulation of drug-containing plants are carried out;
- protection of facilities and premises where activities related to the circulation of narcotic drugs, psychotropic substances and precursors are carried out [12].

Conclusions. Summarizing the above, today in the legal literature, scholars have many classifications and approaches to the formation of a system of administrative and preventive measures, using various aspects of the legal phenomenon. Some scholars focus on the specifics of the application of measures, others focus on the purpose of measures. Summing up, it should be noted that the preventive measures used by the police are not related to the commission of an offense, ie their use is possible and necessary in the absence of signs of illegal actions.

Also, I substantiated that the National Police of Ukraine belongs to a group of entities, the main tasks and functions of which include the authority to ensure the fight against illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors. The scope of administrative and preventive powers to ensure the fight against illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, which is endowed with the National Police of Ukraine, due to the lack of a single clearly defined algorithm, essence and content enshrined in law. It is because of this that the effectiveness of the implementation of preventive measures is lost and causes the provision of legal grounds.

For high-quality and full use of measures in the field of combating illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, it would be appropriate to define and consolidate specific rights and responsibilities of individual employees, services and units of the National Police of Ukraine. In this direction.

In order to prevent stigmatization and discrimination of persons suffering from mental and behavioral disorders due to drug use, include issues of legal and moral and ethical component of the behavior of National Police officers in relation to these persons in training programs for students, cadets and police officers.

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12. Litsenziyni umovy provadzhennya hospodars'koyi diyal'nosti z kul'tyvuvannya roslyn, vklyuchenykh do tablytsi I pereliku narkotychnykh zasobiv, psykhotropnykh rehovyn i prekursoriv, zatverdzenoho Kabinetom Ministriv Ukrainy, rozroblennya, vyrobnytstva, vyhotovlennya, zberihannya, perevezennya, prydbannya, realizatsiyi (vidpusku), vvezennya na terytoriyu Ukrainy, vyvezennya z terytoriyi Ukrainy, vykorystannya, znyshchennya narkotychnykh zasobiv, psykhotropnykh rehovyn i prekursoriv, vklyuchenykh do zaznachenoho pereliku [Licensing conditions for conducting economic activity on cultivation of plants included in Table I of the list of narcotic drugs, psychotropic substances and precursors, approved by the Cabinet of Ministers of Ukraine, development, production, manufacture, storage, transportation, purchase, sale (sale), import to territory of Ukraine, export from the territory of Ukraine, use, destruction of narcotic drugs, psychotropic substances and precursors included in the specified list] : zatv. postanovoyu Kabinetu Ministriv Ukrainy vid 6 kvitnya 2016 r. № 282. Ofitsiyyny visnyk Ukrainy. 2016. № 30. S. 104. St. 1209. [in Ukr.]

Abstract

The concept of administrative and legal counteraction to offenses in the field of illicit trafficking in narcotic drugs, psychotropic substances and precursors and the application by the National Police of Ukraine of various measures in the field of trafficking in narcotic drugs, psychotropic substances and precursors are considered. The analysis of preventive measures and their features is carried out. The issue of the system of subjects of counteraction to illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors is covered.

The study deals with highlighting the problematic issues of crime prevention in the field of drug trafficking and combating violations in the field of anti-drug legislation.

The issues of determining the mechanism of bringing to administrative responsibility for offenses in the field of illicit trafficking in narcotic drugs and psychotropic substances, methods of counteracting violations in the field of anti-narcotics legislation, features of interaction of the system of subjects of counteraction to illicit trafficking in narcotic drugs and psychotropic substances. circulation control.

Keywords: *crime prevention, National Police of Ukraine, prevention in the field of illicit trafficking in narcotic drugs, their analogues and precursors, subjects of counteraction, psychotropic substances, their analogues and precursors.*