

АДМІНІСТРАТИВНЕ, ЗЕМЕЛЬНЕ ТА ТРУДОВЕ ПРАВО



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LEGISLATIVE PROVIDING OF INTRODUCTION OF SINGLE ORGAN OF MANAGEMENT BY REGIONAL FORCES OF PUBLIC LAW ENFORCEMENT

The necessity of the legislative providing of introduction of general single organ of management is reasonable by regional forces of public law enforcement in Ukraine. Essence of single organ of management is exposed by mark forces. The mechanism of creation of such organ and necessity of him are considered legislatively to inculcate in practice. The row of legislative documents offers with the purpose of introduction of single organ of management. Directions of further research are certain such as: legislative accompaniment of transition from function-legislatively to inculcate in practice. The row of legislative documents offers with the purpose of introduction of single organ of management. Directions of further research are certain such as: legislative accompaniment of transition from function-normatively-structural met legislatively to inculcate in practice. The row of legislative documents offers with the purpose of introduction of single organ of management.

Directions of further research are certain such as: legislative had of creation of any public or military management authority; about the necessity of legislative claim of norms of treatment of information the public servants of management organs for difficult terms.

Keywords: legislative providing; single organ of management; force of public peace; internal safety of the state.

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Законодательное обеспечение внедрения единого органа управления региональными силами охраны общественного порядка в Украине

Обоснована необходимость законодательного обеспечения внедрения общего единого органа управления региональными силами охраны общественного порядка в Украине, раскрыта его сущность. Предложено ряд законодательных документов с целью внедрения единого органа управления. Определены направления дальнейшего его исследования: законодательное сопровождение перехода от функционально-структурного к информационно-структурному методу создания лобного органа государственной власти или военной управления; необходимость утверждения норм обработки информации должностными лицами органов управления в сложных условиях.

Ключевые слова: законодательное обеспечение; единый орган управления; силы общественного порядка; внутренняя безопасность государства.

Introduction. In [1, p. 18-20] authors substantiated the main potential threats to national security in areas such as political, economic, social, environmental, economic, scientific, technical and information. It is national security in the social sphere in the region of Ukraine unfolds as a series of command in government and law enforcement agencies. From experience we know that the total number of officials of the headquarters of more than seventy people, which is unacceptable in terms of minimizing management and maintenance costs of anybody in the state. In addition, the deployed operational headquarters interact weakly as the legislation is not defined large systems that can organize such an interaction.

To address these shortcomings by once proposed the creation of a single regional governing body forces law enforcement to solve problems in the area of law enforcement [2]. A partial confirmation of the viability of such a body, there are examples of similar wording in some organizational structures to support operations against terrorism [3]. The practice of public administration in the field of law enforcement confirms the need for legislative support implementation of such a body for sustainable operational management and regional law enforcement forces in Ukraine.

Analysis of the literature and formulation of research problems. Since 1999 the issue of ordering central authorities repeatedly raised in the Decree of the President of Ukraine [4]. They reflected issues related to administrative reform in Ukraine. Determined the composition of the central bodies of executive power: ministries, state committees (public services) and central executive body with special status. At the same time, there is no information about a single governing body by the regional law enforcement and its legal formation under the control of central authorities. The Military Doctrine of Ukraine [5] states that the security and defense sector covered by the unified leadership of the state authorities and other law enforcement agencies. Among these bodies is no single governing body by the law enforcement, which according to the author, in modern conditions of Ukraine - is a significant drawback.

In [6] summarizes the patterns of development of the Ukrainian state, reviewed the status and dynamics of public administration, highlighted its scientific, legal and organizational basis. However, the coverage of government regulation, there

is no legal approaches to ensure the implementation of the executive authorities, which include single authority management of regional law enforcement forces.

In the works of foreign scientists [7-8] present approaches to the training of officials of state and defense of their rights, which can be used to further study issues related to the improvement of a single governing body regional law enforcement forces.

An analysis of the literature shows that research on regional governing body only by the lack of law enforcement, and there is a need to justify legislative support implementation of such a body in the regional government in Ukraine.

The purpose and objectives of the study. Discover the essence of a single governing body regional forces of law and order, to the formation mechanism of the body and the need for its legislative implementation. Submit list of legislative documents on the implementation of such a body in regional executive power in Ukraine.

The main part: The essence of a single governing body by the regional law enforcement and legislative support for its implementation. In more complicated social and political situation in the region of the state is necessary to create a single executive agency that can subdue the scattered bodies of law enforcement agencies and local authorities. In [2] described by such authority as the sole governing body of regional law enforcement forces.

To give it the desired status, a higher authority management States must temporarily give it authority over its subordinate regional authorities.

This governing body should be formed with one official who is legally responsible for the situation in the region, both in peace and wartime. This official must immediately obey the higher authority of the state administration and also be vested with such authority that for any climate conditions have the right to manage all organizational entities of power at the regional level and be legally responsible for everything that happens in the region. This approach minimizes the time when the complication of the situation begins to operate senior regional management body of the government.

In order to reduce resources for the creation and maintenance of such a body, it must consist of two components: permanent and temporary created. *Permanent part* – the substituents representative of the President in the region to work out in advance the necessary documents to attract and management bodies and facilities management powers for enforcement action in the complication of the situation caused by any circumstances.

Temporarily part – is operational groups from various law enforcement agencies of the regional level, the signal arriving at the main regional command center (Hall of crisis). Each reconnaissance groups come with a set of documents with their own management and communications. When deploying a single governing body for the complete scheme it distributed in fighting positions for various purposes defined organizational structure.

The powers of such a body forme as a share of the powers of the central executive authorities. These powers may relate primarily process management cooperation in law enforcement in the event that: having the unrest in the

region that could affect the functioning of worsening regional government and local government; there is a need for strengthening environmental protection or emergencies; there is an urgent need to ensure the rights and freedoms of man and citizen in conditions of emergency.

Transferring those powers must be enshrined in law (eg Decree of the President of Ukraine). In view of the said authority within the limits of powers: carries out calculations and offers a central executive body (such as the President of Ukraine) to take into consideration in the region matters concerning the necessary resources to create components of the system interact regional authorities in order (for example, control centers and systems of exchange of information, etc.) and appropriate regional law enforcement forces; monitors observance of the established level of readiness regional authorities in the field of law enforcement capabilities defined; monitors the situation and willingness of regional forces and law enforcement to take appropriate decisions within their authority. The value of performance readiness and capabilities required to be approved by legislation (such as special resolution of the Cabinet of Ministers of Ukraine).

The above authority sole authority can extend the capabilities of executive power in Ukraine on the principles of centralization and decentralization. The division of responsibilities carry out not only between the central government in the state, and between the central executive power and regional authorities in the field of law enforcement. Under these conditions, the central body of executive power passes its own powers (functions) of the above body that is accountable and subordinate to it. In turn, this body redistributes its own powers based features regional authorities in the area of law enforcement which include the governing body and the only regional law enforcement forces.

This division of labor not only contributes to the quality of interaction implement regional authorities in the field of law enforcement, but also more effective management of regional law enforcement forces under any conditions of the situation prevailing in the region. The approach to division of powers strengthens the inherent properties of traditional democratic model of the state and ensure its optimal functioning.

Based on the possible conditions in which there are regional executive authorities in the field of law enforcement authority of a single governing body determined for different conditions based tasks it performs.

Under normal conditions in the region state that body, conducts permanent monitoring of socio-political and socio-economic situation in the region by obtaining data from regional authorities and local government bodies and law enforcement agencies, synthesis and make recommendations to the report of the central executive body and taking the necessary measures; own decisions and is responsible for the orders and instructions given the above authorities deployed in the region of the state, in the event of complications preconditions situation; approved plan provides for interaction between the central executive body control preparedness in regional law enforcement to act in case of complication of the situation in the region; plans and conducts training with regional executive authorities and authorities security

forces deployed in the region of the state, for action to end the unrest, which may arise; makes proposals on personnel policies of these bodies that appointed.

In case of complications the situation in the region said authority: independently takes measures to bring in readiness regional authorities in the field of law and regional law enforcement forces followed a report by the central executive; checks readiness regional executive authorities and law enforcement forces to take immediate action in the event of unrest in any area of the region; controls the movement of components planned management and interaction (of items and their management and communication centers) and regional forces to the area's most likely rioting; continuously monitors the situation and periodic reports to the central body of executive power of the state and the action taken.

In the case of interaction between regional authorities and management of regional law enforcement forces during the riots cease the said authority: manages the overall process of interaction of regional unrest and termination directly to the most dangerous areas (places); coordinates the activities of regional authorities and local government and regional law enforcement forces on situational redistribution of forces and means during the cessation of unrest in several places in the region of the state, which arose at the same time or for a particular scenario; addresses issues of central executive authorities for additional forces and resources from other regions of the country; directly controls suspension rioting in any area (regions, districts) region of the state.

So, from the above it is clear that such powers only by the governing body regional law enforcement should be delegate to the central executive body (such as the President of Ukraine).

Delegation of authority is the main process which the leadership of this body establishes a formal relationship between people (employees) in the management and interaction of regional authorities in the field of law enforcement.

Determining the level of delegation of authority is advisable to carry out using the method of ranking administrative tasks performed by a single governing body management process and interactions in normal conditions and complicated situation. Each management tasks rank the importance of appropriate authority to require such a body and the necessary legal framework. Relationship management tasks and authority of this body and for the necessary legal framework established logically, based on the foundations of state authorities at the regional level.

Taking into account the principle of centralization of the state central executive authority may grant powers of these bodies at a rate of 0.6-0.7 own, considering the main provisions of laws [9, 10]. Obtained powers supported the legal functioning of this body, which can be over 70% similar values of the central executive authority that allows these bodies to independently perform the tasks assigned to it in the case management process management and interaction of regional executive authorities and law enforcement agencies in the field of order

In addition, for the sustainable functioning of the management and interaction of the regional level, the system must be provided with the necessary resources at least 90% of total needs.

The above allows for the level of responsibility of a single governing body regional forces law enforcement to address the whole range of tasks at more than 90% of the total liability of the central executive body for the situation and actions of regional authorities and forces of law and order, which are deployed in the region. Implementation of such authority provides centralized management of regional executive bodies as subjects of the management of cooperation in law enforcement, which needs legislative support for the introduction of a single governing body regional law enforcement forces

Discussion of results. The work given the need for legislative support introduction of a single governing body regional law enforcement forces, which, in practice, can replace many of the operational headquarters of regional authorities and individual law enforcement agencies. In this regard, it is appropriate in the Law of Ukraine On State of Emergency [F] in Article 1 in the definition of a state of emergency in addition to state agencies, local and regional authorities to include the single authority management of regional law enforcement forces.

Conclusions. Affected by the implementation of the legislative provision of a single governing body regional law enforcement forces expands the concept of government in Ukraine. Allows a state-level body that can ensure sustainable and efficient management specified by the difficult conditions in the socio-political situation in the region of the state.

Directions for further research will be considered: legislative support transition from structural to functional and structural information and method of formation of any organ of state power and military control; about the need for legislative approval of the rules of processing of information by officials of the administration in the difficult conditions.

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Законодавче забезпечення впровадження єдиного органу управління регіональними силами охорони правопорядку в Україні

Обгрунтовано необхідність законодавчого забезпечення впровадження єдиного органу управління регіональними силами охорони правопорядку в Україні, розкрито його сутність. Запропоновано перелік законодавчих документів щодо впровадження єдиного органу управління. Визначено напрями подальшого його дослідження: законодавче супроводження переходу від функціонально-структурного до інформаційно-структурного методу формування будь-якого органу державної влади та військового управління; необхідність затвердження норм опрацювання інформації посадовими особами органів управління у складних умовах.

Ключові слова: єдиний орган управління; законодавче забезпечення; єдиний орган управління; сили охорони правопорядку; внутрішня безпека держави.

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